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July 30, 2007

FILE NO.

Court of Appeal
Fourth Appellate District
Division One
Attn: Justice O'Rourke
750 "B" Street Third Floor
San Diego, CA 92101

RE: In Re Marriage of Feldman
Case No. D479546

Dear Justice O'Rourke, Irion and Aaron:

Pursuant to recently amended California Rules of Court, Rule 8.1105, the Association of Certified Family Law Specialists requests publication of the opinion in Case No. D479546, In Re Marriage of Feldman.

The Association of Certified Family Law Specialists (ACFLS) was formed in 1980/1981 with membership limited to Certified Family Law Specialists, certified by the Board of Legal Specialization, California State Bar. All member of ACFLS have undergone the rigorous specialization exam administered by the Board of Legal Specialization, and have applied for membership in ACFLS. ACFLS has approximately 600 members at this time.

The Board of Directors of ACFLS respectfully request that the above opinion be certified for publication, for the following reasons:

1. This opinion is the first opinion construing Family Code § 2107. The opinion held that Family Code § 2107(c) stands alone, and the party is not required to seek a court order under subdivision (a) or (b) prior to the application for sanctions under subdivision (c).
2. The opinion also established new rules of law holding that no harm is required under either Family Code §§ 271 or 2107(c), and further holding that sanctions and fees may be requested during the pendency of litigation, and the parties must not await the end of the case to request

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the same. The court reviewed the holdings In Re: Marriage of Quay (1993) 18 Cal.App.5th 961 and Marriage of Freeman (2005) 132 Cal.App.4th 1.

3. The opinion determines the appropriate standard for appellate review regarding Family Code § 2107(c), holding that the abuse of discretion standard is appropriate. This holding is significant for the trial court, and future appellate decisions.
4. There are very few cases regarding the public policy contained in Family Code § 2100, and the disclosure requirements which are a significant part of all family law matters before the Court. The holdings will be particularly helpful to family law attorneys as they assist their clients in meeting their statutory duty to disclose and for pursuing remedies before the trial court for failure to meet those statutory duties.
5. The continuing duty to augment Declarations of Disclosure pursuant to California Family Code § 2102(a)(1) and the obligations pursuant to California Family Code § 1101(e) have not been previously reviewed by the Court. The review in this opinion will provide guidance for trial counsel, and the Court, and will lead to judicial efficiency and the appropriate and proper disposition of cases before the trial court.

For all of these reasons, the Association of Certified Family Law Specialists requests that the entire opinion be certified for publication as it meets the criteria for publication.

Thank you for your consideration. I remain,

Very truly yours,

HIROSHIMA, JACOBS, ROTH AND LEWIS
A Law Corporation

By 

H. VINCENT JACOBS
President of ACFLS

HVJ:klj
cc ACFLS Board
Honey Amado, Esq.
Stephen Temko, Esq.

1 PROOF OF SERVICE BY MAIL

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3 I am a citizen of the United States and a resident of the County of Sacramento, I am over
4 the age of eighteen years and not a party to the within above-entitled action: my business address
5 is 1420 River Park Drive, Second Floor, Sacramento, CA 95815.

6 On July 30, 2007, I served the within Letter to the Court of Appeal Fourth Appellate
7 District on the parties below in said action by placing a true copy thereof enclosed in a sealed
8 envelope with postage thereon fully prepaid, in the United States post office mail box at
9 Sacramento, California addressed as follows:

10 Honey Amado
11 Attorney at Law
12 261 South Wetherly Drive
13 Beverly Hills, CA 90211

Stephen Temko
Attorney at Law
16250 5th Avenue, #800
San Diego, CA 92101

14 I declare under penalty of perjury, that the foregoing is true and correct.

15 Executed on July 30, 2007, at Sacramento, California.

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18 KRISTIN L. JACKMAN
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