

FREE MONEY!

Rather than strain to explain how the no-free-lunch maxim applies to appellate practice or the law generally, let's just accept it as a general rule of universal application. But is there really some path around this cosmic axiom? You bet.



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EXCEPTIONALLY APPEALING

A monthly column devoted to exploring exceptions to general appellate rules.

Free Money!

Preface. It's the time of year when we would all enjoy just a little bit of extra moolah to spread end-of-the-year holiday cheer. And so this month's column is no joke or hyperbole: Following the steps outlined in this article is likely to actually put money -- honest to goodness American greenbacks -- in your wallet. If you simply can't wait a moment longer to grab some cash, skip below to Getting Your Money. But if you have a sec, please allow me to break the fourth wall and set this up for you properly in a prologue.

Prologue. In the early 1990s I was extremely lucky to have had the opportunity to work with the renowned Gideon Kanner, a law professor, property rights advocate, and appellate lawyer extraordinaire who probably needs no introduction (especially given that his wit and wisdom continue to grace these Daily Journal pages). To get a feel for Gideon, check out volume 24, issue 3, of the Loyola Los Angeles Law Review, containing a series of tribute articles to him from Stanley Mosk, Alex Kozinski, Jerry Uelmen, Ed Lascher, Ellis Horvitz, and Mike Berger. (That's an appellate all-star team, lest you think this column has wavered off track from appellate practice.) *See also* "The Way We Were: California Eminent Domain Then and Now," 47 *The Urban Lawyer* 717, where Gideon traces his practice and path to appellate law, and notes that his work as an appellate lawyer required him to read a lot of trial transcripts, which he described as "an activity not unlike a pathologist performing autopsies," because it "allows you to learn what can go wrong in trial and how to properly apply all those lofty judicial phrases about fairness, justice and indemnity." *Id.* at 718.

So one day, Gideon saunters into the office wearing a jumpsuit emblazoned with an odd-looking patch that says "TANSTAAFL." I took in his outfit with apparent perplexity, wondering, "What's he up to now? Is that Afrikaans?" With obvious delight at my blatant befuddlement, he asks, "Do you know what this means Bubbuleh?" A blank expression trumpets my ignorance, so Gideon gleefully exclaims, "There Ain't No Such Thing As A Free Lunch!" This adage asserts, of course, that a person or society can never get something for nothing. (Although a voracious devourer of early sci-fi, it had been a long time since my last reading of Heinlein's "The Moon is a Harsh Mistress" (1966), in which the TANSTAAFL formulation figures prominently.) As Mike Berger's encomium recounts, TANSTAAFL was something of a catchphrase for Gideon. *See* Berger, "Gideon Kanner: There's No Such Thing as a Free Lunch!" 24 *Loy.L.A.L.R.* 520 (1991).

Edifying historical side note. In case you were wondering, the "free lunch" phrasing refers to the 19th century practice of American saloons offering free food (often over-salted) to patrons buying at least one (often over-priced) drink. One way or another, an eater ends up paying for what might otherwise appear to be a free lunch.

So what's the point? Rather than strain to explain how the no-free-lunch maxim applies to appellate practice or the law generally, let's just accept it as a general rule of universal application. Which it is. But it has particular resonance in economics, and it is financial matters that most concern us here and now, since you've been promised simoleons. And since this column explores exceptions, you should be wondering "Is there really some path around this cosmic axiom? A way to get free money?" And so now, the big reveal: Yes, there is! And Exceptionally Appealing's gift to you this holiday season, loyal reader, is to share this amazing secret with you.

Getting Your Money. Follow these three simple steps to get some free money!

Step 1: Go to the California State Controller's Unclaimed Property Search [webpage](#).

Step 2: Fill in your name; more specifically, a last name and, if you like, first name (or just an initial), middle initial, or city in the appropriate box. Alternatively, click the box for a "Business/Government Search" and enter the name of a company. Be sure to check common misspellings for the name. (Step 21/2: Check the box to confirm that you are "not a robot.")

Step 3: With any luck there will be at least one entry for you. Simply click on the entry and follow the instructions to have a check sent to you.

If these three steps are not clear enough, there's a three-minute [YouTube video](#) demonstrating how to use the system.

This no gag, trick, or come-on. If you've lived in California any appreciable amount of time, the State is probably holding money that belongs to you (or at least someone you know). The money is just waiting to be claimed. Go ahead and look right now. Run your own name and see what pops up. Now try the names of your family and friends (or people you'd like to be friends with). I know that this works because I've been doing it for years, for myself and others. (Many who successfully recover funds at my persistent urging see fit to treat me to a "free lunch." *Hint, hint.*) Footnote: If your name does not pop up, then as a consolation prize, recognize that you have led an exemplary (perhaps exceptional) life, at least, financially.

Wait, what is this money? The state is holding billions of dollars that it is "trying to return to its rightful owners." *See, e.g.,* <https://sd03.senate.ca.gov/unclaimed-property>. This consists of old bank accounts, escrow funds, stock dividends, uncashed checks or gift cards, customer overpayments, utility deposits, wages, insurance benefits or premium refunds, store credits--in short, all kinds of miscellaneous dough. And the state controller

has it for innumerable reasons: Perhaps the source of the funds had an incorrect address. If you really want to know more, you can call Betty T. Yee. It's a lot more fun to find and retrieve the money than to ponder how it ended up in the state's clutches.

Cute. Thanks. But what's the legal angle? You'd think that showing people how to get free money would be enough. But discriminating readers are always interested in the practice-of-law angle. So here are some tips about using this in practice (appellate or otherwise). After you've collected all the money you can for yourself and your friends and relations, try running your law firm's name through the system. That might make your partners happy. Next, check your clients' names. Clients like lawyers who help them get money; they tend not to complain if the money comes from unexpected sources. Another potentially useful side effect is using this website to find addresses. Conversely, if there's an entry for you (or your client) that you choose to ignore -- "It's only a buck fifty, so I won't bother claiming it" -- keep in mind that the entry will stay online, allowing that address to be found. Maybe you don't care; but maybe you do. Celebrities and public officials often don't like their addresses easy to locate.

Conclusion. The unclaimed property game is probably no secret to probate lawyers, who presumably are always digging around for missing funds and heirs. But is this really an appealing exception? Well, if you don't think getting free money is "appealing," then consider yourself extremely exceptional. And if you're annoyed that this month's column isn't appellatey enough, then consider the free money an apology and tune back in next year.

There may also be a nagging doubt in your mind about whether reclaiming this money is accurately characterized as "free money." In one sense, if you didn't know about it yesterday and you get it tomorrow, then that windfall counts as a gain. But in a deeper sense, since it was always your money to begin with, perhaps you're not really coming out ahead. Calling it "free money" is kind of "escheating." So Gideon, of course, was right all along.