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San Luis Obispo County



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Cover: The Gala Pride & Diversity Center, on Palm Street in San Luis Obispo, promotes diversity, equity and inclusion for county residents. Photo courtesy of Tara Jacobi.

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The *Bar Bulletin*, ©2022, is published six times a year by The San Luis Obispo County Bar Association, P.O. Box 585, San Luis Obispo, CA 93406, (805) 541-5930, and subscription is included in the membership dues. The *Bar Bulletin* welcomes and encourages articles and letters from readers. Please send them to Tara Jacobi at the above e-mail address. The San Luis Obispo County Bar Association reserves the right to edit articles and letters for publication. All material herein represents the views of the respective authors and does not necessarily carry the endorsement of the San Luis Obispo County Bar Association, its Board of Directors, its committees, and/or its sponsors and advertisers, unless specifically stated.

President's MESSAGE



‘Use Meditation to Find Peace Within’

by Kara Stein-Conaway

“Yesterday I was clever, so I wanted to change the world. Today I am wise, so I am changing myself.” —Rumi

I became a lawyer because I wanted to change the world. I saw a legal education and becoming a lawyer as a way of acquiring the tools I would need to maximize the impact I could have in the world—in this one short, precious life.

I expect that many of you came to the practice of law for similar reasons. In recent years, I’ve had the awareness that while changing the world around me remains important to me, changing myself, as Rumi teaches, has become more and more important.

One of the ways in which I have been working on changing myself is through meditation. I’ve had quite a journey.

When I first started meditating, I did five minutes a day, and that felt like a challenge at the time. It was five minutes of just sitting there or lying there, being still and observing my thoughts, breathing and being with myself. It felt like a challenge, and it didn’t always feel really great.

Sometimes meditating felt kind of frustrating because I

would have thoughts racing through my mind, and I didn’t want that. I knew that it was supposed to be a time for peace and calmness.

So, when it didn’t feel that way, I sometimes felt frustrated. But, I committed to it.

I stayed consistent and I kept that five-minute meditation in my daily morning routine.

Then, something really interesting happened with my meditation practice. It just started getting easier, and it just started feeling better. Soon, I wanted to spend more time meditating.

When I was recording Episode 2 of “The Business Mamas Podcast,” a podcast I started in 2021, I talked about how I had increased the amount of time I was meditating from 5 minutes a day to 10 minutes a day. I talked about the differences I was starting to feel from increasing the amount of meditation time.

Now, additional time has passed. I have maintained meditating for 10 minutes a day for some time until I started feeling

like I wanted to do more. I began selecting longer meditations, sometimes 15, sometimes 20 minutes. Sometimes I feel like I’m so in my joy of being present that when I finish the meditation I’m thirsting for another 15 or 20 minutes to be in that beautiful, peaceful state that I’m cultivating.

And so it really does feel like a beautiful progression that I have watched myself go through since I started meditating consistently beginning in December 2017, when I implemented a daily morning routine. Meditation is one of the most important parts of that routine. Over the years now, this morning routine has been a slow process. I’ve been really patient with myself; I didn’t force myself to increase the amount of time I was meditating.

Instead, I approached it from an experimental mind-state. I thought, ‘I’m starting to feel benefits from meditating for 5 minutes. I wonder what it would feel like if I tried this for 10 minutes?’

That same experimental

mind-state then allowed me to increase my practice from 10 minutes to 20 minutes, and even longer on some days.

I think that having an experimental mind-state is something that has huge value, not just in meditation, but in all aspects of our life. When we want to try something new, but we're not sure if we're going to like it, or we're not sure if it's going to be a good fit, or we're not sure if we have time, we can choose to approach it from an experimental mind-state. Just give it a try. Don't attach any meaning or judgment if it doesn't work out.

The thing that I'm reflecting on now, when I look back at my journey of learning to meditate, is that by allowing myself to experiment, by leaning in to trying something new, I tried spending a longer amount of time meditating, and I ended up developing a powerful way to nurture myself, a powerful way to soothe myself, a beautiful resource to turn to when I'm feeling low or heavy.

When I'm feeling like there's just too much to sort out, I know that I have this resource of listening to a meditation to help me get back to that beautiful, peaceful, present state that I know I am capable of living in, and living from and living with. So, I want to share that journey with you, so that you can know that's a possibility for you too.

If you haven't tried meditating yet, I would really encourage you to give it a try. Start small. Make a small commitment to yourself of five minutes a day.

In the beginning, it might

be something that you do have to just make that commitment to do, even if you're not really feeling the wonderful benefits just yet. See if there's a part of it that you can enjoy, that you can appreciate. Even if it's just breathing. There's a sweetness to just allowing yourself to breathe, and five minutes of breathing will benefit you.

Just being aware of your breathing is a gift. So, I hope you'll give yourself that gift of five minutes a day of meditation, knowing that it could lead you to a beautiful new way of experiencing your life.

I'm going to share with you a five-minute meditation that I love, that I hope could be a good one for you to get started. Meditations, of course, are very personal. It's a message that you're listening to that either resonates with you or perhaps



doesn't resonate with you. And so if the one that I suggest doesn't resonate with you, I would encourage you to search for one that does.

The five-minute meditation I will share with you is called "I Am the Sea" by Carmen Warrington. I found this on the Insight Timer app, and it's free to listen to. Insight Timer has a lot of great free meditations.

"I Am the Sea" is a visualization meditation. What I get the most out of this beautiful meditation is that it reminds me that even when things all around me feel rough, like the ocean waves, I am capable of diving down deep below the surface, below the crashing waves into the deep water of my soul, of my being, and that I am capable of soothing myself, calming myself, comforting and loving myself.

To be able to show up for myself in that way is such a treasured skill that I have developed over this time. One of the ways that I have developed this skill is by using "I Am the Sea." I hope you will give it a try.

The link takes you to the meditation: <https://insighttimer.com/br/meditacao-guiada/i-am-the-sea>

If this one is not for you, then I hope you'll look around a bit and see if you can find a sweet five-minute meditation that you can practice daily. During these challenging times that we live in, we need to keep fueling ourselves so that we can change the world in a positive way.

I'm grateful for Rumi's reminder that changing ourselves is also a worthy cause to dedicate our precious time to. ■

This President's Message was adapted from Episode 32 of Kara Stein-Conaway's podcast, "The Business Mamas Podcast." Learn more on Instagram @karasteinconaway

For information about the Stein-Conaway Law Firm, P.C., where attorneys Kara Stein-Conaway and Jeff Stein help adults accused of crimes in SLO County with their criminal defense practice, please visit www.steinconawaylaw.com.



Editor's Note

by Tara Jacobi

It is that time of year again. It is time to check-in with the potential future generation of lawyers and judges. In the pages ahead, John Fricks gives us his report about student efforts in the mock trial competition. Lisa Sperow reports on WLA's selection of scholarship recipients assisting future women lawyers. And I had the opportunity to learn from Kristin Crisp about legal writing at our law school.

Now, don't think students are the only ones learning. Judge Peron took the time to inform us about the educational experiences of our judges. Her article is an enlightening account of her long-time involvement in this "hobby."

If members didn't have the opportunity to catch Professor Nancy C. Unger's recent continuing legal education presentation, which WLA sponsored about LGBTQ American history, you're in luck because she recently agreed to have a conversation with me, which I am thrilled to share. Listening to her speak very passionately about LGBTQ American history was inspiring. I hope readers find it informative.

I never would have imagined in my youth the role technology

now plays in our lives. When you read in the news about the actions being taken concerning Russia and, well, YouTube as well as Facebook are mentioned as players on our international political stage, I am astonished. This solidifies the power and presence of technology. It is a much different world with the presence of the Internet. I wonder if Mark Zuckerberg thought when he was at Harvard that he would play a role in foreign policy? Not to mention the pandemic. What the pandemic has done to restructure the way we work I find utterly amazing. I am immensely excited about the more readily accepted idea of working remotely.

While working in Nevada before moving to California, 12 years ago now, I knew a senior district attorney that was given the unheard of opportunity to bring her newborn into her office for the first year, crib and all, to allow her to nurse the baby and be with her that first year while she practiced law. Yes, this is and was possible. Although I am not sure anyone else had this privilege in the entire state of Nevada, or most states in the country for that matter.

Now many of us with the pandemic were given the direct order to do just that—balance work and children, albeit from home. Out of necessity we learned what is possible after being told that we couldn't work this way. And now we know it is possible.

A professor recently told me he hailed from California, but

a decade ago he left the West Coast for the East Coast, to live in Washington, D.C., because he wished to work in publishing. While New York is the current capital of trade publishing, Washington, D.C., is the current capital of scholarly publishing. If he was making this decision now, he expressed, he might not have moved from his beloved California but maybe opted for remote work. Interesting times.

