

## SAN FRANCISCO LAW LIBRARY

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MCLE Self-Study Programs—October 2024

# MCLE Self-Study Audio Programs at the San Francisco Law Library!

The San Francisco Law Library offers **MCLE programs** from Versatape, Access MCLE, and the National Law Foundation. Our programs are **self-study audio CDs**. Programs include:

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**Rental Period:** one week (up to 5 programs at a time), or use them in the library.

**Rental Fee:** \$5 per loan; \$2 for in-library use. Free for nonprofits.

**Overdue Fines:** \$1 per day.

**Renewal:** one week, unless on hold.

CDs may be listened to on Library computers. Headphones may be purchased for \$3. Patrons are allowed two hours of free computer use per day. **Portable CD players are available for rent for \$5.**

If the course you want is checked out, you can place **holds on up to five programs**. We will call you when the item is returned, and you will have **one business day** to pick it up.

## COMPETENCE ISSUES IN THE LEGAL PROFESSION

#66B: <a href="#">Reset, Recover, Renew: Wellness Strategies in the New Normal</a> (1 hour Competence)	This seminar explores: what causes legal professionals to suffer from substance use and mental health issues; overcoming the stigma of substance use and mental health challenges to maintain attorney competence; developing a self-care plan during these challenging times; the Lawyer Assistance Program; and resources and tips to maintain a balanced and healthy lifestyle. (2021)
<b>NEW!</b> #67: <a href="#">Substance Use and Abuse – Lawyers at Risk</a> (1 hour Competence)	An explanation of why lawyers are at significantly higher risk than other professionals for substance use and abuse. The nature of the legal profession, coupled with personality traits common to many attorneys, create a high-risk scenario. While there are unique barriers in the legal profession to seeking help, an increasing number of programs have been designed to specifically treat attorneys. The program includes a guide to self-assess the severity of substance use and discussion of treatments specific to lawyers. (2024)
<b>NEW!</b> #68: <a href="#">Substance Use: Recognizing and Treating Addiction in the Legal Profession</a> (1 hour Competence)	This program addresses the alarmingly high rate of substance abuse in the legal profession compared to other professions, with several factors contributing to attorneys being at greater risk. It explains substance use disorder, provides an assessment framework used to identify severity of substance use, and provides many options for lawyers seeking treatment. (2024)

## ELIMINATION OF BIAS IN THE LEGAL PROFESSION AND SOCIETY

#30: <a href="#">Elimination of Bias</a> (1 hour Elimination of Bias)	The Honorable Michelle Rosenblatt, Ret. discusses combatting implicit bias in the legal profession, and steps to minimize and overcome bias. (2021)
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### IMPLICIT BIAS

<b>NEW! #28: Diversity, Equity and Inclusion: What Attorneys Need to Know</b> (1 hour Implicit Bias)	Learn why Diversity, Equity and Inclusion (DEI) is important to your firm's business goals, and about the basic concepts of DEI in the law firm, including innate implicit bias. The program will help you assess your implicit bias and discover how implicit bias affects your practice, including strategies for addressing implicit bias and improving DEI outcomes in the law firm setting. (2023)
<b>NEW! #42: Implicit Bias in the Legal Profession: How to Recognize and Mitigate It</b> (1 hour Implicit Bias)	This course illustrates several cases in which implicit bias affected the courtroom and ultimately the jurors' conclusion at trial. The speaker explains the scientific foundation which supports the theory that every human being is biased and how bias manifests itself. He provides strategies to work towards the goal of mitigating unconscious bias and improving inclusivity in the legal profession. (2023)

