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**T**he 1976 Bicentennial was a spontaneously-organized celebration of Americans, but it did not extend to indigenous peoples, Indians, Asians, and South American Americans, women, indigenous Puerto Ricans, and African Americans. Maria Curcio Torres, executive director of the National Museum of the American Indian, says that the Bicentennial celebration was "not the right time to raise the indigenous issue." Torres, who is also the director of the American Indian Center in Washington, D.C., says that to create a Bicentennial celebration of indigenous Americans would be "another mistake." But she also believes the first indigenous-themed American event is just around the corner. Torres, who is currently a visiting professor at the Washington College of Law in 1976 following the completion of the 1976 Bicentennial, believes parties to the celebration that take place in her home, which is the headquarters of the American Indian Movement, should present a "total celebration" of the 1776 Congress to allow all Americans to share in the celebration of the United States. She says that the 1776 Congress was the right time to raise indigenous issues, and she says that the 1976 Congress was the right time to raise indigenous issues. She says that the 1976 Congress was the right time to raise indigenous issues.

Misses Knowledgea Youngblood de Lopez, a leader in the 7th district suffrage movement, organized suffrage speeches and parades from Elgin to Spanish to reach the suffragists. Like other California suffragists, she was an active member of the Union for Women's Work, which helped press California Proposition 13, granting women the right to vote in the state in 1911, and press California Proposition 13, the 1960 Amendment. Later, she was in charge of the president of the College Equal Suffrage League, suffragists for adult and young women such as Gloria Wilson took to the streets for the cause of women's suffrage. In Spanish America, women leaders also helped form the state, ensuring that the National Woman's Party (NWP) would not only include Spanish-speaking women. In 1910, suffragists formed an office in San Francisco of the NWP to have women, which moved from Spanish to San Francisco. The NWP played a central role in organizing the first women's agreement in 1911, the 1960 Amendment in February 1960.

In 1961, Julia Wilson de San Juan, a leader in the 7th district women's organization, organized the National Suffrage Movement. During a meeting, women formed the National Woman's Party (NWP) and eventually won the right to vote in 1911. The 1960 Amendment

agencies and Universities. He established the Citizens' Trade Union Act of 1952 and the Fair Employment Act of 1954, guaranteeing their work hours, ensuring the right to organize U.S. citizens and the right to vote.

After communism and the Cold War, Kennedy's administration, the "globalization era," continued right unionization, promoted right-to-work legislation, and won. With the passage of the Voting Rights Act of 1965, in the face of defiance from the southern, "segregationist," legislative actions of all races and genders have finally led to ensuring their right to vote. In 1975, Congress enacted the US National Environmental Agency, called "comprehensive protection" by guaranteeing the maintenance of environmental health, restoring the voting rights of non-English speakers, by allowing to extend access to the vote, instead of the US's basic level water level - about monthly in 1975 - because of the threat of nuclear war. Finally, Congress's 1980s that consolidated the US's economy. Kennedy also determined right unionization was not allowed to follow globalization, but to implement living standards, setting laws to guarantee that the American of living improvements.

Recently, at the 100th anniversary of U.S. citizens gained the right to vote, however, 1957 and 1975, meaning that the law giving of U.S. citizens to access the right to vote.



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*Cover: The 19th Amendment Centennial Exhibit, first hosted by the San Luis Obispo County Law Library, moves to the SLO Public Library May 4–September 18, 2021. Law Librarian Annie Manuele reads the “Expanding Democracy” panel. Photo courtesy of Chris Borgard.*

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# President's MESSAGE

by Joe Benson



Asia Croson Photography

## Exploring the Tao of Barbecue

I hope this message finds all of you doing well after a particularly difficult winter. The weather is warming up, more of us are being vaccinated, and we are slowly returning to our new normal.

In my last President's message, I shared a deeply personal story about myself with the entire legal community. For this edition, as the spring turns to summer, I thought it best to follow up with something just as important (if not more so)—my love for barbecue.

I love being in my backyard in the late afternoon on a warm weekend, a healthy glass of Herman Story in hand, the smell of barbecue smoke in the air, a lawn mower sounding in the distance, my kid playing, and my friends and family catching up, gossiping and otherwise being together. I like cooking on the barbecue because it has a certain element of pressure to get everything right and not overcook (or undercook) the food or otherwise ruin the evening for those who were promised (implicitly) a great meal. I also like being the one to cook because it's a great way to exit conversations when I am no longer interested.

### History of the Word "Barbecue"

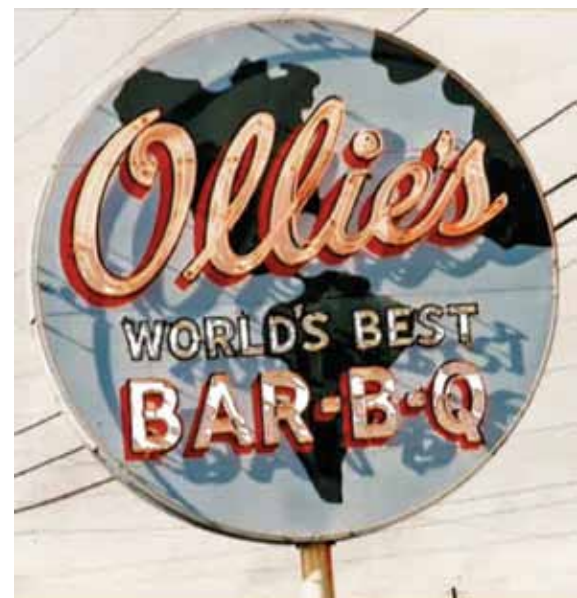
The concept of grilling a dead animal over an open flame has been around for a long while. A human ancestor called *Homo erectus* began cooking meat with fire about 1.8 million years ago.<sup>1</sup> The way that Americans know barbecues now (meat cooked over a grill or pit), covered in spices and basting sauce originated in the Caribbean. The word barbecue comes from the language of the Taino, a Caribbean indigenous tribe.<sup>2</sup> Their word for grilling on a raised wooden grate is "*barbacoa*."

### Barbecue and Civil Rights

Of course, any article about barbecue in a periodical for legal professionals has to begin with reference to the landmark United States Supreme Court decision of *Katzbach v. McClung* (1964) 379 U.S. 294. In this case, the SCOTUS unanimously held that Congress acted within its power under the Commerce Clause in forbidding racial discrimination in restaurants serving food that moved in interstate commerce because racial discrimination by such restaurants

placed a burden on interstate trade.

The fact that a roadside barbecue joint in Birmingham, Alabama, is at the center of one of the most historic civil rights decisions in our country's history is fantastic, and not something I anticipated when I began researching this article (although I do have some memory of this case from my con law class. I can hear Professor Seval Yildirim in my head as I write this. Hi, Professor!).



Ollie's

## Barbecue and Intellectual Property

Turning to relatively lighter legal issues in the barbecue world—one of the more popular brands on the market today, Traeger Grills ([www.traegergrills.com](http://www.traegergrills.com)), has had its share of civil actions.

This is where I must disclose to you that I own a Traeger grill and, according to the nice man who sold me the grill, I am therefore part of the “Traeger Family.” At the time of my purchase, I thought I was just buying a pellet-fired barbecue from Costco; I had no idea I would be invited to join a new family.



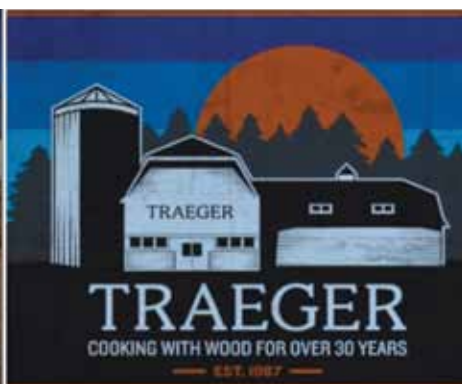
*For marketing purposes, the image on the left was used by Dansons; the photo on the right was used by Traeger.*

The original family who started the company, brothers Joe, Brian, Mark and Randy Traeger, sold the company’s assets, as well as the intellectual property rights to their names and likenesses, in 2006 for \$12.4 million. Joe and Brian Traeger were subsequently hired by a competitor, Dansons US LLC. The decision by Dansons to leverage nearly identical marketing imagery used by the Traegers before selling resulted in two separate lawsuits<sup>3</sup> and a subsequent settlement in December 2020.

Besides claims of similarity in features found on Traeger grills and grills made by Dansons’ brands, the complaints also alleged that images used of a white barn in Oregon with the Traeger name on it has since

become part of the company’s branding imagery.

A photo featuring Joe and Brian Traeger, along with Dansons’ executives Dan Thiessen, Jeff Thiessen and Jordan Thiessen, was posted in a marketing release on the Dansons’ website along with the announcement of the Traegers’ hiring. The release also included statements that “The first pellet grill was born in 1983 in the signature Traeger Barn, which still sits as a landmark in Mount Angel, Oregon,” and “In this partnership, Traeger will be developing new pellet grilling



products alongside Pit Boss founder and pellet grill innovator, Dan Thiessen.”

Given how blatant the Dansons’ actions were, I wonder if the barbecue industry needs greater access to legal resources to ensure they fully appreciate the boundaries of intellectual property rights.

## Barbecue and Consumer Protection

Turning now to another popular brand in the barbecue world—Weber Grills. It seems like just about everybody has owned a Weber at some point in their life. For me, it was their tabletop model—the “Smokey Joe”—that I put on the balcony of my first apartment, in direct violation of my lease agreement, which strictly forbade such a horrific act. My

egregious violation of the Highlands Ridge Apartment Homes rule was never discovered during my tenancy, and I feel comfortable sharing with all of you now given that the statute of limitations has likely run.

Like many manufacturers attempting to leverage the spirit of nationalism and the consumer dollars that go along with it, Weber claimed their products were “made in the USA” and subsequently faced a class-action lawsuit after consumers discovered that grills sold under that “made in the USA” label included parts and components made in China and Taiwan.

Presumptively, these Weber customers felt deceived by the “made in the USA” label. At the time, Weber claimed that their “made in the USA” labeling was not deceptive marketing, issuing the following statement: “Weber believes that because all Weber grills and the disputed accessories are designed and engineered in the USA....”<sup>4</sup>

Attempting to distinguish between the design and engineering of a product and the manufacturing and assembly of the product would seem to be a clear example of wanting the best of both worlds, the ability to enjoy the benefits of marketing their product as being “made in the USA,” while also

*Continued on page 6*



*The “Smokey Joe”*



## President's Message continued



Joe Benson likes to barbecue. Photo courtesy of Erin DeNatale.

lowering costs by off-shoring the labor-intensive aspects to places with cheaper labor costs.

