



NEWS RELEASE

Release Number: **S.C. 04/07**

Release Date: **January 29, 2007**

JUDICIAL COUNCIL OF
CALIFORNIA
ADMINISTRATIVE OFFICE
OF THE COURTS
Public Information Office
455 Golden Gate Avenue
San Francisco, CA 94102-3688
www.courtinfo.ca.gov

415-865-7740

Lynn Holton
Public Information Officer

Summary of Cases Accepted During the Week of January 22, 2007

[This news release is issued to inform the public and the press of cases that the Supreme Court has accepted and of their general subject matter. The statement of the issue or issues in each case set out below does not necessarily reflect the view of the court, or define the specific issues that will be addressed by the court.]

#07-07 *Federici v. Gursej Schneider & Co., S147905.* (B183945; 143 Cal.App.4th 606; Los Angeles County Superior Court; PC034883.) Petition for review after the Court of Appeal affirmed the judgment in a civil action. This case includes the following issue: Was an arbitration agreement between an accounting firm and its client unconscionable and unenforceable when it required arbitration of any fee dispute, required that any malpractice claims be asserted in such arbitration as a potential offset of fees owed, provided that the client could not file a court action for malpractice unless all fees were offset by malpractice damages, and made the arbitration findings res judicata in any court action only if favorable to the accounting firm?

#07-08 *People v. Lenix, S148029.* (F048115; nonpublished opinion; Kern County Superior Court; BF100124B.) Petition for review after the Court of Appeal modified and affirmed a judgment of conviction of criminal offenses. The court limited review to the following issue: Must an appellate court perform a comparative juror analysis for the first time on appeal to evaluate the genuineness of the prosecutor's reasons for peremptorily challenging prospective jurors? (See *People v. Avila* (2006) 38 Cal.4th 491, 546; *People v. Guerra* (2006) 37 Cal.4th 1067, 1106.)

#07-09 *People v. Jenkins, S147926.* (C049573; 143 Cal.App.4th 369; Sacramento County Superior Court; 04F07641) Petition for review after the Court of Appeal modified and affirmed a judgment of conviction of

(over)

criminal offenses. The court ordered briefing deferred pending decision in *People v. Izaguirre*, S132980 (#05-117), and *People v. Sloan*, S132605 (#05-125), which concern whether enhancement allegations should be considering in determining whether a lesser offense is necessarily included in a charged offense as pled in the information or indictment.

#