

 SONOMA COUNTY BAR ASSOCIATION

# THE BAR JOURNAL



**SPECIAL 2019 DOUBLE ISSUE:  
CAREERS OF DISTINCTION AWARDS  
& FALL BAR JOURNAL**

JOHN R. O'BRIEN

*One of the founders of O'Brien Watters & Davis, LLP*

*&*

KENNETH D. GACK

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## From the Editor: *Where Have You Gone, Mark Twain?*

*"Where have you gone, Joe DiMaggio  
A nation turns its lonely eyes to you."*

—Simon & Garfunkel, 1968

By Malcolm Manwell

The refrain is familiar. A sad and Lost Generation of the 1960s turns its lonely eyes back to a time when the baseball legend helped us forget our angst. The Yankee Clipper could do that.

Today we are not suffering from loneliness. We are suffering from a lack of humor. This all began in the early morning hours of November 9, 2016, perhaps well before. There are a couple of prominent factors.

The first is Donald Trump. Love him or hate him, he's simply dominated the daily news since then. He has a great cartoon image; he Twitters about, and he isn't very polished in his speech. It's easy to see how our media have gone totally off the rails, joined by the likes of Steven Colbert, Trevor Noah, and just about every other Hollywood comedian and actor, providing material for a future sit-com or mini-series, called "Absorbed in Donald."

The second factor is more subtle. It lies in the nature of those who are committed to causes. They don't like to laugh at themselves. Their heroes and their issues are all about the serious business of changing other people. There is no room for amusement among those whose goals are lofty and superior.

But if we can't laugh at ourselves, are we not writing our own sit-com, "Doomed?"

When black humor began to take hold in this country, it let us laugh and helped to bring the races a bit closer together. It's not over, and there is much law and humor till we get to a *just* end. But when we can stop and laugh with each other, instead of excoriating those with whom we disagree, we grow the bonds of affection which are the fabric of society. Two of the best at this in our time were JFK and Ronald Reagan.

If you think only the Right and Donald are supplying humorous material, then you probably missed the 8-year-old Californian's parodies of AOC<sup>1</sup>, or the City of Berkeley's changing the name of our streets' sewer covers from "man holes" to something "gender-neutral." Once again, California leads the nation, this time with some humor.

As much as the law is vital to a society, it won't save us. Humor might. That's why we need a modern Mark Twain to turn our humorless eyes back toward some balance. As we celebrate our October Classic this year, and the quality lawyers and persons we are honoring<sup>2</sup>, let's keep perspective. Here is some:

*"The political and commercial morals of the United States are not merely food for laughter, they are an entire banquet."*<sup>3</sup>

*"The new political gospel: public office is private graft."*<sup>4</sup>

So, laugh. Laugh at yourselves; laugh at your foibles. Laugh *with* those with whom you disagree, as well as *with* those with whom you agree.

Start being a nation that turns its lonely eyes to humor and lighten up. ☺

1. <https://www.youtube.com/watch?v=EiP7IuDAanc>

2. *Honoring Kenneth Gack and John O'Brien.*

3. *Autobiography of Mark Twain, Vol 2: University of California Press, 2013*

4. *More Maxims of Mark, Johnson, 1927*

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Capt. George Castagnola

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## Verbatim

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## Sonoma County Bar Association Welcomes Our New Fall 2019 Members!

**Karin Abramo**, Law Student

**Joey Balistreri**, Law Offices of Irv Piotrkowski

**John Bauman**, Beyers Costin Simon

**Renee Cahoon**, Sonoma County Counsel's Office

**Theresa Cannata**, Law Student

**Stephen-Béla Cooper**, Carle, Mackie, Power & Ross LLP

**Lillian Dutcher**, Law Student

**Jeanie Fidler**, Nancy E. Cooke, Attorney at Law

**Korinne Fincher**, Law Office of James F. DeMartini

**Gina Fortino Dickson**, Law Student

**Genesis Hernandez**, Law Student

**Diane Hotaling**, Fishman & Roybal

**Amber Kennedy**, Sonoma County Counsel's Office

**Danielle Lauber**, Abbey, Weitzenberg, Warren & Emery, P.C.

**Sarah Leon**, Peckham & Daughter

**Rosa Lugo**, Rosa Lugo c/o Empire College

**Jennifer McMillen**, The Law & Mediation Offices  
of Ronald J. Cassells

**Adriana Miramontes**, Law Student

**Sue Ochi**, Walter & Prince LLP

**Noemi Ornelas**, Law Student

**Ali Ostello**, Sonoma County Counsel's Office

**Haley Patrick**, Law Student

**Dodie Peterso**, Friedemann Goldberg Wargo Hess LLP

**Alex Proulx**, Abbey, Weitzenberg, Warren & Emery, P.C.

**Annette Shuaghnessy**, Law Student

**Serena Sumpter**, Law Student

**Molly Sutherland**, Law Student

**Pamela Swanson**, Legal Support

**Jerry Threet**, Law Office of Jerry Threet

**Sara Terkaly**, Bastar & Associates

**Alicia Webb-Keith**, Law Student

**Kristin Williamson**, Law Student

## 7th Annual Court Staff Appreciation Breakfast

The 7th Annual Court Staff Appreciation Breakfast was held on July 16, 2019—the yearly “Thank You” event to fête the court staff for all their hard work throughout the year. At this fondly anticipated tradition, representatives of Sonoma County Bar Association, Sonoma County Bar Association Paralegal and Legal Support Section, Sonoma County Women in Law, and Sonoma County Legal Secretaries Association serve a catered breakfast to staff members and judicial officers of the Sonoma County Superior Court.

A delicious assortment of fresh fruit, muffins, Danish pastries, croissants, bagels and cream cheese, coffee and juice were on offer this year.

Members from each organization were on hand at the Hall of Justice, Civil and Family Law Courthouse, and Juvenile Justice Center to greet each employee and acknowledge their service to not only the legal community, but also pro per litigants and members of the

public seeking assistance and guidance. The legal community is grateful to the women and men of the Court, who work tirelessly in assisting a wide variety of clients, often in highly stressful situations, providing polite, professional and courteous service.

There was a great turnout of 111 court staff in attendance across the three locations.

Thanks go to the staff and volunteers who hosted this year’s event: Carla Hernandez-Castillo, Carla Rodriguez, Lynn Stark-Slater and Amy Winters from Sonoma County Women in Law, Shannon Escobar, Natalie Rosenthal and Susan Sabia from Sonoma County Legal Secretaries Association, Amy Jarvis, Executive Director, and Susan Demers from the Sonoma County Bar Association. ☸

*Caren Parnes*

*Caren Parnes is owner of Enterprising Graphics and works with the SCBA to publish the SCBA Bar Journal and Directory.*



*L to R at JJC: Cindy McElrath, Katherine Adams, Brenda Kraeger, Hon. Kenneth Gness, Misty Aguillon, Lana Crow, Richard (bailiff), Monica Padilla & Joseph Pachorek*

*Photography courtesy of Amy Jarvis*

*At Right: Four Sonoma County legal organizations sponsor this annual “Thank You” to the court staff*



*Below: Yummy spread for the staff at the Hall of Justice*





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## 2019 “A Day at the Fair” Finds New Digs

What has become a favorite SCBA event got a change-up in venue this year when “A Day at the Fair” moved from the tent next to the racetrack to the lovely, enclosed Saralee and Richard’s Barn. The area is both larger and, more importantly, quieter, than the event’s previous home.