In reality, claims made on the packaging of products with a relatively low-cost point (a review of price points for Weber grills shows a range of \$30—\$3,000) are likely not subject to substantial scrutiny by consumers, and Weber has leveraged that reality in making the claim despite the reality of their version of “made in the USA” being somewhat ambiguous.

Weber settled the lawsuit in 2012, and now claims that their grills are “Made in USA, incorporating globally sourced component parts,” which seems like a much better way of saying “we design our products here but actually make them where it is cheaper.”

### Barbecue Miscellany

An Australian vegan, Cilla Carden, sued her neighbor in 2019 over the constant smell of meat on the grill, claiming that the odor negatively impacted her quality of life.<sup>5</sup> Upon dismissal by a judge in Perth, both sides were urged to work out their problems without court involvement (this may sound familiar to many of you). Ms. Carden did not prevail on her subsequent appeal, and the reaction to her attempt to resolve the dispute via litigation was probably about what you expect. The grill-obsessed neighbor organized a giant

cookout party, in which 3,000 people were invited to attend. The invitation read, “Community Barbecue for Cilla Carden. Don’t let Cilla destroy a good old Aussie tradition. Join us for a community Barbecue, and help Cilla Carden GET SOME PORK ON HER FORK.”

Something about this story strikes me as a very American way of resolving problems. It appears that attempts to use the judiciary to resolve petty disputes transcend the American legal system.

### Conclusion

At the time of this writing, we appear to be rounding the corner on the pandemic that has altered our lives for more than a year. The ability to socialize with our friends and family members, as we would normally do, appears to be on the horizon. I’m hopeful that I will soon get to enjoy having friends and family members over to our house and enjoy some summertime fare.

I hope you all have a great summer and get yourself some barbecue. For those of you who are not meat eaters, I also grill a mean pineapple. ■

### Footnotes

<sup>1</sup> Planet Barbecue (Workman Publishing, 2010)

<sup>2</sup> Id.

<sup>3</sup> Traeger Pellet Grills, LLC v. Dansons US, LLC, 421 F. Supp. 3d 876, (D. Ariz. 2019)

<sup>4</sup> <https://www.hbsdealer.com/news/weber-deals-made-usa-fallout>

<sup>5</sup> <https://www.news.com.au/lifestyle/real-life/news-life/organiser-behind-barbecue-for-perth-vegan-speaks-out-about-the-event/news-story/82ddfa6aab37a7080b68b06598272618>

## Coming Soon...

What, you ask, is JEP?



1. **Jouet de Paris** (1902–1968), a French toy company, whose logo is courtesy [brightontoymuseum.co.uk](http://brightontoymuseum.co.uk).

2. **Jep Robertson**, star of A&E’s “Duck Dynasty.”

### 3. Judicial Evaluation Poll

The San Luis Obispo County Bar Association announces the return of its Judicial Evaluation Poll (JEP). The JEP is your opportunity to rate and provide constructive comments about our judicial officers. Please be on the lookout for an email with the JEP, and please take time to fill it out promptly. The results will be provided in the fall. Thanks!

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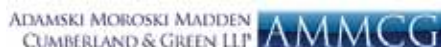
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## Editor's Note

by Tara Jacobi

**H**e saw life as a battle and found confirmation for his view in books. Like me, he read compulsively about war." This is what Phil Knight said about one of his lawyers, Rob Strasser. Both men feared they would never live up to their fathers' expectations. While reading Knight's book, "Shoe Dog," with this running theme, no pun intended, I, too, felt this way.

My father never once told me he was proud of anything I did. The one time I thought he might say something appreciative were the weeks leading up to my law school graduation. He seemed excited for me but nothing said. Not good enough. I thought. I rebelled. I told my parents I wasn't going to my law school graduation because it did not mean much anyway.

I, too, was raised on war. I watched more movies about the Vietnam conflict than any child should. My dad was there. He built the watchtowers in the jungles as a young man, soon to be an engineer. Later he designed a car that now sits in the National Corvette Museum. He never wanted me to forget the sacrifices that men and women make in war for our country.

"For all my belief that business was war without bullets, I'd never felt the fury of conference-room combat until I found myself at a table surrounded by five lawyers." Phil goes on, "They tried everything to get me to say I'd violated my contract.... They tried trick questions, hostile questions, squirrely questions, loaded questions. When questions didn't work, they twisted my answers. A deposition is strenuous for anyone, but for a shy, person it's an ordeal. Badgered, baited, harassed, mocked, I was a shell of myself by the end.

"Nike was the goddess of victory. What is more important, I thought than victory?"

Well, I can think of something, Phil. Even you said it yourself later on in your chapters. "And yet, during my nightly run, I'd sometimes ask myself, hasn't your

whole life been a kind of search for connection? Running for Bowerman, backpacking around the world, starting a company, marrying Penny, assembling this band of brothers...."

He goes on to characterize the band of brothers, "There were the founding fathers of a multimillion dollar company that sold athletic shoes? A paralyzed guy, two morbidly obese guys, a chain smoking guy?"

Yet, what I found most telling was his characterization, "And we were all nearly merciless self-loathers, which kept the egos in check." Maybe that is why they enjoyed so much success.

And of course reading about Phil's love of a particular runner was moving. He notes, "By then Prefontaine was universally known as Pre, and he was far more than a phenom, he was an outright superstar. He was the biggest thing to hit the world of American track and field since Jesse Owens. Sportswriters frequently compared him to James Dean and Mick Jagger, and *Runner's World* said the most apt comparison might be Muhammad Ali. He was that kind of swaggerty, transformative figure." I, too, was in love with Pre.

Yet, in 1973, I was two. Phil confides that Pre was an artist. His proof, "Pre said as much himself. 'A race is a work of art,' he told a reporter, 'that people can look at it and be affected in as many ways that they're capable of understanding.'" Okay, maybe not the same as viewing a painting or a piece of sculpture, but there is something moving about watching or being a part of a running race.

I love that Phil's inscription at The Matthew Knight Arena, named after his deceased son but dedicated to his mother reads, "Because mothers are our first coaches." What amazing insight. Not everyone gets it.

Yet, he had my admiration when he showed how much he valued his own wisdom. Not how any other man, institution or religion might define something. How there is great worth in defining important values yourself. "Have faith in yourself, but also have faith in faith. Not faith as others define it. Faith as you define it. Faith as faith defines it in your heart," he said.

In other words, follow your heart. ■





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# A Move Closer to a Free Market for Alcoholic Beverages? The CA ABC Relaxes Some Regulations—Temporarily

by June McIvor, Esq., President & CEO of Tolosa Winery

Photo courtesy of Duane Hall, Tolosa Winery

It is an oft-stated truism that regulation of the alcoholic beverage industry is stuck in a post-prohibition time warp. The fears of unchecked drunkenness that led to Prohibition and the control of the industry by the mob when the government abdicated all regulation of it during Prohibition led to the byzantine system of state and national laws that we have today. Yet, neither of those fears is grounded in today's reality, resulting in a system of regulation that is unnecessarily complex and limiting.

Though stuck in a time warp, government regulation of the wine and alcohol business is not stagnant. Every year brings more tinkering with the web of rules and laws. But the controls on the system can't keep up with the pace of the market. Constant innovation in products, business models and customer preferences is the norm in every aspect of our society today. The wine industry is not immune to this. Technology is changing the way consumers discover new products and have access to them—but we are unnecessarily hampered by regulations and the inconsistency of regulations between the states.

The COVID-19 crisis has been especially hard on restaurants and bars, known as on-premise licensees in alcohol regulation-speak. From March 19, 2020, through January 13, 2021, the California Alcoholic Beverage Control (ABC) issued seven Notices of Regulatory Relief suspending enforcement of 18 legal prohibitions on a temporary basis to assist the alcoholic beverage industry in dealing with the economic challenges from efforts to slow the spread of the virus.

These measures—and similar announcements in other states—show how the minutiae of the regulations constrains the industry's ability to be nimble in order to survive in a crisis and thrive in normal times. The regulations for which the ABC has suspended enforcement are illustrative examples of the types of unnecessary regulation that hinder the free market without improving public safety.

The first four relief measures (contained in the First Notice of Regulatory Relief) focus on regulations of the market: prohibitions on returns of alcoholic beverages, on

retail-to-retail transactions, on on-sale retailers exercising off-sale privileges, and on extensions of credit.

California Business & Professions Code Section 23104.1 requires a supplier of wine who accepts the return of wine from a retailer not sell wine again to such retailer for a period of one year, except under very narrow exceptions, with similar prohibitions for beer (Section 23104.2) and distilled spirits (Section 23104.3). The First Notice of Regulatory Relief allowed, but did not require, manufacturers or wholesalers to accept returns from retailers, so long as the seller does not require the retailer to purchase specific products or quantities in the future as a condition of the acceptance of the return.

The Business and Professions Code also contains numerous provisions detailing to whom which types of licensees may sell various type of alcoholic beverages and under what conditions and in what settings. Together these provisions, along with federal laws and laws in other states, establish what is known as the Three-Tier System, which generally requires that suppliers sell to wholesalers who sell to retailers who sell to consumers.

During the pandemic, retail stores of alcoholic beverages (off-premise licensees) did a booming business, while the on-premises restaurants and bars suffered. The First Notice of Regulatory Relief allows off-sale retailers to purchase beverages from on-sale retailers to allow restaurants and bars to deplete their inventories and generate revenue. The First Notice also allows restaurants to sell the types of alcoholic beverages for which they are licensed (e.g., a restaurant licensed to sell only wine and beer could not sell distilled spirits) in the manufacturer pre-packaged containers for off-premise consumption. In other words, you can buy a bottle of wine from your favorite restaurant to consume at home, whether or not you also purchase a meal.

Business and Professions Code Section 25509 prohibits suppliers from extending credit to retailers beyond 30 days, requires the imposition of statutory penalty charges on delinquent accounts, and requires suppliers to sell to delinquent retailers only on a COD basis. The First Notice of Regulatory Relief temporarily suspended enforcement of these provisions, leaving it up to the parties "to determine



appropriate credit terms during this time,” with the caveat that when the temporary measures are lifted, the statutory provisions will pre-empt any agreed-upon credit terms.

