

SONOMA COUNTY BAR ASSOCIATION THE BAR JOURNAL

Volume 69

Issue 2

Summer '23



Petaluma Dairy Farm at Sunset

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Dean's List: Report from Empire College School of Law • Court Opens New Civil Self-Help Center

THANK YOU from AMC for 30 Great Years!!

To friends, colleagues and clients of the **Arbitration & Mediation Center**

After 30 years providing ADR services, the time has come to wrap up AMC.
As of October 1, the Arbitration & Mediation Center will no longer be in service.
Contact information for the individual panelists will be available.

I want to thank all panelists, past and present, who made AMC a reality and stayed loyal on a handshake.
A most special thanks to the Case Administrators at AMC: Isabel Pinero, Dominique Gaitan, Vicki Lewis and Jo Barrington. These women truly ran the show, kept everything moving and put up with me.

My deep appreciation and thanks to all of you: the attorneys, clients and principals, the institutional litigants, the risk managers, insurance companies, school districts, TPAs and municipalities who believed in and trusted the service we provided at AMC.

It has been an honor and privilege to be invited into the lives of people and entities in dispute and to help them find resolution.

After some time off I intend to return as a private mediator.
I will let you know and look forward to reconnecting.

Best wishes and stay well.
Bob Murray

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By Kinna Crocker,
President, SCBA

President's Message: *Discovering Pride*

In my first President's Message, I wanted to leave you feeling hungry and excited to share your stories with others, about food, culture or any part of your identity that makes you who you are. Now, can we dig a bit deeper and share something more person-

al, reveal some vulnerable aspects of our lives? In doing so, we will remind ourselves and one another that we are all human beings with experiences both common and unique. We may be pleasantly surprised to learn that we share similar stories with people from different backgrounds and with different life experiences than our own. Learning about our commonalities helps us gain sympathy and understanding when we engage with others. Given that we just celebrated the month of Pride, I will start this exercise by sharing my personal story about what LGBTQ+ Pride means to me.

Pride is a celebration of the diversity in our communities, with a rainbow spotlight on the LGBTQ+ community. According to the Library of Congress, June

became LGBTQ+ Pride Month to honor the 1969 Stonewall Uprising in Manhattan. Also called The Stonewall Riots, where a gay club in New York City was raided by police and six days of protests ensued, the event became a catalyst for LGBTQ+ people engaged in the fight for equal rights. Pride began as a day of celebration in June but grew to encompass a full month of events and activities. In 1999, President Clinton signed a proclamation declaring June as Pride Month.

I am hopeful you were able to share in Pride festivities locally in Sonoma County. We have a rich LGBTQ+ history that began with a small group of tenacious people in the late 1980s who repeatedly requested a declaration by the Board of Supervisors to designate a Pride Week in Sonoma County. The requests were denied, but the organizers were undeterred and planned the first Pride picnic in 1987 at Spring Lake. In 1992, the Board recognized Pride and today, we are fortunate to have a large group of dedicated volunteers at Sonoma County Pride who organize multiple events every year. The festivities are intended to honor the LGBTQ+ community, encourage everyone to live their authentic lives, celebrate our commonalities and differences and come together as a community.

Pride is personal for me. I realized I was lesbian at age 20, while living in Tennessee and having been raised in a strict Indian household. I did not feel safe to be out in my community and I was terrified to tell my family. In high school, I was expected to focus on my studies and was not allowed to date. However, I was encouraged (required) to attend Indian matchmaking retreats. When I was 16 years old, my older sister and I were sent to Greenville, South Carolina for a weekend retreat with the expectation of finding a future husband whom we would marry after college. Upon arrival at the retreat, the girls received "blue packets" and the boys received "pink packets," with each containing a list of attendees by name, their addresses, phone numbers, hobbies, names of their parents, and their parents' occupations and incomes. It was important for parents to know the caste and status of potential future in-laws. There were ice-breaker activities each day at the hotel and even a night out at a local dance club so the attendees could get to know one another in different environments. I was not free to explore any option other than marrying an Indian man of means.

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From the Editors: Passing the Baton & E.B. White on Democracy

This issue of your Bar Journal highlights the outreach and community service of our Bench and Bar, including Law Week presentations, as well as recognitions of new leaders and the passing of others. As a teaser, our next issue will include a compelling article on diversity, equity and inclusion authored by a high school student, who is being mentored by an Empire Law School student. Thanks to all for continuing the SCBA tradition of cultivating the next generation of courageous attorneys and policy advocates who are willing to step up and share their stories.

Also, get out your fancy duds, because after a three-year hiatus, the SCBA Careers of Distinction Awards are reinstated this year, with a reprise of the black tie celebration planned for October. Over the 30-year history of COD, a total of 72 local members of the legal profession (some posthumously) have been recognized for their distinguished service as jurists, litigators, and practitioners, based upon their due diligence in the practice of law as well as leadership and service in our communities. The 2023 honorees will be fêted with focused articles in the Fall issue of the Bar Journal, but I extend my personal congratulation to Dawn, Mike and Ronit for this well-deserved award.

Last summer, an editorial referring to the Bard and opportunities for the legal profession to support good governance received numerous comments. In that vein, and considering ongoing legal and extra-legal challenges to democracy, for our 247th National Birthday on July 4th, please enjoy the following eloquent treasure from Pulitzer Prize winning author E.B. White (of *Stewart Little* and *Charlotte's Web* renown). In mid-World War II, White published this statement in the July 3, 1943 issue of *The New Yorker* magazine¹:

We received a letter from the Writers' War Board the other day asking for a statement on "The Meaning of Democracy." It presumably is our duty to comply with such a request, and it is certainly our pleasure.

Surely the Board knows what democracy is. It is the line that forms on the right. It is the don't in don't shove. It is the hole in the stuffed shirt through which the sawdust slowly trickles. It is the dent in the

high hat. Democracy is the recurrent suspicion that more than half the people are right more than half of the time. It is the feeling of privacy in the voting booths, the feeling of communion in the libraries, the feeling of vitality everywhere. Democracy is a letter to the editor. Democracy is the score at the end of the ninth. It is an idea which hasn't been disproved yet, a song the words of which have not gone bad. It is the mustard on the hot dog and cream in the rationed coffee. Democracy is a request from a War Board, in the middle of a morning in the middle of a war, wanting to know what democracy is.

A few years later, in his 1946 "Iron Curtain" speech, Winston Churchill further expounded on the source documents of democracy, extolling his audience at Westminster College in Fulton, Missouri: "...never cease to proclaim in fearless tones the great principles of freedom and the rights of man which are the joint inheritance of the English-speaking world and which through Magna Carta, the Bill of Rights, the Habeas Corpus, trial by jury, and the English common law find their most famous expression in the American Declaration of Independence."²

Let us take a moment to celebrate the passing of the baton amongst generations, together with the legacy and responsibilities to continue to improve the world around us. Kudos to our 2023 COD Honorees and Happy Independence Day! 🇺🇸

By William Adams

Bill Adams is principal counsel at William L. Adams, P.C., was SCBA President in 2004, and serves as co-editor of *The Bar Journal*.

1. <https://www.newyorker.com/books/double-take/e-b-white-on-the-meaning-of-democracy>

2. Meacham, Jon. *Franklin and Winston; An Intimate Portrait of an Epic Friendship*. (New York: Random House Publishing, 2003), 368-369.

Link to 2023 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.

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SCBA Honors Sonoma County's Judicial Officers at the 2nd Annual Judges' Jubilee!

After a four-year hiatus, the Sonoma County Bar Association and 91 members of the legal community once again gathered to show their appreciation and respect to the judicial officers of Sonoma County at the 2nd Annual Judges' Jubilee. This year's event took place on June 9th at the beautiful Paradise Ridge Winery. Guests were encouraged to move around the venue, taking in the amazing view while sampling deli-

cious food from Park Avenue Catering and sipping wine from Paradise Ridge's own cellars.