On Friday, August 2nd, 76 SCBA members and friends gathered to socialize, enjoy lunch and partake of the usual live auction which raises funds for the SCBA Archive Committee. Guests enjoyed free wine, beer and soft drinks—with the DeMeo wines again generously donated by Judy DeMeo. This year the Fair staff also offered a pay bar for other alcoholic beverages for those so inclined. A yummy buffet lunch of barbeque meats and various side dishes was catered by the Fair.

Guests again were provided tickets for free grandstand seating to enjoy an afternoon of racing after the event if they wished, and the Barn even included monitors to keep an eye on the action.

Rose Zoia, chair of the Archive Committee, was MC of the event and welcomed all to the new digs, then introduced Judy DeMeo, who thanked folks for the continuing support for this event that her husband Jack spearheaded.

This year Michael Shklovsky did the honors as auctioneer, assisted by volunteer runners, Rose Zoia, Gina Stateler-Calhoun and Ruth Ann Williams.

This year’s donated items included: A round of golf at Sonoma Golf Club donated by Tad Shapiro, won by Josh West; a round of golf at Sonoma Golf Club donated by Glen Smith, won by Dan Lanahan; box seats to the races

(6 seats) donated by Judy DeMeo, won by Teresa Norton; box seats to the races (2 seats) donated by Les Perry, won by Bart Weitzenberg; 2 club seat tickets to a Giant’s game donated by Les Perry, won by Kevin Konicek; one month unlimited classes at Tone Fitness donated by Tone Fitness, won by Stephanie Hess; \$250 Gift Card to Cattleman’s Steakhouse donated by John Geary, won by Joe Piasta; one case (split) of wine donated by Judy DeMeo, won by Greg Spaulding; “A Day at the Races” framed photo donated by Terry Bell, won by Laura Rosenthal; Neal’s Yard Face/Body Set donated by Carrie Wong, won by Laney Rooks; and a Lady Justice Statue with courthouse marble (the last piece of marble from the old courthouse that is thought to be available) was donated by Joan Guillaumin and got the high bid of the auction from Brian Purtill for an impressive \$1,200. The total auction proceeds this year were \$4,150.

The festivities closed with the always enjoyable appearance by Pete Estabrook, who provided his annual bugler demonstration. Pete has been a “First Call” Bugler for 33 years, and does most of the First Calls at tracks all over the northern part of the state.

Many thanks to the Archive Committee, volunteers Ruth Ann Williams and Gina Stateler-Calhoun, and the SCBA staff for their hard work in organizing and running this always enjoyable event. 🍷

*By Caren Parnes*

*Caren Parnes, owner of Enterprising Graphics, works with SCBA to produce the Bar Journal and Annual Directory.*



*Great new venue this year was enjoyed by the attendees*



*Attendees review the auction item table, while auctioneer Michael Shklovsky and SCBA Executive Director Amy Jarvis look on*

Photography courtesy of Josh West & Caren Parnes



Julie Levy & Laura Rosenthal



At Left: Archive Committee Chair Rose Zoia encourages bidder Brian Purtil toward the winning bid for Lady Justice

Below: Lady Justice statue



At Left: Judy DeMeo started the afternoon with a few remarks



At Right: Pete Esterbrook demonstrates his "bugling" craft



Josh West's proof that he attended the races after the event



2019 COD honoree Ken Gack, Lynn Weitzenberg, & past COD honoree Bart Weitzenberg



Rose Zoia, chair of the Archive Committee, and the day's MC



Auctioneer Michael Shklovsky



By *Suzanne Babb*  
President, SCBA

## President's Message: COD 2019—The Importance of Keeping the Memories Alive

When you're a kid, you have a diary, right? A solid, hard-back book, with white, lined pages perhaps gilded on their edges with gold. An impressive-to-you brass lock with a miniscule key dangling from it on a thin chain of tiny metal balls, ready to wrap-around and unlock all your secrets. You learned early that you couldn't detach the key from its chain otherwise both it, and your locked-down treasured words, would be forever lost.

Let's face it, at diary age you are lucky if you get through a day without breaking your face. You aren't even entrusted with the spare house-key to use on those days you arrive home from school or basketball practice before your parents get home from work. Instead, it is kept on a giant rubber-chicken key chain on the inner ledge of the window in the shed out back.

And, at diary age, you're still too dumb to be offended by the fact that the flabby plastic chicken is a clear sign of your parents' lack of confidence in you. They picked it because they know it is too large and unwieldy to put it in your pocket. They know its cumbersomeness will cause you to drop it upon entry, or shortly thereafter leave it in the freezer or the dog's water bowl. Even in forming the plan, they already envisioned the part where they would need to retrieve it, with a loud sigh, and hand it to you with the instruction to immediately return it to the ledge in the shed for your next latch-key afternoon.

But the reality is, most of the time, that key with nasty chicken attached will still be in the lock on the door when Mom or Dad arrives home. Because—at diary age—not much is happening in the logic department. You are not tapping into an understanding that because your parents had obviously locked down the home when everyone was gone, that might mean there is an even more compelling reason to secure its contents when you are inside it alone, with all the things.

But, yes, somehow you did know that the tiny diary key stayed there attached to its chain; it had to. And you

twisted it up each time, sprung open the lock, and with pen in hand, you unleashed onto the blank pages of your not-at-all secret book of thoughts, observations, and frustrations.

What happens to diary age? You grow taller. You learn things. You gain common sense and weight. You aren't just able to keep track of your house keys and car keys and the keys to your office, but now you keep track of your own children and their sets of spare keys. You earn degrees and you earn money and you earn respect. But, seemingly, with this development of the frontal lobe, comes the sad loss of diary age.

For the last several weeks, videographer Mike Tunick and I have spent many hours gathering from this community the stories of Ken Gack and John O'Brien for the videos that will tell part of their story at this year's Careers of Distinction event. I can tell you, there is something a little bit special about touching back down with diary age. People have shown up with their notes, excited about the stories they have recalled. But there has also been a wishing—even some lamenting—that they had not recorded more of the tales along the way. They know there were those worthy moments; they just no longer recall all the things that made them laugh, or squirm, or yell, or weep, or hug, “back when.”

Judge Patrick Broderick commented after taping his video segment: “This is important. The older we get, and the more memories fade, we should be capturing moments before they are lost to us.”