These are marketplace regulations designed to “level the playing field” under a general distrust of the power of the market. What other industry needs such a tight regulation of the market? In a free market, the parties are free to enter—or not—into commercial transactions that make sense for their respective businesses. The painful irony of so much of the market regulation is that the professed intent of the regulation is to protect weaker players from oppression by stronger players—but all too often it is the smaller, entrepreneurial players that are shut out by the regulations.

Other regulations from which the ABC has temporarily provided relief generally deal with how alcoholic beverages are sold to consumers, such as on-sale retailers selling beverages to go, hours of operation and deliveries.

A representative example of the nonsense of alcoholic beverage regulation is the prohibition on restaurants selling cocktails to go. I order take-out from a restaurant because I have neither the time, ability nor inclination to prepare a gourmet meal at home. I don’t have any more skills when it comes to preparing a craft cocktail, which I enjoy. I can purchase any type of alcoholic beverage, including pre-mixed cocktails, from a retail store and take it to go, but I cannot purchase a freshly made cocktail from a restaurant to go.

It is hard to find any public safety logic for this difference. It is not the source of the beverage or the packaging that is preventing me from drinking it in public or in my car on the way home, just as it’s not the beer can tab that is preventing the driver from popping open the can. It is the enforcement of open-container laws, public-consumption laws, and driving-while-intoxicated prohibitions, as well as public messaging about the dangers of drinking and driving and over-consumption that protect public safety.

The First Notice of Regulatory Relief allows licensees to sell beer, wine and pre-mixed drinks not in manufacturers containers for off-premise consumption only when sold in conjunction with a meal and in containers with a secure lid and without sipping or straw holes. The licensee must also post a notice that such beverages are open containers that must be transported in the trunk or similar area and may not be consumed in public.

What can the wine industry hope for as we come out of this crisis? With the ABC’s recognition that some of its regulations are hampering the industry “in dealing with economic challenges” and that relaxation of these regulations will not “jeopardize the public’s health, safety or welfare” (at least on a temporary basis), we have a window of opportunity to demonstrate that a freer market will provide economic benefits to our industry and our consumers, respond to consumer preferences, offer greater consumer choice and maintain public safety. We need to invite legislators and regulators on both the state and national level to examine the results of this experiment and take away the lesson that less regulation is a good thing.

There has been some movement in this direction, mostly focused on the provisions that are visible to consumers (and voters). For example, in all 33 states that temporarily allowed the sale of to-go cocktails, legislation has been introduced to make that change permanent. In California, state Senator Bill Dodd has introduced SB-389, which would make takeout and delivery cocktails a permanent fixture, and state Senator Scott Wiener has introduced SB-314 to permanently extend alcohol sales by restaurants into sidewalks and parklets and creates a way for cities to enact open-container zones.

We need to go further. Technology, from online retailers to virtual experiences to artificial intelligence for determining wine consumer preferences, was already changing the alcoholic beverage industry before the crisis, but the shutdown of restaurants and tasting rooms has caused producers, wholesalers and retailers to adopt new technologies at a dizzying speed as they try to survive. Consumer preferences and expectations continue to evolve. The Three-Tier System unnecessarily restricts consumer choice and favors large wholesalers.

Presciently, the creator of the regulatory framework that was rolled out at the end of Prohibition, Raymond Fosdick, had the following to say near the end of his report, *Toward Liquor Control*, that laid out the new system.

“We need to be on our guard against any system of control that has outlived its usefulness and that no longer represents the prevalent ideas and attitudes of the community. In the last analysis, there is but one fundamental rule to be followed—and all other rules are corollaries: If the new system is not rooted in what the people of each state sincerely desire at this moment, it makes no difference how logical and complete it may appear as a statute—it cannot succeed.”

It is time to heed those words. ■



# This Is Mock Trial



by Kristi Burleson

with a Foreword and Postscript by John Fricks

Images courtesy of San Luis Obispo High School, video file

## Foreword

In preparing to write my annual *Bar Bulletin* article announcing the winning schools of the recent competition, I emailed the teacher coach of the winning high school team for a recap of the county champion's adventure at the State competition. Showing no signs of wear and tear from recent competition, she sent this response (edited for space).

Hi, John!

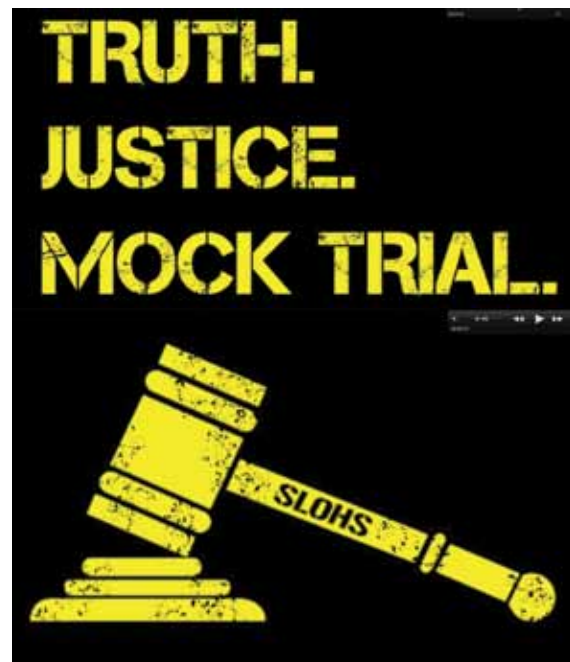
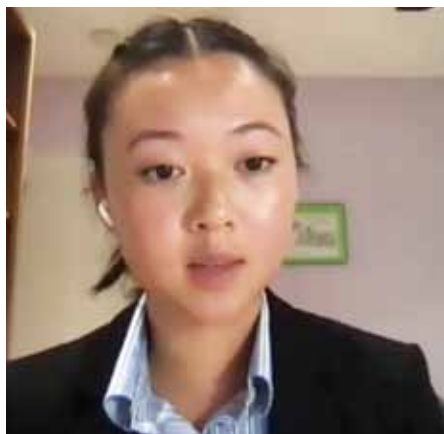
Sure! We had the State competition via Zoom this year. While it was very different from years past when hundreds of kids lined the halls and stairways of our largest city's courthouses, it still had the same level of pressure and nervousness for the kids as they prepared to virtually argue their case.

Our Defense competed during the first round at 5 p.m. Thursday, March 18 (after the kids' first week back to in-person learning), against Piedmont High School (Alameda County), where we won by a mere three points. (We don't find out our scores until the entire competition is over, so during the three days of

competing, we simply go from one round to the next and go on our gut feelings about wins and losses—which adds to the pressure!)

Of particular note in this case, Ingrid Chen, one of our graduating seniors and lead defense attorney, decided about 30 minutes prior to the trial's start, that she would defer her opening statement for the first time. It was so fun to watch her think and speak completely extemporaneously to incorporate several of the Prosecution's witness testimonies just given into her prepared argument.

Sabrina Garcia, our pre-trial attorney, had to 'save the day' a few times. Apparently we had a judge



new to MT who didn't know the trial order. Sabrina had to ask him about team introductions and rebuttal arguments, etc. That is a LOT to ask of a high schooler in real life, let alone trying to politely and respectfully interrupt a judge via Zoom!

Friday evening, our Prosecution team competed against Turlock (Stanislaus County), which we won. Dawson Sennes, our witness who took the role of "Remy Montoya," received a near-perfect score for his portrayal of the light-hearted, easily manipulated fool who allegedly was incited to commit burglary.

All of the scoring attorneys also mentioned another senior, Ved



Kenjale. Every year, Ved plays an expert witness and has been so fun to watch as he balances the fine line between being incredibly smart (Ved goes method and does extensive additional research into his “field of study”) and being slightly arrogant, on cross examination especially. Bella Osgood, who examined Ved, won the MOO award (Most Outstanding Opponent) that night.

On Saturday, we had two competitions. The first was our Defense against Monterey County’s Carmel High. We have scrimmaged against Carmel for the last three years, and they’ve won or competed in the State final round numerous times with an amazing program. We felt excited about our potential placement, knowing that as rounds continue, if you’re competing against better and better teams, it means you have won your preceding rounds!

In this particular trial, it was both pre-trial attorney Phoebe Browning and Eva Voss, who played witness Zuri O’Neill, who stole the show. Phoebe scored 9-9-9-10, and Eva had the judge laughing on-screen at her depiction of the “valley girl.” I was so proud of how the kids competed against this highly qualified team. When we got the scores, we lost by one point—our 647 points to Carmel’s 648. Crazy! (Carmel placed sixth.)

In the afternoon, our Prosecution competed against Rio Americano (Sacramento County). Of particular

note was the professionalism of our clerk, Viktor Mejia, who pulled double duty as the clerk in two trials and the bailiff in the other two! Both teams were clearly prepared, articulated opinions in a professional manner, and it was truly a great trial to watch. Excellent arguments, objections and defending objections on both sides. When the scores came around, we ended up losing this one—but only by two points! We had 462 points to Rio’s 464. It’s great to know how well-matched the teams actually are!

This year, we didn’t win any of the individual awards, which we have each year in the past. But what was especially neat this year was that it felt more like a team effort—especially ironic since we’ve only ever met individually via Zoom!

I am so, so, so proud of all of the things that our high schoolers have overcome this past year, including this amazing accomplishment of only losing two trials by a total of three points at the State competition via Zoom. Our final ranking was 14th out of 36 teams, of which we’re proud!

—Kristi

### Postscript

People have asked me how the Committee and I keep coming back for the competition year after year (for some of us, next year will be 25 years). Simply put, it is the enthusiasm of the students and their teachers. *This* is why we came back

and staged an academic competition by Zoom during a pandemic. *This* is why attorney coaches devote hours of their time to coach. And *this* is why judges and scoring attorneys make the time...*this* is Mock Trial.

While everyone who competed and participated during this trying year deserves plaudits, special kudos go to our **County Champions: San Luis Obispo High School and Laguna Middle School.**

Coach bragging rights belong this year to **Kristi Burleson** (teacher) and attorneys **Carrie Winters** and **Melodie Rivas Beard** from SLO and from Laguna; **Karin Smith** (teacher coach and former Olympian), attorneys **William Frederick** and **Lauren Black**, and future attorneys (and MT alums) **Cooper Bohley** and **Kaitlyn McLoone**.

