

SONOMA COUNTY BAR ASSOCIATION THE BAR JOURNAL

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Spring '20



Historic Barn in Jack London State Park, Sonoma County

2019 SCBA Holiday Mixer • Ruth Bader Ginsburg: Key Successes

Kenneth English and Paul Lozado Selected as New Pretrial Commissioners

Filling the Justice Gap: How Retired Attorneys Can Help

Rules of Civil Procedure: Subpoenas • Justice Donald B. King: Icon of Family Law

The Essentials of the Mandatory Fee Arbitration Program

Word to the Unwary: Statewide Rent and Eviction Control are Here

The 29th Annual Pro Bono Awards Reception • Bart Weitzenberg: The Blues Counsel

Joan Guillaumin, 2019's Unsung Hero • 2020 Presiding Judges Luncheon

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By Michelle Zyromski,
President, SCBA

President's Message: *Revisiting SCBA's Mission*

Welcome to 2020! The dawn of a new decade gives us all an opportunity to evaluate and hone our aspirations over the coming months.

Many, many people are involved with the Sonoma County Bar Association who are committed to the organization and its mission, and who hold great hope for it. In this first message of 2020 to the membership, I want to include for you a few particulars about SCBA and those who aspire to its continued growth and advancement. We hope that you will join us on this worthwhile endeavor.

Who is SCBA?

At the end of December 2019, SCBA had 1078 members—a 36% increase from 2007! Our members include practicing attorneys, judicial officers, retired attorneys, associate members (non-attorneys providing services to the legal community such as court reporting services, fiduciaries, etc.), law students, and legal support (paralegals and legal secretaries). Our membership participates in the following thirteen Sections: Alternative Dispute Resolution, Bankruptcy Law, Barristers Club, Business and Intellectual Property Law, Civil Bench Bar, Criminal Law, Family Law, Labor and Employment Law, LGBTQI Law, Paralegal and Legal Support, Public Law, Real Property Law, and Trusts and Estates Law. In addition, we have ten Standing Committees: Archive, Bench Bar Retreat, Communications, Education, Fee Arbitration Advisory, Judicial Evaluation, Law Week, Lawyer Referral Service Advisory, Membership, and Special Events. As you can see, there are myriad opportunities to get involved with the organization.

We are fortunate to have a hard-working and dedicated staff at the SCBA office. To bring you up to speed, those folks are: Amy Jarvis—Executive Director, Win Rogers—Legal Programs Manager (e.g., Lawyer Referral Service), Susan Demers – Communications Coordinator/LRS Assistant, Emily Rippen—Bookkeeper/Executive Assistant, and Ann Horn—Administrative Assistant. We have the benefit of their collective decades of experience in the office and they are a great team.

What is SBGA?

According to our Bylaws, the mission of SCBA is to “maintain the honor and dignity of the profession of the law, to increase its usefulness in promoting the administration of justice, to encourage civil relations among its members, to provide educational opportunities to its members, all activities related to these purposes, and to operate as a business league for the pro-

motion and protection of the practice of law in Sonoma County, California.” What does this mean?

How Does SCBA Fulfill Its Mission?

Our mission statement presents a challenge if we truly want to address all of its component parts. The language contemplates both inward and outward action. For ourselves internally at the organization, we obviously want to continue to increase membership numbers while at the same time offering real and tangible benefits to the membership. At the Board level, we have discussed possibly revivifying the mentoring (“Big Brother/Big Sister”) program that pairs newer attorneys with more seasoned specialists in a particular area of the law. This would provide opportunities to “bridge the gap” between generations of legal professionals in our county.

Also for the members, we have a full slate of MCLE’s scheduled plus the following social functions on the calendar for Spring:

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By Malcolm Mamwell

From the Editor: A Journey of a Thousand Miles

California laws which took effect January 1,¹ hardly appear to address what is going wrong. Progressive writer/geographer, Joel Kotkin, who recently published a stark assessment of California's present situation, suggests that a misdirection of goals is leading California into a modern day feudal society, where opportunity is stifled at the middle and the bottom, and only a small fraction thrive at the very top of a high tech pyramid.² Yes, high earnings of the tech sector make our GNP look good, but the workers and engineers who build the products don't live here.

I respectfully suggest that we need some major changes in our legal structure to bring balance and experience to the State:

1. End Term Limits.

Term limits were adopted by Initiative in 1990. It was fueled by a Speaker of the House who dominated the Legislative process. But two wrongs don't make a right. With term limits we now have inexperienced persons in one of society's most important roles—the making of the laws which govern us.

With term limits, we also no longer have a legislative “proving ground” in which to develop experience and leadership. In an odd twist, Californians seem to have filled the void by adopting the old feudal system of primogeniture (i.e. selecting the sons of ruling families). Jerry Brown, Jr, [Edmund G's son] was governor for 16 years and Gavin Newsom (a son of the Nancy Pelosi/Newsom Clan) will likely serve for the next 8.

2. Reverse Serrano v. Priest.

Return control of the schools to the local districts. The first Serrano decision was decided in 1973. It was an unprecedented experiment by our Supreme Court to make all school funding equal. To do that, it transferred financial control from the local districts to the State Legislature. The experiment has failed.

Five years after the first Serrano decision, the voters responded with Prop 13. Twenty years later the best public school system in the nation had become one of the worst. Parental guidance, was lost when the Serrano Court turned over control of the schools to the State Legislature.

We must have well-educated and motivated kids to ensure our

future. The best persons to guide that are the parents, the teachers and the local school administrators. The brief spurt of Charter Schools is evidence of parental energy trying to escape the California Legislature. That effort will be drowned over time by Legislative remote control.

One of the principal assets of this state is its energized, diverse population. We attract some of the Nation's and the World's most creative individuals. Let's let them do their job.

3. Restore Balance to Business and Tax laws.

According to Kotkin, we have lost approximately 2,000 businesses in the last decade to neighboring states. From census records it appears that while our population remains more or less stable, it is only because of the influx of unemployed persons replacing the middle class and wealthier taxpayers who are leaving.

If something isn't redirected to encourage business to remain and/or reinvest here, the ride down is going to be short and hard.

Again, according to Kotkin, we already have the Nation's largest collection of homeless persons. With the 9th Circuit's decision in *Martin v. Boise* (2018) 144 F3d 1138 (it's a violation of the 8th Amendment's prohibition against cruel and unusual punishment to control homeless encampments unless you provide housing alternatives), a significant additional financial burden is now going to hit the already strapped California public entities.

One of the beauties of California is our collective desire to help those with less. But we can't print money, and we certainly can't borrow forever (see e.g. Greece, Italy and San Bernardino County). Eventually, Santa Rosa and Sonoma County, neither of which have the resources to maintain their own streets, will now have to face significant additional costs imposed by *Boise*. How long can we afford to drive away the businesses and persons who can generate the wealth to pay for all this?

Our term-limited Legislature just imposed rent/landlord controls over a state which has a severe housing shortage and the Nation's largest collection of the homeless (AB 1482); it continues to micro-manage a failing school system by imposing such weak “remedies” as a law making the kids sleep in an extra half hour (SB 328) and prohibiting school administrators from removing disruptive children from the schools (SB 419); and, instead of overriding a job killing Supreme Court decision which effectively limited businesses' use of Independent Contractors [*Dynamex v. Superior Court* (2018) 4 Cal 5th 903], it codified and expanded the ruling, thereby creating even more incentive for businesses to leave the state [AB 5].

A journey of a thousand miles begins with a single step. ☞

1 <https://www.kron4.com/news/california/list-new-california-laws-in-2020/>

2 <http://joelkotkin.com/california-on-path-to-high-tech-feudalism/>

SCBA 2019 Holiday Mixer

On Thursday, December 12, 2019, the SCBA held its annual Holiday Mixer at the SCBA offices with 109 guests in attendance. As is traditional, the event honored SCBA Past Presidents.

Rose Catering once again provided their yummy spread, with finger food such as Guinness Meatballs, Cocktail Crab Cakes, and a variety of seafood and cheese platters. A selection of wine and beer were provided by SCBA, with the SCBA staff and Joan Guillaumin volunteering at the bar.

SCBA held a unique "College T-Shirt Drive" this year for charity. The SCBA partnered with the College Tee Project, a local

non-profit with the goal of inspiring a college-going culture early on amongst young students. The College Tee Project supplies hundreds of elementary school students throughout Sonoma County with a college t-shirt and an encouraging note from college graduates. Guests were encouraged to wear their Alma Mater t-shirts and bring a new one to donate.

A special shout-out to the members of the Special Events Committee, chaired by Carla Hernandez Castillo, for organizing the event. ☸

By Caren Parnes

SCBA Bar Journal Production Manager and contributor



Photography courtesy of Emily Rippen

SCBA Past Presidents:

Top Row L to R: Hon. Lloyd von der Mehden (Ret.), Greg Spaulding, Richard Ingram & Tadd Aiona

Bottom Row L to R: Sondra Persons, Rose Zoia, Hon. Alan Jaroslovsky (Ret.), Jim DeMartini, Gail Flatt & Immediate Past President Suzanne Babb



Guests enjoy mingling at the SCBA offices



SCBA Executive Director Amy Jarvis & Immediate Past President Suzanne Babb tend bar



Immediate Past President Suzanne Babb & Joan Guillaumin



Adam Brown, Nikolaos Pelekis & Lora Templeton review SCBA flyers

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Ruth Bader Ginsburg: Key Successes

This is the third and final installment in a summary of Ruth Bader Ginsberg's life and career



In 1837 Sarah Grimke, a noted abolitionist, said in another RBG favorite: "I ask no favor for my sex. All I ask of our brethren is that they take their feet off our necks." How did RBG commence the removal of those feet?

