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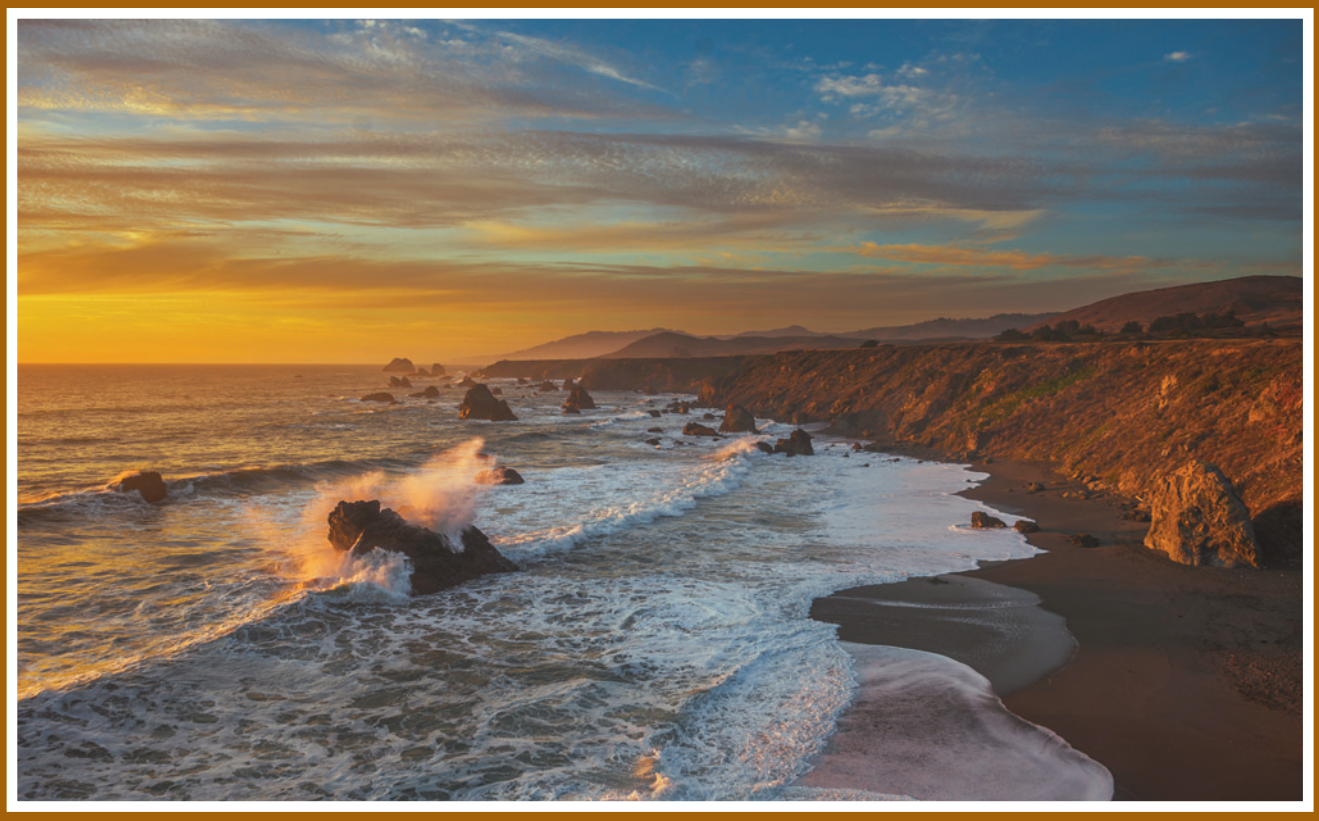

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By Kinna Crocker, President, SCBA

President's Message: *The Tiffin Box*

When I was in elementary school in Chattanooga, Tennessee, I brought my lunch to school every day in a tiffin box. Usually, my lunch was homemade Indian food, leftovers from the previous night's dinner, and the tiffin box kept each element of the meal nicely separated and hot. When I opened each section, the strong scents of curry spice and toasted cumin seed filled the air around me. Today I would describe the food as aromatic, sumptuous, and delicious. But for a 7-year-old who was the only Indian kid in her class, those words did not come to mind. Everyone around me pointed, laughed, and outwardly gagged, claiming the food looked and smelled like garbage. How I longed to eat an Oscar Mayer bologna sandwich on white bread like my best friend!

At age 12, my family and 10 other Indian families loaded our cars for the long 9-hour drive to Disneyworld in Orlando, Florida, for a much anticipated vacation. My mother would pack most of the trunk space full of

homemade Indian food. The huge band of us, at least 40 people, would pull over at rest stops along the way, unload the piles of food and make ourselves at home on the picnic benches. Many of the mostly white Southern travelers would steer clear of us and our food or belligerently tell us to take our food and go back to where we came from.

I left home at 18 to live in a dormitory at Vanderbilt University in Nashville, Tennessee. Every time I visited home, I would return to school bearing multiple containers of homemade Indian food (often in cleaned out Country Crock butter containers because my mother reused everything) and felt grateful to have a piece of home with me, especially when pulling all-nighters studying for final exams. My friends benefited from my mother's generosity as well. On those late nights, they would open every container, put all the various dishes in one bowl, over-microwave everything to the point of explosion, stir all the dishes together—and thoroughly enjoy every bite.

I reflect on those memories and see the evolution of homemade Indian food in my life. First the food was embarrassing, then it made me feel vulnerable in public settings, and finally it became a cherished slice of familiarity when I was far from home. My college friends could not wait to tear open my bags of food and even asked me to place orders for their favorite dishes when I went home to visit. They did not know their excitement and interest gave me a sense of belonging as they were essentially acknowledging and showing respect for a part of me, of my culture and of my "otherness." I struggled to fit in as an Indian American in the South, but through experiences such as these with food and friends, I discovered that the differences between me and my friends, and between me and my Southern community, were what made our lives intriguing, rich and beautiful.

I share this with you because by telling stories about ourselves, no matter how big or small, we forge connections and surprise ourselves to learn that we often have more in common than not. In turn, listening to others' stories can have a great impact. The smallest act of kindness in listening and asking questions—and, for me, friends

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In This Issue

Executive Director Report: The State of the Association

As we begin 2023, my fourth year as Executive Director, the time is ideal to review 2022 and set our gaze forward on what is to come in 2023.

We ended 2022 with 982 members, a 5% increase from the year prior. As of the end of January, SCBA has welcomed back 80% of our 2022 members. About 2% of our current membership are new members for 2023. Hello to all our "newbies"! I look forward to seeing how you help our organization innovate and grow into the future. And a huge thank you to our returning members. Your continued support and leadership have made this organization what it is today. I know your wisdom will continue to carry us through whatever 2023 (and beyond) has in store for us!

Roughly a quarter to one-third of our revenue in any given year comes from our Lawyer Referral Service (LRS). LRS had an amazing year in 2022. As the courts reopened, our members became busier, billable hours increased, and fees our attorney panelists paid SCBA increased. We continue to see long-term growth in the number of clients we refer to our LRS attorneys year over year, and we expect another stellar year in 2023.

We hosted four events in 2022: the long-awaited Rex Sater Award Reception honoring Judge Shelly Averill, SCBA's 100(+1) Anniversary celebration, a fantastic Bench Bar Retreat, and our annual Winter Mixer. We had a good turnout at each event, but overall attendance at in-person events was much lower than our pre-covid numbers. Those who attended seemed thrilled to be there and were full of compliments. Nothing makes an event planner feel more like a rock star than hearing folks rave about an event weeks afterward.

We plan to bring back all of our annual programs in 2023, including the Judges Jubilee, Court Appreciation Breakfast, Careers of Distinction Awards Dinner, and the Pro Bono Awards Reception. You may have noticed (or maybe attended) the return of our in-person Presiding Judge's Luncheon. Over 100 people came out to listen to Judge Averill and the supervising judges of each department (read more about this on page 8). It was an excellent kick-off to SCBA's 2023 events calendar!

2022 was a year of giving for our membership. For 6 weeks beginning in late April, we hosted our first annual Food from the Bar competition with the ***Redwood Empire Food Bank*** Our members raised $157,725, collected 1,732 pounds of food, and volunteered 496 hours of their time to the food bank. Read more about this year's Food from the Bar event on page 7. In October 2022, 95 members gathered at our Bench Bar Retreat to focus on improving diversity, equity, and inclusion within the legal community. Part of the program consisted of a communication activity hosted by a local nonprofit, ***Listening for a Change***. We plan on continuing this partnership with Listening for a Change and will work with our members throughout this year to bring about a more diverse, inclusive, and equitable future.

Finally, SCBA continued our partnership with the Sonoma County Law Library and the Sonoma County Library to host the Lawyers in the Library program. This is an essential service we provide to our community and only one of the many ways the library, law library, SCBA, and our members improve access to justice here in Sonoma County.

All SCBA members are entitled to a copy of SCBA's annual report. Click ***here*** to download a copy of the 2022 Report.

By Amy Jarvis

Amy Jarvis is the Executive Director of The Sonoma County Bar Association

SONOMA COUNTY BAR ASSOCIATION

Need Referrals?

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Between 2000 and 2022, LRS Panel attorneys earned over $10,967,000 from LRS referred clients.

We have panels in the following categories:

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- Estate Planning
- Family
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- Insurance
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- Juvenile
- Landlord/Tenant
- Mediation
- Medical Malpractice
- Personal Injury
- Real Estate
- Restraining Orders
- Tax
- Trust & Estate Administration
- Workers' Compensation

To join the LRS, go to: *https://www.sonomacountybar.org/join-lrs*

If your practice area is not shown and you would like to establish a panel please contact Win Rogers, Legal Programs Manager, at the SCBA office:

(707) 542-1190 ext. 190 or win@sonomacountybar.org

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President's Message (continued from page 3)

enjoying food from my culture—can help someone feel heard and seen. We inevitably create new, positive, and mutually fulfilling relationships. Valuing diversity, equity, inclusion, and belonging does not have to be frightening or worrisome. (Will I say the wrong thing? Will I offend someone? How can I get it right?). It can be as simple as sharing and listening.