Thank you to the Special Events Committee, chaired by Jaimee Modica, and the SCBA staff for another outstanding event! 🍷

By Amy Jarvis

Amy Jarvis is the SCBA Executive Director.



Sandra Pardo & Judge Oscar Pardo



Guest enjoying the winery view



Sponsors Carmen Sinigiani & Greg Spaulding



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Jaimee Modica & Danielle Podshadley



L. to R.: Judge Jim Bertoli, Judge Gary Nadler (Ret.), Commissioner Paul Lozada, Judge Dana Simonds, & Judge Shelly Averill

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L to R: Sania Grandchamp, Lydia Waters, Elisa True, Jessica Alys & Sandra Sutton

SCBA Honors Sonoma County's Judicial Officers at the 2nd Annual Judges' Jubilee!

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- SCBA Paralegal & Legal Support Section

50 Years of Empire Law School Graduates

Teresa de la O, Esq., a member of Empire College School of Law's first class, who began studies 50 years ago, delivered the commencement address at Empire College School of Law's 47th graduation ceremony on Saturday, June 4, 2023. Juris Doctor degrees were conferred upon 14 graduates of the four-year evening law program, and 23 graduates received Master of Legal Studies degrees.

Four Cum Laude Juris Doctor honors graduates were recipients of Scholastic Achievement Awards provided by eight local law firms: Abbey, Weitzenberg, Warren & Emery; Margaret A. Brothers, Attorney at Law; Cynthia A. Denenholz and Paul Jamond; Michael Allen, Attorney at Law; Michael King, Deputy County Counsel, County of Sonoma; Nancy E. Cooke, Attorney at Law; Perry, Johnson, Anderson, Miller & Moskowitz LLP; Spaulding McCullough & Tansil LLP.

Adriana Abrica Raygoza was recipient of the Labe Lebowitz Award which recognizes perseverance and inspiration in overcoming adversity in the completion of law school. 🎓

Excerpted Press Release, provided by Sherie Herd, Executive Vice President, Empire College



Law Week 2023: “Cornerstones of Democracy”

This year, Judge Dana B. Simonds, attorney Holly Rickett and teacher Heather Benson participated in Law Week 2023 with presentations to students from Piner High School on the theme “Cornerstones of Democracy.”

Judge Simonds & Holly Rickett:

During two weeks in March and April 2023, over 50 judges and lawyers throughout the County, gladly (even gleefully?) participated in what has become an annual welcome event: LAW WEEK.

This impactful program is designed to bring education and information about the law and the courts to Sonoma County high schools. Each year it is supported and sponsored by the American Bar Association, the SCBA, and the Sonoma County Office of Education. Law Week assigns volunteer judges and lawyers, in pairs or singularly, to specific high school classrooms to present and discuss legal topics specifically chosen each year by the ABA to resonate with our youth. This year we presented on “Cornerstones of Democracy” which included topics on what it means to have a constitutional democracy, election integrity and the role of the Courts, the First Amendment freedoms of the press, and the right to peaceful assembly. A lot to cover in about 55 minutes!

These areas of the law were specifically picked to focus on rebuilding trust in American institutions, respect for one another, and foster a willingness to collaborate to address the challenges that face our nation. For the first time presenters were also urged to spend time discussing civility and how to discuss and disagree on hard topics. Legal summaries, suggested exercises, materials and a helpful Powerpoint presentation on professional, ethical, and courteous interactions with others were provided to help inform the students. However, all presenters were urged to feel free to create whatever format they felt to be most engaging and appropriate for the type of class and age of students they were assigned.

Judge Dana Simonds and Holly Rickett spent their seventh Law Week together at Piner High School with Ms. Heather Benson's Senior government and economics classes. We found the students interested and well-behaved, if a little flummoxed by the two fast-talking ladies at the front of the classroom informing them they have a fundamental right to peacefully assemble, strike, rally, demonstrate, and protest! The students were also educated about those pesky “time, place, and manner”



restrictions which make an individual's conduct of public affairs more complex. Thank you to the Law Week committee for organizing this important program and allowing the legal profession to have direct interaction with these emerging citizens.

Heather Benson:

Piner High School is honored to extend its heartfelt gratitude and appreciation to Holly Rickett and Judge Dana Simonds for their exceptional presentation during Law Week. As the department chair and a Social Science teacher at Piner High School, I had the privilege of hosting this enlightening session for my senior government and economics classes. Ms. Rickett and Judge Simonds provided invaluable insights on the topics of civility and the cornerstones of democracy.

Our presenters hosted a fast-paced discussion, capturing the attention and curiosity of my senior government classes from start to finish. Their ability to present intricate legal concepts in an accessible and relatable manner kept my diverse student body engaged. The interactive nature of the session allowed students to actively participate and directly inquire about the Constitution. Rickett and Judge Simonds expertly fielded the students' questions, providing them with guidance and mentorship. Their willingness to share their experiences as members of the legal profession added authenticity to the conversation, empowering students to consider law as a potential career avenue. This unique opportunity to interact with esteemed members of the Sonoma County Bar Association left a lasting impression on our students, encouraging them to reflect upon their own aspirations and the profound difference they can make in the study and practice of law.

The depth of preparation demonstrated by Rickett and Judge Simonds was truly commendable. Their expertise and passion for their respective fields shone through, giving our students an immersive and educational experience. By delving into the core principles of civility and democracy, they instilled in our students a deep respect for the intricacies of our legal system and its vital role in preserving our democratic society.

Law Week 2023 (continued from page 8)

Having taught government, economics, and history for the past 15 years within Santa Rosa City Schools, I understand the importance of engaging and inspiring young minds with the complexities of our legal system. As a lifelong resident of Sonoma County, a graduate of both Santa Rosa High School ('93) and Sonoma State University ('06), and a dedicated educator, I commend the SCBA for fostering connections with and nurturing the dreams of our youth. The SCBA's commitment to community engagement and the promotion of legal education is a testament to the Association's vision and impact on the future of Sonoma County. The Law Week presentation delivered by Rickett and Judge Simonds exemplified the Association's dedication to promoting civic education and facilitating meaningful dialogues between professionals and the next generation of leaders. Together, we can continue to inspire

and empower, ensuring the continuation of our democratic republic. ☸

By Hon. Dana B. Simonds, Holly Rickett & Heather Benson

Judge Dana Simonds was appointed to the Sonoma County Superior Court bench in 2007; she was assigned to the Criminal Division from 2007-2021, and Juvenile Dependency 2022 to the present.

Holly Rickett is a current Deputy County Counsel for the Office of the Sonoma County Counsel. She is also a long time professor at Empire College School of Law. Ms. Rickett believes that educating young people about the legal and judicial cornerstones of American democracy and civility in public life is incredibly important and is always happy to participate in national Law Day.

Heather Benson is the department chair and a social science teacher at Piner High School in Santa Rosa.



We are very sorry to announce the passing of Rebecca Gallagher, liaison to the Sonoma Office of Education. She passed away suddenly on March 16, 2023, just before the start of Law Week this year. For over 13 years, Rebecca was instrumental in bringing the legal community to the classrooms in Sonoma County through SCBA's annual Law Week event. She was passionate about educating students regarding their rights and the laws that apply to them as they are becoming adults.

Rebecca Gallagher will be greatly missed by the Sonoma County Bar Association and the Law Week Committee. Her obituary is available at this [Press Democrat link](#).