The Landmark decisions, ironically, began with RBG's representation of a man. Charles Moritz was denied a

tax deduction for caring for his mother because he never married. Employed men did not qualify, whereas any woman could so qualify. When Marty (her spouse) and a highly successful tax lawyer, tossed the case to RBG, she flippantly responded, "I don't read tax cases." He responded, "You'll want to read this one."

The couple took this one on together, bringing to bear the considerable resources of RBG's ACLU connections. This formidable team assembled some of the great legal minds of the day to take on a \$300 case. It was a powerful harbinger of things to come, reflecting as it did RBG's status as a prescient legal strategist, a visionary. Her powerful arguments sounded in equal protection, not due process. She was purposefully setting the stage for the day when similar arguments would be made on behalf of women. "Justice must be wooed in slow increments," said Justice Cardozo.

The patience and diligence to pursue the small legal victories with eyes always on the bigger prize became her hallmark. Her extraordinary brief writing and careful plotting, and her growing reputation were paying big dividends with RBG as the one person who understood it best.

RBG's friend Pauli Murray had written a piece titled "Jane Crow and the Law," an equivalence of civil rights for blacks and women. It was time to put the notion to the test. In order to take the next step they would have to expand the ACLU scope of discrimination. With careful work, the ACLU came on board in the case of *Reed v. Reed*, a case out of Idaho wherein a statute for no discernible reason, and no necessary basis, gave men preference over women in choosing the administrator of the estate of intestate persons. RBG and then ACLU President Aryeh Neier would be co-counsel. Knowing it lacked precedential value, they nevertheless

included a German decision just to let our Supreme Court know how the Europeans were handling the issue.

RBG won the day for Mrs. Reed, advancing the cause and her reputation forward. She became director of the ACLU's Women's Rights Project, a springboard to the richest opportunities and resources in the realm of women's equality.

Next came the case of Susan Struck who, as a combat veteran Air Force nurse, had become pregnant and was, under extant regulations, immediately discharged. Ironically, had she chosen an abortion she could have stayed in, but her moral values prevented that. No such fate would befall an impregnating man. For RBG, this was all about sex discrimination. Equal protection became her legal sword, but before RBG could bring it to bear on Air Force regs, the Air Force wisely changed the rule, mooted the case but setting a new standard based on RBG's careful wisdom. Protection, as the Air Force argued, became coercion. Be a mother or an Air Force officer, you can't be both.

Next came *Fronteira*, another Air Force case wherein a female lieutenant was denied housing allowance for herself and her husband, something her husband could've received had he been the applicant. As in *Reed*, RBG argued that a rule must have "a fair and substantial relation to the object of the legislation so that all persons similarly situated shall be treated alike." But in a dispute with non-ACLU co-counsel, she was ready to advance the argument that any law that differentiated on the basis of sex should be subject to the "strict scrutiny" test and, like race, be a suspect class.

Her monster brief advancing this position was ultimately rejected in a plurality decision, but the cause still inched forward and *Fronteira* herself won.

Finally there was *Roe v. Wade*, Justice Blackmun's magnum opus from 1972, a decision that continues to roil the country almost 50 years later. Sounding in 1st Amendment, *Griswold v. Connecticut* privacy language, the case affirmed a woman's right to abortion. The dissent referred to it as a naked "judicial power grab." Yet RBG was disappointed in the decision. The careful building blocks that she had laid in place through her zealous, brilliant advocacy had not, in the end, been the cornerstone of the opinion. RBG had fervently wished that *Roe* would find clear 5th and 14th Amendment due process and equal protection guarantees in a woman's right to choose with women's equality at its core. The enormous backlash that followed caused RBG's friend and colleague Phillis Z. Boring to express fears that a fertilized human egg will attain equal rights before women did.

Doubtless the fear that she would be on the Court that

overturns *Roe*, not extends it, must surely keep the poor woman up at night. Yet flawed and vilified as *Roe* is, it could never have happened without her tireless, meticulous efforts.

Justice Ginsberg remains on the Supreme Court to this day, perhaps far beyond what her health might warrant, steadfast in her life's work of speaking out on the issues of fundamental fairness and equality for all. Only history will record her place in

American Jurisprudence. But for those of us who lived and practiced law during the time of her legal brilliance and courage, she will be one of the greatest. ❧

By Hon. Elliot Daum (Ret.)

Judge Daum is a retired Judicial Officer of the Sonoma County Superior Court

Kenneth English and Paul Lozada Selected as New Pretrial Commissioners



Kenneth English



Paul Lozada

The judges of the Sonoma County Superior Court have announced the selection of Kenneth English and Paul Lozada as the two Pretrial Commissioners. They have been chosen from a field of highly qualified candidates.

In 2011, Mr. English joined the Sonoma County Superior Court as a Supervising Research Attorney. In 2018, he was appointed Managing Attorney. Mr. English oversees the Court's Temporary Judge Program, where he also serves as a Temporary Judge hearing small claims matters. Mr. English has been appointed to several Judicial Council educational committees, including Civil Law Curriculum Committee, 2019 Limited Civil PAO Workgroup, and Trial Court Judicial Attorney Institute Workgroup.

Mr. English graduated from Duquesne University in Pittsburgh, Pennsylvania with a degree in history. He earned his law degree from George Washington University Law School. At law school, he was a Thurgood Marshall Scholar. After law school, Mr. English clerked for the Hon. Alan B. Johnson, judge for the Federal District Court for the District of Wyoming. During his clerkship, Mr. English worked on a wide variety of cases, including a challenge to keeping the wolves of Yellowstone Park on the endangered species list. After his clerkship, Mr. English began private practice in Napa where

his practice included civil litigation, wine law, and criminal defense. Mr. English resides in Penngrove with his wife, and two children.

Mr. Lozada is a thirty-four year veteran of the criminal justice system. Retiring from law enforcement in 2006, Mr. Lozada started his second career in 2007 as an attorney in private practice specializing in criminal defense, adding family law to his practice in 2017. After completing his enlistment as an infantryman in the United States Marine Corps in 1984, he commenced a 20-year career in Law Enforcement as a Deputy Sheriff, Detective and Criminal Investigator in Santa Clara, Sonoma and Contra Costa Counties. In 2000, Mr. Lozada was hired as a consultant to the United Nations as a civilian police officer in the United Nations Mission in Kosovo. During his one year mission in Kosovo, he led the Crime Scene Investigations/Forensic Unit and also served as the Deputy Director of Investigations for the entire mission.

In 2002, Mr. Lozada graduated from St. Mary's College with a Bachelor's degree in management (With Honors) and later attended Empire College of Law, in Santa Rosa, California, graduating Cum Laude in 2007. Mr. Lozada resides in Santa Rosa with his wife.

"On behalf of the Sonoma County Superior Court bench, I am pleased to welcome Mr. English and Mr. Lozada. Our Court is excited in anticipation of our upcoming kick-off of the Pretrial Pilot Program and their participation in it. Both bring experience and expertise in the law, which I know will benefit the Sonoma County community at large."

– Presiding Judge Bradford DeMeo

(The above is excerpted from the press release from the Superior Court of California, Sonoma County).

Filling the Justice Gap: How Retired Attorneys Can Help —

Are you a retired lawyer or are you thinking of retiring from the practice of law? Would you like to give a little of your time back to the community? Possibly by giving back to the community and assisting low income individuals who have legal issues?

Forty states, including California, have programs and rules to reduce attorney's licensing fees and easing of continuing education for attorneys who pair with legal aid providers.

California has a program called the Pro Bono Practice Program (previously called the Emeritus Attorney Pro Bono Program) which offers active attorneys who would otherwise be inactive the opportunity to contribute their legal expertise through pro bono work to Californians in need. Eligible participants who qualify can have their State Bar annual fees waived and also get free and reduced rates to attend MCLE programs through Continuing Education of the Bar (CEB). Malpractice coverage is generally available through the qualified legal services provider with whom you volunteer. (A pro bono practice attorney provides free legal assistance exclusively for the program and engages in no other activities that require active status.)

Legal Aid of Sonoma County Executive Director, Ronit Rubinoff, commented that the organization could not meet the need of the clients without the assistance of pro bono volunteer attorneys. At the peak of the recession in 2009-2010, Legal Aid volunteers logged 9,000 volunteer hours—in large part because new attorneys could not find employment. Currently, new lawyers are finding jobs—and Legal Aid's volunteer hours in 2018 dropped to 2,500.

Several retired attorneys have volunteered with Legal Aid in the recent past—Brooke Clyde, J. Michael Mullins, Barbara Sherrill, Tim Smith (former Mayor of Rohnert Park)—to name just a few. Brooke Clyde, a retired Public Defender, has volunteered with Legal Aid for 10 years assisting low income tenant families with housing issues. Tim Smith worked with Legal Aid clients on elder law and bankruptcy issues. Although he had no experience in these areas, Legal Aid provided training. Several of the volunteers choose to pay their State Bar dues to maintain their active status so that they can continue with private work. If an attorney is paid by the legal services provider, the attorney will not qualify for the annual fee waiver, but typically the legal services provider will pay the State Bar annual dues.

When applying for the program, you must contact a qualified legal services provider, State Bar certified lawyer referral service, no-fee or pro-bono panel or a court-based self-help center.

The legal services provider must comply with California Rule of Court 10.960.

More information and application requirements can be found at the State Bar of California Pro Bono Opportunities webpage (<http://www.calbar.ca.gov/Access-to-Justice/Pro-Bono>).

Note: As a precaution, the retired attorney volunteering in a legal clinic should first check with his/her final E&O Carrier to make sure such participation does not void any E&O "tail coverage" on a retirement E&O policy. Also, the retired attorney should make sure the clinic can provide additional E&O coverage for the risks involved in the clinic. ¶¶¶

By Debra Winters

Debra is a retired Sonoma County Superior Court Manager and former SRJC adjunct faculty member. She currently works part time as a paralegal with Conner, Lawrence, Rodney, Olhiser & Barrett. She is a member of the SCBA Education Committee.



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disputes and contract matters.