As legal professionals, we are role models for generations of people who may have similar stories and who may one day follow in our footsteps by joining in this work we do. Jeremy Evans, President of the California Lawyers Association, recently said that as attorneys, we have the abilities and tools to be leaders and should "celebrate differences in culture, welcome people of different cultures and backgrounds, and show patience and grace through it all." By making connections with one another, we enrich our profession. Our legal community becomes more diverse and the outward expression of our various points of view—as well as the experiences we bring to the courtroom, to the office, and in our daily lives—demonstrates to the larger community that our legal system acknowledges and respects our differences. True access to justice will follow.

I encourage you to meet a friend or colleague for a meal and share something about yourself. I also encourage you to listen and be curious; ask that friend or colleague about their culture, family, and the special dish that holds meaning for them. Get out in the community! Volunteer for Law Week and talk to high school students about how and why you became a legal professional; join the SCBA Mentorship Program and assist an attorney who is new to Sonoma County, the profession, or practice area; and, sign up for the Diversity, Equity and Inclusion Section's Pipeline Pods Program, where you are connected with a high school student and college student, helping them navigate the path to a job in the law and learning what challenges they face in reaching their goals. Last, join the Sonoma County Bar Association this year for in-person events and continuing education courses where you will meet new people and reunite with old friends. And be sure to bring your tiffin box—your unique stories that, when shared, have the power to break down barriers and create connections.

Challenge to End Hunger: Food From the Bar 2023

Ready to have fun and feed the hungry? Once again in 2023, the Sonoma County Bar Association is hosting "Food From The Bar" to support hunger relief through the Redwood Empire Food Bank (REFB). Throughout the month of May, law firms, legal organizations, SCBA sections, and related groups will compete to contribute food, volunteer hours, and make monetary donations to alleviate hunger in our community. Currently the REFB is serving 38,000 families. This exceeds the number of people receiving food assistance during the pandemic. Inflation's impact is most apparent in this increased demand.

Play pool? The Berry & Fritzinger law firm has already set up a pool tournament at the well-known Wagon Wheel. Select a breaking cue and be at the Wagon Wheel on May 8th, 5:30 P.M. – 8:30 P.M., Scotch Doubles. If this isn't your game, join the shuffleboard contest. Additionally, consider creating your own team and join the campaign to end hunger. Staff and clients can participate on your team. More detailed information outlining the program and a user manual is available through SCBA and REFB. Direct links to the program are available on both entities' websites. Past participants are also available to coach new participants.

The kickoff for Food From The Bar will be on April 27th, 5:30 P.M. – 6:30 P.M., at the REFB, 3990 Brickway Blvd. Santa Rosa, CA 95403. Teams can start scoring points by attendance, bringing food, and/or competing at the event. There will be a speed food box packing contest. The "Pie and Tie" competition is sponsored by the team "Retired Judges and Other Has-Beens." You can enter your ugliest, most novel, and/or most artistic tie. You can enter the bake off or apply to be on the panel of judges.

Participation takes many forms. A team can staff an after-work food packing shift. Teams can have food barrels delivered to their offices. Teams can collect money donations from clients, vendors, and any interested party. Teams can raise money by hosting an event. In other counties, law firms have held cocktail parties, bake sales, and sporting competitions. Be original! Maybe a poetry writing contest, an art show—perhaps a hula hoop contest.

Last year the campaign raised $157,725, provided 496 hours of volunteer work, and donated 1,732 pounds of food. It was a tight race. By a slim margin, Abbey, Weitzenberg, Warren and Emery nudged out "Retired Judges and Other Has-Beens" for first place. Smith Dollar ended in third place but also collected awards in the most creative, greatest number of small donations, and the kickoff award categories.

Kinna Crocker, SBCA president, is chairing this year's campaign. She joins leaders from several other California counties as well as out-of-state bar associations in their efforts to provide hunger relief. She is encouraging participation from bar sections, the Barristers, Women in Law, the offices of the Public Defender, District Attorney and County Counsel, and Empire Law School, as well as law firms.

REFB serves one in six people in Sonoma, Lake, Mendocino, Humboldt, and Del Norte Counties. There are over 300 monthly direct distribution sites. Seventy-five percent of the food from REFB reaches the public in this manner. Last year food for 21 million meals was delivered. The balance is provided to school programs and to 170 partners who use the food for the people they serve.

Food From The Bar is a unique partnership between two important organizations, finding new ways to better serve our community.

By Hon. Gayle Guynup

Gayle Guynup is an active member of SCBA, board member and past president of the Board of Directors of the Redwood Empire Food Bank, and a retired Sonoma County jurist.

2023 Upcoming Schedule of Seminars & Events

Please view our seminar and event schedules online.

Visit ***https://www.sonomacountybar.org***

and go to the Seminars/Events tab at the top navigation bar for the list of events. Thank You.

2023 Presiding Judge's Luncheon: Live and In-Person

If ever the attorneys of Sonoma County had a point of pride, it would be their respect for civility. "It's very Sonoma County to go to court, argue, and then come back together with the judge and opposing counsel for lunch later that day," said Michael Brook, an English-born local attorney, at the 2023 Presiding Judge's Luncheon, held February 3, 2023. Hours earlier, Brook had delivered a closing argument before Judge Patrick Broderick—now on stage before him at the Luther Burbank Center—along with opposing counsel, now sharing a lunch of grilled chicken, wild rice, and green beans across the room from him. "It's very civilized."

Presiding Judge's Report

The Honorable Shelly J. Averill, Presiding Judge of the Superior Court of California, County of Sonoma, opened the program with a "state of the courts" report. Judge Averill is hopeful that our court is "finally getting some traction in the Governor's office" to fill the four remaining judicial vacancies that have kept the court shorthanded for years. One of Judge Averill's top priorities is to shrink the processing time for e-filed documents. "We're concerned about it and we're taking action to correct it and make the process quicker." She also described a new case assignment system coming this spring, which will randomly and equitably distribute cases and correlate the last two digits of the case number to the last name of the judge. Judge Averill will remain as presiding judge through the end of 2024, a tenure that will include the planned opening of the new courthouse in May 2024.

With untreated mental health disorders and substance abuse a daily reality on California streets, Judge Averill said that our court will adopt Governor Newsom's "CARE Court" program in December 2024, following pilot programs in seven other counties. The new framework will allow family members and health workers to petition the CARE Court to compel individuals with severe mental health disorders to enter treatment.

Supervising Judges' Reports

The Honorable Kenneth J. Gnoss, Presiding Judge of the Juvenile Division, reported that although juvenile case numbers have declined, "the seriousness [of the offenses] has dramatically increased." He gave the example of 17-year-old twin brothers who were taken into custody a week earlier for fatally stabbing a man on Sebastopol Road. Judge Gnoss said that the most troubling new development is the proliferation of handguns with "Glock switches" (the formal term is "auto sears"), a Lego-sized piece of plastic that converts an ordinary handgun into an automatic weapon that can fire continuously with a single pull of the trigger until it uses up all its ammunition, like an automatic assault rifle. Anyone can easily make a Glock switch with a 3D printer. He related that a young man was recently in his courtroom for possession of a firearm with a Glock switch and an extended magazine of 40 rounds. Judge Gnoss explained that he's "probably seeing gun cases if not every day, then at least on a weekly basis."

Judge Gnoss also explained the continuing importance of the Court-Appointed Special Advocate Program (CASA), in which trained volunteers identify abused and neglected children, many of whom enter the juvenile court system. The advocates help these children obtain protection from abuse (often by foster parents), find necessary social services, and advocate for them at juvenile court appearances.[1] Judge Gnoss congratulated Dawn Ross, who was recently sworn in as a CASA.

The Honorable James G. Bertoli, Supervising Judge of the Family Law Division, reported that his division is inundated with requests for trials, which results in setting trial dates far into the future. But most of the cases settle, leaving only a handful of actual trials. This unnecessarily delays resolution of cases and leaves courtrooms empty. He said, "Frankly I think all of us," (referring to all attorneys), "have to step up our game because we shouldn't have to set that many trials out that far. When you ask for a trial be sure you're ready for it,"Judge Bertoli admonished.

The Honorable Patrick M. Broderick, Supervising Judge of the Civil Division, described 2022 as one of the court's most difficult years. Attrition of the court's staff and inability to recruit replacements is a severe handicap. Judge Broderick praised Presiding Judge Averill's success in "triaging"—redeploying the reduced number of staff members to cover the most crucial vacancies.

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1. See generally 34 U.S.C. §§ 20321–20324; Welf. & Inst. Code, §§ 100-110; California Court Appointed Special Advocate Association *https://www.californiacasa.org*.

2023 Presiding Judge's Luncheon (continued from page 8)

The caseload in the Civil Division has averaged around 800–900 cases per judge. For 2023, Hon. Christopher M. Honigsberg presides in Courtrooms 18 and Hon. Oscar A. Pardo presides in Courtroom 19. Hon. Daniel Chester is hearing unlawful detainer and short cause matters in Courtroom 12. (See page 26 for a full list of Judicial assignments for 2023.) Judge Broderick also thanked all the attorneys who sit as judges pro tem in small claims court for their "absolutely critical" role. He concluded, "For the Civil Division, for all of us, it's the best I've felt in a long time, particularly in view of last year."

The Honorable Mark A. Urioste, Supervising Judge of the Criminal Division, reported that an increasingly large part of his division's work is responding to legislative changes that have broadened the availability of post-conviction relief by repealing sentencing enhancements. For example, under SB 483, prisoners whose sentences were enhanced by a 3-year term for prior convictions for controlled substance crimes, or a 1-year term for each prior prison term, may seek relief from those now-invalidated enhancements. The court reevaluated the sentences of 21 individuals who were serving time only on the sentence enhancements by a mandatory deadline of October 2022; 44 individuals who are still serving time on the underlying charge will have their enhancements reassessed by the end of the year. Meanwhile, SB 1437 eliminated the "felony murder" rule and allows individuals convicted under that rule to shave off years, or even decades, from their sentences.

"These cases involve a real significant amount of time and resources for the litigants as well as the courts," Judge Urioste said. "It's a complicated issue and also involves the simple logistical issues of moving an inmate during COVID restrictions."

