

Bar *Bulletin*

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Cover: Judge Linda Hurst retired in 2022 and now looks forward to new adventures. Photo courtesy of Tara Jacobi.

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The *Bar Bulletin*, ©2023, 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



How Can We Help?

by Gregory Gillett

I am humbled to serve as the San Luis Obispo County Bar Association's President for 2023 and look forward to an exciting year.

I would be remiss not to thank Kara Stein-Conaway, who has done an outstanding job leading the Association as we transition from the pandemic to a new normal. Kara has been a tremendous leader who built on the momentum of her predecessors with grace and grit. We all owe her and the board for the wonderful state in which she hands off the Association.

I am also more than grateful to Vice President Melissa Chabra and the entire board of directors who will lead the Association this year. I am in awe of the talent and commitment they have shown this past year, and I know we will have a successful year to come under their leadership.

For those who may not know me, my name is Gregory Francisco Gillett; I am also referred to as "gfg." I was born in the Central Valley farming town of Lindsay, lived in Porterville and moved to San Luis Obispo about eight years ago when my wife took a job teaching at Hawthorne Elementary. I participate in community organizations, including Rotary, PTA and

HASLO. My favorite thing to do is coach my two boys and their friends.

I am a member of a growing firm with the most amazing team of lawyers and staff. I spend most of my time in the courtroom on all types of matters.

I didn't grow up wanting to be a lawyer. However, I did grow up understanding that I could play a role in achieving social justice, no



One newspaper photo caption read, "Porterville residents march on Mail Street Saturday to demonstrate a show of togetherness and harmony. Upwards of 70 people participate in the trek from Olive Avenue to the steps of City Hall."

matter what profession I chose, if I were willing to be helpful. Recently, my uncle sent me a newspaper article from the 1980s reporting on a community protest of the Klu Klux Klan's proposal to relocate their California headquarters to my hometown. I recall the day well—I am the one with the bowl cut on the front right (photo to the left). I learned that day, and it's a mantra I have carried since, that "helping" is an action.

How does this relate to my year as president? When Kara asked me, as Kara does, "What do you plan to do with this one precious year?" My answer was simple: We plan to help.

Throughout the year, we will ask, "How can we help?"

How can we help practitioners grow professionally?

It is the foremost mission of the Association to serve our colleagues by offering opportunities to learn and expand on their already robust expertise. We also need to grow attorney networks throughout the county and beyond. We recognize the importance of facilitating the personal growth of our newest colleagues and our more experienced members. Thus, we hope to build our personal

connections through informal meetups—hiking, book clubs, beach days—and other fun events.

How can we help the bench improve the delivery of justice?

As officers of the court, we are obligated to improve the quality of justice. We will engage our bench and perform a meaningful analysis of systems that impact the equitable application of the law. We will collectively explore ways attorneys can positively impact access issues. Finally, we will all work to promote public confidence in the legal system through civic engagement.

How can we support civic education?

The past few years have highlighted the importance of the rule of law in American democracy. As public citizens, lawyers are responsible for providing ongoing

community education on the workings of the justice system, including teaching the public about the court’s role. With the help of the bench, we will celebrate Law Day on May 4, 2023, by opening the courts, providing relevant education and being available



to answer questions. We will also seek partnerships with local school districts to promote learning in our branch of government.


How can we help you?

The most important part of the Association is its members. Not just as colleagues but as people. This job is honorable but often stressful. This year, we will be seeking relationships with mental health providers, both local and virtual, to provide services and resources to folks who need them. And, of course, we are always here for you, so please reach out to us to let us know how we can help.

We will measure our success this year by the growth of our professional connections, increased access to our justice system and the strength of our members. We are here to help.

Thank you again for the privilege of serving as the Association President. Please let us know how we can help you.

In Service,
gfg ■



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Editor's Note

by Tara Jacobi

It is the start of a new year. It is the year of the rabbit. The rabbit is known to be the luckiest of all the 12 animals in the Chinese zodiac. My son was born in the year of the rabbit in 2011, when we last experienced a rabbit year. And here we are again 12 years later. A new year can sometimes signify a change in leadership, as our legal community will experience some of these changes as outlined herein.

SLO County Bar Association has a new President, Gregory Gillett, who you've read a bit about on previous pages. Thank you to former President Kara Stein-Conaway for your service as President last year. We greatly appreciate all your amazing efforts.

Almost everything the bar association does happens via volunteer efforts by its members, so please consider volunteering.

Our local law school has a change in leadership as well. Jan Marx is retiring as Campus Dean, and Erica Baltodano is taking the helm. I had the opportunity to interview them both and check in with the law school about their future.

It seems as if last year was the season for retiring judges in San Luis Obispo County. Another marked the end of her term, as Judge Linda Hurst retired the end of last year. Read more about her career in the pages ahead.

Toward the end of last year, I hope you had a chance to partake in some local legal events. The Women Lawyers Association hosted its annual Judicial Reception in October, where Presiding Judge van Rooyen swore in WLA's 2023 Board of Directors. Enjoy the photographs from the event.

The Bar Association's Winter Social took place in December at the

Monday Club. On the pages ahead, you'll find information about the annual award winners and photographs from the event, including our 2023 Board of Directors. Please join me in welcoming them.

I've always found it interesting that many couples in San Luis Obispo County are in business together. I hope readers enjoy a potential series of articles focused on attorneys that are both coworkers and couples. I've reached out to the Hosfords to begin this potential series.

Thank you to Jeffrey Stein for contributing a criminal law article and to Deputy District Attorney Rosa M. Clark for offering a counterpoint. And thank you to David Warren for his article about mediation.

In order for this to be a diversified and robust publication of engaging content, please consider contributing articles in your specialty practice area—or any other fascinating interests you may wish to share with our readership.

Happy New Year. ■



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Ahhhh, the Humanity...

(It can be the motivation toward—or the impediment to—a successful mediation)

by David P. Warren, Warren Mediation, Arbitration and Investigation

Six years ago, I stopped representing clients and began practicing exclusively as a neutral, and it has been a remarkable learning experience.

In many of my mediation cases settlements were achieved even though the parties began the mediation miles apart in their perceptions of the reality they faced going forward. Some cases didn't settle, but they were instructional concerning the impediments to settlement and how those issues might be bridged in the future. Common to all these cases was the human element, inescapable and worthy of focused attention if a resolution is to be achieved.

Let's start by acknowledging that we work in a litigation world which encourages and facilitates the use of the mediation process. As a matter of public policy, the law favors mediation and protects mediation confidentiality. To that end, it protects its participants from statements made during the process coming back to haunt them if the matter later proceeds to trial. Statements made in documents prepared for a mediation are also protected. Statutory and case law make clear California's strong public policy of confidentiality in mediation so that all sides can speak openly, without fear that their own words will later be used to impeach them in trial. *California Evidence Code 1119*; The California Supreme Court has characterized the confidentially protections of Evidence Code Section 1119 as "clear and absolute," *Cassel v. Superior Court* (2011) 51 Cal 4th 113, 118; *Wimsatt v. Superior Court* (2007)

152 Cal.App.4th 137.

With such protections in mind, the parties are at liberty to be creative with their briefing and supportive documentation. An extensive mediation presentation sends a message to your opponent and their counsel about the lengths to which you are prepared to go to prosecute or defend your case. The other side's perception of your drive, competency, and preparedness can dramatically affect their case and value assessment. That assessment impacts whether, and at what level, a case should be settled.



But beyond the legal assessment of each case, it is critical to remember that litigation is accompanied by significant costs in human terms. The parties to litigation (individual parties and corporate managers) feel the emotional toll of the litigation process—the discovery battles won and lost, the obsessive rumination about how my side is correct, how I am being unfairly tortured, and how the other side is ill-informed, abusive, and misusing the litigation process.