I've sometimes thought to myself the constant effort of getting dressed up in suits with all the trimmings, commuting to work, and adhering to a structural inflexibility imposed without foresight was not always the best use of time and resources. I am sure I am not alone in these thoughts, but now most of us have had the opportunity to experience life without these sometimes rigid drains on resources and, well, some may not go back.

Many might have found a new-found respect for stay-at-home parents or homeschooling parents, masters of multitasking in a single space. Others might be pulling their hair out while running back to the office, and some might be saying only a pandemic could have paved the way for the acceptance and permanence of remote work. I will say—it's about time. ■

—Save the Date—

Summer Social

5:30p.m. Thursday, July 28

Watch for details...

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Cui Bono

The “Gift” of Mock Trial

by John Fricks

For years now, I thought that the San Luis Obispo County Mock Trial was something that I, along with a large dedicated group of lawyers, judges and teachers, put together for the benefit of area high school and middle school students. It was our labor of love, I thought, as we “gifted” this competition and program to 175 or so kids every year. This year, however, I learned how wrong I’ve been....

This year, of course, was our follow-up to the 2021 once-in-a-lifetime “virtual” Mock Trial competition where the trials were held on Zoom instead of in-person in the downtown courthouse. And then some variants with Greek letters intervened and we found out the pandemic was not finished with us—2022 Mock Trial became a *twice-in-a lifetime* virtual event.

When virtual became official, my thoughts turned uncharacteristically gloomy at the prospect, and I sullenly considered the losses, large and small, that many of us had suffered since March 2020, especially the kids. It was noticeably difficult this year to persuade professionals who were physically and emotionally exhausted to volunteer again during their down time to sit in front of a screen for Mock Trial.

Fortunately, the Mock Trial committee (and others) pitched in and picked up the slack—indeed, the 10 trials judged by Mock

Trial Committee members this year was a record. What pulled me and, I hope, the rest of the professionals involved with the program out of our funk? The “gift” that the students participating in Mock Trial gave us...their enthusiasm and their optimism, despite less-than-optimal circumstances, could not be stopped.

As but one example, we gave students the opportunity to be in a single room together at their school wearing masks (team zoom) or, like last year, in their homes without masks (individual zoom). We warned them of the difficulty of wearing masks and being heard and the other technical difficulties (feedback, etc.) that team zoom would cause. Despite these warnings, *every single school elected team zoom*.

Why? Because the students wanted to be TOGETHER...and their joy in being together was evident. This was the real gift that the students gave me and the

rest of us tired professionals who participated in 2022 MT—the reminder that working together, heck, just being together, is the way to solve problems and to enjoy life.

So, consider this a “thank you” from me (and us) to the kids who make it all worthwhile and who can sometimes lift the fog of a dreary day from even us jaded grownups. *Cui bono* (who benefits)? Well, this year everyone benefited and the adults more than anyone.

As for the competition itself, congratulations (again) to San Luis Obispo High School, our County champions. SLO High seniors celebrated a County championship in each year of their high school careers, quite a feat. Judkins Middle School knocked off two-time defending champion Laguna in the finals. Bragging rights for this year go to Kristi Burleson (teacher), Carrie Winters and Melodie Rivas-Beard for SLO High; and Sara Maier (teacher) and Scott Lewis for Judkins.

We also welcome long-time Mock Trial volunteers Greg Devitt and Lisa Sperow to the Committee. Until next year.... ■



In 2021, Mock Trial was held virtually via individual Zoom.



Judicial Education: Judges Teaching Judges

by Judge Gayle Peron

I am spending my spare time these days—lunches, evenings, and weekends—planning the course schedule, recruiting faculty, and dealing with the logistics that go along with presenting two consecutive weeks of education for newer California judges. This is because I have the honor of serving as the Dean of the B. E. Witkin Judicial College (the College) for 2022 and 2023. This is the culmination of years of participating in judicial education, which has been a hobby/adjunct to my day job as a judge.

As a lawyer, I didn't give much thought to judicial education. If pressed, I would have guessed that judges took the same classes offered to attorneys and that they also researched and read the law on their own. When I was selected as a commissioner but before I started the job, Commissioner Perry handed me Judge David Rothman's 800-page tome on judicial ethics, the "California Judicial Conduct Handbook," and suggested I read it before I took the bench. I read it cover-to-cover and it opened my eyes to issues that had never crossed my mind as a lawyer.

Once I took the bench, though, I learned about The Center for Judicial Education & Research (CJER), a part of the

administrative office of the California court system that directs judicial branch education with involvement of judges, justices, court executives and court attorneys.

With 2,500 justices, judges and subordinate judicial officers (commissioners and referees), and nearly 20,000 court staff, CJER is responsible for education that "supports standardizing court practices to ensure that all Californians have equal access to participate in court proceedings and are treated fairly." [Fact Sheet, CJER, April 2019.]

Other states may have some degree of formalized, in-state education, but not as extensive as the California system. Some tout the California judicial education system as the best in the world. Less-populated states often rely on judges attending courses at the National Judicial College (NJC) in Reno, Nevada, to fulfill their education needs. While California judges may choose to take NJC courses, the mandatory and elective courses offered through CJER cover the gamut of all the aspects of our job.

The model for California's judicial education system is "judges teaching judges," using current adult education principles. Judges volunteer to teach and are not compensated for their

teaching duties. To assist, CJER offers training for judges, focused on how to effectively teach adults.

New Judge Education

Every new judicial officer (superior court judge, commissioner or referee) is required to attend New Judge Orientation (NJO) within six months of taking the bench. It is a one-week course for 12 to 14 new judges that focuses on ethics, how to adopt a judicial mind-set and fairness. Usually, a team of four judges act as faculty for NJO.

As a new judge, I wondered why this course wasn't required before starting the job. CJER has found that the class is most helpful if the judge has been on the bench for a couple of months before attending. It seems counter-intuitive, but having some time on the bench makes the class more meaningful (and memorable).

In addition to NJO, each new judge must attend a Primary Assignment Orientation (PAO) related to the judge's specific assignment within the first 12 months on the bench. The orientation covers substantive and procedural law, lasts 3 to 4 ½ days, and typically consists of 20 to 35 participants. The course is a series of lectures combined

Continued on page 10

Judicial Education continued

with significant interactivity (e.g., hypotheticals, exercises and quizzes). The PAO's are offered once or twice a year in the major assignment areas: Civil, Criminal, Traffic, Family, Dependency, Juvenile Justice, Probate and AB1058 Commissioner (Child Support).

Culminating new judge education is the two-week College that must be taken within 24 months (though this has been extended by the pandemic). Usually, there are 80 to 120 participants. The courses are taught by justices of the Supreme Court, justices of the appellate courts, trial court judges and commissioners—experts in their field—usually with two faculty for each course. Required courses include evidence, trials, implicit bias, sexual harassment prevention, domestic violence, working with self-represented litigants, making an effective appellate record and working with interpreters. The second week includes elective courses in a wide variety of subjects.

Throughout the College, judges also attend a small seminar group, consisting of an experienced judge (faculty) and a group of seven or eight new judges. Seminar groups talk about courses and discuss ethics, demeanor, the isolation of being a judge, and any other topic suggested by one of the group.

I attended the College, along with Judge Jac Crawford, during my second year on the bench. Held on a portion of the UC Berkeley campus during June 2008, we were assigned to share a dorm suite (i.e., shared bathroom) with a judge from another part

of the state. The rooms were not air conditioned, nor were they heated adequately, so we were either shivering from the cold or wilting from the heat. Several of the judges' car windows were shattered and items stolen from their vehicles. In addition, some women judges were on the receiving end of obscene phone calls. This was not a great introduction to judicial education.

While the accommodations were lacking, the courses were excellent. My seminar leader, Judge Mary Thornton House (now retired), was a mentor to our group and gave us tools for dealing with difficult issues and litigants. It was her suggestion that I volunteer through CJER to teach other judges and that I submit my application to be a judge. I was skeptical—on both counts—but Judge House was right. The challenge of learning a subject well enough to teach a class, along with the social interaction of being with other judges, has kept me involved in judicial education for the past 14+ years.

As a bonus, the College now takes place at a hotel/conference center instead of the Berkeley dorms. It is not fancy, but it feels luxurious to have a room (and bathroom) to oneself. The other bonus of the two-week College is that someone else does all the cooking and cleaning, so new judges can focus on education and connecting with other new judges who will be their colleagues for many years.

While NJO and PAO have been presented remotely during the past two years, the College has not been held since 2019.