With time running out at the luncheon, Hon. Jennifer Dollard, Supervising Judge of the Probate Division, demonstrated Shakespeare's aphorism, "Brevity is the soul of wit." She began, "I was going to start with a joke: I searched my house and I don't have any classified documents. Then I was going to tell you what the Probate Court is. Google it. Then I was going to say even if you don't do probate, if someone dies, you'll learn what it is."

Moving on to practical guidance, she advised, "Look in the CEB book. That's where we find answers. Do not dabble in probate; it is not a dabbling sort of place to be. It's really technical and court-driven, and there actually are laws for everything." Finally, Judge Dollard advised, "I conclude with this: Civility. You should be civil. Even if they started it and you don't feel like being civil, you should consider that incivility is not persuasive to the court. It undercuts the weight of your argument and leads to the question of whether your actions are necessary for service of the client or are driven in response to your personal animus. So, when you're tempted—and you will be—to not be civil, please be civil."

By Henry Johnson

Henry Johnson is an associate attorney with Beyers Costin Simon and a former Cairo-based journalist.

MCLE: Leveling the Playing Field Through Employment Legislation, Part 1

This article is the first in a two-part series that explores California legislation intended to encourage economic parity for protected classifications and meant to remove barriers to women and persons of color for upward mobility. Part One, below, discusses the current economic challenges and consideration of California's Labor Code sections that address them. Part Two will provide insight into the California Government Code and its impact on economic parity historically.

Introduction

In the '90s, Mr. B, a Black man from Oakland, hired me to help him with an environmental clean-up of his gasoline station which is now a part of the Windsor Green. During one of our meetings, Mr. B told me that he had recently returned to his hometown in Alabama, and was surprised to be asked at the local grocery store if he needed help carrying out his groceries by a white employee. Mr. B admitted that he took up the offer to test the employee and the grocery store, and the employee cheerfully carried the groceries to his car. The next day, Mr. B returned to the grocery store to apologize since he really didn't need the help. The store manager replied to Mr. B that his money was just as green as everyone else's.

Mr. B's trip to the grocery store illustrated that economic parity cannot be underestimated.

No Change Without Legislation

According to multiple sources, not much progress has been made by well-meaning voluntary efforts. A 2022 study by McKinsey & Company[1] found that the vast majority of Americans enter the workforce through frontline jobs, involving physical labor that does not require skill, such as waiting tables or stocking store shelves. Approximately 70 percent of the current U.S. workforce is concentrated in frontline jobs who cycle through a series of positions that represent lateral moves without ever gaining the necessary skills or having the opportunity to advance; few are promoted to entry-level corporate roles. The McKinsey Company researchers concluded that lack of opportunity is especially true for frontline workers of color, who face an array of impediments to moving up the ladder.

Further, mentoring does not seem to result in upward mobility. Herminia Ibarra, a professor of organizational behavior at Instead notes: "… [I]nvesting heavily in mentoring and developing best female talent does not translate into promotions for women according to the data. A Catalyst survey of over 4,000 high potentials shows that more women than men have mentors—yet women are paid $4,600 less in their first post-MBA jobs, hold lower-level positions, and feel less career satisfaction."[2]

Statistics also show that change is painfully slow. "The World Economic Forum Global Gender Gap Report originally estimated that number of years until true equality occurred between men and women globally as 75 years, and is now estimated at 136 years."[3] The number of women CEOs reported by Fortune 500 varies depending on the source, but these small incremental changes are celebrated as a roaring success. According to the Fortune 500 webpage, in 2020, there were 37 female Fortune chiefs (7.4%) and in 2021, women CEOs rose to 41 (8.1%). As of January 1, 2023, 10% of Fortune 500 companies are led by women, for a total of 53 women CEOs in the Fortune 500 companies.[4] Laura Liswood commented in *The Elephant and the Mouse*, "To me the notion that a 1.8% increase was roaring forward seems slightly hyperbolic. The push to get women into the C-suite has been around for a long time. Noting the progress seems reasonable, but to celebrate at this point seems overly dramatic."[5]

Employment Legislation under the California Labor Code that Addresses Economic Parity

The Division of Labor Standards Enforcement (DLSE) regulates the wages and hours of employees. The DLSE

(Continued on page 11)

1. McKinsey & Company, *Race in the Workplace: The Frontline Experience* (July 30, 2022). *https://www.mckinsey.com/featured-insights/diversity-and-inclusion/race-in-the-workplace-the-frontline-experience*

2. *Why Men Still Get More Promotions Than Women* (interview with Herminia Ibarra, professor of organizational behavior) *Harvard Business Review* (Sep. 2010), *https://hbr.org/2010/09/why-men-still-get-more-promotions-than-women*.

3. World Economic Forum: *Gender Inequality* https://www.weforum.org/agenda/2021/04/136-years-is-the-estimated-journey-time-to-gender-equality/

4. Hinchliffe, *Women CEOs Run More Than 10% of Fortune 500 companies for the First Time in History*, *Fortune* (January 12, 2023). *https://fortune.com/2023/01/12/fortune-500-companies-ceos-women-10-percent/*

5. Liswood, *The Elephant and the Mouse* (2022) pp. 29-30 (Kindle Edition).

MCLE: Leveling the Playing Field (continued from page 10)

lists over 50 Labor Code sections that specifically address discrimination and retaliation for employees and job applicants.[6] While almost all of the listed statutes applies to all employees, the statutes have a greater impact on women, particularly single women, families, and people of color. Two reoccurring themes in employment-related legislation in the Labor Code are: (1) removing barriers that keep disadvantaged groups from obtaining employment, and (2) supporting employees, particularly those from disadvantaged groups, in keeping their job. Some of the most significant laws are:

1. Labor Code section 98.6 protects employees who attempt to enforce their right to demand payment of wages due, or the exercise of any other right protected by the Labor Code.

2. Victims of Domestic Violence, Stalking, Sexual Assault and Other Crimes: Labor Code section 230 covers a broad array of protections for a victim of domestic violence, sexual assault, and/or stalking, or a victim of a crime that caused physical injury or that caused mental injury and a threat of physical injury, or abuse. Protection extends to employees who are family members of a victim of crime. Employees may take time off to testify, to obtain or attempt to obtain relief, and to help ensure the health, safety, or welfare of themselves and the employee's children. An employer must accommodate a victim who requests an accommodation for the victim's safety while at work. Labor Code section 230.1 applies to employers with 25 or more employees, prohibits retaliation for employees who take time off to seek medical attention, to obtain services from a domestic violence program or psychological counseling, or to participate in safety planning. Labor Code section 230.2(b) extends protections to employees who are victims, certain family members, or children who take time off from work to attend judicial proceedings related to that crime.

3. Employees with School-Age Children: Labor Code section 230.7 prohibits retaliation of an employee who is a parent or guardian of a student for taking time off from work to attend to a child's discipline. Labor Code section 230.8 prohibits an employer with 25 or more employees from retaliating against an employee who is the parent of a child for taking off up to 40 hours a year, but no more than 8 hours per month, to participate in the child's school activities, to locate or enroll the child in school or childcare, or for school emergencies (no 8 hour restriction for school emergencies).

4. California Fair Pay Act (Labor Code sections 432.3, 1197.5): While equal pay has been California law for decades, these statutes show commitment to achieving pay equity for gender and race. Employees cannot be paid less than an employee of the opposite sex or another race or ethnicity for substantially similar work, when the work is viewed in light of skill, effort, and responsibility, and when performed under similar working conditions. Labor Code section 432.3 prohibits an employer from using an applicant's salary history in an offer of employment. An employer is also prohibited from seeking the applicant's salary history through third parties. As of 2023, an employer of 15 or more who uses third party advertisers (such as Indeed) must also post the salary scale for a position to an applicant for employment and provide the salary scale on request to an applicant or existing employee.

5. Immigration Status: Labor Code sections 244, 1019, 1019.1, 1019.2 and 2814 bar employers from obtaining immigration information except in certain circumstances and only at the inception of employment. Employers may not use immigration status to deny employment, reduce compensation or threaten an employee or his family members, nor question facially legitimate immigration documents. Employers are required to notify affected employees of federal inspection of I-9 forms under Labor Code section 90.2.

6. The California Fair Chance Act (2018) meant to ensure that workers with conviction records (disproportionately higher for people of color) are more fairly considered for jobs. Employers of five or more may not ask about conviction history on a job application nor run a conviction background check until a job offer is made. Employers cannot ask about or consider arrests (except currently open cases), diversion programs, juvenile court records, and expunged ("dismissed") convictions. The applicant must give permission, and the employer must provide notice and the opportunity to the applicant to explain the record after an individualized assessment of the conviction.

7. Labor Code sections 1030-1033 prohibits employers

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6. Labor Commissioner's Office, Laws that Prohibit Retaliation and Discrimination. *https://www.dir.ca.gov/dlse/howtofilelinkcodesections.htm*

MCLE: Leveling the Playing Field (continued from page 11)

from discharging or retaliating against an employee for exercising or attempting to exercise any right under the state lactation accommodations laws to express milk for the employee's infant child.

8. Labor Code section 1041-1044 requires a private employer with 25 or more employees to reasonably accommodate and assist an employee who reveals issues with illiteracy and requests the employer's assistance in enrolling in an adult literacy program.

9. Labor Code section 1024.5 prohibits the use of a consumer credit report for employment purposes unless the position of the person for whom the report is sought falls under certain enumerated exemptions. Labor Code section 2929 prohibits an employer from discharging an employee because garnishment of the employee's wages has been threatened or because his or her wages have been subjected to garnishment for the payment of one judgment.

10. The Domestic Workers' Bill of Rights (Labor Code section 1450-1453, 1454) extends overtime pay rights to qualified individuals who spend 80% of their time solely in care for the elderly, children, or disabled persons who cannot care for themselves, while working in their home. These personal attendants are entitled to overtime pay at 1.5 times their regular rate of pay for any hours worked in excess of nine (9) hours in a day or in excess of 45 hours in a week.

