



Government Green for Going Green

Few things in life exceed the pleasure of qualifying for a tax credit. A credit is money in the bank because it reduces a taxpayer's taxes, dollar for dollar. When the government wants to do ...



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Welcome to the inaugural electronic issue of the Contra Costa Lawyer – appropriately themed Green!

With this new online-only format, the [Contra Costa County Bar Association](#) is reducing its carbon



[Big Changes Are Coming To The Contra Costa Lawyer!](#)

We here at the Lawyer are excited to tell you that next year you will see a brand new Contra Costa Lawyer

President's Message



[February 2011 President's Message](#)

Welcome to our very first online issue of the Contra Costa Lawyer! I think I can speak on behalf of the entire Board of Directors and the editorial board when I say that we are ...



[November / December 2010 President's Message](#)

It's hard to believe that the Holidays are almost upon us. With the end of

CAN'T HELP A CLIENT?



Contra Costa Lawyer Online

February 2011

The Green Issue

Contra Costa Lawyer Online

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The original blog can be found at
<http://cclawyer.cccba.org/>

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Manufactured by **FEED  FABRIK** on April 25, 2011

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Welcome to the Green Edition!

Tuesday, February 1, 2011

CC Lawyer

Welcome to the inaugural electronic issue of the Contra Costa Lawyer – appropriately themed Green!

With this new online-only format, the Contra Costa County Bar Association¹ is reducing its carbon footprint while enhancing the utility of the magazine by enabling full text searching, hyperlinked content, virtual delivery to wherever you are and other features.

The Real Estate Section² is proud to be part of the Association's new direction. We have a number of exciting things planned for 2011. We're continuing our regularly-scheduled meetings the third Friday of the month, January through June, September and October. We meet from 7:30 – 9:00 a.m. at Scott's Restaurant in Walnut Creek. Free to Section members, it's a perfect way to begin your day while networking and conveniently picking up your MCLE credits. February's meeting on the 18th will include an overview of changes to the mechanics' lien laws. Look for announcements about other upcoming topics, and send your ideas and suggestions to our new Director for programs, Michael P. Durkee of Allen Matkins Leck Gamble Mallory & Natsis LLP. Michael can be reached at mdurkee@allenmatkins.com³.

¹<http://www.cccbba.org>

²<http://www.cccbba.org/attorney/sections/real-estate.php>

³<mailto:mdurkee@allenmatkins.com>



Pippin Brehler

We hope you find this month's issue timely and valuable. We have a number of articles on a variety of topics, including the new federal "green" labeling regulations, local certification of a "green" business, building efficiency standards, a follow-up to last month's article about effective on-line marketing, tax credits for green projects, and the benefits of having the new Arnason Justice Center certified to meet the Leadership in Energy and Environmental Design (LEED) silver standard.

I would also like to welcome our newest Real Estate Section Board members, and acknowledge the hard work of our current and past members. In addition to Mike Durkee joining our Board, our new Director-at-Large for elections is Chad Gallagher of Miller Starr Regalia. Craig Nevin of the Law Offices of Nevin Ramos & Steele returns to our Board to replace Patrice Suberlak, who relocated last year to San Diego and is sorely missed. We are fortunate to have Craig back, with his deep roots and broad expertise. Our liaison to the Association Board is Elva Harding of Shapiro Buchman Provine

Brothers Smith LLP. John Barnard is our Secretary and Treasurer, and had continued to arrange programs until Mike joined us. We are ably assisted by the professional staff of the Association and experience of the past Presidents of the Section. Without their help, none of this would have been possible.

We look forward to seeing you at our next meeting on Friday, February 18th, at 7:30 a.m., at Scott's. If you have any questions or suggestions, or want to become more involved, please contact me. Otherwise, I'll see you there!

Best regards,

Pippin C. Brehler

President

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The content of this article and views expressed herein are those of the author and not necessarily the Energy Commission.

February 2011 President's Message

Tuesday, February 1, 2011

CC Lawyer

Welcome to our very first online issue of the Contra Costa Lawyer! I think I can speak on behalf of the entire Board of Directors and the editorial board when I say that we are very excited to make this new offering available to our membership. How appropriate that the theme for this flagship issue is "Green!"

Our plan is to offer six online issues this year, alternating with six issues of our traditional print version. The print issues will also be

⁴<http://www.cccba.org/attorney/sections/real-estate.php>

⁵<mailto:pbrehler@energy.state.ca.us>

available online. This new plan is the result of some serious head-scratching. We are very proud of the print version of our magazine and it has always received high marks from our membership. We are mindful that people don't like changing a good thing. Still, times are changing, and the bar association is changing with the times. The online issues allow us to provide our members opportunities the print issues just couldn't provide.

The online version allows our articles to be searched, linked to and found by the general public. The lead time required to publish is shorter. There are no rules about length and number of articles. In short, the Contra Costa Lawyer can be more timely and topical than ever before AND give our members the marketing opportunities they are seeking. The online magazine fully leverages the technological times for the benefit of our members.



Kathryn Schofield, 2011 CCCBA Board President

If you have an article idea, there is nothing stopping you from writing it up and submitting it. You don't have to wait to be asked. This is your invitation. Please submit your articles early and often. (Read

our Publishing Guidelines⁶ for more information.)

There are some fiscal benefits to this change. Our members expect us to be prudent with their dues, especially in these financial times. Shifting half of our issues online allows the dollars to go further. We can both upgrade the print version and save costs overall. We hope our advertisers will like the additional on line exposure, too.

Of course, another benefit to our online issues is that less printing is very “green.” To that end, even our print version has been upgraded – using environmentally conscious ink and paper.

We believe that this switch is a great thing all around. Take a tour, and please let us know what you think. We think you will like what you see.

Government Green for Going Green

Tuesday, February 1, 2011

CC Lawyer

Few things in life exceed the pleasure of qualifying for a tax credit. A credit is money in the bank because it reduces a taxpayer’s taxes, dollar for dollar. When the government wants to do some social engineering, it turns to the almighty credit.

Individuals can rack up tax credits by saving energy in their homes and vehicles and substituting new, energy-saving home products for older and less efficient ones. Tax preferred activities include improving existing residences (e.g., insulation or high-efficiency air conditioners with sealed ducts); purchasing alternative energy equipment such as solar heating systems or residential wind turbines; purchasing or leasing alternative fuel cars and trucks, hybrid gas-electric systems, and vehicles powered by fuel cells; and converting traditional vehicles to plug-in electric power.

⁶[http://www.cccbba.org/attorney/cclawyer-articles/](http://www.cccbba.org/attorney/cclawyer-articles/EditorialGuidelines.pdf) ↔
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Businesses are also looking to benefit from boosting the nation's use of renewable and alternative sources of energy through development and investment in alternative energy sources including bio-fuels, forest biomass, wind, solar and geothermal.

Except where noted, California has no corresponding tax credit.

While some of these credits expired January 1st of this year, they are included here since certain individuals may be able to recapture these credits by amending returns and Congress may well extend these credits in the near future.

In addition to tax credits, there are a number of incentive, financing and rebate programs for alternative energy and energy-efficiency equipment, measures and programs. These are beyond the scope of this article. More information about such programs can be obtained from such sources as:

- Go Solar California⁷
- Flex Your Power⁸
- Energy Upgrade California⁹, and
- The Clean Energy Business Financing Program¹⁰

Credits for Individuals Let's start with the credits for individuals:

*The Nonbusiness Energy Property Credit for Energy-efficient Improvements to Principal Residence. (Internal Revenue Code §25C).[1]*¹¹ Usually associated with double paned windows, this credit, 30% of cost up to \$2,500, covers the amount paid for qualified efficiency improvements to the residence or for residential energy property expenditures. Improvements include any insulation material or system that is designed to reduce the dwelling unit's heat loss or gain when installed and meets the 2009 International Energy Conservation Code in

⁷<http://www.gosolarcalifornia.org>

⁸<http://www.fypower.org/>

⁹<http://www.energyupgradecalifornia.com>

¹⁰<http://www.energy.ca.gov/recovery/cleanenergy.html>

¹¹#_ftn1

effect on February 17, 2009, as well as exterior doors, any metal or asphalt roof designed to reduce the dwelling unit's heat gain. Property expenditures include air circulating fans; gas, propane and natural gas or oil hot water boilers; and energy efficient building property which meet specified energy efficiency standards.

The Residential Energy Efficient Property credit (§25D). This credit is equal to the sum of 30% of taxpayer's (1) qualified solar electric property expenditures, (2) qualified solar water heating property expenditures, (3) qualified fuel cell property expenditures, (4) qualified small wind energy property expenditures, and (5) qualified geothermal heat pump electric property expenditures. Geothermal heat pumps use ground water as a thermal energy source to heat or as a thermal sink to cool a dwelling and must comply with the Energy Star program.

The Qualified Plug-in Vehicles Credit. (§30). This credit provides a credit of 10% of the cost of any qualified plug-in electric vehicle up to \$2,500. The credit requires certification by the manufacturer. The original use of the vehicle must begin with the taxpayer and the vehicle must be propelled to a significant extent by an electric motor that draws electricity from a battery that has a capacity of at least four kilowatt hours and is capable of being recharged from an external source. The treatment of the credit varies somewhat depending on whether the vehicle is used for personal or business use.

The Alternative Motor Vehicle credit (§30B). This code section seeks to encourage taxpayers to improve the fuel efficiency of automobiles and help the environment by purchasing vehicles that qualify for the alternative motor vehicle credit. The credit is the total of five different credits allowed under the section. Common to each credit are the requirements that (1) the original use of the vehicle must commence with the taxpayer; (2) the vehicle must be acquired for use or lease by the taxpayer and not for resale; (3) the vehicle must be made by a manufacturer; and (4) the vehicle must be primarily used in the United States. The credits are:

The qualified fuel cell motor vehicle credit. (§30B(b)). To be a qualified fuel cell motor vehicle, the vehicle must be propelled by power derived from one or more cells which convert chemical energy directly into

electricity by combining oxygen with hydrogen fuel. If the vehicle is a passenger vehicle or light truck, it must be certified to meet specific environmental emission standards. The amount of the credit is calculated based on the gross vehicle weight rating (GVWR) of the vehicle, supplemented by the fuel efficiency of the vehicle. The credit can range from \$8,000 up to \$40,000 (plus increases up to \$4,000 for “passenger automobiles” or “light truck” vehicles).

