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July–August 2020

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BAR BULLETIN COMMITTEE

Editor: Raymond Allen — (805) 541-1920
raymondinsf@yahoo.com

Photographer:

Publisher: Joni Hunt — jonihunt@att.net

Advertising: Nicole Johnson — (805) 541-5930
slobar@slobar.org

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President's MESSAGE

by Stephanie Barclay



We All Need to Rise to This Challenge

Summer is my favorite time of year. I feel happiest when the sun is shining, the air is warm and the days are long. I am kicking this summer off with my 50th birthday. I had lots of fun plans that have been cancelled due to COVID-19.

I am disappointed, of course, but my losses are so trivial compared with the loss I am seeing around me. I can still hug my children, work from home and pay my bills. I can go out and run on the beach. I have my health. I am extremely lucky. My own loss is minimal.

As I see loss around me—businesses struggling or closing, clients suffering, depression that comes from isolation, and illness—I am reminded of the lessons we receive from loss on a personal and collective level.

With loss comes strange gifts. The gift of learning your true capacity. The gift of discovering who you can count on and who you cannot. The gift of witnessing how the people around us respond in difficult times. The gift of change. The gift of seeing true leadership from some and chaos from others. The gift of passionate dialogue—so much passionate dialogue that, at times, it feels like noise. But somewhere in the cacoph-

ony, we must find our melody.

I hope that through the changes to the way we work, live, socialize and love, you have found your rhythm. We have been forced to quickly adjust. Some of us embraced the opportunity to use technology to alter the way we practice law; some of us have struggled. This pandemic is creating an opportunity for all of us to make changes and do better. It is forcing us to look at the way we run our businesses. We can improve efficiency, efficacy and accessibility.

In a highly popular TED Talk, Simon Sinek, who is mentioned in Erica Baltodano's article on page 31, teaches us that the most successful organizations first ask, "Why?" Sinek also has an excellent video called "These Are Not Unprecedented Times," in which he explains, using historical examples, that the businesses who reinvent themselves and adapt to change will succeed. We all need to rise to this challenge.

The San Luis Obispo County Bar Association is adjusting by offering MCLE by Zoom webinar instead of live. In April we hosted a Criminal Bar-Bench Court Updates Zoom meeting and a Civil-Probate Bar-Bench Court Updates Zoom meeting. Both sessions were popular, with

close to 200 people attending.

On Law Day, May 1, we hosted a Bar Social Hour on Zoom. In May we hosted a three-part series on "Adjusting Your Civil Litigation Practice to COVID-19." Our speakers offered invaluable tips on handling mediations, depositions and evidentiary hearings via video-conference.

I want to acknowledge and thank our presenters Scott Radovich, Laurie Saldana, Allen Hutkin, Taylor Ernst, Greg Gillett and Judge Rita Federman. I also want to thank all who helped behind the scenes to make these presentations—free to our members—possible.

On July 21, Madeline Howard, Senior Staff Attorney at Western Center on Law & Poverty, will speak to us about changes in housing laws in 2020. Whether this will be live or by Zoom remains to be seen, but mark your calendar for July 21 at noon because you do not want to miss this important presentation. Madeline travels the state educating attorneys on housing law, and we are lucky to have her.

I look forward to seeing you soon. Until then, enjoy your summer, even if it is not the summer you had planned. I intend to. ■

Letter to the Editor

Months ago, a friend named Cynthia Corbin, who was a San Jose dispatcher for 30 years, asked me what I was up to. On my mind was a forthcoming hearing on the validity of People v. Duenas (January 8, 2019) 30 Cal.App.5th 1157, so I told her about my case. Duenas stands for the proposition that court assessment fines and fees and a mandatory restitution fund fine are a violation of due process unless and until the court finds an ability to pay for same.

Upon hearing the opposing side, as articulated in People v. Aviles (September 13, 2019) 30 Cal.App.5th 1055; People v. Hicks (September 24, 2019) 40 Cal.App.5th 320; and People v. Petri (February 10, 2020) 2020 Cal.App.LEXIS 102, Corbin instinctively took the position of the Duenas court. Corbin argued that it was unfair to assess fines and fees on indigent people who cannot pay those fines and fees. Later that night, she wrote the following.

– Raymond Allen

Trying to sleep, but can't. My mind won't shut off. I was thinking about Raymond's paper that he is writing on unrealistic fines imposed on the indigent as part of their probation. The obstacles (mental and otherwise) to re-enter society is heavy enough without inflated fees.

There were so many times as a (San Jose) dispatcher I was asked to run "warrants and warrants" on a subject in the field. Often, I had to tell the officer that the guy in the car he pulled over had an outstanding warrant for "failure to pay court fines."

It was, of course, the officer's discretion, but if he chose to arrest him (and he usually did), that was the least of this guy's problems. He would be out within a few days. A more lasting problem was that the little raggedy vehicle that he probably only paid a few hundred dollars for by working his minimum wage job that he was lucky to get when he got out of jail, is going to be impounded. He thought it would be more important to buy that car in order to get to work, than to pay the court fine. Without the job, there would certainly be no hope of ever paying the fines.

Anyway, a few days later when he is released, the bill for that impound is going to be more than he paid for the car. He will never be able to afford to get it out. As we know,

every day that it's in impound, the price goes up.

Oh but wait, how about a worse problem? Because he has been in jail for that past few days, he has now also lost the only job that he could get after being released from jail the first time. He has no job, no car and his girlfriend wants nothing to do with him. All hope is dwindling. More than ever, people look down on him. His new attitude is, fu*k everybody! He hates cops, courts and society as a whole. The system is not in his favor. He can't get ahead. It's a losing battle.

So the guy, who has even less than before, just goes on committing petty crimes in order to buy alcohol and drugs, because he is now fighting an addiction. It's the only way he is able to cope with his seemingly hopeless life. He keeps getting locked up, getting out, getting fines, and of course not paying fines. He can't get a job. And, no, this doesn't negate the fact that he should have never committed the very first crime. That is a different discussion.

I don't have the answer, but I don't believe that this is it. It certainly doesn't fall under the category of help, not hurt. Of course this journey does not hold true for everyone, but with a little bit of assistance, or waiver of fees, the vast majority would probably at least be able to improve themselves and be given a chance at more productive lives.

Our cities, counties and states

are so keen on making revenue that they overlook the fact that imposing these hefty fines on the poor actually cost more than they could ever hope to make. The guy that will likely never be able to pay fines on top of fines will become a small-time career criminal, alcoholic and/or drug addict. He lives in that community and is now homeless.

Who is going to take care of his needs? Likely, the very city, county or state that put him in jail will have to pay for his inability to pay. He has become not only a menace, but a potential danger to the community that he was trying to reenter, trying hard to be a law-abiding citizen. The added obstacles were too great. It made the playing field vastly uneven. That's why so many don't make it. It's counterproductive. There are no winners.

–Cynthia Corbin

Retired San Jose Dispatcher

Soon, in People v. Hicks, the California Supreme Court will decide if the Duenas court was wrong or right. It should be noted that assessment fines and fees and restitution fund fines are not deemed punishment. A criminal defendant should not be incarcerated for failure to pay them. However, those fines and fees could be turned into a civil judgement, which would affect the criminal defendant's credit, employment opportunities, and/or ability to expunge his criminal record. ■



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Carve Out Time for Joy—

*It might be as easy as dancing
a little bit every day in your kitchen*

by Kara Stein-Conaway

Photos courtesy of Marisa Vitale

“Live in the present and make it so beautiful that it will be worth remembering.”

—Ida Scott Taylor

When I hear music, my body naturally responds with movement. It’s instinctual. It’s messy. On occasion, I’ve even been known to kick and spin in ways that can sometimes pose a danger to those in close proximity because I’m just so into my personal experience that I can lose awareness of what’s going on around me.

Instead, I’m fully aware of the joy that is bubbling up inside of me. I sink into the moment, and the thoughts that were otherwise occupying my mind evaporate. I enjoy every step. I enjoy just being present with myself. My happiness and sense of peace are not conditioned on anything. There is nothing that must first occur for me to allow myself to feel joy. I just feel complete joy when I’m dancing.

I’ve come to realize that when I sink into being fully present in my joy, beautiful opportunities arise. Twenty years ago, I was out dancing at a local dance club when I noticed a man inviting me to dance with him. I believe that I was open to seeing him, to meeting him, and to connecting with him because I was present. I was feeling my own joy. He was feeling his own joy.

Together, we created even more joy. This magical night reinforced my love of dancing. This man, my husband Jason Conaway, and I have been dancing together (although not as frequently as we would both like) for the past 20 years. My decision to allow myself to go dancing that night led me to find a generous and loving life partner and wonderful father for our two children. I believe that life is beautiful and that it becomes even more beautiful when we allow ourselves to be present in our joy.

Even though I know that dancing quickly sparks these feelings of pure and unconditional joy in me, I still find that long periods of time pass where I haven’t been dancing.

Why is that?

When it comes to our lives outside of work, some of us—me included—are experts in delayed gratification, and some of us delay for so long and with such frequency that we deny ourselves gratification and joy altogether. Many of the same skills and habits that have helped get us get this far in our careers are the same practices that, if left unchecked, can steal our joy.

As a child, I remember that I needed to finish my homework before I could go out and play after school. I don’t remember thinking that there was anything wrong with this rule. It made total sense to me. Get your work done and then when the work is done, you can play. I’ve conditioned myself to believe in living a life guided by the principle of delayed gratification.

This belief system in many ways has served me well. I knew going into studying for the bar exam after finishing law school that I could count on myself to study for long periods of time, every day until I took the exam. I knew going into the exam that I was prepared; I set myself up to optimize the chance of passing the test the first time. And I passed. I apply this same dedication to preparing my clients’ cases for court in my law practice as a criminal defense attorney.

However, practicing delayed gratification in this way can also lead to missing out on opportunities for joy. It’s easy for me to just keep working. If I finish one work task, there is always another one waiting in the queue. For a long time, I’ve held the belief that until I finish all of the work, I don’t deserve to rest and I don’t deserve to play. I know this belief system is at the root of my workaholic tendencies. My guess is that I’m not alone in this.

As lawyers our success, our ability to focus, buckle down and put in the work is how we

continue to meet the deadlines and deliver on the commitments we've made. We work very hard and take on hefty responsibilities where the quality of the work we produce can have serious consequences for our clients.

We take pride in being someone who can be counted on to not only deliver but to deliver well. However, if we are not vigilant about self-care, the demands that flow from this responsibility can threaten our well-being.

In my experience, when I start feeling overwhelmed or unwell, it's usually a sign that I've been flexing my delayed gratification muscle too much.

Do you feel like you can't truly rest until all the work is done?

Do you feel like you can't play until all the work is done?

Do you have work spinning around in your mind when you are in a place where you are not at work and you want to be fully present and engaged?

We all have activities that we really love. Engaging in one of these activities is one of the best ways I've been able to give my delayed gratification muscle the break it really needs. These are the activities that once we are completely engaged in them, it's actually really easy to just have fun. For me, one of those activities is dance.

Before I realized that I needed to set aside time for dance, I first needed to identify what activities help me to sink into the present moment and really feel my joy.

What kind of activities help you sink into the present moment and really feel your joy?

Do you love talking to your partner without being interrupted by those amazingly inquisitive little people who live in your house? Have you intended to set up a regular date night, but somehow something else always pops up?

Have you always wanted to run a half marathon? Have you intended to join a running club to help you train for that half marathon but just haven't made it to the first meet-up?

Do you love yoga? Have you been eyeing that four-day yoga retreat for the last three years but can't bring yourself to put it in the calendar and pay the deposit for the trip?

Are you a lover of the outdoors? Have you been wanting to show your kids the beauty of the national parks but haven't yet scheduled that amazing road trip?