All this sustained emotional upheaval and uncertainty continues every day, on the way to that ultimate roll of the dice (aka trial), where everything will be on the line and

an outcome beyond the control of the parties will be determined. And when that day arrives, at least one party will be unhappy with the outcome.

Anecdotally, of my most recent 10 cases, seven settled at mediation and one within a week later with follow-up efforts made after mediation. The ninth case is still pending while the parties complete critical third-party depositions because of a disputed understanding about the testimony of the remaining witnesses. Once both sides find out what two critical witnesses say, they want to return to mediation and my gut tells me the case will settle, with the amount dependent on the strength of the testimony obtained from these two witnesses.

Statistically, the fact that so many of these cases have settled does not present an anomaly, as most cases do settle. While there are different reasons why some cases don't settle, inability to achieve a settlement is often related to: (i) work that needs to be completed to satisfy one or more parties that they have critical facts; (ii) the ability to kick the can down the road (particularly during the past couple of years with COVID motivated trial delays—the unspoken reality being why settle and pay now when there's no financial downside to waiting); and the most significant of these issues, (iii) the emotionality attached to the dispute, be it anger, frustration, inability to acknowledge the other side has a position or simply the inability to let go of the dispute.

As to item (i), those cases will

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Ahhhh, the Humanity... continued

likely get settled once the work is undertaken. As to item (ii), these cases remain resolvable because postponement is a temporary measure. Item (iii) reflects the human impediments to settlement that are in play in a large percentage of cases. These are impediments that can often be removed if they are identified, and human connections are made.

For a mediator working to achieve settlement for the parties, acknowledging the humanity underlying the dispute is critical to a successful case resolution. Emotional concern, worry and distrust are a part of every significant dispute. An employment dispute, a partnership breakdown, a business dispute and a real estate dispute often reflect the loss of important relationships and relationship benefit.

As such, significant emotional considerations accompany the dispute, usually from its outset, and often become more intensified. Those emotional concerns can well dictate how, and whether, a case can be resolved. Additionally, claimants and corporate representatives often harbor feelings that the other side is abusive, acting unfairly to injure them or the company they represent, and/or acting from a pernicious motive. So how does one deal with emotional underpinnings of competing views that are so vastly at odds?

The mediator needs to find a way to make an emotional connection with each party to establish his or her credibility, and that connection must be real—it cannot feel contrived, disingenuous or result driven, in which event trust will be undermined before it can be created. In my experience, the key to that connection is active listening, identifying the strong feelings and beliefs underlying a party's views, and responding by genuinely acknowledging the worries,

concerns and priorities that are important to that party. Critically, when that connection is successful, it conveys to each party that they have been heard and validates the feelings that they hold so tightly. If one of the key players does not feel that they are being heard, the likelihood of a settlement is adversely affected.

That's not to say they should be told they are correct about everything they perceive, but that their emotional concerns must be heard and acknowledged. If the concerns of the parties are brushed off without attentive consideration, it is as if their reality is being denied by the mediator who is supposed to be there to help, and trust is not established. Acknowledging each participant's reality goes a long way toward establishing a mediator's credibility, and with that credibility, his or her ability to build rapport with individuals heavily invested in the case and its outcome.

What's more, strong feelings are not exclusively the province of the parties. Attorneys also have significant emotional investment in their cases and their clients' perceptions of their efforts. They've been building and living with the case for a considerable period before it arrives at mediation. They worked to gather essential evidence and they fought to get where they are in discovery. The lawyers on both sides are committed to doing a good job and achieving a positive result for their clients, and they must feel comfortable that the mediator is working to obtain a result that works for them and their clients.

In my experience, the legal briefs provided by the parties tell only a part of the story, and while providing factual background and legal authority pertaining to the dispute is extremely important, the likelihood of a successful resolution goes way down

if the human factors are ignored. The emotional involvement of all concerned—parties and counsel—and whether those concerns are recognized will play a key role in determining whether a case can be resolved.

I often see parties and counsel distressed, angry or frustrated with the other side. Those strong feelings are part of the set stage at the commencement of a mediation, and those feelings have been building since the dispute began. As much as attorneys (and sometimes clients) are analytical by training and by nature, they are also gifted or encumbered (depending upon your perspective) by emotions that come with being human. A light moment of laughter, a human connection, recognition of a party's perspective and concerns, and making it known that the interests of each side are valued and considered by the mediator are an indispensable part of a successful mediation.

If mediators reach out to the humanness we share, we increase the odds of settlement, and the clients on both sides leave the process with a belief that they were treated fairly, and that they have been heard. That result is my definition of a successful mediation and a good day. ■

David P. Warren is an attorney whose practice has spanned 40 years. For the past six years his practice has been exclusively limited to service as a neutral and, specifically, mediation, arbitration and workplace investigation. Prior to that time, he practiced as a civil litigator, emphasizing employment, business, real estate, construction and personal injury matters.

Additional information is available at Warrenarb.com, and he can be reached at (805) 709-2854 or via email at DPWarren@warrenarb.com.

In Memoriam

Reflections on the Law and the Life of Paul A. Geihs

(October 16, 1935–October 15, 2022)

by **Stephen G. Geihs**

On October 15, 2022 (one day before his 87th birthday), we lost a venerable member of our legal community, my father, Paul A. Geihs.

Paul was passionate about practicing law. He specialized in real property, landlord/tenant, probate, bankruptcy and municipal law. He often said that the law is a jealous mistress. On weekends you could find him reading advance sheets or the bar journal to stay up on the law.

Monday was his favorite day of the week. Throughout his 50 years of law practice, he was never disillusioned. He wholeheartedly believed in our legal system. In addition to his private practice, Paul was the City Attorney of Pismo Beach, an active real estate broker and served as a judge pro tem. Many of his colleagues consulted him over the years for his insight. He was especially strong on procedural issues, which he used to great advantage.

We worked together for decades. He was my mentor. I learned more from my dad than all my formal education (although I'm somewhat biased toward the man). After all, when I was very young, I believed he had magical powers. I had these small toy fighter jets similar to what he flew in real life. One of my earliest memories was when he would play a game with me, pretending that these toy jets were taking off. Suddenly, in front of my eyes, they would disappear. I would look for them

frantically. He would tell me they were on a flight to grandma's house in Omaha, Nebraska. Hours later they would reappear as if they had flown halfway across the country. He would tell me to feel them, and they were ice cold seemingly from the flight. He had hidden them in the freezer.

Paul came from humble beginnings, growing up in a working-class family. His father, Fritz, was a tailor by trade who emigrated as a young man from the Black Forest region of Germany to settle in Omaha. Paul and his twin brother, Fred (who also became a lawyer), were the oldest of five children. His mom, Dorothy, came from a long line of railroad locomotive engineers who, according to dad, had tremendously strong grip



The Geihs brothers circa 1940. From left, Fred, Gil and Paul.



strength, which they used with great intensity for those who were unfortunate enough to shake their hands.

Early in life Paul was determined to wear a suit to work, which fueled his study for business and eventually law. From a young age he and his brothers worked many jobs, beginning with delivering newspapers 'in the snow uphill both ways.'

In high school, the twins took secretarial classes where they were the only boys. Perhaps due to all the long hours of piano practice, Paul became the best typist in the class. During one competition, the goal was to see who could continue typing without making a mistake. Paul was the last person typing. He felt all eyes upon him and purposefully made a mistake so he could stop.