The advanced lean burn technology motor vehicle credit (§30B(c)). An advanced lean burn technology motor vehicle is a passenger vehicle or light truck with an internal combustion engine that: (1) is designed to operate primarily using more air than is necessary for complete combustion of the fuel, (2) incorporates direct fuel injection, and (3) achieves at least 125 percent of the 2002 model year city fuel economy. The credit ranges from \$400 to \$2,400. The advanced lean burn technology motor vehicle credit begins to phase out after a manufacturer sells a specific quantity of qualifying vehicles, so be sure to inquire of remaining availability from the manufacturer.

The qualified hybrid motor vehicle credit (§ 30B(d)). Most often associated with the Prius, the qualified hybrid motor vehicle credit ranged from \$400 up to \$2,400 (increased to \$3,400 by a conservation credit for qualifying vehicles). The credit terminated on December 31, 2009, or December 31, 2010, depending on weight. The vehicle must draw propulsion energy from both an internal combustion or heat engine and a rechargeable energy storage system and must have received a certificate of conformity that it meets or exceeds specific environmental emission standards. The qualified hybrid motor vehicle credit phases out after a manufacturer sells a specific quantity of qualifying vehicles.

The qualified alternative motor vehicle credit (§ 30B(e)). To be a qualified alternative fuel motor vehicle, the vehicle must be placed in service before 2010. The vehicle must be capable of operating on an alternative fuel (e.g. compressed natural gas, liquefied natural gas, liquefied petroleum gas, hydrogen or any liquid consisting of at least 85-percent methanol). The amount of the credit allowed is 50 percent (plus 30 percent for certified vehicles) of the incremental cost (amount by which the manufacturer’s suggested retail price of the

vehicle exceeds that of a gasoline- or diesel-powered version of the same model), subject to maximum limitations of \$5,000 to \$40,000 based on vehicle weight.

The plug-in conversion credit (§ 30B(a)(5)). The plug-in conversion credit, available to taxpayers for the cost of converting an existing motor vehicle into a “qualified plug-in electric drive motor vehicle” for property placed in service after February 17, 2009, is equal to 10 percent of the cost of converting the vehicle, up to \$40,000, for a maximum credit of \$4,000, but will not apply to conversions made after December 31, 2011.

Under Section 30B, taxpayers with qualified motor vehicles that are used in a trade or business and subject to depreciation will claim the alternative motor vehicle credit as a part of, and subject to, the rules of the general business credit (§38). Thus, any unused credit in a tax year will be eligible to be carried back three years and forward 20 years. If the alternative motor vehicle credit is claimed by an individual as a personal credit, the credit cannot exceed the excess of their regular income tax liability reduced by the sum of the nonrefundable personal credits, the foreign tax credit, and the credit for electric automobiles, over the individual’s tentative minimum tax (§30B(g)).

The Alternative Fuel/Vehicle refueling credit (§30C). This credit for the installation of qualified alternative fuel refueling property placed in service before 2011 (before 2015 for refueling property related to hydrogen) is claimed on Form 8911, Alternative Fuel Vehicle Refueling Property Credit, regardless of whether the property is personal or used in a trade or business. The credit is equal to 50 percent of the cost for non-hydrogen-related property and 30 percent of the cost of hydrogen-related property placed into service by the taxpayer during the tax year. For property of a character that is subject to depreciation, the credit cannot exceed \$50,000 for non-hydrogen-related property for 2009 and 2010 (\$200,000 for hydrogen-related property). For all other instances (such as residential), the credit cannot exceed \$2,000 for non-hydrogen-related property for 2009 and 2010 (\$1,000 for hydrogen-related property).

Credits for Businesses

The Plug-in Electric Vehicle credit (§30D). Business taxpayers that place in service new qualified plug-in electric drive motor vehicles that are considered depreciable property are entitled to the new qualified plug-in electric drive motor vehicle credit which is a component of the general business credit. The credit is allowed for 10 percent of the cost of acquiring certain electrically powered two-wheeled, three-wheeled and low-speed vehicles after February 17, 2009. For a vehicle to qualify for the credit, which is capped at \$2,500, a vehicle must be a “qualified plug-in electric vehicle” which has a similar definition to new qualified plug-in electric drive motor vehicle under Section 30.

The Gasoline & Special Fuel credit (§34). A credit for federal excise taxes on gasoline and special fuels may be taken where the fuel item is used for: (1) farming purposes; (2) non-highway purposes of a trade or business; (3) operation of intercity, local, or school buses; or (4) certain nontaxable purposes. The credit is computed on Form 4136, Credit for Federal Tax Paid on Fuels, which is attached to Form 1040 or Form 843, Claim for Refund and Request for Abatement.

The Investment Credit (§46). This business credit is the sum of the rehabilitation credit, energy credit, the qualified advanced coal project credit, the qualified gasification project credit, the qualifying advanced energy project credit and the qualifying therapeutic discovery project credit. The investment credit is claimed on Form 3468, Investment Credit, and is one of the components of the general business credit, subject to the tax liability limitation and the carryover rules under §§38 and 39. The basis of property for which an investment credit is claimed is reduced by the full amount of the credit except for the energy credit property whose basis is reduced by 50 percent of the credit amount (§ 50(c)). The investment credit is the sum of the following green credits:

The Business Energy Credit (§48(a)). The business energy investment credit is generally equal to 10 percent of the taxpayer’s basis in qualified energy property placed in service during the tax year. However, effective for property placed in service before 2017, the credit percentage is increased to 30 percent for (1) qualified fuel cell property, (2) equipment that uses solar energy to generate electricity, to heat or cool a structure, or provide solar process heat (except

used to heat a swimming pool), (3) equipment that uses solar energy to illuminate the inside of a structure using fiber-optic distributed sunlight, and (4) qualified small wind energy property. The energy property must meet performance and quality standards prescribed by IRS regulations. The energy credit may be claimed against the alternative minimum tax in tax years.

The Qualifying Advanced Coal Project Credit (§48A).A qualifying advanced coal project credit is available only to taxpayers who have applied for and received certification that their project satisfies the relevant requirements outlined by the IRS, in consultation with the Secretary of Energy. Up to \$2.55 billion in credits will be allocated among taxpayers whose applications for a certification are approved.

The Qualifying Gasification Project Credit (§48B).The credit is available only to taxpayers who have applied for and received certification that their project satisfies the relevant requirements outlined by the IRS, in consultation with the Secretary of Energy.

The Qualifying Advanced Energy Project Credit (§48C).A qualified Advanced Energy Project is a project that re-equips, expands, or establishes a manufacturing facility for the production of property that produces green energy, produces energy storage systems, produces energy grids, captures carbon emissions, refines renewable fuels, builds electric vehicles, or reduces green house gas emissions. Projects must be certified by the Secretary of Energy. The tax credit is equal to 30 percent of a taxpayer's qualified investment for the tax year.

The Alcohol Fuels Credit (I. R. C. §40).Controversial because of the purported increase in the cost of feedstock, this credit is the sum of the alcohol mixture credit, the alcohol credit, the small ethanol producer credit, and the cellulosic bio-fuel producer credit. The alcohol fuels credit computed on Form 6478, Alcohol and Cellulosic Bio-fuel Fuels Credit. Taxpayers are allowed a credit for selling or using certain fuels in which alcohol is an ingredient. The credit is not available after 2010, except for the cellulosic bio-fuel producer credit, which expires December 31, 2012.

The Renewable Electricity Production Credit (§ 45). Taxpayers are allowed a tax credit under Section 45 for the production of electricity from certain renewable energy sources at qualified facilities. Qualified energy resources include wind, closed-loop biomass, open-loop biomass, geothermal energy, solar energy, small irrigation power, municipal solid waste, qualified hydropower production, and marine and hydrokinetic renewable energy. Qualified facilities are generally those that generate electricity from qualified energy resources. To qualify for the credit, the electricity must be sold to unrelated parties. The amount of the credit depends on the type of energy facility (and that amount is indexed annually for inflation). A taxpayer can generally claim the credit for the 10-year period commencing with the date the facility is placed into service. The credit is reduced by the amount of grants, tax-exempt bonds, subsidized energy financing, and other credits and is phased out over a 3-cent margin as the market price for electricity exceeds a certain threshold level, based on the average contract price per kilowatt-hour sold in the previous year.

The Biodiesel and Renewable Diesel Fuels Credit (§40A). This credit is equal to \$1.00 for each gallon of biodiesel fuel used by the taxpayer pared back for certain biodiesel fuels.

The Low Sulfur Diesel Fuel Production Credit (§45H). Small business refiners are allowed a credit of 5 cents per gallon for low sulfur diesel fuel produced during the tax year at the refiner's facility. The credit is limited to 25% of the qualified costs incurred for the refiner's facility, reduced by the aggregate credits for all prior tax years for the facility. California has a similar 5 cent credit for facilities located in California.

The Nonconventional Fuel Source Production Credit (§45K). Taxpayers are allowed a credit for qualified fuels attributable to production of the taxpayer and sold to an unrelated person.

The Million dollar Energy efficient appliance credit (§45). Eligible manufacturers are allowed a credit for the manufacture of energy efficient home appliances for tax year after 2005 and before 2011. The credit amount for each type of qualified appliance is determined by multiplying the eligible production for that type of appliance by the type's applicable amount. The maximum amount

of the credit that may be claimed by a home appliance manufacturer is \$75 million, with sub-limits for each type of home appliance.

