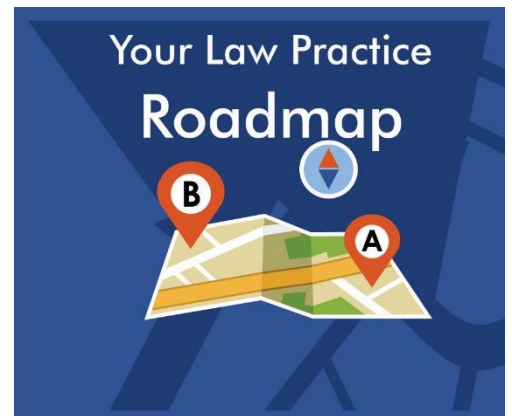




2020 CCCBA Education Series
YOUR LAW PRACTICE ROADMAP
Practical Guidance for
New & Established Attorneys



Session #3

May 5, 12:00pm – 1:30pm ~ Zoom Webinar
1 Hour General MCLE Credit – Provider #393

**CLIENTS: GETTING THEM, KEEPING THEM
AND SAYING GOODBYE**

~Speakers~

Barbara Arsedo

CCCBA LRIS/Moderate Means Director

David Erb

Flicker, Kerin, Kruger & Bissada LLP

Marie Quashnock

Alvis Quashnock and Associates

Alay Yajnik

Lawyer Business Advantage

This session will deal with client relationships - beginning to end.

**Moderate Means | LRIS | Online advertising | Networking
Shared offices | Chamber of Commerce | Business networking advisors
Evaluating potential clients – red flags | Substitution of attorneys – rules**

The Contra Costa County Bar Association certifies that this activity has been approved for 1 hour of General MCLE credit by the State Bar of California, Provider #393.

This event may be recorded by the CCCBA. By taking part in this event, you consent to having your image and voice captured on any recordings and agree not to personally record, photograph or otherwise capture any video or audio of this seminar.

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PROGRAM OUTLINE

Contra Costa County Bar Association Programs

- Lawyer Referral Services
- Moderate Means
- Limited Scope Programs in Family Law, Consumer Law and Real Estate
- Criminal Conflicts Program (no longer operated by CCCBA)

Business Development

- Business Development in the Age of COVID-19
- Networking
 - Contra Costa County Bar Association
 - Networking Groups (CouncilOne Advisors, Provisors, BNI)
 - Chamber of Commerce
 - Professional/Industry Groups
- Advertising
 - Online Advertising
 - Yelp/Avvo
- Referrals
 - Competent/Reliable
 - Responsive

Ethical Rules Governing Information About Legal Services

- Chapter 7 – California Rules of Professional Conduct (CRPC)
- Rule 7.1 – Communications Concerning a Lawyer's Services
 - A lawyer shall not make a false or misleading communication about the lawyer or the lawyer's services...
 - A communication that truthfully reports a lawyer's achievements on behalf of clients or former clients, or a testimonial about or endorsement of the lawyer, may be misleading if presented so as to lead a reasonable person to form an unjustified expectation that the same results could be obtained from other clients in similar matters without reference to the specific factual and legal circumstances of each client's case.
- Rule 7.2 Advertising
 - This rule permits public dissemination of accurate information concerning a lawyer and the lawyer's services, including for example, the lawyer's name or firm name, the lawyer's contact information; the kinds of services the lawyer will undertake; the basis on which the lawyer's fees are determined, including prices for specific services and payment and credit arrangements; a lawyer's foreign language ability; names of references and, with their consent, names of clients regularly represented; and other information that might invite the attention of those seeking legal assistance. This rule, however, prohibits the dissemination of false or misleading information, for example, an advertisement that sets forth a specific fee or range of fees for a particular service where, in fact, the lawyer charges or intends to charge a greater fee than that stated in the advertisement.

Potential Clients/Current Clients

- Potential Client Red Flags
 - Multiple Attorneys
 - Unrealistic Expectations
 - Outstanding Invoices
- Current Clients
 - Manage expectations
 - Communicate
 - Respond promptly and keep the client informed/updated about his or her matter
 - Ask for referrals and positive reviews

Ending the Attorney/Client Relationship

- Letters Declining Representation and Terminating Representation
- California Rule of Court (CRC) 3.1362 – Motion to be Relieved as Counsel
- California Rule of Court (CRC) 8.36 - Substitution of Attorney or Withdrawing Attorneys
 - CRC 8.36(c) (1) An attorney may request withdrawal by filing a motion to withdraw. Unless the court orders otherwise, the motion need be served only on the party represented and the attorneys directly affected. (2) The POS need not include the address of the party represented. But if the court grants the motion, the withdrawing attorney must promptly provide the court and the opposing party with the party's current and last known address and telephone number.
 - State Bar Formal Opinion No. 2015-192
 - What information may an attorney ethically disclose to the court to explain her need to withdraw from a representation – particularly in the face of an order to submit to the court, in camera or otherwise, the substance of the attorney-client communications leading to the need to withdraw?
 - An attorney may disclose to the court only as much as is reasonably necessary to demonstrate her need to withdraw, and ordinarily it will be sufficient to say only words to the effect that ethical considerations require withdrawal or that there has been an irreconcilable breakdown in the attorney-client relationship. In attempting to demonstrate to the court her need to withdraw, an attorney may not disclose confidential communications with the client, either in open court or in camera. To the extent the court orders an attorney to disclose confidential information, the attorney faces a dilemma in that she may not be able to comply with both the duty to maintain client confidences and the duty to obey court orders.