This is because the College is best experienced in-person. Some of the classes are hands-on and do not translate well into a remote course. Also, while the main goal of the College is to provide substantive education, most judges agree that an important part of the College experience is connecting with other judges throughout the state.

The Judicial Council approved canceling the College in 2020 and 2021 but that leniency has ended. The plan is for the 2022 College sessions to take place in-person; however, if the pandemic restrictions are in place, then the College courses and seminar groups will be offered remotely. To "catch up" and make sure that all new bench officers are able to complete the College, we will be holding two College sessions this year: one in the summer, and one in the fall. By then, everyone whose attendance was delayed will be able to complete their new judge education requirement.

Experienced Judges

Once a new judge completes the three required sessions (NJO, PAO and the College), then each judge is required to complete 30 hours of continuing education every three years. The hours must include training in ethics, unconscious bias, prevention of discrimination and handling workplace issues.

If a judge begins a new assignment, then the judge also should take a PAO within 12 months of the move.

CJER offers institutes—akin to conferences—either every year or every other year. The

institutes are identified by role (presiding judge, supervising judge and appellate justice institutes), subject (e.g., criminal, civil, family, domestic violence, juvenile, probate and mental health institutes, etc.), and by court size ("Cow County").

My favorite is the Cow County Institute. It is for judges who sit in small or medium-sized courts, or for those judicial officers who sit in independent courthouses in larger counties where they may need to handle multiple case assignments at once. The advantage of this conference is that there are a variety of classes, with some of them focusing on issues faced by those of us in smaller counties (e.g., lack of resources available as compared with larger counties).

The California Judges' Association (CJA) and the Alliance of California Judges (ACJ) are private groups, independent of CJER, that also offer judicial education options. Both organizations offer education conferences as well as educational

trips abroad, with the same model of judges teaching judges.

Educational Materials

CJER also assists in the preparation and offering of bench guides (books), videos, online courses, webinars and resource materials for judges. We can sign onto the website at any time and access these self-study materials. Some of the materials take hours to complete, but there are also "10-minute mentor" videos offered by experienced judges that give advice about how to handle common problems.

Faculty & Course Development

CJER offers an intensive training for judicial officers who wish to teach other judges. I took this two-day course in 2009. It was an eye-opener, focusing on how to teach adults and how to keep them engaged.

There is a formal structure and master plan for judicial education, developed by the CJER Advisory Committee, which reports to the Judicial Council.

Composed of judicial officers and court executives appointed by the Executive & Planning Committee of the Judicial Council and the Chief Justice, the Advisory Committee plans the judicial education offerings for a two-year education cycle. I sit on the Advisory Committee for the current term. We receive input from nine curriculum committees who identify educational needs and content. The curriculum committees for substantive areas (civil, criminal, family, juvenile and probate) include trial judges, appellate justices, trial court attorneys and appellate court attorneys. While judges plan and teach, CJER staff (composed of attorneys and educators) are the workhorses in producing the courses, conferences and educational materials available to judicial officers.

SLO County Judges' Involvement

Our court has encouraged our involvement in judicial education.

Continued on page 12



The law firm of Glick Haupt Marino LLP is hiring for its business, real estate, and civil litigation practice in downtown San Luis Obispo. We are seeking to fill two positions in our firm: (1) a litigation associate; and (2) a corporate/transactional associate. The ideal candidates will have a minimum of 2-4 years of relevant experience and be graduates of an ABA-accredited law school. We offer a competitive salary and benefits package and would consider an alternative schedule and/or remote work arrangement for the right candidates. Please forward your resume in confidence to support@ghmlaw.com.

Judicial Education continued

Not every court does. Our local judges and commissioners have served as faculty for NJO, PAO's and the Judicial College, and well as faculty for courses offered at the CJER, CJA and ACJ institutes and conferences. The following is not a complete list, but it gives an idea of our members' involvement.

Judge Harman has served as faculty for NJO for more than 15 years and has taught the required ethics courses throughout the state for those years as well.

Commissioner Childs has taught the Family Law PAO since 2017 and has served on the planning committees and as faculty for the AB1058 and Family Law Institutes for many years, also.

Judge Crandall has taught "Mental Health and the Courts" at the College since 2009.

Judge Hurst has taught courses relating to the Juvenile Law assignment.

Judge Federman has served as faculty for a course regarding

petitions for habeas corpus.

I have been fortunate to have been involved with conferences, PAO and the College for many years. Many of us have served on curriculum committees, and taught at CJA, as well.

Judge Baltodano has been faculty for several CJA offerings.



I think I speak for those of us involved in judicial education that the experience is immensely rewarding. The contact with other judges lessens some of the isolation of being a judge.

I cannot end this article without pitching Commissioner Kraut's upcoming class for attorneys who want to sit as a judge pro tem. The class will be held on Friday, June 10, 2022, at 1:30 p.m. at the Grover Beach Courthouse. A flyer regarding the requirements and how to register will be sent to the SLO Bar for circulation. If you have any interest in being a judicial officer, this is a good way to start.

I am aging myself when I tell you this, but my first pro tem experience for the court was acting as a judge pro tem for Diablo Canyon protesters' criminal cases back in the 1980s. This was when one only had to have five years' experience to perform misdemeanor duties. Attorney Frank Pentangelo and I divided the cases and presided over hundreds of these matters at the Veteran's Hall. It was a great experience but not without its challenges. Overall, though, it was a good introduction to what it would be like to be a judge. ■

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A Conversation About LGBTQ+ History

With Nancy C. Unger, Professor of History at Santa Clara University

by Tara Jacobi

The Women Lawyers Association recently hosted your presentation, "Long Journey to Stonewall: An Illustrated LGBTQ+ American History." As a historian, you remind us that if we don't know our history we will be doomed to repeat it. Your discussion informs us that the history of LGBTQ+ did not begin with the birth of America but is as old as humanity. While you explain the LGBTQ+ community faces discrimination on many fronts be it religious, legal, medical, economic and social, this particular presentation primarily focuses on the social, economic, legal and medical discrimination historically experienced by the LGBTQ+ community.

Q The history of sexuality was not always taught in California schools nor is it taught in other parts of the country. Should the history of sexuality be taught in schools nationally? And why?

A According to Nelson Mandela, "Education is the most powerful weapon you can use to change the world." I support California's FAIR (Fair, Accurate, Inclusive and Respectful) Education Act that requires that the contributions of LGBTQ+ persons to the development of California and the United States be included in California's public school curriculum in ways appropriate to grade level.

History is an empowering tool, but even with the FAIR Education Act, nationwide LGBTQ+ History is taught almost exclusively within colleges and universities, and as an elective rather than as a requirement.

The meaningful contributions that LGBTQ+ people have made

to this country make up a vital component of a more complete understanding of American political, economic, social, legal, military and religious history. That is, LGBTQ+ history isn't some sidelight or "add on" to mainstream American history. Rather, it is a field of study that makes it undeniably clear that LGBTQ+ people are not outsiders to be feared or hated, but have been part of the very fabric of this nation since its pre-Columbian beginnings.

Public school children are taught about important leaders in African American history (such as Harriet Tubman and Martin Luther King, Jr.), and trailblazers for women (including Susan B. Anthony and Gloria Steinem). But if they are never exposed to Barbara Gittings, Frank Kameny, Harvey Milk, Marsha Johnson or the other major figures in the fight for gay rights, it should not be surprising that LGBTQ+ people will continue to be marginalized and not taken seriously at best, vilified and terrorized at worst.

If the FAIR Education Act were adopted by other states, the informed citizenry that would result could go a long way toward creating a nation proud and accepting of its diversity as an important strength, and aware of the costs when that acceptance is denied.

Q In the discussion, you talk about the practice of some women disguising themselves as men and acting like men in society, as this was once the only way to obtain a career. This reminded me of one of my favorite movies, "Yentl," a 1983 American drama that depicts just what you described. It is about a Jewish woman disguising herself as a man to become educated at a time when education was only open to men. Later, Yentl is almost married to another woman. Marrying another woman would allow Yentl to live the life of her dreams, as an educated career individual, but she is unable to continue lying

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LGBTQ+ History continued

to her potential wife because she values her friendship with her too much, and she is in love with a man.

Might partnerships still even to this today between two women allow for the women involved in the female partnerships to achieve more success in their careers? Have career successes of lesbian and heterosexual women been studied and compared? If so, how does the traditional division of labor in households, or how work is historically valued socially and economically, or both, play a role?