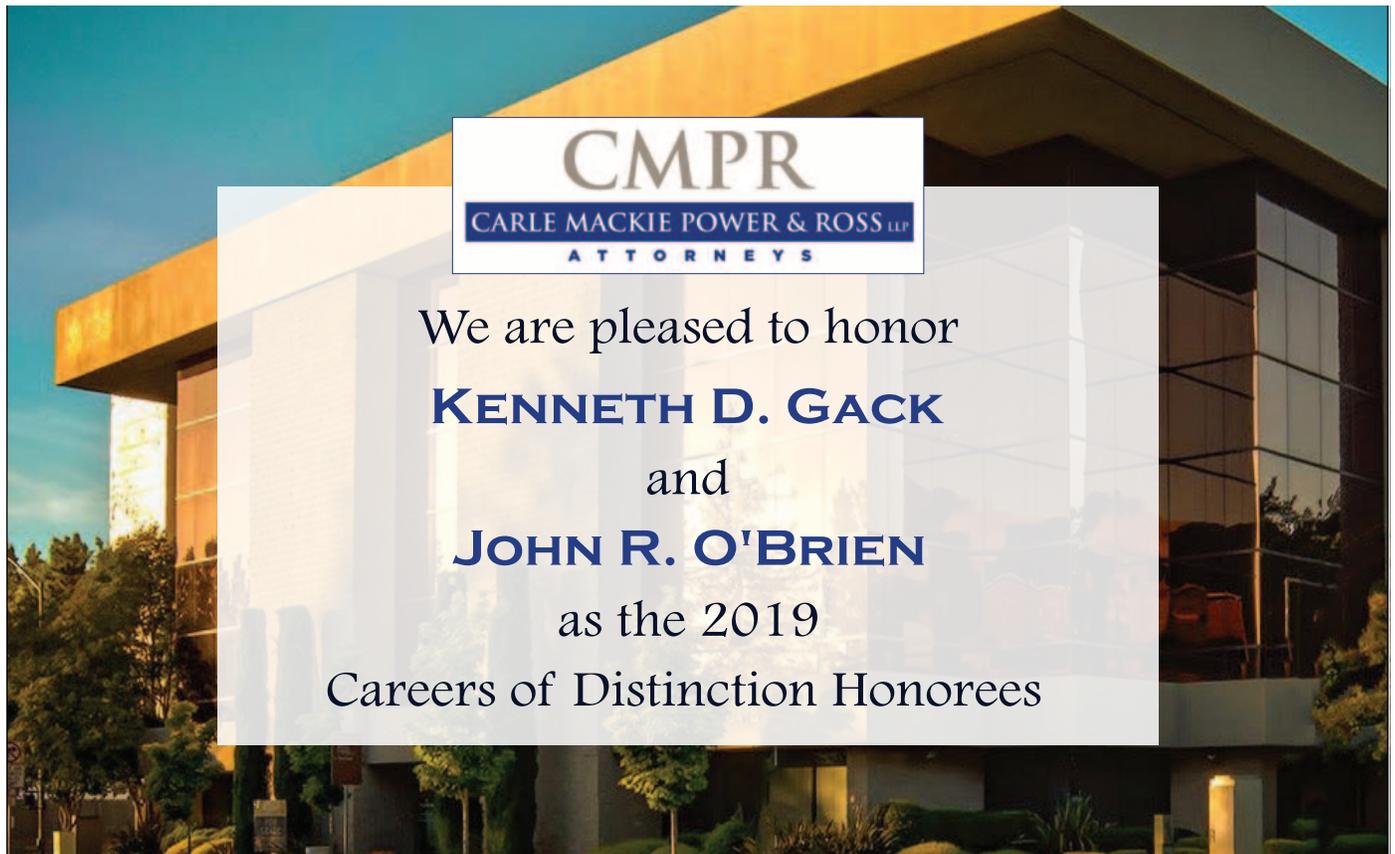
At my firm, we have what is called “the quote board.” It is not actually a board, at all. It is a document that was started over a decade ago. It has been added to when something particularly outrageous or amusing causes one of us to shout out, “quote board!” The keeper of those moments then records that next best moment into the document. We do forget about it for long stretches and neglect to chronicle things. Then something will remind, and suddenly there we are revisiting it, in its entirety. It is a clumsy, busy, jaded, collective, hilarious, grown-up version of diary age. And it is always the best

kind of fun when we go back and unlock it together. We should do it more and better, I am convinced.

This year, the legal community will pay tribute to two men who have taken very different career paths, but who also share something more fundamental which makes them both distinct. To be clear, I am certain that Ken and John have, just like you and me, woken up at times having no idea where they are. They have poked holes through the toe-end of their socks and still worn them; they add too much salt, forget a birthday, and interrupt sometimes (well, maybe not John, on that last one). What distinguishes these individuals is that they, from start to finish, care about and invest in something that is greater than the daily. Their mark is made special because of this. Nothing is clearer to me from chronicling the stories of Ken and John-- through the voices of their community-- that they richly deserve to receive this highest honor. It is not

just about their intellect, skill, pragmatism, and civility, although they both possess these qualities in larger measure than most. It is about the way in which John and Ken have elevated the profession, and have used their success and position as a springboard for doing good, giving back, and showing us all what it means to distinguish oneself, gracefully.

In connection with celebrating John and Ken on October 18th, we will be paying homage to the best parts of diary age. You will see and hear the recorded memories and reflections about them in all their warm, thoughtful, funny, and often surprising, glory. In addition, as a result of the truly wonderful past work of the Bar Association's Archives Committee, another diary age surprise awaits you on October 18th; so wrap that little brass key around it and unlock it. ☞

The image is a promotional graphic for CMPR Attorneys. It features a background photograph of a modern, multi-story office building with large glass windows and a prominent overhang. The sky is a clear, bright blue. Overlaid on the center of the image is a white rectangular box containing the firm's logo and text. The logo consists of the letters "CMPR" in a large, serif font, with "CARLE MACKIE POWER & ROSS LLP" in a smaller, sans-serif font below it, and "ATTORNEYS" in a very small font at the bottom. Below the logo, the text reads: "We are pleased to honor" in a serif font, followed by "KENNETH D. GACK" in a large, bold, blue sans-serif font, then "and" in a smaller serif font, followed by "JOHN R. O'BRIEN" in a large, bold, blue sans-serif font, and finally "as the 2019" in a smaller serif font, and "Careers of Distinction Honorees" in a large, bold, blue sans-serif font at the bottom.

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We are pleased to honor  
**KENNETH D. GACK**  
and  
**JOHN R. O'BRIEN**  
as the 2019  
**Careers of Distinction Honorees**