I'd encourage you to consider the thing or things that spark joy within you and to be deliber-



ate about including the practice of those activities in your life. It's special to find an activity where you naturally sink into the present moment and let go of everything else. When you find that special activity for yourself, do it more often! You deserve to feel more joy!

So, it's clear I love to dance. It's clear that it generates immense joy for me when I dance. Yet, sometimes days and even weeks go by and I realize that I have not been dancing.

Why is this?

One reason is that I haven't completely released the belief that I don't deserve to play until the work is all done. I'm definitely still working on shifting that belief for myself. One way I remind myself that I do deserve to play and cultivate joy is to tell myself that I am enough just as I am. I do not have to achieve to a certain level before I am worthy of feeling joy. I am deserving of rest, play and cultivating joy right here and right now—and just as I am.

Another reason that I don't dance often is because I don't have a consistent habit or practice of dancing.

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Carve Out Time for Joy continued

So, that's something I get to work on too.

We rely heavily on our calendars to write down our work deadlines and then work diligently until we complete the tasks required. It's time we start calendaring more fun into our lives. It's time to carve out time for joy.

Because I know that dancing brings me so much joy, and that I want to cultivate more joy in my life, I'm going to commit to dance a little bit every day. I don't have to even go anywhere. I'll put on one of my favorite songs and dance in my living room or kitchen. If I can apply my self-discipline to my professional life, then I can also apply it to help me create more joy in my daily life.

Wayne Dyer says, "When you dance, your purpose is not to get to a place on the floor. It's to enjoy every step along the way." I want to enjoy more of the steps along the way in my life, and since dancing makes me happy, I get to allow myself to dance more often.

There are ways to include more joy in your life that won't completely disrupt your schedule or take you too far away from your responsibilities. You deserve to allow yourself some time to figure out what your joy-triggering activities are and also to put practicing those joy-triggering activities into your calendar.

Today, I'm committing to putting dancing into my calendar. On a daily basis, I will dance in the

kitchen while we're cleaning up after dinner. On a monthly basis, I will make sure that I have at least one scheduled time to go dancing somewhere else *outside of my house*.

Will you remind yourself that you are deserving of cultivating joy just as you are?

What activity triggers pure joy to bubble up inside of you?

Will you commit to spend more time engaged in that activity?

Will you calendar daily, weekly, or at least monthly dates where you know you will be engaging in this activity that triggers joy within you?

I fully believe that as lawyers, when we are taking care of ourselves, our families and those we love, it's from that space that we contribute most meaningfully to the world and to the lives of our clients. It's a win-win.

Sparkling joy in our lives isn't a luxury, it's a necessity. Look for ways you can make room for joy in your life.

It might be as easy as dancing a little bit every day in your kitchen. ■

Kara Stein-Conaway practices criminal defense with her father, Jeff Stein, at the Stein-Conaway Law Firm, P.C. This is the fourth in a series of articles Stein-Conaway has written for the Bar Bulletin. Her articles explore the intersection of women, business, law and family.

The Other Bar

by Raymond Allen

Only when we are sick of our sickness Shall we cease to be sick

—Lao Tzu

The isolation and despair caused by the global pandemic has stressed all aspects of our society. Among those markedly stressed are those who already suffer from depression and addictions. The National Institute of Health (NIH) warns that the coronavirus (COVID-19) may have a disparate impact on those suffering from addictions.

Information on the NIH website says, “People with opioid use disorder (OUD) and methamphetamine use disorder may also be vulnerable due to those drugs’ effects on respiratory and pulmonary health.”¹ People that use marijuana have compromised lung function. People that abuse alcohol have compromised immune, heart and liver functions.

This disparate impact may have a dramatic effect upon lawyers because, according to the following study, lawyers are more prone to depression, anxiety, stress and alcohol addiction than the general population.

In March 2016, Psyche Pascual reported in the *California Bar Journal* on a far-reaching study conducted by the Hazelden Betty Ford Foundation and the American Bar Association. The study was published in the *Journal of Addiction Medicine*. Patrick Krill, Ryan Johnson and Linda Albert sent more than 15,000 alcohol use disorder (AUD) questionnaires to lawyers. The lawyers e-mailed in their responses to questions about their alcohol consumption. Almost 21 percent of those providing complete responses reported problems with alcohol.

“Our most significant findings are the rates of hazardous, harmful

and potentially alcohol dependent drinking and high rates of depression and anxiety symptoms. We found positive AUDIT screens for 20.6 percent of our sample; in comparison, 11.8 percent of a broad, highly educated workforce screened positive on the same measure,” wrote Krill, Johnson and Albert.²

The National Institute of Alcohol Abuse and Alcoholism (NIAAA), a subset of the National Institute of Health (NIH), recently revealed their statistics. Their statistics showed that 6.2 percent of all adults in the nation suffered from a clinical diagnosis of Alcohol Use Disorder (AUD).^{3,4} Thus, attorneys are three times more likely to suffer from AUD than the general population.

In addition to AUD, at least 25 percent of attorneys reported some form of depression, anxiety or stress to Patrick Krill and his colleagues.⁵ “Levels of depression, anxiety and stress among attorneys reported here are significant, with 28 percent, 19 percent and 23 percent experiencing mild or higher levels of depression, anxiety and stress, respectively.”⁶

Patrick Krill, a study co-author, attorney and director of Hazelden’s Legal Professionals Program, called the results “alarming,” highlighting problem drinking among attorneys at rates much higher than for other professions and even the general population.

Krill went on to lament that the responses were alarming because they illustrated that lawyers exhibited unhealthy behavior. He thought the results of the study showed that the public was at risk from the unhealthy behaviors of lawyers.

“There’s a lot of bad news in our study findings. But this is also an opportunity for our profession to make some changes and really deliver better services to our clients.”⁷

The study about lawyers, substance abuse and mental health seems to suggest that lawyers are uniquely unhealthy. David Mann is the Northern California consultant for *The Other Bar*, an incredible organization that I will soon discuss in greater detail. Mann thinks that lawyers are not only uniquely unhealthy, but uniquely designed to the disease of addiction. He believes that the personality traits of lawyers and the process of addiction are complimentary.

Addiction is a chronic, progressive and fatal brain disease, according to Mann. It is chronic because, like diabetes, there is no cure. You use tools to manage the disease. It is progressive because left alone it gets worse. It is fatal because it will ultimately kill you.

Mann points out that diseases such as diabetes, heart disease or cancer, do not trick you into thinking you do not have the disease. However, the brain disease of addiction, as Mann puts it, tells you that you do not have the brain disease of addiction. Almost every addict denies the addiction. “They are not lying,” says Mann, “they are speaking their truth.” The brain disease has affected their reward system in such a way that they are unable to see the disease that rests within.

The “brain disease” initially presents as a friend. Attorneys are

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The Other Bar continued

smart people. They do not choose the disease. The disease incrementally develops. It makes you feel good. It is like medicine. The addict uses the chemical to control moods and energy. He can take a chemical to get up, down, around or off. To get up, he takes an amphetamine. To go down, he takes a depressant. To escape, he takes a hallucinogenic. To turn off, he takes sleeping pills.

There are natural ways to make all of these biological changes in our bodies. Those natural ways—such as yoga, meditation and exercise—take time, money and discipline. Although a lawyer may have some money, he never seems to have the luxury of time or enough self-discipline to affect biological change in a natural way, according to David Mann.

The brain disease of addiction alters the reward system. The body's limbic system release powerful neurotransmitters like serotonin and dopamine. These neurotransmitters make us feel warm, happy and content. People learn to like the effects of the release of these neurotransmitters, so they seek to chemically induce the release or prevent the re-uptake of the neurotransmitters.

Unfortunately, the better the drug, the worse the side effects of artificially inducing release of neurotransmitters. There is a twenty-fold increase in the release of dopamine from the use of crystal methamphetamine. There is no initial harm, so a person will continue to use the chemical to duplicate the good feelings. This creates habituation, which ultimately causes the addiction.

The good feeling of crystal methamphetamine eventually leads to sleep deprivation, tooth decay and the depletion of your primary neurotransmitters. Toward the end of the addiction cycle, the meth addict is

using the chemical just to function. There are no more highs.

In her book *Lawyer Know Thyself*, Susan Daikoff provides a comprehensive review of the behavioral literature on lawyer personality and argues that the personality characteristics of those attracted to the law help explain the tripartite crisis of incivility, over-aggressive litigation, and ethically questionable conduct. Among the personality traits of lawyers she identified were that they are controlling, they seek external rather than internal rewards, they are ego-driven, they tend to argue, they are judgmental, and they are opinionated.⁸

Mann believes that because lawyers are driven by external rewards, and because so many are required to produce billable time in six-minute increments, they are always looking for shortcuts to save time. If they need time to draft a brief, they take a drug that turns the chemical dial up. If they need to relax, they take a drug that turns the chemical dial down. If they need a vacation, they take a drug that turns the chemical dial to escape.

Moreover, Mann points out that attorneys live and work in an adversarial system. Almost every other profession works in a field that expects cooperation from others. Lawyers, however, are paid to oppose. It can be a ferocious zero-sum game. A personal injury lawyer, for instance, wins big or goes hungry. A criminal defense attorney either gets a guilty or not guilty verdict. As a consequence of the adversarial nature of the profession, incivility, aggression and ethical lapses emerge. When the world collapses around the litigation's loser, the lawyer can only fall asleep by turning the chemical dial to "off."

Furthermore, lawyers live with perpetual cognitive dissonance. Like

soldiers who are trained to see others as "enemies," lawyers are trained to see the opposing party as the enemy. This can separate lawyers from their moral tether. According to Mann, the lawyer works for himself and his client, not the general good. Thus, a lawyer must find a way to compartmentalize. If your client is an environmental group, your enemy is the builder; however, if your client is the builder, then your enemy is the environmentalist. Your morality is never centered because you must be flexible enough to accommodate whoever walks through the office door.

Lawyers like to think of themselves as counselors. Lawyers help people, lawyers do not need help. The profession has historically stigmatized lawyers who have sought help for addiction. As David Mann points out, however, an addict with a diseased brain cannot fix the diseased brain of an addict. He must get help. If he does not get help, the lawyer will trick himself into thinking he can adjust his addiction to fit the new social reality. The only answer, however, is complete and total abstinence. Lawyers that pretend they are too busy for help, get worse.

The good news is that there is help.

Lawyer Assistance Program

In response to ongoing substance abuse and mental health problems among lawyers, the State Bar of California created the Lawyer Assistance Program (LAP). LAP offers support programs in addition to its traditional help with substance abuse and depression. LAP helps attorneys struggling to cope with the stress of a challenging economic environment or a difficult employment situation. Support is offered for

issues like stress, relationship and personal problems, grief and anxiety.

Support programs are designed for attorneys who want to participate in weekly group sessions with other lawyers and would like the support of a mental health professional, a group facilitator, or a trained peer counselor.

LAP also offers an Orientation & Assessment (O&A) to any attorney who wants professional assistance to cope with personal problems, work problems, substance abuse or other mental health issues. The O&A provides a confidential assessment.

In 2015, LAP and the California Young Lawyers Association launched the Early Career Support program to help young lawyers and those with only a few years of experience cope with career issues, such as finding a

job and developing legal skills.

This is important because younger attorneys are more likely to report problems with abuse. The previously mentioned Hazelden study found that almost 32 percent of attorneys 30 years of age or younger reported problems with alcohol abuse. The older the age group, the less likely the attorney is to report alcohol abuse.

In addition to offering LAP, the California Rules of Professional Responsibility require all attorneys to receive one hour of competence issues (formerly known as Prevention, Detection and Treatment of Substance Abuse or Mental Illness) as part of their continuing legal education. This requirement forces all practicing attorneys to assess their competency issues on a regular basis.