We look forward to an in-person competition next year but know that MT and its teachers and students can survive anything thrown at them. ■





# Doing Good Matters...

## An Exercise in Morphology: Adjusting to Community Needs in the Time of COVID-19

by Frank Kopcinski, Directing Attorney, California Rural Legal Assistance

*Morphology: the study of how words are formed, including how context can change a word's meaning.*

As attorneys, we are always looking at the meaning of words. We examine them crucially; inspecting them for their strengths, analyzing them to see how we can best weaponize their common plain-language understanding, or how we can efficiently exploit their ambiguities in our advocacy.

Sometimes we find archaic ones and breathe new life into them. Other times we look at everyday terms and attempt to dust off old, forgotten meanings. There are extraordinary moments, however, in which societal changes bend and flex the essence of words, times that shock us out of our extrinsic professional exercise of inspecting them for the purposes of making arguments—and force us into introspection. 2020 was one of those years.

Last year shifted the significance of normal terminology. For example, think of the following words: *distance*, *election*, *remote*, *social*, *shopping*, *school*, *teacher*, *zoom*. Without the context of all the events that happened in 2020, it's likely that these words would have remained static. Last year, however, morphed them to include new definitions. Out of the many words changed by this past year, in this article I will examine how 2020 transformed three: the words *fatigue*, *worker* and *tenant*. I will look at them in the context of last year's changing

legal landscape, how that landscape altered the needs of our client community, and how California Rural Legal Assistance (CRLA) as a statewide organization adapted to meet those needs.

### ***Fatigue—a Loss of Power?***

Recently, the word *fatigue* became part of our daily dialogue. For a variety of reasons, it permeated our conversations about holiday travel plans, talks with our significant others, and showed its face in an overabundance of newspaper articles next to the *P-word*.<sup>1</sup> Merriam Webster's Dictionary gives two different definitions of fatigue as: 1) *a state or attitude of indifference or apathy brought on by overexposure* and 2) *the temporary loss of power to respond that is induced by continued stimulation*.

Perhaps the best way to track the morphology of fatigue in the context of the low-wage tenants and workers that CRLA represents would be to create a modified Merriam Webster's definition. What we have seen is that our client community's fatigue has been a *temporary loss of power to respond that is induced by structural changes within in the law and society and a lack of knowledge of where and how to exercise new legal rights*.

This type of fatigue hit our worker and tenant communities throughout 2020. Two fundamental shifts occur-

red this last year in the area of employment. A new type of discrimination emerged, and unprecedented job losses overburdened the structure of the unemployment system. Three waves of changes in housing law also jolted and confused tenants who faced imminent eviction. Federal, state and local governments scrambled for temporary ad-hoc solutions. However, the flood of information in the age of the internet made finding access to new laws and new rights difficult and left our low-wage worker and tenant client communities at a loss of power from a loss of information. At CRLA, we combated this fatigue in 2020 by establishing two statewide hotlines: a Worker's Rights Hotline and a Housing Hotline.

### ***Worker—New Resources to Battle Fatigue and CRLA's COVID-19 Worker's Rights Helpline***

Through no fault of their own, millions of workers in the United States lost their jobs in 2020.<sup>2</sup> COVID-19 made some permanently unemployed, as the businesses they worked for could no longer feasibly operate after long periods of forced closures. Others became temporary unemployed after contracting the virus and being forced to quarantine for two weeks. Then there was the group who never returned to work because their employers discriminated against



them for having the virus.<sup>3</sup> Thus, the definition of a worker in 2020 seemed to change from a “person who works” to “a person *who is forced not to work, whether or not they have a desire to work.*”

The Coronavirus Aid, Relief and Economic Security (CARES) Act provided some relief to them. The state Employment Development Department’s expanded Lost Wages Assistance Program also helped. However, many of the applicants who called CRLA’s offices for services felt powerless because of the misinformation about these laws and the difficulty of accessing benefits.

To combat worker fatigue, CRLA launched its first-ever statewide COVID-19 Worker’s Rights Helpline. For the first six months of the pandemic, a new CRLA law fellow flew the pilot program with a fleet of volunteers based in our Santa Rosa office. They guided hundreds of workers in need of revitalization and, with the help of our other regional offices, eradicated their fatigue and found them relief by putting knowledge and services into their hands. Now that program has gained permanence with Shane Ross as our new COVID-

19 Helpline managing attorney. The Helpline is ready to help hundreds more workers throughout the state in 2021.

### **Tenant—New Shields to Fight Fatigue and CRLA’s Housing Hotline**

For those real estate practitioners who provide representation in unlawful detainer proceedings, a pre-2020 definition of a *tenant* may have been something like this: *a person who rents or leases a dwelling from a landlord for money and holds temporary possession of such rental or dwelling.* 2020 changed the way we defined tenant in a radical way we never previously saw. During three big waves of legal changes in state and local laws, a tenant became *someone who has temporary possession of a rental without regard as to whether money has been exchanged for rent.*

The first time a tenant became a renter who did not actually need to pay rent came in early spring 2020. On March 18, 2020, San Luis Obispo County issued its Local Emergency Order and Regulation No. 3 Re: COVID-19. That order prohibited landlords from commencing eviction

actions against a tenant who was unable to pay rent due to financial-related impacts related to COVID-19. It even made doing so a misdemeanor. Thus, San Luis Obispo County gave tenants a powerful shield in addition to the longstanding chainmail of protections provided under Cal. Civ. Code § 1942 et seq. Around that time, Governor Gavin Newsom enacted a similar executive order, Executive Order N-28-20. But what good is armor if you do not have access to it or know it exists? How were tenants to know their status had changed or such shields existed?

CRLA San Luis Obispo helped battle tenant fatigue by giving tenants the power of information and advice that they needed during this time. We assisted multiple callers who needed to make sense of the orders. Myrna Alvarez, longtime chief operations specialist and administrator-of-all-things, sent telephone applicants to Vince Escoto, staff attorney, and me, directing attorney. We walked them through the benefits of the new laws.

Sylvia Torres, our statewide foreclosure-intervention coordinator, counseled clients in risk of foreclosures and outfitted them with the new shields the orders gave homeowners. We also gathered more troops, hiring law-graduate Gamelyn Oduardo-Sierra for the housing hotline and Johnny Beltran as housing hotline community worker to join our ranks and start our pilot program locally.

Shortly afterward, another law was enacted that continued to uphold this new definition of a tenant. In early April 2020, the state Judicial Council stepped in and stopped all evictions with its Emergency Rule 1. CRLA continued to fight against tenant fatigue by counseling worn-out tenants on what the rule meant and continued to train new staff.



*Photograph copyright by David Bacon.*

*Continued on page 16*

## Doing Good Matters... continued

Nearly half a year later, the definition of tenant remained a person who did not have to pay rent. The final wave of 2020 protections came when the state passed Assembly Bill 3088<sup>4</sup> in late August 2020 and the Center for Disease Control and Prevention (CDC) passed its eviction moratorium in September 2020.

In AB-3088, the legislature included rerebraces,<sup>5</sup> vambraces<sup>6</sup> and gauntlets.<sup>7</sup> The CDC's moratorium also included a monolithic umbo.<sup>8</sup> CRLA SLO again responded and relieved tired tenants by reinvigorating them with legal guidance and knowledge, in other words, arming them with the instructions on how to put on this armor and put it to use.

By November 2020, we had our statewide housing hotline fully up and running. The hotline now is led by Laura Ferree, longtime CRLA managing attorney. The team consists of 12 full-time employees housed in our Marysville, Modesto, Santa Maria and San Luis Obispo offices. Each office is well equipped with legal knowledge and strategy and ready for what 2021 brings. ■

### Frank Kopcinsky Adds This Workers Compensation Law Referral List

**William A. Herreras**  
Post Office Box 387  
Grover Beach 93493  
(805) 473-8550

**Law Offices of  
Joseph Emmet Lounsbury**  
426 Barcellus Ave, Ste 302  
Santa Maria, CA 93454  
(805) 556-8757  
Lounsburylaw@gmail.com

**Law Office of  
Wheeler and Beaton**  
Gifford Beaton  
and Scott Juretic  
735 Tank Farm Road, Ste 270  
San Luis Obispo, CA 93401  
(805) 541-2901



**CRLA**

California Rural Legal Assistance is a nonprofit, statewide, Civil Rights law firm with 18 offices throughout the state.

Its San Luis Obispo office has been open and operating, providing legal assistance and services to residents within San Luis Obispo County for more than a quarter century. Frank Kopcinsky has been CRLA SLO's Directing Attorney since 2018.

Workers in need of guidance and assistance with COVID-19 related issues can contact CRLA's COVID-19 Worker's Rights Helpline at (800) 357-9513. Additionally, tenants in need of guidance and assistance with COVID-19 related issues can contact (800) 356-6173. If callers have issues with connecting with either hotline, they may call our San Luis Obispo CRLA office at (805) 544-7994, where they will be screened. Only income-eligible applicants will receive service.

## Footnotes

<sup>1</sup> Out of curiosity, the author looked up definitions of the term *Pandemic Fatigue*. One definition given by the World Health Organization is *demotivation to follow recommended protective behaviors, emerging gradually over time and affected by a number of emotions, experiences and perceptions*. (See: *Pandemic fatigue – reinvigorating the public to prevent COVID-19*. October 5, 2020).

<sup>2</sup> See "How Bad is Unemployment? 'Literally Off the Charts'" by Nelson D. Schwartz, Ben Casselman, and Ella Koeze. Published May 8, 2020 in The New York Times

<sup>3</sup> For a discussion on State Fair Employment laws related to COVID-19 see [https://www.dfeh.ca.gov/wp-content/uploads/sites/32/2020/03/DFEH-Employment-Information-on-COVID-19-FAQ\\_ENG.pdf](https://www.dfeh.ca.gov/wp-content/uploads/sites/32/2020/03/DFEH-Employment-Information-on-COVID-19-FAQ_ENG.pdf)

<sup>4</sup> AB-3088 is also known as the Tenant, Homeowner, and Small Landlord Relief and Stabilization Act of 2020

<sup>5</sup> Rerebrace is a piece of armor designed to protect upper arms.

<sup>6</sup> Vambrace is a piece of armor designed to protect the forearm. Perhaps the COVID-19 Small Landlord and Homeowner Relief Act of 2020 can be thought of as multiple vambraces and rerebraces for homeowners.