## Gallery of Careers of Distinction Honorees

1993



Hon. Joseph A. Rattigan

1994



Hon. John H. Moskowitz

1994



Thomas Brownscombe

1994



Francis J. Passalacqua

1995



Hon. Joseph P. Murphy

1995



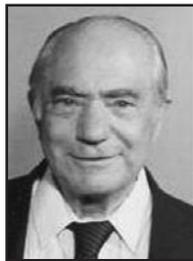
Luda Barham

1995



Charles DeMeo

1995



Nicholas DeMeo

1996



Clarendon Anderson

1996



B. Scott Foster

1996



John Lounibos

1996



Leroy Lounibos

1997



Jack Ryersen

1997



Everett H. Shapiro

1997



John F. "Jack" Shea

1998



Hon. Robert Ball

1998



Dennis Keegan

1998



Carlton W. Spridgen

1999



Hon. Rex Sater

1999



R. Winfield Achor

1999



Annette Lombardi

2000



Michael O'Donnell

2001

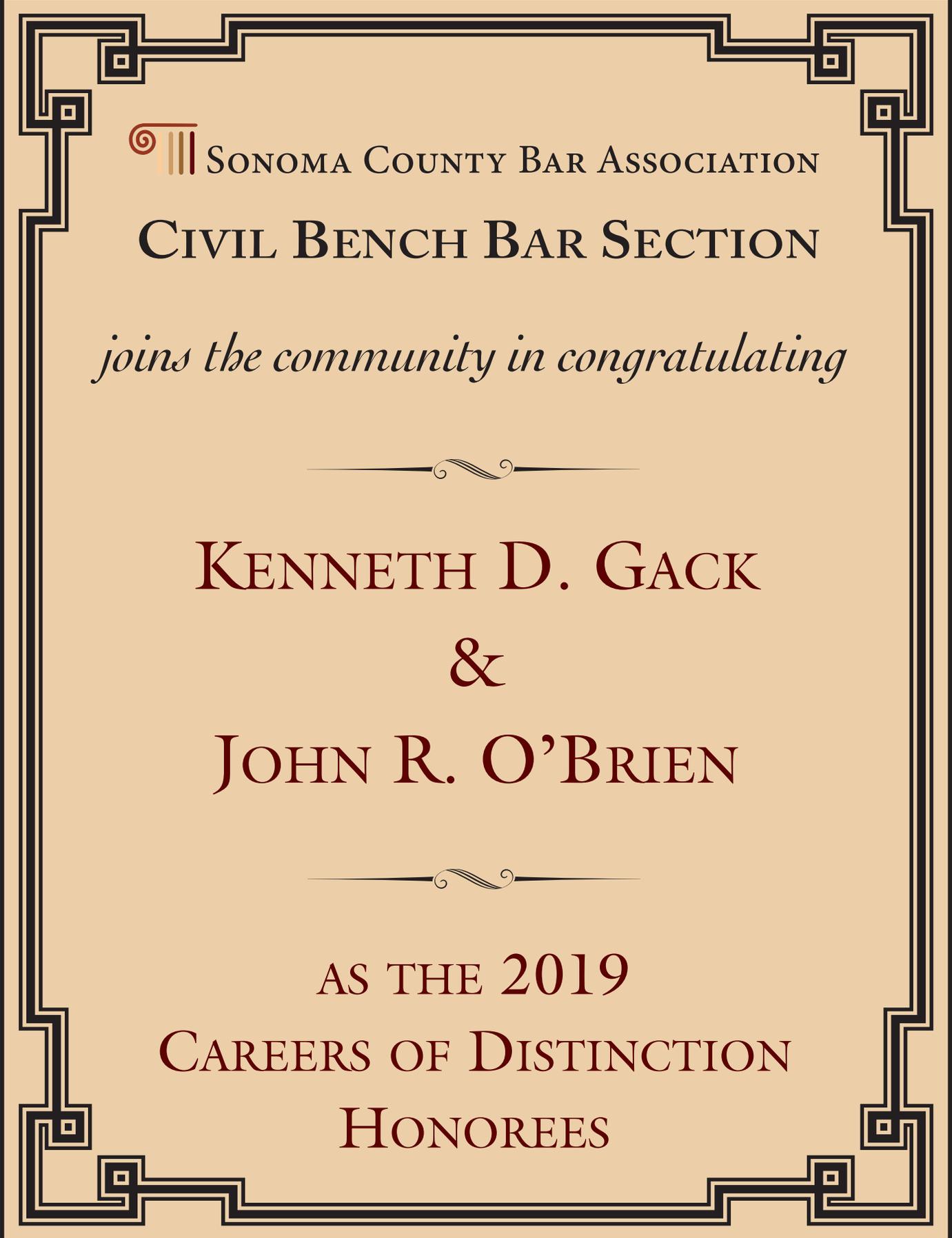


Hon. William Boone

2001



John F. "Jack" DeMeo



 SONOMA COUNTY BAR ASSOCIATION  
CIVIL BENCH BAR SECTION

*joins the community in congratulating*

——  
KENNETH D. GACK  
&  
JOHN R. O'BRIEN

——  
AS THE 2019  
CAREERS OF DISTINCTION  
HONOREES

**CHRIS P. ANDRIAN &  
STEPHEN M. GALLENSON**

ARE PROUD TO HONOR

**Kenneth D. Gack  
& John R. O'Brien**

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—  
  
 & **ANDRIAN & GALLENSON** &

**ZK**  
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 ATTORNEYS AT LAW

IS PROUD TO HONOR

—  
  
**KENNETH D. GACK  
&  
JOHN R. O'BRIEN**

—  
  
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 CAREERS OF DISTINCTION  
 AWARD RECIPIENTS

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GRATTAN & MITCHELL, P.C.**

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—  
  
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& JOHN R. O'BRIEN**

2019 Careers of Distinction  
 Honorees

—  
  
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## Gallery of Careers of Distinction Honorees (cont.)

2002



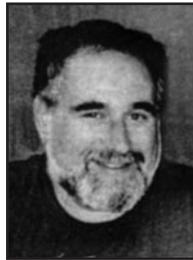
Alfred F. Maggini

2002



James R. Mazzoni, Jr.

2002



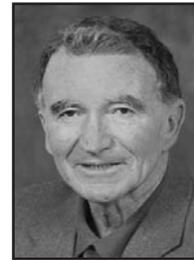
Steven C. Neustadter

2003



Hon. Lloyd von der Mehden

2003



Edwin C. Anderson

2003



Dee Schilling

2004



Hon. Jeanne M. Buckley

2004



Hon. Richard "Dick" Day

2004



William E. Geary

2005



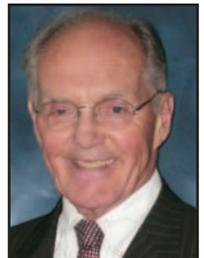
Harvey W. Hoffman

2005



C. Kenneth James

2005



Michael D. Senneff

2006



Robert J. Henry

2006



John A. Klein

2006



Richens L. Wootton

2007



Gregory J. Jacobs

2007



Leroy J. Lounibos, Jr.

2008



Chris Andrian

2008



Thomas R. Kenney

2009



Hon. Dennis Beaman

2009



Hon. William Bettinelli

2009



Larry Scoufos

2010



Clayton E. Clement

2010



Arthur L. Lafranchi

## Gallery of Careers of Distinction Honorees (cont.)

2011



Hon. Gayle C.  
Guynup

2011



L. Stephen Turer

2012



Frederic L.  
Hirschfield

2012



Hon. Laurence K.  
Sawyer

2013



Richard W. Abbey

2013



W. Barton  
Weitzenberg

2013



Patrick W. Emery

2014



Hon. Stephany  
Joy

2014



Les Perry

2014



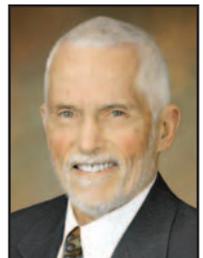
Kirt Zeigler

2015



Christopher  
Costin

2015



David Grabill

2016



J. Michael Mullins

2016



Sondra Jean  
Persons

2017



Willard "Bill"  
A. Carle III

2017



Patrick G.  
Grattan

2018



Hon. Arnold D.  
Rosenfield (Ret.)