The Other Bar


I was once fortunate enough to receive a Substance Abuse CLE from *The Other Bar's* David Mann. On March 12, 2013, he came to speak to the San Luis Obispo County Bar Association at the Madonna Inn, famous for its themed rooms. Then-President of the Bar, Tana Coates, thought it would be fun for Mann to stay in a themed room the night before his presentation.

Coates encouraged him to look at the menu of rooms and to choose one. Mann, in his caustic style, said, "I don't care; you pick it." So she chose the room built to look like a cave—The Rock Bottom Room. He thought that was hilarious.

David Mann knows Rock Bottom. As an undergraduate at Ohio State

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The Other Bar continued

University, he had occasionally used marijuana and the hallucinogen LSD. In his third year of college, he began to take diet pills to stay up and write papers and study for examinations. The active ingredient in many diet pills at the time was an amphetamine. The ingestion of these performance enhancing drugs helped him succeed. He received high marks for his papers and exams. He was encouraged by those results to keep using.

When he decided to go to law school, his budding friendship with amphetamines helped him kick ass on the Law School Aptitude Test (LSAT). His grades and LSAT landed him a spot at Stanford University Law School. By this point, he recognized that he and amphetamines had a relationship that would last and last.

He continued to take amphetamine during law school. He took them when he studied; he took them when he clerked for judges; he took them when he was hired and worked for the prestigious international law firm Jones Day. He successfully took drugs for 12 years.

The rocky bottom drew near, however, the night his girlfriend shot crystal meth into his arm. Intravenous drug use quickly destroyed his life. Mental health issues like mania, depression and paranoia became

ever present. He lost his job. He went from working on the 26th floor at Jones Day to creating his own small boutique firm. The drug, however, stopped being his friend. It took all the money from the firm. Soon he was working from home with only a few clients. Then he was broke. Then he was disbarred. Then he was homeless.

In 1998, Mann got clean and sober. He started to rebuild his life, but decided against trying to go back to the law. He has worked, among other things, as a cab driver, a private investigator, a paralegal, and a drug and alcohol rehabilitation counselor.

Addiction takes away everything. Recovery rebuilds. You change your character from personal growth. You enter upon an ongoing quest to become a good person. You seek to cleanse yourself of your ego-driven values. You seek assistance because you realize people require other people. You remain motivated by motivating others. You require honesty of others and yourself. You seek to purge selfish thoughts and actions. You disdain fruitless arguing and judgments. As a consequence, you slowly heal your soul.

The Other Bar is a network of law students, lawyers and judges. It is a direct response to the fact that many

attorneys and judges facing discipline are chemically dependent. It is believed that giving attorneys, judges and law students a safe haven to voluntarily address addiction issues will inure to the benefit of the bench, the bar and the public. As a result, *The Other Bar* is dedicated to supporting colleagues that are suffering from addictions.

In Northern California, *The Other Bar* was started by Edwin Train Caldwell. Caldwell began practicing law in 1965. He was reputed to be one of the best trial lawyers of his era. He worked in both the criminal and civil arena.

He also was the child of an alcoholic mother. This predisposition, coupled with the lifestyle he had created, led to alcohol use problems. By the mid-1970s, Caldwell suffered his second driving under the influence conviction. The judge ordered him to attend, participate and complete a series of Alcoholics Anonymous group meetings. Caldwell found the meetings enlightening. He enjoyed being clean.

When he returned to his work life, he saw with clear eyes. He saw that many of his colleagues and friends could benefit from AA meetings. However, attorneys were concerned that admitting an alcohol use

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problem was equivalent to admitting a moral deficiency. They feared their reputations would suffer. Moreover, Caldwell found that an inordinate number of attorneys doubted the existence of God.

A recovery process that required an agnostic recipient to surrender to a higher power was a tough sell. Some lawyers even worried they would run into clients at the meetings. In 1977, Caldwell had the solution: an alcohol abuse group that catered strictly to lawyers. He named it, cleverly, *The Other Bar*.

On November 1, 2015, Caldwell died peacefully at age 83. He is best measured by the countless lives he touched. Caldwell helped hundreds of men and woman find and maintain sobriety. He changed the lives of countless others. As one lawyer said, "Ed Caldwell saved my life, my marriage and my practice." Caldwell was renowned for never giving up on anyone suffering from the disease of alcoholism.

According to many, *The Other Bar* is the best organization available for the support of lawyers suffering from addiction. Operated as a 501(c)(3) charitable organization, there are no dues or fees. They operate from

the generosity of donors. Every week they provide meetings in 30 different California cities. They have a 24-hour hotline that connects directly to the cell phone of a consultant. Once a

Alcoholic's Anonymous

Attorneys also can avail themselves, as Caldwell did all those years ago, of the original 12-step program offered by *Alcoholics Anonymous*.

A local attorney, who shall remain anonymous, recently shared that she is an alcoholic. She has been clean and sober for a year. Like many alcoholics, the denial period continued until alcohol began to impact her career, her life, and her family.

"I had been disappointed in my legal journey," she said. She struggled with a series of dysfunctional law firms. The first was unethical. A major client had told the partners it would no longer pay for travel time. Instead of explaining that travel time was an essential aspect of the time attorneys spent on their cases, the partners decided to stop billing for travel but "adjust" the billings to recoup the loss.

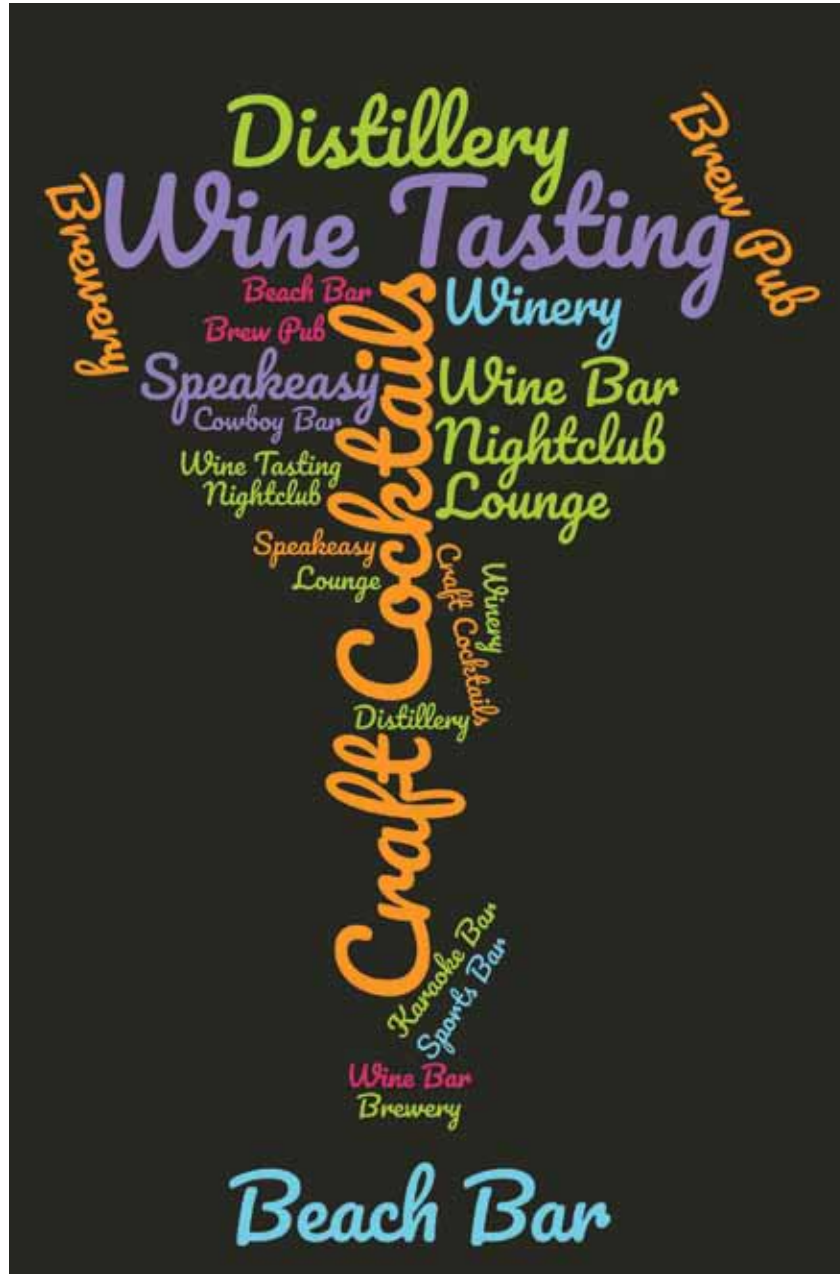
The second firm was a veritable "Peyton Place."

Partners were

having affairs and the entire work environment was toxic. She dealt with the work problems by drinking.

In addition, there were family problems to cope with—a child with mental health challenges, a move,

Continued on page 14



lawyer connects to *The Other Bar*, they will do whatever you need done so you can focus on recovery. For instance, they will take you to your first meeting, drive you to a hospital, cover your work calendar, or all of the above.

The Other Bar continued

and, eventually, a dissolution of marriage. Raised by two alcoholics, she learned early on about the beautiful benumbing properties of alcohol.

"You drink at people, places and things," says the lawyer.

Drinking is a coping mechanism. It is also the centerpiece of everything in life. You drink to celebrate; you drink when you are depressed; you drink when you are irritated or frustrated. In short, everything becomes a good reason to drink.

She left the dysfunctional law firms. Although she never faced any disciplinary action by the State Bar, she did get convicted of driving under the influence of alcohol.

Her moment of clarity was not when she started drinking in the morning to stop her hands from shaking,

but when she learned that her son had complained to another about her drinking. She realized she was causing him pain. She thought she was on the path to negatively affecting his life. In addition to being disappointed in her legal journey, she was disappointed in herself.

She began to attend AA meetings, and almost immediately her life improved. "It has been a miracle, but I have had no cravings for alcohol. I laugh better because it is a genuine laugh. Everything in me is better."

Addiction does not fight fair. The self-inflicted suffering and prison of alcoholism is heartbreaking to watch.

The lawyer, however, was happy to share the good news for attorneys: we are naturally geared toward problem solving. "Attorneys know how to work through difficult things." ■



Footnotes

¹ <https://www.drugabuse.gov/about-nida/noras-blog/2020/04/covid-19-potential-implications-individuals-substance-use-disorders>

² *Journal of Addiction Medicine*, "The Prevalence of Substance Use and Other Mental Health Concerns Among American Attorneys," Krill, Patrick R. JD, LLM; Johnson, Ryan MA; Albert, Linda MSSW. (February 2016 – Volume 10 – Issue 1 – p 46–52.)

³ Substance Abuse and Mental Health Services Administration (SAMHSA). 2015 National Survey on Drug Use and Health (NSDUH). Table 5.6A—Substance Use Disorder in Past Year Among Persons Aged 18 or Older, by Demographic Characteristics: Numbers in Thousands, 2014 and 2015. Available at: <https://www.samhsa.gov/data/sites/default/files/NSDUH-DefTabs-2015/NSDUH-DefTabs-2015/NSDUH-DefTabs-2015.htm#tab5-6a>. Accessed 1/18/17.