Paul earned his bachelor's degree in business administration from the University of Nebraska at Omaha, where he participated in the ROTC program. Upon graduation, he accepted a commission in the U.S. Air Force where he flew T-33 training jets. He

Continued on page 12

In Memoriam – Paul A. Geihs continued

served four years on active duty and 18 years as a reserve officer at Vandenberg Air Force Base before retiring as a Lieutenant Colonel.

Upon the advice from his identical twin brother, who was attending Creighton Law School in Omaha, Paul changed his life course just days prior to having to commit to seven years of active duty in the Air Force, and applied and was accepted to UC Hastings College of the Law. Hastings at the time accepted most applicants, but there was a high attrition rate. "Look to your left and then to your right, and in three years from now, only one of you will still be here."

During his first semester of law school, Paul was called back to active duty for the Cuban Missile Crisis. Although the crisis was short-lived, when he returned to California, he was required to start his first year over again. He credited repeating those first couple of months of the first semester as giving him a leg up for the remainder of law school.

After graduating law school in 1965, he accepted a position in a small boutique law firm of Young, Henrie and McCarthy located in Claremont, California. This required immediately moving down south with his young family (my mom and two older brothers, ages 5 and 2) to start his new career. He studied for the Bar while working and later that year learned that he was one of 1,103 people who passed the July Bar Examination.

In 1967, he made another strategic decision. Not wanting to raise his family in the smog of Southern California, he drove up the coast and found a small home in the town of Pismo Beach. He said that had he stopped in Santa Barbara, we would have ended up living there. One piece of advice he gave law graduates over the years was to *first* pick where you want to live and then establish your career in that location.

After arriving on the Central Coast, Paul joined the firm that became Crossman, Weaver and Geihs. Crossman had recently died. His wife, Jan Crossman, remained working at the firm as a secretary along with Helen Stace. I remember as a kid visiting the office and watching these amazing secretaries typing more than 100 words per minute on the IBM Selectric typewriters. I would ask dad, "Doesn't all that noise from the typewriters bother you?" His answer was, "It would bother me if I did not hear the typing."

Interestingly, Paul never personally adopted the use of a computer or a cell phone. He would comment, "I don't even know how to turn them on."

He had few hobbies and concentrated on his profession. However, he was an avid cyclist for a good part of his



life and completed two separate 100-mile century rides. He often said that he won many a case out on the bicycle.

Paul conducted dozens of trials over his career in front of judges and juries. Nevertheless, he did not consider himself a trial lawyer. He did say there is nothing better than being prepared and trying a case in front of a jury. When he was younger, if we saw him mowing the grass on a weekday, it indicated that he had just won a case. After he retired, he felt fortunate to serve on a jury as the foremen.

Paul was exceptionally proud of his military service in the Air Force. In 1978 he received the prestigious Reginald C. Harmon Award for most outstanding JAG reserve officer of the year. I have fond memories of being flown to Washington, D.C., at age 11, with my mom, Carol, for him to accept the award.

He was also proud of what he called "Palm Gate," where he helped save the homes located across the street from the courthouse from being destroyed and replaced by a planned parking structure in 1973. As one observer wrote to the editor of the *Telegram Tribune*, "The whole thing smells suspiciously like a Watergate West caper that needs airing in the light of day." Dad brought a taxpayer's suit based upon appraisal inadequacies of the homes, which led to the city abandoning their plan. Another successful, notable case in which I had part was when he filed a writ of mandamus on behalf of a neighborhood group in Pismo Beach that prevented



Top, Paul Geihs (right) receives the Reginald C. Harmon Award in 1978 for most outstanding JAG reserve officer of the year. Above, Carol, Paul and Stephen attend the ceremony in Washington, D.C.

a hotel from being built in excess of the city's height restrictions.

Paul was overly organized. He kept a file on virtually everything. This discipline came in handy. I remember about 16 years ago, he was to give a eulogy for his twin brother, Fred. He kept it simple and he used a college paper saved from 40-plus years earlier where the assignment was what he admired most about his twin. The speech was a great success. Afterward, in classic Paul Geihs style, he said, "Nailed It." I learned a lot from my dad: Win, lose or draw—he treated a matter as a victory and moved on.

Paul was a sharp dresser. In the 1980s and '90s, he was big on suspenders—they were in fashion then. I remember one time we were waiting for a jury trial to start in the mezzanine at the courthouse. A friend of his was leaving one of the upstairs courtrooms and looked down and saw dad. He yelled down, "Paul you look like a senator." I remember thinking he does look like a senator. He always looked the part, knew where he was, and acted accordingly.



The caption on this November 3, 1973, article in the Telegram-Tribune reads, "Conferring on Friday during the filing of the request for an injunction against the Palm Street land purchase were, from left, Attorney Paul Geihs, his partner Gerald Weaver, Robert Schum and James Lindholm, assistant district attorneys."

Paul was a gentleman. While defending one particular case brought by Roy Ogden and Tony Boyd on behalf of the plaintiff, the lawyers were conducting a deposition at my dad's house. During the deposition, the plaintiff kept staring at a large ceramic pot that had been purchased by my dad's wife, Cindy, at a consignment store. As the deposition concluded, it was determined that this was same ceramic pot that the plaintiff's grandfather brought back from Asia that she previously had to sell. Dad said you should have this and gave it to her.

Paul championed the rights of the underdog. During his career he helped many in the community. Several people have come to me stating that they started a business upon my dad's advice. When he knew someone was a hard worker, he would say, "Why don't you spend that time working for yourself?" He often said most people sell themselves short in life.

Earlier in life he had the goal to live to the age of 100. Parkinson's disease changed that. In his final years (as throughout life) he faced his difficulties with courage. One of the last pieces of advice he gave me was retire early.

I will always be grateful for the numerous lessons taught and precious time spent with my father. He always said life is for the living. He will be sorely missed. ■

Judge Linda D. Hurst Retires and Reflects

A Conversation With Tara Jacobi

JUDICIARY

What was most memorable about your time on the bench?

I recognize how lucky we all are to have a system of justice that provides recourse to so many. My opportunity to serve on this bench has reinforced in me the importance of our system, including the effort and industry required to support it. I find myself very grateful to have had such a meaningful career. It's been an honor to be a part of a dedicated court community that works so hard on behalf of those in need of our services.

What did you enjoy most about your role as a judge?

I've enjoyed the interaction with people, including my colleagues on the bench both past and present. I'm so grateful for the hardworking staff we have the pleasure and honor to work with day in and day out. It has been rewarding to work with attorneys and pro pers in the courtroom advocating for their positions.

What were you most proud of during your service and why?

While I really enjoyed my assignment in Civil in Paso Robles, I am most proud of my work in the juvenile court and I've spent most of my judicial career there. The juvenile court judge makes decisions that will immediately and dramatically impact a young person's life. It is a big responsibility and I have taken that role seriously, as have all my predecessors. Our juvenile court enjoys a strong positive relationship with Probation and the District Attorney in the juvenile justice arena and with Social Services and County Counsel in dependency. While we constantly work on difficult cases, San Luis Obispo County has a strong commitment to and success in serving the youth in our community.

What did you find most challenging about your service and why?

Being a judge is not an easy gig. We work hard (and early or late). We make complicated and life-changing decisions, and often the systems we rely on can't meet the needs of a litigant.

Did you have any mentors that assisted you throughout your career?

Throughout my legal and judicial career, I have had the honor and privilege to work with many truly remarkable people. I worked with three litigation firms, each of which produced judges and attorneys who contributed to the law and to their community over many decades. I served for several years on the dependency panel here in San Luis Obispo, working alongside many fine lawyers committed to help our struggling youth and families.

I can name many mentors, but I've chosen to identify two: Pat Stevens and Judge Barry Hammer.

