

# Jeffer Mangels Butler & Marmaro LLP

## Client Service

The firm's marketing partner and I proposed a client survey initiative to the Jeffer Mangels management committee, which was unanimously approved and implemented shortly thereafter.

Although many survey techniques are available, most law firms limit themselves to written surveys to evaluate client satisfaction, identify additional services that clients might expect from the firm, recognize potential cross-selling opportunities, assess partner capabilities, maximize referral sources, and update the firm's client database. And they use written surveys for good reason: Surveys are easily administered, inexpensive, quickly tabulated, reliable, provide valid results, and response rates are quite high. Most importantly, written surveys provide benchmarks that allow progress to be measured two or three years later.

Our goal, though, was to move beyond surveys. While surveys offer significant benefits, other survey methods offer the opportunity to assess client satisfaction face to face, allowing the firm's attorneys to underscore the importance of their relationships, initiate ongoing evaluation of the firm's service delivery system, and promote new services.

To: Management Committee: Rod Berman, Scott Brink, Jim Butler, Bill Capps,  
Joel Deutsch, Bruce Jeffer, Bob Kaplan, Bob Mangels, Marc Marmaro,  
Burton Mitchell, Jeff Reuben, Ben Reznik, Dick Rogan, Rob Steinberg,  
and Mark Verbecken

From: Michael Sherman and Peter Speliopoulos

Date: March 17, 2004

Subject: Proposal for Client Satisfaction Survey Program

### EXECUTIVE SUMMARY

Sustaining and nurturing existing client relationships is good for the bottom line. It is far less expensive to preserve an existing client relationship than to secure a new one. To that end, we are proposing a client satisfaction survey program. While many client satisfaction programs are solely focused on softer, less tangible issues like what matters most to clients and marketplace perceptions about brand and image, our emphasis is on identifying “at risk” relationships and spotting new service opportunities.

We propose using various data-collection methods to achieve our objectives: early warning interviews; new client interviews; client satisfaction online questionnaires; exit interviews; and end-of-matter interviews.

The yearly cost for the program is estimated to be \$2,000.

### TARGET AUDIENCES

#### PRIMARY AUDIENCE

- Existing clients

#### SECONDARY AUDIENCES

- Prospective clients
- Referral sources

## OBJECTIVES

### PRIMARY OBJECTIVE

- To get an early read on client problems or concerns so that substantive action may be taken in response. (Actions will include formal plans to strengthen and foster faltering relationships and, in the worst case, plans to rescue the business.)

### SECONDARY OBJECTIVE

- To nurture and grow relationships with new and existing clients that, according to predetermined guidelines, are regarded as “substantial” or that have been identified as growth opportunities for the Firm.

### TERTIARY OBJECTIVES

- To assess client satisfaction. (“Satisfaction” refers to all of the following: satisfaction with the quality of the legal services rendered; satisfaction with the ongoing business relationship; satisfaction with the price/value ratio of the services rendered; and satisfaction because the services provided meet client expectations.)
- To understand the expectations and requirements of our clients.
- To determine how well the Firm, by comparison to our competitors, is satisfying those expectations and requirements.
- To gather information on client businesses or industries which may reveal new service opportunities.
- To examine service trends and develop service standards and priorities based on our findings.
- To develop mutual client referral opportunities.

## METHODOLOGY

The decision about which market-research methods to employ follows directly from the objectives set forth at the beginning of this proposal. We recommend using multiple data-collection methods in order to accomplish our three levels of objectives because of the distinct nature of each.

The selection of the person who will conduct the surveys is equally dependent upon our objectives. In all cases, our goal is to provide an opportunity for clients to be *completely candid* about their relationships with the Firm. As a result, the responsible attorney should not conduct the interview; instead, we recommend that interviews be conducted by a neutral third party: namely, the marketing director.

We propose five client satisfaction surveying procedures to solicit client feedback: the early warning interview; the new client interview; the client satisfaction questionnaire; the exit interview; and the end-of-matter interview.

#### EARLY WARNING (TELEPHONE INTERVIEW)

**APPROACH:** Telephone interviews (between 10 and 15 minutes in duration) conducted by the marketing director will be employed to accomplish our objective of uncovering problems or concerns before they result in lost business. If problems arise in the course of the discussion, a personal, face-to-face interview will follow, if the client is amenable.

Clients who are selected for the survey will receive a standard, form letter from both Bruce and the responsible attorney describing our objectives, explaining the interview process, and requesting the client's participation. (In some cases, for particularly well-prized clients, Bruce or another appropriate senior partner will telephone the client.) After the interview, clients will receive a thank-you letter from Bruce or the appropriate partner. The communication will respond to any concerns or issues that were raised and a follow-up, face-to-face meeting will be requested, if appropriate.

If any issues are uncovered in the telephone interview, we will follow up with a personal, face-to-face interview, if the client is willing. With a personal interview, we will be able to explore more deeply areas of particular concern, from which we can put together a detailed business recovery plan.

**POPULATION:** We recommend a random sampling from the population of ongoing clients who have been billed over the past year an amount exceeding \$100,000 of legal fees.

**RATIONALE:** Ideally, a personal, face-to-face interview is best. However, the advantage of the telephone interview over the personal interview is the depth of information that can be obtained without taking too much of the client's time or subjecting the client to unnecessary stress. Even without the intimacy of the personal interview, telephone interviews still allow for some well-placed, open-ended questions, though not to the extent allowed in personal, one-on-one interviews.

**TIMING:** Ongoing, throughout the year, at a rate of between five and 10 per month.

**BUDGET:** \$0

## NEW CLIENTS (PERSONAL INTERVIEW)

**APPROACH:** Personal, face-to-face interviews (between 45 and 60 minutes in duration) will be used to address our objective of nurturing new client relationships that offer the potential for substantial growth. A personal interview conducted by the marketing director will allow us to flesh out the full extent of the client's legal needs and the client's desire for added value that we can offer in order to identify opportunities and develop a custom cross-selling initiative.

New clients who are selected for the personal interview will receive a telephone call from Bruce or another appropriate senior partner requesting their participation. After the interview, clients will receive a thank-you letter from Bruce or the partner who initiated the contact.

**POPULATION:** Partners will submit recommendations to the Marketing Committee for consideration or recommendations will be generated by the Marketing Committee together with the originating attorney and/or the appropriate department chairperson.

**RATIONALE:** The personal interview is the best method for obtaining in-depth information about the client; it is the best first step in building a long-term relationship with a client.

**TIMING:** Ongoing, throughout the year, as approved by the Marketing Committee.

**BUDGET:** \$500

## CLIENT SATISFACTION (ONLINE QUESTIONNAIRE)

**APPROACH:** Anonymous, online questionnaires (in confidence, using the Zoomerang online survey service) will be employed to assess overall client satisfaction.

Clients who are selected for the survey will receive a letter from Bruce or another appropriate senior partner (e.g., the applicable department chairperson) explaining the procedure, urging their participation, and guaranteeing their anonymity.

**POPULATION:** We recommend a random sampling of 1,000 active or inactive clients from the population of clients who have been billed in the past five years for legal fees of at least \$50,000 in a 12-month period.

**RATIONALE:** An anonymous, online survey will allow us to gather data on a broad range of marketing-relevant indicators from a large number of people. An online questionnaire is an effective tool for gathering discrete information and lends itself to soliciting impressions on soft indicators like image and reputation. The benefits of an online survey are many. The costs involved in conducting and assembling responses to an online survey are low and the reach is only limited by our own ability to compile the results. In addition, because online surveys guarantee respondent confidentiality, this instrument may provide more honest answers. Finally, response rates for written questionnaires are typically very low, with fewer than 3 percent of recipients, on average, returning their questionnaires. Posting the questionnaire to an easily accessible (but password-protected) Web site will, we hope, increase response rates.