⁴ Alcohol Use Disorder (AUD): AUD is a medical condition that doctors diagnose when a patient's drinking causes distress or harm. The fourth edition of the *Diagnostic and Statistical Manual* (DSM-IV), published by the American Psychiatric Association, described two distinct disorders—

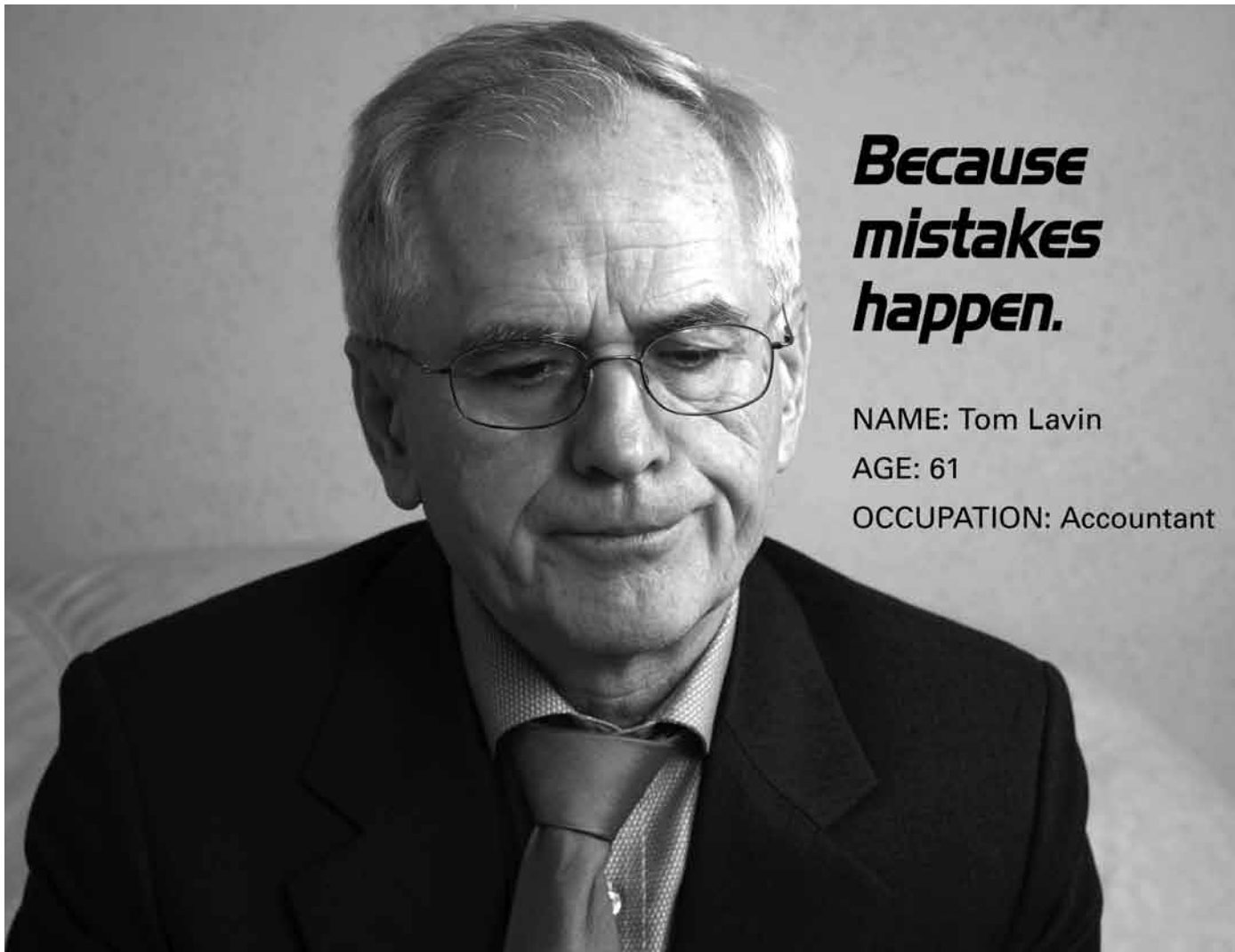
alcohol abuse and alcohol dependence—with specific criteria for each. The fifth edition, DSM-5, integrates the two DSM-IV disorders, alcohol abuse and alcohol dependence, into a single disorder called alcohol use disorder, or AUD, with mild, moderate and severe subclassifications. <https://www.niaaa.nih.gov/alcohol-health/overview-alcohol-consumption/alcohol-facts-and-statistics>

⁵ *California Bar Journal*, "Mental health crises plague attorneys along with alcohol abuse, study says," March 2016. Psyche Pascual

⁶ *Journal of Addiction Medicine*, "The Prevalence of Substance Use and Other Mental Health Concerns Among American Attorneys" Krill, Patrick R. JD, LLM; Johnson, Ryan MA; Albert, Linda MSSW. (February 2016 – Volume 10 – Issue 1 – p 46–52.)

⁷ *California Bar Journal*, "Mental health crises plague attorneys along with alcohol abuse, study says," March 2016. Psyche Pascual

⁸ Daikoff, Susan Swaim, JD, MS, LLP, *Lawyer Know Thyself* (Published by American Psychological Association, 2004).



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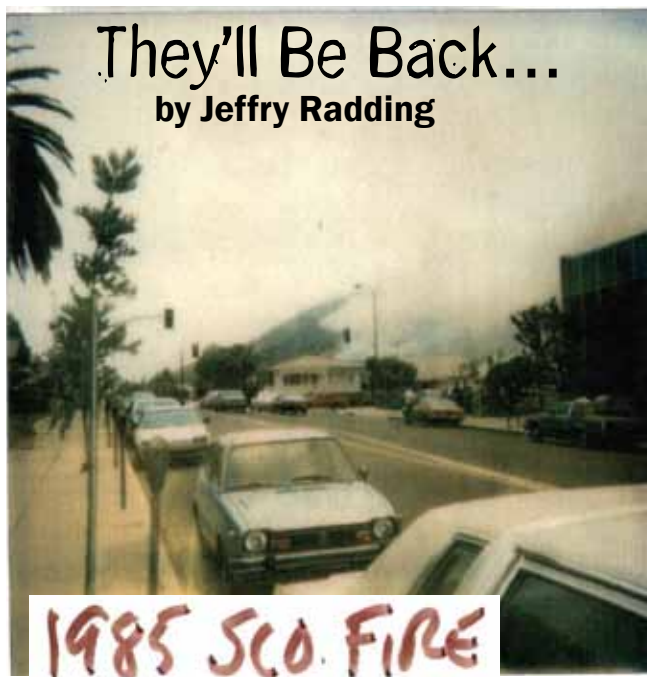
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The ghosts largely have left town now. It seemed, anyway, as if it were only ghosts occupying the heart of SLO since the day everyone else was ordered indoors. The downtown retained its beauty, but the streets, the sidewalks, the stores and the restaurants all were bereft of people... but brimming with *eerie*. That's the ghosts. Did you hear their silence?

As people return downtown, the ghosts disappear. They'll likely be back, though. They've visited before—and always during times of calamity. (Nothing like SLO in the off-season!) In summer 1985 they came, as the Las Pilitas Fire assaulted the city like a pandemic.

On July 1st, automobile exhaust lit the dry grasses alongside Las Pilitas Road near Santa



Polaroid courtesy J. Radding

They'll Be Back...

by Jeffrey Radding

Margarita Lake. With 100-degree temperatures and persistently gusty winds, the fire went viral.

By July 8th, flames hundreds of feet high burned through Reservoir Canyon, crested the ridge atop Cuesta Grade, and that morning reached town. Cal Poly closed. The airport closed. San Luis High's summer session evacuated, as did eastside neighborhoods. Smoke quickly enveloped the city. At its peak, visibility downtown diminished to a half block. Save for one oblivious pedestrian seen puffing a cigarette,

downtown emptied.

It only lasted a day, rather than a couple of months. But for that day, the ghosts swirled amidst the smoke. ■

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Anxiety Is an Animal

by H.S. Buckley

A whistle blows, a high-pitched hiss
Passes left to right as the room floats
Then sways and I can't catch air

Help me

Muscles stiffen against bone

Segmented, undulating contractions propel

Behind a glass dome

Lips move without sound

I flinch and spring side to side

My back arches,
frantically gasping
All the while they stare
Eyes so wide lids defunct
Peripheral haze funnels to a point
Of perfect light, oh
It aches, am I dying? No! no, no

Cotton mouth and I can't swallow
Wild, directionless flapping
A cascade of electrical activity surges
Lines blur between reflex and the experience
Of pain so real, so real it hurts
Volts of direct current stun
Into silent darkness as I bleed
Out of water, like a fish

Image courtesy PIXNIO

THEN & NOW— THE BATTLE FOR LEGAL EQUALITY

by Dean Jan Howell Marx

**Dean Marx photo courtesy of Renoda Campbell;
additional images courtesy of Dean Marx**



On August 18, 1920, during an election year in the midst of a pandemic, the Tennessee Legislature voted to ratify the 19th Amendment, which reads, “The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of sex.”¹ Thus, Tennessee became the final state to meet Article V of the Constitution’s three-fourths ratification requirement.² After a hotly contested vote won by a slim majority and the stroke of a pen, Tennessee effectively doubled the number of U.S. citizens eligible to vote. While celebrating this voting rights victory,³ it is important not to forget that the fight was hard-fought and long.

Women won the right to vote “only” 72 years after the campaign was launched during the Seneca Falls Convention of 1848. Enactment of the 19th Amendment had tremendous consequences for society and individuals. Here is just one example. In 1918, when my father was six months old, his father died. My grandfather was only 34 years old. He died in the second wave of the “Spanish Influenza” pandemic. My grandmother, who had never worked outside the home, was a widow with three small children.

The telephone wires had just come into Nevada, Missouri. She found work as a switchboard operator. As she worked, she overheard

all kinds of conversations among people wealthy enough to afford a telephone, including elected officials, lawyers and businessmen, and she became politically savvy. In 1924, she ran for Vernon County Clerk. Her winning campaign slogan was “Four Special Reasons” to vote for her. She succeeded in becoming the first woman elected to office in Missouri and was able to support her family for years. Since all candidates were required to be registered voters, before the 19th Amendment she could not have qualified to run for office.

Winning the vote was a crucial step in the quest for legal equality for women and men. However, the battle will not be won until the Equal Rights Amendment (ERA) is finally enshrined in the U.S. Constitution. The ERA reads: “Section 1. Equality of rights under the law shall not be denied or abridged by the United States or by any State on account of sex. Section 2. The Congress shall have the power to enforce, by appropriate legislation, the provisions of this article. Section 3. This amendment shall take effect two years after the date of ratification.”⁴

For 97 years, equal rights advocates have fought to pass the ERA. First introduced into Congress in 1923, it was written by Alice Paul, a leader of the suffragist movement. In 1971, the ERA was passed by Congress, along with a seven-year deadline for ratification by the states. Forty-eight years later, enough states

have now ratified the ERA. On Monday, January 27, 2020, during an election year in the midst of a pandemic, Virginia had the honor of becoming the 38th state to ratify the Equal Rights Amendment, the final one needed to amend the Constitution.⁵ Does this mean that two years later, on January 27, 2022, the ERA will become part of the Constitution in 2022 or must the ratification process start again from scratch?

Moreover, what will be the consequences of the ERA finally passing? As Ruth Bader Ginsburg stated in 1973: “The Equal Rights Amendment, in sum, would dedicate the nation to a new view of the rights and responsibilities of men and women. It firmly rejects sharp legislative lines between the sexes as constitutionally intolerable. Instead, it looks toward a legal system in which each person will be judged on the basis on individual merit and not on the basis of an inalterable trait that bears no necessary relationship to need or ability.”⁶

This article will give a brief overview of the two campaigns for gender equality. It argues that, in the interests of justice, the ERA must not be delayed by legislatively imposed deadlines. Hopefully, celebrating the great victory for women of 1920 will inspire and energize fair-minded people today to fight for the enactment of the ERA in 2022. Passage of the 19th Amendment is proof that,

even if the fight for equal rights is hard fought and long, it can and will be won. As Susan B. Anthony said in 1906, "Failure is impossible."⁷

The Fight for Women's Voting Rights in 1920

An incredibly dramatic and heated battle was fought in Nashville, Tennessee in the summer of 1920. At issue was whether the number of U.S. citizens legally allowed to vote should be essentially doubled by granting women the "elective franchise."⁸ Thirty-five states had already ratified the Women's Rights Amendment,⁹ but one more was needed to finally meet the three-fourths requirement. The fate of the Amendment was up to Tennessee, the thirty-sixth state.