11. Recent Frontline Worker legislation: In 2019, individual childcare workers were given the right to join a union and collectively bargain with the state of California. In 2021, legislation was enacted to protect warehouse workers from unsafe production quotas. Legislation also ended piece-rate compensation for garment industry workers. Cal-OSHA has been tasked to create an advisory committee to recommend state policies to protect domestic workers from violence, and a bill to ensure that workers with disabilities are paid a fair wage.

12. The Fast Act, or AB 257 established a statewide Fast Food Council to set wage rates and working conditions for fast-food workers of quick-service chains (e.g., McDonald's) with at least 100 units nationwide. The law was scheduled to go into effect on January 1, 2023 with prospective minimum wage rates of $22.00/hour, but restaurant industry groups that oppose the bill—a coalition called Save Local Restaurants, that includes the National Restaurant Association, the California Chamber of Commerce, the International Franchise Association, and chains such as In-N-Out, Starbucks and Chipotle—have collected enough votes to require a voter referendum, likely not until 2024.[7]

7. Miller, *California's Fast-Food Council Faces a Referendum in 2024. Workers Say They Won't Back Down*, *The Sacramento Bee* (January 25, 2023).

https://www.sacbee.com/news/politics-government/capitol-alert/article271613987.html#storylink=cpy

By Valorie Bader

Valorie Bader, Of Counsel at Welty Weaver & Currie PC, is an experienced employment law attorney, handling both transactional and litigation. Valorie is a member of the L & E Law and DEI sections of the SCBA, as well as the former chair of the Labor and Employment Law Section.

SCBA Spring '23 "Movers & Shakers"

If you have news 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.

Kristina Gardenal (new attorney as of 2022) is now with Perry, Johnson, Anderson, Miller & Moskowitz, LLP in Santa Rosa . . . **Michael Fish** is now with Anderson Zeigler, ACP in Santa Rosa . . . **John Kelly** has opened his own firm, The Law Offices of John A. Kelly in Sonoma. . . **Ross Jones** has opened his own firm, Ross B. Jones, Attorney at Law in Santa Rosa . . . **Marlon V. Young** with Krankemann Law Offices moved their office to 420 E St., Suite 100 in Santa Rosa . . . **Eric Young** has moved his office to Young Law Group, 2554 Cleveland Ave., Ste. 210 in Santa Rosa . . . **Jessica Gorton** is now with Meechan Rosenthal & Karpilow in Santa Rosa . . . **Claudia Heyde** moved her office to 35 5th Street in Petaluma . . . **Candice Raposo** has become a Partner at Spaulding McCullough & Tansil LLP . . . **E. Page Allinson**, **Chad O. Dorr**, **Martin L. Hirsch**, and **Nicole M. Jaffee** have been elevated to Partners at Perry, Johnson, Anderson, Miller & Moskowitz LLP . . . **William "Bill" Adams** has opened his own office and moved to Windsor . . . **Carla Hernandez Castillo** and **Patricia Schuermann** are now with Clement, Fitzpatrick & Kenworthy in Santa Rosa . . . **Megan Lightfoot** is now with Vivian & Agil Law PC in Santa Rosa . . . **Ryan Thomas** is now with Anderson Ziegler, A Professional Corporation in Santa Rosa . . . **Roy Johnston**'s firm name has changed to: Johnston & Associates, Attorneys at Law, P.C.

Leveling the Playing Field—Self-Study MCLE Credit

HOW TO RECEIVE ONE HOUR OF SELF-STUDY MCLE CREDIT

Below is a true/false quiz. Submit your answers to questions 1-20, indicating the correct letter (T or F) 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, 3035 Cleveland Ave., Ste. 205, Santa Rosa, CA 95403

1. There are over 50 Labor Code provisions listed by the Division of Labor Standards Enforcement that prohibit employers from discrimination or retaliation.

2. The Division of Labor Standards Enforcement regulates discrimination and retaliation based on an employee's gender.

3. Labor Code 230 allows employees who are victims of domestic abuse to take time off for testimony.

4. Labor Code section 230.1 prohibits all employers from retaliating against employee absence to participate in safety planning due to sexual assault.

5. Employers are required to notify affected employees of federal inspection of I-9 forms under Labor Code section 90.2.

6. An employer may check up on an employee's immigration status when they learn that the employee presented false documents.

7. An employer may never use a consumer credit report while hiring an employee.

8. An employer may generally ask an applicant about her previous salary in her former job.

9. The California Fair Pay Act requires the same pay for employee of the opposite sex or another race or ethnicity for substantially similar work under similar circumstances.

10. The California Fair Chance Act prohibits employers of five or more from inquiring about conviction history on a job application.

11. All employers must advertise the salary scale of an open position.

12. Any employer may obtain a credit record check and a conviction background check after job offer is made.

13. An employer of five or more can consider an arrest that is open in the court system.

14. An employer must provide an individualized assessment if withdrawing the offer of employment based on conviction history.

15. Employers of 25 or more employees must reasonably accommodate an employee who reveals issues with illiteracy.

16. Labor Code section 2929 prohibits an employer from discharging an employee because garnishment of the employee's wages has been threatened or because his or her wages have been subjected to garnishment for the payment of one judgment.

17. Employers of 25 or more must allow employees with children up to 40 hours per year to take time off for school events.

18. The Domestic Workers' Bill of Rights extended health insurance coverage to personal attendants.

19. The Fast Act was implemented and effective January 1, 2023.

20. The Fast Act would raise minimum wage above the state's minimum wage for fast food workers.

SCBA Welcomes Our New Spring 2023 Members!

Sohir A. Albgal, Sonoma County Public Defender's Office
Morgan Biggerstaff, City of Santa Rosa, City Attorney's Office
Patricia Bradford, Sonoma County Public Defender's Office
Anitra Campos, Law Office of James Krupka
Christopher Clark, Rogoway Law Group
Trevor Codington, Carle, Mackie, Power & Ross
Joseph Ferrucci, Rimon Law
Kimberly Fitzgerald, Sonoma County Public Defender's Office
Samuel Gearing, Law Student
Mary Hill, Sonoma County Public Defender's Office
Carolyn Jachetta, Carolyn D. Jachetta, Attorney at Law
Henry Johnson, Beyers Costin Simon
Tracy Krause, Sonoma County Public Defender's Office
Andrew Kuehn, Sonoma County Public Defender's Office
Gina Lee, Divorce with Dignity–Marin/Sonoma
Fabiola Manai, Sonoma County Public Defender's Office
Jill Manning, Pearson Warshaw, LLP
Vahe Marouti, Sonoma County District Attorney's Office
Brian McClatchey, Maier Pfeffer Kim Geary & Cohen, LLP
Shannon McMullen, O'Brien, Watters & Davis, LLP
Elliot Millerd-Taylor, Sonoma County Public Defender's Office
Daniel Moss, Sonoma County Public Defender's Office
Deidra Moss, Sonoma County Public Defender's Office
David Moutrie, Sonoma County District Attorney's Office
Grace Neibaron, Carle, Mackie, Power & Ross
Jessica Ozalp, School & College Legal Services of California
Reid Paoletta, Carle, Mackie, Power & Ross
Luis "Fred" Peña, Peña Investigations
Nathan Putney, City of Santa Rosa, City Attorney's Office
Loni Radmall, Sonoma County Public Defender's Office
Dan Reidy, Carle, Mackie, Power & Ross
Christina Stevens, Sonoma County District Attorney's Office
Andrea Tavenier, Sonoma County District Attorney's Office
Kelly Williams, Law Office of Kelly David Williams

Legal Tech-nicalities: Do Android Lawyers Dream of Human Clients? Their Makers Do.

Legal Tech-nicalities is an ongoing column written by Eric G. Young, Esq. The column's aim is to provide you with useful tips for using technology more effectively in your life and practice.

In 1968, author Philip K. Dick published *Do Androids Dream of Electric Sheep?*, which inspired Ridley Scott's films *Blade Runner* (1982) and *Blade Runner: 2049* (2017).[1] *Do Androids Dream?* tells the tale of a chaotic, post-apocalyptic world where androids are barely distinguishable from humans. The androids yearn for a better life, but they pose a danger to humanity's future. Dick's writings are dark and introspective. Today, with technology affecting every facet of our daily lives, his works seem prophetic, especially about artificial intelligence (AI).

AI supports many industries, and legal is no exception. AI technology is already being used in many law firms to review documents, conduct discovery, and automate drafting. It is used to recommend bail and sentencing decisions to judges.[2] In the next 5–10 years, AI is likely to transform every aspect of our profession. Indeed, the marriage of AI to "chatbot" technology could determine whether we human lawyers continue to practice our craft at all.

AI Simplified

At its simplest, AI refers to computer programs capable of performing tasks typically requiring human intelligence.[3] The two attributes of AI most relevant for lawyers are "machine learning" and "natural language processing." Machine learning refers to computer software that can teach itself and learn from experience. An AI-powered machine can do more than follow a program; it can learn from mistakes and improve its capabilities. Natural language processing refers to computers with programs that can perform human-like analysis of the meaning of spoken or written words.

Chatbots Made Easy

According to tech giant Oracle, "a chatbot is a computer program that simulates and processes human conversation (either written or spoken), allowing humans to interact with digital devices as if they were…a real person."[4] More advanced, AI-capable chatbots can be "digital assistants that learn and evolve to deliver increasing levels of personalization as they gather and process information."[5]

Oracle extols AI chatbots. The company's website states: People like them because they help them get through…[routine]…tasks quickly so they can focus… on high-level, strategic, and engaging activities that require human capabilities that cannot be replicated by machines.

This statement is true, as far as it goes. But what happens when technology advances to where machines *can* perform "high-level, strategic, engaging activities"—such as lawyering, for example? Technology is getting closer to this ability than many realize.

The Robot Lawyers Are (Almost) Here

A January 10, 2023, article garnered national media attention: *A.I. Powered "Robot Lawyer" Will Appear in a U.S. Court for the First Time*.[6] On February 22, 2023, the "world's first robot lawyer" was set to defend a human in a California traffic court case involving a speeding ticket. The "robot lawyer" is the AI-meets-chatbot creation of Joshua Browder, provocateur and CEO of tech startup DoNotPay. According

(Continued on page 16)

1. If you have not seen Scott's visual masterpiece, *Blade Runner*, drop whatever law book you are reading. Drop it now. Turn on Netflix.