Pat Stevens worked in County Counsel for many years and was lead County Counsel in dependency cases. Pat served as a mentor to any attorney who worked on dependency cases. Pat's goal was to make sure the process was effective; she was willing to share her expertise, no matter who you represented. When I joined the panel, I became another beneficiary of her guidance, making me a better attorney and advocate for my clients.

I appeared before Judge Barry Hammer on many occasions. I was one of many he told to "Slow on down Counsel" when my argument became spirited. Judge Hammer invited me to lunch on three separate occasions: the first when I became Bar president, the second when I was appointed to the bench, and the third when I announced my retirement. On each occasion, he had excellent advice and suggestions for that new stage in my career.

BACKGROUND

Where did you grow up? What did you study as an undergraduate at the University of California Davis?

My father was a career Army officer, which meant we lived at various posts including West Point, New York; Washington, D.C.; Stuttgart, Germany; and Governors Island, New York. Retirement at age 60 was mandatory then, and he retired in 1964 with three grammar-school age daughters to raise.

My parents had been posted twice in the San Francisco Bay Area early in his career and had come to love the area and appreciate the robust retired military community there. When my Dad retired, my parents moved to the East Bay, where my sisters and I grew up, and they lived for many happy years.

My father strongly encouraged me to attend UC Davis, which I loved and graduated from with a major in political science (and an almost minor in English).

What drew you to a career in the law? While at Western State University College of Law what did you think you might want to do after law school?

I had decided to pursue an MBA and asked a professor to write a letter of recommendation for that program. The professor declined but offered to write a letter of recommendation to law school as he opined that I would make an excellent attorney. It's fair to say that conversation dramatically changed the course of my career. As there are many generations of lawyers in my family, it's hard to explain why I hadn't considered law as a career path earlier.

I enjoyed being at Western State; I discovered I loved the study of law and made many lifelong friendships and important relationships there, including my future husband, Dave Hurst.

I took several tax classes while at Western State and enjoyed the different analysis required for those courses. I was accepted into the LLM program at Golden Gate University in San Francisco, where I obtained a Master of Laws in Taxation.

The irony is that I worked with a firm in Contra Costa County that was planning to open a tax department within the firm—a perfect transition for me. However, while working for them as I pursued my Masters, my time was spent primarily in plaintiff's personal injury and criminal defense, and juvenile. I quickly discovered a passion for litigation and the courtroom, so I never transitioned to the tax department and rarely put my LLM to practical use.

What court did you first preside over and for how long? Where did you find yourself next? What court did you most recently preside over and for how long?

Like many other new judges, I started in a misdemeanor criminal assignment. I received wonderful support from my staff and my colleagues. Judge Dodie Harman was my assigned mentor, who was so patient with me! After two-plus years I became the assigned juvenile court judge for several years before transitioning to a civil assignment in Paso. I returned to the juvenile assignment in September 2021 when Judge Crandall accepted an assignment as a justice pro tem.

How was it to adjust to the bench during the pandemic? What positive changes, if any, might you have witnessed since that time?

Frankly it was shocking to adjust to the pandemic, but that's true for everyone. When Judge Jackie Duffy issued the Order to close the San Luis Obispo courts, effective on March 16, 2020, I didn't realize how long



we would need to be completely focused on how the Court could move forward effectively and safely.

As a bench we all came in every day to identify issues and discuss solutions. I know we each felt the pressure of the cases not being heard, and people on hold waiting for the Court to address critical issues in their lives. In hindsight, I truly admire how our Court and our excellent staff collaborated to make the transitions necessary to provide access to the Court possible amid a global crisis. There are still delays impacting so many, particularly in Civil and Family Law, but what has been accomplished is pretty remarkable.

While there are lots of pros and cons to remote Court proceedings, I find it to be a benefit overall that allows access to justice previously unavailable to many. Zoom diminishes the personal impact, but it allows people to appear from remote locations who could never have had their voices heard otherwise.

What improvements, if any, would you like to see in the judicial system?

The Court really does need more resources. San Luis Obispo County is down several judicial officers now, although that will change in due course. However, even with a full bench, like most courts, we need more judges and staff to address our increasing caseload.

One of the consequences of the pandemic is an uncertain workforce. We have all seen restaurants closed and help-wanted signs posted. The Court is experiencing staff shortages too, as are many of the agencies that we

Continued on page 17



San Luis Obispo County Law Library

After-Hours Library Access Now Available

7 a.m.–10 p.m. Monday–Sunday With Key Fob

Following reduced hours during COVID protocols, the San Luis Obispo County Law Library once again offers keyless entry to the library before and after regular business hours for attorneys, judges, paralegals and law students.

- **Attorneys and Judges—\$250/year**
For California State Bar members in good standing who live and/or practice in San Luis Obispo County. For attorneys and judges from outside SLO County, check with the law librarian.
- **Paralegals and Law Students—\$100/year**
For San Luis Obispo County residents who provide the signature of a judge or attorney who accepts responsibility for use of the key fob.

Please Note: An after-hours key fob may not be loaned to anyone, or used by anyone other than the individual or law firm to whom it is assigned.

Library Resources

Books

- West's Annotated California Codes
- California Forms of Pleading and Practice
- CEB Practice Guides
- The Rutter Group
- Matthew Bender Practice Guides
- California Jurisprudence

Online Sources & Forms

- Westlaw
- CEB On Law
- NOLO Guides (1,000+)
- Online form preparation for California Superior Court, County of San Luis Obispo
- Microsoft 365 (Word, Excel, Power Point)

Use As a Classroom

Attorneys, judges and paralegals who wish to use the Law Library for educational purposes within the context of teaching a class should contact the law librarian.



Location & Hours

San Luis Obispo County Law Library

County Courthouse Annex
1050 Monterey Street
Room 125
San Luis Obispo, CA

Open 9 a.m. to 4 p.m.
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Judge Hurst Retires continued

rely upon for program and case support. These shortages often result in additional delays in an already challenged system.

RETIREMENT

What is next? What are your plans for retirement? Any particular hobbies that you wish to take to the next level?

It seems that travel is in my future, as I already have booked six trips of varying length. I enjoy hiking, fitness training, board/card games and reading. I hope to return to a poker group that I had to give up when I took the bench.

There is also something ahead that I have not identified yet. Perhaps I will run into that professor from times past, and he will have that perfect suggestion to form my retirement years. I'm looking forward to learning what that will be. ■



IS PLEASED TO ANNOUNCE



LISA HAMON has been elevated to a Partner with the firm. Over the past eight years, Lisa has assisted clients with complex business and real estate transactions and litigation matters, consistently delivering outstanding results for her clients. She is an integral part of the team who is dedicated to serving the community in which she was raised. She previously served as the Chair of the SLO Chamber's Legislative Issues Committee and is currently serving on the Board of the Women Lawyers Association.



SARAH YASUTAKE has joined the team as an associate specializing in business, employment and real estate transactions. Sarah is a well-rounded attorney bringing her experience from working in New York City for one of the world's most prominent law firms. Sarah is now dedicated to serving her clients here on the Central Coast.

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Women Lawyers Association Hosts Annual Judicial Reception

Text and photos by Tara Jacobi

On October 20, 2022, the Women Lawyers Association hosted their annual Judicial Reception honoring our local Judges. This year the reception was held at the Saints Barrel Wine Bar on Higuera Street, conveniently close to the courthouse.

This year's reception came with a game of "Two Truths and a Lie," where guests had to spot the lie about the Judge. It turns out that Liza Minnelli flirted over the phone with Judge Matthew Guerrero. Judge Craig van Rooyen had several near-death experiences, including one while on safari. And Judge Jacqueline Duffy had her 15 minutes of fame as a telephone life-line on the game show "Who Wants to Be a Millionaire."