The Energy Efficient Home Credit (§45L). Before 2010, eligible contractors and manufacturers of energy-efficient manufactured homes are allowed a credit of up to \$2,000 for the construction of qualified new energy-efficient homes that are acquired for use as a residence if the homes achieve a specific energy savings. A residence qualified as an energy-efficient home if it was: (1) located in the United States, (2) substantially completed after August 8, 2005, and (3) certified to have an annual heating and/ or cooling saving at least 50-percent less than a comparable house and that at least 10 percent of the 50 percent saving must come from the building envelope. The credit was claimed on Form 8908, Energy Efficient Home credit.

There is no question that tax credits are a direct government subsidy for those that modify their behavior in the manner preferred by the government. Their impact has led to heated debate over the correct level of allocation of resources to meet green goals. While the impact of these credits is debated, the true benefit of these subsidies probably won't be clear for many years to come.



Shiva Moozun



Mark Ericsson

Ms. Moozoun is an associate in the Walnut Creek office of Youngman, Ericsson LLP where she focuses on the tax compilation and tax controversies. She is an executive member of San Francisco Bar Association and is pursuing her CPA accreditation.

Mr. Ericsson practices taxation, business and estate planning law as a partner in the Walnut Creek firm Youngman & Ericsson and is a past president of both the Contra Costa County Bar and its taxation section.

[1] All subsequent references are to the Internal Revenue Code, unless otherwise indicated.

The Sun's Rising Power in California

Tuesday, February 1, 2011

CC Lawyer

California is quickly developing substantial solar generating capacity. Increasing energy prices, federal economic stimulus funding and concerns over security from reliance on foreign energy sources and to protect natural resources are driving investment in renewable energy. Here, we are building capacity for both distributed and centralized solar power generation. Homes and businesses are installing roof-top solar arrays and large scale central generating stations are under development. Some of these projects are described here.

Distributed Solar in the Neighborhood

Distributed solar generation systems are being installed throughout the state, in large part due to a legislative program that is now five years old, but also due to continuing public and political support. Senate Bill 1 of 2006 (“SB 1”)[1]¹² expanded on several distributed solar generation programs, including the Governor’s “Million Solar Roofs Initiative”, the PUC’s California Solar Initiative Program, the Energy Commission’s New Solar Homes Partnership, and utility incentive programs.[2]¹³ Governor Brown, in his inaugural address, reiterated his campaign pledge to develop 20,000 megawatts of renewable energy capacity by 2020.[3]¹⁴

SB 1 allocated up to \$3.3 billion by 2017 to install solar energy systems capable of generating a total of 3,000 megawatts. These systems are almost, if not entirely, photovoltaic (PV). The bill was intended to foster a self-sufficient industry that would make solar energy systems a viable mainstream option for homes and commercial buildings. Under the law, beginning January 1, 2011, production home sellers must offer the option of a solar energy system to all buyers of new homes on land meeting certain criteria. Alternatively, developers or sellers of production homes may forgo offering the solar option by installing

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a single solar energy system, meeting minimum generating capacity, on other projects.[4]¹⁵

SB 1, other state programs and federal stimulus funding are working together as intended. For example, Burbank now has 93 solar energy systems, compared to 36 in July of last year, and 22 are in development. Nearly all of these were funded with public utility grants, which in turn were funded by a State Energy Efficiency and Conservation Block Grant, itself funded by federal stimulus money.[5]¹⁶

Solar Power Plants In addition to distributed solar power systems on homes and businesses, solar power plants are being developed across the state. California's electric utility companies are required to use renewable energy to produce 20 percent of their power by 2010 and 33 percent by 2020. A main source of renewable power will be solar energy. California's Renewables Portfolio Standard (RPS) requires electric corporations to increase procurement from eligible renewable energy resources by at least 1% of their retail sales annually, until they reach 20% by 2010.[6]¹⁷

Some of the plants being developed to meet these goals will use large PV systems, similar to the smaller distributed systems. Since the beginning of 2010 through January 2011, the PUC has approved or approval is pending for at least 25 contracts for utilities to provide power from solar PV facilities.[7]¹⁸

Others plants will concentrate the sun's energy to generate heat to run steam turbines, like more traditional power plants. Many large solar energy projects are being proposed in California's deserts on private, state, and federal Bureau of Land Management (BLM) land. BLM has received right-of-way requests encompassing more than 300,000 acres for the development of approximately 34 large solar thermal power plants. The Energy Commission, which licenses thermal power plants capable of generating more than 50 MW, approved nine solar thermal power plant licenses in 2010.[8]¹⁹

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Conclusion

California is again leading the nation. The state, through deliberate policy choices by elected leaders and confirmed by a majority vote by the people, is developing significant renewable generation capacity. It is also developing significant technological and intellectual capacity in renewable power, creating sustainable industries along the way. With each new day, we're realizing more of what the sun has to offer.

About the Author

Pippin C. Brehler is a Senior Staff Counsel with the Office of the Chief Counsel of the California Energy Commission. He is lead counsel for the Commission's building standards programs. Pippin previously counseled public and private clients on various aspects of land use, environmental, eminent domain and real estate law. He obtained his Juris Doctor from the University of Michigan Law School in 2003. He can be reached at (916) 654-5056 or pbrehler@energy.state.ca.us²⁰.

The content of this article and views expressed herein are those of the authors and not necessarily the Energy Commission. This material does not constitute legal advice or exhaustive study; applicability to any particular circumstance requires fact specific analysis.

[1] Stats. 2006, ch. 132. [2] See, e.g., Pub. Utilities Code, § 387.5 [local publicly owned electric utilities that sell electricity at retail must adopt, implement, and finance solar initiative programs].

[3] The Solar Home and Business Journal, *In California and Arizona, Governors Emphasize Renewable Energy Goals*, Jan. 3, 2011, available at: <http://solarhbj.com/news/in-california-and-arizona-governors-emphasize-renewable-energy-goals-01270>.

[4] Public Resources Code § 25405.5.

[5] Gretchen Meier, *The Burbank Leader*, Jan. 1, 2011, available at: <http://www.burbankleader.com/news/tn-blr-solar-20110101,0,6224612.story>.

²⁰<mailto:pbrehler@energy.state.ca.us>

[6] Senate Bill 1078, Stats. 2002, ch. 516, and Senate Bill 107, Stats. 2006, ch. 464.

[7] See Status of Renewable Portfolio Standards Projects, at <http://www.cpuc.ca.gov/PUC/energy/Renewables> .

[8] See California Energy Commission, Large Solar Energy Projects, available at: <http://www.energy.ca.gov/siting/solar/index.html> .

Certifying Your Law Office as a Green Business

Tuesday, February 1, 2011

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THE BAY AREA GREEN BUSINESS PROGRAM²¹ offers a path towards environmentally friendly operations for your business—and then rewards you for it! More specifically, the Program has laid out specific standards in the areas of energy and water conservation, waste reduction and pollution prevention that businesses must meet in order to be certified as a *green business*. While that’s the gist of what it means to be certified by the Bay Area Green Business Program, the specifics are much more detailed!

²¹<http://www.greenbiz.ca.gov/index.html>



The Bay Area Green Business Program is a group of environmental agencies and cities within Contra Costa County working in partnership to develop program policy and assist in the certification of businesses in the county. This includes the water companies, wastewater districts, waste reduction programs, PG&E, 511 Contra Costa, etc.—24 partners all together.

Let's move onto the certification process itself. There is no fee for the Program (at least not yet!). A program applicant completes a one-page enrollment form²² and then completes a checklist that is appropriate for its business type. There are 14 different checklists—auto repair, office/retail, home remodelers, restaurants, janitors, hotels, etc. (**For your law firm, use the Green Business Program Checklist- office/retail**²³) Each lays out very clearly the standards for the certification, covering the four areas mentioned above: energy and water conservation, waste reduction and pollution prevention.

²²<http://greenbusinessca.org/enrollment>

²³<http://cclawyer.cccbba.org/wp-content/uploads/2011/01/GrnBusOfcChk1st-Jan2011-3.pdf> ↔

A business is asked to implement x number of measures to conserve energy, and x number to reduce chemical use, and x number to reduce air emissions, etc. Some measures are required, such as using printer/copier paper that has 30% post-consumer waste paper and installing energy efficient T8 lights and 1.6 or 1.28 gallons per flush toilets. This is asked of all businesses, even though they may not own their property. And businesses are asked to work with their property managers to make some of these changes.

The Plaza at Walnut Creek is the home of two Contra Costa law firms which are certified as Green Businesses. Both Cooper, White & Cooper and Miller Starr Regalia partially attribute the ease of the green certification process to the cooperation of CB Richard Ellis, the property manager at The Plaza. Gina DiMatteo, General Manager of The Plaza, believes that “going green definitely saves energy which will ultimately save money.” All the tenants at The Plaza, not just the Green Businesses, are grateful for the sustainable efforts which save them money.

It should also be noted that two significant undertakings with the program have been completed. All of the checklists have been updated with more current green standards. As you probably know, there are new developments in green technology occurring these days, and at a faster pace. And what was once considered green has become common business practice.

As all businesses are recertified every three years using checklists with current standards, we are very proud of the fact that we are moving along all of these businesses that we have certified previously, even though they may have been certified in 1998, under old standards.

The second undertaking is that we are just now completing the arduous task of putting 1600 measures from 14 checklists and 15 counties all online; in August we will begin asking businesses to complete the enrollment form and checklist online. This means that we will be able to go paperless and, more importantly, that we will be able to track the environmental impact of our program. It also means that we will have a fully functioning searchable database²⁴ so that consumers can

²⁴<http://www.greenbiz.ca.gov/ShopGreen.html>

more readily find the green business they want.

Back to certification. Once the checklist is completed, we pass it on to auditors. Each checklist section will be verified by an appropriate auditor. For instance, the water conservation part of the checklist will be verified by staff from either EBMUD or Contra Costa Water District. The staff will either pass or fail a business. If the business initially fails, staff will continue working with that business to help it pass by providing rebates and their extensive expertise—at no cost to the business. Once we hear back from all four auditors that the business has passed, the business is certified. Additionally, for businesses that have environmental compliance as a part of their business, the appropriate inspectors will visit them to ensure their compliance with waste water, storm water, hazardous materials/waste, and air regulations.