Mr. King has counseled and litigated on behalf of employees and employers in all aspects of employment law including wrongful termination, employment discrimination, sexual harassment, retaliation, wage and hour law, whistleblower claims, trade secrets and contract. He has also litigated cases in personal injury, real estate fraud, and general business disputes.



**BRIAN J. PURTILL, DEAN,
EMPIRE COLLEGE SCHOOL
OF LAW**

Brian Purtill has been serving as a mediator with the Arbitration and

Mediation Center since 1996. Ever since he was selected as Dean of Empire College of the law in August of 2018, he has taken to paraphrasing Mark Twain: "the rumors of the death of my mediation practice have been greatly exaggerated." His prior litigation career beginning in 1984, was varied, and included personal injury, contract disputes, real property, construction defect, construction law, mechanics' lien actions, trusts and estates litigation, and other practice areas, representing both plaintiffs and defendants. Mr. Purtill remains available, although on a more limited basis, to mediate civil personal and business disputes of various types.

Arbitration & Mediation Center



ROSE M. ZOIA

During a 30-plus year career, Rose Zoia has gained extensive knowledge and expertise in CEQA, land use and zoning matters.

She has handled numerous state-wide cases from administrative hearings to the appellate courts. She also has substantial experience in real estate including leases, easements and homeowners' association matters. She has handled general civil appeals throughout the state in a variety of areas of the law and presented Appellate seminars around the state.

Ms. Zoia has served as a Judge Pro Tem, Arbitrator and Superior Court Settlement Conference panelist. She received intensive mediation training with Steven Rosenberg.

To schedule our neutrals, please
contact **Jo Barrington** at the
Arbitration & Mediation Center

(707) 525-9409 or
jo@amcadr.com

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Rules of Civil Procedure: Subpoenas

On February 5, 2020, SCBA presented the seminar “Rules of Civil Procedure: Subpoenas” which was rescheduled from its original date of October 28, 2019, due to the Kincaid fire. The speakers were Jack M. Sanford, an attorney at Abbey, Weitzenberg, Warren & Emery, P.C. and Ahmad Zeki, a Key Account Manager at Ontellus.

Ontellus is an online platform for attorneys and paralegals to order subpoenas. Many will be familiar with these services through Quest, which Ontellus now owns. This company will research to determine the correct Custodian of Records, serve the appropriate notices according to the respective deadlines, and organize the records upon receipt, among other services. The typical order process is completed within 20 to 25 days.

The authority governing subpoenas is in Code of Civil Procedure section 1985-1987 (subpoenas generally) and Code of Civil Procedure section 2020.010 et seq. (discovery from nonparties pursuant to subpoenas).

The seminar handout provided a convenient chart for participants to use to manage the various deadlines for service of a subpoena. A Civil Subpoena requires 10 calendar days’ notice; however, it’s suggested to allow at least 20 days for a Civil Subpoena (*Duces Tecum*), although the code only requires that “reasonable notice” is given.

The Deposition Subpoena for Production of Business Records is the one that requires careful calendaring, as it needs to be accompanied by a Notice to Consumer or Employee and Objection, pursuant to Code of Civil Procedure sections 1985.3, 1985.6, and those service deadlines must be taken into account as well. The production date must be at least 20 days after the issuance of the subpoena, or 15 days after service. However, the Deposition Subpoena for Production of Business Records cannot be served until 5 days after the Notice to Consumer is served via personal service, or 10 days for mail service. Depending on how long is required to personally serve the witness, it could easily be a month between preparing the Deposition Subpoena and actually receiving the records, so bear that in mind when requesting documents in anticipation of a hearing or trial.

The party receiving a Deposition Subpoena for Production of Business Records has until five days prior to the date set for production of the records to file a motion to quash or modify the subpoena. A non-party may object using the Notice to Consumer or Employee and Objection form, prior to the date of production.

The Discovery Act provides that a records and testimony subpoena “need not be accompanied by an affidavit or declaration

showing good cause for the production,” and “a subpoena for the production of business records need not be accompanied by an affidavit or declaration showing good cause for production of the records. (Code Civ.Proc., §§ 2020.510, 2020.410.)

It’s very important to correctly and completely describe the items or records being requested, either by “specifically describing each individual item” or “reasonably particularizing each category” (Code Civ.Proc., § 2020.410(a)). While not wishing to miss any relevant material, it is nonetheless important not to be too broad or vague, as the subpoena could be deemed unduly burdensome and unenforceable (*Calcor Space Facility, Inc v. Sup.Ct* (1997) 53 Cal.App.4th 216 [61 Cal.Rptr.2d 557]). Additionally, be cautious of using definitions and instructions that over complicate the demand.

The seminar reviewed the requirements for subpoenaing the testimony of an entity (whether a party to the case or not). While depositions can be taken of particular officers, directors or employees of the corporation, it is important to take the deposition of the entity as well, where the corporation is a party to the action, or serve the entity with requests for admission of facts obtained in the deposition of its officers and employees. Otherwise, their depositions may not be admissible evidence against the entity. It’s necessary to use a Deposition Subpoena, as the Civil Subpoena for Personal Appearance at Trial or Hearing and Civil Subpoena (*Duces Tecum*) for Personal Appearance and Production of Documents requires identification of the person being subpoenaed by name.

Witness fees may be payable to a deponent or witness whose appearance at trial or hearing is required (Code Civ.Proc., § 1986.5 and 2020.230). A business records custodian may not be entitled to the witness and mileage fees payable to deponents, if not required to attend a deposition, but could still receive payment for “reasonable costs” such as the clerical expense in locating the records, costs for a third party to retrieve and return the records to storage, copying costs, and postage charges.

There are several requirements that attorneys must follow, when they choose to serve as deposition officer, which is why many opt to utilize a service provider who handles those items for them. One such requirement is the responsibility for inspection and copying, wherein the attorney must obtain both a custodian’s affidavit and the subpoenaing attorney’s affidavit. If you intend to rely on a records custodian’s affidavit for a deposition subpoena under Evidence Code section 1560 to establish admissibility at trial, make sure the custodian also attests to the manner and mode of preparation or the sources of information in the record.

It is also the deposition officer's responsibility to furnish the records not only to the party at whose instance the deposition subpoena was served, but also to all other parties who then or thereafter notify the officer that they desire to purchase a copy of those records (Code Civ.Proc., §2020.440). Where (as will frequently be the case), the subpoenaing attorney has assumed responsibility for inspecting and copying the records, "It shall be the responsibility of the attorney's representative to deliver any copy of the records as directed in the subpoena." (Evid. Code, §1560(e)). Part of this responsibility of the deposition officer, while perhaps not delineated in the code sections, is the need to comply with HIPAA requirements when dealing with medical records.

Subpoenas are an important and necessary means of gathering information during the discovery process, and bringing witnesses to trial, but not all attorneys and paralegals are familiar with the details and requirements of utilizing them. This seminar clarified some points, and provided useful tips for avoiding mistakes in navigating the subpoena process. ¶¶¶

By Rebecca Salinas & Kaylene Hirtzer

Rebecca Salinas is a paralegal at Bluestone Zunino & Hamilton, LLP

Kaylene Hirtzer is a paralegal at Rodman & Associates PC

President's Message (continued from page 3)

Family Law Judicial Officers Luncheon, Luther Burbank Center, March 3, 12:00 p.m. – 1:30 p.m.

Archive Committee "**Night at the Museum**," Sonoma County Museum, March 10, 5:30 p.m.

Rex Sater Award Dinner (honoring the Honorable Shelly Averill), Santa Rosa Golf and Country Club, May 1, 5:00 p.m.

Judge's Jubilee (previously Summer Soirée), Kendall Jackson, May 15.

The larger questions, however, and the ones which the SCBA Board of Directors is committed to delving into this year, have to do with the Bar Association's outward focus to Sonoma County—how we can work meaningfully to "maintain the honor and dignity of the profession of the law, to increase its usefulness in promoting the administration of justice"? As stated by one Board member at our January retreat, how can we ensure that SCBA has "more of a presence in the actual community *outside* the legal community"; in other words, how do we establish for SCBA a seat "at the table for major issues affecting our community"? Put succinctly by another Board member, we need to "make the general public understand why we are relevant."

One important way that we bring SCBA members into the community to interface with young minds is Law Week, scheduled this year for March 23 to April 3. The timely theme for this year is "The Rule of Law." The organizers are well underway in planning this unique opportunity for lawyers and

judges to interface with students in our community. We are also discussing some potential programs to our membership about the Rule of Law—a critical principle that is both beautifully straightforward in concept and complex in administration.

We look forward to great things in 2020 and would be so very benefited if every member of the SCBA added to their list of resolutions the commitment to attend one additional Archive Committee function, MCLE, or Special Event; or better yet, join a Committee or Section and get involved. The viability of our organization depends on healthy participation from the membership and we look forward to seeing you! ¶¶¶



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Justice Donald B. King: Icon of Family Law

In 1970, California pioneered the “no-fault” divorce system, becoming the first state in the United States to eliminate fault as a basis for divorce.¹ Because of the family law reforms, the legal standards of divorce, child custody and visitation, spousal support, and property division were newly subject to judicial interpretation. First District Court of Appeals Associate Justice Donald B. King (“King”) exerted a powerful influence on the development of family law during the post-reform period. This article describes King’s life, and some of the major contributions he made to California’s family law over the course of his judicial career, which spanned more than 20 years.

King took on leadership roles early in his adult life. In 1952, King was drafted into the United States Army during the Korean War and served as a first lieutenant. After discharge, he earned a law degree from the University of San Francisco, and was a practicing lawyer in private practice while participating in San Francisco city politics. From 1962 to 1966, he chaired the Democratic Central Committee, and coordinated the political campaigns of notable San Francisco politicians Ron Pelosi, Quentin Kopp, and Leo McCarthy, former Speaker of the Assembly. King recalls, “McCarthy did not work on Sundays. He spent the time with his family, a testament to his character.”