Judge van Rooyen swore in the Women Lawyers Association's 2023 Board of Directors: Immediate Past President Maren Hufton, President Jessica Saldo, Secretary Lisa Hamon, Treasurer Elizabeth Culley, Membership Chair Emilie De La Motte, Scholarship Chair Lisa Sperow, Tech Chair Skye Christakos, Publicity Chair Michaela Cotton, Judicial Reception Chair Nicole Norris, and Members-at-Large Megan Baltierra, Sarah Pazdan, Kara Stein-Conaway, Sheryl Wolcott. ■



WLA 2023 Board of Directors



From left, Judge Michael Duffy, Judge Jacquelyn Duffy, Judge Tana Coates, Attorney Greg Coates.



Judge Craig van Rooyen swore in the Women Lawyers Association's 2023 Board.



Megan Baltierra , Melissa Chabra

Termination of Sex-Offender Registration— A One-Year Update on the New Law

by Jeffrey Stein

July 1, 2021, marked a watershed day for thousands of people compelled under the law to register as sex offenders. Prior law offered no meaningful statutory route to terminate the obligation, despite a registrant having been free of new offenses and enjoying a history of lawfully registering for decades.

The old law relied on a series of assumptions that were implemented in the 1940s, based on the gut feeling of the legislature that most offenses involved stranger-on-stranger victimization and that registration would reduce that trauma. The approach was to keep anyone ever required to register on the list for life, feeling that it lessened general danger with no adverse societal costs.

California's Department of Justice has been delegated a leading role in guiding the implementation and operation of the registration process. In 2006, the legislature created a widely diverse collection of stakeholders, known as the Sex Offender Management Board (SOMB), to provide input on what approach or modifications of the registration process would best serve the legislative policy goals and public interest. The board's makeup and approach can be reviewed on their webpage: <https://casomb.org/>. The board is heavily weighted toward law enforcement, probation, parole, the courts and prosecution, with one defense attorney included.

Importantly, the board, which proposes policy for managing sex offenders, draws on up-to-date research to identify policy approaches that serve the vision of decreasing sexual victimization and increasing

community safety. The board's groundbreaking 2014 report, "**A Better Path to Community Safety**" identified the rationale for shifting from lifetime registration to allowing termination of the duty when demonstrated facts and proven conditions meet the standards for assuring community safety.

Now in effect, this well-researched and groundbreaking change passed through the legislature with widely diverse support from victim groups, prosecutors, law enforcement and other interested parties. A vital fact is that no opposition was presented to the proposed changes (SB 384, 2017 legislative session). This newly enacted path, proposed by the SOMB, is a true win-win in that it provides an approved approach that law enforcement and prosecutors support, while allowing past offenders to end this difficult burden if they can meet the standard and criteria the new law adopts.

The Law in Operation

A full year of practical experience reveals a variety of required steps for petitioners seeking to be relieved of registration. These showings create necessary obstacles to a successful outcome, but the petitions that have been granted confirm the optimistic realization that, with appropriate circumstances and proof offered, termination of the duty to register is realistically available. As a safeguard, the law empowers the court to deny termination when objectively justifiable concerns merit retaining registration. If a denial of termination is ordered, the court sets the earliest

date when a further application can be refiled, with that deferral being for as long as five years.

As part of the reliance on science-based decision-making, the legislature, acknowledging the critical role that social scientists can provide, has adopted a series of risk-assessment tools that are a vital aid in evaluating the petition to terminate. Known as SARATSO, these evaluations are administered by certified practitioners, typically psychologists, to provide a widely accepted basis for decision making (<https://saratso.org/>).

The legislative policy determination is that appropriate termination of sex offender registrants improves public safety, rather than harming it. The approach adopted allows appropriately screened and documented applicants to be excused from the registration list. The simple reasoning is that when demonstrably low-risk people are eliminated from the registration list, law enforcement is able to devote meaningfully greater resources to scrutinizing recognizably dangerous past offenders.

Wide agreement in the stakeholder community confirmed and validated important public safety rewards resulting from eliminating low-risk registrants. The same determination and reasoning allow those granted registration relief to be removed from the public Megan's Law website listing. Complexities are faced by applicants in gaining

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Senate Bill 384: The Law That Changed the Structure of the Sex-Offender Registration Act

by Rosa M. Clark, Deputy District Attorney

On January 1, 2021, California's Senate Bill 384 (SB 384) took effect and significantly altered the landscape of sex-offender registration. SB 384, also known as "tiered sex-offender registration," made several big changes to the structure of the Sex Offender Registration Act.

California law previously required lifetime registration for all sex offenders convicted of crimes enumerated in Penal Code Section 290(c). In 2017 Governor Jerry Brown signed into law SB 384, codified at Penal Code Sections 290.5 et. seq. The new law eliminated uniform lifetime registration and established a multitier system for all sex-offender registrants. Depending on the specific crime of conviction, an adult registrant is now required to register for 10 years, 20 years or for life. Juvenile offenders must register for 5 years or 10 years based on the crime adjudicated. There is no lifetime registration for juveniles.

The intent of the new law is to revive the usefulness of the registration system. California has one of the largest sex-offender registries in the United States and provides very limited relief from the registration requirements. The only available options for removal from the registry prior to SB 384 were a certificate of rehabilitation or a governor's pardon. Successful petitions were rare for those subject to sex offender registra-

tion. The large number of cases on the registry has created a tremendous amount of work for law enforcement agencies charged with monitoring and enforcing registration requirements. The paperwork alone consumed significant staff resources.

Relief under the new law requires a registrant to affirmatively petition for removal through a multistep process. The first step is to determine which registration tier the petitioner falls into based on the crime of conviction or adjudication (e.g., 10 years, 20 years or life). The California Department of Justice (DOJ) has already designated the tier of most registrants. However, for convictions occurring on and after January 1, 2021, the sentencing court is required to designate the registration tier for those ordered to register. Registrants may affirmatively seek a registration tier designation through their local registering agency. That agency will respond by providing a Tier Notification letter.

The second step is to petition the court to terminate the registration requirement. Beginning July 1, 2021, registrants who meet the listed requirements may petition the court in their county of residence for termination of their requirement. Registrants may petition on or after July 1, 2021, if they have exceeded the mandated registration period under their tier, or after their next birthday following the expiration of their mandated registration period. It is important to note that a registrant must affirmatively petition to terminate the registration requirement. The registration requirement does not automatically

terminate after the time established by the new system.

Once a petition is filed, the registering law enforcement agency has 60 days to report to the district attorney and court whether the registrant has met the requirements for termination pursuant to Penal Code Section 290(e). The district attorney in the county in which the petition is filed can request a hearing on the petition if she or he believes that the petitioner does not meet the requirements for removal or determines that community safety would be significantly enhanced by the person's continued registration.

Megan's Law & Marsy's Law

SB 384 also modified Megan's Law, the legislation requiring sex-offender information to be posted online on the Megan's Law website. First, SB 384 removed the numerous exceptions which provided that a registrant's information need not be posted on the Megan's Law website. Second, when a registrant is removed from the sex-offender registry, they will also be removed from the Megan's Law website. A registrant's tier designation will not be posted on the Megan's Law website.

Under Marsy's Law, the California Constitution requires victim notification regarding the parole or release of a defendant. However, victim notification is not required by law when a registrant is granted relief from registration under a certificate of rehabilitation or governor's pardon (see Penal Code Section 4842.01). SB 384 does not change victim

Continued on page 22

One-Year Update continued

removal, and in understanding the impact of being “delisted” on related but separate obligations relating to interstate or international travel, which are covered by the federal SORNA legislation and the laws of all 49 other states. These must be assessed individually if California registration termination is achieved.