2018



Catherine A.  
Conner

2018



Steven C. Mitchell

2019



Kenneth D. Gack

2019



John R. O'Brien

The Attorneys & Staff of



are proud to honor the careers of

**KENNETH D. GACK**

**& JOHN R. O'BRIEN**



Congratulates

**KENNETH D. GACK**

**&**

**JOHN R. O'BRIEN**

2019 Careers of  
Distinction Honorees

Arbitration  
AND Mediation  
Center

Robert Murray  
and the panel of neutrals at AMC

*Congratulate the 2019  
COD Honorees*

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**& JOHN R. O'BRIEN**

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# CAREERS OF DISTINCTION



an event to celebrate the distinguished careers of  
JOHN O'BRIEN and KENNETH GACK

OCTOBER

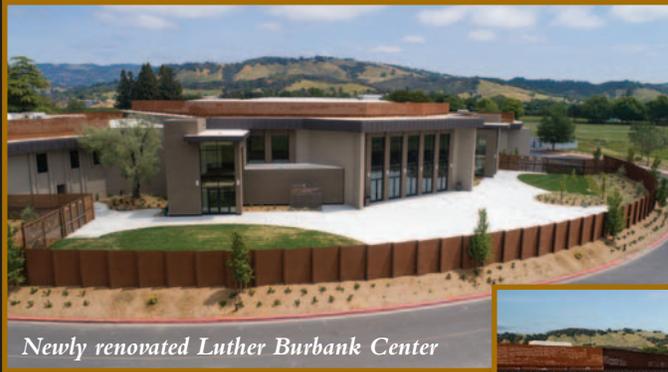
18

5:30 PM

Luther Burbank Center  
50 Mark West Springs Road, Santa Rosa

\*RECEPTION\* DINNER \* CEREMONY \* AFTER-PARTY \*

# Luther Burbank Center New Venue for This Year's COD Award's Ceremony



Newly renovated Luther Burbank Center



Lobby Event Area



"Plaza" Reception Area



**SHAPIRO, GALVIN,  
SHAPIRO & MORAN**

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2019 CAREERS OF DISTINCTION  
AWARD RECIPIENTS

 SONOMA COUNTY BAR ASSOCIATION

**REAL PROPERTY SECTION**

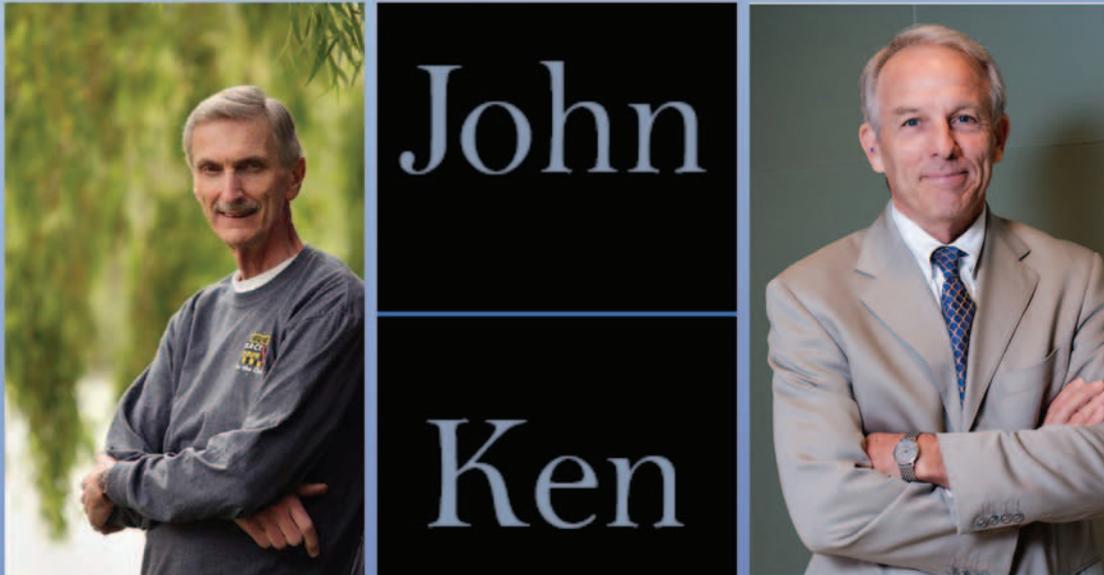
*is pleased to honor*



**KENNETH D. GACK  
& JOHN R. O'BRIEN**



*2019 Careers of Distinction  
Award Recipients*



## BEYERS COSTIN SIMON

*thanks you for your contributions to this community  
and celebrates your truly distinctive careers.*

---

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Congratulate*

**KENNETH D. GACK & JOHN R. O'BRIEN**  
*As the 2019 Career of Distinction Honorees*



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*is pleased to honor*  
**Kenneth D. Gack  
& John R. O'Brien**

*2019 Careers  
of Distinction  
Award Recipients*



*Congratulates*

**Ken Gack  
and  
John O'Brien**

*on their 2019  
Careers of Distinction  
Awards*



**Congratulations  
to JAMS neutral**



**Kenneth  
D. Gack**  
on receiving the  
**SCBA Careers of  
Distinction Award.**

**We also congratulate his fellow honoree,  
John R. O'Brien.**

---

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## Kenneth D. Gack: Keen Insight, Humor and Tenacity Make for a Masterful Mediator

A young college student picks up a volume of Winston Churchill's "The Second World War" and eagerly devours all six volumes of Churchill's memoir and firsthand account of the history, from his prospective, of the struggle between the Allied Powers in Europe against Germany and the Axis. Thus begins Ken Gack's lifetime interest in, and pursuit of, the writings, history, and legacy of Winston Churchill, from searching for obscure writings to visiting sites important to Churchill, to viewing his favorite movies.

When asked how this pursuit has affected his personal and professional life, Ken refers to Churchill's ability to communicate with and relate to world leaders and generals as well as common laborers and brick layers. Ken says he tries to manage his personal and professional relationships in the same egalitarian manner. As a mediator, he is known by attorneys who seek his services, whether representing plaintiffs or defendants, to not show favorites but to treat all participants equally and fairly and to communicate effectively with both lawyers and clients. Long-time friend and client, Tom Kenney comments that: "As a plaintiff's attorney, I have always appreciated the willingness of defense counsel to accept Ken as a mediator because of his balance in the application of the law and the fairness of his mediation style."

Now, at the pinnacle of his career, Ken has a unique ability to easily read a room, allowing him to know when to speak up, sometimes with humor, to break tension and sometimes directly and forcibly as a guide toward resolution. Just as importantly, he knows when silence is the appropriate option. This innate sense of balance creates an atmosphere that allows mediations to progress organically to conclusions.

Defense attorney John Geary has mediated cases with Ken many times. He says: "You can always count on a candid and rational exchange with Ken that maximizes settlement potential. He is a keen, conscientious listener and his ability to move the needle is second to none."

Recognizing that every mediation or arbitration is a learning experience, Ken continues to look forward to each new

case and marvels at the character and strength that so many victims show under difficult situations. As an experienced medical malpractice mediator, he has come to appreciate the difficult decisions that physicians so often must make in profoundly challenging circumstances.

But the path to this point in his career has not been easy. Throughout his career Ken has been blessed with a combination of serendipity and self-confidence.

After graduating from Cal State Dominguez Hills in 1973 with a BA in anthropology, he applied to law school, generally to please his mother. "After rejections from several law schools," he discovered Pepperdine University School of Law. Pepperdine's practical approach of teaching fundamental concepts and legal skills, combined with useful clinical activities fit Ken's personality perfectly, and he thrived in the program. Directly out of law school, he was hired by the Law Offices of Robert L. Charbonneau, a litigation-focused firm in Newport Beach. After two years of high pressure medical malpractice litigation, Ken decided he needed a change of scenery and it was time to take a chance. In 1978, he moved



to Northern California and opened a solo practice in Sebastopol. In 1980, while trying a case against a member of the firm of Spridgen, Barrett, Achor, Luckhardt, Anderson and James, at that time the largest law firm in Sonoma County, the firm was so impressed by his skills that it offered him a position with the firm. That firm dissolved in 1982 and Ken left with Ken James and Rich Freeman to form James, Gack and Freeman, where he practiced for twelve years. Former law partner Rich Freeman comments on how honest and forthright Ken was with clients. He credits Ken's "unique ability to quickly absorb, understand and analyze very complex issues" for his success as a lawyer.