There are downsides, though. Because of the impersonal nature of the online questionnaire, this method does not, in itself, help generate goodwill. The antidote to this is strong, meaningful, public follow-up on suggestions that are received from Zoomerang surveys in order to make the program relevant to client concerns. Furthermore, because online surveys allow respondents to remain anonymous, it will be impossible to respond when a client indicates that he or she is unhappy with some service or aspect of the Firm.

**TIMING:** Every six months, in March and September.

**BUDGET:** \$1,000

#### **EXIT INTERVIEWS (PERSONAL OR TELEPHONE INTERVIEW)**

**APPROACH:** Telephone interviews (between 10 and 15 minutes in duration) or face-to-face interviews, depending upon how comfortable the departing client is with the exit interview process. Departing clients who are selected for the exit interview will receive a letter or telephone call from Bruce or another appropriate senior partner explaining the interview process and requesting participation. After the interview, former clients will receive a thank-you letter from Bruce or the partner who initiated the contact.

**POPULATION:** Our target is those larger (say those that represent 0.5 percent or more of gross fees), profitable, longtime clients, as identified by the originating partner or responsible attorney.

**RATIONALE:** If the Firm loses a client, it would be advantageous for us to schedule an exit interview to determine why the relationship has ended. By meeting with the departing or former client, we have the opportunity to learn what we did right, what we did wrong, how we could have saved the relationship, and if there is anything that can be done to rectify the situation, even at this late stage of the relationship.

TIMING: Ongoing, throughout the year, as determined by the Management Committee or the originating and responsible attorneys.

BUDGET: \$0

#### END-OF-MATTER ASSESSMENTS (PERSONAL INTERVIEW)

APPROACH: Personal, face-to-face interviews (between 45 and 60 minutes in duration) will be used to engender goodwill and nurture client relationships that offer the potential for substantial growth. A personal interview conducted by the marketing director will allow the Firm to flesh out the full extent of the client's legal needs and possibly identify opportunities for custom cross-selling initiatives.

POPULATION: Our target is larger clients, ongoing profitable relationships, and larger matters, as identified by originating partner or responsible attorney.

RATIONALE: The marketing director and responsible attorney will meet with the client in person or over the telephone to conduct a post mortem of the file. We will pose questions structured to determine if we met the client's expectations, how things could have been done better, and what the Firm can do in the future to assist the client, including other projects or legal needs the client might have on the calendar.

TIMING: Ongoing, throughout the year, as determined by the originating and responsible attorneys.

BUDGET: \$500

#### REPORTING THE RESULTS

Equally important to collecting client satisfaction data is making certain that results are appropriately reported and acted upon. Obviously, there is little value in collecting the data in the first place if we do not report our findings to the appropriate audiences. Therefore, client satisfaction results will be disseminated in a timely manner to the Management Committee, Marketing Committee, and the originating and responsible attorneys (with summaries for partners) in order to ensure improvements in client retention.

Most important of all—with the oversight of the Management and Marketing committees—formal action plans will be implemented in order to follow up on client suggestions or to remedy uncertain client relationships.

## IMPLICATIONS

If we take this step—implementing a comprehensive client satisfaction program in which we listen to the voice of our customers, with the attendant time and resource commitments—we are fundamentally affecting the manner in which the Firm institutionally monitors relationships with clients. This is a giant step forward in our existing client-centric culture. What does it mean to be client centric? It is a commitment that every action and decision will be made to maximize client satisfaction, with the ultimate goal of making Jeffer, Mangels, Butler & Marmaro the preferred legal services provider in the markets in which we choose to compete.

This is not just a nice, warm marketing notion. The fact is, it costs substantially more to win a new client than to keep a current client; therefore, the longer we maintain a client relationship, the more profitable that client becomes. The reason that we want to continue a dialogue with our clients is to develop loyalty, ultimately making our services the ones that our clients select when there is a choice.





# JMBM 2004

JMBM | Jeffer Mangels  
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ANNOUNCEMENT

2004

# MESSAGE FROM THE MANAGING PARTNER

To Our Valued Clients and Friends:

By any measure, Jeffer, Mangels, Butler & Marmaro LLP is not a conventional law firm. For nearly 25 years, we have brought a decidedly different approach to the practice of law: a fresh, creative point of view that we are continually refining to deliver ever-superior outcomes for our clients, an example of which is this year's \$560 million win for our client Gary K. Michelson, M.D., which is more fully discussed under "Attorney Achievements" later in this booklet.

An unrelenting commitment to delivering quality and value to our clients is woven deeply into the fabric of our culture and has made us the leader we are today. We proved our staying power, having skillfully and successfully responded to the many shifts in the economy and the marketplace. We kept our focus, met the challenges, and made a difference.

## DELIVERING VALUE

At all times, we strive for even higher performance—for the Firm and our clients. This is our pledge to you. We believe we have the right business model and growth platform to continue delivering first-rate legal counsel at a fair price. Cost-efficiency is not just a theoretical concept with us. Our attorneys work lean and smart across California practice specialties to help clients anticipate and avoid problems, resolve disputes, and achieve their business goals. By listening to our clients and understanding their business objectives, we are able to staff each project efficiently and cost-effectively. Whether a small business in an emerging industry or a diversified multinational corporation, each of our clients represents an important relationship to the Firm, to which we dedicate our best resources, attention, and service.

## ENABLING SUCCESS

Ultimately, our future is linked to the success of our clients. We take this bond very seriously. As a result, we have assembled a diverse and talented group of attorneys. They are the true change agents who rise to the challenge each and every day. Their resiliency and ability to bring about positive outcomes is remarkable.

We are a Firm with a tradition of original thinking, balanced by rigorous discipline. It is a formula that enables us to recognize and capitalize on opportunities that others do not. We are driven by the desire to find better ways to represent our clients to ensure that they continue to grow and prosper.

Warm regards,

Bruce P. Jeffer  
Managing Partner

## A CULTURE OF TEAMWORK AND ACCESSIBILITY

Jeffer, Mangels, Butler & Marmaro LLP is a full-service law firm, structured around operating groups designed to meet the diverse needs of our clients. We are proud to serve the legal needs of major corporations, leading high-technology companies, middle-market companies and startups, venture capital funds, nonprofit academic and charitable institutions, utilities, hospitals and healthcare organizations, trusts and estates, individuals and other entrepreneurs.

Recognizing that client concerns often defy simple categorization, we work through cross-disciplinary, issue-oriented teams to confer legal advice on a wide array of issues and to handle complex transactions, litigation, and regulatory matters. We pride ourselves on providing the highest level of accessibility to our attorneys; therefore, there are no barriers that keep you from talking directly to the partner in charge of your work.

We are proactive and innovative in our approach, yet logical and precise in execution. While you may initially come to the Firm via one practice area, the entire spectrum of our resources is available to you. Our specialized practice groups possess the integrated skills to address any problem, regardless of size or complexity:

- Bankruptcy and Creditor's Rights
- Building Materials
- Construction
- Corporate and Securities
- Entertainment
- Family Office
- Financial Services
- Global Hospitality
- Government, Land Use, Environment and Energy
- Health Care
- Intellectual Property
- International
- Labor and Employment
- Litigation
- Mergers and Acquisitions
- Motor Vehicle
- Project Finance
- Real Estate
- Rental Housing Industry
- Sports Industry
- Taxation, Trusts and Estates
- Technology

Jeffer, Mangels, Butler & Marmaro LLP maintains offices in Los Angeles and San Francisco. We are an active member of Interlaw, an international association of independent law firms, with affiliates in over 120 metropolitan areas across the country and the world. The Interlaw network enhances our ability to serve our clients in markets across the globe.

