

Bar *Bulletin*

Serving San Luis Obispo
County's Legal Community

September–
October 2024



PSRST STD
U.S. POSTAGE
PAID
PERMIT #500
CLAREMONT, CA

ADDRESS SERVICE REQUESTED
San Luis Obispo County Bar Association
PO Box 585, San Luis Obispo, CA 93406

New Campaign Finance Laws to Know About
What Do Renter Protections Look Like in 2024?
Unearthing Potential Through Mentorship
New Requirements for HOAs Begin in January
Book Bans in the United States



Certified Divorce Real Estate Expert



LINDSEY HARN

#1 agent in sales volume and number of transactions in SLO County in 2019, 2020, 2021, and 2022.

- Over \$1.1 billion in closed sales
- 13+ years of experience in real estate
- A neutral, third-party listing agent
- Specifically trained for high conflict cases
- Available to serve as a 730 Expert Witness
- Free consultations on real estate discovery
- Team of experts available as resources (credit repair, financial analysis, divorce-specific lenders, etc.)

Free Attorney Document Request Portal: slolegaldocs.com

Call me at 805.441.7744 for help with real estate questions.



Lindsey Harn

Realtor® | License #01868098

805.441.7744

lindsey@lindseyharngroup.com

lindseyharngroup.com

#1 Agent
in SLO County!

Top 1% of real estate
professionals in the
country!



LINDSEY HARN
GROUP

CHRISTIE'S
INTERNATIONAL REAL ESTATE

sereno

**SAN LUIS OBISPO
COUNTY
BAR ASSOCIATION**

2024
Board of Directors

President

Melissa Chabra

Vice President

Elizabeth Culley

Secretary/Treasurer

Nicole Norris

Bulletin Editor

Tara Jacobi

Ex-Officio

Gregory Gillett

Directors

Jon Ansolabehere

Stephanie Barclay

Amanda Busick

Allen Hutkin

Hannah Murphy

Ginger Ortiz

Lester Paredes

Lisa Sperow

Kara Stein-Conaway

Lisa Toke

Non-Directors

Judge Erin Childs

Judge Matthew Guerrero

Sections

Alternative Dispute Resolution

Andrew Weiss (805) 709-0304

Civil Litigation

Criminal Defense

Matthew Hanley

Interim Chair (805) 541-3777

Estates and Trusts

Shannon M. Bio (805) 781-3645

Family Law

Robbi Rizzo (805) 593-0593

Valerie Hosford (805) 439-1906

Labor & Employment Law

Jane Heath (805) 225-1773

Real Property Law

Courtney McKeever (559) 753-2567

Emerging Lawyers

Valerie Janiel (805) 781-5400

San Luis Obispo County



CONTENTS

President’s Message—How Do You Know When It’s Time to Say...?	4
Editor’s Note	6
SLO County Bar Association Endowment	7
New Campaign Finance Law Affects Contributors & Candidates	8
Unearthing Hidden Potential Through Mentorship	10
A Colorful, Festive Summer Social in Photos	11
What Do Renter Protections Look Like in 2024?	14
New Requirements for HOAs of CIDs Take Effect January 1, 2025	18
Book Bans in the United States	22
Use the PROS to Foster Well-Being	26
Submission Guidelines/Editorial and Advertising	30

Cover: On a May visit to Washington, D.C., photographer Tara Jacobi illuminates our nation’s Capitol.

BAR BULLETIN COMMITTEE

Editor: Tara Jacobi — tarajacobi@icloud.com

Photographer:

Publisher: Joni Hunt — jonihunt@att.net

Advertising: Kerrin Adams — (805) 541-5930
slobar@slobar.org

The *Bar Bulletin*, ©2024, 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 Do You Know When It's Time to Say...?

by Melissa Chabra

How do you know when it is time to say 'enough is enough' and lower the curtain on your professional career?

I've been pondering this question for the last few days, ever since President Biden made the historical decision to drop his bid for re-election and endorse Vice President Kamala Harris.

Putting aside the political ramifications, and whether or not you think he made the right decision, the situation stripped down to its most basic level is one that most of us will face eventually—when is it time to stop practicing law? How will you make that decision? Do you trust yourself to make the correct decision on your own? Do you trust that others will be truthful and tell you when it's time to bow out? Do you see yourself digging in your heels and staying longer than you should? Or are you already dreaming of your ride off into retirement?

These are tough questions. For most of us, we are probably so busy with the day to day that it is easy to ignore them, brush

them aside for another day. It's easy to convince yourself that there will be time later to think about this. But whether you are far away from retirement or standing on the precipice, these are important questions to start thinking about far before the day you will need the answers.