### CIVILITY

<b>NEW! #17: Civility in the Legal Profession</b> (1 hour Civility)	There are standards and aspirations of civility that attorneys are encouraged to observe in the practice of law. This program discusses New York State Standards of Civility, California's Civility Tool Box, and other state standards that encourage lawyers to uphold principles of civility so the legal process can work effectively and honorably. (2024)
<b>NEW! #60A: Promoting Civility and Inclusion</b> (1 hour Civility)	This program highlights tactics, strategies, and best practices to preserve a professional presentation of your case, regardless of the facts, referencing relevant ethical rules, standards, and civility guidelines. Key course points are: civility guidelines from the ABA as well as individual states; the tie in between civility guidelines and rules of professional conduct; how uncivil behavior can reveal underlying bias—overt and implicit; best practices to promote civility from the conference room to the courtroom; effective ways to model a culture of civility when interacting with clients, counsel, and the court. (2023)

### TECHNOLOGY

<b>NEW! #5: Artificial Intelligence: Applicable Rules and Regulations</b> (1 hour Technology)	This course outlines how artificial intelligence can affect privacy and security, the technologies that are being affected by artificial intelligence, and how the judicial system is managing the legal disputes. Key course points are: the applicable rules and regulations at the state, federal, or international levels; how artificial intelligence can affect intellectual property rights; how artificial intelligence affects privacy and cybersecurity. (2023)
<b>NEW! #25: Cybersecurity: What Attorneys Need to Know</b> (2 hours Technology)	Learn about the consequences of a data breach in the legal profession, the top ten points for creating security, the scope of how big the problem is in the field of law, who the hackers are, key terms every attorney should know, what to do if there is a data breach, insurance, security risks of cloud storage, and what would suffice as reasonable cybersecurity. (2024)
<b>NEW! #26: e-Discovery, Computer Forensics, and Data Collection</b> (1 hour Technology)	Gain a better understanding of electronic discovery and surrounding case law, including the potential issues and how to be ready for litigation. The program also explains data types and collection costs. (2023)

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## LEGAL ETHICS

#1A: <a href="#">2020 Avoiding Bar Discipline: Meet the New Rules (2 hours Legal Ethics)</a>	Learn all about the new ethics rules, including: exemptions from MCLE; MCLE as car insurance, traffic school, or sensitivity training; the Bar as a consumer protection agency; the Lawyer Assistance Program; preventive ethics; economic conflicts and two kinds of client calls; and useful resources such as Publication 250, the Trust Accounting Handbook, and the Ethics Hotline. (2020)
<b>NEW!</b> #4: <a href="#">Artificial Intelligence and Legal Ethics (1 hour Legal Ethics)</a>	Artificial Intelligence is both celebrated and condemned both personally and professionally as it is increasingly used to replace both jobs and judgment. Can it be used appropriately within the practice of law? This program discusses the ethical implications of using AI in legal practice, from the conference room to the courtroom, incorporating rules of professional conduct, standards of civility and professionalism, as well as practical considerations. (2023)
<b>NEW!</b> #6: <a href="#">Attorney Misconduct Reporting – California Adopts the Snitch Rule (1 hour Legal Ethics)</a>	Now California is just like every other state in terms of requiring lawyers to turn in other lawyers if the 8.3 requirements are met. But is rule 8.3 easy to understand, but hard to enforce? Questions now include: How will this rule change the way lawyers interact with colleagues? Who is most likely to report? How much corroboration is necessary to justify a report? And how will this rule be enforced? This program tackles all of these tough questions, and more. (2023)
#16A: <a href="#">Client Trust Accounting (1 hour Legal Ethics)</a>	This program explores the purpose and goals of client trust accounting; the non-delegable fiduciary duty; fees for legal services under Rule 1.5(d); safekeeping of clients' funds and property under Rule 1.15(a)(b)(c)(d); reconciliation procedures; and IOLTA. (2020)
<b>NEW!</b> #23: <a href="#">Cybersecurity: Ethical Responsibilities (1 hour Legal Ethics)</a>	There have been a tremendous increase in the number of data breaches at law firms over the last several years. Learn about the ethical obligations under the ABA's Model Rules to protect your firm's networks, devices, and data. The program also reviews the ABA's Cybersecurity TechReport's guidance on technology policies, security assessments, breaches, insurance, and prevention and recovery. (2023)
#41: <a href="#">Hot Topics in Legal Malpractice – The Fee Agreement (1 hour Legal Ethics)</a>	This program discusses fee agreements, including forming attorney-client relationships; express engagement agreements; and implied-in-fact attorney-client relationships. The speaker discusses the most common conflict scenarios; fiduciary duties and conflicts; competing public policies; informed written consent for joint representation; the scope of representation; allocation of authority in civil cases; the scope of representation; unconscionable fees; compensation by 3rd parties; disclosure regarding insurance; and requirements for ending the relationship. (2020)
#41A: <a href="#">How to Mediate More Effectively (1.25 hours: 1 hour Legal Ethics; ¼ hour General Credit)</a>	This seminar discusses when to mediate; the amount in controversy; the client's needs and objectives; how to prepare for mediation; the initial factual investigation; preliminary written discovery; critical depositions; case assessment, valuation and reporting to the client; mediation briefs do's and don'ts; confidential briefs; CA Evidence Code §§ 1119–1120; confidentiality; negotiation and settlement; and what to do when the parties fail to settle. (2020)
<b>NEW!</b> #43: <a href="#">Intersection of the Attorney-Client Privilege (1 hour Legal Ethics)</a>	The attorney-client privilege, the work product doctrine and the professional obligation of client confidentiality are some of the most basic concepts that undergird the legal profession. And they are similar in many ways. Unfortunately, many practitioners and judges do not understand their workings; and the government does not like them.