2. Stepka, *Law Bots: How AI Is Shaping the Legal Profession*, (Mar. 2, 2022) Business Law Today, *https://www.americanbar.org/groups/business_law/publications/blt/2022/02/law-bots* (as of Feb. 24, 2023).

3. Marchant, *Artificial Intelligence and the Future of Legal Practice* (Summer/Fall 2017) The SciTech Lawyer 20.

4. Oracle.com, *What Is a Chatbot? https://www.oracle.com/chatbots/what-is-a-chatbot* (as of Feb. 24, 2023).

5. *Ibid.*

6. Coleman, *A.I. Powered "Robot Lawyer" Will Appear in a U.S. Court for the First Time* (Jan. 10, 2023) *Yahoo.com https://www.yahoo.com/now/powered-robot-lawyer-appear-u-154154895.html* (as of Jan. 10, 2023).

Legal Tech-nicalities (continued from page 14)

to the company, the "robot lawyer" has been programmed to listen carefully and analyze everything said in court via a smartphone. In the real-life case, the robot would have instructed the defendant on what to say in reply via an earpiece or other wearable device. The defendant agreed to say only what the robot instructed the defendant to say. If the defendant lost the case, DoNotPay agreed to cover any fines.

Robot Lawyer Sparks State Bar Outrage

But not so fast. Typically, law plays catch-up with technology. Not this time. Within two weeks of DoNotPay's announcement, multiple state bar associations—including California's—had pounced on the company. At least one undisclosed association threatened Browder with six months' jail time for the unauthorized practice of law. As of the date of this writing, DoNotPay's website still promises its customers the ability to "fight corporations, beat bureaucracy and sue anyone at the press of a button."[7] However, the threats were evidently enough for Browder to unplug the "robot lawyer," for now.

AI's Ethical Problems

The fate of the "robot lawyer" should come as no surprise. Legal technology has clashed with legal ethics before. In October 2021, the Florida Supreme Court ruled that an app called TIKD, designed to help motorists fight traffic tickets, was engaged in the unauthorized practice of law. TIKD had users upload pictures of their traffic tickets and, in exchange for a percentage of the ticket's face value, TIKD forwarded the user's contact information to a licensed attorney. TIKD paid the costs of defending the case and provided a refund if points were assessed against the driver. Compared to the "robot lawyer," TIKD acted more like a wayward lawyer referral service.

The unauthorized practice of law is not the only problem posed by AI technology. The attorney's duty of competence is also implicated. Legal professionals are not computer scientists. However, the duty of competence requires, among other things, that we "keep abreast of changes in the law and its practice, including the benefits and risks associated with relevant technology."[8] AI is complicated. How much knowledge must an attorney possess about how AI works to meet the attorney's ethical duty of competence?

Other AI-related technology poses additional legal issues. OpenAI offers software that can automate the creation of written text that would otherwise require a human writer. Some lawyers already use this technology to create content on websites and blogs. According to rule 7.1 of California's Rules of Professional Conduct:
A lawyer shall not make a false or misleading communication about the lawyer or the lawyer's services. A communication is false or misleading if it contains a material misrepresentation of fact or law, or omits a fact necessary to make the communication considered as a whole not materially misleading.

OpenAI admits that its technology "sometimes writes plausible sounding but incorrect or nonsensical answers …is often excessively verbose…[and] will sometimes respond to harmful instructions or exhibit biased behavior."[9] At the same time, OpenAI's own chatbot, ChatGPT, is already sufficiently advanced and accurate that it passed the evidence and torts sections of the MBE as well as many law and business courses at prestigious schools.[10] And that was last year's chatbot.

Another potential problem with AI chatbots like DoNotPay's "robot lawyer" is witness coaching. The prohibition against witness coaching is embodied in rule 3.4(c) of the California Rules of Professional Conduct, which states that attorneys shall not "counsel or assist a witness to testify falsely." This rule is intended to prevent attorneys from suborning perjury, but since when is a human lawyer allowed to whisper in the ear of a witness testifying in court and tell them, word-for-word, what to say in response to a question?

These concerns hint at the over-arching conundrum with using AI to deliver *any* legal services. AI is an as-yet

(Continued on page 17)

7. *https://donotpay.com* (as of Feb. 24, 2023).

8. "Top 8 legal tech trends to watch in 2021/2022." *Lawrina.com*. https://lawrina.com/blog/legal-tech-trends/.

9. "Gartner predicts legal technology budgets will increase threefold by 2025." *Gartner.com*. *https://gtnr.it/3JaNGH8*.

10. The Legal Industry's Handling of the Disruption Caused by COVID-19: The Findings and Report. Loeb Leadership. May 2020. *https://loebleadership.com/events/2020/6/3/loeb-leadership-releases-the-findings-from-its-recent-survey-on-the-legal-industrys-handling-of-covid-19*

Legal Tech-nicalities (continued from page 16)

unregulated scientific field. There are no legal education requirements, no examinations, and no professional responsibility rules to ensure an acceptable level of competency, diligence, or to safeguard the public from financial abuse or loss. At present, this is AI's Achilles' Heel.

Like It or Not, AI Is Not a Fad

Despite the lack of regulation, many AI attributes make it a natural tool for the 21st century lawyer's toolbelt. Attorneys should approach AI with a healthy degree of curiosity and caution. Tech's "Fantastic Four" have certainly bet big on it. Microsoft, Facebook (Meta), Google, and Apple have invested billions in the technology. On January 23, 2023, Microsoft announced a multi-year, multi-billion dollar investment in a "long-term partnership" with OpenAI.[11] Google has invested at least $300 million in an OpenAI competitor, but more in other AI companies.[12] Facebook (Meta) looks to AI to stave off billions in financial losses.[13] And Apple leads the pack, acquiring the most AI companies between 2016 and 2021.[14]

With investments like these, AI will increasingly be with us, whether we want it to or not. It will continue to innovate and disrupt legal practice, whether as a tool or a thorn. It is not quite time to surrender our shingles to "robot lawyers," but it might be time to understand the technology better.

By Eric Young

Eric Young is the principal attorney and legal tech geek at Young Law Group, a personal injury law firm in Santa Rosa.

11. Microsoft, *Microsoft and OpenAI Extend Partnership* (Jan. 23, 2023) Microsoft Blogs *https://blogs.microsoft.com/blog/2023/01/23/microsoftandopenaiextendpartnership/#:~:text=Today,%20we%20are%20announcing%20the,investments%20in%202019%20and%202021* (as of Feb. 24, 2023).

12. Water & Shubber, *Google Invests $300mn in Artificial Intelligence Start-up Anthropic* (Feb. 3, 2023) *Financial Times https://www.ft.com/content/583ead66-467c-4bd5-84d0-ed5df7b5bf9c* (as of Feb. 4, 2023).

13. Green, *Meta Is Betting Billions That AI Will Fix Its Advertising Business* (Oct. 27, 2022) The Motley Fool *https://www.nasdaq.com/articles/meta-is-betting-billions-that-ai-will-fix-its-advertising-business* (as of Feb. 24, 2023).

14. Espósito, *Apple Bought More AI Companies than Anyone Else Between 2016 and 2020* (Mar. 25, 2021) 9to5Mac.com *https://9to5mac.com/2021/03/25/apple-bought-more-ai-companies-than-anyone-else-between-2016-and-2020* (as of Feb. 24, 2023).

In Memorium: Steven K. Butler

Steven K. Butler, one of Sonoma County's top land-use lawyers, died January 26 from complications related to a fall while walking his dog. Several days after the fall, Mr. Butler was suffering back pain and a large hematoma had appeared on his back. An emergency room visit revealed that Mr. Butler's blood pressure had fallen dramatically, caused by internal bleeding. He died from complications of the condition either caused or aggravated by the fall. He was 70.

Mr. Butler was known as both brilliant and funny by his many friends and colleagues. He was Sonoma County's top staff attorney related to zoning and development for years before he switched to private practice with Santa Rosa law firm Clement, Fitzpatrick & Kenworthy. In private practice he represented builders, wineries, ranchers and others who sought government approval for development projects.

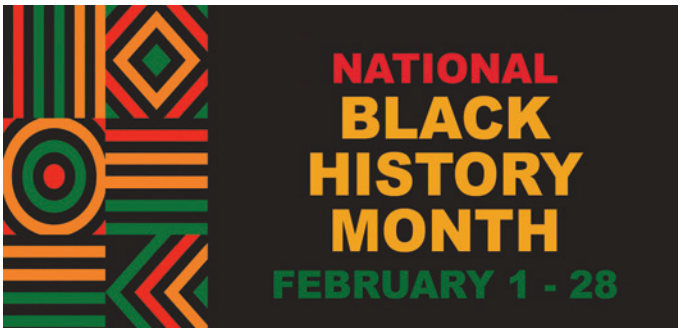
For an in-depth article remembering Steven Butler, please follow the link below for Chris Smith's *Press Democrat* story of February 6, 2023.

https://www.pressdemocrat.com/article/news/he-could-make-you-laugh-at-the-drop-of-a-hat-land-use-lawyer-steve-butle/

By Caren Parnes

Caren Parnes is Principal of Enterprising Graphics. She has worked with the SCBA and the Bar Journal committee since 2005 to help produce the newsletter.

Black History Month: Who Decides what is Black History?



Black History Month was established in 1926 by Dr. Carter G. Woodson, a distinguished Black author, editor, publisher, and historian, initially as Negro History Week. It formally became Black History Month in 1976.