A Career successes comparing lesbian and straight women have been studied. The upshot is that openly lesbian women have had a harder time getting interviews, but once they're hired, they tend to make

more money than their straight sisters. This is attributed to multiple factors. One is that the lesbian need for self-sufficiency leads them to be overrepresented in higher paying, male-dominated professions. Another factor is that they may be valued more because they are perceived as less feminine and closer to the unencumbered male ideal.

Traditional divisions of household labor and parenting tend to work toward women's devaluation in the workforce. But lesbians are perceived to divide household labor and child rearing more equitably, resulting in their being valued more in the workforce than their straight sisters because they are perceived to have more time to focus on the job with fewer, or at least more equitably shared, household distractions and commitments.

Q In another part of the discussion you talk about the campaign "Be Aware of the Lesbian," and you compare it to a campaign of your childhood, which I also remember, "Be Aware of Strangers." Yet, it is not only strangers that children need to be aware of to protect their personal safety, just as it is not only strangers that are lesbian and gay.

How did this concept of LGBTQ+ people being something other than law-abiding community members or someone you know, come to be? When people are not free to express their sexuality what happens?

A Prior to urbanization and industrialization, heterosexual family units prevailed out of economic necessity. Same-sex acts were seen as just that—acts, rather than a defining character trait. Moreover, close, intimate relationships between men and between women were not automatically assumed to be sexual in nature. However, as the nation became increasingly urban, there came the possibility of what we would call today a gay lifestyle. Men paid in wages did not have to marry and have children to survive, and they could find men with similar desires in the growing urban centers.

The warnings were not to "Be Aware" (of strangers or homosexuals) but to "BEWARE" of them because they were threatening and dangerous. This concept gains a lot of credence with the medicalization of "homosexuality," a word that first appears in print in the United



Incorporated in 1993, The Gala Pride & Diversity Center in San Luis Obispo supports and empowers people of all sexual orientations, gender orientations, gender identities and expressions to strengthen and unite the Central Coast community.

States in 1892 and is defined as a “sexual perversion” by Dr. James D. Kiernan. So the two women who’d lived together for years, who had previously been “those two nice old maids next door,” are suddenly looked upon with suspicion.

The “Beware the Homosexual” campaigns alerted heterosexuals to the presence of homosexuals, but also alerted homosexuals to the existence of others like themselves. They drove some people to quickly marry a person of the opposite sex to stop any rumors of their homosexuality. However, the descriptions provided by the “Beware” campaign were so extreme (you’ll know the gay man because he’s effeminate, limp wristed, and you’ll know the lesbian because she hates men, yet is mannish herself) that homosexuals who didn’t fit these extreme stereotypes could remain above suspicion.

After World War II, homosexuality is no longer a crime, but now it is portrayed as a sickness. Yet, homosexuals after the war have also had more opportunities to find a community, mostly in San Francisco, New York and Boston. Politicians become even more involved in dictating lifestyle. They proclaim that the American heterosexual unit is our greatest bulwark against communism. Taking sexuality, lifestyle, marriage and parenthood, and making them a part of politics is part of American History.

Q Should our history of how sexuality, lifestyle, marriage and parenthood is defined by our government be a lesson for why maybe government should

not be involved in defining these core elements of our humanity? If government should not be involved in this manner, why? If government should be involved in this manner, why?

A After World War II, homosexual acts are still a crime. Illinois is the first state to remove criminal penalties for consensual sodomy, but that isn’t until 1962, and it’s not until 2003 that the Supreme Court invalidates all state consensual sodomy laws in *Lawrence v. Texas*, reversing the Court’s 1986 *Bowers v. Hardwick* decision. So during the Cold War, homosexuality is a crime and a sickness, meaning one could be, among other things, arrested and/or involuntarily committed to a mental institution.

On the issue of government involvement, I agree with gay rights leader Frank Kameny, who said in 1964, “I take the stand that not only is homosexuality...not immoral, but that homosexual acts engaged in by consenting adults are moral, in a positive and real sense, and are right, good and desirable, both for the individual participants and for the society in which they live.” The idea of policing consensual sex between adults has no place in a democracy. The history of the long fight for gay marriage reveals much about who suffers when legal rights are not equitably distributed. Not only were the many benefits of legal marriage denied to homosexuals, but also the many benefits of divorce laws.

Governmental efforts seeking to discredit homosexuality are far from over, as evidenced by the “Don’t say Gay” bill recently

passed in Florida, banning teachers from discussions about sexual orientation and gender identity.

The costs of people not being free to express their sexuality are myriad. Having to live in fear and pretend to be what you are not takes an enormous toll. Historically LGBTQ+ people have suffered, among other things, higher rates of alcoholism and suicide.

Q Frank Kameny, a combat veteran, Harvard-educated astronomer, gets arrested for homosexual activity and is fired from his government job. He finds himself in a downward spiral living on the streets. He commences peaceful protests against the laws criminalizing homosexuality, the government practice of entrapping gay males, and the practice of plea bargaining these entrapment charges, allowing men to maybe avoid jail and the potential threat of rape in jail. Yet, those arrested and charged still have to suffer the consequences of an arrest on their record.

Might it be because Kameny was a successful white male who dared to question the criminalization of homosexuality, the practice of entrapment and the plea bargaining of these criminal charges that he was the person able to accomplish what he did?

A Kameny’s status as a privileged white man did not protect him from permanently losing his governmental position or from spiraling into homelessness. However, his sex, education, race, former governmental position, and propensity for

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LGBTQ+ History continued

appearing in early protests wearing a suit and tie certainly made him appear more acceptable and relatable in the pre-Stonewall Era to the people he was trying to win over—other white, well-educated men who worked for the government.

Kameny consciously patterned these early protests after the African-American Civil Rights Movement, in which Martin Luther King, Jr. and his fellow male marchers wore suits and ties, with dresses worn by women. In the early protests by both of these minority groups, the appearance of the marchers indicated that these were respectable, dignified and non-violent Americans exercising their rights in a democratic society. The unspoken message of the King marchers to white, middle-class America was, “See? We’re just like you except for the color of our skin,” while the message of the Kameny marchers was, “See? We’re just like you except for what we do in bed.”

These non-threatening tactics would later be augmented and in some cases replaced by more radical efforts, including the Black Power and Gay Liberation movements. Kameny’s privileges quickly became outdated as the “We’re just like you” message is increasingly replaced with “We’re not just like you and yet we are equal to you. Our differences do not diminish our equality.”

Q What should criminal prosecutors and criminal defense attorneys learn from this history discussed?

A Since colonial times until relatively recently, gay sex was a criminal act. I think it behooves attorneys on all sides to think about how definitions of many crimes are historically contingent. It was very satisfying for many professional historians to be called to give testimony in some of the groundbreaking cases concerning sodomy laws, civil unions, gay marriage, etc. Prohibitions that appear inviolate and that had been accepted as based in “natural law,” or “morality” have been overturned once they’ve been shown to be social constructions.

In the introduction to my talk, I noted that in June 2020, the Supreme Court ruled that federal law protects LGBTQ+ workers from discrimination, declaring, “An employer who fires an individual merely for being gay or transgender defies the law.” During the arguing of that case, Justice Neil Gorsuch asked if the Court should “take into consideration the massive social upheaval that would be entailed in such a decision,” affecting workplace dress codes and public bathrooms. ACLU attorney David Cole responded, “There are transgender male lawyers in this courtroom following the male dress code and going to the men’s room, and the Court’s dress code and sex-segregated bathrooms have not fallen.” Gorsuch voted with the majority in the six to three decision.

It was a very pointed illustration that the LGBTQ+ community is not waiting for the legal system to pave the way for reform—it is striving to have the legal community catch up to the reforms

they’ve already been implementing throughout American society.

Q All lawyers know defining obscenity is a tricky thing. The Supreme Court attempted to objectively define and apply the term. Yet, whether it can be objectively defined and applied is problematic and debatable. You mention how certain publications were not allowed to be mailed because they were deemed obscene by the U.S. Postal Service cutting off communication and support within the LGBTQ+ community. This also shows how the history of obscenity law includes a history of discrimination against the LGBTQ+ community.

How might judges and lawyers learn from discriminatory laws and practices implementing laws that might make for better judges and lawyers?

A I’m not a lawyer, which this answer might make abundantly clear, but I think it’s important for lawyers and judges to look beyond the “mere” letter of the law. Upholding Jim Crow laws in the wake of *Plessy v. Ferguson* certainly was legal, but that didn’t make it right. Prosecuting men for participating in gay sex was upheld in *Bowers v. Hardwick*, but that didn’t make it right. It can be difficult for people in a profession so grounded in legal precedent to not just interpret those precedents, but examine them critically and even challenge them when indicated. Our history is filled with genuine advances in rights and freedoms when lawyers and judges have taken on such challenges.