President's Message (continued from page 3)

Upon discovering my identity, I hid the truth from my family for four years. When I finally found the courage to tell them, one parent immediately disowned me. My other parent and sibling stopped talking to me for many years. I was alone and had to find a new path for myself, without family support. I separated myself from my heritage, culture and everything I had known as a child and moved to California in pursuit of a life lived with truth and authenticity. I was lucky to find a group of friends who became my "chosen" family and was fortunate to marry into a family with in-laws who accepted me for who I am and supported my journey. Together, we attended Pride celebrations in Sacramento, San Francisco and now in Santa Rosa. The feelings of community and love for humanity are palpable when walking

through the festival at Old Courthouse Square and watching parade contingents walk down Fourth Street. I am grateful to my community, which has supported me in my times of need.

Mine is just one of thousands of coming out stories; I share my story with you in honor of Pride Month and my community, in the hopes that you are also willing to share your difficult stories. We all have experiences that make up our character. Share your stories. Be vulnerable. Open your heart and mind to others' stories. Sharing with one another helps us understand and celebrate our differences, and that understanding is at the heart of the movement toward diversity, equity, inclusion and belonging. ☸

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

This article is the second 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 discussed the current economic challenges and consideration of California's Labor Code sections that address those challenges. Part Two provides insight into the California Government Code and its impact on economic parity.

Addressing Change Through Legislation— Historical Backdrop

The Civil Rights Act of 1866 immediately followed the end of the Civil War and guaranteed freedom, due process, and equal protection under the law to all citizens and was meant to apply to individual state action. The Act was not ratified as the Fourteenth Amendment until several years later, in part because the southern states were forced to ratify in order to regain their place in the union. The U.S. Supreme Court limited the impact of the Fourteenth Amendment in the Slaughterhouse Cases of 1873, holding that a citizen's "privileges and immunities" were limited to those rights only enumerated in the U.S. Constitution and did not include individual states' statutes, allowing states to pass discriminatory laws. Once such law was an Illinois statute barring women from practicing law. The U.S. Supreme Court denied Ms. Bradwell's appeal that the Fourteenth Amendment required Illinois to provide her equal protection under the law as her male colleagues. In the Court's first discrimination case based on sex, the U.S. Supreme Court held that as the state's qualifications for admission to the bar only applied to citizens of Illinois, the Fourteenth Amendment was inapplicable.¹

Equal protection of the law was not significantly addressed until 90 years later. In June 1963, President Kennedy asked Congress for a comprehensive civil rights bill because of massive resistance to desegregation and the murder of Medgar Evers. President Johnson ensured that this bill was passed by Congress the following year as Public Law 88-352 (78 Stat. 241), the Civil Rights Act of 1964. This Act is the seminal point of reference for civil rights legislation, and prohibits discrimination on the basis of race, color, religion, sex or national origin. The Civil Rights Act specifically forbids discrimination in hiring and promotions, with oversight

from the newly created Equal Employment Opportunity Commission, and was expanded by Congress over time to strengthen enforcement of fundamental civil rights.²

California Legislation Levels the Playing Field Through the Government Code

California anti-discrimination legislation has always been ahead of the federal legislation. The California Fair Employment Practices Act (FEPA) was first enacted in 1959, five years before the federal Civil Rights Act of 1964, and prohibited discrimination based on race, color, national origin, and religious preference by most employers. The FEPA was codified in the Labor Code (former Labor Code section 140 et seq.) and enforced by administrative action, with remedies that included injunctions and a limited backpay remedy following an administrative hearing. Administrative determinations were subject only to limited judicial review.³ Sex (gender) was added in 1974.

In 1980, the 1959 Fair Employment Practices Act was combined with the 1963 Rumford Fair Housing Act and renamed the Fair Employment and Housing Act (FEHA).⁴ The Fair Employment Practices Commission became a department-level agency entitled the Department of Fair Employment and Housing (DFEH) to enforce anti-discrimination law.

In July 2022, the Department of Fair Employment and Housing changed its name to the Civil Rights Department to reflect its broader enforcement power.

The FEHA applies to all employers regarding sexual and other forms of harassment and employers of five or more against discrimination and retaliation based on protected categories. The employment antidiscrimination provisions of the FEHA apply to public and private employers, labor organizations, and employment agencies.

1. *Bradwell v. Illinois* (1872) 83 U.S. 130.

2. Department of Labor, *Legal Highlight: The Civil Rights Act of 1964*.

3. Cal. Prac. Guide Employment Litigation Ch. 1-A

4. Gov. Code, § 19200 et. seq.

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

Subsequent Amendments to the FEHA

Pregnancy Disability Leave (1978): Women who become disabled by pregnancy are eligible for unpaid job-protected leave (“pregnancy disability leave”) for up to four months.⁵ In 1978, after the passage of the federal Pregnancy Discrimination Act, pregnant employees in California also could receive state disability insurance benefits (SDI). Later amendment required employers to contribute to the employee’s group health plan to the same extent as if the woman was working.

California Family Rights Act (CFRA) (1991): The CFRA gives all employees who have worked for one year, job protection for taking unpaid time off (up to 12 work-weeks) in order to care for a newborn or recently adopted child, to look after an ill family member, or for their own serious illness. Federal law followed in 1993. The CFRA currently applies to employers of five or more, and specifically exempts pregnancy disability leave, unlike federal law. Employers must contribute to the employee’s group medical insurance to the same extent the company contributed while the employee was working.

The Prudence Kay Poppink Act of 1999–2000 enlarged the protections available to persons with disabilities under the federal Americans with Disabilities Act of 1990. That year, sexual orientation was added to FEHA as a protected category to prevent harassment.

In 2002, California added **Paid Family Leave**, a benefit program administered by the EDD and funded from employee pay deductions for the care of certain family members, or for leave to bond with a newborn. In 2023, a “family member” can be any blood relative or a person designated by the employee to be the equivalent of a family member.

In 2003, the Legislature expanded the definition of sex discrimination in the FEHA, **Unruh Civil Rights Act**, and **Ralph Civil Rights Act** to include discrimination on the basis of the person’s gender identity or gender-related appearance and behavior.

In the last decade, California also directly addressed more subtle forms of discrimination. For example:

In 2011, California passed the **California Genetic**

Information Nondiscrimination Act (CalGINA) preventing employers of five or more from making discriminatory decisions based on genetic information which typically discloses race-based conditions, such as sickle cell anemia.

As of 2014, “national origin” discrimination includes, but is not limited to, discrimination on the basis of possessing a driver’s license granted under Section 12801.9 of the Vehicle Code.

Since 2017, employers must provide notice to employees pursuant to Labor Code section 90.2(a) of any inspection of I-9 Employment Eligibility Verification forms or other employment records by an immigration agency by posting a notice within 72 hours of receiving the notification of inspection.

On July 1, 2018, new regulations clarified that discrimination based on immigration status is prohibited under the **California Fair Employment and Housing Act (“FEHA”)**.⁶ In particular, immigration status discrimination is a subset of discrimination based on national origin. The 2018 regulations explicitly state that threats of deportation or derogatory comments (even a single threat) about immigration status or mockery of an accent or language may constitute harassment under FEHA.

The **CROWN (Create a Respectful and Open Workplace for Natural Hair) Act (2019)** provides protection to applicants and employees who face race-based hair discrimination.

After the U.S. Supreme Court overturned *Roe v. Wade*, Californians amended the California Constitution to protect reproductive freedom, including abortion care and contraception, finding that banning abortions most severely impacted women in marginalized groups who already struggle to access health care. Government Code section 12940 has been amended to forbid discrimination in employment based on a person’s reproductive health decisions.

The current version of the FEHA makes it unlawful for an employer to refuse to hire or employ the person or to refuse to select the person for a training program
(Continued on page 12)

5. Cal. Code Regs., tit. 2, § 11042.

6. Cal. Code Regs., tit. 2, § 11028.

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

leading to employment, or to bar or to discharge the person from employment or from a training program, or to discriminate against the person in compensation or in terms, conditions, or privileges of employment unless based upon a bona fide occupational qualification, or, except where based upon applicable security regulations established by state or federal government.