The decision to retire from the practice of law is multifaceted and requires careful consideration of personal, professional and ethical factors. By starting these discussions early and leveraging available resources, you can navigate this transition thoughtfully and professionally, leaving behind only your legacy.

The State Bar's 2020 Demographic Survey showed that the average age of active attorneys is 50-years old, and that more than 16 percent in 2020 were over the age of 65. Those numbers show that the question of when to retire is likely a relevant and real consideration for many attorneys in our state right now.

There are multiple factors that will likely be a part of any decision to retire. Your physical

and mental health should be a primary consideration. If work-related stress is impacting your health negatively, or if you find it increasingly difficult to keep up with the demands of your job, it may be a sign that it's time to consider retiring.

Another consideration is obviously your financial readiness for retirement. This could include both your personal financial situation and also succession planning. If you own a law firm or have your own practice, planning for succession is important. Ensuring that there are mechanisms in place to transition clients and responsibilities smoothly takes time and thought.

Because attorneys have special ethical obligations to their clients, it is also particularly important to consider issues of competency. California State Bar Rule 1.1 details our duty of competency. State Bar Rule 1.1(a) states that "[a] lawyer shall not intentionally, recklessly, with gross negligence, or repeatedly fail to perform legal services with competence." The comment to the

rule further clarifies that “[t]he duties set forth in this rule include the duty to keep abreast of the changes in the law and its practice, including the benefits and risks associated with relevant technology.”

We all have a duty to perform competently. Age is only one of the factors that can affect competency. Competency may also be compromised due to substance abuse and mental or physical illness. The age at which we may experience a cognitive decline and issues with competence will vary widely and cannot be precisely predicted. That is why the question of when to consider a retirement date cannot be easily answered and will be individual to each person.

Making the decision to stop working is highly personal and may involve discussions with loved ones, financial planning, and possibly consulting with career advisors or retirement planners. It’s important to approach this decision thoughtfully and consider all aspects of your life to ensure a fulfilling and comfortable retirement.

I did not know (probably because I never bothered to look) that the State Bar has an entire section on its website filled with resources for senior lawyers, including ethics rules and opinions, resources to help assess competency, and resources on retirement and winding down practices. They even have a wellness guide publication for senior lawyers and their families and friends. You can find all of this and more at <https://www.calbar.ca.gov/Attorneys/Conduct-Discipline/Ethics/Senior-Lawyers-Resources>

Unfortunately, beyond leaving you with those resources, I don’t actually have answers for you. For each of us, these questions are deeply personal. I encourage all of our members to reflect on these questions. Perhaps this article will prompt conversations among colleagues or raise concerns about a friend’s well-being. As a professional community, we need to care for and look out for one another. Let’s use this opportunity to start meaningful discussion within our legal community.

Finally, if the questions posed in this article have unsettled you, here’s one final piece of wisdom from Mister Rogers that resonates deeply with our discussion.

“Often when you think you’re at the end of something, you’re at the beginning of something else.”

—Mister Rogers ■

STEIN-CONAWAY

LAW FIRM, P.C.



Attorneys Kara Stein-Conaway and Jeff Stein at the Stein-Conaway Law Firm, P.C. offer individual attention and creative solutions in a wide variety of adult criminal matters in SLO County:

- Domestic Violence & Violent Crimes
- DUIs & License Suspensions
- Reducing Felonies to Misdemeanors
- Sealing Records of Arrest and Expungements
- Post-Conviction Relief for Immigration Purposes
- Theft and Embezzlement
- Drug Charges
- Terminating Sex-Offender Registration

Se Habla Español

Stein-Conaway Law Firm, P.C.
1045 Mill Street, San Luis Obispo, CA
805-748-5243 • www.steinconawaylaw.com



To make a donation to the San Luis Obispo County Bar Association Endowment, please scan the QR code.



Editor's Note

by Tara Jacobi

It is a presidential election year. Craig Steele reports on California's Levine Act informing us about campaign contributions. And, well, America is wondering what is going to happen next.

On the topic of housing, San Luis Obispo City recently released a public memo on renters' protections. Deputy City Attorney Sadie Symens tells us more in her article about protections for renters in the county. Kelly Stone reports on SB 721, passed in 2019, and the changes to Cal. Civ. Code 5551 in 2020 that create a deadline for the HOAs of Common Interest Developments to inspect exterior elevated elements by January 1, 2025, submit written reports to local code enforcement within 15 days, and undertake repairs immediately—and how that may affect housing affordability.

Our Summer Social was held this year at Biddle Ranch Winery by popular demand. The event focused on fundraising for the SLOCBA Endowment Fund. Check out our attendees soaking in the summer sun for an enjoyable evening in the pages ahead.