Once certified, Green Businesses are recognized by the Contra Costa County Board of Supervisors in April, around Earth Day. They also receive a framed certificate and a decal for their window, the ability to use the program logo on any of their promotional materials and websites, and are listed on both the program website and in a hard copy directory that is given out at various fairs and public events. Typically, certification also gives Green Businesses healthier workplaces, improved worker morale, a marketing edge, customers that are like-minded in their thinking, and the respect of the community.

If your business supports environmental stewardship and wants to be recognized as a leader in this area, contact **Claudia Pingatore** at the Green Business Program (925/335-3220). She can help you, no matter what shade of green you currently are! And don't forget to visit the website at www.greenbiz.ca.gov.

About the Green Business Program – History and Background

Contra Costa is just one of 15 counties in California—including all nine Bay Area counties—that is implementing this program. In the mid 90s, the Association of Bay Area Governments (ABAG) and its Hazardous Waste Committee had just completed work on determining which county would have to receive a hazardous waste

incinerator facility, landfill facility, etc. Given that none of the counties wanted any of these facilities, the committee directed staff to “go upstream” to reduce the amount of hazardous waste generated in the first place. ABAG then pulled together representatives from U. S. and Cal EPAs, as well as local governments and businesses themselves to create a program that certified businesses for both being in compliance with any applicable environmental regulations, and for voluntarily going beyond compliance to meet other green standards (in the same areas of energy, water, waste, pollution prevention). This led to the creation of the Bay Area Green Business Program.

Our county began the program in 1998 and has certified about 400 businesses since that time. While the Program initially certified only printers and auto repair shops, it now certifies almost all business types—not just the largest facilities where they have their own environmental managers and recognition programs that cover their size and type of facility. Smaller businesses do not have the luxury of environmental managers; the program wanted to fill this gap. Ultimately, the program wants to see every business in Contra Costa County meet our standards and *be green!*

Unfortunately, the rise of businesses marketing their products and businesses as green has created a situation where most of the green claims cannot be verified. The Green Business Program, however, stands apart from this situation. Its standards are very specific and clearly written, and each of the businesses is visited by a neutral, third party auditing team that verifies all claims.

About the Author

Robin Bedell-Waite works in the Contra Costa Hazardous Materials program and coordinates the Green Business Program for Contra Costa County.

Kristen Thall Peters is Chairman of Cooper, White & Cooper’s Green Practice Group and former President of the Contra Costa County Bar Association’s Real Estate Section.

California Delivers Building Efficiency

Tuesday, February 1, 2011

CC Lawyer

It is the policy of the State of California to minimize energy consumption. This is founded in large part on a “loading order” that prioritizes efficiency to reduce generation demand, followed first by demand response programs and then generation, with an emphasis on renewables.

There are many programs implementing the loading order. Property owners, developers, builders and their advisors should be aware of them. These programs touch new, altered and existing buildings with legal requirements, and affect every aspect of building ownership and operation, including construction, alteration, maintenance, leasing and sale. They reduce the energy use and environmental impacts of the built world. And in doing so, they create opportunities for competitive advantages by meeting market demands for sustainable construction while reducing operating costs.

California’s New Buildings Will Become Energy Neutral The loading order was jointly established in the 2003 Energy Action Plan (“EAP”) by the Energy Resources Conservation and Development Commission (“Energy Commission”), the Public Utilities Commission (“PUC”), and the Consumer Power and Conservation Financing Authority (“CPA” – and which is now defunct).[1]²⁵ In 2007, the Energy Commission recommended the State implement every available cost-effective energy efficiency measure, to achieve zero net energy use by new residential construction by 2020, and by new commercial construction by 2030.[2]²⁶ In 2008, the PUC adopted the California Long Term Energy Efficiency Strategic Plan (Strategic Plan) of 2008, which reiterated that California utilities must focus residential efficiency efforts on “whole-house” approaches of comprehensive energy assessments, rebates, financing options and quality installation.[3]²⁷

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²⁶ #_ftn2

²⁷ #_ftn3

The building energy efficiency standards contained in the Building Standards Code are the bedrock of this policy.[4]²⁸ These standards, known as the Energy Code, are fundamentally performance-based and establish minimum levels of building efficiency. About one third of the energy used in California is consumed by buildings.[5]²⁹ Significant energy is saved from the new, re-constructed and remodeled buildings that are subject to the Energy Code, which is revised approximately every three years.

The Green Building provisions of the Building Standards, known as the CALGreen Code, also play a significant role. Initially largely voluntary, the 2010 CALGreen Code became effective on January 1, 2011; it contains both mandatory and voluntary or “reach” standards for energy efficiency, as compared with the mandatory Standards.[6]³⁰ The CALGreen Code establishes tiered energy performance levels of 15 percent and 30 percent more stringent than the current (2008) Energy Code.

Local jurisdictions may make mandatory the reach provisions of the CALGreen Code, or adopt other provisions that are more stringent than the Energy Code.[7]³¹ Many have done so. As of December 29, 2010, twenty-six local entities had adopted more stringent codes.[8]³² Nothing indicates that these will be the last to do so.

California is Reducing the Energy Use of Existing Buildings

Existing buildings are similarly reducing their energy use. In 2009, the Legislature completed the square of building standards with a bill to reduce the energy by existing buildings by adopting Assembly Bill No. 758 (“AB 758”), Stats. 2009, ch. 470. AB 758 directed the Energy Commission and PUC to improve the efficiency of California’s existing buildings, in consultation with a wide variety of stake-holders, including sister agencies, utilities, local governments, real estate licensees, builders, property owners, small businesses, financial institutions, appraisers, inspectors, energy raters, consumers,

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³²#_ftn8

and environmental groups.

AB 758 enabled a broad range of inter-operative programs to achieve meaningful and reliable energy assessments of each building's energy consumption level relative to other buildings; improve efficiency or energy resource utilization, and; make cost-effective energy efficiency improvements in existing buildings. These programs will be implemented through multiple approaches, including financing, outreach and education, and workforce training.[9]³³ These approaches will be adopted through a transparent, public rule-making process. The Energy Commission instituted its rule-making for AB 758 in February 2010.[10]³⁴

AB 758 will be piloted with federal funding. In May 2009, California was granted \$226 million of American Recovery and Reinvestment Act (ARRA) State Energy Program funding, \$110 million of which will be used to develop residential and nonresidential retrofit programs across the state. The flagship program is "Energy Upgrade California", which will serve as a one-stop hub for money-saving energy improvements and financing programs to make them.

AB 758 builds on the State's mandatory and "reach" building standards, as well as new nonresidential energy use disclosure requirements. Assembly Bill No. 1103 ("AB 1103"), Stats. 2007, ch. 533, as amended by Stats. 2009, ch. 323, requires owners to keep and disclose nonresidential building energy consumption data to prospective buyers, lessees of or lenders that would finance the entire building. A rule-making is also underway to implement the AB 1103 program.[11]³⁵

Voluntary Programs Help Achieve Energy Savings

Beyond the State's programs, a number of voluntary programs promote energy efficiency. Common examples are the U. S. Green Building Council's Leadership in Energy and Environmental Design ("LEED") standards, the Build It Green GreenPoint rating system, and the U. S. Environmental Protection Agency's Energy Star rating

³³#_ftn9

³⁴#_ftn10

³⁵#_ftn11

system. In January 2010, the American Society of Heating, Refrigerating and Air-Conditioning Engineers, Inc., ("ASHRAE"), published its Standard for the Design of High-Performance Green Buildings, No. 189.1.[12]³⁶ While the value of meeting voluntary standards and rating systems varies from building to building, and "sustainable" properties suffered a greater financial loss during the recent recession, they had better capital growth overall in the third quarter of 2010, partly as a result of their enhanced market appeal.[13]³⁷

Challenges and Opportunities Await to Maximize Your Building Performance

These various, competing aspects of modern building operation are changing the landscape of real estate. Almost daily, opportunities and pitfalls are presenting themselves from mandatory and voluntary measures to operate buildings better as living and breathing systems, rather than static monoliths. Real estate owners, tenants and their advisors should be aware of the rapidly evolving legal requirements and voluntary programs for reducing energy costs, improving efficiency, and disclosing performance data to minimize risks and maximize competitive advantage.

About the Authors

Pippin C. Brehler is a Senior Staff Counsel with the Office of the Chief Counsel of the California Energy Commission. He is lead counsel for the Commission's building standards programs. Pippin previously counseled public and private clients on various aspects of land use, environmental, eminent domain and real estate law. He obtained his Juris Doctor from the University of Michigan Law School in 2003. He can be reached at (916) 654-5056 or pbrehler@energy.state.ca.us³⁸.

Devi Eden is an Energy Specialist in the California Energy Commission's (CEC) Efficiency and Renewable Energy Division. She has worked in the field of energy efficiency for over 8 years, both in the State of Washington and in California. She currently works in the High Performance Buildings Unit where she is contract manager of

³⁶#_ftn12

³⁷#_ftn13

³⁸<mailto:pbrehler@energy.state.ca.us>

one of the ARRA residential retrofit programs, is the Energy Commission lead on the energy efficiency sections of the CALGreen Code, reviews local ordinances exceeding Title 24 Part 6, and will work on the future AB 758 regulations. In the past, she served as Advisor to Commissioner Art Rosenfeld in 2009, and has also worked in the SB1 programs including the New Solar Homes Partnership Program. She has a Bachelor of Science degree in Energy Systems from the Evergreen State College, in Olympia, WA. She can be reached at (916) 651-0962 or deden@energy.state.ca.us³⁹ .

The content of this article and views expressed herein are those of the authors and not necessarily the Energy Commission. This material does not constitute legal advice or exhaustive study; applicability to any particular circumstance requires fact specific analysis.[⁴⁰

[1] 2003 Energy Action Plan, (http://www.energy.ca.gov/energy_action_plan . [2] 2007 Integrated Energy Policy Report, adopted Dec. 5, 2007, pub. no. CEC-100-2007-008-CMF, pp. 4-5, available at <http://www.energy.ca.gov/2007publications/CEC-100-2007-008/CEC-100-2007-008-CMF.PDF> .

