

# San Fernando Valley Business Journal

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## Attorneys Adjust Areas of Practice to Serve Clients

By James Hames - 3/3/2008

San Fernando Valley Business Journal Staff

Where technology goes, business opportunities for lawyers follow soon after.

"This is the world today," said David Gurnick, attorney with Lewitt, Hackman, Shapiro, Marshall & Harlan in Encino. Gurnick said emerging technologies are expanding areas of practice for lawyers, which in his office means specifically responding to issues of trademark law, copyright law and property rights law.

"The internet is the incubator of all that activity; it's entirely an intellectual property rights machine," he said.

The potency and impact is spelled out on this week's business pages of the world's newspapers. Citing the Microsoft play for Yahoo!, Gurnick noted how the software giant is willing to pay "billions of dollars for electronic impulses on a hard drive. It's not oil, not cattle, not bricks, not ice cream," he said.

Because of the speed of expanding technology, Gurnick said, "The law is struggling to catch up."

The law of supply and demand is still intact and attorneys in the greater San Fernando Valley area are experiencing growth in various aspects of their practices due to need and opportunity.

Gary Nye, partner at Roxborough Pomerance & Nye in Woodland Hills, said expanding areas of their practice was a natural outgrowth of existing services and the success of the firm allowed them to absorb the risk of contingency-based practices.

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Although the firm continues to focus on their standard insurance practice representing employers and insurers, he said they have expanded into corporate transactional practice including shareholder disputes and corporate governance issues. RP&N has also expanded their class action department serving consumer-related and insurance-related issues.

"In our niche practice, we saw we were able to do more," Nye said, "We thought we could cross-sell large companies into other areas." As a small boutique firm, he said, offering corporate practice was a natural outgrowth of the other services they already provided to their clients.

Nye said the recent "careful" growth of the firm, which coincided with their move to the Valley from the Westside, had made them "confident we had significant cash flow to journey in to contingency."

Likewise, for Stone, Rosenblatt, Cha, adding intellectual property/enter-tainment/media as an

area of practice was an organic growth of opportunity, said partner Ira Rosenblatt.

“We were looking to add that skill set, because there were a lot of synergies with current clients,” he said. “It was better for our hours and better for our clients to stay in-house.”

The expansion was beneficial, but still was laced with surprise.

“It’s working out well, but not in the way it was envisioned. The [writers] strike readjusted the mix of value we got out of that sector, more from the IP (Internet protocol) component than entertainment than I’d have predicted,” Rosenblatt said.

Managing partner Jim Felton at Greenberg & Bass in Encino said it’s an economy-driven phenomenon that is expanding an aspect of their services. As profits get tenuous, companies are less likely to shrug off things that hit them fiscally, he said.

“We’re seeing a lot more interest in employment and trade secret issues,” he said. Based on the three or four cases he’s seen in the office recently, Felton said “With the economy tightening, when business is taken away, it’s now crunching the bottom line.”

“I’m seeing more firms not putting up with it,” he said. They look at the landscape, “see they’ve been treated unfairly and say ‘We’re going to sue and stop it.’”

Not only the economy but technology drives the increase in litigation, said Gurnick.

“It is a direct result of emerging technology, these trade secret issues that result from wholesale e-mailing of confidential information by people to themselves as they’re exiting the company,” he said. It’s a coagulation of four functions of the digital age, Gurnick said: “E-mail technology, server technology, database technology and content transmission technology.”

Trademark law issues erupt accidentally and maliciously, Gurnick said, because of technology advances. Lawsuits will determine boundaries in this uncharted era.

“Litigation will establish what is fair use of a trademark,” he said. “There are fan (web) sites that use a trademark for sincere purposes, compared to those who knowingly exploit a brand, image or trademark in order to attract visitors to their site.

“Lawsuits will establish which use goes too far,” he said.

“I represent a well-known consulting company, working to protect their brand. Fans worldwide, out of loyalty and affection for the firm’s wares are misappropriating the trademark,” Gurnick said.

“We have to politely guide them to limit, modify or clarify the use of our brand,” he said. “That never would have happened five years ago. It’s purely a technological issue.”

Similarly, use of computer databases is an innovation that impacts copyright law.

Gurnick said there is a battleground over content protectability: Is it creative (which would be protectable) or just facts (which is not)?

“There’s an explosion of Internet uses. Owners of images are litigating the use of thumbnails of their images that result from web searches,” he said.

Gurnick described a multi-step process that describes the arc of developing laws. Gaps in the law create the need for litigation. Then judicial rulings create data points by which legislators draft laws after negotiations with special interest groups.

Now, we are in that first stage, he said.

“I don’t hear anything about a bill to amend the copyright law. There is an explosion of litigation, because the rights aren’t clear yet,” Gurnick said.

This period of history is a technological age, but it’s also an aging age. Baby Boomers are getting older and Richard Miller of Wasserman & Miller in Van Nuys notes that there’s an increased need for legal services to the aging population. He dispenses legal advice at senior centers.

“Often with older people they can be apprehensive,” Miller said, finding that “sometimes I just have to tell them they don’t need anything.”

Miller’s practice includes aviation law, a segment of service that has mutated in recent years. He said he’s seen the landscape change away from small two- to four-seaters to be almost entirely replaced by small commuter jets.

“In the ’70s and ’80s, small airplanes and accidents were more common. Now there are fewer small planes at Van Nuys Airport and technology has improved safety,” he said.

The trade has evolved from mechanical mishaps to buying and leasing planes, leasing space, and the occasional runway accident. He has consequently seen an increase in matters surrounding FAA licenses, he said, for pilots and mechanics.

Demand drove expansion of Ray Hassanlou’s practice as a sole practitioner in Sherman Oaks. Hassanlou has seen his family law practice expand, and also has seen his real estate segment grow.

“I didn’t do a lot of those, but I started getting so many calls,” he said. “It seems like everybody is fighting these days.”

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