The FEHA also prohibits retaliation against employees for opposing any practice forbidden under the law, or

for filing a complaint, testifying, or assisting in proceedings under the FEHA. ¶¶

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.

Self-Study MCLE Credit

HOW TO RECEIVE ONE HOUR OF SELF-STUDY MCLE (ELIMINATION OF BIAS) 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. Visit the SCBA link: <https://sonomacounty-bar.org/self-study-articles> for our archive of self-study articles.

1. *Bradwell v. Illinois* 83 US 130 (1872) was the first case of sex discrimination heard by the US Supreme Court.
2. The Civil Rights Act of 1964 prohibits discrimination on the basis of race, color, religion, sex and national origin.
3. The Slaughterhouse Cases of 1866 enlarged the scope of the Civil Rights Act of 1866.
4. The Equal Employment Opportunity Commission was created as a result of the Civil Rights Act of 1964.
5. The California Fair Employment Practices Act (FEPA) when first enacted in 1959 prohibited discrimination based on sex (gender).
6. The FEPA was codified in the Labor Code, not the Government Code.
7. The California Fair Employment and Housing Act (FEHA) applies to all employers prohibiting sexual and other forms of harassment.
8. The California Fair Employment and Housing Act (FEHA) applies to employers of fifteen or more against discrimination and retaliation.
9. The Department of Fair Employment and Housing first became a department level agency in 1980.
10. The employment antidiscrimination provisions of the California Fair Employment and Housing Act (FEHA) do not apply to public employers.
11. Labor organizations and unions are excluded from the employment antidiscrimination provisions of FEHA.
12. The California Fair Employment and Housing Act (FEHA) includes the placement of an individual in a training program or removing an individual from a training program.
13. Female employees are allowed to take time off because they are pregnant.
14. The California Fair Employment and Housing Act (FEHA) prohibits retaliation against employees for opposing discrimination, or for filing a complaint, testifying, or assisting in proceedings under the FEHA.
15. Both men and women make take protected leave under the California Family Right Act to bond with a newborn or a newly adopted child.
16. Women disabled by pregnancy have been eligible for State Disability benefits (SDI) since 1978.
17. The Department of Fair Employment and Housing was renamed the Civil Rights Department in 2022.
18. A person's reproductive health decisions are protected by the California constitution.
19. Sexual Orientation was added to the Fair Employment and Housing Act in 2000 and in 2003, the Legislature expanded the definition of sex discrimination in the FEHA, Unruh Civil Rights Act, and Ralph Civil Rights Act to include discrimination on the basis of the person's gender identity or gender related appearance and behavior.
20. In the last decade, California has addressed discrimination based on national origin, including immigration.

Hon. Oscar A. Pardo: “A Face of Hope and Inspiration”

The voters of Sonoma County elected the Hon. Oscar A. Pardo as Judge of the Sonoma County Superior Court on June 7, 2022, filling the vacancy left by the retirement of the Hon. Gary Nadler. After Judge Pardo's election, Governor Newsom's office formally announced his appointment to the bench on November 7, 2022. Judge Pardo's formal investiture was held May 19, 2023.

Pardo, 50, was in private practice with Santa Rosa's Perry, Johnson, Anderson, Miller & Moskowitz, LLP, where he practiced complex civil litigation and trial work since 2008.

The son of Mexican immigrants, Pardo's journey from humble beginnings to Superior Court judge is a unique history of hard work and community leadership. Pardo grew up on Chicago's South Side where his parents worked factory jobs to support him and his two sisters. As a youth, he lived for several years in the small Mexican town of Chamacuara, Guanajuato, where he attended primary school. Eventually returning to Chicago for high school, Pardo was enrolled in a vocational high school, where he was tracked as an ESL student with no opportunity for a meaningful academic future. He dropped out of high school and moved to Sonoma County, where he lived with relatives, worked full time, and obtained his GED.

In Sonoma County, Pardo met and married his spouse, Sandra. He attended Santa Rosa Junior College, earning top grades and admission to the University of California at Berkeley. At UC Berkeley, Pardo carried a full academic load while working nights to support a growing family. The couple's first child, Esteban, was born in 2001.

After graduation from Berkeley in 2002, Pardo attended UCLA School of Law, where he obtained his Juris Doctor in 2005. During law school, he continued to work nights for three years as the family welcomed daughters Amara (19) and Sofi (18).

Pardo's years in Sonoma County have been marked by leadership in community-based non-profit organizations. Community leaders from outside the legal



profession have recognized Judge Pardo's election and subsequent appointment as an important moment for the broader community, as his is the first election of a Mexican American citizen to the Superior Court. Lorez Bailey, former Executive Director of Chop's Teen Club and current publisher of the North Bay Business Journal, describes Pardo as “a community-facing leader for Sonoma County, a face of hope and inspiration. He embodies the values of fairness and justice for our courts and community.”

Lisa Carrenõ, CEO and President of United Way of the Wine Country, worked closely with Judge Pardo for fourteen years as a community organizer. She describes him as “a wise visionary, thoughtful, strategic, with a brilliant capacity for leadership. He will bring a unique family, cultural, and personal background to the delivery of civil and criminal justice to our community.”

David F. “Max” Beach

Mr. Beach is a partner at Santa Rosa's Perry, Johnson, Anderson, Miller & Moskowitz, where he and Judge Pardo worked together for fifteen years, litigating and trying cases throughout California.




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Legal Tech-nicalities: What to Look For in Case Management Software

Legal Tech-nicalities is an ongoing column written by Eric G. Young, Esq.¹ The column's aim is to provide you with useful tips for using technology more effectively in your life and practice.

In simplest terms, legal case management software refers to software that law firms use to organize their cases and manage clients. Contrary to popular belief, no California rule or ethics opinion expressly requires lawyers to use legal case management software. However, lawyers are required to maintain competency, including keeping abreast of the “risks and benefits of relevant technology.”² Aside from basic word processing software, few other types of software provide more benefits than legal case management software. Legal case management software has revolutionized the way law firms manage their cases.

So Many Choices, So Little Time

Once upon a time, two legal case management products dominated: Abacus and Amicus. Those days are gone. In recent years, the case management software market has expanded to include dozens of companies. Unfortunately, with so many options available, finding the “right” legal case management software can seem overwhelming.

This article compares several software solutions. My choice of the software mentioned in this article is not a recommendation or endorsement. I could have included many others. I used three categories to describe the software: Solid Performers, Impressive Newcomers, Creative Solutions.

Solid Performers

*Clio*³

Clio is one of the most popular legal case management platforms available on the market. Founded in 2007 in British Columbia, Clio has worked hard on brand identification, but the company is not all show. Clio offers

cloud-based software that handles various tasks including client intake, contact management, calendaring, document management, timekeeping, billing, and trust accounting. Clio's user-friendly interface makes it easy to navigate. Clio also offers a mobile app allowing lawyers to access their case information from anywhere, at any time.

Clio's strength lies in the many software integrations it offers. A “software integration” refers to the combining of separate pieces of software into a single system. For example, if you have legal case management software with a built-in calendar that syncs with your Outlook or Google Calendar, you are using a software integration. Clio offers many integrations.

Clio is not for everyone. All the “bells and whistles” Clio offers are not necessarily free. A common complaint is Clio's cost for full functionality. Clio's customer service is also a frequent target of user criticism. Some users denounce its accounting features, and believe Clio is not a good solution for small law firms.

Despite these critiques, Clio remains a reliable and stable product. However, it may not be suitable for all law practices.