To provide some context: The African slave trade did not begin in what is now the United States. Chattel Slavery, in which enslaved people were commodities to be bought and sold, rather than domestic servants, existed in Europe from Classical times. European slave trading in Africa began in 1441 when Portuguese captains captured 12 Africans and took them to Portugal as enslaved people. On May 14, 1606, the first permanent English settlement in North America was established on the banks of the James River, which was the start of the Jamestown Colony and is now in the State of Virginia. Black History in America began, involuntarily, in 1619 when a Dutch slave trader landed in Jamestown and exchanged his cargo of Africans for food. The Pilgrims landed at Plymouth Rock the next year, on November 11, 1620. More than 150 years later, the American Constitution was signed on September 17, 1787. Slavery was made illegal in the Northwest Territories the same year. The Civil War to abolish slavery was fought nearly a hundred years later, from 1861 to 1865, following the secession of the deep South from the constitutional union of the United States and the formation of the Confederacy. The Emancipation Proclamation declaring that all persons held as enslaved people in the Confederate states "are, and henceforward shall be free," was signed during the war, on January 1, 1863. On December 6, 1865, the Thirteenth Amendment abolishing slavery was ratified, nearly 250 years after the first Africans were involuntarily brought to pre-colonial America.

Slavery was abolished in the South by force. Freed Black people were an ever-present reminder to Southern Whites of a bitter loss, made more bitter by the financial crisis caused by the sudden end of the slave-based Southern economy. In practice, healing and reconciliation were not the watch-words of progress during Reconstruction (1865-1877), which was intended to redress the inequities of slavery and its political, social, and economic legacy, and to solve the problems arising from the readmission to the Union of the 11 states that had seceded. Reconstruction was resented by Southern Whites, who regarded it as an effort to impose Black supremacy upon the defeated Confederacy. The Jim Crow era, in which laws were passed to enforce racial segregation, followed. The effort to go from slavery to the abolition of slavery to making the promises of the American Constitution (freedom, liberty, and justice for all) a reality for all citizens has been a long, difficult, and as yet unfinished process, which Black History Month documents, along with celebrating the contributions of Black Americans to all aspects of American life.

Between 1865 and 1926, when Dr. Woodson established Negro History Week, the Civil Rights Act of 1866 was passed, defining US Citizenship and affirming that all citizens were equally protected by the law. It was mainly intended to protect the rights of African Americans in the wake of the Civil War. In 1868 the Fourteenth Amendment was ratified, declaring that all persons born or naturalized in the U.S. were citizens, and that any state that denied or abridged the voting rights of males over 21 would be subject to proportional reductions in its representation in the House of Representatives. The Civil Rights Act of 1870 prohibited discrimination in voter registration on the basis of race, color, or previous condition of servitude. The Civil Rights Act of 1871 placed all elections in the North and South under federal control. The Civil Rights Act of 1875 barred discrimination in public accommodations and on public conveyances on land and water and prohibited exclusion of African Americans from jury duty. In 1883, the Supreme Court decided the "Civil Rights Cases," holding that the Civil Rights Act of 1875 was unconstitutional. The Civil Rights Act of 1877 provided that all citizens of the United States qualified to vote were entitled to vote, without distinction based on race, color, or previous

(Continued on page 19)

Black History Month (continued from page 8)

condition of servitude. The Jim Crow era began in 1877 when Reconstruction ended. Laws were passed requiring segregation of Blacks and Whites. In 1896, the Supreme Court decided *Plessy v. Ferguson,* sanctioning "separate but equal" segregation. The Jim Crow era included what an NAACP report describes as "Thirty Years of Lynching in the United States, 1889-1919." The Civil Rights movement finally ended Jim Crow laws. *Plessy* was not reversed until 1954.

Dr. Woodson established Negro History Week seven years after the period of lynchings documented by the NAACP. Born in 1875 to illiterate parents who were former enslaved people, he became the second African American to graduate from Harvard; W.E.B. DuBois being the first. After earning his Ph.D. in History, Dr. Woodson initially continued to teach in public schools because no university would hire him. He later joined the faculty of Howard University, eventually serving as Dean of the College of Arts and Sciences. Although he was a dues-paying member of the American Historical Association, as a Black man he was barred from attending their conferences. Dr. Woodson concluded that the White historians were not interested in Black History and that African American contributions were "overlooked, ignored, and even suppressed by the writers of history textbooks and the teachers who use them."

Woodson created the Association for the Study of Negro Life and History in 1915 for the scientific study of neglected aspects of Negro life and history. The next year he started the scholarly Journal of Negro History, which is published today under the name Journal of African American History. Since Negro History Week was institutionalized as Black History Month in 1976, every American president, Democrat and Republican, has issued proclamations endorsing the Association's annual theme for Black History month. This year's theme is "Black Resistance;" meant to explore how "African Americans have resisted historic and ongoing oppression, in all forms, especially the racial terrorism of lynching, racial pogroms, and police killings."

At Santa Rosa Junior College, this theme has been interpreted as "the year to Rejuvenate, ReNew, and RePosition." Petaluma Blacks for Community Development, a 45-year-old organization, has created an informative and interesting exhibit at the Petaluma Museum, which is part of its mission "to share Black history and culture with our community." Their vision is "to help make our community free of hate and get rid of those issues that divide us based on color." Many excellent Black History programs were offered all over Sonoma County this year.

After 94 years of successfully recording and sharing Black History and celebrating the accomplishments of Black people, a new controversy has arisen over teaching Black History and ethnic studies in high schools and colleges. In 2020, California began requiring that all students complete an Ethnic Studies course as an undergraduate graduation requirement. In 2021 California became the first state to require ethnic studies as a graduation requirement in high school. In 2022, the College Board unveiled the first AP course in African American Studies.

Intense controversy has arisen over the AP Black History curriculum for high school-level courses across the country—most vocally in Florida—but also here in California. The Governor of Florida derided the AP curriculum as "woke indoctrination" in the schools. California's bill includes "guardrails" requiring that ethnic studies not reflect or promote any bias, bigotry, or discrimination. Nonetheless, the controversy over what may be included in high school Black History curricula will continue to rage until the first parameters are agreed upon. And likely for some time after.

Black History and its writing are not only things of the past; they are very much living works-in-progress—as the current battle over the right to control the telling of Black History to students illustrates. Returning to the question posed in the title: Who gets to decide what *is* (and what is not) Black History? True history cannot be altered by suppressing some parts of the past. What has happened, happened. What has been done, was done. Eventually, the full history of black people in America will be fairly told and widely understood.

By Hon. Nancy Case Shaffer (Ret.)

Hon. Nancy Case Shaffer (Ret.) served on the Sonoma County Superior Court for 14 years, retiring in 2021. She served as President of the Sonoma County Bar Association in 2000.

The Establishment Clause in Historical Context

In June of last year, the Supreme Court of the United States issued numerous rulings on important matters, some of which stirred tremendous controversy. Among the most controversial of all was the ruling issued in the case of *Joseph A. Kennedy v. Bremerton School District*, involving a conflict between two elements of the First Amendment: the Establishment and Free Exercise Clauses. The case arose out of a school district's punishment of a public school football coach for engaging in prayer at the end of each game, in sight of participants and spectators, while standing or kneeling on the school's playing field. In taking a decidedly historical turn in interpreting the two clauses of the Constitution, the Court upset those who favored the policy approach that had been pioneered by the Warren Court and its successors during the Berger Era. The interpretive approach the Court discarded—the so-called *Lemon* Test—entailed determining whether a government policy allegedly favoring religion had a secular purpose, neither advanced nor impaired religion, and did not result in excessive entanglement between government and religious organizations and religious practice. An alternative approach—likewise rejected by the Court—had been to determine whether a reasonable person observing religious displays on public premises would conclude that they were endorsed by the government. The final result was the invalidation of the school district's decision and a vindication of the coach's right to engage in prayer on the field following the conclusion of his team's game.

Typical of the critics of the Court's ruling was *The Guardian's* Moira Donegan, who condemned "the new right wing court" for not being "interested in Establishment Clause compliance at all."[1] In her view, the Court's majority was allowing "the Free Exercise Clause to effectively moot the Establishment Clause, denying Americans… the freedom from religion that the church-state divide had previously granted them."[2] The door would now be open "for any Christian public official to claim that they are being discriminated against if any limits are placed on their religious expression during the conduct of their jobs, and imperiling any public bodies that try to maintain a separation between their employee's private religious actions and their own public official ones."[3]

Those sharing Ms. Donegan's viewpoint undoubtedly took cold comfort in the dissenting opinion of Justice Sonia Sotomayor. Concurring in Donegan's assumption that the Constitution commands "separation of church and state," Sotomayor noted that "at its core, this means forbidding 'sponsorship, financial support, and active involvement of the sovereign in religious activity,'" and a prohibition on use of the government's "'public school system to aid any and all religious faiths or sects in the dissemination of their doctrines and ideals.'"[4] In overthrowing the traditional tests applied by the Court to determine Establishment Clause violations, the majority had set "us further down a perilous path in forcing States to entangle themselves in religion, with all of our rights hanging in the balance."[5]

The alarm that both Justice Sotomayor and Ms. Donegan have raised is not one entirely inconsistent with a legitimate concern over traditional constitutional limits on government power. The Establishment Clause represents a venerable check on the ability of the state to infringe the liberty of the people. That these critics place a higher value on the Establishment Clause than the Free Exercise element of the First Amendment is a matter of emphasis reflective of a preference shaped by ideological and juristic priorities. They may go too far, though, in their take on what the Constitution properly forbids and what it permits with respect to the relationship between government and religion. Ms. Donegan uses the phrase "freedom from religion," which isn't one found in the Constitution, nor even in the jurisprudence of the Court. Justice Sotomayor does use the term "separation of church and state," which at least is traceable to the language of judicial opinions interpreting the Establishment Clause going back decades. It is a variation on an older phrase—the "wall of separation"—

(Continued on page 21)

1. Donegan, *The US Supreme Court is Letting Prayer Back in Public Schools. This is Unsettling*, The Guardian (Jun. 28, 2022). https://www.theguardian.com/commentisfree/2022/jun/28/kennedy-v-bremerton-supreme-court-prayer-public-schools-football-coach

2. *Ibid.*

3. *Ibid.*

4. *Kennedy v. Bremerton School District* (2022) 597 U.S. ___ at p. 2422 [142 S.Ct. 2407, 213 L.Ed.2d 755] (dis. opn. of Sotomayor, J.).