Q In 2015, the Supreme Court legalized same-sex marriage. Yet, you've informed us that LGBTQ+ sexuality and lifestyle has existed since the dawn of humanity. It only took until 2015, in America, to allow an LGBTQ+ sexuality and lifestyle to be more accepted, allowing the LGBTQ+ community to enjoy similar, at least legal and economic benefits, as the heterosexual community. Clearly, some politicians' definitions of marriage have harmed basic human rights even in a country such as our own, which generally enjoys a high standard of basic human rights.

How might politicians learn from this history?

A Politicians, like lawyers, need to look at more than existing laws. In 1641, same-sex sexuality was declared a capital offense in colonial New England. On the face of that law, we would assume it to be a society that found same-sex sex to be an abomination. But the 1677 sodomy trial of Nicholas Sension in Connecticut reveals something very different. Sension, married to a woman, had a long history of being a sexual predator, especially among his male servants—everyone seems to have known his proclivities. Relatives of the young men and boys had been complaining to the authorities about him beginning in the 1640s, but even after much damning testimony, Sension was given only a slap on the wrist.

According to historian Richard Godbeer, "The court depositions are remarkable for their lack of hostility to the accused, save in regard to his sexual behavior."

Sension was not a "homosexual" or "pedophile" in the eyes of his neighbors. He sought sex with other males, but those were his actions, not his identity.

Likewise, in 1757, married Baptist minister Stephen Gorton was denounced by his church for "offensive and unchaste behavior frequently repeated for a long space of time." Thirty years, in fact, but it was only recently that word was getting out about his same-sex sexual proclivities and ruining the church's reputation. Gorton repented and two thirds of his church membership voted him back in.

My point is that the political community, like the legal community, needs not to just accept that things on the surface necessarily reflect what's going on underneath. Moreover, the idea that we are still questioning who is—and who is not—deserving of human rights seems to me to be an indication of considerable hubris.

Politicians' job is to do more than represent their constituents. It is their job to listen, learn and lead in order to best protect and serve the rights of all.

Q In reminding us how President Roosevelt put it, you emulate his voice: "Men who are not men, women who are not women, that is sissy men can hurt us, and strong women can hurt us." When you take into account all the history, you see how LGBTQ+ bore the burden of religious, legal, medical, economic and social discrimination.

Certainly, this is a disgraceful facet of American society and history. Specific successes are

stressed in your discussion as paving the way for changes eventually leading to the acceptance and allowance of same-sex marriage.

And what might you hope for now to become a part of the history of sexuality in America?

A My concern about that history is two-fold at the moment. I worry that many people assume that with the legalization of same-sex marriage, the fight for LGBTQ+ equality has been won. This is a dangerous belief because it ignores the ongoing barriers to queer people's equality such as hiring and workplace discrimination; marginalization of LGBTQ+ youth, including forced conversion "therapy"; housing discrimination; and gay and trans bashing and other forms of harassment and violence. So I would like to see resolutions to those problems become a part of the history of sexuality in America.

I also worry that LGBTQ+ rights may be like abortion rights. Just because there have been major gains that appear permanent, doesn't mean that they can't be scaled back or overturned. So my other big hope for the history of sexuality in America is not only that it continues to make progress, but that current hard-fought gains and rights not be reversed.

Thank you, Professor Unger, for sharing your expertise with the San Luis Obispo legal community.

You're welcome. It's been my very great pleasure. ■

Making the World a Better Place

by Lisa Sperow

"I chose to go to law school because I thought that someday, somehow, I'd make a difference."

—Christopher Darden¹

Despite all the lawyer jokes that might indicate the opposite, it is my belief that many lawyers attend law school hoping to make the world a better place. I know I did. For me, going to law school meant gaining tools and knowledge that I could use to help people and provide justice. As the Scholarship Chair for the Women Lawyers Association of San Luis Obispo County (WLA) for the past ten years, I enjoy seeing the philanthropic aspirations and accomplishments of many current law students.

As Scholarship Chair, I have had the privilege of reading hundreds of applications from a diverse group of talented law students in which they describe the good works they have done, are currently doing and plan to do in the future. I am inspired each year by reading about the wonderful accomplishments and goals of these applicants. The hard part is not being able to award all of them scholarships.

While the number and amount of scholarships have varied throughout the years, depending on the amount of donations received, WLA typically provides scholarships for two to four recipients, with awards ranging from \$500 to \$1,000 each. To be eligible, applicants are required to be attending or admitted to law school in the fall of the current year and have a connection to San Luis Obispo County. The committee also looks at how each applicant furthers WLA's mission statement, which is, "The advancement of women in the legal profession and in the community."² WLA presents the scholarships each October during WLA's annual Judicial Reception.

It has been particularly rewarding to meet many of the scholarship recipients throughout the years and watch some of them become successful

members of the San Luis Obispo County legal community, such as current San Luis Obispo County Bar Association President Kara Stein-Conaway, who was a 2007 recipient.³ Many recipients say that in addition to the financial support, they also appreciate the moral support that comes with winning the scholarship.

One recipient, in particular, expressed to me the pivotal role receiving the scholarship played in her life during a recent judicial reception. She was a returning student who was struggling with juggling the intense demands of law school combined with supporting herself and her teenage son. As a single mom, she was wondering if the sacrifices she and her son were making so she could pursue her dream of getting a law degree were worth it. She told me she was on the brink of ending her law school studies when she received notification that she had been awarded the WLA scholarship. Through teary eyes, she explained that she interpreted receiving this award as a sign that she should continue with her legal studies to provide for a better future for her and her son.

As WLA opens its application period for the 2022 scholarship, I thought I would share some information about the four 2021 recipients. Each recipient last year received \$1,000.

Footnotes

¹ <https://quotefancy.com/quote/1155778/Christopher-Darden-I-chose-to-go-to-law-school-because-I-thought-that-someday-somehow-I-d>

² <http://www.wlaslo.org/history>

³ <http://www.wlaslo.org/scholarships>

**Kelsey Anderson**

Kelsey is a San Luis Obispo County local who graduated from Atascadero High School and completed her undergraduate degree at the University of Southern

California.

She is a first-year student at the University of California, Hastings College of Law. While in law school, she has been active in the Hastings Women's Law Society, the Hastings Environmental Law Association and was the 1L representative for If/When/How: Lawyering for Reproductive Justice. She will be interning this summer for the California Supreme Court.

She was grateful to WLA for the support it has provided her in pursuing her legal studies and said, "This scholarship has helped pay for my books and my tuition. As someone interested in pursuing nonprofit work, I was able to focus more on my education and ideals and less on accumulating debt." She further stated, "I hope to emulate this encouragement in the future!"

**Addy Brown**

Addy is a San Luis Obispo County native who attended Cuesta College and California State University Fullerton.

She is a first-year student at the University of

California Irvine School of Law (UCI). While in law school, she has participated in three pro bono projects through which she has assisted individuals with disabilities appeal the denial of their benefits, individuals who were wrongfully evicted, and survivors of domestic violence file restraining orders and change custody agreements. She is

currently working on researching and drafting a bill to address visitation rights for families of incarcerated individuals. She is also a member of the UCI Law's Women's Law Society and Public Interest Law Fund.

She said, "Receiving the scholarship from WLA SLO made me feel connected and supported by my hometown community. Law school can be challenging and isolating, so it has been a huge encouragement to know that SLO County women in the legal profession believe in my ability to succeed."

**Chelsey Barkley**

Chelsey is a San Luis Obispo County local who graduated from Nipomo High School and California State University Sacramento.

She is a second-year student at California Western School of Law

where she has participated in law review, teaching first-year students legal writing, international moot court, and conducted research on international and human rights law. She interned locally with Judge Tana Coates, Court Appointed Special Advocates, and the Lawyers Committee for Civil Rights.

She said that receiving the scholarship helped connect her with her hometown. "Although I grew up on the Central Coast, I only recently became familiar with its legal community, in large part due to WLA SLO awarding me this scholarship and inviting me to attend its annual Judicial Reception. Having this professional connection to WLA SLO is important to me as I hope to eventually return to practice in the area. Finally, the scholarship has demonstrated to me that WLA SLO believes in my abilities as a future attorney and supports me, which has reassured me to keep pushing forward through the challenges of law school."

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Lauren Davis



Lauren attended Cuesta Community College and California Polytechnic State University San Luis Obispo.

She is currently a first-year student at University of California Berkeley College of Law. Her experience includes being a legal aid intern with the San Luis Obispo Legal

Assistance Foundation and with the Judicial Council of California's Criminal Justice Services. Lauren also served as a Judicial Fellow at Alameda County Superior Court, where she worked to provide support for foster care children and mothers.