*MyCase*⁴

Founded in California in 2009, MyCase is a leader in legal case management software. Among its many features, the software includes time and expense tracking, document and email management, calendaring, billing/invoicing, and trust accounting. The company prides itself on providing a reliable product that is also easy to learn.

I completed a 10-day free trial of MyCase. Its design is approachable, and I had no trouble getting started. The product is customizable and offers many options. In particular, I appreciated that MyCase shows a statute of limitations reminder at the client entry screen. With MyCase, you do not have to hunt for that all-important deadline.

(Continued on page 16)

1. Mr. Young is the principal at Young Law Group, a personal injury law firm in Santa Rosa. Questions about tech issues, comments about the columns, or suggestions for an upcoming article, may be directed to Mr. Young at admin@younglawca.com or by calling (707) 343-0556.

2. Rules Prof. Conduct, rule 1.1(b), com. 1.

3. www.clio.com, accessed May 7, 2023.

4. www.mycase.com, accessed April 2, 2023 – April 12, 2023.

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Legal Tech-nicalities (continued from page 14)

I did notice some drawbacks. The product's design is not fancy, nor is it even necessarily pleasing to look at. For me, this diminishes usability. Consider the time you will spend working with the software you select. It should be pleasing, if not enjoyable, to use.

I also found that one has to adjust the settings in order to input data correctly, which required exiting one screen and entering another after starting to enter client information. Entering client information required data entry on multiple screens, which seemed unnecessary. However, these drawbacks are not unique to MyCase. Overall, MyCase is ranked consistently higher than most of its competitors.

*Practice Panther*⁵

Practice Panther is a cloud-based legal case management software solution that has been around since 2012. It offers many of the same features as MyCase and is generally more affordable than Clio. I have personally used this product, and I liked many things about it. For example, its design is user-friendly, which makes it almost fun to use. I was up and running in half an hour without training. When I needed it, Practice Panther's customer service was also quite responsive and helpful.

I ultimately left Practice Panther for three reasons. First, its reporting and accounting features were not robust enough. Second, its more advanced features—such as automated documents and workflows—were not as easy to set up as other features. Third, and most significantly, Practice Panther—like Clio and MyCase—was not built with any particular practice area in mind. I wanted a solution designed for a personal injury practice. Still, Practice Panther is a solid program with comprehensive features that's easy to use.

Impressive Newcomers

*Lawcus*⁶

Lawcus is a relatively new, California-based company that is already making waves among cloud-based legal practice management software solutions. My firm uses Lawcus.

Lawcus offers many features including centralized information and document management and solid integrations with Box, Dropbox, Google Drive, and One Drive;

time tracking and automated billing features, invoicing, online payment processing, and accounting. Lawcus comes with a built-in calendar that syncs with Outlook or Google Calendar. Lawcus also provides tools to improve client communication such as integrated email, SMS, and a client portal.

The key feature of Lawcus is its customizable "pipelines" comprised of case "stages." These pipelines can be practice-specific and viewed either as a list or a kanban board. A family law firm could set up a pipeline with stages like petition and response, temporary orders, financial disclosures, settlement negotiations, and trial. A personal injury firm might have stages like investigation, pleadings, discovery, summary judgment, settlement, and trial. A bankruptcy practice could establish its own unique stages, and so on. Any firm can create as many pipelines and stages as it needs, and moving cases from one stage to the next is an easy drag-and-drop process.

Moreover, Lawcus allows users to create customizable automated workflows associated with each stage. Together, these features greatly improve efficiency and productivity.

Additional strong points include the program's design, ease of use, a growing list of integrations and responsive customer support.

Some features of Lawcus could be improved. For example, when a user enters the statute of limitations as part of the client's information, it populates to the built-in calendar, but for some reason, the statute of limitations does not populate to one's Google or Outlook calendar, requiring double entry.

*ZolaSuite*⁷

Founded in 2015, ZolaSuite (now CaretLegal) has emerged as a prominent leader among the newcomers. One of ZolaSuite's key strengths lies in its all-in-one approach to legal case management. The software seamlessly integrates matter management, time tracking, billing, document management, and client communication into a unified platform. This approach eliminates the need for multiple software applications and fosters seamless collaboration among team members.

5. www.practicepanther.com, accessed May 7, 2023.

6. lawcus.com, accessed May 7, 2023.

7. caretlegal.com, accessed May 24, 2023.

Legal Tech-nicalities (continued from page 16)

By itself, however, that strength would not differentiate ZolaSuite from other available solutions. Many users believe that ZolaSuite excels in the area of time tracking and billing by providing more robust features than other applications.

ZolaSuite also manages documents well through a secure and centralized repository where attorneys can easily store, organize, and share case-related documents. Creation of frequently used documents is automated, saving valuable time and reducing errors.

Finally, ZolaSuite's client portal gets good reviews. Many other programs feature client portals, but these do not always work as well as they are imagined. ZolaSuite's seems particularly well-designed.

Some users report a learning curve with the software, which varies depending on individual preferences and prior experience with legal case management software. In other words, if you have never used legal case management software, or perhaps you are not technologically inclined, you may need to set aside sufficient time to learn ZolaSuite.

Cost-Saving Creative Solutions

Many users criticize the price of legal case management software, which has steadily increased over the past ten years. Some companies require annual up-front payments rather than a monthly option. Firms with tight budgets may find the price of some software to be cost prohibitive.

One solution may be to use general productivity tools. While not built specifically for law firms, many robust applications can be customized to perform legal case management tasks. Leading software providers include: *ClickUp*⁸, *Asana*⁹, *Trello*¹⁰, *Monday.com*¹¹, *Zoho One*.¹²

Productivity software companies typically offer affordable (or at least scalable) monthly pricing. Some are even free if a user only needs basic functionality. In addition, this software often features more integrations than legal case management software, and integrations are a key feature you want to acquire. One should pro-

ceed with caution, however, because this software will not necessarily be sensitive to requirements like trust accounting, billable hours, or time tracking. Research these options carefully.

Compare Before You Buy

A useful way to make a smart choice about any software is by comparing and contrasting. Two comparison websites stand out: *Capterra.com*¹³ and *G2.com*.¹⁴ These sites allow users to review software by category, review features, check user ratings and comments, and explore all the pros and cons before committing to a purchase.

In today's market, law firms have many options when it comes to choosing legal case management software, and more software is added all the time. If you educate yourself about the options and remain patient, you should be able to find legal case management software that will prove enormously beneficial to your firm. ☸

13. *www.capterra.com*, accessed April 2, 2023. Capterra is an excellent website to learn both pros and cons of virtually any software available. DISCLOSURE: I am also a reviewer for Capterra. I am paid per review. I have provided approximately ten written reviews over the past three to five years.

14. *www.g2.com*, accessed April 2, 2023. This is another good software comparison website.

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.

SCBA Welcomes Our New Summer 2023 Members!

Rebekah Didlake, Tobener Ravenscroft LLP

Annie Llombart Portabella, Law Student

Kathryn Luciani, Associate Member

Christina McCool, Spaulding McCullough & Tansil, LLP

Gregory Miller, Gregory Keith Miller, Esq.

Sean Phillips, Wood Smith Henning & Berman LLP

Kirstyn Romeo, Law Student

Zachary Stephens, Daryl Reese Law PC

Jonny Westom, Law Student

Kyle Wilson, The Ottinger Law Firm P.C.

8. *clickup.com*, accessed May 24, 2023.

9. *asana.com*, accessed May 24, 2023.

10. *trello.com*, accessed May 24, 2023.

11. *monday.com*, accessed May 24, 2023.

12. *www.zoho.com/one*, accessed May 24, 2023.

Remembering Mike Senneff

On February 22, 2023, the Sonoma County Bar Association lost one of its long-standing, most honored members when Michael Dayle (Mike) Senneff passed away peacefully at his Santa Rosa home surrounded by loved ones.