# SUCCESS COMES FROM HAVING THE RIGHT PLAYERS ON THE TEAM

Jeffer, Mangels, Butler & Marmaro LLP proudly congratulates attorneys who were elected Partner and welcomes new attorneys to the Firm:

## ELECTED PARTNER

### **Brian W. Kasell, Litigation Department, Los Angeles**

Mr. Kasell is a registered patent attorney and has an undergraduate degree in physics. He specializes in patent, trademark, trade secret and unfair competition litigation and has experience in a variety of industries including lasers, computerized telescopes, ophthalmic devices, computer software, computer hardware, and pharmaceuticals, as well as electronic and mechanical devices and softgoods.

### **Alex O. Tamin, Sports Industry and Litigation Departments, Los Angeles**

Mr. Tamin's practice emphasizes sports and complex commercial litigation. He has represented five major league baseball teams in player salary arbitrations and negotiations. He has extensive experience in both state and federal courts, as well as in arbitration and mediated settlements.

## NEW PARTNERS

### **Daniel M. Grigsby, Sports Industry and Corporate Departments, Los Angeles**

Mr. Grigsby has a broad transaction and business practice representing clients in the sports, entertainment, media, technology and intellectual property industries. He is a leading outside counsel to the Los Angeles Lakers, Los Angeles Sparks and other major sports industry clients. Mr. Grigsby also represents important entertainment clients with intellectual property interests including Kevin Costner, Warren Lieberfarb, Sandy Climan and Michael Hammer. In addition to the Lakers, Mr. Grigsby's sports clients include M & T Bank in negotiating their naming rights deal for the Baltimore Ravens' stadium; Proactive Sports Management, which represents a substantial portion of U.S. soccer players in the English Premier League and Mandalay Sports. He has also served as counsel to the Association of Volleyball Professionals, the National Hot Rod Association, the Continental Indoor Soccer League, the International Basketball League and the West Coast Hockey League.

### **Michael J. Yaki, Government, Land Use, Environment and Energy Department, San Francisco**

Mr. Yaki's practice, which draws on more than 15 years of government service and private practice, focuses on all aspects of government-related issues. He has obtained favorable rulings on behalf of his clients before federal, state, and local regulatory, administrative, and elected bodies. Before entering into private practice, Mr. Yaki served as an elected member of the San Francisco Board of Supervisors, as a board member of numerous government entities, and as chief of staff to Congresswoman Nancy Pelosi. Mr.

Yaki has expertise in representing developers, mining companies, manufacturers, energy companies and the telecommunications industry. He has an active practice before the California Public Utilities Commission representing companies such as SBC Communications, Verizon Communications, and Cingular Wireless, among others.

## **NEW OF-COUNSEL**

### **Paul C. Anderson, Government, Land Use, Environment and Energy Department, Los Angeles**

Mr. Anderson has substantial experience handling land use entitlements for all types of development. As the former City Attorney for the Northern California cities of Sausalito, Brentwood, Mill Valley and Benicia, Mr. Anderson has local government expertise as well. He also handles federal and state court litigation, appellate advocacy, redevelopment, subdivision and CEQA permitting work.

### **David R. Daniels, Government, Land Use, Environment and Energy Department, Los Angeles**

Mr. Daniels' practice emphasizes real estate and land use. His areas of expertise include municipal government law, local planning and development, environmental administrative law, public contracting and rent control. Prior to joining the Firm, Mr. Daniels served as primary assistant City Attorney and Planning Commission attorney for a number of cities in Southern California, including Beverly Hills, Rancho Mirage and La Habra Heights. Mr. Daniels has also served as Special Counsel to the cities of West Hollywood, Carson, and Palmdale, and as a Senior Staff Counsel for the city of Santa Monica.

### **Dennis B. Goldstein, Government, Land Use, Environment and Energy Department, San Francisco**

Mr. Goldstein's practice focuses on the mining, aggregate, oil and gas, and geothermal industries. His legal expertise includes exploration, development and reclamation of mineral deposits, related acquisitions, dispositions and financings, the permitting of mines, and the marketing of mining product. Mr. Goldstein, formerly Vice President and Corporate Counsel at Homestake Mining Company, has 30 years of experience in international and domestic mining and related land use and corporate transactions.

## **NEW ASSOCIATES**

### **Barbra Arnold, Labor and Employment Department, Los Angeles**

Ms. Arnold's practice focuses on labor and employment.

### **Jessica C. Bromall, Litigation Department, Los Angeles**

Ms. Bromall's practice concentrates on general commercial litigation.

### **Frank R. Chimienti, Government, Land Use, Environment and Energy Department, Los Angeles**

Mr. Chimienti previously worked in environmental compliance for the wine industry and dealt with such issues as wastewater management and ethanol emissions.

### **Cynthia Cretan, Litigation Department, Los Angeles**

Ms. Cretan's practice concentrates on general commercial litigation.

**Raymond I. Friedman, Real Estate Department, Los Angeles**

Mr. Friedman's practice focuses on the acquisition, disposition, financing, development and leasing of commercial real estate. He has also represented clients in public and private equity offerings, mergers and acquisitions, and bankruptcy cases.

**Kimberly D. Fross, Real Estate Department, Los Angeles**

Ms. Fross's practice focuses on hospitality transactions.

**Travis M. Gemoets, Labor and Employment Department, Los Angeles**

Mr. Gemoets is an experienced trial attorney who represents management in all facets of labor and employment law, including claims of discrimination, harassment, wrongful termination, failure to pay overtime, trade secrets, unfair competition, and workplace violence. Mr. Gemoets advises employers nationwide on these areas as well as on disability and religious accommodation, protected absences, personnel policies and handbooks, employee discipline and discharge, and labor relations. He lectures and consults in these areas and on other employment-related matters. He has appeared before state appellate courts and the Ninth Circuit, United States Court of Appeals. He also has extensive experience with administrative agencies such as the Division of Labor Standard Enforcement, the Department of Fair Employment and Housing, the National Labor Relations Board, and the United States Department of Labor.

**Steven R. Hansen, Intellectual Property Department, Los Angeles**

Mr. Hansen handles all aspects of patent prosecution and counseling, including patentability and infringement studies, reissue and reexamination proceedings, and licensing. Technologies handled have included medical devices, pressure sensitive adhesives, scanning electronic microscopy and air bag cover technology. Mr. Hansen is also experienced in patent and trade secret misappropriation litigation.

**Dara B. Kalish, Real Estate Department, Los Angeles**

Ms. Kalish's practice emphasizes commercial and industrial leasing and real estate sales and acquisitions.

**Zoey Kohn, Litigation Department, Los Angeles**

Ms. Kohn's practice concentrates on general commercial litigation.

**Paul A. Kroeger, Litigation Department, Los Angeles**

Mr. Kroeger's practice concentrates on general commercial litigation.

**David S. Lippman, Entertainment Department, Los Angeles**

Mr. Lippman's practice emphasizes transactional entertainment law. He previously worked in business and legal affairs for Paramount Pictures, where he gained substantial experience in the worldwide distribution and licensing of motion picture product for pay television and video-on-demand. He also has significant intellectual property experience from both a transactional and litigation perspective.

**Laura A. Mundt, Real Estate Department, Los Angeles**

Ms. Mundt's practice focuses on transactional real estate. She is experienced in acquisition, development and leasing, the formation of joint ventures and partnerships, and the creation of fractional and timeshare interests.

**Navid J. Soleymani, Litigation Department, Los Angeles**

Mr. Soleymani offers experience in all aspects of trial preparation for matters involving intellectual property, white collar crime, breach of contract, and business torts.

**Richard J. Sweet, Corporate Department, Los Angeles**

Mr. Sweet's practice focuses on transactional work associated with limited liability companies and corporations.

**Melanie L. Tang, Government, Land Use, Environment, and Energy Department, San Francisco**

Ms. Tang's practice focuses on environmental and land use litigation and compliance matters before administrative agencies, state courts and federal courts.