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	Thus, when litigated, these concepts can present many challenges and traps for the unwary. This course will help to identify and address those challenges and traps. Learn about the complexities of privilege, work product doctrine, confidentiality, as well as the dangers of documents and how to properly handle a corporate investigation. (2023)
<b>NEW! #45: Legal Ethics: Responding to Online Criticism</b> (1 hour Legal Ethics)	Online criticism of lawyers: should attorneys respond to disparagement or "bad reviews" and, if so, how may they do so? This program explains the legal ethics rules governing this significant topic by examining Ethics Opinions, Comments, Guidelines and cases, including ABA Formal Opinion 496. Best practices for responding to criticism are also presented. (2022)
<b>NEW! #49A: Limited Scope Representations: Governing Ethics Rules</b> (1 hour Legal Ethics)	Limited scope representations ("LSRs") are becoming more and more frequent. This program delves into the ethics rules governing LSRs and discusses numerous helpful practice suggestions on everything from allocating authority to declining or terminating representation. (2023)
<b>#60: Professional Responsibility and Technology</b> (1 hour Legal Ethics)	This seminar covers attorneys' professional responsibility obligations surrounding the use of technology by surveying key ABA rules and state regulations. It discusses the duties of competence, confidentiality, supervision, and communication. Learn about legal ethics obligations during COVID-19; data breaches during COVID-19 and beyond; and professional responsibilities when working remotely. (2021)
<b>#66D: Road to Mediation</b> (1 hour Legal Ethics)	This seminar discusses mediation rules and explores Online Dispute Resolution and its implementation, logistics, benefits and drawbacks, and ethical considerations. It also covers video mediation guidelines concerning accessibility, competency, confidentiality, impartiality, and security. (2020)

## GENERAL CREDIT PROGRAMS

### SUBSTANTIVE, PROCEDURAL, SKILLS & LAW PRACTICE MANAGEMENT

<b>#3: ADA Compliance for Retail/Commercial</b> (1 hour)	This seminar reviews the current retail epidemic of ADA lawsuits (and why they are growing) through the lens of a case study. The speaker examines: the complaint and its allegations; the importance of the CASp inspection and report; reviewing the actual property correctly for ADA compliance; how to correct or bring the property into full compliance; challenges owners face; and property site plans. (2020)
<b>#11: Bad Faith Failure to Settle: What Every Litigator Should Know</b> (1 hour)	Learn about the policy behind bad faith failure to settle in California and its sources of law. The speakers discuss when an insurer owes a settlement duty; CACI 2334; covered claims; reasonable settlement demands; monetary judgments; coverage denial; common law rules; contract-law principles; bad faith damages; practical considerations making and responding to a settlement demand; terms of acceptance; typical responses to policy limits demands; plaintiff responses to an insurer; collecting on open limits claims; typical defenses to open policy claims; hot button and emerging issues; the reasonableness of an insurer's refusal to settle; the insurer's duty to offer limits; and tendering limit as affirmative defense. (2021)
<b>#13 Business Valuation and Damages Calculation Post COVID-19</b> (1 hour)	This seminar discusses: the impact of COVID-19 on the economy and markets; COVID-19 and business valuation; typical approaches to value; factors driving business value; potential impact of COVID-19 on business operations; whether EBITDAC is a useful measure; examples of COVID-19-related litigation requiring valuation or damage analysis; measuring damages resulting from COVID-19; and determining causation in COVID-