[3] California Long Term Energy Efficiency Strategic Plan September 2008, p. 18, available at <http://www.cpuc.ca.gov/NR/rdonlyres/D4321448-208C-48F9-9F62-1BBB14A8D717/0/EEStrategicPlan.pdf> .

[4] Title 24, California Code of Regulations, Part 6.

[5] See Initial Study/Proposed Negative Declaration for the 2008 Building Energy Efficiency Standards, April 2008, p. 9, available at <http://www.energy.ca.gov/2008publications/CEC-400-2008-009/CEC-400-2008-009-SF.PDF> .

[6] See 24 Cal. Code Regs., Part 11.

[7] Pub. Resources Code § 25402.1, subd. (h)(2), 24 Cal. Code Regs. § 10-106.

³⁹<mailto:deden@energy.state.ca.us>

⁴⁰#_edn1

[8] For a list of jurisdictions with local ordinances, see <http://www.energy.ca.gov/title24/2008standards/ordinances/> ←

[9] Public Resources Code, § 25943, subd. (a).

[10] Rulemaking on AB 758: Comprehensive Program for Energy Efficiency in Existing Buildings, Docket No. 10-AB758-1, Order No. 10-0224-7, Feb. 24, 2010.

[11] See Energy Commission Docket No. 09-AB1103-1, available at <http://www.energy.ca.gov/ab1103/> .

[12] Kent Peterson, High Performance Buildings, *Code Green Standard 189.1 Comes at a Crucial Time*, Spring 2010, p. 18, available at: <http://www.ashrae.org/publications/page/927>. ASHRAE Standard 90.1 serves as a baseline for many mandatory energy codes. Mike Wapner, Clint Wheelock, *Building Efficiency: Ten Trends to Watch in 2011 and Beyond*, Pike Research, Winter 2010, pp. 2-3.

[13] Anthony Buonicore, Green Building Performance Disappoints During the Recession, Dec. 20, 2010, available at: <http://blog.bepinfo.com/2010/12/green-building-performance-disappoints.html> ← .

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Mr. Brehler thanks his wife Janice for her love, support and insights throughout.

The Contra Costa County Superior Court is Going “Green”

Tuesday, February 1, 2011

CC Lawyer

The new Arnason Justice Center, which opened to the public on November 15, 2010, is a “green”/sustainably designed building receiving LEED[1]⁴¹ Silver certification by the US Green Building Council (USGBC). The design was inspired by East Contra Costa County’s natural beauty. The material choices, colors, textures, landscape, and the public areas are in response to the delta, surrounding foothills and the Mt. Diablo range. The building was designed to be the gateway civic building to integrate and reinforce the City of Pittsburg’s long-term development plans for a civic center. Its flexible and secure design allows for expanded hours for traffic court as well as public use of the Jury Assembly pavilion.



Arnason Justice Center – inspired by East Contra Costa County’s natural beauty

The courthouse has been recognized by the American Institute of

⁴¹#_ftn1

Architects' Academy of Architecture for Justice and the National Center for State Courts as an example of excellence in design and functionality. The design complies with the state's California Trial Court Facilities Standards and is the first fully state-funded courthouse approved by the State's Judicial Council and constructed by the Administrative Office of the Courts, the staff arm of the Judicial Council.

The dramatic two-story lobby space allows sunlight penetration in the public circulation areas, and the integrated exterior sun shading elements reduce energy loads. This 73,500 square foot courthouse houses seven full service courtrooms, six of which have natural daylight. It also houses the clerk's office, jury assembly room, family court mediation services, self-help center, public law library, a food vending area for the public, and a children's waiting room.

Sustainable Design Features include:

1. Building oriented to minimize heat gain and optimize daylight.
2. Uses 22.5% less energy.
3. Uses 30% less lighting power density than allowed by Title 24.
4. 40% reduction of water use in building.
5. Indoor air quality management to ensure optimum indoor air quality.
6. 20% of building materials contain recycled content.
7. 50% of wood is Forest Stewardship Council certified.
8. Composite wood in building is urea-formaldehyde free.
9. Green roof above Jury Assembly pavilion protects the roof membrane, slows roof drainage into the storm water drainage system while providing a garden view for courthouse visitors.
10. 50% reduction of water use in landscaping.
11. Bio-swailes in landscaping areas for natural site treatment of storm water to reduce burden on municipal sewage system.

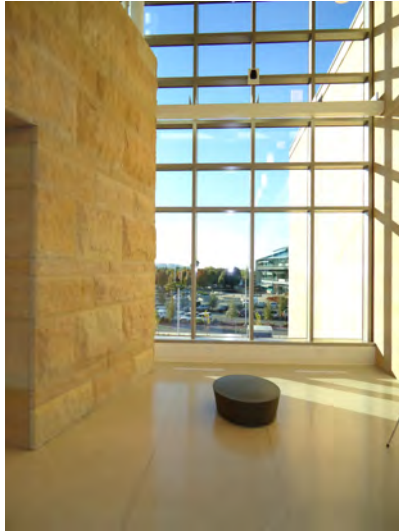
12. Site lighting designed to reduce night sky pollution.
13. Walking distance to public transportation.
14. Contractor's construction waste management plan has diverted over 85% of construction waste from landfill.



Wood detail in Jury Assembly Room



upstairs public circulation area



view from upstairs hallway



View from upstairs sitting area



Reserved parking for low-emitting vehicles



Courtroom with recycled redwood



Electronic Dockets



View from the Jury Assembly Room



Arnason Justice Center – inspired by East Contra Costa County’s natural beauty

The Court is extremely proud of this flagship courthouse which will serve the public for decades.

[1] Leadership in Energy and Environmental Design

Countering Greenwashing: FTC Proposes Changes to Green Marketing Guides

Tuesday, February 1, 2011

CC Lawyer

In my article “It’s Not Easy Being ‘Green’” from the Fall 2010 issue of the State Bar of California’s *New Matter*⁴² magazine, I discussed the concept of “greenwashing,” i.e., the act of making false or misleading statements to consumers regarding the environmentally-friendly nature of a product or service, or the environmentally-friendly practices of a company. The article covered how greenwashing is more frequently

⁴²<http://ipsection.calbar.ca.gov/Publications/NewMatter.aspx>

becoming a basis for California false advertising complaints under the Business & Professions Code, federal false advertising claims under the Lanham Act, Federal Trade Commission (FTC) enforcement actions, and self-regulation by the National Advertising Division, and provides helpful hints to minimize the the prospect of a greenwashing claim.

Earlier this month, the FTC proposed revised “Green Guides” to assist marketers in avoiding making misleading environmental claims. The proposed changes were developed from a process that included public workshops, public comments, and a consumer study regarding understanding of environmental marketing. The proposed changes to the Green Guides cover:

- **Green Environmental Benefit Claims:** Marketers should not make unqualified general environmental benefit claims. Qualifications should be clear and prominent and limit the claim to a specific benefit.
Product certifications and seals of approval: A new section will emphasize that certifications and seals are product endorsements covered by the FTC’s Endorsement Guides, that marketers should use clear and prominent language limiting the claim to particular attributes that are substantiated, and that third-party certification does not necessarily eliminate a marketer’s obligation to substantiate all claims.
- **Degradable Claims:** For solid waste products, proposal clarifies that the “reasonably short period of time” for complete decomposition of products is no more than one year after customary disposal and cautions that marketers should not make unqualified degradable claims.
- **Compostable Claims:** To make an unqualified compostable claim means that a product or package will break down in approximately the same time as the materials with which it is composted.
- **Ozone-Safe/Ozone Friendly Claims:** The FTC made minor updates to the guides regarding ozone-depleting chemicals.

- **Recyclable Claims:** Proposal highlights a three-tiered analysis for disclosing the limited availability of recycling programs.
- **Free-of/Non-Toxic Claims:** The proposal provides further guidance advising that even if true, claims that an item is “free-of” a substance may be deceptive in certain conditions and “non-toxic” claims convey that an item is non-toxic for both humans and the environment.

In addition, the FTC’s proposes guidance for a few environmental marketing claims that are not currently addressed by the Green Guides:

- **Made with Renewable Materials:** Marketers should qualify claims with specific information about the renewable material and qualify renewable materials claims if the item is not made entirely with renewable materials.
- **Made with Renewable Energy:** Marketers should not make unqualified renewable energy claims if the power used was derived from fossil fuels and should qualify claims by specifying the source of renewable energies. Marketers that generate renewable energy but sell renewable energy certificates for all of the renewable energy they generate, should not represent that they use renewable energy.
- **Carbon Offsets:** Marketers should have competent and reliable scientific evidence supporting their carbon offset claims and disclose if the offset purchase funds emission reduction will not occur for two years or longer. They should not advertise a carbon offset if the activity is already required by law.

This article by Cyrus Wadia has been previously published as a Green, Intellectual Property Alert⁴³ by Cooper, White and Cooper LLP⁴⁴

About the author:

Cyrus Wadia is chair of Cooper, White & Cooper’s Intellectual Property and Music & Recording Industry Practice Groups. He focuses

⁴³<http://www.cwclaw.com/publications/alertDetail.aspx?id=531>

⁴⁴<http://www.cwclaw.com/>

his intellectual property practice on trademarks, copyrights, Internet-related transactions and litigation, and the music industry. He is also an experienced commercial litigator with an emphasis on real property, telecommunications, and class action consumer litigation.

Marketing Your Practice with Google: Elements of a Successful Website

Tuesday, February 1, 2011

CC Lawyer

Before You Get Started, Have the Right Website in Place

Last time we wrote about the benefits of online advertising⁴⁵ and now we are going to discuss some preliminary issues to consider before embarking on online advertising.

It cannot be emphasized enough that your law firm website must be good before you spend any money on advertising. With the wrong website, you can buy a lot of really good traffic from Google and make Google rich, but have nothing to show for it if everyone backs out of your site to see what else is out there.