**Julie R. Tuan, Bankruptcy Department, San Francisco**

Ms. Tuan's practice focuses on creditors' rights, with an emphasis on equipment leasing, asset-based transactions, insolvency, commercial law, and general business and commercial litigation. Ms. Tuan also has experience in corporate and securities transactions.

**Laura K. Zeigler, Taxation, Trusts and Estates Department, Los Angeles**

Ms. Zeigler is engaged in tax planning for individual clients, closely-held businesses, and in the administration of planning for estates and trusts. Her experience includes substantially all aspects of legal matters pertaining to such clients, including living trusts, gift and insurance trusts, sophisticated transfer tax techniques, trust and probate litigation, charitable giving, and exempt organizations. She also specializes in planning and controversy issues relating to U.S. federal taxation.

## **ATTORNEY ACHIEVEMENTS AND RECOGNITION**

Our attorneys continue to distinguish themselves by providing uncompromising excellence in legal counsel and client service. While many of our victories are deliberately kept out of the public's eye, the following is a sampling of some of the more visible achievements by and recognition of our attorneys during the past year:

Los Angeles orthopedic surgeon Gary K. Michelson, M.D., who revolutionized spinal surgery with the invention of threaded spinal fusion implant technology and the methods and instruments by which those devices are implanted, triumphed over Memphis-based medical-device industry heavyweight Medtronic Sofamor Danek, Inc., a subsidiary of Medtronic, Inc., securing a total verdict valued at \$560 million, including \$400 million in punitive damages in litigation involving patent rights, licensing fees and suppression of Dr. Michelson's spinal-fusion implant technology. Litigation partners **Marc Marmaro** and **Stanley M. Gibson** led the litigation team in the three-month long jury trial.

During trial, real estate partner **Martin H. Orlick** settled a complex, multimillion dollar securities fraud and unfair business practices case for 24 Hour Fitness USA, Inc., bringing years of challenging litigation to closure.

Partner **Kerry Shapiro** scored a significant victory on behalf of client CEMEX Inc. in an important Endangered Species Act case. CEMEX had intervened in the action to protect its interests in the Soledad Canyon Sand and Gravel Mining Project, which had been approved by the U.S. Bureau of Land Management.

Partner **Robert M. Steinberg** represented Emulex Corporation, the world's largest developer and supplier of storage networking host bus adapters, in its \$500 million offering of convertible notes, along with partners **Stephen R. Goldstein**, **Nicholas S. Freud**, and **Catherine DeBono Holmes** and associate **Thomas C. Bacon**.



In *Abraham v. Bank of America*, trial lawyer and partner **Robert C. Gebhardt** represented 162 retired garbage men. The ERISA phase of their case settled for \$36 million; this amount constituted the principal and a portion of the interest due on notes that were issued by an ESOP to each retiree. The second phase of the case involved allegations of misfeasance in connection with an indenture, settling for approximately two-thirds of the interest remaining due, or \$8 million.

Inglewood, California Mayor Roosevelt Dorn's libel lawsuit against the *Los Angeles Sentinel* and a staff columnist over alleged defamatory claims linking Mr. Dorn's position on a local ballot measure to build a Wal-Mart Supercenter Store in the city was rejected by a Superior Court judge due to lack of merit. Litigation partner and First Amendment rights expert **Jeffrey K. Riffer** represented the *Sentinel* and the columnist in the defamation case.

Sports industry attorneys **Mark M. Rosenthal** and **Alex O. Tamin** represented the Los Angeles Dodgers in their successful salary arbitration with star closer and 2003 National League Cy Young Award winner, Eric Gagne. The attorneys this year also represented the Anaheim Angels and Cincinnati Reds in arbitrations, handling half of the year's Major League Baseball salary arbitrations.

Intellectual Property Department chair **Rod S. Berman** secured a temporary restraining order and preliminary injunction on behalf of client Bragel International Inc., the developer and distributor of the NuBra brassiere, stopping BR International, gounbra.com, and their principals from distributing any product package with either of the terms NuBra, Un Bra, or any confusingly similar terms, or any package that looks like the NuBra or Un Bra packages.

Represented by trial lawyers **Jeffrey K. Riffer** and **Elizabeth Barrowman Gibson**, a jury found in favor of independent film production company Morgan Creek Productions, awarding the company \$1.4 million for Franchise Pictures' breach of good faith and fair dealing on an earlier settlement agreement. The jury also found in favor of Morgan Creek on its claims that Franchise Pictures was improperly accounting to Morgan Creek Productions on the films "The Whole Nine Yards," starring Bruce Willis and Matthew Perry, and "The Art of War," starring Wesley Snipes.

Litigation Department co-chair **Robert E. Mangels** and senior partner **Susan J. Allison** successfully completed an arbitration between national clothing and accessories brands Cherokee Inc. and Mossimo, Inc., in a case concerning monies owed to Cherokee as a result of Mossimo entering into a finder's fee agreement with Cherokee. Intellectual property partner **Rod S. Berman** negotiated the original finder's fee agreement for Cherokee; it was this agreement that was upheld.

**Robert M. Steinberg** led a team of lawyers including partners **Rod S. Berman**, **Christine L. Lofgren** and **Jeffrey L. Reuben** and associate attorney **Joy M. Choynowska**, representing hair care company Advanced Research Laboratories, which manufactures shampoos, conditioners, styling gels, and other products, in a \$250 million acquisition by German conglomerate Henkel.

Rental housing industry co-chairs **Malcolm C. Weiss** and **David P. Waite**, serving as special counsel to the California Apartment Association, gained court approval of a settlement agreement in the three-year dispute with an environmental consumer group to resolve Proposition 65 claims pending against California apartment owners and management companies.

In a matter tried before the New Motor Vehicle Board in Sacramento on behalf of client Volkswagen of America, partners **Neil C. Erickson** and **Allen S. Resnick** successfully defeated a dealer's protest of the addition of a new Volkswagen dealership in Fresno.

After precedent-breaking litigation, our client United Rock Products Corporation and the city of Irwindale, California reached agreement to extend the life of the Irwindale quarries for 25 years. Team members included partners **William F. Capps, Joel D. Deutsch, Julia J. Rider, and Kenneth A. Ehrlich**, and associates **Joy Choynowska and Navid J. Soleymani**. The transaction is most notable for the creation of a joint powers authority between the city of Irwindale and the Irwindale Reclamation Authority. Under the arrangement, the joint powers authority contributes millions of public dollars to a fund that is set aside for the eventual reclamation and development of United Rock's quarries in the city. It is the first joint powers authority ever created in California for this purpose and resolved a major legal impediment to further mining for our client.

Partner **Robert B. Kaplan** and of counsel **Nicolas De Lancie** represented GMAC Commercial Mortgage Corporation, special servicer to the lender, the holder of a \$60 million loan secured by a Deed of Trust on the Clift Hotel located in San Francisco, California, in a Chapter 11 bankruptcy case filed by the Clift Hotel and in the subsequent negotiations and successful sale of the lender's loan to a third party.

**Rod S. Berman**, chair of the Intellectual Property Department, and partner **Brian W. Kasell** successfully negotiated an agreement settling four patent infringement lawsuits disputing tripod design, telescope alignment, and communications software for computerized telescopes between our client Celestron International, Inc. and Meade Instruments Corporation. Celestron President and CEO Joseph A. Lupica had this to say about Rod Berman: "I wanted to thank you for the manner in which you represented Celestron at the mediation hearing. I was not only very impressed with the manner in which you negotiated with the mediator but the attention you paid to each detail in preparing the settlement agreement. Although this was a very emotional experience, it was comforting to have you by my side looking out for the well being of Celestron. In addition, Brian's technical expertise provided us with a very effective team. In a way, it is sad to realize we have to give up part of our business we have successfully developed over the years, but reflecting back, I don't think it would have been possible to have a better outcome unless we were able to invalidate their patent. Thanks for an outstanding job."