Conclusion

The new path forward is genuinely available to many people currently registered as sex offenders. Success has been realized, which includes removal from Megan’s Law online listing that most registrants face. Individual case assessment and strategic planning are vital to optimizing the likelihood of success and understanding the remaining interstate and international risks, separate from California registration. No greater service can be given to former clients than to alert them to the opportunity now available to lawfully end this burdensome obligation. ■

Senate Bill 384 continued

notification when a registrant’s petition is granted. However, one of the most important factors in processing SB 384 petitions for the San Luis Obispo District Attorney’s office is the consideration for the victims affected by the results of the outcome.

In anticipation of implementing the new tier system, in late 2020 the San Luis Obispo County District Attorney’s office designated a deputy district attorney to develop a program for investigating, assessing and processing all SB 384 petitions. A program was developed, in consultation with defense counsel, to efficiently process petitions. Each petition undergoes an extensive investigation by law enforcement and the assigned deputy district attorney to determine whether the petitioner meets the criteria for termination from the

registration requirement. This includes assuring the correct tier designation, timing of petition and assessing other public safety concerns.

In the past year, San Luis Obispo County law enforcement has received approximately 40 such petitions. The court has ruled on approximately 24. Approximately 16 petitions are pending ruling by the court. As the number of registrants decreases each year through the elimination of those entitled to relief under the new tiered system, law enforcement can more effectively focus on higher-risk registrants. This will restore the Sex-Offender Registration as the proactive crime reduction/solving tool it was designed to be. ■

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Winter Social

5:30–8:30 p.m. Thursday, December 8, 2022 at The Monday Club

Photographs courtesy of Marie Edralin



2023 SLO Bar Association Board of Directors

From left: Director Lisa Sperrow, Director Allen Hutkin, Ex officio Kara Stein-Conaway, Director Elizabeth Culley, Director Lester Paredes, Director Judge Matthew Guerrero, Director Joe Benson, Director Jon Ansolabehere, Vice President Melissa Chabra, President Gregory Gillett. Not pictured are Treasurer/Secretary Nicole Norris, Bar Bulletin Editor Tara Jacobi, Director Judge Erin Childs, Director Lisa Toke.



Menu by...



Music by...



More...



Scott & Tina Radovich



*Above, Sarah Matthews
Below, Winter Social guest*



Beth Marino, Michael Haupt



Dee & Lester Paredes



Helen Garrison, Joshua Martin, Kevin Ramey

Jan Marx Receives the Seitz Award

At the Winter Social on December 8, 2022, the San Luis Obispo County Bar Association presented the John L. Seitz Award to Jan Marx. The Seitz Award recognizes those lawyers whose community contributions exemplify the best attributes of the legal profession. Since 1989, the Seitz Award has been presented annually. It is generously funded by the Seitz family and is named for John L. Seitz, a longtime San Luis Obispo County Attorney.

Marx has an expansive array of public service that includes serving as a council member and Mayor of San Luis Obispo. She maintained a private practice in San Luis Obispo for 15 years, and she has served as a volunteer arbitrator, Judge Pro Tem and as a longtime volunteer attorney for the San Luis Obispo Legal Assistance Foundation. She is a longtime board member of the Women Lawyers Association (WLA), where she served as President, and she co-founded the SLO Domestic Violence Clinic, now Lumina Alliance. In 2017, she received WLA's Outstanding Woman Lawyer Award, and in 2019, she was named a SLO Community Foundation Woman of Distinction.

In 2018, Marx was hired as Campus Dean of the SLO College of Law. As Dean she established a program called Careers in Law, designed to assist law students learn more about various aspects of the legal profession. The program was extended to the law school's four campuses and also made available to the public.

These highlights are not a comprehensive list of all her community service efforts throughout her career but serve to exemplify her generous spirit in working to serve our community, people in need of legal services and our law students. Please join us in congratulating Jan Marx as the Seitz Award recipient.

—Tara Jacobi



Andrew Weiss Garners the Pentangelo Award



Photo courtesy of Andrew Weiss

The Pentangelo Award is named in honor of Frank T. Pentangelo, a longtime contributor to the *Bar Bulletin*. The award recognizes writers providing articles for the *Bulletin* and is designed to inspire contributions.

When Andrew Weiss authored "Medical Malpractice Cases Encounter a Whole New Ballgame in AB 35," two emails full of praise were immediately received. Both were from attorneys who teach classes related to his article, and both found the article exceptionally informative and wished to receive permission to use Weiss' article as a teaching tool. For this meaningful and informative contribution to our law journal, Weiss received the Pentangelo Award. Thank you, Andrew.

I would also like to extend an honorable mention to several writers who contributed articles with exceptional heartfelt topics. Lester Paredes shared his insight on emotional intelligence. Maren Hufton interviewed June McIvor about the 50th anniversary of Title IX. Scott Taylor wrote about vicarious trauma and how lawyers should ask for help when needed. Jane Heath and Jeffrey Stein regularly contribute articles about their specialties. Thank you to everyone who contributed an article to the 2022 *Bar Bulletin*.

We all look forward to reading the articles members submit in 2023!

—Tara Jacobi

More...



Dara & Gregory Gillett



Kara Stein-Conaway, Michaela Cotton, Elizabeth Culley, Monday Club architect Julia Morgan (wall photo), Natalie Laake



Winter Social guests



Winter Social guest



Scott Wall, Ziyad Naccasha, Winter Social guest



Winter Social guest, William Frederick, Winter Social guest



*Above, Eva Ulz, Mary, Jan Marx
Above right, Donna Jones, Bryan Stack*



Alison Herson hits the bullseye.



*Above, Winter Social guests
Right, David, Lisa Lazzara dance under a full moon.
Below, Nicole Mullikin and Francisco Ramirez dance
to the music of Gypsy All Stars.*



al guest, Jacqueline Frederick





Dean Jan Howell Marx Passes the Torch to Erica Flores Baltodano

by Tara Jacobi

At the end of 2022, Jan Howell Marx retired as Campus Dean of the San Luis Obispo College of Law, a branch of the Monterey College of Law. We spoke about her work at the law school before she passed the torch on January 1, 2023, to Erica Flores Baltodano, who shared her future plans for the law school.

Jan, when did you start working at the law school and in what capacity?

I taught Constitutional Law starting in 2017 and taught Women and the Law, as well as various workshops.

When were you hired as Dean of the San Luis Obispo College of Law?

I was hired in 2018.

What were your responsibilities of Dean of the San Luis Obispo College of Law?

The Campus Dean serves as Senior Administrative Officer for the branch campus. The position reports to the President and Dean of MCL, and works closely with the Campus Administrator to ensure smooth and orderly operations of the campus. Essential duties and responsibilities include coordination with the President and Dean of MCL and the Campus Administrator to share management responsibility to create a campus environment supportive of a quality legal educational experience.

The Campus Dean serves as the primary community liaison to establish and maintain effective relationships with the legal community, local higher education leadership, and the broader professional community. The Campus Dean also serves as the primary liaison with the branch campus community Advisory Board, including solicitation of Advisory Board members, scheduling meetings, and coordinating agendas, schedules and maintaining minutes.

The Campus Dean serves as the primary marketing representative for the campus, attending meetings for professional and business organizations such as SLO County Bar Association, Women Lawyers Association, Chamber of Commerce, San Luis Obispo Downtown Association, Rotary, Kiwanis, League of Women Voters and Young Professionals Networking Group.

The Campus Dean actively supports new student

enrollment and continuing student retention efforts. The Campus Dean collaborates with all law school departments as necessary to promote student success and ensure compliance with academic policies, procedures and accreditation regulations. Finally, the Campus Dean participates in the ongoing assessment of law school programs and services.