In 1976, Governor Jerry Brown appointed King to San Francisco County Superior Court, where King discovered an overburdened family court in need of proper leadership. Even today, family courts bear a disproportionate burden of self-represented litigants.² King introduced new administrative policies to improve the court’s daily operations. Two such policies were later codified by the State Legislature: mandatory mediation in child custody and visitation disputes, and case management stipulations.³

The Court’s evaluation showed that from 1977 to 1980, mediation assisted in reducing the average number of full custody or visitation hearings from two hundred and seventy-five a year to just three a year.⁴ Case management stipulations simplified procedural rules, such as ex-parte communications, allowing family law judges to work out substantive agreements directly with litigants and finalize matters set for hearing. These administrative reforms streamlined family court operations by diverting routine child custody matters to mediation, and delivering greater case management tools to family law judges.

As divorce rates in California climbed in the 1970’s, child psychology researchers began raising awareness about the potentially long-term and profound effects of divorce on children.⁵ In response, King began a child custody orientation program at San Francisco Family Law Court with the help of Dr. Judith Wallerstein, a preeminent child psychology professor. The orientation program, which resulted from Dr. Wallerstein’s research, required divorcing parents to watch a video-taped dialogue between Judge King and Dr. Wallerstein, as they discussed the importance of supporting a child’s relationship with the other parent, and avoiding open conflict in the presence of children. The orientation program reduced parental conflict and litigation in child custody matters, and contributed to the statewide development of family court services offices and parenting classes.

In 1982, Governor Brown appointed King as an Associate Justice to the newly created Division Five, First Appellate District, to address a tremendous backlog of cases, many of which included novel family law issues. King was assisted by an exceptional research attorney, Jon Eisenberg, who would later co-author “Rutter Group’s California Practice Guide: Civil Appeals and Writs,” and argue hundreds of state and federal appeals himself. As an appellate justice, King published over 50

1 Family Law Act of 1969 § 8, 1969 Cal. Stat. 3324 (originally codified at Cal. Civ. Code §§ 4506–4507 (West 1970)).

2 Approximately 200,000 divorce petitions are filed annually in California. Seventy percent of those cases involve at least one self-represented litigant. Judicial Council of California, State Action Plan for Serving Self-Represented Litigants (2004) (http://www.courtinfo.ca.gov/programs/cjc/pdffiles/Full_Report_comment_chart.pdf).

3 Cal. Civ. Code § 4607 (a) (West 1983); Fam. Code §§ 2450–2452 (West 2007)

4 King, *Handling Custody and Visitation Disputes Under the New Mandatory Mediation Law*, 2 Cal. Law. 40 (1982).

5 Judith S. Wallerstein, Children of Divorce: Report of a Ten-Year Follow-Up of Older Children and Adolescents, *Journal of the American Academy of Child Psychiatry*, (January 1984).

opinions in family law, more opinions in family law cases than any other appellate justice in California history, and over 1,200 opinions in civil and criminal cases.

King's published opinions are notable for their clarity and practicality. Each opinion begins with a comprehensible, one-sentence holding and precedent. Many opinions move beyond the question presented, and create an analytical process for parties to resolve disputes without resorting to trial. As an example, in *Re Marriage of Cream* (1993) 13 Cal. App.4th 84, 84-85 involved a contested property division between divorcing spouses who co-owned the "Old Faithful Geyser of California," the only privately-owned geyser in the United States. In an appendix to the opinion, King identified 13 different methods to divide community property other than by judicial decision (*id* at p.93).

King, who considers family law the most complex area of law because of its interdisciplinary nature, has improved the quality of family law attorneys and judges. He developed a judicial education curriculum for family law judges at the California Judicial College (CJER), and co-authored "Rutter Group's California Practice Guide: Family Law" ("Hogoboom & King"). Further, King supported legislative funding for separate

family law courthouses to deal more effectively with family law cases, and certified specialization for family law attorneys. After retiring from the appellate bench in 1996, King has continued working on a pro bono basis at Sonoma County Family Law Court, coming in most weeks and settling family law cases as a settlement panelist.

To understand Donald B. King's impact on California's family law, consider the people who have benefited from his work: spouses unshackled from unhappy marriages, free to move on with their lives; children whose psychological well-being is preserved during family separation, and attorneys practicing family law in an improved legal environment. King accepted the task of judicial leadership in the formative era that followed the "no fault" family law reforms, and advanced the level of prestige, education and judicial resources available to properly handle this complex area of law. ☞

By Edward Lester

Edward Lester is an associate attorney with Geary, Shea, O'Donnell, Grattan & Mitchell, P.C., an A.V.-rated law firm that regularly handles complex civil litigation, public entity defense, all aspects of winery and vineyard law, family law, and estate planning.



Hon. Donald B. King (Ret.) being awarded the 2018 Judge Rex Sater Award for Excellence in Family Law

SCBA Announcement

It is with a heavy heart that SCBA announces the passing of two long-time members of this organization: Thomas P. Kelly, Jr. and L. Stephen Turer.

We lost these two lions of our profession on Monday, February 24, 2020 and Tuesday, February 25, 2020, respectively. Articles in remembrance of Tom and Steve will be included in our next issue.

There's No Way I'm Paying that Attorney's Bill" – or – The Essentials of the Mandatory Fee Arbitration Program

On occasion, a client or litigant *in propria persona* may ask court personnel and family law or small claims court advisors for information about their rights and responsibilities regarding a fee dispute with his or her own attorney. The purpose of this article is to provide a summary of the essentials of the Mandatory Fee Arbitration Program in California to enable court personnel to correctly identify when a dispute is a proper subject for mandatory fee arbitration and refer parties to the appropriate bar association program.

What is the Mandatory Fee Arbitration Program?

The Mandatory Fee Arbitration Program ("the Program") provides an opportunity to have a volunteer arbitrator resolve attorney fee and cost disputes between clients and attorneys through an informal, low-cost alternative to the court system. The arbitrator determines whether the fees and costs charged by the attorney are reasonable for the services provided. The Program is authorized by Business and Professions Code section 6200 et seq. Fee arbitration is voluntary for the client, unless the parties previously agreed to arbitrate their disputes with the Program. Fee Arbitration is mandatory for the attorney if the client requests it (Bus. & Prof. Code, §6200, subd. (c).)

How does the Program work?

Most fee arbitrations are conducted through the local bar associations' State Bar approved Mandatory Fee Arbitration Programs. Jurisdiction usually lies in the county where the legal services were provided, where the attorney maintains an office, or where the client lives. However, local bar rules should be consulted to determine if jurisdiction exists. A list of all the State Bar approved local bar arbitration programs as well as basic filing requirements are available on the State Bar's web site. (<http://www.calbar.ca.gov/>) [Approved Programs: (<http://www.calbar.ca.gov/Attorneys/Attorney-Regulation/Mandatory-Fee-Arbitration/Approved-Programs>)] The Sonoma County Bar Association has an Approved Program. (https://www.sonoma-countybar.org/?page_id=7760). If no local bar association program exists, the local program lacks jurisdiction, or if either party declares that he/she cannot obtain a fair hearing at the local level, the State Bar Office of Mandatory Fee Arbitration will assume jurisdiction of the matter.

Are All Disputes With an Attorney Covered by the Mandatory Fee Arbitration Program?

No. Fee disputes where the fee or cost to be paid by the client has been determined pursuant to statute or court order are not covered (Bus. & Prof. Code, §6200, subd. (b)(3).) For example, court ordered or statutorily set attorney's fees in family law,

bankruptcy or probate cases are not covered by the Program. Nor are claims for affirmative relief against the attorney for damages or otherwise based upon alleged malpractice or professional misconduct (Bus. & Prof. Code, §6200(b)(2).) However, evidence of professional negligence or misconduct is admissible in the fee arbitration hearing (Bus. & Prof. Code, §6203, subd. (a).)

What are the Client's Rights Before an Attorney May File a Lawsuit to Collect Unpaid Attorney's Fees?

Prior to or at the time of service of summons or claim in an action against the client, or prior to commencing a proceeding as an alternative to arbitration under the Mandatory Fee Arbitration Program, the attorney shall forward a written notice to the client of his or her right to arbitration under the Program. The Notice *shall* be the State Bar-approved Notice of Client's Right to Arbitration. The client's failure to request fee arbitration within 30 days of his or her *receipt* of the Notice is deemed to be a waiver of the right to arbitration under the Program (Bus. & Prof. Code, §6201, subd. (a).)

If the attorney has already filed a lawsuit against the client for unpaid fees, the client may elect to either respond to the lawsuit or request fee arbitration. If the client files a response to the lawsuit, after Notice of the right to arbitration is given, his or her right to arbitrate the fee dispute is deemed waived (Bus. & Prof. Code, §6201, subd. (b).) If the client requests fee arbitration, the lawsuit is automatically stayed (Bus. & Prof. Code §6201, subd. (c).) To alert the court, the client should file the appropriate notice of automatic stay where the lawsuit is pending. To preserve the right to arbitrate, the client should file a request for arbitration promptly. However, the attorney is also ethically bound to inform the court.

What Happens Once Arbitration Is Requested?

To request arbitration, a party submits a completed arbitration request form from the fee arbitration program and pays any required filing fee. A telephone call or letter to the program requesting arbitration will not protect the right to arbitration.

The program will assign a sole arbitrator or a panel of three arbitrators (depending on the amount in dispute) to hear the dispute and determine whether the attorney's fees and costs were reasonable. If the arbitrator determines that the attorney's fees were not reasonable, the client may be awarded a refund of attorney's fees or costs. Alternatively, the arbitrator may determine that no refund is owed or that the client owes fees to the attorney.