From today's perspective, it may be hard to imagine any arguments against women having voting rights. However, there were many because so much was at stake in the election year of 1920. With the vote came the power to elect the President and determine the political direction of the nation. Furthermore, subjugation of women was a time-honored custom. Since the founding of our country, political power had been the exclusive domain of men.¹⁰

Anti-Suffragist arguments included the following: women were irrational, intellectually inferior, sentimental and biologically unstable due to periods and pregnancy; women voting would undermine male dominance over the family, unsex women through participation in the dirty world of politics, and lead women to abandon their children or even work outside the home; if white women got the right to vote that meant black women could vote and—since black men already had the vote under the 15th Amendment—that would double the black vote; only the states should have the right to decide

whether "their" women could vote and not the federal government; and women voters would undermine the capitalist economy by insisting on laws limiting hours, calling for equal pay and outlawing child labor.

The issue of women having the right to vote as per the 14th Amendment was brought to the U.S. Supreme Court in *Minor v. Happersett*, 88 U.S. (21 Wall.) 162 (1875). The Court ruled that the federal Constitution did not grant a female citizen of the state of Missouri the right to vote because Missouri's laws allowed only men to vote. Although women were U.S. citizens, the Court held that the constitutionally protected privileges of citizenship did not include the right to vote.

In response to that decision, Senator Aaron Augustus Sargent from California introduced the Women's Rights Amendment to Congress, where it sat, ignored, for the next 40 years. In 1918, after Alice Paul and other Suffragists were imprisoned and subjected to violence and intimidation¹¹ for picketing the White House, President Woodrow Wilson convinced Congress to vote to send the Amendment to the states for ratification.

The Equal Rights Amendment 2020

In 1972, Congress sent the ERA to the states for ratification, placing a seven-year time limit for the process. As the deadline approached, Congress granted a three-year extension to 1982. Thirty-five states ratified the proposed amendment prior to the original 1979 deadline, three short of the number required for implementation. No more states ratified the amendment within the extended deadline. Congress took no action to extend further deadlines after the 1980 election, which resulted in the ascendancy of Ronald Reagan and a Republican majority in the Senate.

The ERA sat gathering dust until 2017, when Nevada became the first state after expiration of both deadlines to ratify the ERA. Nevada was followed by Illinois in 2018, and Virginia in 2020, bringing the number of ratifications to the required number of 38.¹²

Experts and advocates have acknowledged uncertainty about the legal status of these post-deadline ratifications. A deadline was not embedded in the language of the ERA Amendment itself, in contrast to the 18th Amendment, which included a

Continued on page 20



This campaign material helped to elect Jan Howell Marx's mother County Clerk in 1924.

textual time limit.¹³ As demonstrated by the precedent-setting 1992 ratification of the 203-year-old Madison Amendment,¹⁴ the Constitution places no time limits on ratification.

An often-quoted law review concludes that "...[Article V's] ratification process provides a firm basis for the proposition that amendments, such as the ERA, which do not contain a textual time limit, remain valid for state ratification indefinitely.... The date of the final state ratification is the determinative point of the amendment process and therefore, subsequent congressional promulgation is a mere formality."¹⁵

Another source of uncertainty is the fact that, after the deadlines, five states have tried to revoke their original ratification. As pointed out by the Honorable Ruth Bader Ginsburg, precedent says that they do not have the authority to do so: "New Jersey and Ohio took the same action with respect to the Fourteenth Amendment, and New York ratified and then withdrew its ratification of the Fifteenth Amendment. Congress at the that time concluded that ratification once accomplished, could not be undone."¹⁶

So, what are the arguments against the ERA? Aply rebutted by the Honorable Ruth Bader Ginsburg, a few of these "horribles" include the following: women would lose protective labor laws (which should apply to everyone regardless of gender); wives would lose the right to alimony even if they earned more (already the case); women would have to serve in combat positions in the military (already the case); and the "potty problem," restrooms in public places would not be separated by sex (unisex bathrooms already exist).¹⁷

Consistent with the anti-female ideology of the present Administra-

tion, the Justice Department in January 2020 issued an opinion that the deadline for passage of the ERA expired at the time of the original 1979 deadline.¹⁸ In response, the attorneys general of Nevada, Illinois and Virginia filed suit in U.S. District Court in Washington, D.C., challenging that opinion. As reported by CNN, they are asking the court to force the archivist of the United States to "carry out his statutory duty of recognizing the complete and final adoption" of the ERA as the 28th Amendment to the Constitution.¹⁹

On February 13, 2020, the U.S. House of Representatives voted 232-182 to pass a joint resolution to remove the original time limit assigned to the Equal Rights Amendment so that the ratification process could proceed immediately.²⁰ To date, the U.S. Senate has taken no action on this issue. Will the ERA become part of the Constitution two years after its 2020 ratification? Perhaps only this year's federal election will answer this question.

Conclusion

In 1894 Susan B. Anthony foresaw and decried future complacency about the hard-fought battle to win women the vote. "We shall someday be heeded, and when we shall have our amendment to the Constitution of the United States, everybody will think it was always so, just exactly as many young people think that all the privileges, all the freedom, all the enjoyments which woman now possesses always were hers. They have no idea of how every single inch of ground that she stands upon today has been gained by the hard work of some little handful of women of the past."²¹

Her warning still resonates today. It is crucial that we not take women's

legal rights for granted. Complacency and ignorance of past battles can only undermine the political will to fight for the Equal Rights Amendment. If people stop fighting for legal equality, even women's voting rights could be threatened.

As stated by a recent Presidential Medal of Freedom recipient,²² Rush Limbaugh, "When women got the right to vote is when it all went downhill because that's when votes started being cast with emotion and maternal instincts...."²³

In the words of Justice Ruth Bader Ginsburg, "With the Equal Rights Amendment, we may expect Congress and the state legislatures to undertake in earnest, systematically and pervasively, the law revision so long deferred. (As)...legislative default, the courts will have an unassailable basis for applying the bedrock principle: All men and all women are created equal."²⁴

It is to be hoped that in 2020 our nation's centennial commemorations of women's stunning voting rights' victory in 1920 will result in a ground swell of renewed energy and determination to fight for the enactment of the ERA in 2022. ■

This is the third in a series of articles by Jan Howell Marx that focuses on the achievements of women in the legal profession. You will recall Marx wrote a review of Barbara Babcock's book Woman Lawyer: The Trials of Clara Foltz and a tribute to the groundbreaking career of Judge Teresa Estrada-Mullaney. Marx is the Campus Dean at San Luis Obispo College of Law.

Editor's Note: The opinions in this article do not necessarily reflect the opinions of the San Luis Obispo County Bar Association, its Board of Directors, or the editor or staff of the Bar Bulletin. Opposing thoughts regarding opinions in this or in any article are welcome.

LEGAL EQUALITY CONTINUED

Footnotes

¹ United States Constitution

² Unless stated otherwise, all facts about the fight to pass the 19th Amendment are from "The Woman's Hour" by Elaine Weiss, 2019 Penguin Books.

³ Our County Bar Association made excellent plans to bring the Library of Congress' 19th Amendment Traveling Exhibit to San Luis Obispo. The Exhibit has been rescheduled to August due to the corona virus pandemic.

⁴ Proposed Amendment to the Constitution of the United States (PDF) at govinfo.gov

⁵ <https://www.npr.org/2020/01/15/796754345/virginia-ratifies-the-equal-rights-amendment-decades-after-deadline>

⁶ "In Her Own Words" by Ruth Bader Ginsburg, Simon & Schuster 2016, p. 148

⁷ Harper (1898–1908) "The Life and Work of Susan B. Anthony," Indianapolis: Hollenbeck Press., Vol. 3, p. 1409

⁸ Elizabeth Stanton "History of Woman Suffrage," Declaration of Sentiments, section 9, Seneca Falls, 1848

⁹ The Women's Rights Amendment was popularly known as the Susan B. Anthony Amendment because in 1872 she had cast a vote in Rochester, New York. She claimed that voting was a privilege accorded all U.S. citizens according to the 14th Amendment. She was arrested and charged with "illegal voting," a criminal offense. She was fined \$100, which she never paid and never went to jail for the offense.

¹⁰ On March 31, 1776, Abigail Adams, wife of future U.S. President John Adams, wrote him an impassioned note: "[I]n the new Code of Laws which I suppose it will be necessary for you to make I desire you would Remember the Ladies, and be more generous and favourable [sic] to them than your ancestors. Do not put such unlimited power into the hands of the Husbands....If perticular [sic] care and attention is not paid to the Ladies we are determined to foment a Rebellion [sic], and will not hold ourselves bound by any laws in which we have no voice, or Representation. I cannot say that I think you very generous to the Ladies, for whilst you are proclaiming peace and good will to Men, Emancipating all Nations, you insist upon retaining an absolute power over Wives."

¹¹ The suffragists were arrested for blocking the sidewalk and sent to Occoquan Workhouse. It was a cold, rat-infested prison in Virginia. Paul and her fellow activists were beaten and, after they staged hunger strikes, were forcibly fed raw eggs and milk with feeding tubes down the nose and throat. <https://www.latimes.com/travel/la-tr-woman-occoquan-20171112-htmlstory.html>. See also <https://www.alicepaul.org/who-was-alice-paul/>

¹² @JCarollFoy (January 15, 2020). "BREAKING: The House of Delegates just passed HJ1, my resolution to have Virginia be the 38th and final state to ratify the Equal Rights Amendment" (Tweet) – via Twitter).

¹³ The 18th Amendment to the U.S. Constitution, enacting Prohibition

¹⁴ The 27th Amendment to the U.S. Constitution. "No law, varying the compensation for the services of the Senators and Representatives, shall take effect, until an election of Representatives shall have intervened."

¹⁵ "The Equal Rights Amendment: Why the ERA Remains



Legally Viable and Properly Before the States," 3 Wm. & Mary J. Women & L. 113, 116 (1997)

¹⁶ "In her Own Words" by Ruth Bader Ginsburg, Simon & Schuster, 2016, p. 148

¹⁷ Ibid. Ginsburg, p. 145

¹⁸ "U.S. Justice Department says Virginia action would come too late to ratify ERA." *The Washington Post*, January 20, 2020

¹⁹ *Stracqualursi, Veronica* (January 30, 2020). "Three Democratic attorneys general sue to have Equal Rights Amendment added to Constitution." CNN

²⁰ [Npr.org/2020/02/13/805647054/house-votes-to-revive-equal-rights-amendment](https://www.npr.org/2020/02/13/805647054/house-votes-to-revive-equal-rights-amendment)

²¹ Stanton, Elizabeth Cady; Anthony, Susan B.; Gage, Matilda Joslyn; Harper, Ida (1881–1922). *History of Woman Suffrage* in six volumes. Rochester, NY: Susan B. Anthony (Charles Mann Press) Vol. 4 p. 223

²² <https://www.nytimes.com/2020/02/04/us/politics/rush-limbaugh-medal-of-freedom.html>

²³ "The Nation," July 9, 2012 at <https://www.thenation.com/article/archive/limbaugh-wants-extend-vote-suppression-women/>

²⁴ Ruth B. Ginsburg, Sex Equality and the Constitution, 52 TUL. L. REV. 451, 464–67 (1978), p. 26.

If Unparalleled Competence Is the Question, What's the Answer?

by **Stephen D. Hamilton**

It's time for the Final Round of Jeopardy. The category is Lawyers and Numbers.

A: .098 percent.

Q: How many attorneys in California are Fellows in the American Academy of Matrimonial Lawyers (AAML)?¹

A: One.