During the latter part of the James, Gack and Freeman years, Ken began doing more and more mediation and arbitration work, and in 1994 he was ready for another substantial challenge, leaving the firm and opening the Law and Mediation Offices of Kenneth Gack in Santa Rosa.

*Continued on next page*

## Kenneth D. Gack (continued from page 21)

Around that time, JAMS (then known as Judicial Arbitration and Mediation Services) was just starting to bring on board mediators who were not retired judges, and once again Ken's reputation and skills as a mediator had been noticed. He was recruited by JAMS, and he again decided to take a chance and made a "huge life-changing decision." In 1996, Ken became one of the first non-judicial neutrals at JAMS. With the reorganization and purchase of the company by neutrals in 1999, Ken became a founding owner of JAMS, served on the Board of Directors, and continues to practice there today.

Ken has been honored by various organizations for his dispute resolution skills. Even though a good part of his practice has been centered in the Santa Rosa area, he has resolved cases throughout California, and in 2004 he received the "Distinguished Mediator of the Year Award" from the San Francisco Trial Lawyers Association. He has also been recognized as a "Top Neutral" by the Daily Journal and an "ADR California Super Lawyer" by San Francisco Magazine.

To Ken, his proudest accomplishment as a lawyer was the successful resolution of a difficult wrongful death claim on behalf of a young widow and her children which resulted in lifetime benefits for his client and her children. Ken still retains in his office the drive-shaft from the subject vehicle. The "small world" aspect of that experience is that the mediator who helped resolve the case was Coley Fannin, Ken's future mentor and partner at JAMS and one of the individuals who helped recruit Ken to JAMS years later. As one of the mentors to whom Ken credits his mediation style, Ken cites Coley's decency, down to earth honesty, and the understanding of the value of levity in appropriate circumstances.

But Ken has not been all business. Besides spending time renovating old cars, he has a passion for "minor-minor league" baseball, not the Sacramento River Cats or the San Jose Giants, but minor-minor league teams where you can park at the gate to the stadium and buy \$3 beers, and he has traveled extensively to visit such teams. He is also a boxing enthusiast, and would someday like to become a boxing judge, but so far the California State Athletic Commission has not accepted his application. With the same tenacity he applies to dispute resolution, he intends to keep trying.

Ken's tenacity as a mediator is obvious when he is trying to

resolve cases, but also runs deep in other areas. His calm and collegial demeanor sometimes yields to his competitive nature. Attorney Max Beach remembers an occasion when, in a pick-up basketball game, Ken set a pick so hard that it broke one of Max's brother's ribs.

Family is all important to Ken. Much of his leisure time over the years has been spent helping, encouraging, and cheering his children's academic and athletic pursuits. He enjoys both baseball and boxing with his wife of 22 years, Holly Rickett, an attorney in the Land Use Practice Group of the Sonoma County Counsel's office. Ken and Holly met while baseball teammates in 1993, and have been married since 1997. Together Ken and Holly have two children, Lily, 20, a senior at U.C. Santa Barbara, and Remington, 16, a junior at Santa Rosa High School. Ken is also the father of two other children, Colin, 42, a chemist who now lives in Santa Rosa, and Vanessa who tragically passed away when she was 28 years old.

Ken is very happy with his life and is pleased that his difficult and challenging career choices have all tended to be positive. He looks forward to continuing on the same path: enjoying his family, enjoying his work, and enjoying his friends, if only the California State Athletic Commission would let him work ringside! ☞

*By Hon. William L. Bettinelli (Ret.)*

*William Bettinelli is a retired Judicial Officer with the Superior Court of Sonoma County. He has been a mediator and arbitrator with JAMS since 1991.*

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2019 Careers of Distinction Awards Recipients

## John R. O'Brien: Guided by Ethics and Service

John R. O'Brien, one of the founding partners of O'Brien Watters & Davis, LLP, recently marked his 50th year practicing law. John's practice included business law, real estate, estate planning, probate, trust administration, business entities, and business sales and acquisitions. He has had an AV® rating from Martindale-Hubbell® for decades, and he is an expert in those fields. Of note, in his 50 years of service as an attorney, there were never any claims against him for malpractice, there was never a complaint filed against him with the State Bar, and there was never a fee arbitration in connection with any of his clients. These are testaments to the high quality of his law practice for five decades and his dedication to treating everyone with fairness, dignity, and respect.

John hails from Omaha, Nebraska. He met his wife, Cheryl, in Omaha while in college. They have enjoyed 52 years of marriage, and they are looking forward to many more. Despite not being able to convince any of them to become lawyers, John is extremely proud of their three daughters and their families: Kerri McDowell, her spouse, Rich McDowell, and their children Brittany (age 19) and Colin (age 17); Laurie Petrolino, her spouse, Sal Petrolino, and their son, Leo (age 8); and Shauna O'Brien, her spouse, Julian Millikan, and their children Maya (age 2) and Jack (new born). In addition to being outstanding mothers, all of his daughters are college graduates and have fabulous careers.

The law was in John's blood—his father was a long-time judge in Omaha. John received a Bachelor of Arts degree in Economics from Creighton University and graduated from the University of California, Hastings College of the Law in the top 5% of his class. He was a member of the Hastings Law Journal, a member of Order of the Coif (top 10% of all law school graduates), and was admitted to the Thurston Society (Hastings' Scholastic Honor Society). Hastings is the oldest law school west of the Mississippi. John was fortunate to have had as law professors many members of the Hastings "65 Club," who were the authors of the leading national law school casebooks.

After law school, John served four years on active duty in the Army as a Captain in the U.S. Army Judge Advocate General Corps, where he defended and prosecuted many

cases. His service to our nation included a tour of duty in Korea. Following military service, John was an associate at the San Francisco law firm of Bancroft, Avery & McAlister.

In 1975, John, Cheryl, and their young family moved to Santa Rosa, and he joined Sonoma County's then oldest and largest law firm Spridgen, Barrett, Achor, Luckhardt, Anderson, James & Zeigler, becoming a partner in 1978. John then struck out on his own in 1981 with Gerald W. Gray, forming a law partnership—Gray & O'Brien.

In 1982, the Hon. Laurence K. Sawyer, now a retired Sonoma County Superior Court Judge, Michael G. Watters, and Daniel E. Davis joined the partnership, and the

firm name became Gray, O'Brien, Sawyer, Watters & Davis. The fledgling law firm grew quickly to be one of the largest and well-known law firms in Sonoma County. John was the Managing Partner of the firm for many years, adeptly leading the law firm and its staff in addition to his busy law practice and volunteer activities.

Along with the founding partners, John practiced with other excellent lawyers at the "O'Brien" firm, including: The Hon. Elaine Rushing (ret., Sonoma County Superior Court Judge), Joseph A. Piasta II,

former State Senator Noreen M. Evans (retired, and former member of Santa Rosa City Council), Kevin J. McCullough, Jan L. Tansil, Hon. Patrick M. Broderick (Sonoma County Superior Court Judge and former Dean of Empire College Law School), Gail F. Flatt, Robert L. Jackson, Hon. Dana Beernink Simonds (Sonoma County Superior Court Judge), Deborah G. Corlett, and Dierdre Taber Kingsbury. He has also worked with a number of associates over the years. John was blessed to have as his right-hand in the practice of law his paralegal, Nina Cooney, ACP, who has worked for John for 31 years.