In what she describes as her "most gratifying court appearance ever," partner **Julia J. Rider** completed 14 years of pro bono work for an El Salvadoran man who had sought political asylum in the United States. During his struggle with the INS (now part of the Department of Homeland Security), the man married a U.S. citizen, raised a family, and has kept a good job where he has continued to be promoted. When the court granted the man legal status in the United States and the opportunity to secure a green card, "He cried with joy."

Attorneys from our Los Angeles and San Francisco offices were recognized by their peers in the legal community in the 2004 Super Lawyers lists for Southern California and Northern California:

From Los Angeles: **Joel J. Berman, Robert E. Braun, William F. Capps, Kenneth A. Ehrlich, Louise Ann Fernandez, Barry V. Freeman, Bernard R. Gans, John A. Graham, Daniel M. Grigsby, Mark H. Hess, Bruce P. Jeffer, Robert E. Mangels, Marc Marmaro, and David M. Poitras.**

From San Francisco: **Patricia S. Brody, Nicholas S. Freud, Robert C. Gebhardt, Robert B. Kaplan, Terry J. Mollica, Martin H. Orlick, Richard A. Rogan, Kerry Shapiro, and Paul L. Warner.**

## **PRIVACY POLICY**

Attorneys, like other professionals who advise on personal financial matters, are required by federal law to inform their clients of their policies regarding the privacy of client information. Attorneys have been, and continue to be, bound by professional standards of confidentiality that are even more stringent than those required by federal law.

In the course of providing our clients with certain advice, we may receive nonpublic personal financial information from our clients, their accountants and other representatives, such as financial statements, tax returns and other personal information. All nonpublic personal information that we receive regarding our clients or former clients is held in strict confidence in accordance with our professional obligations and is not released to people outside the Firm, except with your consent or as required by law. We may share certain information with third parties who assist us in providing our services to you (such as administrative and client service functions) or marketing our services, as permitted by law, subject to the obligation of these third parties not to use or disclose such information for any other purpose.

We retain records relating to professional services that we provide so that we are better able to assist you with your professional needs and, in some cases, to comply with professional guidelines. In order to guard your nonpublic personal information from unauthorized disclosure, we maintain physical, electronic and procedural safeguards that comply with our professional standards.

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# GLOBAL HOSPITALITY GROUP®

**JMBM** | Jeffer Mangels  
Butler & Marmaro LLP

*The premier hospitality practice  
in a full-service law firm™*

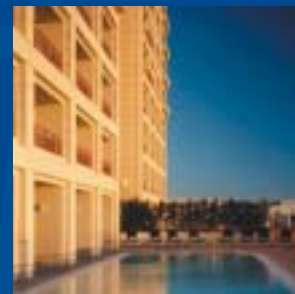


Hotels • Condos • Restaurants • Resorts • Golf • Spas • Mixed-Use Developments • Assisted Living • Stadiums & Arenas • Timeshares • Fractionals



At JMBM's Global Hospitality Group,  
"hospitality" means much more than hotels ...

- Hotels
- Condos
- Restaurants
- Resorts
- Golf
- Spas
- Mixed-Use Developments
- Assisted Living
- Stadiums & Arenas
- Timeshares
- Fractionals





Jeffer Mangels Butler & Marmaro LLP has the premier hospitality practice in a full-service law firm. When you select our Global Hospitality Group® for your project, you are placing your trust in the most experienced legal team in the industry.

We know the hospitality business from every angle, and we focus on creative options and practical solutions. Our expertise ranges from individual properties to billion-dollar portfolios. Some of the world's most sophisticated users of legal services count on JMBM's Global Hospitality Group to handle the full spectrum of legal services.

## GLOBAL REACH & INDUSTRY KNOWLEDGE.

We specialize in representing owners, developers and lenders around the globe—in hundreds of transactions, aggregating more than \$35 billion.

JMBM's Global Hospitality Group is at the leading edge of the hospitality industry's new standard—high-end, mixed-use developments, including luxury hotels and resorts with fractionals, condos, clubs and often other residential, commercial or retail components.

## GATEWAY TO FINANCE.

We are a major gateway of hotel finance — the bridge between providers and consumers of capital. We facilitate the flow of capital with our legal expertise and hospitality industry knowledge.

## THE ABILITY TO GET DEALS DONE.

We are more than just lawyers. Our clients think of us as hospitality consultants and trusted business advisors.

We can help you identify key business goals, assemble the right team, strategize the approach to optimize value—and then get your deal done.



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# THE RIGHT TEAM

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## INDUSTRY KNOWLEDGE

Over the years, JMBM's Global Hospitality Group has developed the largest and most comprehensive hospitality practice in the United States. We know the industry and its unique norms, customs, standards, practices and players. Many of the industry's most prominent and successful decision-makers have turned to JMBM's Global Hospitality Group to handle a broad range of their most important, sensitive and critical transactions.

- Loans, Joint Ventures & Finance
- Purchase & Sale
- Fractionals
- Construction
- Development
- Condos
- Environmental
- Land Use & Entitlements
- Management
- Franchise
- Labor & Employment
- Workout, Bankruptcy & Receivership
- Gaming
- Litigation
- Trademark & Copyright
- Union Matters

How do you gain almost  
two decades of experience  
and \$35 billion of  
transaction experience?

You do it one day at a  
time ... one deal at a time.





**"JMBM works across time zones.  
It is easier to reach our attorneys at  
JMBM than our local lawyers right  
here in Jakarta."**

**The key is finding the right player for each role.**

**The project can be anywhere, as long as you get the  
right team members to guide and execute the process.**

## **GLOBAL REACH AND SCOPE**

Whether your property is in London, Las Vegas, Bali or Mexico City, you want the world's best players on your team. JMBM's Global Hospitality Group can assemble the right team members from around the globe to create optimal value and results for you.

Today, documents zip across the street or around the world at the speed of light ... and Internet negotiations are supplemented by occasional face-to-face meetings for selected aspects of the deal. We may work with a lender from Germany or Japan, a management company from the U.S. or Hong Kong, and a hotel or portfolio located anywhere in the world.

## **PURCHASES & SALES**

What is the best way to market your property? What are the optimal tax and control structures? How do you "win the deal" in a competitive bidding situation? What due diligence issues really are essential? How do you deal with a union that is blocking the assignment of your ground lease? How can you close the deal quickly?

Whether you are a buyer or a seller, and whatever the issues at hand, JMBM can help you evaluate—and resolve—all the factors that could hinder your transaction or affect its value.

We have been there before. We can help you avoid pitfalls and seize opportunities on the road ahead.





# THE KEYSTO

## MANAGEMENT, BRANDING & FRANCHISE

The hotel management agreement is intertwined with virtually every legal and business aspect of your hotel. It is the keystone affecting the most crucial components of your hotel's success, including financing, ownership structure, value and profitability, day-to-day operations and guest perception.

In fact, a management agreement can easily add or subtract 25 percent of the value of the hotel—and often much more! And, a long-term management agreement is difficult to "fix" once it is in place.

JMBM's Global Hospitality Group has negotiated, re-negotiated, litigated and advised on hundreds of management agreements. We have current, state-of-the-art experience in successfully negotiating with virtually every major hotel management company.

We can work with you to develop a list of deal points that you "must have," "want to have" and "would like to have." These may include a host of critical items, such as: performance clauses, termination rights, ramping up management fees, operating and CapEx budget approval rights, preferred returns for owners and subordinated incentive fees for operators.

With JMBM, no one will make a fool of you. Our experience in hundreds of transactions will help you confidently establish what "market" is on management agreement terms. We will help you strike a good deal and a fair one.