Judge Hernaldo J. Baltodano gives us the SLO County Unity Bar's update. He tells us more

about one of my favorite movies, "Searching for Bobby Fischer" and the Raging Rooks. In the movie, before the final game, a favorite quote of mine is when the opposing coach says, "It is unsettling isn't it? ...when you realize there are only so many things you can teach a child. And finally, they are who they are." My favorite part of the movie is during the final game, when Josh offers his hand and says, "I am offering you a draw." Josh tells his opponent, "You've already lost, you just don't know it." Josh leads with kindness. He says, "Take the draw and we will share the championship." But his opponent refuses. Josh wins. But maybe what is more important is Josh is arguably the better boy, slated to grow into the better man, because he leads with kindness. The kind of man I wish my son to be.

Tsundoku is the Japanese word derived from *tsunde-oku*, which means to allow things to pile up and *dokusho*, which means to read. The word, according to Wikipedia, pertains to a practice of allowing reading materials to pile up. Kate Colvin talks about this practice in the publication *Oh Reader*. She informs us, "Unread books hold the secrets of who we may become, of what we might one day feel passionately about, and of where we are headed."

Personally, I know this practice well. I never feel good

unless I have a few books piled up waiting to be read. Something about the anticipation of the enrichment to my life that might follow is akin to meeting new friends or experiencing new places or learning something new. But what happens when books are being banned?

Libraries house our collections of books. American libraries are experiencing a phenomenon. The American Library Association (ALA) reported the number of book title challenges was at the highest level ever recorded by the ALA, according to NPR. Haley Baker shares her insight in her article ahead, which shines light as to libraries' current state of affairs.

There are new MCLE requirements for competence that involve focusing on prevention and detection, and attorney wellness. Wellness, good health—what does that look like? Santa Barbara Attorney and Wellness Director for the Santa Barbara Bar Association, Robin Oaks, educates us in her article. Check out her tips for finding wellness in a profession rooted in solving problem, after problem, after problem, leaving you wondering if humans can do anything well. No pun intended.

Enjoy. ■

The San Luis Obispo County Bar Association Endowment to Assist Persons of Color in Pursuit of a Career in the Legal Profession

See Scholarship eligibility criteria and donation details at www.slobar.org.
For more information, contact Executive Director Kerrin Adams at slobar@slobar.org.



Founders Circle — \$10,000



Officer of the Court — \$5,000+

Rita Federman & Douglas Federman The McIvor-Hall Family



Advocate — \$1,000+

Alton & Allen, Inc.
Erin DeNatale & Joe Benson
Dan Dow
John F. Sachs
Alicia Valdez Wright



Barrister — to \$500+

Stephanie Barclay
Melissa Chabra
Tana Coates
Thomas DeNatale
Michael Duffy
Ginger E. Garrett
Michelle Gearhart
Josh George
Matthew Guerrero
Hutkin Law Firm APC
Ken Jorgensen
David & Sharon Juhnke
Michael & Sharon Kelley
Kelly Manderino
Trudy O'Brien
Roderick A. Rodewald
Craig van Rooyen
Martin Tangeman

Lisa L. Toke
Betsy Robertshaw
Umhofer

Solicitor — to \$100

ABC Legal
Kevin Anderson
John Ansolabehere
John Carlson
John Carsel
George, Cyr
& Christakos, Inc.
Emilie De La Motte
Eric Dobroth
Taylor Ernst
Jacqueline Vitti Frederick
Patricia Gomez
& Frank Seiple
William Herrerias
Douglas Heumann
& Eveline Blanchett
Lisa A. Hogarty
The McIvor-Hall Family
Jed Nicholson

Trudy O'Brien
James B. Orton
& Tonga McGill
Khoulood Pearson
Gayle Peron
Michael R. Pick Jr.
Danielle Plevel
Clay A. Schroeder
Sheryl M. Wolcott

Jurist — to \$50

Ryan C. Andrews
Jane Heath
Jan Howell & Steven Marx
Ken Jorgensen
Abby Lassen
Teri Sherman
Law Office of
Stephen M. Stern, PC
Keolamaikalani Taniguchi
Katie Zwarg

To make a donation,
scan this QR code...



As political fundraising for the 2024 elections reaches a fever pitch, a little-known California campaign finance law has created new restrictions—and potential penalties—for both contributors *and* candidates. If you or your clients have contributed more than \$250 to a candidate in California in the past 12 months, or plan to do so before the upcoming election, you should be aware of the potential impacts of recent amendments to a law known as the Levine Act.¹

California's Political Reform Act² ("PRA") is the main conflict-of-interest law that governs the activities of local public officials. Throughout the PRA's history, campaign contributions to elected officials did not create a conflict of interest for the recipient, until the Legislature adopted SB 1439, effective January 1, 2023. Previously applicable only to appointed officials, Government Code Section 84308 now creates a conflict of interest for elected officials who accept contributions of more than \$250, along with other restrictions. Contributors also need to understand the potential impacts if they contribute more than \$250 to a candidate.