While in law school, she has worked on the Berkeley Law Afghanistan Project, where she worked with another student to complete humanitarian parole applications for a family of nine, and on the Contra Costa Reentry Project, where she drafts motions for expungement and early probation termination. She also is an editor for the *Criminal Law Journal*. She plans to spend her summer as an intern at Office of the Federal Defender for

the Eastern District of California in their Capital Habeas Unit.

On receiving the WLA scholarship, she said, "The first semester of law school was a lot to take in, but this scholarship reminded me that I was supported. I didn't believe that I could go to law school before my time working in legal services at SLOLAF, so it meant a lot to have this community in particular continue to show its belief in me. More pragmatically, the scholarship eased the financial burden of things like book rentals, a much needed Civil Procedure supplement, and my (very expensive) parking permit!"

Each of these women are already striving to make the world they live in a better place, and I look forward to seeing what they will achieve throughout their careers.

If you would like to make a donation to the WLA Scholarship Fund or would like to apply for the scholarship, please go to the WLA website: <http://www.wlaslo.org/scholarships>. Applications are accepted through July 1, 2022 and donations are always appreciated. ■

Lisa Sperow, JD, is the Executive Director of the Cal Poly Low Income Taxpayer Clinic and a board member of WLA and CAP-SLO, where she continues to strive to fulfill her goal of making the world a better place. You can reach her at esperow@calpoly.edu.

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Sylvia Dorsey Stewart holds her great-grandson, Landon.

Sylvia Dorsey Stewart—how do I describe her? Accomplished, generous, compassionate, thoughtful, attentive, trusting advocate, wonderful boss, great wife, mother, grandmother and great-grandmother. Sylvia was born on Lincoln's birthday, February 12, in 1932. She passed January 12, 2022, before her 90th birthday.

She was married in 1956 to Daniel J. Stewart, a civil engineer, and they moved to Paso Robles in 1965. They had two children, Daniel J. (Jerry) Stewart II and Melody Ann Stewart (Chastaine). Melody blessed them with three granddaughters, Mariah Anne, Tara Lee and Sabrina Rosemarie Chastaine. Later Tara would bless Sylvia with a great grandson, Landon. Sylvia's loving husband passed away in 2015, and that was hard on her. She continued to practice law until 2017.

Sylvia attended San Joaquin College of Law and received her J.D. and was admitted to the State Bar on November 29, 1978. Prior to her accolades in law, she had received her first nursing degree from St. Elizabeth's in Boston, about 1950. She received a B.S.

A Tribute to Sylvia Dorsey Stewart

by Nancy Kimmell

Photos courtesy of the Stewart Family

in nursing from the University of Alabama in 1959, and later received her M.S. in Public Health Nursing. She always had a curiosity for law and decided, about age 42, to go to law school.

She was sole practitioner until January 1980, when she went into partnership with Lee V. Cunningham. Lee told me that he took top billing in Cunningham and Stewart because he won the coin toss.

The year before, I moved to the Central Coast from Indiana, looking for employment as a legal secretary. Sylvia saw that she may be in need of a GREAT legal secretary (my opinion) and had her husband hire me to work in his Engineering office. Her instincts were correct as the secretary working for her quit when Cunningham and Stewart formed. She then took me away from her husband. She was an amazing boss. She paid for me to go to many classes to achieve my dreams of legal assistantship.

Her practice of law primarily focused on family law and probate; however, in addition to her practice, in about 1982, she starting working in the Public Defender's office with Maguire and Ashbaugh. When she decided to retire out of family law, she found me a position at my current employment, Ernest A. Casacca. I worked with Sylvia for 19 years. I couldn't have found a more perfect relationship upon moving to California. She and Dan were my California parents.

Sylvia had a sly sense of humor. Once I began working for Ernie, she made sure her birthday present to me was better (a lot better) than Ernie's. Ernie would

ask her not to make him look so bad and she would just laugh. Over time, it became a running joke between the two of them.

She loved helping people and, if you knew her, you were a very fortunate person. She also had a way with the judges. Rebecca Foster remembers a story where one of Sylvia's granddaughters would ask Sylvia to buy her something and if she said no (which wasn't often), her granddaughter would say "No, it's okay," and Sylvia would buy it. She was in front of Judge Piquet one day and was asking for a fourth continuance for her client, as the client did not show. Judge Piquet said, "I have already given you three continuances, Ms. Stewart. Sylvia said, "It's okay," and she got the continuance.

Sylvia Stewart was a great asset to the legal community in San Luis Obispo County, and she will truly be missed. ■



Sylvia and her granddaughter Sabrina.



Law Practice Branding 101

A Primer for New and Not-So-New Attorneys

by Andrew R. Weiss, Weiss Mediation

You might think that after practicing law for more than 40 years, I would have a pretty good idea about how to brand my late-in-career transition from trial attorney to solo-practice mediator. But I began practicing law in 1980, a time when electric typewriters and carbon paper were still very much in use, and well before fax machines, computers, the Internet and cell phones came along.

Back then, lawyer advertising was looked down on and nobody had logos or slogans. Sure, there were Yellow Page ads that “some” lawyers had, but those were not considered dignified or professional by many. In those days, your brand was your name and your reputation; marketing was pretty much limited to passing out crisp, white, stodgy-looking business cards. Most firms were named for their founders, which conveyed no information about what the practice did. Branding in the legal profession was unheard of then.

Oh, how things have changed. Now, law practice branding is not only accepted, but pervasive and respected. In fact, it’s expected. Branding influences every way in which lawyers interact with each other and the public.

Per the American Marketing

Association, a brand is “a name, term, design, symbol or any other feature that identifies one seller’s good or service as distinct from those of other sellers.” More succinctly, your brand is your personality—what makes you and your practice unique. A strong brand will help you resonate with the right clientele; it will reflect your values and enhance client trust and loyalty. I understand that now—I didn’t really appreciate that in 2019 as I opened my mediation practice.

On the advice of my accountant, the first step I took was to incorporate. Without thinking it through, and without any regard for branding, I selected the unimaginative name of Andrew R. Weiss Law Corp. That name conveys no meaning and tells the public nothing about what I do. That was a missed opportunity for branding.

I recently made the decision to rebrand my practice under the name Weiss Mediation, which better communicates what I do, especially to other lawyers, who are typically the ones who hire me. There was no need to create a new corporation or change the existing corporate name; I simply registered Weiss Mediation as a dba of my corporation, a quick, easy and inexpensive process

with the SLO County Clerk.

The next thing I did after first incorporation was order business cards. Instead of traditional black ink I selected a nice teal. Other than that, I gave little thought to branding—no logo (I had none) and no consideration of an overall theme or marketing plan. When the pandemic started a year later, and face-to-face business encounters came to an abrupt halt, business cards became essentially obsolete.

So, I placed an ad in the *Bar Bulletin* to promote my practice. That seemed the perfect vehicle to reach San Luis Obispo County lawyers, my main clientele. Joni Hunt, publisher of the *Bar Bulletin*, provided guidance to help me create a nice-looking ad. But due to space constraints, it had limited information and, again, I failed to consider an overall brand style. Also, if the reader discarded the magazine, the ad was gone. Although a very good medium to reach my target audience, the ad’s effectiveness was limited in depth and duration.

With the decision to rebrand my practice came the realization I needed a website. In today’s world, if you don’t have a website, you don’t exist. A website gives credibility and creates a

visual and emotional connection to your name and services. It is accessible 24/7 and is essential for conveying basic information about you and your practice. It can create an immediate and lasting impression—preferably a good one—and that’s where creativity comes in.

Although my trial practice firm had a website, we always had support staff managing the details and I was not involved in designing or maintaining it. Frankly, I gave it little notice. When I decided to develop a website for my mediation practice, the burden fell on me to figure out what to do, and I didn’t know where to begin.

I went online to see how this could be done. I quickly concluded that unless you are a gifted computer nerd, this is a task best left to professionals. I did my due diligence and selected a local web designer and builder who happens to specialize in lawyer websites, Conan Garay of Conan’s Web (conansweb.com). He has clients nationally but is based locally in San Luis Obispo. One of the first things Conan had me do was complete a questionnaire that forced me to think about the type of website I needed, the sort of content I wanted it to have, and how it should look. Many considerations go into this.