**A structural pillar of our hospitality power is our dominant management agreement expertise.**

# NE

**"JMBM wrote the book on negotiating management and franchise agreements. They are the only firm with across-the-board expertise in the complex, multi-faceted hotel business."**

**JMBM's Global Hospitality Group has successfully negotiated with virtually every major hotel management company. Our vast experience helps create value for your project.**

## LABOR & EMPLOYMENT

JMBM formulates winning strategies on labor-management relations, such as union avoidance, collective bargaining, and negotiations of and challenges to union neutrality agreements. We can help you make a difference with industry-specific prevention and preparedness strategies to avoid or minimize costly claims relating to:

- ADA
- Discrimination
- Wage & hour
- Collective bargaining
- Harassment
- Union matters
- WARN Act

**Labor is one of a hospitality property's biggest costs and largest areas of potential liability.**

We defend the industry in litigation and before administrative agencies. Our labor and employment attorneys litigate in all arenas, having handled literally hundreds of jury trials, administrative trials and appeals before the various Circuit Courts around the country.

Because we know the industry, we can quickly get to the heart of the matter, and help resolve it with a practical approach.







DRIVING

# GETTING IT DONE

THE DEAL

## GATEWAY TO HOTEL FINANCE—LOANS, JVs AND OTHER FINANCING

We are a major gateway of hotel finance. We know all the players, regularly represent both users and providers of every kind of capital and we understand their respective “personalities,” standards and needs. We facilitate the flow of capital with our legal skill, hospitality industry knowledge and ability to find the right “fit” for all parts of the capital stack.

Combining our unique hospitality expertise with a long history of commercial and real estate finance experience, we know what it takes to protect the legal and business interests of all parties.

## CONDOS, FRACTIONALS & OTHER MIXED-USE DEVELOPMENT

Mixed-use development can be one of the keys that unlocks value for high-end hotel and resort projects. Condos, fractionals, timeshares, vacation clubs and other compatible hotel components can provide the necessary value to obtain more attractive financing that is essential to a successful project. These complex, high-end projects are setting the standard, and receive preferred financing because they sell out quickly at premium prices and provide a quick return on investment.

We have the industry experience and legal expertise to advise you on your next mixed-use project. We can also help you assemble your hospitality development team, to optimize everything from entitlements, architecture, construction and banking to management, financing and more—from conception through opening and then into ongoing operations.

**"Over the years, JMBM has been through all the business cycles—several times. We trust them with our most complex, high-profile projects."**



**"Hiring JMBM says  
that you know what you are doing,  
and you are serious."**

**The most important part of a hotel deal is driven  
by hotel issues. It just makes sense to have our hotel  
lawyers in the lead legal role of your hotel deal.**

### **WORKOUTS, BANKRUPTCIES, RECEIVERSHIPS & FORECLOSURES**

Troubled assets raise questions. We have answers.

- What makes hospitality assets unique?
- What are the early warning signs?
- How can SNDAs dramatically affect the outcome?
- When do "rents" vs. "accounts" issues still matter?
- Should you insist on a pre-negotiation agreement?
- How do you build an intervention strategy matrix?
- When do you "work out" or "take possession"?
- How do you minimize "cram down" risk?

**We have handled hundreds of workouts,  
bankruptcies, receiverships and foreclosures.**

Clients look to us as strategic advisors to assist in answering these questions and more. We develop the "critical game plan." We help protect the interests of all parties, maximizing creditors' recovery, protecting the owners' assets, reorganizing a viable business and providing asset acquisition strategies for opportunistic buyers.







**When they tell you that something is a "standard practice," we might tell you something different.**

**WE BRING CREDIBILITY TO OUR CLIENTS AND THEIR TRANSACTIONS.**

**For first-time owners and lenders**

We offer practical guidance to help you confront the many new issues presented by the hospitality industry. We won't let you be fooled or misled when a party tells you, "We never do that." Equally important, we can help you ask the right questions or find an alternate solution to accomplish your goal.

**For sophisticated players new to hospitality**

We provide hotel-specific knowledge about what is "market" or "customary." When you want to be aggressive, we know how to play the "edges." Applying creative and unusual approaches, we can help solve sticky problems. We can help you know what a fair deal is and how to get it.

**For the industry veterans**

Our team brings consistency and efficiency to the deal. JMBM extends your capacity, giving you the power to exploit other opportunities and handle crises. We free up your time to handle the things that only you can do.

Whatever the size of your business or your transaction, place your trust in the premier legal team in the hospitality industry. Contact:

**Jim Butler**  
 (310) 201-3526  
 jbutler@jmbm.com



**More than just lawyers ...**



**Loans, Joint Ventures & Finance**

**Purchase & Sale**

**Fractionals**

**Construction**

**Development**

**Condos**

**Environmental**

**Land Use & Entitlements**

**Management**

**Franchise**

**Labor & Employment**

**Workout, Bankruptcy & Receivership**

**Gaming**

**Litigation**

**Trademark & Copyright**

**Union Matters**



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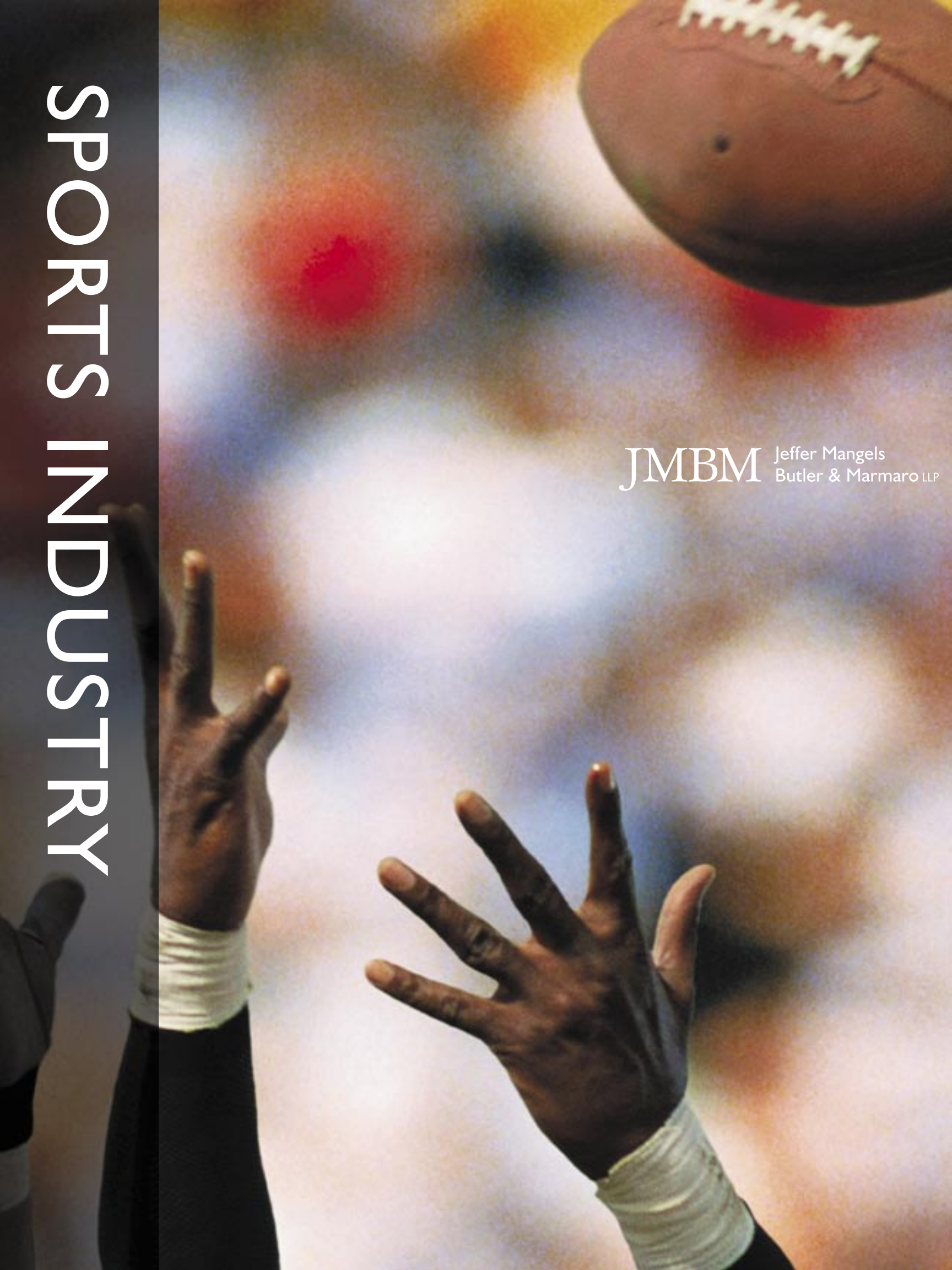
The photos in this brochure depict properties that have been the subject of legal representation by JMBM's Global Hospitality Group over the years.