From his earliest legal education where he was a founding member of University of San Francisco's Law Review, to his clerking for U.S. District Court Judge Bruce R. Thompson in Nevada, to his work in Sonoma County, first as a public defender, and then as a civil associate and partner, through leading his own law firm for decades, Mike Senneff was always at the top of his class.

Much has been written about Mike Senneff's successes, not just as a lawyer, but as an extraordinary human being—too much to repeat here. (*I recommend reading the Press Democrat obituary¹ and feature², if you didn't see them when they were published*). His trial prowess was uniformly respected (some say feared), his unflagging community service was conducted at the highest levels, and his civility and professionalism were unparalleled. He did all of this while raising a family with his wife of 50 years, Margaret Parsons Beach, and for more than half of his life, while battling multiple sclerosis. With his natural athletic ability and great discipline, he followed a consistent physical regimen that ensured he did not let the disease govern his life.

And it certainly didn't. He led a busy civil law firm and carried a heavy trial caseload himself for decades; he served on various Sonoma County and local boards; he conducted many legal education seminars on the practice of law and civility; and he was a founding member of the Richard Sangster Inns of Court, a branch of the American Inns of Court, comprised of attorneys in Napa, Sonoma, and Marin counties dedicated to the promotion of professionalism and civility in the practice of law. He was awarded both the Career of Distinction Award and the Michael F. O'Donnell Civility Award by the members of the Sonoma County Bar Association, which are the top two

awards for attorneys who made a difference in their community and who most demonstrated the ideals of civility in their practice.

For me, the distinctive thing about Mike Senneff was that you would never hear about any of these accomplishments from him. I met Mike thirty-nine years ago, shared cases with him, ate meals with him, and suffered through long settlement conferences with him, and I never once heard him tell a "war story." One of his colleagues and friends, Brandon Blevans, recalls that

Mike's acceptance speech at his Career of Distinction Dinner "was almost entirely devoid of 'I' or 'me' words." His former law partner, Bonnie Freeman Hamilton, had the same recollection. I remember that speech; it was a sincere encouragement for upcoming young attorneys emphasizing the importance of civility in our adversarial profession and of contributing to one's community at large. His speech wasn't about him, but it spoke to what he was about.



On May 25, 2023, more than 300 of Mike's family and friends gathered for a celebration of his life. The speeches that day had one consistent thread: what they most remembered about Mike was how he made them feel. His former law partners spoke eloquently and with heartfelt love and appreciation for the person Mike Senneff was. They told us about his humor, his loyalty, his mentoring ability, his preparedness in everything he did, and his innate way of connecting with everyone he met. Indeed, his philosophy about trial work was "it is all about the people."

More than most, Mike was able to embrace the differences in people in his work and in his personal life. As one speaker put it, "he instilled hope in the hopeless." As one family member shared, Mike's "goodwill, his sense of propriety, and his gentlemanly self-control" all helped him relate to people of all walks of life while never making anyone feel self-conscious. And each of the speakers noted how Mike's interaction with them inspired them to pay that same consideration forward. These messages were more than just eulogies; they comprised a life's lesson for all of us who want to be better lawyers, and better people, in every way.

The speakers had all known Mike from different perspectives, but the unanimous message was of their

1. <https://www.legacy.com/us/obituaries/pressdemocrat/name/michael-senneff-obituary?id=51803970>

2. <https://www.pressdemocrat.com/article/news/mike-senneff-sonoma-county-civil-attorney-and-civic-champion-dies-at-81/>

Remembering Mike Senneff (continued from page 18)

admiration for the loving devotion and mutual respect Mike and Margaret had for each other, and especially Margaret's unfaltering support for Mike in his final years. I asked Margaret for her thoughts for this article and she provided this comment:

Mike and I met when I was working as secretary to Judge Kenneth Eymann in Department 3 of Superior Court. Occasionally I could slip from chambers into the courtroom to observe trials in progress. In watching Mike in action, it was clear to me that he had a gift for courtroom demeanor and tactics that is a bit hard to describe. That he was special, even outstanding, was clear. After we married, I learned that beyond the natural gifts and talents I had seen was a penchant for hard work and relentless preparedness. This dedication contributed as much or more to his success in the courtroom, and to his success in every undertaking.

Nowhere was his dogged determination more evident than in his pursuit of health and fitness in the face of a diagnosis of multiple sclerosis at the age of 35. He launched into a routine of daily exercise, either running, swimming, cycling or strength and stretch work. This physical preparedness allowed him to take rigorous backpacking trips every summer into the high mountains of the Sierra Nevada and Alaska, as well as to run many 10K footraces and several marathons. He was also blessed by a slow progression of the illness, and never gave in to it.

He truly enjoyed the practice of law, particularly his ability to help people and the comradery of other lawyers...these things kept him actively practicing until he retired in 2017 at the age of 74. He was an inspiration to many young lawyers and particularly enjoyed actively working with them in his own firm, teaching at Empire College School of Law, and participating in the Richard M. Sangster Inn of Court.

I also heard from a few others about Mike's impact on them. From his long-time friend and former law partner, Pat Emery: "Mike was funny, generous, friendly, and stubborn when he needed to be. He had an indomitable spirit that he passed to those around him. He made us better lawyers and better people."

In noting what made Mike such a great lawyer, his long-time colleague, sometimes co-counsel and always dedicated friend, Clay Clement, listed Mike's sharp intelligence, his great humanity; ". . . he really understood and related to people—his clients, opposing parties, other lawyers and judges," and his calm, self-confident demeanor, "which caused no little angst in his opponents, who were often nervous and justly afraid of him." Attorney Peter Simon, of Beyers Costin Simon, remembered that when consulting with Mike on a particular case, Mike was not just concerned about whether something *could* be done, but rather whether it *should* be done, that is, whether it advanced the goal of the litigation. And finally, from one of his earlier firm's young associates and now Anderson Zeigler shareholder, Rose Zoia: "I was lucky enough to start my career at Senneff, Bernheim, Emery & Kelly. Mike never criticized or exhibited any level of superiority and was always approachable and kind to a young nervous attorney. Mike Senneff is one the most respectful, ethical, intelligent, and kindest human beings I have met in my life."

And there you have it.

I almost described him at the start of this article as "Attorney" Michael Dayle Senneff, but he was so much more than that, not just to his family and friends, but to his legal and lay community alike. It is so fitting that he passed away in the comfort of his familiar surroundings, since his words and actions gave comfort to so many. He personified the ideals of civility and professionalism, demonstrating that everything we do and everything we say should be done and said with honor and respect for those involved. Mike is the first person I think of when I remember some sage advice I received as a young man from a neighbor of mine long ago:

"You only bring one thing into this world, your word; you only leave one thing behind, your name. As long as you keep both intact, you'll be fine."

It was fine indeed to have been Mike Senneff; those of us who knew him gained more from his acquaintance and friendship than we could ever repay. But we can all honor his career by continually trying to pay forward what he showed us. Thank you, Mike Senneff; you will be sorely missed. ❧

By Brian J. Purtill

Brian Purtill is the Dean of Empire College of Law.

One Lawyer's Long Journey Toward Justice

Does anyone remember what happened on Thursday, December 19, 2019?¹ I remember driving from my office in Santa Rosa to the San Francisco office of my colleague Joseph May to meet with prospective clients. Aasylei Loggervale, Aasylei Hardge-Loggervale, and Aaottae Loggervale were three African American women—a mother and her two teenage daughters—who had been detained while seated in their vehicle in a parking lot outside of a Starbucks in Castro Valley by deputies from the Alameda County Sheriff's Office.