<sup>7</sup> Gauntlet is a piece of armor designed to protect the hands. We can think of the COVID-19 Tenant Relief Act of 2020 as both a shield and gloves for tenants. It protects tenants by extending the time period they must pay back-rent to February 1, 2021.

It also gives them ammunition by penalizing landlords for retaliating against tenants with COVID-19 related rental debt. The Act amends Cal. Civ. Code 1942.5 by allowing a tenant to recover \$2,000 for each retaliatory act.

<sup>8</sup> Umbo is a round piece of material at the center of a shield. I call the CDC moratorium this because it provides a gigantic deterrent for landlords from attempting to evict tenants who comply with the order. Individual landlords who violate the order are subject to criminal penalties and fines between \$100,000 and \$250,000. Organizational landlords who violate the order are subject to criminal penalties and fines between \$200,000 and \$500,000.

## Your Expertise Needed in...

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The Lawyer Referral & Information Service (LRIS) has an urgent need for attorneys who practice in the above areas for potential (paying) clients.

If you are interested in prescreened, quality referrals, please call Kerrin, (805) 541-5505.

# Library of Congress 19th Amendment Exhibit Opens May 4 at the SLO Public Library



*"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."*  
— United States Constitution

by Joni Hunt

Photographs courtesy of Chris Borgard

The third time just happens to be the charm for you to view the 19th Amendment Centennial traveling exhibit. Originally scheduled to be displayed April 19–May 2, 2020, at the San Luis Obispo Public Library, the exhibit was rescheduled to August 13–29, 2020. For those dates, however, the venue was again closed because of coronavirus restrictions.

Fast forward to today, and you'll find the exhibit's informative panels with text and photographs residing at the San Luis Obispo Public Library May 4–September 18, 2021, following a showing at the San Luis Obispo County Law Library.

Featuring people and milestones along the journey to achieve voting rights for women, the exhibit begins at the Seneca Falls Convention of 1848 in the panel, "Seneca Falls Launches a Movement," followed by "The Road to Ratification." Viewers then trace the next 100 years of the story in "The Battle for Women's Equality Yet to Be

Won," "Expanding Democracy" and "Lifting As We Climb." The final panel is titled "A Century After Ratification: A New Wave of Suffragists."

Two people who have visited the exhibit put it into historical context.

"It is an honor to have an exhibit from the Library of Congress displayed in our county," said Janice Carr, President of the League of Women Voters of San Luis Obispo County.

"And it is especially important that it is highlighting the American women's right to vote amendment—the 19th. The long, hard 72-year struggle to obtain that right (although it took longer for women of color) should never be forgotten or taken for granted. We owe those women who fought to get us that right continual respect and recognition. Viewing this exhibit is one way to do that."

San Luis Obispo County Bar Association President Joe Benson said, "I'm so grateful we were able to bring this great exhibit from the Library of Congress to our county. The exhibit is a fantastic opportunity for young and old in our community to learn more about the incredible work of suffragists to achieve voting rights for women as well as the gender equality issues that still exist today."



*Continued on page 18*



## 19th Amendment Exhibit continued

Hosting the centennial exhibit at the SLO County Law Library was a privilege for Librarian Angella “Annie” Manuele. “The exhibit provides a nice snippet in time. Some people are amazed at the date of 1920 for ratification. It makes me appreciate the courage people had then, and it shows women and minorities that you’ve got to be strong to keep moving rights forward.” From the library windows that look out to Monterey Street, Manuele has a front row seat to courthouse gatherings about rights and other current issues.

### SLO County Law Library

SLO County Law Library is one of 58—one for each California county—mandated for free use by legal professionals and members of the community. Governed by California Business and Professions Code 6320–6326, the county law libraries are funded primarily with a portion of civil filing fees, and generally receive no tax dollars. Many of the law libraries charge modest fees or fines to cover the cost of special services such as copying, faxing, printing from online sources and inter-library loans.

During 2018–2019, the SLO County Law Library was remodeled for better ADA accessibility. In November 2019, Manuele was named librarian. Her years of working upstairs as a clerk in the Criminal and Civil Courts and in the Family Law Self-Help Center plus her M.A. in Legal Studies prove invaluable for guiding attorneys and the public to the best resources for their queries.

The library’s collection includes

- 14,000 hardbound volumes of cases, opinions and codes
- 28 MCLE books and CDs
- 60 legal periodicals (and back issues of the *Bar Bulletin*)
- A wide selection of handbooks on



“We are here to help San Luis Obispo County attorneys and the community,” says Law Librarian Annie Manuele.

areas of the law such as family, probate, landlord/tenant, bankruptcy, insurance, labor, real estate, etc.

“These materials and ongoing updates are expensive,” Manuele says. “Attorneys and their staffs can use the library’s books, the resources online, and local attorneys in good standing may borrow books. We’ve made arrangements with Westlaw, a popular electronic database, to provide remote access from home so that patrons don’t have to come into the library. CEB On-Law pleading templates are available, and we share resources with larger law libraries such as Los Angeles and Fresno.”

For the public, the library offers free access to a computer and the internet for researching legal questions, or reading and printing out an email from their attorney. Those wanting pro per information have access to about 1300 Nolo e-books, purchased with a grant, and various legal forms to fill out and file. A legal resources list offers community referrals.

SLO County Law Library also works with the Cuesta College paralegal program as a learning opportunity for interns each year.

“We have a great board of trustees, and they work to keep library

resources available, even during the pandemic,” Manuel says. “The local Bar community has been really helpful to the library, too. Following the remodel, they donated desks, computers and chairs, thank you!” ■

### San Luis Obispo County Law Library

County Courthouse Annex  
1050 Monterey Street, Room 125  
San Luis Obispo, CA  
(805) 781-5855  
sloccl.org; lawlibrarian@sloccl.org  
Open Monday–Friday 8:30 a.m.–1:30 p.m. Note that hours are shortened during COVID-19 restrictions.

### San Luis Obispo County Law Library Trustees

President: Rita Neal  
Vice President: Nina Negranti  
Judge Hernaldo Baltodano  
Judge Timothy Covello  
Judge Matthew Guerrero  
Judge Jesse Marino

### Do You Know About the History of the SLO County Law Library?

If so, please contact Librarian Annie Manuele. The library’s only historical files are financial records, but there is no information about original location(s) or the people involved.

# ***A Message for Today From Two Women in Our Past***

**by Judge Rita Federman**

*Photographs courtesy of author*

2020 was a year to revisit hobbies and interests we push to the side due to the press of busy schedules. For me, I had time to brush up my skills at the piano (no, I will never embarrass myself by playing for anyone!). I found podcasts that took me to places I love to visit (try Oliver Gee's "The Earful Tower"). And I found books that catered to my love of history. From childhood, my father inspired my interest in World Wars I and II, while my mother passed on her passion for women's rights and social justice issues. Strangely enough, in a year in which we celebrated the centennial of the women's right to vote, those interests collided in an unexpected way.

A few years ago, I traveled to France with my father to tour the D-Day beaches in Normandy. We then journeyed east and back in time to tour battlegrounds from the Great War in northeastern France. As a bonus, we squeezed in a trip to the farmer's field that bore the Battle of Agincourt, site of Henry V's St. Crispin's Day speech. So at the start of the pandemic, when my father mailed me his copy of Sonia Purnell's "A Woman of No Importance," I gobbled it up immediately. As the byline to the title heralds, it is "the untold story of the American spy who helped win World War II." A veritable understatement.

Virginia Hall was a young American woman with a passion for liberty who clawed her way with focused determination into the British SOE and became a critical agent for the Allies behind enemy lines in Vichy France. She did so at a time when

women largely were dismissed as incapable of making a significant contribution to the ground effort in combatting the Nazis. She succeeded despite a physical disability brought on by a hunting accident that caused her to walk with a clumsily fitting leg prosthesis. She worked at first with almost no resources other than her own wit, resolve and innate organizational skills.

She was so successful in infiltrating Nazi networks that she became a primary target of the Gestapo and the SS, who hunted her down with deadly zeal. Time and time again, she escaped their clutches, even surviving a harrowing trek across the Pyrenees in the snow, marching on her prosthetic leg and carrying her precious radio. Her story is one of unwavering commitment to liberty and is so filled with acts of courage that it is nearly unbelievable (and yet meticulously researched and documented).

While my father sparked my interest in wars fought on another continent, my mother imbued me with an appreciation for the history in my own backyard. Susan B. Anthony and Frederick Douglass loomed large as historical figures in my

hometown of Rochester, New York. Seneca Falls, site of the first women's rights convention in 1848, was only a short drive away, and it now houses a national park and hall of fame dedicated to past and current leaders in the movement.

Not far from Seneca Falls, little visited, but of equal stature in our country's long struggle for liberty and justice for all, is the home of Harriet Tubman in Auburn, where she found common cause with an active contingent of local abolitionists. Ever eager to pursue knowledge, my mother orchestrated a country drive last summer to take a peek at Tubman's home, recently restored as a national park, but currently closed due to the pandemic.

If you have seen the 2019 biopic "Harriet," you, like me, probably were surprised by the depiction of her military exploits in the Civil War. Intrigued, I dove into "Bound for the Promised Land: Harriet Tubman, Portrait of an American Hero" by



*The home of Harriet Tubman in Auburn, New York, has been recently restored as a national park.*



## ***Two Women in Our Past*** *continued*

Kate Clifford Larson. Larsen documents Tubman's life from her birth as a slave in 1822 in Dorchester County, Maryland, to her death as a free woman and civil rights icon in 1913 in Auburn, at the age of 91.

We all know the broad strokes of her story, but her constant struggle to raise funds for her daring raids to free slaves, her perseverance despite battles with debilitating seizures caused by a near fatal head injury, and her heroic physicality in ceaselessly traversing hundreds of miles between Maryland and points north and into Canada, on foot and at great peril, are true courage personified. After the Civil War, she continued to promote the causes of civil rights and social justice, and was active in the women's suffrage movement until her final days. Her feats of heroism are remarkable and wide-ranging, motivated always by her selfless dedication to the well-being of others.

Two women, from very different circumstances, prevailed in unparalleled times, with only their own personal commitment to freedom and resourcefulness to guide them. They both faced death on a daily basis, and were hunted down by adversaries hell bent on their destruction. They endured hunger and physically demanding journeys while overcoming physical impediments that would have discouraged nearly every one of us. Through their own cunning, they built up networks of resistance and gradually garnered respect for their leadership in times when women were not accepted in leadership roles. They cast aside fear and persisted.