John has a reputation in the legal community for his competence, reliability, thoroughness, and impeccable ethics. He has a keen sense of fairness and justice, and he treats his clients with great respect, while producing the highest quality work-product. John has always focused on the importance of preventative law for the firm's clients by the proper planning, negotiation and documentation of all client transactions to achieve successful results and to avoid

*Continued on page 27*



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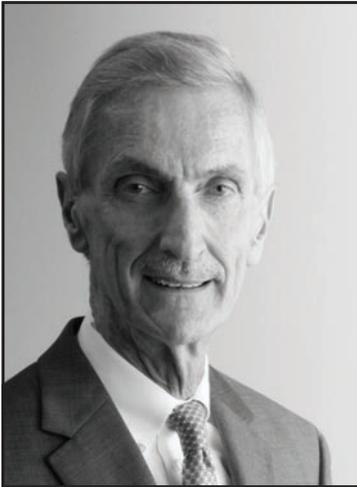
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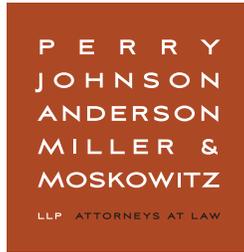
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## John R. O'Brien (continued from page 24)

problems later. Rather than rushing into litigation, John used his extraordinary people and negotiation skills to bring opposing parties together. Providing excellent client service and helping clients achieve their goals have been the highest priorities of his law practice.

John also “walks the talk,” as he is also well-known in the community at large for his unflagging community service. John has always dedicated substantial time and efforts to various community and non-profit activities. For this, he is affectionately referred to by his partners as “Mr. Non-Profit.” He has served on the Boards of Directors of numerous charitable and civic organizations and chaired numerous Boards and committees. He was a long-time member of the Board of Directors of the Community Foundation Sonoma County (President, 1993-1995). He served two terms as President of the Sonoma County Unit of the American Cancer Society (1984-1986) and served on the Legal Advisory Committee of the California Division of the American Cancer Society. He was a member of the Board of Directors of the Santa Rosa Chamber of Commerce for six years (Chairman, 2001). He also served on the Board of Trustees of Santa Rosa Memorial Hospital and on the Board of Directors of Santa Rosa Memorial Hospital Foundation (Chairman, 1999-2001). He served on the Board of Directors of the Santa Rosa Junior College Foundation (2004-2010), on the Board of Directors of the Catholic Professional & Business Breakfast Club (President, 2006-2008) and Holy Spirit Catholic Church Men’s Club (President 1988-1989). The word “service” could be his middle name. Moreover, he has also represented numerous non-profit organizations, including forming non-profit corporations and assisting them to qualify as non-profit organizations with the IRS.

John is well known for being the top individual fundraiser for the Volunteer Center’s annual “Human Race” event for the past 30 years. This past year (which he claims is his last—but, we’ll see), John had his best year ever, raising more than \$30,000, and he exceeded his lifetime goal of raising more than \$510,000 for the American Cancer Society. Many people (judges, attorneys, clients, friends, etc., etc.) are on John’s hit list of recipients (and repeat donors) of John’s annual well-known and humorous Human Race solicitation letters which he mailed yearly to each of his 400+ “closest friends” to ask for financial support of his cause. John’s solicitation letters offered various (and sometimes shameless) incentives for large donations,

and most often reflected John’s keen sense of humor, making himself the butt of his own jokes. As a bonus, John rewarded all donors who gave \$50+ a very valuable autographed photograph of himself at the finish line (another example of his sense of humor)—John believes the complete library collection could be worth something someday. John estimates that he has sent out at least 3,000 autographed photographs of himself to his Human Race donors over the years (he claims there is a huge exhibit of them at the local land fill). If he didn’t get a quick response, he would send his second plea, or even a third. He was as relentless as he was passionate. Finally, he made sure that every donor received a thank you letter. John personally signed each and every one of the thousands of letters and photographs that he sent out over the years. The Volunteer Center has recently honored John with an award for his individual efforts, and they announced that they have named their annual Top Fundraiser Award after him.

John is a recipient of the “Brass Rose” and the “Spirit of Santa Rosa” awards from the Santa Rosa Chamber of Commerce, the “Outstanding Board Member Award” from the Community Foundation of Sonoma County, a “Lifetime Achievement Award” from the American Cancer Society, the “James B. & Billie Keegan Leadership Award” in 2010 from Santa Rosa Memorial Hospital Foundation for his outstanding public service and the “Man of the Year” Award from Holy Spirit Church.

In his retirement, when he is not traveling with his wife, Cheryl, John enjoys spending time with his growing family and continues to volunteer weekly at Catholic Charities, in the Shaw Center for Memory Care, as a volunteer care giver and also as a volunteer driver for seniors needing transportation.

It is an understatement to say that John is a wonderful family man, an outstanding lawyer, a great law partner, a good and valued friend, and one decent human being! The world is a better place because of him. ☸

*By Michael G. Watters, Esq. & Nina B. Cooney, ACP*

*Michael Watters is the managing partner at O'Brien Watters & Davis LLP in Santa Rosa. He is a trial attorney with extensive litigation and family law experience.*

*Nina Cooney is John O'Brien's long-time certified paralegal. She has worked at O'Brien Watters & Davis, LLP for 31 years in the areas of real estate, business entities, trust administration and probate.*



*Congratulations to the  
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Empire College School of Law's 2019 Moot Court Team traveled to the annual competition with the 2018 winner's trophy in tow, hoping to bring it back to the North Bay. After an impressive performance on the first day advocating for the appellant against the team from UC Berkeley, team members Richard Horrell, Natalie Albanna, and Eric Smith advanced to the final round to face off once again with Boalt. Team member Eric Smith was recognized as one of the top five oralists in the competition.

This was the 14<sup>th</sup> year since 2000 that Empire College School of Law teams have placed at the state's oldest and largest moot court tournament.

**Congratulations to the team and their coach, Professor Constance Burnnett,**  
who was recently named the top four-year college educator  
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## Hon. Arthur A. Wick Temporarily Assigned to the First District Court of Appeal

On August 1, 2019, The Sonoma County Superior Court announced that Judge Arthur A. Wick was temporarily assigned by Chief Justice Tani Cantil-Sakauye to the First District Court of Appeal as a justice of Division Three. The term of the assignment was August 5, 2019 through October 3, 2019.

The Hon. Arthur A. Wick is currently a judge for the Superior Court of Sonoma County in California. He was appointed to the bench by former Governor Arnold Schwarzenegger in 2006, filling a vacancy created by the retirement of the Hon. Robert Dale.

Judge Wick earned a B.S. from California State University, Long Beach in 1976. He then completed his J.D. from Northrop University School of Law in 1980.

Prior to his appointment to the bench, Judge Wick served as a senior associate and general counsel with School and College Legal Services, an organization dedicated to providing legal services to various school districts in Sonoma County and throughout the State of California. Before that, he worked as a partner and an associate in two rival sector law firms.