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# SPORTS INDUSTRY

JMBM Jeffer Mangels  
Butler & Marmaro LLP



OUR ATTORNEYS  
SPECIALIZE IN  
REPRESENTING  
OWNERS, TEAMS,  
LEAGUES, AND  
ORGANIZATIONS, NOT  
ATHLETES OR AGENTS.



WE HAVE OVER 15 YEARS OF EXPERIENCE HANDLING LEGAL ISSUES IN SPORTS AS DIVERSE AS BASEBALL, FOOTBALL, AND BASKETBALL TO MOTORCYCLE RACING AND TRACK-AND-FIELD. IN 2004, WE REPRESENTED THE LOS ANGELES DODGERS IN THEIR SUCCESSFUL ARBITRATION WITH CY YOUNG AWARD WINNING PITCHER, ERIC GAGNE.



We offer over 15 years of experience representing professional sports franchises and organizations in:

- The sale and acquisition of sports teams
- Franchise relocations
- Stadium issues
- Player contracts and grievances
- Salary arbitrations and employment litigation

While we have the west coast's largest management sports practice, our clients include teams and organizations from all over the country. Our lawyers regularly teach and lecture on sports law at legal seminars and law schools including Harvard, Yale, Michigan, Berkeley, and UCLA.

Our years of experience in the sports industry can help you whether you are a prospective new owner trying to deal with the myriad of problems in acquiring a franchise, an existing owner dealing with stadium, player, or spectator issues, or an amateur sports organization trying to minimize potential liability claims. We have found that many issues are common to the unique sports business and our experience in one sport often brings new solutions to problems in other sports.











# Legal Assistance to Prospective New Owners

We can assist prospective new owners with issues concerning the interpretation of league franchise rules and dealing with league officials, overcoming claims from other owners, managing non-relocation provisions in existing leases, erecting new stadiums and dealing with local government officials and citizens groups, and the litigation that often accompanies these issues.

# Legal Assistance to Existing Clubs and Sports Organizations

We have particular expertise in dealing with legal issues concerning athletes and fans, ranging from contract negotiations to arbitrating with athletes to dealing with claims from spectators. We are always proactive, looking for ways to head off problems before they occur. We have found that a well-drafted contract—whether it involves a stadium lease, a broadcast rights agreement that covers use of replacement players if there is a strike, a player contract that prohibits the athletes from engaging in dangerous activities, or a parental release form for minor athletes that accounts for the differing laws in different states—can avoid litigation and substantial legal expenses later.

We can also quickly and inexpensively audit a team's current contracts to make sure that major pitfalls are avoided. We have found that contracts drafted by attorneys with limited sports experience often lead to litigation by failing to cover significant potential problems.



# Illustrative Professional Experience

## **CORPORATE**

- Experienced in all aspects of the sale and acquisition of professional sports teams
- Negotiated media rights, skybox leases, and more than \$100 million of sponsorships and merchandise agreements
- Handled hundreds of player contracts and disputes

## **LITIGATION**

- Achieved 80 percent success rate in representing major league baseball teams in arbitration cases against players
- Won jury defense verdict on behalf of professional sports team in sexual harassment lawsuit

## **ADVICE**

- Provided corporate, intellectual property, tax, and bankruptcy advice to professional teams
- Advised professional teams on how to avoid personal injury claims and draft liability waivers

## JMBM Attorneys' Athletic Experience (Law School Attended)

- Professional hockey player (Harvard)
- Offensive lineman for UCLA Rose Bowl team (Harvard)
- Worked in NFL Player Contracts Section (UCLA)
- All-American place kicker and punter (Harvard)
- Boxed against Marvin Hagler (Harvard)



# Attorney Biographies

**MARK M. ROSENTHAL, CHAIR,  
SPORTS INDUSTRY PRACTICE GROUP**

(310) 201-3547 MRosenthal@jmbm.com  
Mr. Rosenthal has represented professional sports teams for 15 years and currently represents more baseball teams in salary arbitrations than any other attorney in the country. His clients have included the Anaheim Angels, Los Angeles Dodgers, Atlanta Braves, Texas Rangers, Cincinnati Reds, and Colorado Rockies. He has negotiated several hundred baseball player contracts, many of them high-profile deals (including the No. 1 overall selection in the baseball draft). He has been a member of the NHL Board of Contract Advisors and negotiated motocross contracts for the Kawasaki Racing Team. He has represented teams in litigation disputes concerning intellectual property, broadcast rights, and strike-related issues. He has dealt extensively with liability waiver forms and injury claims from athletes, including minors. He teaches sports law and has lectured at numerous conferences and law schools throughout the country.

**ROD S. BERMAN, CHAIR, INTELLECTUAL  
PROPERTY DEPARTMENT**

(310) 201-3517 RBerman@jmbm.com  
Mr. Berman has provided trademark and copyright advice to the Los Angeles Lakers, the Santa Monica Track Club, and a professional roller hockey team. He has also represented professional sports leagues in testifying before the California Senate in connection with patent, trademark, copyright, and trade secret issues. Additionally, Mr. Berman provides patent and trademark advice to an international leader in the cycling and fishing tackle businesses.

**WILLIAM F. CAPPS, CHAIR, CORPORATE  
DEPARTMENT**

(310) 201-3513 WCapps@jmbm.com  
Mr. Capps has represented both sellers and purchasers of professional sports franchises. His knowledge of where money is earned and lost in these negotiations has been especially critical in bringing about positive results for his clients.

**BENJAMIN M. REZNIK, CHAIR,  
GOVERNMENT, LAND USE, ENVIRONMENT  
& ENERGY DEPARTMENT**

(310) 201-3572 BReznik@jmbm.com  
Mr. Reznik has over 25 years of experience representing clients before planning commissions, zoning boards, and state regulatory agencies in land use and environmental matters. He has expertise in guiding projects through all phases of development. In addition, he has extensive political ties throughout California.