Once an attorney has exhausted reasonable avenues of appeal or other further review of such an order, the attorney must evaluate for herself the relevant legal authorities and the particular circumstances, including the potential prejudice to the client, and reach her own conclusion on how to proceed. Although this Committee cannot categorically opine on whether or not it is acceptable to disclose client confidences even when faced with an order compelling disclosure, this Committee does opine that, whatever choice the attorney makes, she must take reasonable steps to minimize the impact of that choice on the client.

SPEAKER BIOS

Barbara Arsedo has been the Lawyer Referral and Information Services/Moderate Means and Limited Scope Program Director with the Contra Costa County Bar Association in Concord, CA for over 12 years. Barbara is passionate about making justice accessible to everyone and has worked with California State Justice Liu and the State Bar on his access to Justice Committee. She has also been involved with the ABA Committee for Lawyer Referral Service and their recent efforts to make technology compatible with the rules that govern Lawyer Referral Services.

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After over 27 years in private practice, **Marie Quashnock** has developed extensive experience representing individuals, startups, businesses, and public entities across a multitude of industries. In her transactional experience, Marie has advised real estate clients on a wide range of transactions, including sales contracts, lease arrangements, and debt and equity financing. Marie also developed a specialty in intellectual property law, having prosecuted hundreds of trademark registrations with the U.S. Patent and Trademark Office on behalf of her clients. Marie also possesses a broad civil litigation experience in a variety of areas, focusing primarily on real estate and business litigation. Marie was named a Super Lawyer by Northern California Super Lawyer Magazine for two consecutive years, 2009 and 2010. Marie is a former section leader of the Real Estate Section and current section leader for the East County Section of the CCCBA. Marie has been a partner at Alvis Quashnock and Associates in Brentwood since March 2013.



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## DAVID C. ERB

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David C. Erb is a Certified Family Law Specialist (certified by The State Bar of California Board of Legal Specialization) and Partner in charge of the firm's East Bay office. With a background in finance and business valuation, David specializes in family law matters that involve complex financial issues related to support and property division, including founder's stock, stock options, restricted stock, venture capital interests and other business interests. David also has extensive experience in contested custody matters involving recommending mediation, custody evaluations and the appointment of a special master/parenting coordinator. In addition to his litigation practice, David serves as a consulting attorney to his clients who are attending mediation.

Before entering the legal field, Mr. Erb spent several years as a business valuation analyst, most recently at Burr, Pilger, Mayer, Inc. Mr. Erb prepared valuations for compliance, litigation and strategic purposes. His client base consisted of private and public companies across several industries, with a primary focus on technology companies.

During law school, Mr. Erb worked in the Private Equity Group at Silicon Valley Bank. At SVB he was a part of the Entrepreneur Services and Venture Capital Relationship Management Groups and helped with diligence and cross platform relationship efforts.

During his undergraduate studies in Finance at Santa Clara University, Mr. Erb worked in the group responsible for executive stock option trading at Morgan Stanley Smith Barney (formerly Smith Barney) .

David's areas of expertise include:

- Custody matters
- Complex financial issues and property division
- Stocks
- Business interests



Alay Yajnik is a law firm growth expert, speaker, and the founder of Lawyer Business Advantage. He currently serves as Hoge Fenton's Business Development and Marketing Advisor and is the author of Staffing Up: The Attorney's Guide to Hiring Top Talent. Alay has helped law firms earn millions of dollars, and has helped clients take weeks off each year. His firm, Lawyer Business Advantage, is dedicated to helping law firms grow without the growing pains while helping lawyers unleash their inner rainmakers.

Alay's approach is different from other practice management consultants. Alay is not an attorney. Rather, he is a Certified Business Coach who has run a \$100 million service business and built a \$5 million service business from the ground up. Rather than a "one size fits all" approach, Alay and his team take a personalized one on one approach with each client to ensure a better outcome.

Alay's areas of expertise include:

- **Business Development**
- **Hiring**
- **Strategic Planning**
- **Marketing**
- **Productivity**
- **Executive Coaching**

Alay is certified as a Business Coach by FocalPoint International. He was recognized with the 2018 Brian Tracy Award for Sales Excellence, the 2017 Campbell Fraser Award for Coaching Excellence and the 2015 Kaizen Award from that organization. Alay holds an M.B.A. with concentrations in Marketing and Finance from Santa Clara University.

Current and former clients include:



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