Depending on the circumstances, the arbitrator will consider a number of factors in making a decision. These may include: whether there was a written fee agreement; the reasonable value of the attorney's services; the amount of time the attorney spent on the case; and whether any misconduct or incompetency by the attorney affected the value of the services. The arbitrator will decide the matter based only upon the evidence presented at the hearing. The arbitration award will be served on the parties by the Program after the hearing is submitted for decision.

Is an Attorney Necessary for a Party in a Fee Arbitration?

Because the program is intended to be a low-cost alternative to the court system, parties do not need an attorney to represent them in a fee arbitration. Either party may choose to hire an attorney at his or her own expense, but the arbitration award cannot include the attorney's fees incurred for the preparation for, or appearance at the arbitration hearing (Bus. & Prof. Code, §6203, subd. (a).)

What if the Client Believes that the Attorney Engaged in Misconduct or Malpractice?

The Mandatory Fee Arbitration Program cannot help recover damages or offset expenses incurred by attorney malpractice or misconduct.

If the arbitrator determines that the attorney's malpractice or professional misconduct reduced the value of the attorney's services, the arbitrator can reduce the attorney's fees accordingly. However, the arbitrator cannot offset the fee or order the attorney to pay for any damages the attorney's conduct may have caused (Bus. & Prof. Code, §6203, subd. (a).) If there are concerns about attorney malpractice, they should be discussed with an independent attorney.

In addition, a disciplinary complaint may be filed with the State Bar of California by calling the State Bar's toll-free number: (800) 843-9053. The State Bar provides information on their website to clients who believe that they are having a problem with their lawyer. "*What Can I Do if I Have a Problem With a Lawyer?*" (<http://www.calbar.ca.gov/Public/Free-Legal-Information/Legal-Guides/Problem-with-a-Lawyer>).

A discipline complaint and a request to arbitrate a fee dispute are separate matters. Filing a complaint may result in disciplinary action against the attorney; however, the result may or may not require the attorney to pay restitution or unearned fees to the client.

Can the Client Still Litigate a Fee Dispute In Court If He/She Is Dissatisfied with the Arbitration Award?

It depends on whether the fee arbitration proceeded as binding or non-binding. Fee arbitrations are non-binding unless the parties agree in writing to binding arbitration *after* the dispute arises but prior to the hearing. Any provision contained in a fee agreement to the contrary is unenforceable. If the arbitration is binding, the award is final and neither party may request a new trial in court. A binding award can only be corrected or vacated for very limited reasons as set forth in Code of Civil Procedure section 1285 *et seq.* The time period for filing a petition to correct or vacate the award is 100 days from the date of service of the award (Code. Civ. Proc. §1288.2.)

If the award is non-binding, a party has 30 days from the date of service of the award to file an action in court requesting a trial to reject the award (Bus. & Prof. Code §6204 (c).) If a trial is not requested within the 30 days by either party, the award automatically becomes binding. In small claims court, the parties may use the Judicial Council forms SC-100 and SC-101 to request a trial de novo. Form SC-101 contains useful information on this process.

How Does the Client Enforce An Arbitration Award Against the Attorney?

An arbitration award must become final before it is enforceable. Generally, that means that the 30-day time period to request trial de novo or the 100-day period to petition to vacate or correct the award must pass. Either party may then request the court to enter a judgment confirming the arbitration award. The client may then enforce the judgment against the judgment debtor (Code Civ. Proc. , §1287.4.)

If the arbitration award rendered is in favor of the client for a refund of attorney's fees or costs, the client may request the State Bar for assistance in enforcing the award or judgment (Bus. & Prof. Code, §6203, subd. (d).) The attorney's reply may consist of a payment proposal, a claim of financial inability to pay or lack of liability. By statute, the State Bar is authorized to enforce an unpaid award by imposing administrative penalties on the attorney member. It may also seek a State Bar Court order enrolling the attorney on inactive status until the award is paid. (*Ibid.*) ¶¶

For further information about the Mandatory Fee Arbitration Program, please contact: ***The Mandatory Fee Arbitration Program, The State Bar of California, 180 Howard Street, 6th floor, San Francisco, CA 94105 (415-538-2020).***

By Michael J. Fish

Michael is Vice-Chair of the SCBA Mandatory Fee Arbitration Committee

(See next page for MCLE credit questions)

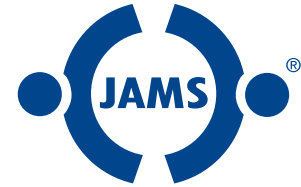
Mandatory Fee Arbitration Program (continued from previous page)

HOW TO RECEIVE ONE HOUR OF SELF-STUDY MCLE CREDIT

Below is a multiple choice and true/false quiz. Submit your answers to questions 1–20, indicating the correct letter next to each question, along with a \$25 payment to the Sonoma County Bar Association at the address below. Please include your full name, State Bar ID number, and email or mailing address with your request for credit.

Reception@SonomaCountyBar.org • Sonoma County Bar Association, 111 Santa Rosa Ave., Ste. 222, Santa Rosa, CA 95404

- 1) The Mandatory Fee Arbitration program is:
 - a. An opportunity to have a volunteer arbitrator resolve attorney fee and cost disputes between client's and attorneys;
 - b. An informal alternative to the court system to resolve attorney fee and cost disputes between client's and attorneys;
 - c. A low cost alternative to the court system to resolve attorney fee and cost disputes between client's and attorneys;
 - d. All of the above.
- 2) The arbitration is:
 - a. Mandatory for the attorney and client;
 - b. Mandatory for the client;
 - c. Voluntary for the attorney;
 - d. Voluntary for the client, but mandatory for the attorney if the client requests it.
- 3) Jurisdiction for Mandatory Fee Arbitration lies:
 - a. Where the legal services were provided;
 - b. Where the attorney maintains an office;
 - c. Where the client lives;
 - d. Any of the above.
- 4) If the Marin County MFA Program lacks jurisdiction:
 - a. The matter must be tried in court;
 - b. Another county program must assume jurisdiction;
 - c. The attorney cannot collect their fee.
 - d. The State Bar office of Mandatory Fee Arbitration will assume jurisdiction of the matter.
- 5) All fee disputes where the fee or cost to be paid by the client are covered by the Mandatory Fee Arbitration Program.
 - a. True; or
 - b. False
- 6) Claims for affirmative relief against the attorney for damages or otherwise based upon alleged malpractice or misconduct are covered by the Mandatory Fee Arbitration Program.
 - a. True; or
 - b. False
- 7) An attorney is required to forward written notice to the client on the Sonoma County Bar Association's State Bar-approved Notice of Client's Right to Arbitration form of his or her right to arbitration under their program at least 30 days prior to initiating any legal action for collection of fees or costs.
 - a. True; or
 - b. False
- 8) The attorney and client are required to each have an attorney represent them in any fee arbitration proceeding under the Program.
 - a. True; or
 - b. False
- 9) Any arbitration award can additionally include attorney's fees incurred for the preparation for, or appearance at the arbitration hearing.
 - a. True; or
 - b. False
- 10) If the Arbitrator determines that the attorney's malpractice or professional misconduct reduced the value of the attorney's services, the arbitrator can reduce the attorney's fees accordingly.
 - a. True; or
 - b. False
- 11) An attorney may enforce a "binding" fee arbitration clause in their fee agreement.
 - a. True; or
 - b. False
- 12) A non-binding fee arbitration award may nevertheless become binding by operation of law.
 - a. True; or
 - b. False
- 13) Arbitration awards, when they become final, are enforceable.
 - a. True; or
 - b. False
- 14) A client may request the State Bar for assistance in enforcing the award or judgment based upon a fees dispute.
 - a. True; or
 - b. False
- 15) The State Bar may enforce an unpaid fee award to the client by disbaring the attorney in the event of non-payment.
 - a. True; or
 - b. False
- 16) The State Bar may enforce an unpaid fee award to the client by enrolling the attorney on inactive status until the award is paid in full.
 - a. True; or
 - b. False
- 17) Fee arbitrations are non-binding unless the parties agree to binding arbitration after the dispute arises but prior to the hearing.
 - a. True; or
 - b. False
- 18) Court ordered or statutorily set attorney's fees in family law, bankruptcy or probate cases are covered by the Program.
 - a. True; or
 - b. False
- 19) The arbitrator determines whether the fees and costs charged by the attorney are reasonable for the services provided.
 - a. True; or
 - b. False
- 20) If the award is non-binding, a party has 30 days from the date of service of the award to file an action in court requesting a trial to reject the award.
 - a. True; or
 - b. False



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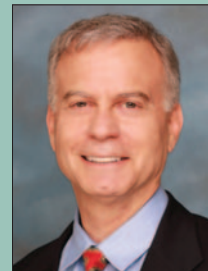
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Word to the Unwary: Statewide Rent and Eviction Control are Here

In 2018, the voters of California overwhelmingly defeated Proposition 10, a proposed statewide rent and eviction control initiative. Only a year earlier, the voters of Santa Rosa had repealed Proposition C, an inchoate local rent control ordinance. So rent control is a dead duck in Sonoma County, right? As the late-great John McLaughlin was wont to bark, “Wrong, Fred Barnes!” As of January 1, rent control is alive and well here in Sonoma County and throughout the state, courtesy of the Governor and State Legislature who this last October passed AB 1482, a comprehensive rent and eviction control law. So much for President Obama’s nostrum, “elections matter.”

What’s driving the repeated push for rent control is a severe shortage of housing in coastal urban California, including Sonoma County. The City of Santa Rosa has even declared a housing shortage “emergency.” Why we’re not *immediately* building more housing—lots of it—here and elsewhere up and down the coast in the face of such an “emergency” is not properly a subject for this article. However, as active citizens, we ought to be asking why responses to emergencies just aren’t what they used to be.

Instead, we have rent control. Never mind that economists on the right and left almost universally agree that rent control doesn’t work and in fact leads to higher rents and less housing (see Chapter One in your Econ 101 textbook on Supply and Demand).¹ It is a feel-good solution that we, as advocates, must now deal with on behalf of our clients, whether tenants or landlords. So what follows is a heads-up sketch of AB 1482 and related legislation.