This article is not intended to be specific legal advice. Contributors should discuss this issue with their legal counsel.



*Washington Monument, Washington, D.C.
Photo courtesy of Tara Jacobi.*

Officials' Duty to Disclose and Recuse

Under Government Code Section 84308, if an elected *or* appointed official of a local agency willfully or knowingly receives a campaign contribution of more than \$250 from a party (or their agent), or a participant with a financial interest, in a proceeding before the agency within the previous 12 months, the official must disclose the contribution on the

record of the proceeding before the decision is made and recuse themselves from that decision. Further, elected and appointed officials now cannot solicit, accept or direct a campaign contribution³ of more than \$250 from the party, participant with a financial interest or their agents, while the proceeding is pending and for 12 months after it concludes.

Impact on Contributors

State law now requires parties in a proceeding who have made a political contribution of more than \$250 to a decisionmaker within the previous 12 months to disclose the contribution on the record of the proceeding and at the earliest possible time. Further, for 12 months after a proceeding has concluded, the party is prohibited from contributing more than \$250⁴ to any decisionmaker. Similar rules apply to “participants” in a proceeding—

Practical Impact

An illustration shows how these new restrictions work. Assume that Developer A is an applicant for a land use entitlement from the City of Anytown. Developer A frequently contributes to candidates for the Anytown City Council and, six months before the City Council considers Developer A’s land use application, A contributed \$500 each to two Council members who are running for re-election. When A’s application comes before the

Section 84308 applies to all local officials and their fundraising for *any* office. Thus, local officials who are running for higher office—even federal office—are subject to the disclosure and recusal requirements when they accept contributions of more than \$250. The Levine Act does not prohibit contributions over \$250, but it imposes consequences for accepting or making such contributions. To avoid these restrictions, candidates and contributors might be well advised to simply

New Campaign Finance Law Affects Contributors & Candidates

by Craig Steele

individuals who have a defined financial interest in a governmental decision, but who are not the party directly affected, except the participant does not have the affirmative duty to disclose. The \$250 limit applies to “aggregated” contributions, such as contributions from business partners, or contributions from business and personal accounts.

The term “proceeding” includes many types of local government licenses, permits or entitlements for use, and all contracts, *except* competitively bid, labor and personal employment contracts.⁵ The time limits imposed by Section 84308 start when the agency begins to consider one of these governmental proceedings and continues while the decision is pending.

Council, Section 84308 now requires both A *and* the two Council members to disclose the contributions on the record, and the two recipients must recuse themselves from the proceeding. Thus, the decision-makers A supported would be disqualified from considering A’s application because of his contributions over \$250.

Once the proceeding involving Developer A concludes—whatever the outcome—all members of the City Council are then prohibited from soliciting or accepting contributions over \$250 from A for 12 months, and A is prohibited from making those contributions. The same rules apply to contributions from any agent for Developer A, such as an attorney or architect, and to “participants” in the proceeding who have a financial interest.

self-limit contributions at \$250 to any individual candidate in a 12-month period, and not make or arrange contributions that could be aggregated. ■

Footnotes

- ¹ Government Code Section 84308
- ² Government Code §§ 81000, et seq.
- ³ Note that the term “contribution” includes contributions to federal, state and local campaigns. Government Code Section 84308(a)(6).
- ⁴ The \$250 limit is an aggregate of all contributions made to the candidate in a 12-month period.
- ⁵ Government Code Section 84308(a)(5)

Craig Steele is a shareholder at Richards, Watson & Gershon in San Luis Obispo; General Counsel, Nipomo Community Services District; and City Attorney, City of Monrovia. My thanks to my colleague Natalie Kalbakian, whose research and input on this issue has been invaluable.

Unearthing Our Hidden Potential Through Mentorship

by Judge Hernaldo J. Baltodano

I was recently asked to speak to the California Lawyers Association about how to break down barriers in the legal profession. One way to do this is by mentoring.

In his book, “Hidden Potential: The Science of Achieving Greater Things,” Professor Adam Grant chronicles a story about a junior high chess competition in 1991. The chess tournament had been dominated by elite private schools. The defending champion was Dalton, an elite prep school in New York City. They had won three straight national titles. Professor Grant writes, “Dalton had built the chess equivalent of an Olympic training center with each kindergartner taking a semester of chess and every first grader studying the game for a full year. Dalton’s crown jewel was the child prodigy Josh Waitzkin, whose life story became the basis for the hit movie ‘Searching for Bobby Fischer.’”