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	19 litigation using case studies examples of lost profits/diminution of value and shareholder litigation. (2020)
# 14: California Pass-Through Entity Tax (PTET): Risks and Rewards (1 hour)	CPA and U.S. Tax Court Practitioner Larry Pon discusses the California Pass-through Entity Tax election under AB 150, enacted on July 19, 2021. This provides a much-needed workaround to the \$10,000 state and local federal tax deduction limitation. Learn about the details behind this workaround, including the risks and rewards associated with making this election. Individuals who are losing the benefit of federal deductions because of the \$10,000 cap will benefit greatly from this program. (2022)
# 14A: California Tax Residency: Key Issues (1 hour)	Attorneys Dennis Perez and Michael Greenwade discuss the issues California taxpayers face when changing their domicile and residency to another state or country, the audits the California Franchise Board conducts in this area, and practice tips for handling these issues. This course will be helpful to anyone planning to leave California, the professionals advising them, and to those faced with FTB audits of these issues. (2022)
#16: Charitable Strategies (1 hour)	A review of the benefits and pitfalls of utilizing the various business entity types for charitable gifting. Topics include how to maximize the charitable deduction upon sale of a business, donor advised fund, and private foundation charitable remainder trust. (2022)
<b>NEW!</b> #18: Client Intake: The Importance of Careful Vetting (1 hour)	It is important to identify warning signs during the client intake process and to carefully weigh the benefits and potential pitfalls before engaging. In this program, gain practical strategies when interviewing and assessing potential new clients with seven scenarios from the speaker's over thirty years of intake experience that illustrate potential client issues, including identifying and then dealing with the issue during the client interview. Learn how to spot and address: the problem pay client; unreasonable expectations; the quasi-lawyer; the angry client; the client who has engaged and fired multiple attorneys on the same matter; the client who wants your loyalty to a fault; and the energy vacuum client. (2023)
#19B: A Conversation with Former Los Angeles Superior Court Probate Attorney (1 hour)	In this program, an experienced probate attorney gives us an inside look into the probate court. They discuss pleadings and probate notes; common errors and issues with ex partes; timing to clear notes; orders; attorney's and paralegal fees; Judicial Council Forms that are often misused; and the speaker's top five probate practice pet peeves. (2021)
<b>NEW!</b> #19C: Corporate Transparency Act (1 hour)	Effective January 1, 2024, more than 32 million businesses are required to file their Beneficial Ownership Information (BOI) to the Financial Crimes Enforcement Network (FinCEN), a bureau of the United States Department of the Treasury. This program gives a clear break-down of the Corporate Transparency Act (CTA) with a thorough explanation of the purpose of the law, who is required to file, what has to be reported, exceptions, how to report, when to report, what happens if you do not report properly, and tips to help your clients. (2024)
#20: Creating and Preserving a Record for Appeal (1 hour)	In this seminar, a certified specialist in appellate law discusses how trial counsel can best create and preserve the record for appeal; general appellate guidelines; burden of proof; appellate record; standard of review on appeal; motion for summary judgment/adjudication; unreported proceedings (with court reporter present); objections to evidence; objections to attorney misconduct; trial exhibits; jury instructions; special verdict forms; post-trial motions; and statements of decision. (2020)