5. *Id.* at p. 2453

The Establishment Clause in Historical Context (continued from page 20)

used by Thomas Jefferson in a letter to dissenting Christian sectarians in Danbury, Connecticut in the year 1802.[6] It was subsequently repeated by Chief Justice Morrison Waite in his opinion in *Reynolds v. United States*, and again by Justice Hugo Black in *Everson v. Board of Education*.[7] In the latter case, the Court not only incorporated the Establishment Clause into the due process protected by the Fourteenth Amendment, it also delimited a fairly concrete divide between the things of government and those of religion. "Neither a State," said Black, "nor the Federal government can set up a church. Neither can pass laws which aid a religion, aid all religions, or prefer one religion over another. Neither can force nor influence a person to go to or to remain away from church against his will, or force him to profess a belief or disbelief in any religion. No person can be punished for entertaining or professing religious beliefs or disbeliefs, for church attendance or non-attendance. No tax in any amount large or small, can be levied to support any religious activities or institutions, whatever they may be called, or whatever form they may adopt to teach or practice religion."[8]

The "wall of separation" language is more poesy than law. Justice Black adopted it in part because of its association with an historic defender of religious liberty and a champion of the cause of removing government from the affairs of faith. That it means so strict a demarcation between religion and government is disproven by *Everson* itself; for there the Court agreed that a government program permitting public funding of bus transportation for school children attending both public and parochial schools did not offend the Establishment Clause. The ruling is consistent with the spirit Jefferson expressed in his 1802 letter. Jefferson's principal

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6. Koch & Peden, The Life and Selected Writings of Thomas Jefferson (1944) p. 332 (letter from Thomas Jefferson to Nehemiah Doge, Ephraim Robbins, and Stephen S. Nelson, a Committee of the Danbury Baptist Association, January 1, 1802).

7. *Reynolds v. United States* (1878) 98 U.S. (8 Otto.) 145, 164; and *Everson v. Board of Education* (1947) 330 U.S. 1, 16, 67 S.Ct. 504.

8. *Everson v. Board of Education*, *supra*, at pp. 15-16.

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concern was with the government's financial sponsoring of churches and forced confessions of faith, not expressions by the state of sympathy with the faithful, or even support for their cause in less direct ways than, say, Henry VIII's slaughter of those refusing to swear loyalty to his official church. Colonial America was flush with "established churches," benefiting from mandatory taxes imposed on believer and unbeliever alike, and some of these survived into the era of the early Republic. These formal "establishments" generated significant criticism and opposition, and on occasion were the cause of the founding of new communities and new colonies where laws limiting religious freedom would not sweep so wide as they had in the places from whence their founders came. Critics of "establishments" were hardly atheists or partisans of the more radical wing of the Enlightenment. They might have desired a trimming of the government's regulatory power over religious belief and practice, but they nevertheless saw that "religion and especially the religion of their country provided an essential moral basis for government, and they assumed that government ought to govern in sympathy with Christianity to the extent compatible with religious freedom."[9] They more or less agreed with the defenders of established churches that a complete severing of the connection between religion and civil society would presage a collapse of respect for the law.[10]

The continuing sympathy of government for religion and government's support of religious sentiment in the early days of the Republic is evident in such things as the inclusion of a reference to the Holy Trinity in the treaty with England ending the Revolutionary War, the insertion in many state constitutions of expressions of gratitude to the Divine, allusion to God in the oaths public officials swore at both the state and federal levels, and the casual inclusion of religious references in the language of public officials engaged in public discourse. Associate Justice James Wilson, who took part in the Philadelphia Convention, once made reference to "man, fearfully and wonderfully made," being "the workmanship of his all perfect Creator."[11] Chief Justice John Marshall said of various "principles of abstract justice" found in the common law that they were among those things"which the Creator… has impressed on the mind of his creature man."[12] Official endorsements of the bond between religion and government were even more common at the state level. As noted, a number of states maintained tax-supported established churches in the early decades of the nineteenth century. Many states administered laws against blasphemy, which withstood all legal challenge until legislatures repealed them in keeping with a growing appreciation for the value of free expression and the increasing spiritual diversity of the population. It was a maxim of law and equity in many states that "Christianity is part and parcel of the common law."[13] Justice Allen of New York said that "the Christian religion was the law of the land, in the sense that it was preferred over all other religions, and [was] entitled to the recognition and protection of the temporal courts by the common law of the State."[14] Justice Lowrie of Pennsylvania noted the entwining of law and the Christian religion, observation that "we are a Christian people, in so far as we have entered into the spirit of Christian institutions, and become imbued with the sentiments and principles of Christianity; and we cannot be imbued with them and yet prevent them from entering into an influencing more or less of all our social institutions, customs and relations, as well as all our individual modes of thinking and acting."[15]

Though he is credited with incorporating the "wall of separation" language into the Court's jurisprudence, Hugo Black was no stickler for complete separation. So long as government's support for religious organizations was not motivated by a desire to directly aid that organization's purely religious mission, Black was generally agreeable to it. He actually disagreed with the Court's majority in the case that forbade legislatures from banning the teaching of Darwin's theory of evolution in public schools.[16] He thought removal of the theory from the

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9. Hamburger, Separation of Church and State (Harvard University Press 2002) p. 73.

10. *Id*. at p. 67.

11. *Chisholm v. Georgia* (1793) 2 U.S. 419, 455.

12. *Johnson v. M'Intosh* (1823) 21 U.S. 543, 572.

13. Wintersteen, *Christianity and the Common Law* in The American Law Register, Vol. 38, No. 5, New Series Volume 29 (Second Series, Vol. 3) (May 1890) at p. 279.

14. *Lindenmuller v. The People* (N.Y. 1861) 33 Barb. 548, 566.

15. *Mohney v. Cook* (Pa. 1855) 26 Pa. 342, 347.

16. *Epperson v. Arkansas* (1968) 393 U.S. 97, 113 [89 S.Ct. 266] (conc. opn. of Black, J.).

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curriculum was a reasonable compromise between secularists and people of faith battling for control of the messaging power of public education. His willingness to allow some contact between "church" and "state" reached its limit in those instances, among others, when he joined the majorities that relied on the Establishment Clause to eliminate prayer from public school, deny exemptions for Jewish people from mandatory Sunday closing laws, and create an entirely novel form of standing to permit "taxpayers" to contest the use of general funds in ways that aided religious groups, but which otherwise would have evaded constitutional challenge.[17] It was out of this mix of controversies that Black and his brethren crafted the principal test used by the Court to determine Establishment Clause violations—the secular purpose, neutral effect, and excessive entanglement test of *Lemon v. Kurtzman*.[18]

The *Lemon* Test was heavily influenced by and derived from Black's concept of "separation of church and state." Its first prong mandated inquiry into the purpose of the law. If the law's purpose wasn't secular, the law violated the Establishment Clause and was struck down. Very often, any purpose that took cognizance of religious faith and sought to aid it in very innocuous ways was held to be non-secular under the test. The problem with this approach, and the inquiry into any governmental impulse to advance the interest of religion, is that it ran counter to the ideas current at the time of the First Amendment's ratification and which motivated the people to incorporate it into the Constitution. The Clause expressly sought to end "establishments," or government-sanctioned churches possessing special privileges and formal public funding of their operations, not to prohibit the ability of government to promote religion as a way of boosting support for law and order and the many activities sponsored by religious organizations highly beneficial to the people. The *Lemon* Test eschewed this highly relevant history and replaced it with policy considerations far beyond what was contemplated by those living at the time when the First and Fourteenth Amendments were ratified.

History is an imperfect tool. The historical record is often clouded by significant gaps and biased accounts. Contradictions in the source material further complicate the effort to discern historical truth. But this isn't always the case. Clearly, those who lived during the ratification era were not opposed to official *state* supported churches, for these endured in a number of states into the 1830s. Nor did the ratifying generation suffer collective apprehension over official recognition of religious precepts and faith itself. *Lemon* was a departure from reliance on the purpose of the Clause. It is perhaps for this reason that it never succeeded in growing firm roots in the Court's jurisprudence. As early as 1992, only two decades after the test's origin, the Court declined to use it in an Establishment Clause adjudication.[19] A year later, a plurality of the Court returned to reliance on *Lemon*, only to have concurring Justice Anthony Kennedy confess that the citation to *Lemon* was both "unsettling and unnecessary."[20] It was Kennedy, in fact, who led the way toward an attempt to recover the original purpose of the Clause by shifting from modern policy concerns to a review of historical practice. The 2014 decision in *Town of Greece v. Galloway* was an indication that a majority of the Court was close to embracing a purely historical approach. At issue was a town council's policy of commencing meetings with a prayer recited by a local religious figure. No preference was given to any particular church or faith, though since the vast majority of houses of worship in the area were Christian, Christian ministers typically performed the service. In upholding the practice, Justice Kennedy reviewed the tradition of legislative prayers going back to the time of the Continental Congress, when the Reverend Jacob Duché asked that the "God of Wisdom" be present and "direct the counsel of this Honorable Assembly; enable them to settle all things on the best and surest foundations; …that Order, Harmony, and Peace be effectually restored, and the Truth and Justice, Religion and Piety, prevail and flourish among the people."[21]

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17. *School District of Abington Township v. Schempp* (1963) 374 U.S. 203 [83 S.Ct. 1560]; *Braunfield v. Brown* (1961) 366 U.S. 599 [81 S.Ct. 1114]; and *Flast v. Cohen* (1968) 392 U.S. 83 [88 S.Ct. 1942].

18. *Lemon v. Kurtzman* (1971) 403 U.S. 602 [91 S.Ct. 2105].

19. *Lee v. Weisman* (1992) 505 U.S. 577 [112 S.Ct. 2649].

20. *Lambs Chapel v. Center Moriches Union Free School District* (1993) 508 U.S. 384, 397 [113 S.Ct. 2141] (conc. opn. of Kennedy, J.).

21. *Town of Greece v. Galloway* (2014) 572 U.S. 565, 583-584 [134 S.Ct. 1811].