Joining the competition was the Raging Rooks, a group of seventh and eighth graders from a public school outside of Harlem. According to Grant, “[n]o one saw the Raging Rooks as contenders. They were a group of poor students of color. They lived in neighborhoods ravaged by drugs, violence and crime. Most of them grew up in single-parent homes, raised by mothers, aunts or grandmothers with incomes less than the cost of Dalton tuition. Unlike Dalton, they didn’t have a decade of training or years of competition under their belts. Some of them had only learned the game in sixth grade.

The team captain, Kasaun Henry, had picked up chess at age 12 and practiced in a park with a drug dealer. There were no stars on the team.”

But the Raging Rooks would end up tying for first place in that competition. Their secret weapon was their coach, a young chess master named Maurice Ashley. A Jamaican immigrant, Ashley was on a mission to shatter the stereotype that darker-skinned kids weren’t bright. According to Grant, Ashley “knew from experience that although talent is evenly distributed, opportunity is not. He could see potential where others had missed it.”

Maurice Ashley’s secret sauce was to identify character skills in his



students and give them the opportunity and motivation to nurture them. “Character,” Professor Grant writes, is the “learned capacity to live by your principles.” When we assess potential, we make the cardinal error of focusing on starting points—the abilities that are immediately visible. In a world obsessed with innate talent, we assume the people with the most promise are the ones who stand out right away. But high achievers vary dramatically in their initial aptitudes. If we judge people only by what they can do on day one, their potential remains hidden.”

Ashley provided the scaffolding for his students to thrive by mentoring them, giving them opportunities

to shine and fail, and teaching them to rely on their values and principles.

To those of you who are law firm owners, partners, senior partners, rain makers, etc.—we cannot unearth hidden potential without doing the same as Ashley. Give your attorneys—especially those who are new to and/or underrepresented in our profession—opportunities to shine. Take them to lunch. Work with them on their writing. Edit their work and provide constructive feedback. Invite them to social and professional development activities where relationships are forged. Make space for them at the table; the table is big enough.

Give them meaningful work. Send them to professional confer-

ences. Take them to client meetings when you are pitching for new business. Take the time to properly train them. Give them a shot at taking and defending depositions or arguing a significant law and motion matter in court. Take them to mediations. Praise them. And did I mention, take them to lunch? Take them to lunch again and again and again. Because they will be hungry in all ways and they need to be uplifted, encouraged and nourished.

And here’s another hidden potential—if you mentor lawyers, you will be nourished too.

I guarantee it. ■

Justice Baltodano serves as an Associate Justice for the Second District Court of Appeal, Division 6.

Summer Social

Photos courtesy of Kerrin Adams

Thursday, July 25, 2024, found members and friends of the San Luis Obispo County Bar Association gathered for the annual Summer Social, held at Biddle Ranch Winery.

Hungry Mother Food Truck provided good food and Hilary Watson serenaded the crowd.

Thank you to all those who attended and to those who made tax-deductible donations to the SLOCBA Endowment Fund. Administered by The Community Foundation San Luis Obispo County, the fund has presented educational scholarships since 2021 to persons of color who have a demonstrated interest in the legal profession.

Big thanks also to event sponsors and early donors: Weiss Mediation; Carmel & Naccasha; Johnson Murphy & Jones, Inc.; e-Legal Services, Inc.; Ernst Law Group; SLOCBA Estate & Trust Section; SLOCBA ADR Section; Judge Matthew Guerrero & Cynthia Valenzuela; and Kerrin Adams for lovely flower arrangements. ■



Cynthia Garcia and Anissa Hedges (left) check in guests



Biddle Ranch Winery Tasting Room



More photos on page 12



Summer Social guests

Summer Social



SLOCBA President Melissa Chabra (left), Jon Ansolabehere, Elizabeth Culley, Nicole Norris, Ziyad Naccasha



Don Ernst (left) and Sephanie Barclay talk with Israel Pérez Pedraza. Israel is a first-year political law and a Spanish double major at Cal Poly San Diego. "By personal challenges and a deep commitment to helping others overcome adversity in my own life, I'm dedicated to helping others find more accepting homes."