**MARK S. WEINSTOCK, PARTNER, REAL  
ESTATE DEPARTMENT**

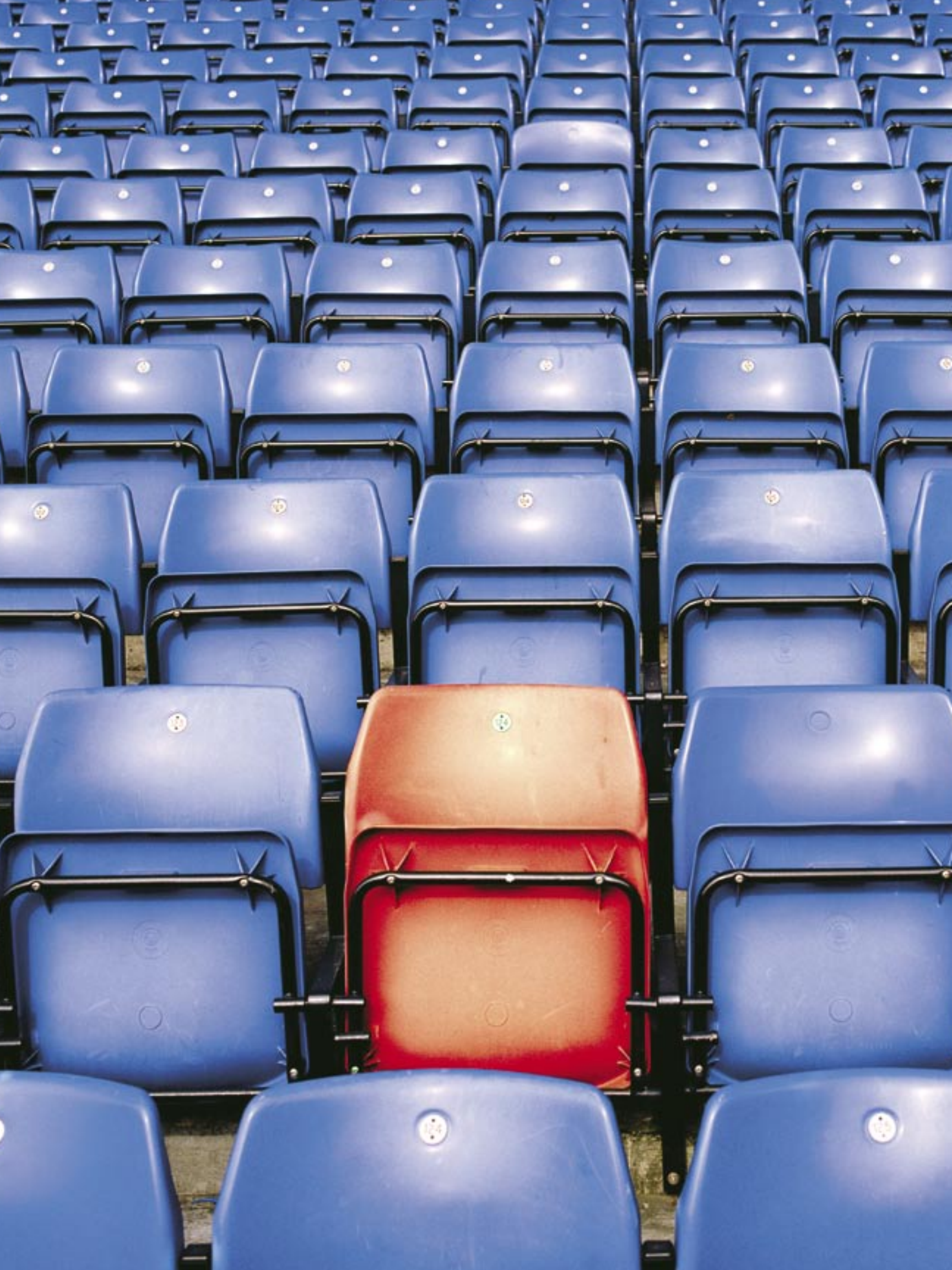
(310) 785-5386 MWeinstock@jmbm.com  
Mr. Weinstock has represented a Los Angeles stadium in drafting retail office leases for stadium tenants. He also has extensive experience in negotiating commercial and retail sales, acquisitions, lease, and development agreements.

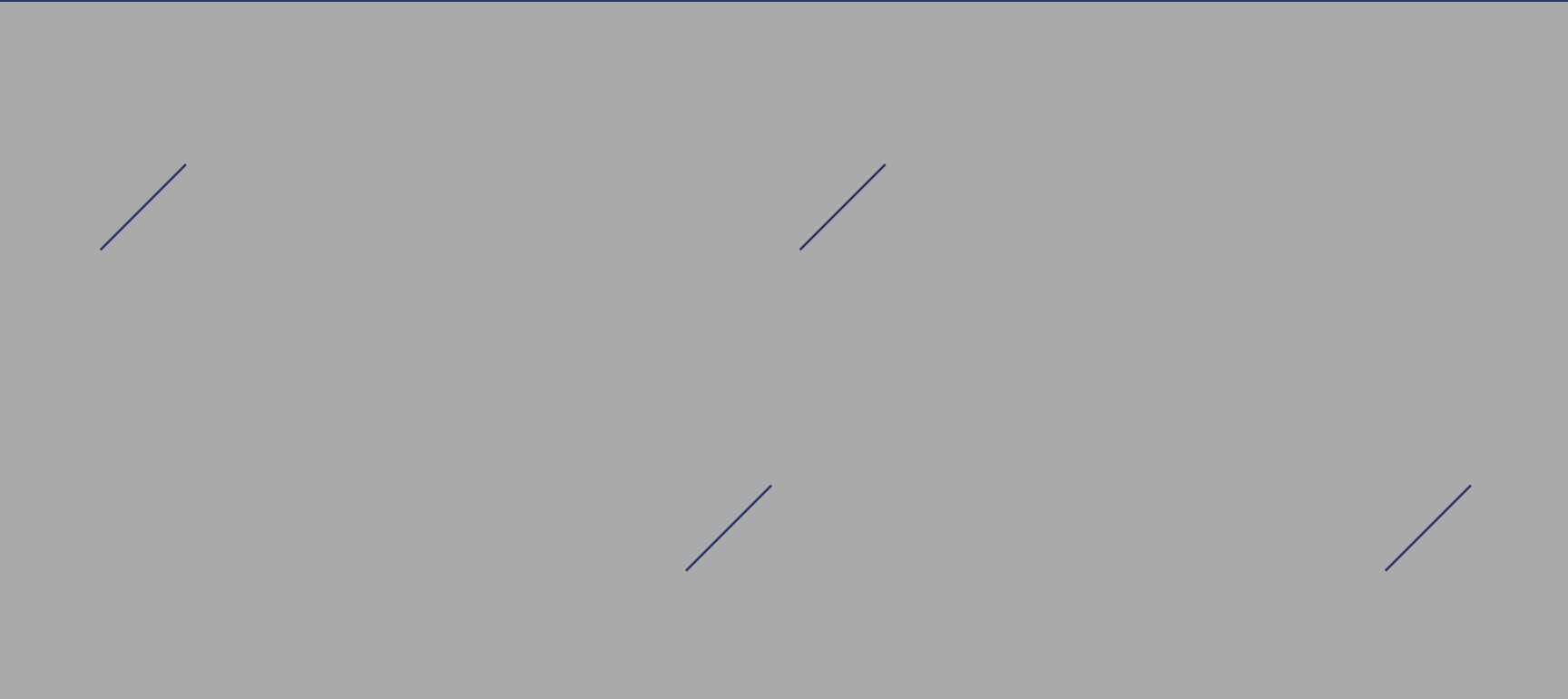
**MICHAEL S. SHERMAN, CHAIR,  
ENTERTAINMENT DEPARTMENT**

(310) 201-3576 MSherman@jmbm.com  
Mr. Sherman has over 25 years of experience negotiating and drafting media rights, merchandise licenses, athlete endorsements, sponsorships, and personal appearance agreements. He also represents one of the leading racing teams in all of motorsports.

**ALEX O. TAMIN, PARTNER, LITIGATION  
DEPARTMENT**

(310) 785-5373 ATamin@jmbm.com  
Mr. Tamin has over five years of experience representing professional sports teams in arbitrations against high-profile athletes. He has also been involved in the negotiation of numerous baseball player contracts.





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