Elements of a Successful Law Firm Website

- **Good Content**

Often a website will have information about statutes of limitations or filing requirements and fees. Other times you'll see a website that is so stuffed with keywords and links that it is easy to see that the website was written for search engines, not for people who visit it.

In both cases, these websites may be driving away more visitors than they're bringing into your law practice. Good, engaging content that reaches out to the website visitor will help move more of your website visitors to want to make contact with you.

⁴⁵<http://cclawyer.cccbba.org/2010/11/marketing-your-practice-with-google-the-benefits-of-google-advertising/>

Shift your message away from descriptions about the law towards something more akin to “We know what you’re going through and we can help.” Get the point across to your website visitor that you care about them and they will be more likely to call or email your office.

- **Practice Area Pages**

If your practice areas are described in a single page with a list of bullet points, it is suggested that you take the time to build out your practice area content and develop separate pages for each type of case you handle. This includes sub-areas of law. For example, if you are a general civil law firm, you can have a family law page and a real estate page, and if you’re a family lawyer, you should consider having a divorce page, custody page, support page and so on.

Having more specific content on your site will help convince the visitor to that page that you are the expert they have been looking for.

- **Emotive Photography**

Royalty-free stock photography can be an inexpensive way to reach visitors to a web page on an emotional level. Find pictures that pertain to the specific practice area that will resonate with your prospective client. For example, if you are a family lawyer, a photo of a small child on your custody page can make a big difference in the feel projected to the website visitor.

- **Updated Look and Feel (Font Size and Type)**

A lot of websites that were designed 10 years ago appear very narrow on wider, modern monitors. Just widening a website from 600 pixels to 900 pixels can sometimes freshen up and modernize the look of a site.

Typography and font size is another issue that a lot of designers overlook. Most modern computers come bundled with a wide variety of fonts giving you a lot more choices than just Arial or Times Roman. In particular, the 9-point Arial font found on hundreds of websites produced by a few of the major directories make law firm websites look like cheap templates and are difficult to read because the font size is too small.

- **Conspicuous Calls to Action**

Don't leave visitors stranded on a page not knowing what to do next. Adding a conspicuous call to action like "Contact us for a free, no-obligation consultation" linking to your contact page can help people decide to make contact with you.

- **Easy-to-Find Contact Forms**

Make it easy for people to contact you. Have your phone number in your header graphic and the link to your "contact us" page clearly visible above the scroll bar. Better yet, a contact form on every page in exactly the same place will make it quick and easy for anyone, regardless of what page they navigate to, to write to you.

- **Testimonials**

Testimonials from former satisfied clients do a lot to warm up a website and, if you have any, consider creating a testimonials page, linking it from your main navigation so people can find it.

- **Simplify**

Too much movement on a site, over-doing the graphics, burying important website elements under distracting buttons or icons can overwhelm some visitors and drive them away from a site.

- **Get Others' Opinions**

Have an informal focus group – ask people who have never seen your site before to view it and tell you their impressions. Ask them pointed questions. Were they able to easily find what they were looking for? What was their overall impression of the firm? Would they hire you? Are there specific things about the website they liked or disliked?

- **Ask an Expert**

If you are unsure whether your website is ready for primetime, contact an expert for a free, candid website evaluation.

About the author:

Ken Matejka. Attorney at Law

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Company: LegalPPC – Search Engine Marketing and Optimization for Lawyers⁴⁷

How to Resolve Fee Disputes with your Client: Fee Arbitration and Mediation Program

Tuesday, February 1, 2011

CC Lawyer

When Your Client Has Not Paid Your Bill

If your client has repeatedly ignored your attempts to communicate and resolve your unpaid fee — follow these steps:

1. Under Business and Professions Code § 6200-6206⁴⁸, if you serve or intend to serve your client a summons in a law suit or proceed under a contract that provides for arbitration or an alternative to arbitration, you must fill out the State Bar of California "Notice of a Client's Right to Arbitration"⁴⁹ form and mail the completed form to your client.
- The Contra Costa County Bar Association Program has jurisdiction over a fee dispute if at least one of the attorneys involved in the dispute has an office in Contra Costa County or maintained an office in Contra Costa County at the times the services were rendered, or the majority of the legal services were provided in

⁴⁶<mailto:Ken@LegalPPC.com>

⁴⁷<http://www.legalppc.com/>

⁴⁸<http://www.aroundthecapitol.com/code/getcode.html?file=.%2Fbpc%2F06001-07000%2F6200-6206> ↩

⁴⁹<http://www.calbar.ca.gov/LinkClick.aspx?fileticket=U6dgothIgdK%3D&tabid=229> ↩

Contra Costa County, subject to any other disqualifying criteria as set forth in our rules.

- If your dispute falls under these parameters then download the "Notice of a Client's Right to Arbitration"⁵⁰
 - If not, contact the bar association in the county that has jurisdiction to see if they administer a fee arbitration program, or contact the State Bar of California Mandatory Fee Arbitration Program at (415) 538-2020.
1. Under the code, arbitration is voluntary for a client, unless the parties agreed in writing to submit their fee dispute to arbitration, and mandatory of an attorney if commenced by a client. Failure to give notice shall be a ground for dismissal of the action or other proceeding [B&P Code § 6201(a)⁵¹].
 2. Once your client receives your Notice, they have 30 days to file a written application for arbitration with the Bar Association. If they do not return a completed request form within 30 days, they will have waived their right to arbitrate.
 3. If the client requests arbitration within the correct time frame, we will notify you by mail.
 4. You have 30 days to complete the "Attorney's Reply to Client's Request for Arbitration" that will be enclosed, unless an extension of time to reply is obtained from the program.
 5. If the client doesn't do anything, you have the right to file a lawsuit.

For more information about the fee arbitration program, go to our website, under the "Assistance & Services" tab, "Are You Having a Fee Dispute?": How to Resolve Fee Disputes with Your Client⁵²

- Your client has filed a request to arbitrate⁵³

⁵⁰<http://67.20.80.186/attorney/pdf/notice-client-right-arb.pdf>

⁵¹<http://law.onecle.com/california/business/6201.html>

⁵²<http://www.cccbba.org/attorney/assistance-services/fee-dispute.php>

⁵³<http://www.cccbba.org/attorney/assistance-services/fee-dispute.php> ←
#anchor2

- You want to initiate fee arbitration with your client⁵⁴
- Administrative fee for filing a request⁵⁵
- Filing an Automatic Stay⁵⁶
- Rules of Procedure⁵⁷

For more information, contact:

Emily Day, Fee Arbitration Coordinator
 eday@cccba.org⁵⁸

(925) 370-2541

2011 CCCBA Officer Installation Lunch

[Photos]

Tuesday, February 1, 2011

CC Lawyer

Thank you for joining us at our annual Officer Installation Luncheon, featuring the Honorable Consuelo Maria Callahan, U. S. Court of Appeals, Ninth Circuit and our Presiding Judge Diana Becton!

A big ‘thank you’ also to our photographer, Mike Moya, who took these great photos:

⁵⁴<http://www.cccba.org/attorney/assistance-services/fee-dispute.php> ↔
 #anchor3

⁵⁵<http://www.cccba.org/attorney/assistance-services/fee-dispute.php> ↔
 #anchor4

⁵⁶<http://www.cccba.org/attorney/assistance-services/fee-dispute.php> ↔
 #anchor5

⁵⁷<http://www.cccba.org/attorney/pdf/rules-of-procedure.pdf>

⁵⁸<mailto:eday@cccba.org>



2011 CCCBA Section Leaders



The 2011 CCCBA Board of Directors



The Hon. Connie Callahan and CCCBA President Kathy Schofield





The Hon. Connie Callahan, speaking to the collision of evolving technology and the Fourth Amendment



Board Members & Section Leaders, including Dana Santos, Peter Johnson, Rashmi Nijagal, Josh Cohen, Nick Casper, Leigh Johnson and Denae Hildebrand Budde



Board members Amanda Bevins (center), Alan Ramos (back, left) and Larry Cook (back, right) taking the oath of office



Presiding Judge Diana Becton with Board President Kathy Schofield, swearing in the 2011 CCCBA Board



Presiding Judge Diana Becton, delivering a State of the Court update



Robin Pearson of Miller Starr Regalia, introducing Presiding Judge Diana Becton



CCCBA Board President Kathy Schofield, presenting Ex-Officio member Ron Mullin with a commemorative plaque



CCCBA Board President Kathy Schofield with Ex-Officio member Ron Mullin

To see more photos, please visit our Facebook page⁵⁹.

Arnason Justice Center – New Juvenile And Family Law Calendars

Tuesday, February 1, 2011

CC Lawyer

With the opening of the new Arnason Justice on November 15, 2010, the communities in East County will enjoy a beautiful state-of-the-art facility which houses four Criminal Departments and the Traffic/UD/DV/CH/Small Claims Department, as well as a full time Juvenile Department and Family Law Department. In addition, there is a Self-Help Center on the main floor, home to a DV/Exparte Unit, mediators, facilitators, a branch of the Public Law Library, public access terminals, as well as a future Children's Waiting Room (slated to open in March of 2011).

⁵⁹<http://www.facebook.com/photo.php?fbid=183216968376825&set=a.183216548376867.42073.156293777735811> ←

Commissioner Stephen Houghton, Dept. 58, has been hearing East County juvenile cases for some time now in his Martinez courtroom, which facilitated the seamless transfer of his department to the new Arnason Justice Center on November 15, 2010. Commissioner Houghton will continue to hear both 300 dependency and 602 delinquency cases Monday through Friday.



Arnason Justice Center

While the juvenile hearings will be heard in Pittsburg, the clerical and calendar support services for this new Pittsburg AJC Juvenile Department will mirror the process that currently exists for all other non-Martinez juvenile calendars, such as Richmond Court and Juvenile Hall. All files will be housed and filing of documents will still take place in the Juvenile Unit, Room 127 of the Taylor Courthouse in Martinez.