Taylor Ernst



John Carlson and his wife



Kerrin Adams, John Hosford, Sasha Oquendo



the 2024 SLOCBA Endowment recipient, al science student with a concentration in pre- a Luis Obispo. "My journey has been shaped to social justice. After facing and overcoming ng others, especially children, find safer and



Jason Conaway, Kara Stein-Conaway, Amy Fitzpatrick, Tammy Faulks-Matta



Judge Hernaldo Baltodano and Erica Flores Baltodano



Michelle Gearhart

What Do Renter Protections Look Like in 2024?

by Deputy City Attorney Sadie Symens

with input from City Attorney Christine Dietrick; Director of Community Development Timmy Tway; Deputy Director of Community Development Tyler Corey; Housing Policy and Programs Manager Teresa McClish

As of July 29, 2024, according to Zillow, the median rent across all bedroom and property types in the City of San Luis Obispo is \$2,900. This is \$750 above the national average. In addition to the burden of high rents, renters everywhere often feel helpless in addressing substandard or unsafe living conditions due to inattentive landlords or fear of retaliation or eviction.

State law provides some protections for California renters. Though several cities in San Luis Obispo County have mobile home rent stabilization ordinances, none have a comprehensive rent stabilization or eviction protection ordinance. This article discusses existing rental protections for California tenants, including recent changes in the law, and additional protections now allowed under state law.

Eviction Control Under the Tenant Protection Act

Under State law, tenants in non-exempted housing (see below) who have lived in a residential unit for 12 months cannot be evicted without “just cause,” which must be stated in a written notice to vacate. This statewide eviction control is one prong of the California Tenant Protection Act (“Tenant Protection Act” or the “Act”), which was adopted in 2019 and codified in Sections 1946.2 and 1947.12 of the California Civil Code.

Civil Code §1946.2 defines “just cause” as either “at-fault just cause” or “no fault just cause.” Permissible grounds for an at-fault eviction include things like failure to pay rent, breach of the lease, unauthorized subletting, and refusing lawful entry by landlord. “No fault” evictions include the owner’s intent to occupy the rental unit, withdrawal of the unit from the rental market, and intent to demolish or substantially remodel the unit. Tenants who are evicted for one of these “no fault” reasons are entitled to relocation assistance from the landlord in the amount of one month’s worth of rent at the rate in effect at the time of eviction.

Tenant advocates have argued that the Tenant Protection Act inadequately conditions many of the “no fault” grounds for eviction and fails to provide an enforcement mechanism to ensure that landlords are not simply using those grounds as a pretext to unlawfully evict their tenants. However, recent amendments effective April 1, 2024, add new requirements for no-fault evictions. Under the new requirements for an “owner move-in” eviction, the owner/eligible relative must be identified in the notice of termination, must move into the rental unit within 90 days after the tenant vacates, and must occupy the rental unit as their primary residence for at least 12 consecutive months. (Civ. Code § 1946.2(b)(2)(A)(i), (v).)

The recent amendments also clarify the definition of “substantial remodel” and provide additional protection for renters facing eviction for this reason. A “substantial remodel” means work that would require the tenant to vacate the property for at least 30 consecutive days and is either 1) the replacement or substantial modification of any structural, electrical, plumbing or mechanical system that requires a permit from a governmental agency, or 2) the abatement of hazardous materials, including lead-based paint, mold or asbestos, in accordance with applicable federal, state and local laws. (Civ. Code §1946.2(b)(2)(D).)

The landlord must provide proof of the remodel or demolition to the tenant with the written notice of termination (i.e. permits or a contract for hazard abatement).

Under the amended law, if the owner fails to perform the demolition or remodel, the tenant has the option to re-rent the unit on the same terms and at the same rental rate in effect when the tenant vacated. The amendments also codify the right of the tenant to express interest in re-renting the unit after the remodel. “Withdrawal of the residential real property from the rental market” as a no-fault basis for eviction is not further defined or conditioned by the recent amendments.

Under the 2024 amendments, a landlord who violates the Act's "just cause" requirements is liable to the tenant in a civil action and may be required to pay the tenant's actual damages, reasonable attorney's fees/costs, and punitive damages if the landlord acted maliciously or fraudulently. (Civ. Code §1946.2(h).) The state Attorney General and the applicable city attorney or county counsel are entitled to seek injunctive relief against a landlord who violates these just cause provisions. (Civ. Code §1946.2(h)(2).) Additionally, a landlord's failure to comply with the Act's notice requirements renders the written termination notice—and the eviction—void.

Several types of housing are excluded from the "just cause" requirement; in those tenancies, the landlord may evict the tenant for any reason or no reason (except for an unlawful reason such as discrimination or retaliation). Excluded housing includes single-family, owner-occupied residences in which the owner-occupant leases out no more than two units or bedrooms, owner-occupied mobile homes, owner-occupied duplexes, new residences (housing built within last 15 years), and standalone units (e.g., single-family homes and condominiums) owned by real persons, partnerships, or limited liability companies with no corporate members. (Civ. Code §1946.2(e).)