*American Cemetery War Memorial in Normandy, France.*

Harriet Tubman and Virginia Hall traveled parallel tracks in dire and dangerous eras. They provide inspiration to us all in difficult times when we feel we can't keep going. ■



### **Meeting Information**

San Luis Obispo Attorney Greg Gillett reports that the inaugural meeting of the Attorneys of Color Coalition took place March 31, 2021, Cesar Chavez Day, and was attended by more than 25 people.

Future meetings are scheduled via Zoom. All are welcome to attend.

Email [gfg@gillettlaw.com](mailto:gfg@gillettlaw.com) for a Zoom invite or more information.



## Abby Lassen Receives WLA's 2020 Owl Award

by Angie King

I am honored to introduce the 2020 Women Lawyers Association (WLA) Outstanding Woman Lawyer award winner, Abby Lassen.

The OWL Award or Outstanding Woman Lawyer Award, given since 2012, honors a local woman lawyer with seven years or more work experience actively promoting the advancement of women. Previous recipients have worked tirelessly advocating for the advancement of women nationally, statewide within the legal profession and outside it; implementing programs supporting women in the community; supporting young women wishing to join the legal profession; and serving as mentors.

This award began as a way to raise awareness of the achievements of women attorneys who promote the advancement of women in the profession and in our community.

Lassen personifies this principle. Her career has focused on public service, representing the marginalized and underrepresented clients. In fact, she says she always intended to use her legal skills to advocate for structural changes in our society that would allow everyone to have the necessary support and opportunity to pursue their potential. She has also been employed as an educator and social service provider, which gave her a firsthand view over the years, through the eyes of her social service and legal clients, of the flaws in our institutions that need to be remedied and holes in the safety net that need repairing.

One example serves to demonstrate her commitment to our

community: it took three years and a lot of negotiating, lobbying and partnering with other agencies, but Lassen was the moving force behind the recent changes in the SLO County General Assistance welfare program that provides a meager cash aid for residents that don't fit into other benefits programs. As a result of her constant pressure, county regulations now conform to state law—improving the GA application approval process, ensuring that all GA recipients receive a housing allowance, adjusting the job search and training requirements to a reasonable level, revising the resource eligibility limit, and allowing for the continuance of GA payments pending a hearing decision.

So, who is Abby Lassen and what has influenced her career direction? When we spoke for this article, one perspective/focus kept recurring: her choices always involved how to make the world a better place.

In Jewish thought, this is called Tikkun Olam: "Any activity that improves the world, bringing it closer to the harmonious state for which it was created. Tikkun Olam implies that while the world is innately good, its Creator purposely left room for us to improve upon His work." This principle was part of Lassen's Jewish heritage and experience as a child, and it has been furthered by her experiences with the diverse cultures she has encountered, and guides her life choices today.

Lassen was always interested in cultural anthropology—the amazing diversity of cultures around the world—and selected Stanford because of its

anthropology program. After graduation, she set off to see the world. First stop was Indonesia, with a two-year program that taught English to their government employees, and where she was also an instructor at one of many teacher training colleges, similar to our community colleges. This experience helped her realize the diversity of humankind, being open to all sorts of people and not making judgments about them. This attitude of being inclusive and open to "others" has certainly helped in her work with underserved and marginalized clients.

On her return from Indonesia, Lassen lived with her older sister in San Francisco, and worked as a teacher's aide in the city's school district. She next took a position with U.S. Public Health Service as quarantine inspector for incoming refugees due to the Vietnam war, from Vietnam, Laos and Cambodia—a challenge, she says, because she did not speak their languages, and not many of the refugees knew any English. It was the age-old point-and-use-gestures to count household members, as they passed through her station, and another milepost on her road to a life of understanding the importance of diversity and inclusion.

Lassen decided that if she wanted a career in which she could make a difference, she needed to pursue graduate studies. It was either social work or law school. Law school won.

Lassen worked to put herself through law school, first at the SF school district, and as a work-study

*Continued on page 22*

student at SF Neighborhood Legal Assistance Foundation and Legal Assistance to the Elderly, where she was an advocate for clients with public benefits cases. While studying for the bar, she was a hearing representative for the Legal Unit of the California Division of Occupational Safety and Health (OSHA).

Are you beginning to get the picture? Lassen will be at the forefront of making her part of the world better, wherever and whatever she is doing.

One thing led to another, and by 1986 Lassen was working in Santa Barbara as an attorney with Channel Counties Legal Services Association, when she met her future husband, Michael LeCover, at a game night sponsored by a Jewish singles group. LeCover was a judge for the Santa Barbara office of the State Workers' Compensation Appeals Board (WCAB). His office was across the parking lot that her office overlooked. Who knew? Within two years they were married.

In 1990, they moved to SLO County when LeCover became one of the judges at the newly opened Grover Beach WCAB office, and Lassen got a position at California Rural Legal Assistance (CRLA).

In her speech accepting the OWL award at the March WLA meeting, Lassen brought up two connected parts of her life and wove them together to make her point: While lawyers serve on the boards of hundreds of nonprofit organizations in SLO County and contribute numerous volunteer hours to our community agencies, the effort to bridge the gap locally to provide legal services to persons who cannot afford the usual billing rate of private attorneys still needs more support from the legal community.

Using her own life experience

of an instance when an unsavory perception of lawyers personally impacted her, she related that when she and LeCover were looking into the possibility of adopting, the agency representative told them they had two strikes against them from the start. They were told the prospective mothers held negative opinions toward attorneys and Jews and that their profile would likely be viewed unfavorably. This misperception dismayed her, and showed even more reason for lawyers to overcome negative stereotypes and the systemic exclusion of some groups of our society. She says it re-affirmed her belief in the importance of concentrating on social justice and diversity issues. In the end, however, they did not proceed with adoption when Lassen became pregnant with her older daughter.

The first strike may be less of a problem now, 30 years later, as bar organizations have overcome the negative perceptions of attorneys by demonstrating the value of our work and our volunteer activities in the community. Some of that has come about from awards programs instituted to showcase lawyers' good works. WLASLO OWL award is one of those.

The other strike cemented her conviction of the importance of concentrating on social justice and diversity issues, as a way to improve the world (Tikkun Olam, again). In her local activities, Lassen has been involved in several volunteer activities aimed at respecting and understanding differences, be they racial, ethnic, sexual orientation or disabilities, in organizations including the Anti-Defamation League Regional Board and the Community Affairs Council of the JCC/Federation of San Luis Obispo; as volunteer legal/benefits consultant for clients of SAFE

(Services Affirming Family Empowerment); South County Youth Coalition Board; Opportunity Conference Steering Committee; member of the Low-Income Health Program Stakeholder Group/Affordable Care Act Planning Committee (studied feasibility of SLO County participating in LIHP and implementation impact of Affordable Care Act); 5 Cities Homeless Coalition Board and Five Cities Diversity Coalition-Steering Committee; and seven years co-leading the Benefits ARCH (Advocacy and Resource Connection for Homeless) coalition of community groups assisting homeless populations applying for SSI and other government benefits, just to name a few.

In all these activities, Lassen made choices about her career. While her two children were young, she chose to take what some call the "mommy-track" in order to stay home with them and nurture their early childhood development. She, and many other women, however, call this choice work-life balance. Making the world a better place means raising children who value inclusion and diversity and non-judgmental attitudes.

Lassen says she purposely decided to be part of their childhood development and, thus, chose work positions that allowed her the flexibility to be home with them. This is one of her bits of wisdom to pass on to the next generation of attorneys (both men and women): you can choose to balance your work and your life, and your priorities. It was a conscious choice to make her own life work for her, to fit her priorities. During this time, she volunteered at many of those organizations listed earlier, and others more connected with her children's growth (e.g., Nipomo Branch Library Volunteer;

Measure A School Bond (funds for construction of Nipomo High School) Steering Committee Member and Voter Registration Coordinator (LMUSD); LMUSD School Boundaries Committee, Bright Futures Sustainability Committee member, Nipomo Elementary School Site Council member; PTA membership chair for Nipomo and Dana Elementary Schools; classroom volunteer in LMUSD schools; Girl Scout Co-Leader around 2001 and Summer Camp Counselor.

After working in education and social service positions that fit her daughters' school schedules, as well as volunteering at CRLA, Lassen went back to work as a staff attorney at CRLA only when her younger daughter was in middle school; she's now a graduate student at UT Austin in social work. Her older daughter holds a PhD in chemical and biomolecular engineering and is employed by a think tank that advises the U.S. Navy.

Lassen herself has just started a newly created position as Health Equity Coordinator with the County of SLO Public Health Department, which she says gives her the opportunity to collaborate with a hard-working team in on the ground floor responding to the pandemic vaccination efforts and the county's changing needs. It gives her another opportunity to make a difference—to help ensure our County's response to the pandemic is equitable.

Health equity is achieved when everyone has the opportunity to attain her full health potential and no one is disadvantaged in doing so due to her social/economic position or other social circumstance. One of Lassen's main tasks is to coordinate the countywide effort to reduce the disparate burden of Covid-19 among populations known to be at disproportionate risk.

This segues perfectly into the series of questions that I was asked to include. "What motivates you?" should be obvious by now. It is, Lassen says, the quest to improve and provide basic needs for everyone—housing, decent wages, health care, child care, opportunities to advance, e.g., Tikkun Olam.

When I asked, who inspires you and why, she said "RBG and Madeleine Albright, for obvious reasons. And my clients," she adds quickly, "whose pursuit of their rights and their willingness to persevere despite difficult circumstances inspires me."

King: What do you find enjoyable about your job?

Lassen: In general, working well with a team of like-minded people addressing a problem together. The sense of community is important to her. This is apparent from the partial list of positions she has held, where "collaborative," "coalition," "stakeholder group" are words that help define the task of the participants.

King: What challenges do you

encounter?

Lassen: There are never enough resources or staff to do an adequate job for the clients. It is also a challenge to overcome the chasm that seems to exist between providers at the ground level, social workers at Department of Social Services, for example, or school counselors, or the many nonprofits that serve her client population, and the legal resources they need.