At the outset, it should be noted that we’ve already had de facto rent control here in Sonoma County since the October 2017 fires, pursuant to Penal Code section 396; the statute that outlaws price gouging of goods and services (including rents) so long as a “state of emergency” has been declared—different emergency, this one related to the fires. Rent increases are limited to 10%—throughout the pendency of this state of emergency. The declaration has been extended several times here since 2017, and it is currently scheduled to expire at the end of the year. Section 396 allows rent increases above the cap if prices of goods and services charged the landlord increase. But if you’re a tenant, don’t count on your building getting spruced-up or your apartment painted any time soon. At least until the end of the year, as far as rent control is concerned, Section 396, with its 10% multi-year cap, trumps the AB 1482 rent control provisions.

Generally, AB 1482 can be divided into two parts: rent control and eviction control.

RENT CONTROL

With respect to rent control, the provisions are fairly straight-forward. Once the fire-related state of emergency is lifted, AB 1482 will restrict annual rent increases to 5% plus the annual Consumer Price Index (“CPI”) increase. As drafted, AB 1482’s original provisions regarding the calculation of CPI are currently being challenged. The prudent practitioner should keep in touch with the latest developments on that front before advising clients to raise rent based on CPI. Rent restrictions are retroactive to March 2019, so if a landlord raised rents above 5%-plus-CPI after that date, the excess must be rolled back as of January 1, 2020. Rent can be increased twice annually, so long as the total increases do not surpass 5%. And if the tenant moves out, the landlord is free to raise the rent unrestricted.

Exempted from the rent control portion of AB 1482 is housing built within the last 15 years,² single-family homes and condominiums,³ owner-occupied duplexes, low-income housing, dormitories, and shared housing.⁴

AB 1482 provides several notice requirements. With regard to the rent control exemption for single-family houses or condominiums, the landlord must provide a notice⁵ that the

1 See also, e.g., “Diamond, Rebecca, What Does Economic Evidence Tell Us About the Effects of Rent Control?”, October 18, 2018, Brookings (<https://www.brookings.edu/research/what-does-economic-evidence-tell-us-about-the-effects-of-rent-control/>).

2 This is a rolling exception. Meaning, for instance, an apartment built ten years ago will be exempt now, but not in five years.

3 AB 1482’s language is “alienable separate from title to any other dwelling unit.”

4 Related legislation AB 1110 (amending Civil Code section 827) now generally requires that where rents are raised above 10%, the landlord must give a 90-day notice before instituting the increase. This provision applies to properties exempt from rent control under AB 1482.

5 The exact language is prescribed in the statute.

property is exempt from rent control. This notice must be given existing tenants before July 1, 2020; and for tenancies incepting after that date, the notice must be included in the lease or rental agreement. Otherwise, the exemption does not apply. There are even more such “traps for the unwary” in AB 1482’s eviction control provisions.

EVICTIION CONTROL

Simply put, a landlord can no longer evict a tenant unless there exists “just cause”; meaning, a legally-cognizable reason to evict. Generally, eviction control applies to tenants who have lived on the premises continuously for at least 12 months. There are two types of just cause: “at-fault” and “no fault.”

At-Fault Just Cause

At-fault just cause includes such things as failure to pay rent, breach of a material term of the lease, nuisance, waste, tenant’s refusal to sign a lease extension, criminal activity, unauthorized assignment or subletting, tenant’s refusing landlord’s lawful entry onto the premises, tenant’s using premises for an unlawful purpose, and more.

The procedure that the landlord needs to follow depends on whether the particular at-fault cause is “curable” or not. If curable, the landlord must give a three-day notice to perform or quit. If the tenant does not cure during that period, the landlord must issue a second three-day notice to quit. On the other hand, if the cause is not curable, the landlord need only give a three-day notice to quit. This is where things could get dicey. If a tenant fails to pay rent, that’s curable. The landlord would use the two-stage procedure. If the tenant murders his roommate, that’s not curable. The tenant need only be given the single three-day notice to quit—probably in jail. But one can imagine a myriad of scenarios between these two extremes where the curable/incurable divide is not distinct at all. For instance, the guy who yells at everybody in the apartment building. His lawyer is going to claim that his client deserves a second chance—along with an ADA reasonable accommodation. With such “wobblers” (as our criminal bar colleagues are wont to say), it’s probably best to err on the side of caution and give the two-stage notices. How this procedure interacts with the ADA claim is a whole different story. More diceyness to come.

“No Fault” Just Cause

No fault just cause includes such reasons as the landlord intends to occupy the property; withdraw the property from the rental market; comply with a government order or ordinance; or demolish or “substantially remodel” the property. “Substantially remodel” is generally defined as a major

remodeling job requiring a permit or compliance with some government mandate (e.g., mold remediation, lead paint removal, asbestos, etc.), and requiring the tenant to vacate for at least 30 days.

The wrinkle with no-fault just cause is that the landlord must provide the tenant one-month’s relocation assistance, meaning one month’s free rent, either by way of a credit or separate payment. The statute specifies how the credit/payment be made.⁶

Exempted from eviction control are the same properties exempt from rent control plus hotels and non-profit hospitals. The same notice requirement for single-family houses and condominiums applies. Plus, there is a more general notice requiring landlords to inform all tenants that the property is subject to rent and eviction control. For existing tenants, this notice⁷ must be given before August 1, 2020. For tenancies incepting or renewing after July 1, 2020, it must be included in the lease or rental agreement.

Legislation related to AB 1482 that also went into effect on January 1 includes measures prohibiting discrimination against HUD Section 8 voucher and VASH (veterans) applicants (AB 329 and SB 222), requiring landlords to provide electrical charging stations where demanded (SB 638), protecting tenants’ homeless guests (AB 1188), and restricting the exterior display of religious objects (SB 652).

Clearly, it’s a whole new world in California landlord-tenant law, with yet another, more strict rent/eviction control initiative on the horizon in this coming November’s election. The message: Be careful out there. ☹

6 No relocation assistance is required if the tenant is at fault (e.g., drives a truck through the front door, causes the mold, etc.).

7 Like the requirement for single-family homes and condominiums, the exact language the notice must give is prescribed in the statute.

By Kevin Konicek

Kevin Konicek is a partner in Santa Rosa-based Zyromski Konicek LLP, the largest East European law firm on Fourth Street. He has practiced civil litigation for over 35 years.

The 29th Annual Pro Bono Awards Reception: A Reception of Extraordinary Acknowledgements

The Sonoma County Bar Association held the 29th Annual Pro Bono Awards Reception and Annual Meeting of the Members on December 3, 2019 at The Glaser Center in Santa Rosa. This was the first year the awards ceremony turned from a luncheon affair to an evening reception. The change was welcomed, and encouraged a turnout of attendees able to enjoy the celebration of the deserving professionals who were being acknowledged as honorees.

President Suzanne Babb called the meeting to order, end of the year matters were handled and a look to 2020 began. New members of the SCBA Board of Directors were approved, including Chad Dorr, Bruce Goldstein, Josh Myers, Jane Gaskell, Alexis Kent, and Carmen Sinigiani. The SCBA Officers for 2020 were also announced as Michelle Zyromski stepped into the role as President, Stephanie Hess as Vice-President, David Berry as Secretary, and Mark Rubins continued as Treasurer. Following the SCBA's formal agenda items, the event turned to honoring the truly inspiring individuals in our community who have earned recognition for their dedication and hard work.

California Rural Legal Assistance, Inc. fights for justice and individual rights for the most exploited communities in our society. Jane Lawhon was recognized for her work and dedication to its mission.

The Disability Services & Legal Center works directly with the disabled to ensure they have equal access and opportunities in our community. Adam Brown presented Michael Wall as the Center's 2019 honoree for his volunteer work.

Brian Purtill, the Dean of Empire School of Law, presented two local law school students with special recognition: Cody Molica for his work with the school's disability law clinic, and Nickolas Rineberg for his assistance with the elder law clinic.

District Attorney Jill Ravitch spoke on behalf of the Family Justice Center of Sonoma County and the tremendous support it gives the public by providing a safe place for victims to get help. The Center relies on grants and philanthropic support. Ann Diem Patton and Carolina Spence were both acknowledged for their outstanding work and effort they give to the Center.

Sonoma County Bar Association Welcomes Our New Spring 2020 Members!

Tina Albrecht, with Challoner Law

Luke Bowman, with Sonoma County Counsel's Office

Kathleen Castro, with Family Law Office of
Jennifer Applegate

Cheryl Cornett, with Sonoma County Counsel's Office

James Dodd, with A+ Legal Document Assistants

Dayna Farquhar, with Galanti & Copenhaver, Inc.
A Professional Law Corporation

Chris Farrell, with Abbey, Weitzenberg, Warren & Emery, P.C.

Rosie Favila, with Dickenson Peatman & Fogarty, PC

Kristina Gardenal, with Abbey, Weitzenberg, Warren & Emery, P.C.

Grace Glendon, with JOHNSTON | THOMAS,
Attorneys at Law, P.C.

Bonita Gordon, with Law Office of Hans Herb

Mikaela Graham, with Mikaela Graham

Valene Hiatt, Student

T. Joy Holloway, with Carle, Mackie, Power & Ross LLP

Kaitlynn Kellogg, with Kaitlyn Kellogg

Florence Lesne, with JOHNSTON | THOMAS,
Attorneys at Law, P.C.

Kristi McDonald, Student

Marcus Meggett, with Meggett Consulting

Dawn Miller, with A Family Law Firm, Inc.