Rent Stabilization Under the Tenant Protection Act

The second prong of the Tenant Protection Act is rent stabilization. (Civ. Code §1947.12.) A landlord cannot increase the rent for a covered unit more than the lesser of 10 percent, or 5 percent plus the change in cost of living over any 12-month period. Once a tenant has lived in a unit for 12 months, the rent cannot be increased more than twice per year (and the sum of the increases cannot exceed the maximum annual limit). As with state law eviction control, several types of housing are excluded from these protections, including new housing and standalone units. When a covered unit becomes vacant, the landlord can set the initial rent for the new tenants at market rate or any other amount (a system referred to as "vacancy decontrol.")

A landlord who increases rent in excess of the Act's limitations is liable to the tenant for the same types of damages discussed above. Additionally, the tenant may be entitled to injunctive relief. The Attorney General, and the city attorney or county counsel, may bring an action to enforce the rent

stabilization provisions of the Tenant Protection Act. (Civ. Code §1947.12(k).) If a landlord unlawfully increases the rent and the tenant refuses to pay more than the legally allowed amount, the unlawful increase may serve as a defense to an unlawful detainer (eviction) lawsuit for nonpayment of rent.

Right To Habitability

Within all residential leases is an implied right of habitability. (Green v. Superior Court (1974) 10 Cal.3d 616; Civ. Code §1941.) Landlords must ensure the rental unit maintains certain standard characteristics (see Civ. Code §1941.1.). Tenants may bring affirmative lawsuits against a landlord for failure to maintain the unit in a habitable condition. If a tenant withholds rent because the unit lacks habitability, the tenant may have a defense to an eviction brought for non-payment of that rent. (See Civ. Code §1941.1; §1942). In San Luis Obispo, tenants can report suspected "substandard rental housing" conditions to the City, and a Code Enforcement Officer may inspect the residence with the lawful tenant's permission.

The San Luis Obispo Fire Department performs annual fire and life safety inspections of apartment buildings with three or more units, hotels, motels, senior living facilities, fraternities, sororities and other congregate residences in accordance with state law. Property owners found to be in violation of the San Luis Obispo Building Construction and Fire Prevention Code (see SLOMC § 15.02.090) may be issued a Notice of Violation and/or administrative citations and fines. A mandatory rental housing inspection program for single-family and duplex rental housing was in effect in San Luis Obispo between 2015 and 2017. but it was terminated based on community opposition.

Prohibition Against Discrimination

Under the California Fair Employment and Housing Act (FEHA), it is unlawful for a residential landlord to discriminate on the basis of race, color, religion, sex, gender, gender identity, gender expression, sexual orientation, marital status, national origin, ancestry, familial status, source of income, disability, veteran or military status, or genetic information of that person. (California Government Code §12955; see exception in Govt. Code §12927(c) (2).)

Continued on page 16

Renter Protections in 2024 continued

As of January 1, 2020, “source of income” includes federal housing assistance (“section 8”) vouchers, meaning landlords cannot refuse to rent to a tenant because that tenant receives a housing subsidy. Disability discrimination includes a landlord’s failure or refusal to provide a reasonable accommodation to a tenant with a disability. (Govt. Code §12927; 2 C.C.R. §12176-12185.)

Landlords cannot retaliate against a tenant for the tenant’s lawful exercise of their rights to be free from discrimination and harassment, or for requesting necessary repairs. (2 C.C.R. §12130.) Adverse action is defined broadly and includes things like failing to lease or extend tenancy, increasing rent, reducing services, changing lease terms, failing to make repairs, evicting, and refusing to provide a reasonable accommodation for a disability. (2 C.C.R. §12005(b).)

Under state law effective January 1, 2024, local ordinances may not require landlords to penalize or evict a tenant for the tenant’s alleged unlawful conduct or arrest unrelated to the use of the property (aka, cities cannot adopt “crime-free housing” ordinances). (AB 1418, Govt. Code §53165.1.) Additionally, local entities cannot establish a registry of “problem tenants” for the purposes of discouraging landlords from renting to those tenants. AB 1418 does not regulate private action by landlords; landlords may still require criminal background checks of all prospective tenants (subject to state law limitations; see 2 C.C.R. §§ 12265, 12269) and exercise otherwise available remedies for illegal or lawfully prohibited use of the property.

The law does not prevent cities from enforcing city code provisions related to unlawful activity or nuisances on a property, such as violations of noise ordinances or prohibitions against unruly gatherings. This potentially includes enforcement actions against a landlord when those types of activity occur on a rented property.

Credit Considerations

A 2021 law requires some landlords of government-assisted housing developments in California to offer their tenants the option to have their timely rent payments reported to consumer reporting agencies in order to improve their credit. (Civil Code §1954.06.) Landlords may charge a fee to the tenant “not to exceed the lesser of the actual

cost to the landlord to provide the service or \$10 per month.” This law does not currently apply to landlords of market-rate units. The law requires an evaluation of the impact of the rental-reporting program by an independent evaluator by January 1, 2025.