Q: How many Fellows have ever been accepted by the AAML from San Luis Obispo County?²

This information explains why so few local lawyers, even family law practitioners, are familiar with the AAML. This was confirmed for me anecdotally in October. I learned I had been granted Fellowship in the AAML. I shared this good news with a local attorney whom I have known for more than 25 years. They nodded and said congratulations. And then I realized they had no idea what the AAML was. Given the statistics provided above, I understood why the attorney I was speaking to was completely unaware of the AAML.

What Is the AAML?

The American Academy of Matrimonial Lawyers (AAML) is a National Academy of "Fellows." The AAML was founded in 1962 to "provide leadership that promotes the highest degree of professionalism and excellence in the practice of family law, including divorce and child custody decisions." Fellows are "generally recognized by judges and attorneys as preeminent family law practitioners with a high level of knowledge, skill and integrity. Academy Fellows enjoy a reputation

for professionalism, competence and integrity."³

Currently, there are more than 1,650 Fellows of AAML in the United States. The Southern California Chapter to which I was admitted has 88 Fellows, spanning from San Luis Obispo and Kern counties down to San Diego and Imperial counties. To put the Chapter numbers into perspective, there is only one Fellow each in San Luis Obispo, Kern, Santa Barbara and Ventura counties (although we all take cases in other counties). I was mildly amused to learn that nine Fellows (more than 10 percent of the Southern California Chapter) have offices in Beverly Hills.

The Fellows of the American Academy of Matrimonial Lawyers are defined, in large part, by their commitment to the AAML's "Bounds of Advocacy." The "Bounds" are set forth in a 67-page pamphlet published by the AAML. They "set forth a standard of conduct providing clear and specific guidance regarding moral and ethical issues which family law attorneys face." Each applicant to the AAML must read, and agree to follow, the "Bounds of Advocacy" as part of the application process.

The "Bounds" contain rules regarding competency and client communications. They also contain specific directives on attempting to resolve matters by settlement. The "Bounds" require attorneys to make efforts to lower the level of emotions in a matrimonial action, not "fan the fire."

What Does the AAML Do? Education

One of the core activities of the AAML, at both the National and Chapter level, is to provide high-level education on a variety of topics relevant to family law practitioners. In the six months I have been a Fellow, I have attended presentations that addressed the following:

- Child abduction issues under The Hague Convention Civil Aspects of International Child Abduction;
- How to obtain discovery in foreign countries;
- Advanced tax tips and advice for parties going through divorce; and,
- Interviewing children in family law matters;
- The intersection of mental health, addiction and alienation and custodial issues;
- A national wealth manager from BNY Mellon discussing tax tips during divorce;
- Advanced writing skills to increase the persuasiveness of your pleadings; and,
- Screenwriting techniques that can be employed in presenting your family law case.

The speakers for these presentations have included lawyers from seven other countries, the First Secretary of The Hague Conventions on Private International Law, six active and one retired Superior Court judge, a retired Justice of the Court of Appeal, a national wealth manager, nationally recognized psychologists

and even a prominent screenwriter. I can say, without question, the continuing education presented by the AAML is the highest quality CLE I have attended in my career.

However, not all education offered by the AAML is geared toward high-level family law practitioners. The AAML conducts an Institute for Family Law Associates annually, alternating between introductory and advanced programs every year. This training is geared toward family law attorneys with one to three years of experience.

"Each associate is assigned an individual Fellow faculty member who serves as a mentor and personally guides the attendee through all aspects of the program."⁴ Attendees master and sharpen necessary trial skills during that program.

The AAML Southern California Chapter is also a prominent provider of education for newer attorneys interested in pursuing a career in family law. Each year, the Chapter conducts a "Family Law Trial Basics Seminar" at no cost to attendees. This two-day event is designed for lawyers with limited trial experience. AAML Fellows and family law experts teach newer lawyers how to conduct trials, examine witnesses, present documentary evidence and utilize expert witnesses. The second day consists of a practicum where attendees get the opportunity to practice and hone their trial skills.

Legislation

The AAML regularly monitors, comments and proposes federal legislation which can have an impact on family law. A position is taken on pending legislation only if the position is compatible with the AAML's mission statement and resolutions. At a national level, the

AAML also comments on uniform laws and treaties.

In the Southern California Chapter, the activities I have been most involved with have been legislation. Since the new legislative session began, our Chapter has been monitoring 39 different bills affecting the practice of family law in California. At our last Chapter meeting, we voted to write letters to the California State Legislature setting forth our positions on two pending bills.

Charity

Through its charitable foundation, the AAML has carried out a primary goal of protecting children and families. It has done so by providing more than \$1.5 million in grants to organizations throughout the U.S. In 2019, the AAML Foundation awarded a total of \$185,000 in 37



individual grants to eligible charities in 22 different states.⁵

The charitable efforts of the AAML are a source of pride and effort by the Southern California Chapter. All Chapter Fellows are expected to make an annual contribution to the AAML Foundation—we achieved a 100 percent contribution rate at the 2019 Annual Meeting (and bragging rights against the other chapters).

Networking

At its simplest level, the AAML is a networking group that consists of the best family law practitioners in the U.S. The value of this network

was aptly explained during my orientation at the November 2019 Annual Meeting in Chicago. One of the presentations was made by a Fellow from Florida who described getting a telephone call from a Fellow in Connecticut over the holiday season. During the call, very little information was being provided and the caller was very guarded in what information he provided about the potential referral. Ultimately, the presenter explained he had to know who the potential referral was. The caller revealed it was a professional golfer, and the Florida Fellow became Tiger Wood's family law attorney shortly thereafter.⁶

The networking with other Fellows involves significant travel. At a national level, we have an annual meeting in Chicago, a mid-year meeting in a foreign country (Cartagena in 2021) and conferences and seminars in Chicago, Las Vegas and other locations. In the AAML Southern California Chapter, we have an annual retreat that alternates between in-state (Paso Robles in 2020) and out-of-state (Santa Fe, New Mexico, in 2021). We hold our annual Chapter institute over Martin Luther King weekend every year in Los Angeles, Orange or San Diego county. Bi-monthly meetings are also held in Orange County.

Even in San Luis Obispo County, I am seeing the benefit of being a Fellow. Within the last two months, I have been referred three clients through my AAML network. I have also consulted with and been retained by two other potential clients who sought me out because I was an AAML Fellow. The process of becoming a Fellow helps to explain why membership in the AAML is a career-changing event.

Continued on page 24

AAML continued

AAML Admission Process

Requirements of admission to the AAML include 10 years of practice as a licensed attorney; for the five years of practice preceding your application, the applicant must have devoted more than 75 percent of their practice to matrimonial and family law; the applicant must have completed 12 hours of continuing education in family law in the preceding five years.

Each applicant must demonstrate substantial involvement in the area of matrimonial and family law and have endeavored to encourage the study, improve the practice and elevate the standards of matrimonial and family law, as evidenced by 11 different criteria, including teaching, authorship and committee work.⁷

You must demonstrate the ability to handle complex matrimonial and family law matters as lead counsel and have substantial trial experience involving custody, support and the division of property. Applicants must pass either a national exam or, in states such as California, be a certified family law specialist.

The actual written application requires that you submit the names of five judicial officers whom the AAML can contact for letters of reference or support. Those judicial officers must be currently on the bench. This can be problematic for attorneys who primarily practice in smaller counties such as San Luis Obispo. There are currently only three judicial officers assigned to family law matters. Thankfully, my practice has extended to Santa Barbara County, and I was able to get references from the judicial officers there as well. Referrals from colleagues are also required.

An applicant must also be interviewed and approved by the local chapter. This review process

typically involves six to seven members of the chapter participating in an interview either in person or telephonically. Usually, this process involves Fellows from the Southern California Chapter of the AAML providing anecdotal information about their experience with a candidate. That part of the process can be problematic if you have not had a case with any of the existing Fellows—which was my situation. Thankfully, I was able to compensate for that lack of direct case experience through my contact with several Fellows as a result of my involvement with statewide family law associations.

The admission process is lengthy. My admission to the AAML was nearly a two-year process from the date I requested an application until I received my notification I had been admitted. But the long and involved process was well worth it. I am obviously quite proud to be the first member of the AAML accepted from San Luis Obispo County. And I have already made strong relationships with Fellows within my own Chapter as well as nationwide. In turn, I have gotten to explain where Arroyo Grande and Pismo Beach are, as well as to share my experiences as a family law litigator in San Luis Obispo County for the past 25 years.

I have now been a Fellow of the AAML for six months. My acceptance as a Fellow has been one of the most significant events in my 25-year legal career. I have embraced both the responsibility and privilege of being a Fellow—at my first Chapter meeting, I took on the tasks of planning our 2021 retreat and serving on the legislation committee. As I did not graduate from law school,⁸ there is tremendous validation when a group of the most elite family law attorneys

in the country accept you as a peer. I expect the remainder of my career will be spent confirming the AAML chose their first San Luis Obispo County Fellow wisely. ■

Footnotes

¹ There were 170,117 active attorneys in California in 2019. There are currently 168 Fellows in the Northern and Southern California AAML Chapters. ABA Legal Profession Statistics, https://www.americanbar.org/about_the_aba/profession_statistics/

² Although I am the first fellow selected from San Luis Obispo County, I am not the only Fellow locally—the Honorable Erin M. Childs was accepted as a Fellow of the AAML Northern California Chapter prior to her appointment as Commissioner of the San Luis Obispo County Superior Court.

³ AAML Website, <https://aaml.org/page/about-aaml>

⁴ AAML Website, <https://aaml.org/events/EventDetails.aspx?id=1309022&group=>

⁵ Letter from the AAML Foundation President, <http://aamlfoundation.org/letter-president>

⁶ “Lawyer’s Silence Golden to Tiger Woods in Divorce Case,” *The Palm Beach Post*, August 28, 2010, <https://www.palmbeachpost.com/article/20100828/NEWS/812026137>

⁷ AAML Website, https://aaml.org/page/membership_criteria

⁸ After finishing my first year at Hastings, I dropped out of law school. However I finished my education through the law office study program under the mentorship of James Murphy, Jr. of Arroyo Grande.



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Zoom Mediation Conferencing— How to Safeguard Privacy & Confidentiality

by Laurie Quigley Saldaña, Mediation Central



It seems there is a lot of chatter about Zoom these days. “What is Zoom?” you may ask. Zoom is a platform for video and audio conferencing that can be accessed from your desktop computer, laptop, tablet, mobile phone or telephone. In one Zoom meeting, the participants can communicate as a whole group, or they can be separated into confidential breakout rooms for small-group caucusing. With Zoom, participants can effectively communicate without being in the same room, building or even the same country!

Can Zoom ensure the confidentiality of mediation communications? The answer is “yes,” provided the mediator properly configures the key Zoom settings and implements best practices and privacy protocols for mediations on Zoom.

As an initial matter, Zoom ensures security internally and has multiple security and privacy certifications. In fact, Zoom is used by healthcare providers, who require security compliance with HIPAA. More information regarding internal security measures taken by Zoom is available on its website, www.zoom.us.

From the mediation standpoint, more than 50 Zoom settings and protocols may be considered in providing a safe and secure environment for mediations.

At a minimum, the following best practices are crucial to protect confidentiality for Zoom mediations.

- **Encryption**

Enable end-to-end encryption in Settings and make sure all participants log on by a *secure internet connection*. In other words, Starbucks is never an acceptable location. The Mediation Agreement signed by all participants should strictly require this condition.

- **Instant messaging protection**

Enable end-to-end chat protection so any typed messages exchanged between the lawyer and client, or the parties, is encrypted. One should also disable auto-saving of chats.

- **Disable all recording options, cloud storage settings and third-party archiving**

Block everyone from recording and storing session content. For participants, if their Zoom menu bar shows a “Record” icon, then this feature has not been disabled properly.