Tricia Porter, with Sonoma County Counsel's Office

Stephanie Pozos, Student

Maranda Rainford, with Maranda Rainford

Annette Shaughnessy, with Annette Shaughnessy

Brett Stein, Student

Graden Tapley, with O'Brien, Watters & Davis, LLP

Jessica Torres, with Jessica Torres

Alexandra Tyree, with Alexandra Tyree

Rachel Vranich, with Arnold & Porter Kaye Scholer LLP

Dee West, Student

Ronit Rubinoff, the Executive Director for Legal Aid of Sonoma County, recognized Jack Raineault, who volunteers his time endlessly to assist the busy organization. Legal Aid serves on average 4,000 people annually. Max Courtney, a law school student at Empire College, was also acknowledged for her devotion to ensuring that everyone in our community can access valuable legal resources, no matter financial restrictions.

The SCBA presented two awards: the fourth annual Unsung Hero Award was presented to Joan Guillaumin and the Michael F. O'Donnell Civility Award was awarded to Bart Weitzenberg.

Toni Novak from the Sonoma County Legal Services Foundation honored Sharron Riggs for her passionate devotion to kids and endless assistance with families; Win Rogers accepted on her behalf.

The Sonoma County Public Law Library also participated by

acknowledging Justin Milligan for his volunteer and fundraising efforts that have, for years, greatly assisted in keeping the library open as a valuable resource for the public.

On behalf of the Sonoma County Superior Court, Judge Nadler presented Gregory Spaulding and Heather Bussing with the Court's Outstanding Volunteer Award.

The Court also presented the Amicus Curiae Award, translated as "A Friend of the Court" to Ronit Rubinoff. This award is given to one individual each year for their outstanding contributions to furthering justice in Sonoma County.

With 2019 closed in the books, let's take a lesson from the honorable work of our colleagues and make the most of 2020 for our community. ☺

By Amy S. Winters

Amy is an Attorney at Perry, Johnson, Anderson, Miller & Moskowitz, LLP

Photography courtesy of Star Dewar



2019 Pro Bono Recipients



Above: Judge Nadler presenting the Amicus Curiae Award to Ronit Rubinoff

Below: Judge Nadler presenting the Court's Outstanding Volunteer Award to Gregory Spaulding



Above: Legal Aid of Sonoma County recognized Jack Raineault & Max Courtney

Below: Carolina Spence (L.) & Ann Diem Patton (R.) were recognized for their outstanding work with the Family Justice Center of Sonoma County by District Attorney Jill Ravitch



Joan Guillaumin is honored with the Unsung Hero Award & Bart Weitzenberg with the Michael F. O'Donnell Civility Award by 2019 SCBA representatives Vice-President Michelle Zyromski (L.) & President Mitchell Greenberg (R.)

Bart Weitzenberg: The Blues Counsel

This year, the Sonoma County Bar Association recognized W. Barton “Bart” Weitzenberg with the fourth Michael F. O’Donnell Civility Award, an award inspired by the dignity and courtesy that typified attorney Michael F. O’Donnell. Past recipients of this award include Michael D. Senneff, Thomas R. Kenney Jr., and John “Jack” F. DeMeo. These attorneys inspire greater confidence in the legal profession by treating everyone with dignity, respect, and candor. An award should be given to an attorney when such sentiments pervade an entire legal career.

The importance of civility cannot be overstated. The conspicuous lack of civility has been described by courts not as a personal failure, but a systemic one (*LaSalle v. Vogel*, (2019) 36 Cal. App. 5th 127, 134). Incivility among lawyers is often identified as a primary cause of professional dissatisfaction within the legal profession. (*Pulse of the Legal Profession*, ABA Journal, Stephanie Francis Ward, Oct. 1, 2007). In response to the problem of incivility, the California State Bar amended the oath new attorneys take to add a civility requirement. (California Rules of Court, Rule 9.4). Since 2014, new attorneys have been required to vow to treat opposing counsel with “dignity, courtesy, and integrity.” That incivility is a widespread problem in the legal profession appears to be a basic and incontestable point. In this challenging environment, the recipient of an award for civility is accorded an even greater measure of respect and esteem. Beyond acknowledgement, the civility award offers an opportunity to examine the attitude, approach, and content of Bart Weitzenberg’s legal career. Weitzenberg has retained his genuine enthusiasm for the profession, made friends out of adversaries, and obtained judgments for his clients exceeding \$100 million over the course of his career.

One dramatic story captures Weitzenberg’s approach to litigation. Between 1984 and 1990, Weitzenberg won a string of 10 large jury verdicts in a row. He recovered \$22.5 million while representing plaintiffs in products liability, wrongful death, and personal injury cases. The *Daily Journal* published a story on Weitzenberg, describing his unorthodox method of pre-trial preparation: On the night before each trial, he and his trial partner, Jeff Steinberg, donned black suits, fedoras, and Ray-bans, and recited favorite dialogue from the “The Blues Brothers,” and taking a spin in their “Blues Mobile,” Weitzenberg’s Toyota 4-Runner with vanity plates whose message, OAMFG, was acronymic for the movie heroes’ claim to be “on a mission from God.” Weitzenberg says, “Their attitude reflects ours.” An admittedly silly act, Weitzenberg says this pre-trial ritual helped

him perform at his peak when trying difficult personal injury and products liability cases.

Weitzenberg regards humor as an extreme form of civility. He observes that enjoying one’s work is closely connected to achieving a great result. Weitzenberg says, “It is almost impossible not to have trial anxiety, but if you can figure out a way to make your cases laugh-out-loud funny, it will have an extremely beneficial effect. The more relaxed you are, the quicker you are to perceive how other people relate to you, to your witnesses, and to your evidence.” Weitzenberg attributes his successful trial practice to his positive attitude. Weitzenberg says, “To do your

best, you have to lighten up and not take yourself too seriously.”

Attorney and founding member of the American Board of Trial Advocates, Bill Kurlandur, was a mentor and formative influence on Weitzenberg beginning in 1972. Kurlandur taught Weitzenberg that promoting civility among lawyers meant taking a personal interest in opposing counsel. As a result, Weitzenberg often bought lunch for opposing counsel in his cases, and developed lasting personal friendships. Weitzenberg emphasizes the practical significance of keeping good relations with opposing counsel thus: “If you can get together outside of the presence of

parties and witnesses and talk as normal human beings, you will be far more productive and effective in resolving disputes.”

After 48 years of practicing law, Weitzenberg attributes his career satisfaction to spending much of his time working with his partners at the Abbey, Weitzenberg law firm, whose company he enjoys. He values the fact that his partners share the standards of civility, integrity, and professional courtesy that he believes lawyers ought to meet. Weitzenberg and his colleagues have made clear and consistent efforts to preserve attributes of practicing law that many lawyers feel have been lost – specifically collegiality, mentoring, and a sense of community among those working in the legal profession. Thus, while success as a trial lawyer often means a willingness to work hard, focus, and prepare cases for trial, Weitzenberg has shown that keeping a healthy perspective on more fundamental aspects of life is the key to civility, and a satisfying legal career. ■■■

By Edward Lester

Edward Lester is an associate attorney with Geary, Shea, O’Donnell, Grattan & Mitchell, P.C., an A.V.-rated law firm that regularly handles complex civil litigation, public entity defense, all aspects of winery and vineyard law, family law, and estate planning.



Jeff Steinberg, left, and Bart Weitzenberg, right, putting on their “Jake and Elwood” personas before getting down to work. (*Daily Journal*, Oct. 1, 1990)

Joan Guillaumin, 2019's Unsung Hero

The Sonoma County Bar Association's annual Unsung Hero award is dedicated to recognizing those who go above and beyond for the betterment of their world and who make a difference in the lives of others. Joan Guillaumin is the 2019 recipient of the Unsung Hero award.

Joan has been an integral part of the Sonoma County legal community for more than four decades. She began her legal career as a legal secretary at Merrill Thompson. She still remembers her first day when she was given two 12 page wills to type on an IBM executive typewriter with no correction tape. No correction tape! Many may recall that in those days there was an original and two carbon copies of each document, all typed on expensive, engraved, heavy, bond legal size paper. One typographical error resulted in having to correct not just the original document, but also both copies. "I was sweating bullets!" Joan recalled. Joan made so many mistakes that first day, she filled a garbage can. She was convinced she was going to be fired. Thankfully, she made it through her first day still employed and, with hard work and the grit that makes Joan, Joan, she continued to excel in her position of legal secretary.



As she worked, Joan continued to take classes at the Santa Rosa Junior College and Sonoma State University, graduating from the paralegal program. Over the years, Joan has worked with several sole practitioners and the Sonoma County District Attorney's Office, Family Support Division, now the Department of Child Support Services. Having finished the paralegal program, Joan found she had time outside of her full-time job. Most people call this outside time "weekends" and happily take those days off. But not Joan. Carol Curry, former judicial assistant to Honorable Kenneth M. Eymann and Honorable Lloyd Von der Mehden, told Joan of a weekend job at the Sonoma County Law Library. Joan jumped at the opportunity.

She worked full-time during the week. On weekends, she worked at the library, waiting on patrons and filing papers. Eventually, she was offered a full-time job at the library by then Director Charlotte Von Gunten. Joan recalls proudly that in 1990, she helped Ms. Von Gunten collect and frame the photographs of all the Sonoma County judges from 1890 to 1990 in time for the library's 100th birthday celebration. According to District Attorney Jill Ravitch, Joan's "work at the library helped many a lawyer, law clerk, pro per and others."

Joan worked at the library for 24 years, helping judges, lawyers, law students, paralegals, students and the general public. "I loved my years at the library," Joan said with a smile. When the library

moved from the courthouse to its current location on Ventura Avenue, Joan worked tirelessly, together with professional movers and several volunteers, to relocate over 20,000 books. When asked whether it was as stressful as it tends to be for people moving houses, Joan laughed. "It was a lot of work," she admitted.