Judge Wick successfully spearheaded the campaign to incorporate Windsor, California in 1992. He was also instrumental in the campaigns to institutionalize the Windsor Unified School District and to pass the nearly \$30 million bond for the construction of the Windsor High School.<sup>1</sup>

1. Biographical information taken from [trellis.law](https://trellis.law/judge/arthur.a.wick)  
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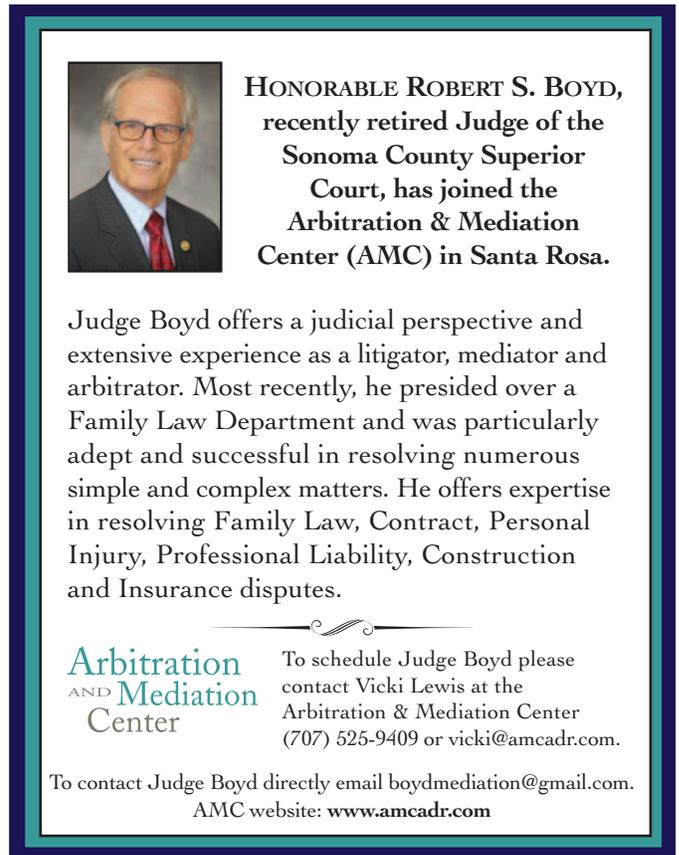


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recently retired Judge of the  
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Judge Boyd offers a judicial perspective and extensive experience as a litigator, mediator and arbitrator. Most recently, he presided over a Family Law Department and was particularly adept and successful in resolving numerous simple and complex matters. He offers expertise in resolving Family Law, Contract, Personal Injury, Professional Liability, Construction and Insurance disputes.

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To schedule Judge Boyd please contact Vicki Lewis at the Arbitration & Mediation Center (707) 525-9409 or [vicki@amcadr.com](mailto:vicki@amcadr.com).

To contact Judge Boyd directly email [boydmediation@gmail.com](mailto:boydmediation@gmail.com).  
AMC website: [www.amcadr.com](http://www.amcadr.com)

## 2019 Upcoming Schedule of Seminars & Events

DATE	PROGRAM & PRESENTER(S)	WHERE
10/18/19	<i>Careers of Distinction Awards Dinner</i>	Luther Burbank Center
10/28/19	<i>Rules of Civil Procedure—Subpoenas</i> Speakers: Jack Sanford, Ahmad Zeki (from Ontellus)	SCBA Office
10/30/19	<i>Sexual Harassment Training Requirements for California Employers under SB 1343 and Related Issues in the Workplace</i> Speakers: Kari Brown, Angela Clements	SCBA Office
11/06/19	<i>Friendly Persuasion: Mediator Influence, Mediator Manipulation, or Mediator Coercion</i> Speakers: Dana Curtis, Larry Mills	SCBA Office
11/15/19– 11/16/19	<i>Two-Day Seminar: The Family Law Trial—Start to Finish</i> For list of speakers, visit <a href="http://www.sonomacountybar.org">www.sonomacountybar.org</a>	Steele Lane Community Center
11/21/19	<i>After the Fire: Helping Homeowners Pursue Construction Defect Claims</i> Speaker: David Berry	SCBA Office
12/03/19	<i>Pro Bono Awards Ceremony &amp; Reception</i>	Glaser Center
12/06/19	<i>Mortgage Financing Strategies in Divorce</i> Speakers: Jason Crowley, CFA, CFP, CDFA; Ross Garcia, CDLP	SCBA Office
12/11/19	<i>Employer Practices and Obligations: Safety in the Work Place in the wake of Mass Violence</i> Speakers: Lisa Baiocchi, TBD	SCBA Office
12/12/19	<i>Holiday Mixer</i>	SCBA Office

## SCBA “Movers & Shakers”

If you have new information about yourself or any other SCBA member, please send to **SCBA “Movers & Shakers”** at [info@sonomacountybar.org](mailto:info@sonomacountybar.org). Include position changes, awards, recognitions, promotions, appointments, office moves, or anything else newsworthy. If your firm sends out notices to the media, please add [info@sonomacountybar.org](mailto:info@sonomacountybar.org) to the distribution list.

**Barry Adams** moved his office to 532 Mendocino Ave., #104 here in Santa Rosa... **Pamela Richardson Stevens** has joined Spaulding McCullough & Tansil LLP... **Morgan Cahill-Marsland** is now with Kaufman Dolowich Voluck LLP in Sonoma ... **Bonnie Bates** moved her office to 740 Fourth St., Ste. 217 in Santa Rosa... **Jim Barnes** has also moved his office to 250 D Street, Ste. 209 in Santa Rosa... **Morgan Vukelic** is now with

Blevans & Blevans, LLP in the Santa Rosa office... **Karen Cline** has moved her office to 2777 Yulupa Ave., #129 in Santa Rosa... **Chelsea Whelan** is now with Freeman Mathis & Gary LLP in San Rafael... **Matthew Witteman** moved his office to 130 Petaluma Ave., Ste. 2H in Sebastopol... **Katie O’Neill Tran** moved to 245 Kentucky St., Ste. D-3 in Petaluma.

## SCBA BAR JOURNAL

The *Bar Journal* is published quarterly by the Sonoma County Bar Association.

*Editors:* Malcolm Manwell, John Borba;

*Project Management, Advertising Sales, Graphic Design & Printing:* Caren Parnes;

*Editing:* Joni Boucher; *Copyediting/Proofreading:* Susan Demers;

*Photography:* Owen Scott Shirwo;

*Content Development:* Malcolm Manwell, John Borba, Joni Boucher,

Suzanne Babb, Amy Jarvis, Susan Demers;

*Cover Image, COD/Fall 2019 Issue:* Artwork created by Caren Parnes

### Submissions for the Bar Journal

The *Bar Journal* editorial staff welcomes articles submitted by its members. All submitted articles should be educational in nature, and can be tailored for the new practitioner or experienced lawyers. Feature articles should be between 750 to 1,000 words in length. Citations should be within the article's text (no footnotes). A byline must be included and articles must be submitted electronically. The editorial staff reserves the right to edit material submitted. For further information contact Amy Jarvis at 707-542-1190 x17. Submit all editorial materials by email to: amy@sonomacountybar.org. To place an ad contact Caren Parnes at 707-758-5090 or caren@enterprisinggraphics.com. All advertisements are included as a service to members of the Sonoma County Bar Association. The advertisements have not been endorsed or verified by the SCBA.

The editors and the Sonoma County Bar Association (SCBA) reserve the right to determine in their sole discretion whether material submitted for publication shall be printed, and reserve the right to edit all submissions as needed in any respect, including but not limited to editing for length, clarity, spelling, grammar, compliance with all laws and regulations (including not limited to libel), and further at the sole discretion of the editors and SCBA. The statements and opinions in this publication are those of the editors and the contributors, as applicable, and not necessarily those of SCBA. This publication is made available with the understanding that the editors and SCBA are not engaged in rendering legal or other professional advice. If legal advice is required, the services of a competent professional should be sought.

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