- **Require a password and door lock**

When scheduling new meetings and for participants joining by phone, the mediator must enable the password settings. After all

participants have logged-in, the Mediator can also “lock” the session door from further entry.

- **Mask phone numbers**

The mediator should enable the setting that phone numbers of users dialing into a meeting will be masked, e.g. 888****666. Clients will not want other parties to see their personal mobile or home phone number.

- **Virtual background enabling**

Since lawyers and clients may be mediating from home, enhanced privacy can be achieved by choosing a “virtual” background, so participants cannot see your home or surroundings.

- **Include case name in emailed invitations**

Mediators should always insert some unique reference to the court case name or heading so email recipients know the email originated from the mediator. This helps prevent phishing by a Zoom invitation from unauthorized senders or hackers.

- **Privacy in the Mediation Agreement**

The standard Mediation Agreement, *inter alia*, should provide that (1) video and audio must not be overheard by non-parties, like spouses, unless consent is obtained; (2) broaden



the definition of protected mediation communication to include video, pictures, file and screen shares and chats, etc.; (3) include a strict prohibition against saving or recording on any device.

- **Set up waiting room**

Do not allow entry into the meeting before the mediator starts the mediation session. It is safest to not allow parties to see one other or try to communicate, except as agreed to during the mediation. The mediator should set up and enable waiting rooms that provide a “cone of silence” space for each participant to wait until brought into the mediation by the mediator.

- **Set up private breakout rooms**

When the mediator enables private breakout rooms, the lawyer and client have protected space for confidential discussions, including when the lawyer and client are each participating from remote locations. In addition, Zoom breakout rooms are private because no one, other than the mediator, can enter your room unless the mediator manually moves someone there with your permission.

- **Main room and chat**

Participants should be cautioned that video and audio in the main

room are available to all participants in that specific main room. The mediator should instruct participants not to engage in any confidential communication in the main room.

- **Control participants**

For security and safety, the mediator should understand how to expel someone from the mediation, mute a mic or video feed and how to put someone back into the waiting room

Having conducted multiple mediations via Zoom, I can attest that users were pleased with the platform, impressed with the virtual breakout rooms, and believed the lack of “in person” interaction did not impede the prospect of resolution. In addition, mediating via Zoom saves travel time and expense and is provided at a reduced rate where the mediator is not required to travel.

For a free 20-minute tutorial on Zoom mediations, please contact the author at laurie@mediationcentral.net or phone (559) 730-1812 or (805) 556-0899. ■

Laurie Quigley Saldaña was a civil trial attorney for 18 years prior to founding Mediation Central in 2009. Use the contact information above for more information about mediation services.

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Kerrin at (805) 541-5505.

Editor's Note

The deadline for July–August *Bar Bulletin* articles closed before the recent protests for social justice. As always, your articles on this and any topic are welcome; send to raymondinsf@yahoo.com.

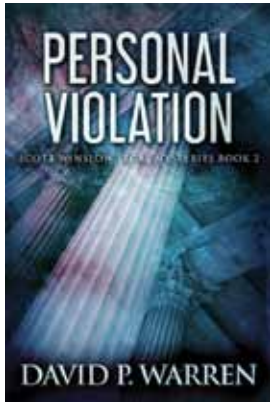


Image by Nick Youngson, Alpha Stock Images via Creative Commons

What's a Good Summer Read?

After the first months of the global pandemic are over, you will need sunshine and umbrella drinks under the cabana. And because we lawyers are multitaskers, you will want something to read while you sip your "Blue Hawaiian." Obviously, you do not want anything heavy like Guide to European Union Pharmaceutical Regulatory Law, but rather something easy, light, enjoyable—or at least interesting. The Bar Bulletin has your back with some recommendations. If you fall asleep while reading, be sure to place the opened book over your face. It has a higher UV rating that way.

—Raymond Allen



E.T. McSparron, a local psychologist, painter and professor, just completed a novel by our own David Warren.

"Without a doubt, my verdict is in for David Warren's *Personal Violation*. As an avid reader of legal fiction, Warren has insight and talent. He has created a masterpiece in the legal-thriller genre.

"Warren not only entertains, but educates his readers. He gives detailed descriptions of the process before, during and after trial. The plots are realistic and they carry emotional impact. I was completely engaged by his characters.

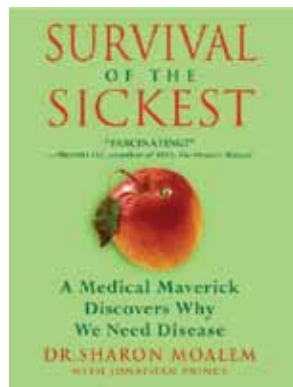
"Warren held my attention. He was able, like a puppeteer, to pull key elements and concepts at just the right moment throughout the novel to keep the tension high. Readers will relate to the main characters as they deal with turmoil and are confronted with contemporary issues. Warren gives Grisham a good run for his money."

Nicole Johnson, a paralegal with Wendt & Abel and the Executive Director of the San Luis

Obispo County Bar Association, plans to re-read one of her favorites: *Survival of the Sickest: A Medical Maverick Discovers Why We Need Disease* by Sharon Moalem and Jonathan Prince.

"I usually gravitate toward classics, poetry and anything John Steinbeck, but when I saw this book featured on a late-night television show, I purchased it the next day. I'd never had that urge and haven't since.

"I read *Survival of the Sickest* in 2008 when it first came out and I couldn't put it down. It was fascinating the first time through to learn about epigenetics and what environmental occurrences can trigger those switches to turn off or on.

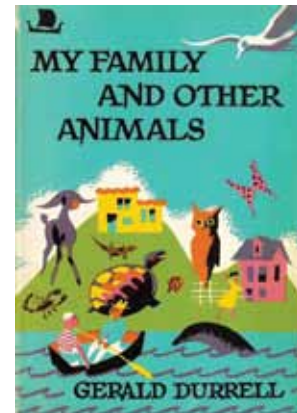


summer. I'll be watching to see if I happen to notice any changes that stem from the current situation, such as a multitude of babies born male due to environmental stress on expectant mothers."

"Since we are in the midst of a global pandemic, it's the perfect reason to read it again this

Caitlyn Anderson, an investigator for the San Luis Obispo County Public Defender's Office, is currently reading *My Family & Other Animals* by Gerald Durrell.

"It is an autobiographical account of his time living on Corfu



with his family in the 1930s as a child. I am about halfway through and it reminds me of family vignettes like

Franny & Zooey, without all the melancholy existential crisis gloom. Maybe that's coming though. Anyway, it's very light and easy to read on sunny days.

"I enjoy imagining the Adriatic island before floods of tourists, English being universal and Instagram. The book is set during a time when a 10-year-old boy could go explore an island on his own, get lost in watching wildlife and bugs from morning until dusk, and receive snacks from cheerful strangers on his way home without fear of abduction or abuse. It basically has me browsing unknown islands and planning my escape.

"I have also started *The Selfish*

Gene by Richard Dawkins. As a kid who was terrible at math, I was never allowed in the interesting science classes. As an adult, there is no more science class. You have to research and seek out the answers to your questions about how the world works. So occasionally I look for science-y stuff to answer my "How?" curiosities.

"I am not very far through this book but the clever writing makes the scientific theories seem more like a scientist's journal. It has very mixed reviews and a lot of people HATED IT and blame the book for bouts of depression and losing their religion. I am reading it more as one person's thoughts on gene transfer, not as gospel fact (see what I did there). Plus, we must remember it was written in 1973. Wear your brain

filter of an almost additional 50 years and don't take it so personally."

Lisa Toke, local civil litigator and member of the San Luis Obispo County Bar Association Board, recommends *American Dirt* and *The Family Upstairs* by Lisa Jewell.

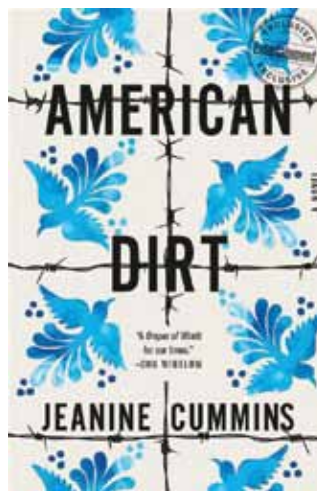
American Dirt is a novel that traces migration from the violence of Mexico to the United States. The author, Jeanine Cummins, is a white woman with a dash of Puerto Rican. Reminiscent of the battle over whether the Puerto Rican Freddy Prince could play a Chicano on the

television show "Chico and the Man," there is some controversy whether a white woman can tell the story of the migratory struggle of a Mexican woman. I guess the reader can decide.

The Family Upstairs has been called a "fresh, inventive take on domestic suspense; effortlessly traversing intimate family secrets and vast, far-reaching conspiracies; Lisa Jewell's newest release is a masterclass in psychological thriller plotting."

According to Toke, "neither is uplifting, but I enjoyed reading both of them."

Continued on page 30





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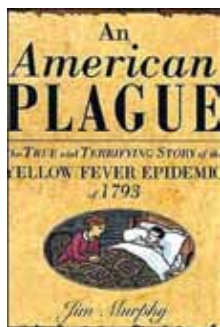
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Good Summer Read continued

Joe Benson, Senior Corporate Counsel for Mindbody and a member of the San Luis Obispo County Bar Association Board, has a sense for the macabre.

"I saw the movie *Once Upon a Time in Hollywood* and wanted to get the real story of it all." As a result, he is reading *Helter Skelter* by Vincent Bugliosi. He is not, however, listening to the Beatles "White Album."



Benson also recommends *An American Plague*. This historical work by Jim Murphy traces the effect of Yellow Fever on our nation's capital,

Philadelphia, in 1793. "History repeats itself," says Benson, "so why not get a bit smarter on what happened last time around?"

Jeff Stein, a well-known local criminal defense attorney and raconteur, has been reading the series of detective stories by Donna Leon. Her stories are "built around a detective from the Venice, Italy, PD, named Guido Brunetti." Here is the NY Times take on the writer: <https://www.nytimes.com/2019/03/07/books/review/by-the-book-donna-leon.html>.



"There are 25 or so mysteries that make for fun, light reading," **Stein says**. "Perfect for covid-side settling down."

James Graff-Radford, Deputy District Attorney and member of the San Luis Obispo County Bar Association Board, recommends *April 1865: The Month That Saved America* by Jay Winik.

According to a review on Amazon, "One month in 1865 witnessed the frenzied fall of Richmond, a daring last-ditch Southern plan for guerrilla warfare, Lee's harrowing retreat, and then, Appomattox. It saw Lincoln's assassination just five days later and a near-successful plot to decapitate the Union government, followed by chaos and coup fears in the North,



collapsed negotiations and continued bloodshed in the South, and finally, the start of national

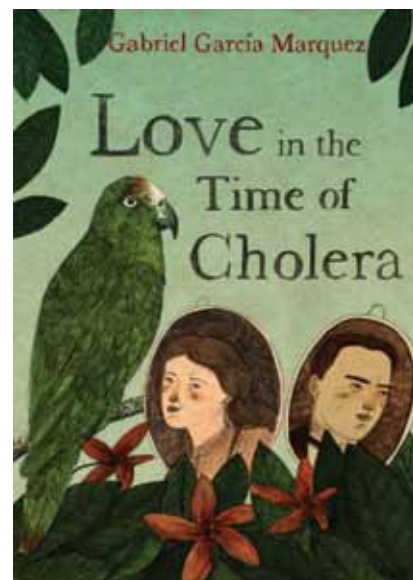
reconciliation.

"In the end, *April 1865* emerged as not just the tale of the war's denouement, but the story of the making of our nation.