After Joan retired from the library, she learned that the Sonoma County Bar Association was going to move from Old Courthouse Square to its present location on First Street. Given her experience with moving the library, she volunteered her time to help. Sonoma County Bar Association Peter Steiner was so impressed that he hired Joan to help Win Rogers, Legal Programs Manager, with the Sonoma County Lawyer Referral Service and to serve as the receptionist at the Bar Association. Joan continued to do so until February 2019, when she retired. She still volunteers her time at Bar Association events. Joan has also served as treasurer of Sonoma County Women in Law and was a member of the Sonoma County Bar Association Archives Committee.

I had the pleasure of sitting down with Joan over lunch and talking about her long history in Sonoma County. She is one of the most humble people I have ever met. She downplays her important role in the local legal community and underestimates her impact on the lives of others. The library is an important place, especially for those without representation. When Joan spoke of her time at the library, her face lit up and she talked about the regulars that she helped find the legal documents they needed. I wish I could have found those regulars. I am sure they would have agreed with Ms. Ravitch and my thoughts on Joan. "Anyone who knows Joan will agree she is very pleasant and helpful, always with a smile," said Ms. Ravitch. Joan is memorable. She is funny, caring and smart. I wanted to know everything about Joan, but she made me feel like I was being interviewed. I understood as we parted why she is such a gem for Sonoma County. She puts others first and putting others first is the touchstone of any true hero.

Congratulations, Joan, on receiving the Unsung Hero Award! I am happy your impact on Sonoma County has been recognized. I hope that you readers will thank Joan for all she has done for our legal community the next time you see her at a Sonoma County Bar Association event! ☞

By Nicole Jaffee

Nicole is a trial attorney practicing in general civil litigation with Perry, Johnson, Anderson, Miller & Moskowitz, LLP

2020 Presiding Judges Luncheon

The 2020 Presiding Judge's Luncheon was held on January 31, 2020 at the Luther Burbank Center for the Arts with 101 guests attending.

The proceedings opened with SCBA President Michelle Zyromski acknowledging Immediate Past President Suzanne Babb and awarding her a plaque "for her leadership and service as SCBA President in 2019." After announcing the upcoming slate of events and MCLE seminars, she introduced Presiding Judge Bradford DeMeo.

Judge DeMeo started his remarks by recognizing and awarding a plaque to outgoing Presiding Judge Gary Nadler for his exemplary efforts at making the workings of the court "transparent and inclusive" especially during the stressful time of the fires during his tenure, and Judge DeMeo thanked him for making the transition to the new leadership "very smooth and very easy." Judge DeMeo introduced the newly appointed Court Commissioners Kenneth English and Paul Lozado, who will be heading up the new Pretrial Release pilot program.

Judge DeMeo's introductory remarks included an update on the status of the criminal courthouse, which is both "on time and on target." Completion date is still expected to be late Fall 2022. The new state-wide courts budget provides for a 3% increase to all courts, as well as \$2 billion in construction and retrofitting for court buildings, which has been identified but not approved. That could impact Sonoma County, which rents its Family Courthouse, but would like to own it, so it could qualify for that funding if the budget is approved.

Judge DeMeo thanked Court Executive Officer Arlene Junior for her "tireless work in our court operations." She is modernizing court operations with new systems through the lens of sustainability and innovation for improving existing services and delivery systems.

Judge James Bertoli reported on the status of the Family Law division, thanking Judge Shelly Averill for leaving him the division in "such great shape." He noted that the most recent judges appointed to the division, Judge Lawrence Ornell and Judge Barbara Phelan are "diving into the assignment" with the division benefiting from that. One disturbing trend Judge Bertoli reported on was the Civil domestic violence case numbers, which are up dramatically from 314 restraining orders in 2018 to 657 last year. He asked the attendees to be conscious of this issue try to help "diffuse situations that might otherwise go awry." Judge Bertoli joked that "contrary to popular trend, we are going to allow witnesses to testify in our courtroom."

Judge Arthur Wick stood in for Judge Patrick Broderick's report on the Civil Law division. He started by thanking the attorneys who have put in a lot of extra hours helping the Judiciary in the facilitative programs, which takes a burden off of the judi-

ciary, who average 800 cases per judge. He also noted that the division is working to reduce the trial time frames to under the current 60 day window. Judge Wick also announced that his friend Judge Allan Hardcastle will be retiring after 20 years of distinguished service, including a tenure as President of the California Judge's Association, commenting that his colleagues will miss him.

Judge Kenneth Gness reported on the Juvenile Division, the smallest division with Judge Gness and Judge Thistlethwaite. The good news is that the trend of juvenile delinquency cases, in both Sonoma County and statewide, has continued to decline over the last two years. However Sonoma County has had its share of gang shootings and a recent school shooting. Judge Gness announced that the Sonoma County Probation Department has launched a comprehensive review of the Sonoma County Juvenile Justice system. This review is focusing on specific areas of Juvenile Law: specifically, detention, disposition, supervision and recidivism in the juvenile court.

Judge Shelly Averill reported on the Criminal Court division. She praised the coordination among the justice partners, noting regular, well-attended "best practices" meetings. She reported on a new and innovative program available in the criminal courts, with new legislation and statutes available for Mental Health diversion, where there is a link found between a crime and mental health issues. Judge Averill went into more detail on the pre-trial release program, where Sonoma County is one of 16 pilot courts in the state to launch this program with new Commissioners English and Lozado at the helm.

Judge Averill concluded by noting that they are hopeful to have a new judicial appointment soon to replace Judge Boyd who retired last year, and Sonoma County is "on the radar" with a couple of attorneys who are going through the vetting process now. Overall the Criminal division is running well and the new commissioners should help with the heavy case load going forward.

Judge DeMeo closed the meeting by asking to be signed up for the Law Week program, and thanking the Bar for all the assistance they provide the Superior Court. He announced that a self-help clinic and office will be coming soon on site, located very close to the civil clerk's office—another one of Arlene Junior's innovations. He provided a shout-out to e-filing finally being a reality, and that they are actively addressing any "glitches" that have come out during its introductory period. He noted that with Arlene's innovative outlook "we are moving into the 21st century, and things look bright." ■■■

By Caren Parnes

*SCBA Bar Journal Production
Manager and contributor*

Photography courtesy of Star Dewar



SCBA President Michelle Zyromski introduces speakers (L. to R.): Presiding Judge Bradford DeMeo, Assistant Presiding Judge Shelly Averill, Hon. James Bertoli, Hon. Arthur Wick & Hon. Kenneth Gnoss,



At Left: Guests mingling during lunch at the Luther Burbank Center for the Arts



At Right: SCBA Immediate Past President Suzanne Babb showing off her award plaque



Ronit Rubinoff, Hon. Gary Nadler & SCBA Past President Greg Spaulding



Hon. James Bertoli, Hon. Arthur Wick & SCBA Past President Rose Zoia



SCBA Past President Bonnie Hamilton, Commissioner Kenneth English & Nicole Jaffee

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2020 Upcoming Schedule of Seminars & Events

DATE	PROGRAM & PRESENTER(S)	WHERE
03/30/20	<i>Undue Influence</i> Speaker: Dr. Glenn Hammel	SCBA Office
04/02/20	<i>Hemp Law 101</i> Speaker: Lauren Mendelsohn	SCBA Office
04/06/20	<i>ICE Enforcement at the Courthouse</i> Speakers: Bernice Espinoza, Josh Myers, Susan Shaw, Brian Staebell	SCBA Office
04/07/20	<i>Family Law Disclosures Workshop</i> Speaker: Catherine Conner	SCBA Office
04/17/20	<i>LPS Conservatorships</i> Speakers: Phyllis Gallagher, Kathleen Pozzi, Nathaniel Raff	SCBA Office
04/27/20	<i>Sports Law</i> Speaker: Roy Eisenhardt	SCBA Office
04/30/20	<i>Qualified Opportunity Zones</i> Speaker: Chris Paris, Greg Thomas	SCBA Office
05/01/20	<i>2020 Rex Sater</i> Honoree: Hon. Shelly Averill, MC: Kinna Crocker	SRGCC
05/04/20	<i>2020 Sexual Harassment Training for Law Firms</i> Speaker: Samantha Pungprakearti	SCBA Office
05/05/20	<i>Expert Depositions</i> Speaker: Mike Watters	SCBA Office
05/12/20	<i>Ethical Issues Arising in Attorney-Client Relationships</i> Speaker: Richard Rybicki	SCBA Office
05/15/20	<i>Judges' Jubilee</i>	Kendall Jackson Winery
05/19/20	<i>2020 DissoMaster/Tax Law</i> Speakers: Catherine Conner, Darlene Elmore	SCBA Office
06/10/20	<i>Real Property Update</i> Speaker: Barbara Zimmerman, Jeff Terry, Jeremy Olsan	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. 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 to the distribution list.

Alexis Kent is now with Foley Family Wines, Inc. . . . **Danelle Jacobs** has moved to 339 South Main Street in Sebastopol . . . **Hon. Ken English** and **Hon. Paul Lozada** have been appointed pre-trial Commissioners . . . **Michael Fish** and **Julie Levy** are now with Merrill, Arnone & Jones, LLP . . . **Diane Singleton** is retiring and no longer with O'Brien Watters & Davis . . . **Jessica Mullan** is now with

City of Santa Rosa - City Attorney's Office . . . **Beki Berrey** has moved her office to 3558 Round Barn Blvd., Ste. 200 in Santa Rosa . . . **Jaimee A. Modica** is the newest partner at Abbey, Weitzenberg, Warren & Emery . . . **Joyce Milks** has moved her office to 141 Stony Point Circle, Ste. 219 in Santa Rosa . . . **Monica Lehre, Esq.** is now with O'Brien Watters & Davis in Santa Rosa.

The 2019 SCBA Annual Report is Now Available

For a copy, please contact Amy Jarvis, SCBA Executive Director at amy@sonomacountybar.org.

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;

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

Michelle Zyromski, Susan Demers, Amy Jarvis;

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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 x170. 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.

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