Joseph and I have co-counseled on a dozen or so cases over the past ten years. As much as possible, I try to collaborate with attorneys who are more talented than I am, and Joseph fits that description. Plus, we both enjoy the challenge of a righteous civil rights case.

Joseph and I are solo practitioners. We work together for a variety of reasons including: (1) we have complementary skills, (2) we are better able to analyze and strategize together than when working in a solitary fashion, and (3) it is a way to hedge the risk when taking on difficult contingency fee cases; that is, we can better absorb the loss of our time and costs if it is a shared risk.

Joseph had sent me an email earlier that week that provided in pertinent part: "Here are some cases I came across... *Since there was never reasonable suspicion to suspect the Loggervale family of any crimes, I can't see how their detention, handcuffing, and the subsequent search was in any way justified.*" (Italics mine.)

On Wednesday, March 1, 2023, a federal jury in San Francisco completely agreed with Joseph's initial analysis about the lack of reasonable suspicion. The jury found the deputies liable for civil rights violations against the Loggervales. The jury awarded the family a total of \$8.25 million, with the primary deputy liable for \$2.75 million to Aasylei Loggervale (mother) and \$2 million each to Aaottae Loggervale (daughter) and Aasylei Hardge-Loggervale (daughter). The jury also

found the secondary deputy liable for \$750,000 to each of the daughters. Finally, the jury found that the County of Alameda County was liable for ratifying the unconstitutional actions of the deputies.

Much happened in the 1,168 days between our first meeting with our clients and the sweet vindication of the multi-million dollar verdict.

Around 6:30 A.M. on Sept. 20, 2019, the Loggervales were in a parked vehicle in a strip shopping center located in Castro Valley waiting to enter a Starbucks. Aasylei Loggervale had driven overnight with her two daughters from her home in Las Vegas. The purpose of the trip was to take Aasylei Hardge-Loggervale to her first test at Berkeley Community College at which she had recently enrolled after graduating from high school.

The family was parked in a disabled spot and had a disability placard placed in a window when Alameda County Deputies Steven Holland and Monica Pope approached the family's vehicle. Following a brief conversation in which Holland advised her that there recently had been auto burglaries at that location, he abruptly asked Ms. Loggervale to see her identification. Ms. Loggervale initially reached for her purse, but then asked what crime she had committed simply by sitting in her parked car outside of a Starbucks. Deputy Holland merely responded that she must produce her ID to him. Ms. Loggervale simply continued to ask what she had done to require her to produce her ID.

Holland refused to answer her question. During this back-and-forth between Holland and Ms. Loggervale, Aasylei Hardge-Loggervale exited the vehicle in order to attempt to use the restroom. Holland responded by stating that all three of the women were detained, and he called for backup. Multiple deputies responded, and Holland ordered that all three women be handcuffed. Each were placed in the back of a separate patrol car.

While the women were detained, Holland and Pope searched the vehicle for the identifications of the three women. The Loggervales did not consent to the searches. The supervisor of Holland and Pope arrived, talked separately with each of the three women, and

1. This was the lead story that day in the *New York Times*: *Trump Impeached for Abuse of Power and Obstruction of Congress*.

One Lawyer's Long Journey Toward Justice (continued from page 20)

eventually removed their handcuffs and released them from the patrol cars. The women were in handcuffs for approximately one hour and thirty minutes. Holland did not charge any of the three women with a crime or a violation of the Vehicle Code and released them.

The journey from that parking lot to a federal courtroom encompassed the following events:

- Fifteen depositions
- Responding to seventy-six requests for admissions for each plaintiff
- Opposing a motion to dismiss the complaint and a motion for summary judgment
- Filing five discovery motions for abusive and/or improper conduct by counsel for Defendants—each of which was granted.

At 8:00 A.M. on February 13, 2023, we stated our appearances to the Court for the start of trial. For the remainder of the five-day trial, the Court took the bench every morning promptly at 7:30 A.M.² Joseph and I brought in our friend Craig Peters to assist us in trying the case. I have been an attorney for over 32 years, and I am the son and grandson of trial attorneys. As such, it takes a lot for a lawyer to impress me. Craig impressed me.

Among Craig's many contributions to our success, he gave a magnificent closing argument. Here is a snippet:

And what Martin Luther King and many others were talking about when he talks about how we're all tied together in this network of mutuality or when he talks about the arc of the moral universe—right?—bending towards justice, what he's talking about isn't that you just sit back and this will all happen. It's that we're all active participants in it. We all play a role in it. We all say, "Yeah, we're willing to make a stand. We're willing to stand up." Right?

And you know what's hard? Standing up. Standing up is hard. Saying, "This isn't right and I'm actually going to put my time and effort towards correcting it," that's hard. It's inconvenient.

That's what the Loggervales have done. They said, "You know, we trust the system. We think the system can correct us." They're not picking up baseball bats or doing—you know, trying to solve these problems themselves. They say, "I'm going to do it through the system."

Rosa Parks said: "Stand for something or you will fall for anything. Today's mighty oak is yesterday's nut that held its ground. I knew someone had to take the first step, and I made up my mind not to move."

Now, we all know who Rosa Parks is. We've all heard of her; right? I think a revered person. We all think: Wow, what a courageous thing she did.

I can tell you, back at the time, there were plenty of people, like, "Just move. Like, what's the big deal? Just go to a different seat. Like, why are we making such a big deal out of this?" Right? There were people like that.

And that was, you know, not completely out of the realm of what people were thinking. Right? I mean, that's—she took a stand and she changed things. She changed things for everybody. That one little, small act. Right? It's what Martin Luther King was talking about how the moral arc of the universe is long, but it bends towards justice. Why? Because people are each doing their part. Juries are doing their parts. Juries say, "We are going to hold people accountable. There is a hard line; and if you cross it, we're going to tell you you crossed it."

Now, we are at the post-trial motion phase. Defendants have moved for a judgment as a matter of law, a new trial, and/or a remittitur of the verdict to \$150,000 per plaintiff; that is, a combined \$450,000. Defense counsel has not been chastened by the verdict. Instead, in one of Defendants' post-trial briefs, counsel argued that

(Continued on page 23)

2. I stayed at a nearby hotel six blocks away from the Federal Building located at 450 Golden Gate Avenue, San Francisco. Make this short walk twice a day before you complain about the homeless situation in Santa Rosa.



Gone Solo: Work-Life Balance

This is the final installment in the series directed at the business side of having a solo law practice.

Attorneys are notorious for overworking themselves. Late nights in the office and 80-hour work weeks are all too common. It can be difficult to carve out personal time. But how do you protect your personal time when your office is in your home? It's all about establishing—and enforcing—a clear boundary between work and personal time.

When you work from home, it is very easy to let your work seep into all areas of your home life. When I first started working from home, I felt like I needed to be available to my clients 24/7. I answered emails from my phone at all hours. I worked long hours and often worked right up until I went to bed. It wasn't healthy.

I was starting to feel burned out and decided to take some steps to ensure that I maintained a healthy balance of work and home life.

So here are five things that I did to make sure that I protected myself from burnout, and created boundaries between work and home while working from home.

Take your work email off your phone

Since I was wholly incapable of seeing an email notification without immediately responding, I decided the first thing to do was take my work email off my phone. I worried at first (so many what-ifs), but it's been over two years since my work email has not been on my phone, and the world hasn't crumbled.

There is little need to be available to your clients and opposing counsel at every hour of the day. So take that work email off your personal cell phone!

Set work hours

Second, I decided to set office hours. If I was working in an office, I generally would arrive and leave at set times. Why shouldn't it be the same if I'm working from home? It *should* be the same.

I've decided that my work email on my laptop is akin to being in an office. My work email is only open during my office hours.

If you need to, set an alarm to signal the end of your workday. When that alarm goes off, finish up what you are doing, and end your work day. For me that means closing my work email and leaving my office area.