On January 18, 2011, Commissioner Jeffrey Huffaker, Dept. 50, was relocated to the Arnason Justice Center in Pittsburg to preside over a new family law department. Due to the high volume of family law cases originating from East County, it is not feasible for one bench officer to hear all East County cases. Therefore, Commissioner Huffaker will be assigned all cases where the initiating party is from East County and the case involves children.

Commissioner Huffaker's calendar will continue to be on the long cause/short cause schedule that currently exists in Martinez, including a double pro per calendar on Thursdays. He will continue to have the option of setting long cause trials before Judge Burch in Martinez.

As with the juvenile department, all family law case files and document filings will remain in Martinez. However, in the future, as funding is restored to provide adequate staffing, the Court will commence filing and housing both juvenile and family law documents associated with the cases assigned to these departments at the Arnason Justice Center.

We are very pleased to be able to offer these new services to our East County communities.

News from the Robert G. McGrath American Inn of Court

Tuesday, February 1, 2011

CC Lawyer

Ironically, many attorneys are not experts on expert witnesses. This situation was fresh on the mind of Judge Ed Weil and his pupilage group, consisting of Bonnie Johnson, Robin Pearson, Kenneth Strongman, Lauren Bethards, Jay Chafetz, David Ginn and David Pastor, when they presented their hour-long presentation on expert witnesses at the Robert G. McGrath American Inn Of Court⁶⁰ on November 9, 2010. Judge Weil's group posed many questions about expert witnesses in the form of a series of vignettes regarding a legal malpractice case.

The group looked at the timing of taking expert witness depositions. Expert witnesses sometimes do not provide the deposition testimony hoped for. If you waited too long to take the deposition, you might not be able to retain another expert witness to obtain their testimony before the discovery cutoff.

⁶⁰<http://www.innsforcourt.org/Content/InnContent.aspx?Id=1475>



Matthew Talbot

Next, the group addressed whether to retain an expert with a background in the academic sphere or one with a background in the “real world” sphere. They discussed the pros and cons of obtaining an expert who lives close by compared to one who lives far away. Furthermore, they discussed the strategy of Expert Witness Disclosures, including when to do them and what to disclose.

The presentation also touched on expert witness battles. Unfortunately, that does not refer to steel cage death matches, but instead times when expert witnesses retained by opposing sides can testify to opposing viewpoints and comment on each others viewpoint. It was an illuminating and helpful presentation, after which all enjoyed a delightful dinner.

For more information on joining the Inn, contact David Pearson at (925) 287-0051 or attorney@mac.com⁶¹.

⁶¹<mailto:attorney@mac.com>

February 2011 Bar Soap

Tuesday, February 1, 2011

CC Lawyer

Hey, I am getting pretty good at this typewriter thing. Move over, Herb Caen. Well, perhaps he has already moved over. Anyone here who does not know who Herb Caen was? No, he was not an attorney.



We know a lot of people are on the move in our local legal community, and I don't just mean through the security lines at the airport. Speaking of that, San Joaquin County now allows one to show ID and a current Bar Card to bypass the metal detector. Now if we could only get Alameda County to do that I would be happy.



Mark Peterson has left the Concord City Counsel to take up residence on the top floor of the DA building in Martinez as our new DA. He did have an office in that same building before the move upstairs. I think it was a closet in the basement, however. Has anyone noticed the DA building is one of the few government buildings downtown without a person's name? No Mark, it is too early to think about the Mark Peterson District Attorney Building.



Speaking of attorneys on the move, everyone reports payments to attorneys are way down, so attorney balance sheets are on the move

down. Look for something on that topic in one of the upcoming issues of the Contra Costa Lawyer (April, to be exact).



Another lawyer on the move is former Concord Police Chief David Livingston. He is now the County Sheriff, a licensed attorney and a long-standing member of our local Bar Association. That does remind me to once again encourage all Contra Costa County Lawyers to join the Local Bar Association. Who doesn't get a case and immediately look up the opposing counsel in the Contra Costa Bar Association Membership & Reference Directory? "Oh okay, now I know who she/he is from the picture in the directory." It is kind of hard when there is no picture though. Even harder when there is no membership.



On the move is the firm O'Conner, Runckel & O'Malley. The firm has relocated to Walnut Creek from Concord. Rumor has it their success required more space. Remember in the 1980's everyone was moving to Walnut Creek? During the boom, lots of firms moved north again. Now we are seeing the move back south to my home town of Walnut Creek. What boom you say?



Bar Soap – a column by Matt Guichard



Candice Stoddard has stepped down as Editor of the Contra Costa Lawyer after three years. Wow time has flown. New Editor is Nicolle Mills. It is a time consuming and thankless job. But thankfully they do a wonderful and very necessary job. Incidentally, Candice has moved her office to 1350 Treat Blvd in Walnut Creek. Closer to Club Sport?



Kate Burch, Nicole McLaughlin and Wendy Smith have joined Archer Norris as new associates. Nice to see someone is hiring. Quinlan Tom has been hired as a partner by Newmeyer & Dillion LLP, a real estate law firm based in Walnut Creek. Attorneys Terence Church, Monica Sloboda and Katherine Wenger were named principals at

Walnut Creek based Morgan Miller Blair. Jim Wickersham is joining Frankel & Goldware LLP, as “Of counsel” effective March 1, 2011. Delia Isvoranu, a member of our Robert G. McGrath American Inn of Court, has been promoted to partner at Filice Brown Eassa & McLeod LLP. Mike Low has joined Janssen and Doyle.



Last but not least, our own Erika Portillo has been named a partner and shareholder at Guichard, Teng & Portello. Lots of you thought she was already a name partner. That would be Will Portello. Even our Contra Costa Bar Membership Directory listed her name in our firm heading. Mine says Portello, hers says Portillo. She surely has some influence.

Keeps those cards and letters coming, and don't forget your sense of humor!

Green Theater: The Shotgun Players

Tuesday, February 1, 2011

CC Lawyer

Shotgun Players⁶² is a non-profit company that has been creating artistically excellent, innovative theatre in Berkeley since 1992. Founding Artistic Director Patrick Dooley started our company with four eager actors and a bucket of black paint. Now approaching our 20th season, nothing pleases us more than to tackle projects other companies believe would be too expensive, too unwieldy or just plain impossible. Before purchasing The Ashby Stage⁶³ in 2004, our first permanent home, we spent the first twelve years of our existence performing in 44 different locations. No longer nomadic, we are able

⁶²<http://www.shotgunplayers.org/>

⁶³<http://www.shotgunplayers.org/ashbystage.htm>

to redirect that precious energy into even more thoughtful artistic development and ambitious projects. Stability also allowed us to double our subscriptions and individual giving in just two years.

There are many ways we could have chosen to celebrate our 20th Anniversary of creating innovative theatre. We decided to make 2011 our most ambitious by presenting a season of commissioned plays. Nothing is more daring than creating a play from scratch. Our success with new plays is due to the extended, thorough support we provide to playwrights through workshops, readings and constructive feedback. We are proud that many of our most critically successful productions have been original plays.



Artistic Director Patrick Dooley, next to the solar panels that make The Ashby Stage the first 100% solar powered live theater in the country.

We also believe that it is not enough to create exceptional works of theatre; but also to make a difference in your community. How we interact with our neighbors, who we support with our business, and how we use materials all have an impact on our community. Artistic Director Patrick Dooley has a passion for the environment; he has been composting at his home for several years and wanted to do as much as possible to make The Ashby Stage a “green theatre”. In

2007 one of our board members suggested a truly innovative idea: to convert The Ashby Stage to solar power. Within one year we raised the funds to install 88 solar panels on our building, **making The Ashby Stage the first 100% solar powered live theatre in the country.**

We didn't stop there. We began composting, replaced our light bulbs with green certified elements and received our Green Building Certification in 2010. We also eliminated bottled water from our concessions; we now offer filtered water free of charge. Shotgun Players also serves all beverages in glass containers so that we are no longer reliant on plastic cups. We strive to make an impact with our work; we also strive to reduce the impact of our carbon footprint as a company. Shotgun Players is proud to be a leader in the arts community and an example of what we can all do to protect our environment.

Karen McKeivitt, former editor of *Theatre Bay Area Magazine*, wrote the following regarding our company: "With its seasonal mix of classic and daring new work – coupled with the fact that it is well supported by the Berkeley community – Shotgun is poised to become, I believe, one of the top flagship Bay Area theatre companies in the next decade."

Three New Ethics Opinions

Tuesday, February 1, 2011

CC Lawyer

There are three new ethics opinions that are ready to be finalized that will impact all practicing lawyers once they are published. The first is Formal Opinion Interim No. 08-0001⁶⁴ that asks the following question: **When does an attorney violate Rule 4-400 of the California Rules of Professional Conduct by accepting a gift from a client?** Having once been the recipient of a hideous office

⁶⁴<http://www.calbar.ca.gov/AboutUs/PublicComment/201016.aspx>

rocking chair, I was naturally interested to see what the Committee had to say about gifts.

They posit a hypothetical where a client owns a second home in Molokai, Hawaii. The attorney has helped the client on several matters and mentions to the client that, since the house stands vacant most of the time, she would love to stay there as she normally would not be able to afford that kind of vacation destination. When the representation ends, the client hands the keys to the Molokai house to the attorney, telling her she deserves a vacation and can stay for one week without charge.



Carol Langford

I'm on my way, giant sunglasses and wheelee luggage in tow!

But wait. The Committee found that this *does* violate Rule 4-400 because 1) the lawyer induced the gift by mentioning her desire to stay in the house and 2) it is a substantial gift to the attorney, even if not to the client.

I guess we can safely say that the State Bar does not have the “Aloha Spirit.”

The next opinion is Formal Opinion Interim No. 08-0002⁶⁵ and it is a primer on confidentiality and technology. I suggest that all Contra Costa lawyers access it from the State Bar⁶⁶ site immediately as it will be the standard for all lawyers for protecting sensitive client information. It is too lengthy to go into details, but it does contain an admonition I call the “**Starbucks Coffeehouse Warning.**” It says “*With regard to the use of a public wireless connection, the Committee believes that, due to the lack of security features provided in most public wireless access locations, Attorney risks violating his duties of confidentiality and competence in using the wireless connection at the coffee shop to work on Client’s matter unless he takes appropriate precautions, such as using a combination of file encryption, encryption of wireless transmissions and a personal firewall.*”

A tough message to java lovers everywhere.