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Kennedy saw this long tradition of legislative prayer as "a recognition that, since this Nation was founded and until the present day, many Americans deem that their own existence must be understood by precepts far beyond the authority of government to alter or define and that willing participation in civic affairs can be consistent with a brief acknowledgement of their belief in a higher power."[22]

Kennedy wasn't prepared to conclusively disregard either *Lemon* or the various tests constructed over the years by former Court majorities. His own analysis relied in part on the objective test based on a reasonable observer's determination of whether the state endorsed a particular religious viewpoint. Justice Alito, however, was far more comfortable relying on history alone as the Court's guide—noting that "it is virtually inconceivable that the First Congress, having appointed chaplains whose responsibilities prominently included the delivery of prayers at the beginning of each daily session, thought that this practice was inconsistent with the Establishment Clause" which that same Congress approved for delivery to the States for ratification.[23] Any inconsistency of the historic practice with the *Lemon* Test called "into question the validity of the test, not the historic practice."[24]

In the case of football coach Joseph Kennedy, the Establishment Clause was raised by the school district as a defense to Mr. Kennedy's free exercise and free speech claims. Both the school district and the lower court expressly relied on *Lemon* in reaching their respective decisions in the matter. In rejecting the defense and formally discarding *Lemon* as the operative standard, Justice Kennedy's protégé, Neil Gorsuch, noted that reliance on the *Lemon* Test was problematic due to the "'shortcomings' associated with this 'ambitious,' abstract, and ahistorical approach to the Establishment Clause."[25] Reflecting on Justice Brennan's concurring statement in the school prayer cases that rulings regarding the Clause have to "accord with history and faithfully reflec[t] the understanding of the Founding Fathers," as well as *McGowan v. Maryland's* analysis of Sunday closing laws in light of their place "in First Amendment History," and *Walz v. Comm'n of City of New York's* review of the "history and uninterrupted practice of church tax exemptions," Gorsuch concluded that "an analysis of original meaning and history…has long represented the rule rather than some 'exception' within the 'Court's Establishment Clause jurisprudence.'"[26] Observing that coercion "was among the foremost hallmarks of religious establishments the framers sought to prohibit when they adopted the First Amendment," Gorsuch noted that Coach Kennedy's private expression in a public place could hardly be characterized as a state supported vehicle for the spiritual coercion of attendees of the football match.[27]

There is always a place for fear that liberty will be eroded. True as this is, there likely is little to fear in this regard in a high school football coach praying on the field after a game, particularly when the traditional holder of the power of spiritual coercion—the government—is actually quite hostile to his actions. Christianity specifically, and religion more generally, are no longer the pervasive forces in society they once were. Traditional religion in this country is presently on the moral and ideological defensive, and likely will remain so for years to come. Even so, the Constitution in the wake of the Court's embrace of history has not ceased to be a bulwark against the ambitions of any future Torquemadas to plant spiritual uniformity in the public mind and transform overtly religious norms into public policy. Establishments of the old sort will remain relegated to the fevered dreams of secular purists. Direct funding of churches, mandatory prayer in public school, and the teaching of religion in place of science are not about to make a return. All that is returning, with this most recent case at least, is the ability of people of faith (not just the Christian faith) to express themselves in non-disruptive ways without fear of government reprisal.

By Rex Grady

Rex Grady has been Professor of Constitutional Law and Legal History at Empire College since 2007, is employed at the law firm of Robins Cloud, LLP, and is the author of seven books, the most recent of which is The Best Versed Man in Law: Duncan Wellington Perley and Law's Fate on the Far Western Frontier.

22. Id. at p. 591.
23. *Id*. at p. 603 (conc. opn. of Alito, J.).
24. *Ibid*.
25. *Kennedy v. Bremerton School District*, *supra*, at p. 2427.
26. *Id*. at p. 2414.
27. *Id*. at p. 2429.

Dean's List: Report from Empire College of Law

In this space, Brian Purtill, the Dean of Empire College of Law, will report on the state of the school, students, staff, and faculty, as well as update readers on various developments in the law he finds entertaining.

School News: By the time this issue goes to press, we will have started our first students from the Monterey College of Law branch, named Empire College of Law. These students will take two courses, Fundamentals of Law and Introduction to Negotiations. These are both conducted online, so these new students have not yet, as of this writing, been on campus. We hope to see them soon to welcome them into the Sonoma County legal community. These and potentially others will then take two classes this summer, Constitutional Law for Everyday Use, and Core Mediation. All of these students will then join up with any additional candidates to start their core First Year courses in mid-August, so we expect a robust first-year class.

Student News: Our Traynor Moot Court Competition team is feverishly working on its brief, to be completed by the time you read this, and will be practicing for the oral argument competition. A big "thank you" to all of you who participate as practice judges; the students get a tremendous amount of valuable feedback from you. Our 50th year anniversary 2023 graduates are preparing for their commencement ceremony, this year to be held in the Agatha Furth Center on June 4th, 2023. Be on the lookout for our annual solicitation for donations to the Honors Students cash awards we distribute every year. Our dignitaries for this year's graduation include Professor Roger Illsley, Hooder, and Professor Joseph Stogner, Faculty speaker. One of Empire's first law graduates, attorney Teresa de la O, was chosen as the Class of 2023 commencement speaker.

We have also entered a team into the 21st Annual Student Environmental Negotiations Competition. Santa Rosa Attorney Rachel Mansfield-Howlett is coaching second-year students Kathleen Cuschieri and Sania Grandchamp for the competition. The event is scheduled for March 24th at UCLA, so it will have taken place as of this publication date. The results will be reported in the next *Dean's List*. Go team!!

Faculty News: Long-time Torts professor David Carr is retiring from teaching. Professor Carr has been one of the most admired professors here, and he will be sorely missed. The dean is looking for a new Torts professor, possibly a Real Property professor, and a Remedies professor for the Fall/Spring school year. Anyone interested should contact the dean at *bpurtill@empirecollege.com*.

Shout-Out for Pipeline Pod Project: The SCBA DEI section's Pipeline Committee, of which the dean is a member, is working on a program to inspire and support those wanting to enter the legal field. Its "Pipeline Pods" project will create groups of legal professionals, law students, college students and high school students, with the goal of having each level of experience and education act as mentors for the others. Be on the watch for email blasts or other notices from the SCBA for more details if you'd like to participate. Happy Spring!!

In Memorium

We are saddened to announce the passing of two members of the Sonoma County legal community in February 2023: Michael J. Senneff and Carol Lynne Karuza.

Mike Senneff was a highly-respected civil trial attorney during his 55-year law career in Sonoma County. He was a 2005 SCBA Careers of Distinction honoree, as well as the recipient of the 2017 Michael F. O'Donnell Civility Award. He died at home on February 22. He was 81. A remembrance article will be printed in the Summer 2023 issue of the Bar Journal.

Carol Karuza began her legal career in 1981 with Clement, Fitzpatrick & Kenworthy, first as a legal secretary and later as a paralegal. For the last 15 years she worked as a paralegal for Merril, Arnone & Jones. Carol was well known for her professionalism, dedication to any task, and her elegance under pressure. She passed on February 5th.

Sonoma County Superior Court Assignments, 2023

Listed below is the judicial roster and courtroom assignments for the Sonoma County Superior Court as of March 2023.

Honorable Shelly Averill
Presiding Superior Court Judge
(707) 521-6726 - Courtroom 15
Hall of Justice

Hon. Christopher Honigsberg
Assistant Presiding Judge
(707) 521-6723 - Courtroom 18
Civil and Family Law Courthouse

Hon. Kenneth J. Gnoss
Presiding Judge of the Juvenile Court
(707) 521-6549 - Courtroom 24
Juvenile Justice Center

Hon. James G. Bertoli
Supervising Family Law Judge
(707) 521-6732 - Courtroom 22
Civil and Family Law Courthouse

Hon. Patrick M. Broderick
Supervising Civil Judge
(707) 521-6729 - Courtroom 16
Empire College Annex

Hon. Mark Urioste
Supervising Criminal Judge
(707) 521-6638 - Courtroom 3
Hall of Justice

Hon. Dana Beernink Simonds
Superior Court Judge
(707) 521-6726 - Courtroom 5
Hall of Justice

Hon. Bradford DeMeo
Superior Court Judge
(707) 521-6725 - Courtroom 17
Empire College Annex

Hon. Jennifer V. Dollard
Superior Court Judge
(707) 521-6836 - Courtroom 23
Civil and Family Courthouse

Hon. Robert M. LaForge
Superior Court Judge
(707) 521-6547 - Courtroom 9
Hall of Justice

Hon. Karlene Navarro
Superior Court Judge
(707) 521-6638 - Courtroom 2
Hall of Justice

Hon. Lawrence E. Ornell
Superior Court Judge
(707) 521-6547 - Courtroom 4
Hall of Justice

Hon. Peter Ottenweller
Superior Court Judge
(707) 521-6836 - Courtroom 21
Civil and Family Law Courthouse

Hon. Oscar A. Pardo
Superior Court Judge
(707) 521-6602 - Courtroom 19
Civil and Family Law Courthouse

Hon. Laura Passaglia
Superior Court Judge
(707) 521-6724 - Courtroom 10
Hall of Justice

Hon. Troye Shaffer
Superior Court Judge
(707) 521-6547 - Courtroom 1
Hall of Justice

Hon. Daniel Chester
Superior Court Commissioner
(707) 521-6724 - Courtroom 12
Hall of Justice

Hon. Kenneth English
Superior Court Commissioner
(707) 521-6547 - Courtroom 8
Hall of Justice

Hon. Paul J. Lozada
Superior Court Commissioner
(707) 521-6732 - Courtroom 20
Civil and Family Law Courthouse

Hon. Anthony Wheeldin
Superior Court Commissioner
(707) 521-6724 - Courtroom 11
Hall of Justice

SCBA Bar Journal

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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 1,500 words in length. Citations should be footnoted. A byline must be included and articles must be submitted electronically, as a .txt readable file. Photographs are welcome at editors' discretion. The editorial staff reserves the right to edit material submitted. For further information contact Susan Demers at 707-542-1190 x180. Submit all editorial materials by email to: susan@sonomacountybar.org. To place an ad contact Caren Parnes at 707-758-5090 or caren@enterprisingraphics.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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