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<b>NEW! #21: Critical Tax Planning: Looking Ahead to Uncertain Times (1.5 hours)</b>	For the last twenty-plus years we have been in what could be considered a golden age of tax and estate planning. Change is on the horizon. Favorable provisions enacted by the 2017 Tax Cuts and Jobs Act (TCJA) are set to "sunset" at the end of 2025. This sunset, coupled with a consequential election, mean that we do not know what the tax laws will be in the future. What planning opportunities should you take advantage of while provisions remain favorable? This program covers many planning strategies to consider and recommends making your clients aware of possible and less favorable planning conditions. (2024)
<b>#22: Crowdfunding and Syndicated Investment Strategies (1 hour)</b>	Learn about: Private Real Estate Fund Investment and its potential upside; low investment minimums; portfolio diversity for smaller investors; investment vehicles that are not publicly traded and that could potentially have stock market volatility risk; associated risks; due diligence; high leverage; illiquidity; execution risk; unrealistic IRRs; DSTs; and the 1031 exchange. (2021)
<b>#22A: Cybersecurity for Lawyers Amidst COVID-19 (1 hour)</b>	A comprehensive evaluation of COVID-19's impact on cybersecurity as it relates to legal professionals, including your duties as a legal professional; how and why to better protect yourself; best practices for working from home or remotely; COVID-19's technological, financial, and mental impact; and the new cybercrime map, with details on new threats, fake websites, phishing emails, the Docusign scam, charitable donations, SMS/text messages, unprepared IT, 3rd party malware, VPN vulnerabilities, and ransomware. (2020)
<b>NEW! #27: Devastating Depositions (1 hour)</b>	A deposition is part of a party's discovery plan, if not the most important part. Conducted properly, a deposition can lead to favorable results. Conducted poorly or improperly, it can lead to unfavorable results. This presentation covers key topics including planning, governing rules, conducting the deposition, privilege issues, use at trial, and more. In addition, the speaker provides many practical warnings and tips. (2022)
<b>NEW! #31: Estate Planning: Addressing and Fixing Mistakes (1.5 hours)</b>	A practical explanation of the numerous mistakes which occur in clients' estate planning, and useful suggestions of how to fix them. Topics include incomplete or outdated plans; tangibles and collectibles; mistakes regarding life insurance, retirement plan designations, real estate, fiduciary selection, divorces and pre-marital agreements, and business ownership; and failure to address generation-skipping tax issues, understand charitable contribution rules, recognize or use grantor trusts, or minimize estate and trust income taxes. (2024)
<b>#39: Fiduciary and Trust &amp; Estate Banking (1 hour)</b>	Find out how the bank can help you and your clients. Is your bank providing the products and services you need? Learn about easy access to FDIC insurance for safety-conscious investors; financial stability; investors' views and profiles; cash management and investment choices; and smart solutions for ICSA and CDARS. (2021)
<b>#40B: Futuristic Law Firm: New Technology, Virtual Set-ups and Maximizing You (1 hour)</b>	This program reviews the latest technology for virtual offices and ways to be efficient, including: remote depositions; virtual trials; learning to outsource mail handling, phone systems, tech infrastructure, payroll, document handling; Emergency Rule 12(b); case management software; 24/7 virtual paralegal services; remote scan and sort mail; and remote banking. (2020)
<b>#40C: Generation Skipping Tax Allocation (1 hour)</b>	Generation-Skipping Tax allocation, out-of-order deaths, and common pitfalls—understanding the instructions to Schedule R that you always skip over. Alex Hemmelgam, LLM, Esq., provides a brief history of the Generation Skipping Transfer (GST) Tax regime and also discusses manual and automatic allocations, taxable terminations, direct skips, indirect