Obviously, a website must include the basics—name, address, telephone number, email address, a description of services, and a listing of qualifications and experience. But to set your website apart from the millions of others out there, you need to create a distinctive look that others will associate with you. You must consider who your target audience is and what impression you

want to leave them with. Do you want to be formal or casual? Do you want a tagline (slogan), a logo, artwork, badges from organizations with which you are affiliated? What font conveys the right image for your practice? Do you want photos—and if so, should they be studio poses or location shots, or a combination of both? (Either way, get them professionally done for the best quality and clarity.) Do you want to include pdfs of your publications or links to other relevant websites? Do you want to include a blog? How about a page of testimonials from satisfied clients? A good web designer can help you decide these things and tailor them to suit your unique practice, personality, and style.

Much of the website content will be drafted by you, and it should go without saying that it must read well and be grammatically correct. Have others proof it for you—hire an English professor if you must. Having no website is better than having a website with poor grammar and typos.

There are technical aspects to setting up a website that also present opportunities for branding, such as choosing a domain name and related email address. Originally, I wanted the domain name weissmediation.com, which is descriptive and easy to remember, but unfortunately it was already taken. My second choice, weiss-mediation.com, was available but it was recommended I not use it because hyphens in the middle of a domain name can cause confusion. I opted for my third choice, arweissmediation.com.

Once your website is designed, built and up and running,

you can create continuity by integrating the same design elements into your email signature block, your old-fashioned business cards, your print ads, your letterhead, your social media profiles, your door signage—anywhere and everywhere you interact with others. Over time, this unified look will be associated with you. When that occurs, you will have successfully created a practice brand.

In my case, I opted for a multi-page website. The overall look is less cluttered, and the site is more interactive for the reader. I learned that single-page websites, although less expensive to build and maintain, don’t garner the same level of attention from search engines as multi-page sites. Also, websites that are updated more often, for example by adding new blog content or articles, draw more attention from search engines than static ones. And if the content is relevant and regularly updated, it can serve as a resource that will entice clients and potential clients to access it again and again. When it comes to websites, increasing traffic is what it’s all about. Apparently, there are ways too technical for me to understand to achieve “SEO” (search engine optimization), which brings more attention to your website and makes your website appear higher on lists of search engine results. A good web designer will handle this for you.

I opted for photos shot on location in Shell Beach since I am based there. Branding with a geographic reference (whether by name or imagery) with which your target clientele identifies can be effective. It can help establish

Continued on page 24

Law Practice Branding 101 *continued*

you as being local, which is important to some clients. It can also communicate your targeted service area. Many businesses, including legal service firms, have geographic references (such as “SLO” this, or “Central Coast” that) in their names and websites.

My web designer created a logo. I came up with a tagline to capture the essence of what I do—I chose “Civil Cases Mediated with Civility.” It is concise, descriptive and I liked the word play. I drafted an FAQ (frequently asked questions) page about mediation, mainly for the benefit of non-attorneys who access the site. I opted not to do a blog at this time. You can see how

it all came together at <https://arweissmediation.com>.

There was an up-front fee for designing and building the website, and there is an ongoing monthly fee for website hosting, updating and maintenance. The total start-up cost, including professional photos, was quite reasonable, under \$1,000.

There are also ways to support your branding efforts at little or no cost using apps like LinkedIn, Avvo and Yelp, and setting up a Google business profile. Your branding should be consistent everywhere it is seen.

Even as technically challenged as I am, the process of branding my practice was painless—the

key for me was having the right expert help. Let the pros manage the technical details so you can focus on what is still the single most important part of law practice branding: consistently providing high-quality legal services in a professional and ethical manner. Despite all the marketing sophistication that has developed over the last 40 or more years, doing your job well and honestly is still the best branding there is. ■

Editor’s Note

Look for Andrew Weiss’ ad with the elements of his new brand in the next issue of the *Bar Bulletin*.

Meet Valerie Janiel

by Tara Jacobi

Tell us about yourself.

Hi! My name is Valerie Janiel. I became an attorney in May 2021 after completing studies at San Luis Obispo College of Law in December 2020. I began working with the County of San Luis Obispo in April 2017 as a legal clerk, which gave me direct experience working with the Department of Social Services in Child Welfare Services while in law school. I transitioned to County Counsel’s office, where I was able to work amongst some of the brightest and kindest attorneys in our area and learn more about the importance of developing personality, character, and integrity. The stars aligned when I

passed the bar, and I was hired as a deputy county counsel.

What brought you to San Luis Obispo?

I moved to San Luis Obispo after finishing my B.A. in Philosophy at Fresno State in 2012. I stumbled into a studio in downtown Pismo. I didn’t know what to expect, and frankly didn’t know anything about SLO County before moving. Eventually a law school opened, and I was able to stay in the area and pursue a law degree while working full time.

How is it working in San Luis Obispo as opposed to attending

law school here?

A social worker asked me a few months ago during a trial prep, “So, are you like a real attorney now?” It was beneficial to have been an employee of a Department I now serve. Transitioning into a career locally has been monumental, especially coming from a night program at a smaller California law school. Most importantly, I feel like a working member of a team—in my office, in the juvenile court, and here in the legal community.

As Deputy County Counsel for San Luis Obispo County where does your focus lie?

Currently, I serve as counsel



Valerie Janiel

for Department of Social Services. This includes everything from participant services to adult protective services to child protective services, administration, etc.

Primarily, my work is focused on child protection court in Department 12, first with Judge Crandall, now with Judge Hurst, and often visited by Judge Picquet. Our courtroom works together to reunify families or provide for permanency for minors who are unable to be returned to the care of their parents or guardians. We are a close-knit team that works together to find solutions for families. I am honored to be a part of it. Although the subject matter is challenging, I cannot imagine a more rewarding area of the law.

What are some unique challenges you face in your role as Deputy County Counsel?

As public attorneys in a

government office, we are expected to have a wide knowledge base of many fields of work. The area of law I have started in is a very specific niche, but the subject matter overlaps with other areas of government. As a new attorney, especially as a new government attorney, one unique (and thrilling) challenge I face daily is getting to dabble in new areas of law and see them overlap. It is unlike many offices—we get a large amount of exposure to a very wide array of topics.

As a newly appointed Chair of the Emerging Lawyers Section, what are your plans for the section?

I hope to get members of the Emerging Lawyers Section more involved in events with the bar, locally with one another, and in the community. I also want to open lines of communication for when you might need to reach out to a cohort with a question about something in general and want another person to bounce an idea off of.

I understand the challenges of being relatively brand new in a community without few connections and hope that my willingness to participate encourages others to be a part of the community. We are only as strong as our participation!

What do you enjoy about living here in San Luis Obispo?

I love that I can always find something to do in SLO and can choose something different every day. I love the temperate weather, our gorgeous hills and our beaches. I enjoy going to the

weekly markets and appreciating our local offerings. I love waving or saying “Hi” to every person that passes and having them say it back. I enjoy being able to run in the morning in the park and feel safe. I enjoy having a short commute to work with little to no traffic and having more time for life. I appreciate the small legal community and the encouragement shown within that small community. I am grateful for a judicial bench that is warm, kind, nurturing and eager to usher in new faces in the courtroom.

What do you love doing when you are not working?

I run most days with my dog and workout at the gym. I love plants and have many, including a staghorn fern, a Norfolk Island pine, a bonsai jacaranda, a huge monstera, and eight plumeria trees ranging from about one foot to over seven feet tall.

I enjoy hiking, backpacking and camping, and getting out in the water on the weekends and surfing, paddleboarding, fishing, kayaking or sailing. (Sidenote: If anyone needs crew, contact me!)

I also really enjoy the art of doing nothing when my mind or body needs it. I love trying new places to eat and making memories with good meals. Recently, I have found a love for traveling! ■

A Conversation With Kristin Crisp

by Tara Jacobi

Tell us about yourself.

I'm a member of the nine-eleven generation. I was a sophomore in college when the twin towers fell and I remember, like so many young people at the time, feeling an obligation to "do something" in response to the horrors of that day. I began my career in national security, working on counterterrorism issues. After serving for a few years, I decided to attend law school.

Upon graduating, I joined Skadden, Arps, Slate, Meagher & Flom, where I worked for nearly a decade before joining Monterey College of Law as a professor. While at Skadden, I represented clients on a variety of issues arising under state and federal law, with a focus on government investigations and corporate internal investigations. Interestingly, almost all the cases I worked on involved corporate malfeasance or financial wrongdoing—two topics I learned nothing about while in law school!

My passions include running, 18th-century British literature, interior design and classical music. I hold a commercial pilot license and am admitted to practice in Virginia, D.C., and California.

Why teach legal writing?

To most students legal writing is dry and boring, but it is by far the most important law school course. Writing is the primary way in which lawyers communicate. If you cannot write well, you will not succeed in the legal profession. Outside of perhaps a bar prep course, I can't think of a more impactful subject to teach to law students.

Why are law schools starting to bring this subject into the mix?

