

2019 OBI CONFERENCE
Long Beach Hilton
October 9, 2019-October 11, 2019
Long Beach, California

TUESDAY OCTOBER 8, 2019

4:00 p.m.-5:00 p.m. Board Meeting (open to membership),
Caribbean Rm., 2nd fl.

6:00 p.m.-7:00 p.m. Conference Attendee Meet and Greet, (location TBD)
Wednesday October 9, 2019:

8:00 a.m. Registration

8:30 a.m.-9:00 a.m. Opening and Welcome: Member and Candidate
Introductions, *Gallery Ballroom, 1st fl.*

Charlie Hummel, Inv. III, State Bar of California, and Melanie Lawrence, Interim Chief Trial Counsel, State Bar of California

9:00 a.m.-10:30 a.m. Worker's Compensation Fraud

Michael Chiriatti, Lead Deputy District Attorney, San Bernardino County District Attorney's Office, Workers' Compensation Fraud Unit.

There are many ways people can run afoul of a state's workers' compensation insurance requirements. It is a crime people fail to obtain workers' compensation insurance when they are required to do so. It is also a crime for workers' compensation insurance claimants to make material misrepresentations during the pendency of their workers' compensation claims. Likewise, it is a crime when employers lie to their employees or their workers' compensation insurance carriers to deny employee benefits or improperly reduce their workers' compensation insurance premiums. Finally, it is a crime for providers and other workers' compensation insurance stakeholders to defraud the entire workers' compensation system by seeking remuneration for services not rendered, referring claimants to providers with the knowledge or reckless disregard of the fact that the provider will commit fraud, or by receiving some type of compensation for a workers' compensation referral.

This presentation will discuss the elements of each of these crimes, specifically regarding attorneys. In addition, the red flags associated with these crimes, as well as the evidence you may expect to find during an investigation, will also be discussed.

10:30 a.m.-10:45 a.m. Break

10:45 am.-11:45 a.m. Road map to Immigration Cases

Angie Esquivel, Senior Trial Counsel, State Bar of California, will discuss attorney performance-based issues, specifically addressing proper jurisdiction (EOIR/USCIS/NVC), types of filings and relevant documents filed with the various forms/applications, asylum, withholding, Convention Against Torture, cancellation of removal for permanent residents & non-permanent residents, special immigrant juvenile status, VAWA, U VISA, family petitions (I-130, I485, 601A/601), and NACARA.

John Sanders, Investigator, EOIR, will provide participants with an overview of the Executive Office for Immigration Review (EOIR) Fraud and Abuse Prevention Program. How EOIR's Fraud and Abuse Prevention Program supports investigation and prosecution of fraud by federal, state, and local law enforcement and/or disciplinary authorities, how EOIR can help state bar investigators, the differences between EOIR and other related agencies (e.g., ICE, HSI), and discuss of cases involving benefit fraud, scams, and the unauthorized practice of law.

11:45 a.m.-1:00 p.m. Lunch, OBI Hosted, *The Loft, 2nd fl.*

1:00 p.m.-2:30 p.m. Attorney Estate & Trust Fraud (Financial Elder Abuse)

Mark Michel, Retired Investigator, California Department of Insurance, will profile several cases where attorneys have been involved in the fraudulent takeover or illegal use of estates and estate funds. The presentation will include information on how the crime occurred, was investigated and prosecuted, how the attorneys were involved (directly or indirectly), and specific information on tools for the investigator. Discussion will include information on elder abuse, client competence, insurance fraud, real estate fraud, forgery, perjury, and networking.

2:30 p.m.-2:45 p.m. Break

2:45 p.m.-4:00 p.m. Round Table Discussions/Breakout Sessions

Topic(s) relating to investigations led by moderator(s) from the State Bar of California.

Thursday October 10, 2019

Election Ballots Distributed

9:00 a.m.-10:30 a.m. Public Records Search

Don Ray is an award-winning investigative journalist, producer and author who has also trained law enforcement investigators, genealogists, private investigators and journalists around the world for more than 30 years. In this age of finding everything online, he's all about dealing with forgotten, but vital resources, specifically source documents and the people who have the power to share them with you. He'll awaken you to the reality that what you find online is only a fraction of the information available in the source documents and their related files. You'll learn how to locate those sources documents, and how to ensure that their keepers want to share them with you today and down the line. His unique and innovative "Interview the Document" exercise will empower you to go light years beyond what you would normally discover. Then, he'll turn you loose on the scores of celebrities' documents that he has included in his workbook, Diggin' Up Gold on the Old Paper Trail;" a workbook for investigatin' folks. You'll want to join him for lunch afterwards to pick his brain some more. Plus, because you are in the class, you'll have lifetime "email or call Don Ray" privileges (exact term depends upon his longevity and yours). This will be a fun and informative session, he promises.

10:30 a.m.-10:45 a.m. Break

10:45 a.m.-12:00 p.m. Public Records Search (Cont.)

12:00-1:30 Lunch (on your own)

1:30 p.m.-2:30 p.m. Respondents Convicted of Domestic Violence

Dana Filkowski, Deputy District Attorney, Contra Costa County, will discuss domestic violence convictions against attorneys and subsequent disciplinary action.

2:30 p.m.-2:45 p.m. Break

2:45 p.m.-3:45 p.m. Moral Character/Reinstatement Cases

Tom Mills, Investigator II, State Bar of California, will lead a group/roundtable discussion concerning Reinstatement and Moral Character cases. Having specialized in handling these investigations for the past 20 years, Tom will open the discussion by briefly sharing his investigative protocols and techniques in these matters, including a discussion of some of the more interesting cases he has handled over the years to help illustrate common themes in these.

3:45 p.m.-4:00 p.m. Break

4:00 p.m.-5:00 p.m. Coping with Attorneys Suffering from Cognitive Decline

Alex Yufik, J.D., Psy D. ABPP Clinical Rehabilitation Coordinator, Lawyer Assistance Program, State Bar of California, will present “Competency and Cognitive Decline in the Legal Profession: Ethical Pitfalls Encountered by Lawyers with Diminished Capacity.” Dr. Yufik will address understanding the effects of aging on the human brain; how substance abuse and mental illness impacts professional capacity; recognizing some of the signs of diminished capacity; practical and ethical considerations for intervention; advice on how to facilitate discussion with the impaired person (or others who can help); and resources and ways to locate assistance in your area.

6:00 p.m.-8:00 p.m. Banquet Dinner, *Catalina Ballroom, 2nd fl.*

Friday October 11, 2019

9:00 a.m.-10:30 a.m. Unauthorized Practice of Law

Gus Hernandez, Supervising Attorney, Anthony Bantiles, Inv. III, State Bar of California, Michael Chavez, Inv. II, State Bar of California and Jim Pangborn, Investigator, State Bar of Georgia, will discuss the definition of UPL, statutes applicable to GA and CA, conducting UPL investigations, non-attorney UPL, common areas of UPL, who is engaging in UPL. There will also be California and Georgia case discussions.

10:30 a.m.-10:45 a.m. Closing Remarks

Charlie Hummel, Inv. III, State Bar of California

Thank you to all of the committee members and all who helped put this conference together. We could not have done it without you. To all of our out of State attendees, safe travels, and thank you for coming!