As she said in her remarks to WLA, "The effects of the pandemic and the efforts of the racial justice movement have trained a spotlight on the structural inequities that persons of various ethnic, racial and other marginalized groups still face today in the United States. In our county with a population of less than 300,000 persons, I understand that we cannot solve all the nationwide issues, but I do believe that our small size is an advantage for bringing together our community to agree on strategies to provide more affordable housing and supportive services to persons who are homeless and to support the work of agencies such as the First Five Commission and the Community Action Partnership of San Luis Obispo, which encourage best practices for early childhood education and strive to improve child care options."

And that is why she is the Outstanding Woman Lawyer of 2020. Congratulations, Abby Lassen. ■

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## *Fantasy Witnesses*

# Robert Frost—How Does One Question a Poet?

by Jeff Radding

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*Poets aren't very useful  
Because they aren't consumeful  
or very produceful.*

—Ogden Nash

How does one question a poet?  
How does one trust their words, even  
if under oath? It's not that poets lie.  
Their words, though, deceive. What  
*did* that mean? What did *that* mean?



Robert Frost—a notable name in the card catalog of the Great American Library—is celebrated for having traveled a different literary road. Contemporaries of the late poet praised Frost for having “turned the living speech of men and women into poetry,” writing poems with “plain language and lack of rhetoric, the careful rendering into meter of customary speech.” If Robert Frost wrote poetry in the vernacular, would he testify in the language of poetry?

San Luis Obispo Superior Court Judge Craig van Rooyen, a published poet, presides. The witness, Robert Lee Frost, is sworn.

**Counsel:** Mr. Frost, that moment in 1916, please tell the court where you were going.

**Witness:** Two roads diverged in a yellow wood,  
And sorry I could not travel both  
And be one traveler, long I stood  
And looked down one as far as I could  
To where it bent in the undergrowth;

**Q:** (*That's vernacular?*) What did you do next?

**A:** Then took the other, as just as fair,  
And having perhaps the better claim,  
Because it was grassy and wanted wear;  
Though as for that the passing there  
Had worn them really about the same,

**Q:** Did the choice matter, I mean relative to your destination?

**A:** And both that morning equally lay  
In leaves no step had trodden black.  
Oh, I kept the first for another day!  
Yet knowing how way leads on to way,  
I doubted if I should ever come back.

**Q:** Hmm. How do you feel about that?

**A:** I shall be telling this with a sigh  
Somewhere ages and ages hence:  
Two roads diverged in a wood, and I—

I took the one less traveled by,  
And that has made all the difference.

**Q:** Mr. Frost, I'm hearing “*The Road Not Taken*,” your work the *New York Times* poetry columnist called “the most misread poem in America.” Now that you're under oath: what's your point? That individuality lies along the road less traveled? That meaning resides in arbitrary decisions? That the road *not* taken sows regret?

**The Court:** ...regret—that hard milk quartz, once slick between your teeth as you tested its consistency, now settled in your innards like a heavy pearl<sup>1</sup>....

**Counsel:** Yes, your Honor, of course.

**Witness:** My poems—I should suppose everybody's poems—are all set to trip the reader head foremost into the boundless. Ever since infancy I have had the habit of leaving my blocks, carts, chairs and such-like ordinaries where people would be pretty sure to fall forward over them in the dark. Forward, you understand, and in the dark.<sup>2</sup>

**Counsel:** (*Sigh.*) No further questions, your Honor, and this witness definitely may be excused. ■

### Footnotes

<sup>1</sup> From “*Why Stone Collecting Will Never Save Your Life*” by Craig van Rooyen, 2010.

<sup>2</sup> From Robert Frost letter to Leonidas W. Payne, Jr., Professor of English, University of Texas, November 1, 1927.

# Q & A

# Criminal Justice Reforms Enacted in California, Part 3

by Kara Stein-Conaway and Jeffrey Stein, Stein-Conaway Law Firm

*While the nation is looking for criminal justice reform, California has enacted legislation to address certain issues. Asking prosecutors and criminal defense attorneys will give readers insight into what is happening in their worlds. This is the third part of the article, which started with the perspective of Chief Deputy DA Lisa Muscari in the January–February Bar Bulletin. The perspective of criminal defense attorneys Jeffrey Stein and Kara Stein-Conaway began in the March–April issue and wrap up here.*

## Additional CA Criminal Legislation

### Practical Implications

**SB-1220**, a police reform measure, would have mandated *Brady* notification (exculpatory information) from law enforcement agencies to prosecutors so that prosecutors are able to meet their Constitutional and ethical discovery obligations and to provide greater transparency in our criminal justice system. The Governor refused to sign the bill and instead vetoed it. The bill was approved by both the Senate and Assembly Public Safety Committees, and there was only one No vote (Melendez) cast against the bill when it was considered by both houses. It had nearly unanimous bi-partisan support from the entire legislature.

While the overwhelming majority of peace officers' personnel files do not have *Brady* material, a percentage does. SB-1220 would have made it possible for prosecutors to discover and disclose exculpatory evidence such as sustained disciplinary findings, bias or dishonesty. In recent years, the California Supreme Court has lauded and upheld the voluntary law enforcement practice of notifying prosecutors when an officer's file may contain *Brady* material. [*Association for Los Angeles Deputy Sheriffs v. Superior Court* (2019) 8 Cal.5th 28, 53-55; *People v. Superior Court (Johnson)* (2015) 61 Cal.4th 696, 713-714.]

The high court made clear, however, that no statute requires law enforcement agencies to make such notifications. Because no law compels it, some of California's largest agencies do not provide *Brady* notifications to prosecutors. Without this information, the defense is unable to confront law enforcement witnesses with prior misdeeds that may impact the witnesses' credibility. SB 1220 solves this problem by requiring law enforcement agencies to notify prosecutors when a peace officer has potential *Brady* material in his or her personnel file.

### Potential Benefits and/or Detriments

The implementation of SB 1220 would have helped to ensure that law enforcement agencies comply with constitutional requirements to disclose potentially exculpatory information contained in an agency file that the prosecutor is not aware of. This will afford both prosecution and defense an opportunity to more accurately evaluate the credibility of witnesses and make better decisions about whether to charge a case, resolve a case or proceed to trial. Once a Judge decides to allow the information to be admitted as evidence, Jurors would have been able to more fully evaluate the witness' credibility.

There are no detriments of this bill passing other than law

enforcement having to review files and to provide the *Brady* material to prosecutors.

## DEFENSE THOUGHTS

Recent years have witnessed meaningful reform of police records confidentiality.

**1. Police Officer Misconduct Records**  
After 2006, California has become one of the most secretive states in the nation in terms of openness when it comes to officer misconduct and uses of force. Moreover, interpretation of our statutes has carved out a unique confidentiality exception for law enforcement that does not exist for public employees, doctors and lawyers, whose records on misconduct and resulting discipline are public records. SB-1421 (2018)

**2. Expansion of Peace Officer Personnel Records Subject to Release**  
Senate Floor Analysis (8-31-20) described the scope of the legislation as follows.

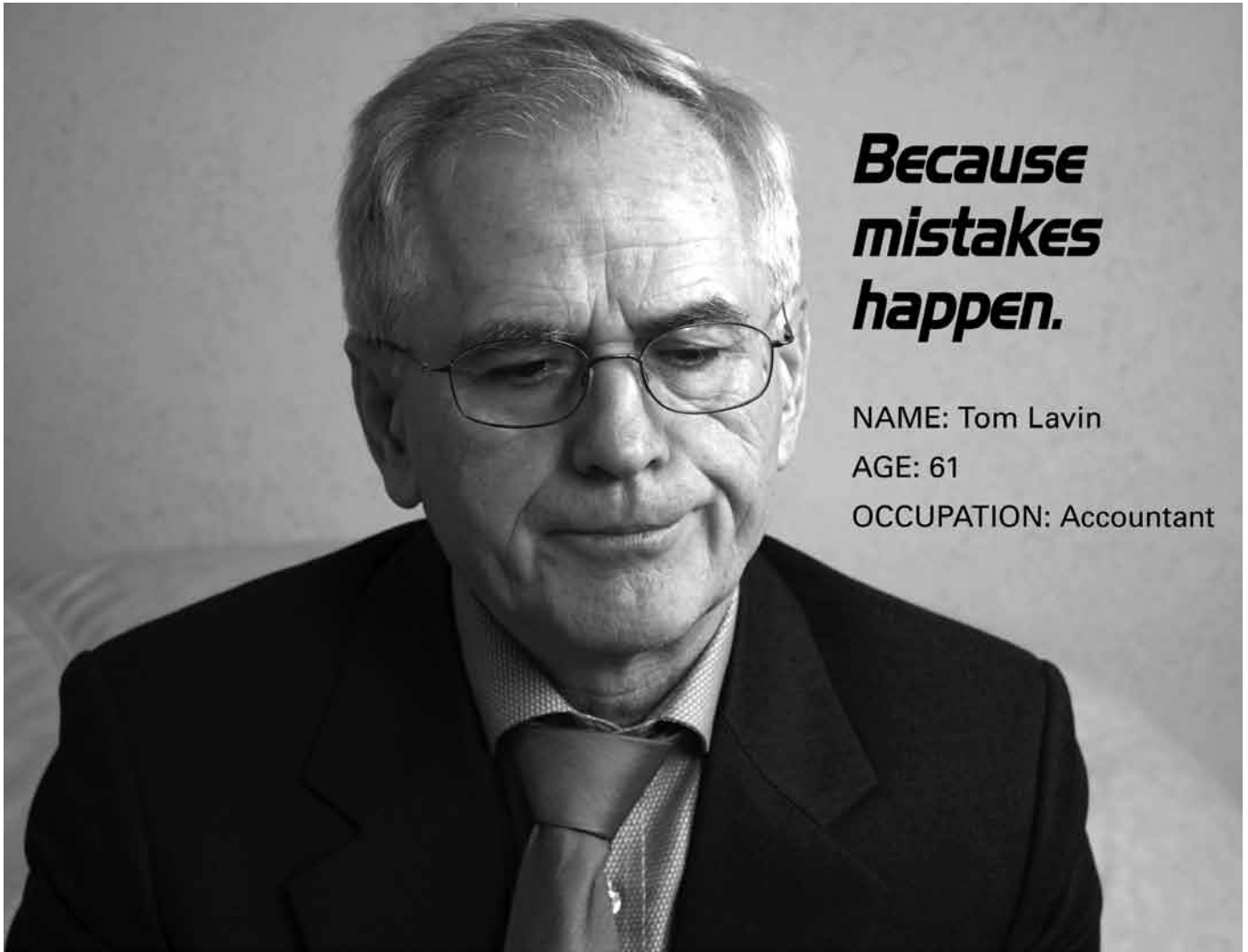
This bill expands the categories of police personnel records that are subject to disclosure under the California Public Records Act (CPRA).