Last is Formal Opinion No. 06-0004⁶⁷, which addresses **the question of what an attorney should do when he receives an intriguing e-mail from a non-party about a confidential communication between opposing counsel and opposing counsel’s client.** The text of the e-mail hypothetically reads as follows: “I am an employee of Company X. I wish to remain anonymous. . . . The attached document proves that Company X planned and perpetrated a fraud with the advice and assistance of your opposing counsel, who was retained for that purpose and has been actively involved in the fraudulent scheme. The attached document will prove your case. Read it and see for yourself.”

This is not like the inadvertently received document cases; the e-mail is clearly sent intentionally. The Committee concludes that if the attorney can reasonably conclude that the crime-fraud exception to the attorney-client privilege applies, he can read the e-mail just enough to see if it is privileged or not. If it is clearly not privileged

⁶⁵<http://www.calbar.ca.gov/AboutUs/PublicComment/201001.aspx>

⁶⁶<http://www.calbar.ca.gov/Home.aspx>

⁶⁷<http://www.calbar.ca.gov/AboutUs/PublicComment/201017.aspx>

(like a newspaper clipping) he can use the information. But if he can't make that determination, he has to inform opposing counsel and go to the court.

These Opinions are available to everyone at the State Bar site, so take a look, and have a happy New Year!

- *Carol M. Langford is an attorney in Walnut Creek, California that advises and represents lawyers in attorney conduct matters. She is an adjunct professor at U. C. Berkeley Boalt Hall College of the Law.*

Gil Berkeley: A Career With Purpose

Tuesday, February 1, 2011

CC Lawyer

This month, we spotlight Gil Berkeley⁶⁸. Our readers are likely to know Gil as one of this county's eminent business attorneys, whose practice focuses on counseling privately-held companies on real estate and general business matters and serving as local real estate counsel for national and publicly-held companies. Gil rejoined Morgan Miller Blair⁶⁹ in 2009 after serving as General Counsel to SPI Holdings, a privately held real estate investment and development company. Prior to working for SPI, he was at Morgan Miller Blair as a principal from 1997 – 2006, and was Managing Shareholder from 2003 – 2005. Gil now acts in an "Of Counsel" capacity. He has been recognized as a Northern California "SuperLawyer⁷⁰" in the *Law & Politics* magazine surveys consecutively from 2004 – 2010.

⁶⁸<http://www.mmblaw.com/attorneys.php?&AttorneyID=3§ion=home>

⁶⁹<http://www.mmblaw.com/home.php>

⁷⁰<http://www.superlawyers.com/california-northern/lawyer/Gilbert-C-Berkeley/4a2a5776-0239-4221-833a-cc1d122e1e02.html> ←



Gil and red poppies, Anatolya countryside

Those who know Gil a bit more, know that he is married to Ann and together they have 2 daughters. Gil is also an active Board member and past President of the Diablo Regional Arts Association⁷¹, a member of Stanford Professionals in Real Estate⁷² (SPIRE) and an avid fan of contemporary ballet and dance. However, what we found especially interesting was that Gil has *always* had a dedication to pro bono.

Notably, over the past ten years, Gil has been a Board member of and provided pro bono legal work to the Contra Costa Solano Food Bank⁷³ on an as needed basis. 18 years ago, Gil founded Food From the Bar⁷⁴, the annual CCCBA food drive that has raised over \$ \$820,000 and 53 tons of food for the Food Bank. Like many others at MMB,

⁷¹<http://www.draa.org/>

⁷²<http://www.spirestanford.org/home>

⁷³<http://www.foodbankccs.org/>

⁷⁴<http://www.cccbba.org/attorney/build-your-practice/volunteer-food-from-the-bar.php> ←

Gil has made a profound difference in the lives of the less fortunate by donating his time and money to the lessening of hunger in the Bay Area. With his support, guidance and direction, the Contra Costa County Food bank has gone a long way to fulfill its mission to help reduce food waste, feed hungry people, and raise public awareness of issues related to food and hunger.

18 years ago, Gil founded Food From the Bar⁷⁵, the annual CCCBA food drive that has raised over \$ \$820,000 and 53 tons of food for the Food Bank.

Another fascinating aspect of Gil's career is still being manifested: Gil, like some other attorneys we have spotlighted, has plans not so much to "retire", but instead looks forward to continuing a transition from practicing law in the traditional sense to donating more of his legal talents to worthy causes and nonprofit programs—and doing more and more pro bono legal work during the years to come.

A great example of how this is already occurring happened when he told his sister of his plans. His sister, Connie, recently returned to the Bay Area and had become a board member of Girls Inc.⁷⁶ (a nonprofit organization that offers academic enrichment activities, skill-building programs and counseling services to girls and their families in Alameda County). When Gil's sister heard Gil's plan, she caught on quickly and enlisted his commitment to provide pro bono legal representation to Girls Inc. in its effort to acquire a new facility for its headquarters and operating programs. Gil was not at all surprised. In fact, he explained it in his always modest way, stating, "I am quite sure I can trace where both my sister's and my own inclination towards pro-bono and volunteer work originated: our grandfather and father. They were always involved in the community and growing up we learned that giving back to the community was both a responsibility and a privilege.

⁷⁵<http://www.cccba.org/attorney/build-your-practice/volunteer-food-from-the-bar.php> ←

⁷⁶<http://www.girlsinc-alameda.org/>



Gil Berkeley with Masai children in Kenya

Gil is another great example of how lawyers can not only, “do well by doing good” but also how we all have the opportunity to make a tremendous difference in the lives of those less fortunate. Please join us in thanking him for his years of service and for setting an example of a Career with Purpose.

About our Pro Bono Spotlights:

For those readers who have not yet made their own pro-bono commitment for 2011, there are many ways in which attorneys can assist indigent parties, assist the court in processing its cases and increase access to justice. For further information on how you can become involved, please contact Craig Nevin at cnevin@LawNRS.com⁷⁷.

⁷⁷<mailto:cnevin@LawNRS.com>

Is it worth the “cost” of going green? Why or why not?

Tuesday, February 1, 2011

CC Lawyer

It's worth the cost to do it for real, but certification is pretty silly. In order to be certified as a Green Business, we'd have had to replace our single bottle of glass cleaner with a “green” product, and prevail upon our landlord to switch all the lights to the most modern energy-saving devices and switch the bathroom's faucets for water-saving devices. The building is very new, so the landlord isn't about to replace the light fixtures, and the landlord had to get rid of the water-saving faucets because they had a tendency to run continuously, thus wasting water.

Joshua G. Genser – Genser & Watkins LLP

Not worth it to go green (A's). Infinitely better to go orange and black (Giants).

Richard A. Littorno – Rives & Littorno

Sure. In return for green, I'll discount your bill by 10%.

Merritt Weisinger – Walnut Creek Family Law Center

Depends on how. Reducing the number of paper copies in favor of digital conversion saves paper (and trees), reduces costs, and is simply more efficient.

David M. Lederman – Law Offices of David M. Lederman

The answer depends entirely on how one measures “cost” and money is only one form of measurement. This rapidly leads into a ‘subjective vs. objective’ argument and the answers and justifications for those answers will ultimately reflect only the person making the decision. So, if it's what one wants “go green” for whatever reason, then one will do it regardless of the dollar outlay. Conversely, if one doesn't want to “go green” beyond statutory compliance, then one will find reasons, dollars or otherwise, not to.

If an island state vanishes, is it still a nation? [The Associated Press]

Tuesday, February 1, 2011

CC Lawyer

Fascinating article on the legal and political implications of the devastating effects of climate change on the Marshall Islands. “If climate change drowns an island state beneath the waves,” Charles J. Hanley, AP Special Correspondent, asks, “is it still a country?” Read the full story here. . . ⁷⁸

The Green Building Revolution: Addressing and Managing Legal Risks and Liabilities [Harvard Study]

Tuesday, February 1, 2011

CC Lawyer

A thorough discussion on the benefits and risks of green building, bases for liability, remedies, and recommendations for mitigating legal risks. Download the full study⁷⁹ [pdf] to read more. . .

⁷⁸[http://news.yahoo.com/s/ap/20101206/ap_on_sc/ ↔
climate_disappearing_nations](http://news.yahoo.com/s/ap/20101206/ap_on_sc/↔climate_disappearing_nations)

⁷⁹<http://www.mgkflaw.com/Green%20Building%20Revolution.pdf>

February Classifieds

Tuesday, February 1, 2011

CC Lawyer

Downtown Walnut Creek furnished Office suites

Two furnished offices totaling approx. 250 sq' for lease in our professional and prestigious office suite (\$700 and \$750 respectively or both for \$1,450.00/mo.). Offices have window views, access to receptionist, reception area, kitchen/workroom, copier, internet, large conference room and spacious balcony overlooking downtown. Centrally located close to shopping, dining, and BART. Building is handicap accessible and has lush central courtyard with fountain. Cleaning provided. Contact Jenny Cash at 925-944-3300 or jenny@delahousayelaw.com⁸⁰



Office Interior

⁸⁰<mailto:>



Conference Room



Office Exterior

Professional Announcements

Probate Paralegal to Attorneys

Joanne C. McCarthy. 2204 Concord Blvd. Concord, CA 94520. Call 925.689.9244.

Private Investigator

Bob Bailie Investigations can help to find that witness and confirm facts. Over 30 years of experience. Call 925.934.4904 or email

bailiepi@aol.com for a seasoned professional. Lic. #2328. Get it done right!

Eco Office Signage

Signs for office, building, door and windows by 30-year experienced local sign company — [www. EcoSignworks.com](http://www.EcoSignworks.com) features new eco-friendly materials. Call 925.945.0700.