I established the Master of Legal Studies Thesis program and taught this advanced legal research and writing course in 2020–2022. I also created a series of in-person and virtual panel discussions called “Exploring Careers in the Law,” which feature local attorneys discussing their legal fields and their personal paths to law school and to their chosen careers. These discussions have given a number of students a chance to connect with practicing attorneys and opened up internship and/or job opportunities.

What were some of your favorite moments working as Dean of the San Luis Obispo College of Law?

It has been a great joy to witness our students gaining in legal knowledge, judgment and self-confidence as they progress through law school and then assume their places in the legal community. I have been proud to be associated with Monterey College of Law, especially in its cutting edge efforts to improve access to legal services by improving access to local legal education.

What were some of your greatest challenges while working as Dean of the San Luis Obispo College of Law?

Being part of the team keeping the local campus and students on track during COVID was a real challenge, which we, thankfully, negotiated successfully. Another challenge was to raise the law school’s profile and establish its reputation in the local legal and wider community.

How have you seen the law school grow during your time working there?

Yes, not only has our local campus increased enrollment, but also Monterey College of Law added a campus in Bakersfield and the Hybrid Program. Recently, MCL has added yet another campus in Santa Rosa, the Empire College of Law.

What might you wish for in the future for our law school?

I wish that our local, nonprofit, grassroots law school will continue to provide high-quality legal education for diverse local residents and continue to keep down tuition costs as much as possible. I also wish to see some of our alumni appointed to the bench, as time goes on.

What words of wisdom do you have for Erica Baltodano as she takes on this role?

Respect the students, challenge them intellectually and nurture their wellbeing, as you help them prepare for their future careers of service in the legal and wider community. Enjoy!

Erica, when did you start working at the law school and in what capacity?

I started teaching Constitutional Law in 2019. At that time Jan taught the first part of the course, Con Law I in the fall, and I taught the second part of the course, Con Law II in the spring. Even though I have been a guest lecturer at numerous colleges and law schools throughout my career, teaching a full course was new to me and Jan was an excellent mentor. Con Law II covers many of the “hot topics” in constitutional law that fall under the Fourteenth and First Amendments, which means I constantly had to adjust to keep up with an active Supreme Court!

In 2021, and as an outgrowth of my Con Law II course, I developed a new elective on voting rights, which I have taught online to students at SLOCL and at our affiliated campuses in Monterey, Kern County and beyond. I have also conducted a workshop on resume-building and cover-letter writing that was recorded and continues to be a resource to students across campuses.

What have you enjoyed most about working at the law school?

I am consistently impressed with our law students, many of whom are working full-time, raising young children, or otherwise caretaking at home while obtaining a law degree. The students at SLOCL have lived experience and grit that cannot be quantified, but will ultimately contribute to their success in the legal profession. I particularly enjoy mentoring first-generation students and women of color who sometimes struggle



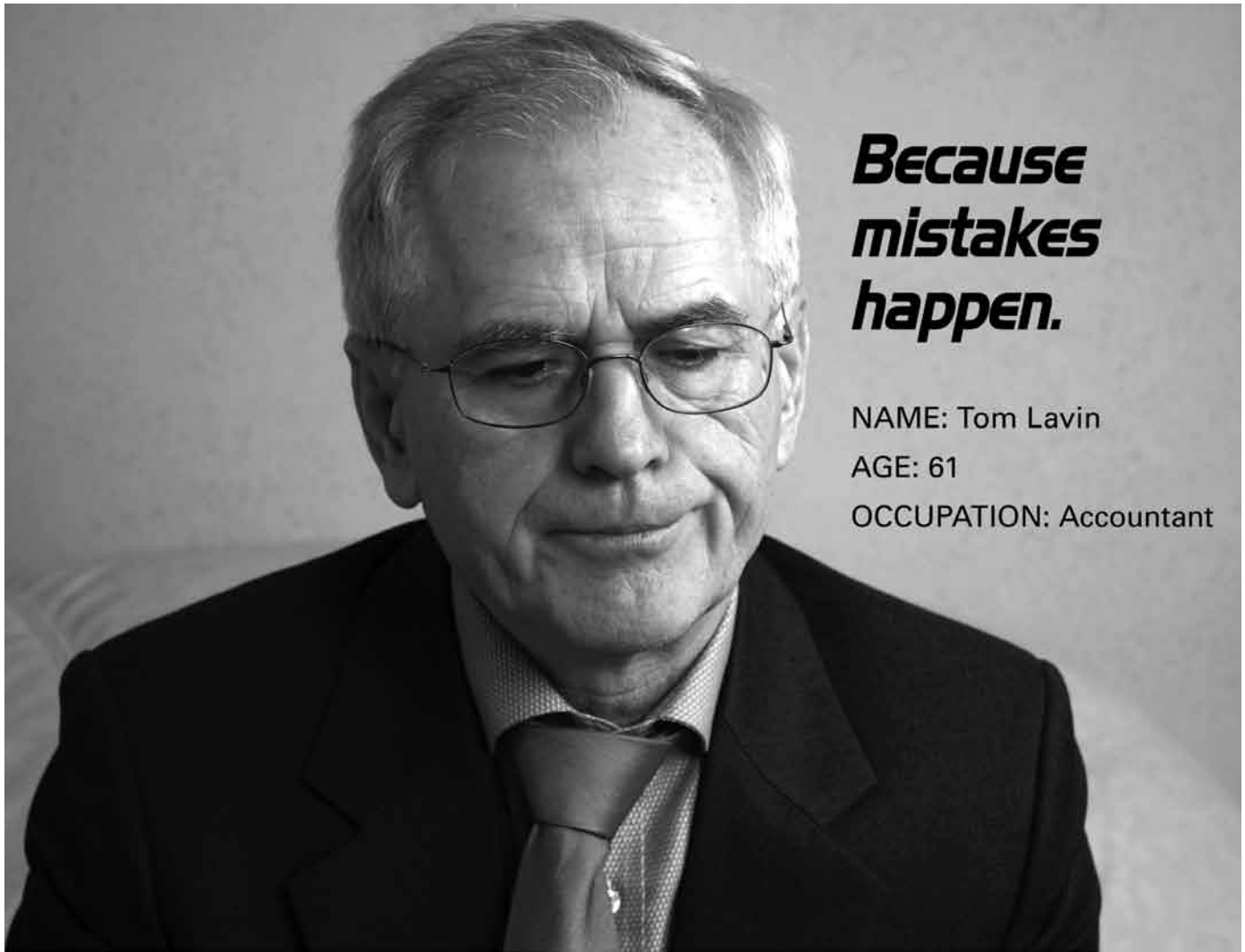
Erica Flores Baltodano (left) succeeds Jan Howell Marx as Campus Dean of the San Luis Obispo College of Law, January 1, 2023.

with imposter syndrome. But because class sizes are small, I have an opportunity to get to know *all* of my students. I learn as much from them as I hope they learn from me.

What are some of the challenges you've faced while working at the law school?

The biggest challenge I faced while teaching is the same challenge many of us faced in early 2020 when the pandemic hit and schools were forced to go remote. With the flip of a switch mid-semester, I had to adapt my class to an online format. You lose the nuances of face-to-face educating when you cannot see body language, hear guttural reactions, or assess the energy in a classroom, but I also knew that many of my students and their families were struggling quite a bit. Remote teaching made it easier for them to continue their legal education while juggling childcare and it helped us all keep each other and our families safe. Since our law school introduced a hybrid online degree option in 2018, I had the administrative and technical support I needed to make remote teaching a success and now I am just as comfortable teaching online as I am teaching in-person. The ability to offer an elective like voting rights to students across campuses was an unexpected benefit

Continued on page 31



***Because
mistakes
happen.***

NAME: Tom Lavin

AGE: 61

OCCUPATION: Accountant

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Dean Jan Howell Marx Passes the Torch *continued*

of remote teaching. Now students can choose from numerous online electives taught by faculty at any one of our affiliated campuses and they can experience courses with a diverse mix of students that go beyond their local San Luis Obispo classmates.