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	skips and trust planning, issues with out-of-order deaths, as well as common mistakes (including issues with ILITs that began before automatic allocation in 2003, so they have an inclusion ration greater than 0), and the desired changes to the GST in the 2022 Green Book. (2022)
#41B: <a href="#">How to Start or Reinvigorate Your Law Practice</a> (1 hour)	This seminar discusses: marketing a small firm using modern technology; understanding your clientele; making your business visible; hiring staff members; processes and procedures; and starting out solo—a success story. (2021)
<b>NEW!</b> #44: <a href="#">Jury Selection: Effective Tactics</a> (1.5 hours)	A practitioner well-experienced in both civil and criminal trials gives a useful explanation of the process of selecting juries. She also provides many practical suggestions of do's and don't's covering questionnaires and surveys, voir dire, challenges, and more. (2021)
#49: <a href="#">Legal Ramifications of Interpreting and Translating</a> (1hour)	This seminar is designed to convey to attorneys an appreciation of the world of translating and interpreting as it pertains to law, and help them provide better lawyering by improving client empathy when their practice requires these services. Understand the difference between translation and interpretation, the skill set that each requires, the types of legal documents that need translation, when and why to use interpreters, cost and quality concerns, ethical and globalization factors, the California Translation Act, and learn about costly interpretation errors in civil, immigration, and criminal cases. (2020)
#50: <a href="#">Maximizing Legal Analytics</a> (1 hour)	The topics covered in this course include judicial analytics and ruling history; more efficiently drafting stronger motions; locating verdict data and uncovering intel on opposing counsel; searching California docket rulings and setting alerts; how best to equip yourself to achieve better results. (2022)
#59D: <a href="#">Probate and Family Law Crossover Issues</a> (1 hour)	Attorney Scott Klopert presents a practical approach to navigating the intersection of family and probate law before, during, and after marriage. Topics include premarital agreement issues, postnuptial and transmutation agreements, divorce issues, sutor, ne ultra crepidam, and focus on divorce vs. focus on death. (2021)
#61: <a href="#">Protect Your Estate/Conservatorship in the Real Estate Sale</a> (1 hour)	Learn how to protect your estate or conservatorship in a real estate sale now that the probate purchase agreement has been eliminated, and navigate the pitfalls. (2022)
<b>NEW!</b> #61A: <a href="#">"Rambo" Litigation Tactics: Recognize and Outmaneuver</a> (1.5 hours)	Unfortunately, from time to time you might encounter an opposing attorney who uses "Rambo" style tactics. If so, you should always be on your guard to be sure that they are not pulling any unfair tricks. Topics include discovery, motions to quash, objections, sanctions, civility, and more. (2021)
#62: <a href="#">Real Estate and Construction Litigation: Preventive Measures, Rights, and Remedies</a> (1 hour)	This seminar discusses LA County mansionization and baseline hillside ordinances, accessory dwelling units in Pasadena, Burbank, Santa Monica, and Culver City, and also a broader presentation on what to know before you begin construction, practical compliance issues, construction contracts, mechanics' liens and improper mechanics' liens, common problems and defects, setbacks and prevailing setbacks, and historic preservation overlay zones. (2020)
<b>NEW!</b> #69: <a href="#">Trial Preparation: A Comprehensive Guide</a> (2 hours)	Learn essential trial preparation tips from a seasoned litigator. Topics include courtroom communication skills; structure and function of each part of a trial; trial strategy; witness testimony and preparation; objections; courtroom conduct; pattern jury instructions; and verdict forms and sheets. (2022)

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<b>NEW! #70: <a href="#">Workplace and Whistleblower Retaliation: on the Rise</a></b> (1 hour)	The number one type of charges filed each year with the Equal Employment Opportunity Commission (EEOC) are retaliation claims, which continue to increase. This program covers retaliation claims made under Title VII of the Civil Rights Act of 1964, the Dodd-Frank Wall Street Reform and Consumer Protection Act, and the Sarbanes-Oxley Act. (2023)
<b>#81: <a href="#">Zoom Depositions: Demonstrating All the Technical Details You Need to Know</a></b> (1 hour)	This program demonstrates all the technical details you need to know to conduct a deposition by Zoom, including preparation and testing, preventing unauthorized access, creating a real-time transcript, and much more. In addition to technological know-how, listeners will gain practical tips and guidance. (2021)

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