Of course, there are days when I have to work late to meet a filing deadline or to prepare for a hearing/trial. But these are now the exceptions and not the rule.

Make sure your work phone only rings during your office hours

I have learned that people will call attorneys at all hours of the day and night and on weekends. I happen to use Google Voice and have the ability to make a schedule for when calls ring through, and when they go straight to voicemail.

So now, my work line is programmed to have phone calls go straight to voicemail any time that isn't during my normal work hours. My clients know how to get hold of me in the event of an emergency.

If possible, have a separate space for your office

If you have a den or spare bedroom in your home that you can designate as your office, that's great! But what do you do if you do not have that luxury? If you aren't careful, you will have your office/work files taking over every area of your home.

When I started working from home, I didn't have an actual office. I got a locking cabinet for my client files, and a table to set my printer on, and that was my designated office area. I would spend my days working from my couch. But at the end of the day, everything would be returned to that designated office area.

Now, I have an office in my home, so it's even easier to keep the work files from taking over my entire home.

If you do not have an actual office in your home, designate a space for your office/work items. Make sure at the end of your work day, you put everything in that designated space. Make it so that when you aren't working, you are able to enjoy your home without work files encroaching on your non-work time.

Take breaks throughout the day

This advice is really important no matter if you work in an office or from home.

Gone Solo: Work-Life Balance (continued from page 22)

However, I did notice that when I started working from home, it was really easy to just sit on my couch with my laptop and work without taking breaks. This is not healthy.

Now I make sure to—at a minimum—take a lunch break for at least an hour. You need time to eat, move your body, look at something other than a computer screen, and just generally rest your brain. So strive to take a short morning break to walk for 10 minutes, drink water, meditate, play with your dogs—something to stop looking at a screen and move your body.

Attorneys tend to work long hours and can get burned out. That risk increases when you don't leave your home to work. It is important to ensure that you establish firm boundaries between work life and home life. I've been following these five boundary and self-care tips for the last few years and it has really made a difference in my quality of life. ☸

By Beki Berrey

Beki Berrey is a solo practicing attorney at Beki Berrey Family Law, who practices exclusively family law in Sonoma and Mendocino Counties.

One Lawyer's Long Journey Toward Justice (continued from page 21)

"Plaintiffs are clearly implying that it would be racist for the Court to reduce the award or order a new trial, and such extortionist tactics should not be tolerated."

At the same time, as prevailing parties, we filed a motion for attorneys' fees (hours multiplied by market rates) totaling \$1,831,305. We also requested an upward multiplier of 2.0, which we justified by the contingent nature of the fee, the difficulty of the case, the skill of counsel, the preclusion of other opportunities, and the success achieved. Thus, the total amount of fees that we requested is \$3,662,610.

Of course, Defendants already have filed a Notice of Appeal. So, with apologies to Robert Frost, I—along

with my colleagues Joseph and Craig—have "miles to go before I sleep."³ ☸

3. Frost, Robert, "Stopping by Woods on a Snowy Evening," in *New Hampshire, A Poem; with Notes and Grace Notes*. Henry Holt and Company, (New York, 1923).

By Brian Gearing

Brian Gearing is the Principal of Gearing Law Group, representing injured individuals, primarily in Sonoma County Superior Court. Outside of the office, Brian enjoys attending his son's soccer matches, growing grapes and maintaining honeybees on his property.

SCBA Summer '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.

Susannah Edwards is now with Clement, Fitzpatrick, Kenworthy in Santa Rosa... **Roy Johnston** has changed his firm name to Johnston & Associates, Attorneys at Law, P.C... **Adam Eberts** is the co-founder & CEO of Illuminote, Eberts Law Group is no more... **Monica Lehre** is now with Berry & Fritzing Law, P.C. in Santa Rosa... **Mike Mullins**, former Dean of the Empire College of Law, has been selected as the new President of

The Amicus Committee of the Sonoma County Law Library, succeeding Justin Milligan, founding President of Amicus... **Sheri Chlebowski** is now with Vandyk Law PC in Santa Rosa... **Nancy Clark** is now with YWCA in Santa Rosa... **Michael Melton** is now with the Sonoma County Public Defender's Office in Santa Rosa... **Bill Adams** is now Principal Counsel for William L. Adams, P.C.



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: We are celebrating the law school's 50th anniversary this year. By the time this issue goes to press, we will have completed our 2023 graduation ceremony, with Cassidy Jourdan Jones as the Valedictorian. We had 14 Juris Doctor graduates and 23 additional students receiving their Master of Legal Studies degree. A total of 9 of our 14 JD recipients graduated with honors; four of them received cash awards. Thank you to the sponsors of those awards: Abbey, Weitzenberg, Warren & Emery; Margaret A. Brothers; Cynthia Denenholz and Paul Jamond; Michael Allen; Michael King; Nancy E. Cooke; Perry, Johnson, Anderson, Miller & Moskowitz LLP; and Spaulding McCullough & Tansil LLP. The students greatly appreciate the support as they get ready for the July Bar Exam.

Student News: Our Traynor Moot Court Competition team did well this year, taking fourth place in the "Best Brief" category, and 5th place in the "Combined Brief/Oral" scores. In these two, Empire finished just behind Berkeley, Hastings, Loyola and UCLA. Alison Alcocer took 5th place in the "Best Oralist" category. We are very proud of our team, Colin Gibson, Nicholas Carrera and Alison Alcocer, and of its coach, Professor Connie Burtnett. Our Environmental Negotiations team, Kathleen Cuschieri and Sania Grandchamp, did even better, coached by Rachel Mansfield-Howlett, taking third place overall in that competition which was held on the UCLA Law School campus. Congratulations to all of them!

Another Shout-Out for Pipeline Pod Project: The SCBA DEI section's Pipeline Committee, of which the dean is a member, is building its pods for a start-up in September. If you don't know about this project, please contact the SCBA and they will direct you. This program is intended to group professionals and students in small group discussions throughout the year to inspire and support those wanting to enter the legal field.

Happy Summer!! ☀️

Court Opens New Civil Self-Help Center

As a means to effectively increase access to the Court for self-represented individuals, the Court recently opened the Civil Self-Help Center. The Center provides individualized assistance so litigants can more easily navigate through their civil law issues at no cost. The Center can be accessed via in-person appointment or walk-in, as well as telephone or email for case types such as evictions, small claims, civil harassment, and elder abuse restraining orders and other civil matters.

The Center is staffed with a managing attorney and a paralegal who provide procedural information and assistance with filling out forms. The Center is equipped with computers to make the filling out of forms process easier. While the Center does not represent people in court and the services provided do not result in an attorney-client relationship, those who need further legal help are guided to other resources.

Since its opening, the Center has steadily served over

500 people per month (25 per day) and is accessible in both English and Spanish and additionally, the Court maintains access to a language line which provides service in other languages as well. The opening of the Center continues the Court's aim to expand legal support services and increase accessibility to justice. ☀️

Civil Self Help Center (SHC)

Phone: 707-521-6534

Address: 600 Administration Drive, Room 108-J, Santa Rosa, CA

Email: selfhelp@sonomacourt.org

Hours of Service:

Walk-ins: Mon. & Wed.: 9:00AM-12:00PM & 1:30-4:00PM
Friday: 9:00AM-12:00PM

Appointments: Tues. & Thur. 9:00AM-12:00PM & 1:30PM-4:00PM
<https://sonoma.courts.ca.gov/self-help/civil-self-help-center-shc>

By Robert Oliver

Robert Oliver is the Sonoma County
Superior Court's Executive Officer

SCBA Bar Journal

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

Editors: John Borba & William Adams

Copyediting: Ellie Ehlert

Proofreading: Ellie Ehlert & Susan Demers

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

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