Many students today enter law school without basic writing skills. Since writing is such an integral part of the legal profession, law schools have had to adjust to this unfortunate reality.



What is different about legal writing in comparison with other types of writing and why? And what is challenging about legal writing?

Legal writing is intellectually rigorous and it's one of the few types of writing in which no one cares what *you* think! Often my students will comment in class about what they think the outcome should be, to which I respond by asking, "Well, what does the law require the outcome to be?" We often rely on personal knowledge, experiences, opinions or even conventional wisdom when drawing conclusions. In fact, that's how people reason through problems and make decisions most of the time. While these sources are generally helpful when solving everyday problems, they're insufficient in the legal context.

The true anchor in legal writing is the law. What does it say? What does it require? Even the best, most well-reasoned argument is invalid unless it comports with the requirements of the law. This presents two issues, both of which make legal writing challenging.

First, those new to the law must learn the law! But it's not enough to just memorize it; students must learn how to research it, read it properly, understand it, analyze it, and synthesize it. This skill takes time, practice and patience to develop.

Second, the student must re-learn how to analyze problems. Every fact must be tested against the law's requirements. No longer can the student make a "reasonable" argument based on his own views or conventional wisdom; now he must use

the facts to make a logical argument based on a set of legal rules or principles.

The universe of arguments is, in one sense, smaller because only arguments tethered to the rules will survive. On the other hand, highly skilled lawyers stretch the universe of arguments despite the law's limitations because they learn to think creatively, make full use of the facts, and craft novel arguments within the scope of the law. So, why is legal writing so challenging? Because the law student must learn an entirely new set of principles (the law), and completely re-learn how to conduct reasoned analysis based on those principles. In other words, they must completely re-learn how to think! That is no small task.

How may some students be challenged with regard to writing, be it for a court or to construct transactional documents?

There are various forms of legal writing and, unfortunately, we cannot cover all of them in legal writing during law school. Writing a mergers and acquisitions agreement is obviously very different than drafting an appellate brief, for example. Students may be intimidated or feel unprepared once they enter practice and are expected to draft an unfamiliar legal document.

This is where a strong legal writing foundation is key. All legal writing is similar in that the lawyer must communicate legal requirements and analysis. By the time a student completes law school, their legal analysis and writing foundation should be solid and permit them to meet any legal writing challenge with a basic level of competence.

Of course, students will need additional guidance and examples from supervisors and mentors. But over time students will become comfortable drafting a wide variety of legal documents. Students will also realize it was their strong analytic skills and legal writing foundation that made their progress possible.

Are there any tricks that you instruct students about with regard to their writing?

There is no "trick" to legal writing. In fact, it takes a lot of convincing for my students to

understand there's no magic formula that produces the "right" answer for all legal issues. The one piece of advice I do give my students, is that they need to spend a significant amount of time (1) understanding both the facts and the law, and (2) organizing their thoughts and arguments *before* they begin writing.

A good lawyer must fully understand the legal issues, what the legal rules require, what key facts support or undermine their argument, and any counterarguments before they bring their pen to paper. If you do sufficient legwork, when it comes time to begin writing you'll be surprised by how easy it comes.

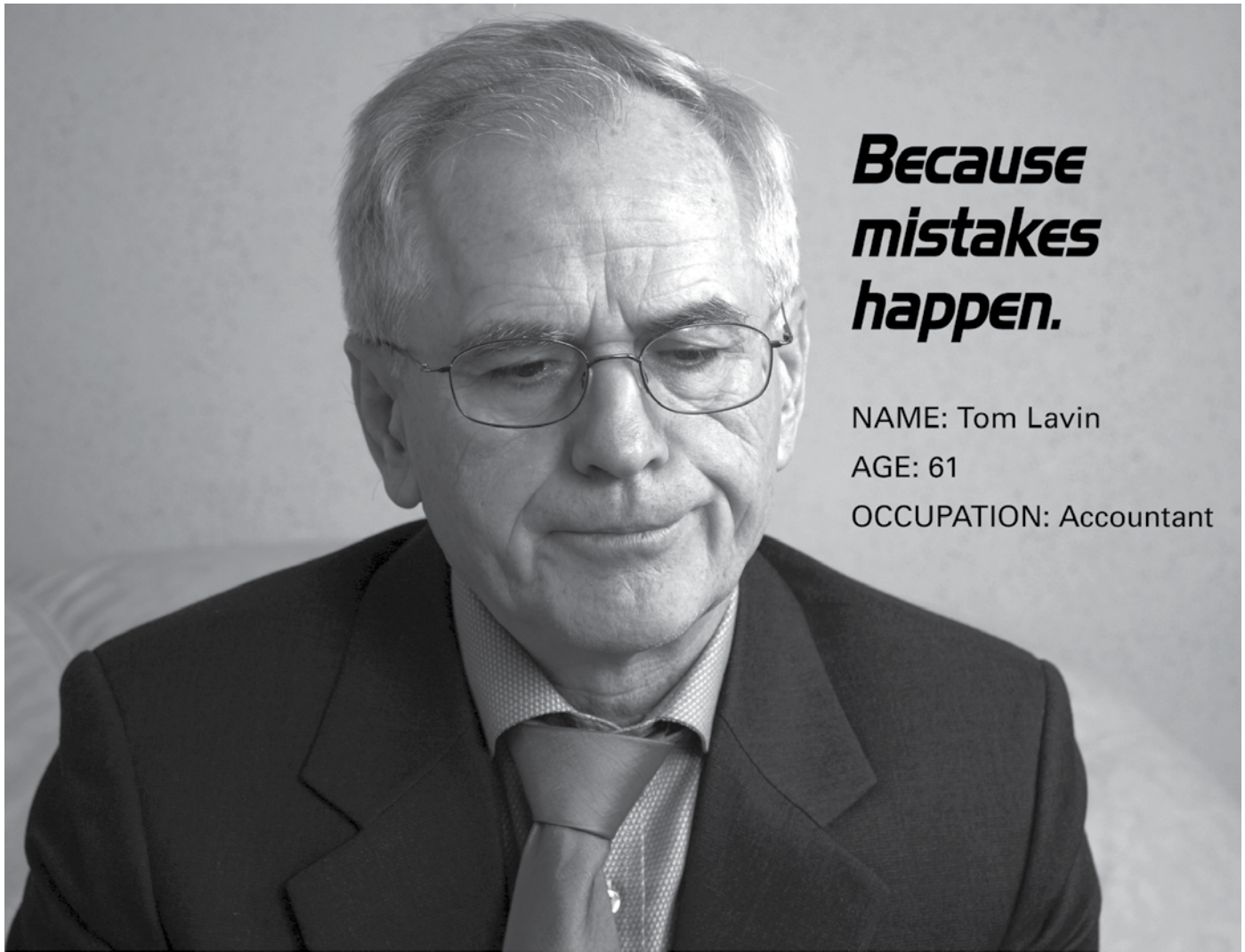
What is a success for you in your work as a teacher?

Seeing improvement! Becoming a good legal writer takes significant time and commitment. I don't expect my students to become brilliant writers by the time they complete my class, but if they demonstrate meaningful improvement over the course of the year, I know I've done my job well.

What do you hope for your students when they leave your class?

I hope my students leave my class with the confidence to tackle any legal problem they encounter in law school and in future practice. Legal writing is a process. Once you've mastered the process, you have the tools to work through any legal issue, familiar or not.

I spent my entire legal career in big law working for companies facing government enforcement actions, primarily related to financial wrongdoing, e.g., insider trading, unfair trade practices, etc. I didn't take Securities in law school, nor did I have a background in consumer protection issues. It was intimidating being thrown into an unfamiliar area of law on day one. But my legal writing and analysis foundation—issue spotting, organization and analytic skills—gave me confidence to work through a variety of novel legal issues. I hope my students leave my class with a similar feeling. ■



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Contributions to the *Bar Bulletin* must be submitted electronically in Microsoft Word format directly to the 2022 Editor at tarajacobi@icloud.com

The *Bar Bulletin* is published six times per year:

- January–February
- March–April
- May–June
- July–August
- September–October
- November–December

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

Contributors are encouraged to limit the length of their submitted articles to 2,500 words or less, unless the article can be published in two parts in successive issues. Lengthy lists of footnotes or citations should be incorporated into the the article.

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

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

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

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

Advertisement Policy

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

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

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

Information on advertisement sizes and rates can be found online at www.slobar.org. All advertisements should be prepared prior to publication.

Contact Kerrin Hovarter at (805) 541-5930 to reserve advertising space and arrange payment.

2022 Bar Bulletin
Tara Jacobi, Editor
tarajacobi@icloud.com



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