The Senate analysis characterizes the need for these added amplifications in regard to peace officer records disclosures.

This bill seeks to respond to agencies flouting of the law by

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## CA Criminal Justice Reforms continued

allowing a court to impose civil penalties on an agency for delaying disclosure of SB-1421 records and increasing attorneys' fees for litigation over those records to discourage violations of the law and increase compliance.

Even though California has radically shifted its confidential treatment of police records, it remains an outlier when it comes to the public's right to know about police misconduct and use of force. At least 20 other states have far more open access, including New York, which completely eliminated its statutory scheme for confidentiality in police personnel records this summer. California's law remains narrowly focused in disclosing only specified categories of misconduct and uses of force. By expanding the categories of disclosure, the bill adds on to SB-1421's structure of mandating disclosure about the most important incidents, including all uses of force, wrongful arrests and wrongful searches, and records related to an officer's biased or discriminatory actions. SB-776 (2020)

Essentially, the legislation is intended to serve the goal of compelling the greater public opportunity to be aware of the actual demonstrated misconduct of peace officers that had been effectively concealed by prior legal structures.

General experience of the defense bar is that the Brady evidence (*Brady v. Maryland* (1963) 373 U.S. 83) for which a duty to disclose exists is rarely volunteered by prosecutors. Here is a summary of the *Brady* duty.

The *Brady Rule*, named after *Brady v. Maryland*, 373 U.S. 83 (1963), requires prosecutors to disclose materially exculpatory evidence in the government's possession to the defense. A "Brady material" or evidence the prosecutor is required to disclose under this rule includes any

evidence favorable to the accused—evidence that goes toward negating a defendant's guilt, that would reduce a defendant's potential sentence, or evidence going to the credibility of a witness.

The Senate Floor Analysis (10-14-20) describes the purpose of the legislation as follows.

This bill requires each prosecuting agency to maintain a Brady list and any law enforcement agency to, annually and upon request, provide a prosecuting agency a list of names and badge numbers of officers employed in the five years prior to providing the list that meet specified criteria, including having a sustained finding for conduct of moral turpitude or group bias, and establishes a due process procedure for the officer to contest their inclusion on the list.

The analysis goes on to describe the actual imposed disclosures required.

The scope of disclosure in this bill would be the following. It would include officers who did the following.

- Sustained findings that they engaged in sexual assault involving a member of the public.
- Sustained findings that they engaged in an act of dishonesty related to the reporting, investigation or prosecution of a crime; including but not limited to a sustained finding of perjury, false statements, filing false reports, destruction, falsifying or concealing of evidence.
- Sustained findings for conduct of moral turpitude.
- Sustained findings for bias against a protected class. (SB-1220 page 7)
- A conviction of a crime of moral turpitude.
- Is currently facing criminal charges.
- That the officer is on probation for a criminal offense.

These duties to disclose seem

reasoned obligations that misconduct should be forced to be revealed.

Because the information is not under the control of the People, unless the police reveal it, suspicion has always existed that such key information is not shared as required. This legislation is intended to increase the likelihood that the required information is provided.

### DEFENSE LEGISLATIVE CHANGES OF IMPORTANCE

*Added Significant Enactments in 2020*

#### 1. Implementation of Tiered Sex Offender Registration Termination Petitioning

Although this first-ever California limitation on sex offender registration was enacted in 2017 (SB-384), it is first able to be implemented by a petition process on July 1, 2021. This offers a reasoned means to lessen the expenditure of unproductive time by law enforcement in verifying registration of past offenders who the California Sex Offender Management Board (CASOMB) has determined pose no elevated threat over that of the regular member of the public and need not be singled out for scrutiny. (See CASOMB: A Better Path to Community Safety Sex Offender Registration in California "Tiering Background Paper")

#### 2. Equal Treatment for LBGTQ Registered Offenders Resulting From Consensual Conduct—SB-145 *Retroactive Termination Possibilities*

A prior case: *People v. Hofsheier* (2006) 37 Cal.4th 1185 held that requiring mandatory sex offender registration for one such offense—oral copulation—was unconstitutional if the state did not also require registration for a person convicted of non-forcible sexual intercourse with a minor because it made an illegal

*Continued on page 28*



## CA Criminal Justice Reforms continued

distinction based on the sex act itself.

The Supreme Court, in a rare move, reversed its *Hofsheier* decision in *Johnson v. Department of Justice* (2015) 60 Cal. 4th 871. This legislation restores the effect reached in *Hofsheier*, eliminating mandatory registration while allowing the court to impose registration on a discretionary, good cause basis.

The summary of the bill is stated in the Assembly Appropriations Committee Analysis (9-17-20) as follows.

This bill exempts a person convicted of non-forcible voluntary sodomy with a minor, oral copulation with a minor or sexual penetration with a minor, as specified, from having to automatically register as a sex offender under the Sex Offender Registry Act (SORA) if the person was not more than 10 years older than the minor at the time of the offense and the conviction is the only one requiring the person to register.

This change in law is an important step towards having equal treatment because now a non-forcible voluntary sexual act with a minor is not subjected to sex offender registration differently based on whether the act was intercourse, sodomy, oral copulation or sexual penetration.

Because previous convictions certainly exist that are for voluntary conduct that now is not on the “mandatory” registration list, registrants who were convicted of such qualified voluntary conduct should be advised that they have a path available to seek to terminate registration immediately separate from the tiered registration termination legislatively authorized by SB-384.

### 1. Elimination of Reporting Duty re Child Abuse for Consensual Conduct—AB-1145

Mandates to report sexual activity to law enforcement have long existed for enumerated mandated reporters, even if the conduct at issue was between voluntary and the older person was close in age to the minor participant. This bill would provide that “sexual assault” for these purposes does not include voluntary sodomy, oral copulation or sexual penetration, if there are no indicators of abuse, unless that conduct is between a person who is 21 years of age or older and a minor who is under 16 years of age. This bill was seen as an equalizing step to treat the LGBTQ community in an equal fashion as originally envisioned in *Hofsheier*.

### 2. Clean State Act—AB-1076

Prior legislation has been aimed at lessening impacts of those who are charged in the criminal justice system, with the goal of assisting them in regaining the ability to be employed and economically viable. Labor Code 432.7 (Ban the Box Legislation) is typical, in that under a range of circumstances, defendants can gain a meaningful relief in employment-related contexts after demonstrated law-abiding behavior or if arrested but not charged. The Clean Slate Act provides a variety of relief opportunities where arrest has occurred without conviction or when a successful diversion participation has been completed.

#### 1. Juvenile In-Custody Interviews Require Attorney Consultation Before Miranda Waiver—SB-203

Existing law authorizes a peace officer to take a minor into temporary custody when that officer has reasonable cause to believe that

the minor has committed a crime or violated an order of the juvenile court. In these circumstances, existing law requires the peace officer to advise the minor that anything the minor says can be used against the minor, that the minor has the right to remain silent, that the minor has the right to have counsel present during any interrogation, and that the minor has the right to have counsel appointed if the minor is unable to afford counsel.

Existing law requires, until January 1, 2025, that a youth 15 years of age or younger consult with legal counsel in person, by telephone or by video conference prior to a custodial interrogation and before waiving any of the above-specified rights.

This bill would instead apply these provisions to a youth 17 years of age or younger and would indefinitely extend the operation of these provisions. The bill would direct a court to consider any willful failure of a law enforcement officer to allow a youth 17 years of age or younger to speak with counsel before a custodial interrogation in determining the credibility of that law enforcement officer.

#### 2. Limitation on Peace Officer Use of Force—AB-1869

This bill would prohibit a law enforcement agency from authorizing the use of a carotid restraint or a choke hold, as defined. Training and use of force policy requirements for police agencies are included.

#### 3. Economic Impact Reduced in the Criminal Justice System—AB-1869

California in recent times has recognized that criminalizing poverty is unjust. Bail setting now requires the court to consider ability to pay for setting bail in non-public safety

settings (*In re Humphrey* (2018) 19 Cal. App.5th 1006) and in setting fines. Due Process requires the trial court to conduct a hearing to determine if a defendant has the present ability to pay, before it imposes court facilities and court operations assessments (*People v. Duenas* (2019) 30 Cal. App. 5th 1157).

AB-1869 involves the legislature repealing or reducing 23 criminal administrative fees previously imposed on convicted criminal defendants.

#### 4. Humane Treatment for Women in Custody—AB-732

*Descriptions from the Assembly Floor Analysis (8-29-20)*

##### The Problem

The lack of standardization of social and clinical care, support and accommodations in state prisons and county jails adversely impacts pregnancy and childbirth outcomes as well as the health and wellbeing of both parent and infant. It also increases the numbers of preventable pregnancy and childbirth related deaths, severe complications, and unnecessary interventions including

cesarean births. Loose interpretation of the existing language and guidelines has proven to be a threat to incarcerated people's reproductive health, rights, experiences and outcomes.

##### The Remedy

Our criminal justice system does not sufficiently consider or address the particular circumstances of pregnant people. A review of policies and practices of California's county jails revealed that pregnant inmates do not receive adequate care during and after pregnancy. While institutions of incarceration should be meeting all the health needs of people behind bars, reproductive and health care needs are often unique and time-sensitive. This bill would help ensure that county jails and state prisons have dignified reproductive health-care conditions for pregnant inmates before, during, and after birth.

AB-732 would require county jails and state prisons to ensure pregnant inmates are scheduled for prenatal visits, referred to social services, given access to community-based programs, and provided with postpartum examinations. This bill

would also prohibit the shackling, restraining, and solitary confinement of pregnant inmates.

##### Defense Conclusion

This was a huge year in the California legislature for reconsidering and revising policy approaches that had been viewed as wrong-headed or inadequate to deal with the problems that they were intended to address. The outcomes advance some interests and adversely impact others. The legislature reflects the social issues that are present and ever-changing in society. The members review the problems that they recognize or are advised of by constituents and interested parties and do their best to find appropriate solutions. For anyone not content with the enactments, the new session has begun, and participation is open to all. ■

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  - May–June
  - July–August
  - September–October
  - November–December

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2021 Bar Bulletin  
Tara Jacobi, Editor  
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