"Jay Winik offers a brilliant new look at the Civil War's final days that will forever change the way we see the war's end and the nation's new beginning. Uniquely set within the larger sweep of history and filled with

rich profiles of outsize figures, fresh iconoclastic scholarship, and a gripping narrative, this is a masterful account of the 30 most pivotal days in the life of the United States."

Michelle Gearhart, a litigation attorney and partner with the Adamski, Moroski, Madden, Cumberland & Green, LLP and member of the San Luis Obispo County Bar Association Board, is reading *Love in the Time of Cholera*.



"It has been sitting on my shelf for years. It seemed appropriate to read it now in the time of covid."

For those of you unfamiliar, *Love in the Time of Cholera* was written by the Colombian Nobel prize-winning author Gabriel García Márquez. The author playfully reminds us that love, in all its many splended permutations, is like a sickness. ■

Why Meeting the Needs of the Moment Is All That Matters

by Erica Flores Baltodano

In January 2020, the San Luis Obispo Legal Assistance Foundation's Board of Directors and staff met for a half-day strategic planning retreat. SLOLAF, which has been providing free legal services to San Luis Obispo County residents in need for close to 30 years, was maturing and it was time for some reflection and future-focused thinking.

Enthusiasm filled the room as we gathered with a professional facilitator and began brainstorming objectives and goals for programming, development and marketing over the next three to five years. Never did it occur to us that just two months later the world would be facing a global pandemic.

SLOLAF has had a distinguished history of adapting to meet the needs of the moment, but there has never been a moment quite like this. SLOLAF was incorporated in 1992 by a group of local attorneys interested in providing access to legal services to members of our community in need. A highly popular TED Talk by Simon Sinek teaches us that the most successful organizations first ask "why?"

Birth of a Foundation

SLOLAF was born because members of our legal community recognized that some of our neighbors, residents of this county, people who live around

us and amongst us, were being neglected. They had legal problems and nowhere to turn. The "why" of SLOLAF was, therefore, rooted in compassion and access to justice. From this "why," the "what" and the "how" naturally followed.

The earliest programs SLOLAF provided were focused on domestic violence and conflict mediation. A few years later, it was awarded a grant from the Area Agency on Aging to provide legal services for seniors. In addition to the senior population, SLOLAF also developed programs that match clients who need legal assistance with local attorneys willing to provide pro bono legal services.

By 2002, the mediation services spun off into its own nonprofit organization. It is now affiliated with Wilshire Health & Community Services. In the meantime, SLOLAF was able to grow its Domestic Violence Restraining Order Clinic, in partnership with the Women's Shelter Program of San Luis Obispo County and the Senior Legal Services Project. It continued to be funded, and is still funded, by the Area Agency on Aging. It also provides services with the help of volunteer attorneys.

The "what" and "how" were adjusted over the years, but the "why" remained constant: a compassionate desire to help low-income individuals

who cannot afford an attorney. All the while, a committed number of respected attorneys served on SLOLAF's Board of Directors, guiding the organization through its infancy and into childhood.

Growing Into Adolescence

In 2014, SLOLAF experienced rapid growth (one might call it early adolescence): after serving as a Board Member for several years, Stephanie Barclay was hired as the organization's first Executive Director. That year, SLOLAF hosted its first annual fundraiser and entered into a new relationship with Community Action Partnership of San Luis Obispo (CAPSLO). SLOLAF expanded its legal services to serve homeless veterans and those at risk of becoming homeless.

SLOLAF has continued its work with the Women's Shelter, who serve victims of domestic violence. SLOLAF has also continued its Senior Legal Services Project, which was recognized by the County Commission on Senior Citizens and Area Agency on Aging as the "Senior Citizen Program of the Year."

SLOLAF's reputation was growing and so was the organization with more volunteer attorneys, programs, and services than ever. Around 2015, the Board adopted a strategic plan, recommitting to the "why" of legal services and reevaluating

Continued on page 32

Needs of the Moment continued



SLOLAF Board Member
Bradley Liggett



SLOLAF Board Member
Khoulood Elmasri Pearson



SLOLAF Board Member
Kellie Phillips

the “what” and the “how.” As a result, SLOLAF developed the Family Law Advice Clinic in collaboration with SLO College of Law and a new base of volunteer attorneys; we increased the funds raised at our annual fundraiser year-after-year; we started reaching donors beyond the legal community; and we expanded our Board of Directors in size and professional diversity.

After five years as the Executive Director, Barclay stepped into a new Legal Director role and SLOLAF hired Donna Jones as Executive Director. Jones came to SLOLAF with a rich background in finance and nonprofit management. She had served as the Director of Finance and Administration at a major philanthropic foundation and with other local businesses and nonprofits. Jones is a certified public accountant with significant staff management experience. She is the artistic genius behind SLOLAF’s themed fundraiser events, and Jones knows human resources and financial reports as well as she knows management and development. She has been a gift to the organization.

Adulthood, Pride and Responsibility

With an Executive Director and Legal Director in place, SLOLAF grew into early adulthood. Barclay focused full-time on client services and delivery, added housing cases to our docket, and transferred the Family Law Advice Clinic to the Women’s Shelter. Jones identified new sources of funding, took over the labor-intensive annual event, and put into place the necessary structure, policies, and procedures all grown-up nonprofits need to succeed.



SLOLAF Board Member
Steve Hill



SLOLAF Staff Attorney
Sadie Weller

In 2019, I became the Board President. Together, with Barclay and Jones, we developed and the Board adopted a set of short and long-term infrastructure goals. In 12 months, we shored up internal staff and board policies and practices, conducted an insurance audit, relocated to larger, more efficient office space, and completed a major IT upgrade.

2019 had been SLOLAF’s “Year of Infrastructure.” 2020 was going to be the “Year of Planning.” In January, SLOLAF hired staff attorney Sadie Weller. Weller grew up in San Luis Obispo. She received a bachelor’s degree in metabolic biology from UC Berkeley and law degree from UC Davis. She has

legal experience in the areas of landlord-tenant, seniors, and disability law. SLOLAF's housing and eviction services is funded by a grant in partnership with Legal Aid Foundation of Santa Barbara County. Weller has helped SLOLAF to expand those services to include foreclosure prevention for seniors.

SLOLAF also elected four new Board Members: Khouloud Elmasri Pearson, Esq. (Gillett Law APC); Bradley Liggett, Esq. (Harris Personal Injury Lawyers, Inc.); Kellie Phillips (an agent with New York Life Insurance Company and a background in Executive Management); and Steve Hill (a paralegal-entrepreneur, 30-year veteran of the legal industry, and General Manager of e-Legal Services, Inc.).

When its expanded team gathered on January 31 in a community room at French Hospital for our 2020 strategic planning retreat, we understood that SLOLAF had reached adulthood. We also knew that all healthy organizations need periodic check-ups. SLOLAF was determined to age gracefully.

The SLOLAF Board identified unmet legal needs in our community, discussed new strategies for funding, and committed to developing a communications plan. It also gave its website a facelift and refined its well-intended, but clunky, mission statement. But before SLOLAF could execute any of those of things, the "Year of Planning" turned into the "Year of the Pandemic."

The Unexpected Crisis Leads to Grace, Grit and Gratitude

As with all businesses in the community, the health and safety of our staff, clients and

community became the priority. Through Jones' leadership, staff began telecommuting, in-person client meetings shifted to phone and video conference, and projects were reassigned to keep everyone employed full-time and operations running smoothly. Barclay made sure the legal team remained nimble. Legal counsel had to keep up with ever-changing local and state executive orders related to the eviction moratorium. Bilingual resources were developed and disseminated throughout the county.

Jones ensured that staff fulfilled all aspects of our existing grant-funded programs to maximize those sources of income, reassessed the viability of future grants considering government cutbacks, and obtained emergency grants. The SLOLAF Board scrutinized the budget and revamped the plans for the beloved annual fundraising event.

In the midst of such an unexpected crisis, SLOLAF collectively set aside the "what" and the "how" outlined in our 2020 strategic plan because all that mattered now—all that truly ever matters—is the "why." COVID-19 and the fallout from its path of medical and economic destruction has disproportionately impacted those who were in need long before anyone had even heard of the novel coronavirus.

As a result, SLOLAF's team is busier than ever. Its case load is robust as ever. It is leading the way to provide the necessary legal services to vulnerable community members, including seniors, veterans and low-income individuals, who have been impacted by the pandemic. SLOLAF has stepped up, spoken up and shown up by phone, video conference,

and, when necessary, socially-distanced with masks.

SLOLAF has done all of this with a reduced number of volunteer attorneys. Everyone in the legal community has been impacted. Many of our volunteer attorneys have their own businesses and health-related concerns. But the work continues.

Why? Because that's all that matters. San Luis Obispo Legal Assistance Foundation was founded because people in our community needed legal help and had nowhere to turn. Today, we are needed more than ever. In the midst of a global health and economic crisis, compassion and a commitment to access to justice continue to guide the way.

I want to look back on 2020 not as the "Year of the Pandemic," but as the "Year of Gratitude." I thank the San Luis Obispo legal community for its continued dedication to the "why" of SLOLAF and for its ongoing financial and in-kind support for the organization and the clients we serve. With your generosity, we will forge forward, meeting the needs that this most unusual moment demands. ■

Erica Flores Baltodano is President of The Baltodano Firm, A Professional Corporation focused on employment law, but she spends a majority of her time these days parenting, teaching and serving our community as a Civil Service Commissioner for the County of San Luis Obispo, Board Member with the San Luis Coastal Education Foundation, and Board President of San Luis Obispo Legal Assistance Foundation. You can support SLOLAF by visiting www.slolaf.org.

Bar Bulletin Editorial Policy

Contributions to the *Bar Bulletin* must be submitted electronically in Microsoft Word format directly to the Editor at:

raymondinsf@yahoo.com

Footnotes will not be published; any essential notes or citations should be incorporated into the body of the article. Contributors are encouraged to limit the length of their submitted articles to 2,500 words or less, unless the article can be published in two parts in successive issues.

- The *Bar Bulletin* is published six times per year:
- January–February
 - March–April
 - May–June
 - July–August
 - September–October
 - November–December

To ensure consideration for inclusion in the next scheduled edition, articles, advertisements and payments must be received by the deadlines noted at right.

The *Bar Bulletin* reserves the right to reject or edit any contributions. By submitting contributions for publication, contributors consent under this policy to the editing of their work, the publication of their work and the posting of their work online. Contributors must include an e-mail address and/or telephone number, as they may be contacted during the editorial process.

Your submission of photographs to the *Bar Bulletin* authorizes their publication and posting online. All photographs must be submitted in .jpg or .pdf format with a resolution of not less than 300 dpi via e-mail or, for large files, WeTransfer. Please include the photographer’s name and that you have permission to use the photograph.

The San Luis Obispo County Bar Association does not pay contributors for their submissions.

Opinions expressed in the *Bar Bulletin* do not necessarily reflect those of the San Luis Obispo County Bar Association or its editorial staff. The *Bar Bulletin* does not constitute legal advice or a legal resource and must not be used or relied upon as a substitute for legal counsel that may be required from an attorney.

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All advertisements in the *Bar Bulletin* must be submitted in .jpg, tif or .pdf format with a resolution of not less than 300 dpi. Flyers or announcements for the opening, closing or moving of law practices, upcoming MCLE programs or other events put on or sponsored by organizations other than the San Luis Obispo County Bar Association are considered advertisements, and therefore subject to this policy and to all applicable advertising rates.

The cutoff dates for accepting advertisements, payments and articles are as follows:

January–February issue deadline	11/25
March–April issue deadline	1/25
May–June issue deadline	3/25
July–August issue deadline	5/25
September–October issue deadline	7/25
November–December issue deadline	9/25

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Raymond Allen, Editor
Telephone: (805) 541-1920
raymondinsf@yahoo.com



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