What might you hope to accomplish as Campus Dean of the law school?

To begin with, I hope to fill Jan's incredible shoes! In addition to building upon my existing relationships with the local bar and bench to fulfill the many responsibilities of the Campus Dean position, I intend to be present on campus before evening classes to check in with students, listen to their ideas and concerns, and support their success.

I would go beyond having an open-door policy with students to actively invite students in. I plan to continue the "Exploring Careers in the Law" program that Jan created, but I would also like to introduce a Speakers Series focused on aspects of the legal profession that have not traditionally been a part of a legal education, such as how to be an effective advocate without being combative, the struggle for work-life balance, and the importance of tending to one's mental health.

The first thing I did as Campus Dean was to introduce a new Internship for SLOCL students to earn course credit serving as Law Student Coaches with a Mock Trial team at a local middle school. Under the supervision of a licensed Attorney Coach, Law Student Coaches will help

students develop their theory of the case, understand rules of evidence, draft opening statements, closing arguments and direct/cross-examination, as well as prepare a pre-trial motion for oral argument.

If this pilot program is successful, we can expand to other middle schools across SLO County, providing an opportunity for law students to sharpen their courtroom skills while supporting a critical program for seventh and eighth graders who may ultimately decide to pursue law as a career.

How might you wish to see the law school grow in the future?

I believe the growth of SLOCL presents win-win-win opportunities for law students, the local bench and bar, and our community at-large. The Middle School Mock Trial Internship program is a great example. An increasing number of SLOCL graduates practicing law in our community is another great opportunity. It is becoming more common for me to run into former law students who are now working at local firms or for public entities such as County Counsel.

I will aim to harness the success stories of SLOCL graduates to increase enrollment, grow our First-Generation Mentorship Program, pursue new faculty members, and solidify the law school's reputation as a high-quality, cost-effective, local nonprofit school of law. ■



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Couples & Coworkers

The Hosfords— Partners in Business & Partners in Life

by Tara Jacobi

Several law firms in San Luis Obispo County have married partners. Having a successful marriage is one thing but having a successful marriage and running a successful business together is another. What makes it work?
We start the conversation with Valerie and Stephen Hosford, partners in marriage and in Hosford & Hosford, a family law practice in downtown San Luis Obispo.

Q. What makes it work?

A. Short answer: Patience and effort. Luck. Grace.

As for the marriage, there is a saying that “a successful marriage is a union between two great forgivers.” We have found that to be true. And we have both been willing to work through the difficulties and get help when we needed it.

As for the business, it is difficult to find a business partner who has the same expectations of a business, the same goals. In our case, a solid marriage has been a good foundation for a solid business relationship, with the same goals and the same expectations. And we bring different skill sets to the practice.

Q. What do you both know now that you didn’t know at the start that you wish you did?

A. How fast the time goes! Travel more when you are young! Don’t sweat the small stuff!

Q. How long have you been married? How long have you been in business together?

A. We have been married for 47 years, and in business together for 40 of those years.

Q. What went right from the start with either hard work, something else or luck?

A. The whole story from Valerie’s perspective:

I was traveling 37 miles each way to work as I was climbing the corporate ladder in the computer field. It occurred to me one day that I was spending way too much time on the 405 freeway and way too little time with my children, who were nine and six at the time. At first, working for Steve in a clerical capacity was a way of being more available to my family. When I started working for him, I had a magnet on the desk lamp above my head that read: “Rule 1: The boss is always right; Rule 2: If the boss is wrong, see Rule 1.” I learned a couple of things at work during that time that are important, still: 1) Don’t take it personally; and 2) The only difference between me and anyone else is that I couldn’t go home and complain about my boss, or as time went on, my business partner.

I began law school at 40, because I needed a challenge

and became licensed when I was 44, a difficult age to start a new career. I applied at the Orange County DA’s office, but my politics were wrong, and I am not a very good political animal. I applied at a private law firm and the attorney interviewing me did everything but look at my teeth to assess my health. [Note: Ageism Is Real.] After running into a few more dead ends, the simplest solution was to keep working with Steve, which in hindsight was a very good choice. When the ship hits the sand, as it does in everyone’s life from time to time, I know someone I trust has my back, personally and professionally. And I think Steve knows the same.

A. From Steve’s perspective:

I was in law school when we married. I worked full time in accounting, went to law school at night and had a family—a pretty big juggling act. I began practicing in 1977. I had a solo practice for periods of time and had two other business relationships that did not work out well before Valerie became licensed in 1994. At the time we first started working together, friends told me they couldn’t understand how working together could possibly have a good outcome for us. But Valerie quit her job and came to work for me, at a time when it would not have made great economic sense. But we stayed afloat and have never looked back. We work well together. And we eventually forgot all about Rule 1 and Rule 2.

Q. How are you both challenged with running a business together and being married every day?

A. We each have our own clients and our own cases, so we essentially share office space and overhead. Steve works best earlier in the day and I work best later in the day. Our work habits, our separate clients, our separate friends and our different interests create space between us.

Q. How do you both handle ever-changing alignment, either professionally or personally? In other words, professional goals for businesses adapt and change, and individuals change in relationships, but sharing the same vision, that key element, is also ever-changing. How do you both navigate that element?

A. We have learned to live one day at a time, and to work to resolve problems, personal and business, one day at a time. We don't bring our personal issues to work, with rare exception. Our personal relationship has always been more important to each of us than our business dealings, but because of that, it is easier for us to work together than it might be for some. Our challenge now is to figure out when we will retire, since as a general proposition, a person does not get to the end of their life and think, "Gee, I really wish I had worked more." But we enjoy our work because, in addition to the financial rewards, it keeps us mentally active and engaged.

Q. If something like half of all businesses fail within five years and between 40 to 50 percent of marriages end in divorce, you are both facing high stakes both at home and at work. Why do it?

A. That probably would have been a great question 40 years ago, but for us now, the answer is "If it works, don't fix it."

Q. Might there be anything else you wish to share with our readers?

A. From Valerie: Our practice is primarily family law and has been for many years. This is the second marriage for both of us. I think we realized at our own crisis point 40 years ago something that many of the people I encounter in my work don't realize: that our problems are portable. Wherever I go, my problem goes with me. What that means for me is that I can do the work in this relationship, or I can do the work in the next one, but sooner or later, I have to do my own work. What work? The work of figuring out what is mine to own—what am I doing to create or continue the problem I am having? If I can recognize that I have a part in the problem, then I have the power to do something about it. That's a great skill to have in business too. How am I contributing to this business problem? What can I do about it?

A. From Steve: The same character traits that make a good marriage make a good business partnership. Honesty with each other. Strong personal ethics. Open communication. The absence of secret agendas.

Thank you for participating in the conversation. ■

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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 article.

Editorial contributions to the *Bar Bulletin* must be submitted electronically **ONLY** in Microsoft Word format directly to the 2023 Editor at tarajacobi@icloud.com

To ensure consideration for inclusion in the next scheduled edition, your articles, photographs and art, advertisements and ad payments must be received by the deadlines listed in the Publications Schedule at right.

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Publication Schedule

The *Bar Bulletin* is published six times per year. **The deadlines for accepting articles, photographs/art, advertisements and ad payments follow.**

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

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

2023 Bar Bulletin
Tara Jacobi, Editor
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