As of January 1, 2024, it is also unlawful for landlords, in evaluating a rental application from a tenant who will pay all or some of their rent with a government rent subsidy, to consider the applicant’s credit history as the sole determining factor of the applicant’s ability to pay their portion of the rent. (Govt. Code §12955(o).)

Additional Protections by Cities

California cities may adopt policies that provide additional renter protections beyond state law. A city may adopt a “just cause” provision that is “more protective” than Civil Code 1946.2, meaning it is consistent with that section and “further limits the reasons for termination of a residential tenancy, provides for higher relocation assistance amounts, or provides additional tenant protections that are not otherwise prohibited by law.” (Civ. Code §1946.2(g)(1)(A).)

State law limitations still apply, such as the Ellis Act, a law that acknowledges a landlord’s absolute right to “go out of business.” An “Ellis Act” eviction refers to the removal of all units in a multi-dwelling building from the rental market. Cities with eviction control ordinances may, under the Ellis Act, provide certain tenant protections, including extended notices of termination, relocation assistance, and right of first refusal if the units are put back on the rental market. (See Govt. Code 7060 et seq.)

Cities may also restrict annual rent increases beyond the limitations of the Tenant Protection Act (Civ. Code § 1947.12(d)(3)), consistent with the Costa-Hawkins Act (Civ. Code § 1954.50 et seq.). The Costa-Hawkins Act prohibits cities from adopting rent stabilization ordinances that limit the allowable rent increases for “alienable” real property (i.e., single family homes and condominiums [see Civ. Code §1954.52(a)(1)]) or rental units built after February 1, 1995, or that imposes a system of “vacancy control.”

“Vacancy control” refers to a system of rent control that limits the amount of rent that can be

charged for a unit after a vacancy/tenancy turnover. Exceptions to the prohibition on vacancy control exist to prevent landlords from evicting otherwise-protected tenants for the purpose of increasing rent beyond what would be allowed under the local rent stabilization ordinance (see Civ. Code §1946.1 and §827.)

The practical implication of the Costa-Hawkins Act is that local rent stabilization ordinances can only apply to multifamily rental housing constructed prior to 1995. Costa-Hawkins also prevents cities from applying rent stabilization provisions to ADUs that are separately conveyed from the primary dwelling (note that as of January 1, 2024, ADUs developed by qualified nonprofits and restricted as affordable housing per Govt. Code §66341 and ADUs established as condominiums under Govt. Code §66342 may be sold separately from the primary dwelling.)

If passed, a current voter initiative on the November 2024 ballot (No. 22-0008) would repeal the Costa-Hawkins Act and add language to the Civil Code that states: "The state may not limit the right of any city, county, or city and county to maintain, enact or expand residential rent stabilization." Passage of this initiative would eliminate any limitation on cities' abilities to enact local rent stabilization. Prior attempts to repeal Costa-Hawkins have been unsuccessful. ■

"John is not only a great expert economist in litigation support, but he is very personable and highly ethical."
—Tyrone Moho, Attorney at Law, Moho & Prentice

FOR OVER 30 YEARS, SERVING THE
 CENTRAL COAST AND SURROUNDING
 AREAS AS A FORENSIC ECONOMIST.

J N **JOHN NORDSTRAND**
 Economic Consulting, Expert Testimony

P.O. Box 30343 (805) 450-7761
 Santa Barbara, CA 93130 john.nordstrand747@gmail.com
 www.johnnordstrandconomics.com

Independent | Professional | Experienced

Business Valuation Specialists

Shannon Lowther
 CFA, ASA, ABV
 Shannon@CentralPacVal.com

Kevin Lowther
 ASA, ABV, FMVA
 Kevin@CentralPacVal.com

- Estate & Gift Tax Valuations (Forms 706 & 709)
- Business Transactions & Advisory
- Buy-Sell Agreements
- Shareholder Transactions
- Management Buyouts

CENTRAL PACIFIC VALUATION

805 585 5760

Santa Barbara | Fresno | Bakersfield | **CentralPacVal.com**

New Requirements for HOAs of CIDs Take Effect January 1, 2025

by Kelly Stone

In August 2019, Governor Gavin Newsom signed into law SB 326,¹ requiring inspections of elevated load-bearing elements (e.g., exterior balconies) by HOAs, and a further requirement to provide inspection reports to local code compliance agencies if the inspection reveals an unsafe risk to an occupant. Further, any recommendation for immediate repair would allow the association authority to impose an emergency assessment on the association's members without a vote by the membership. For buildings or developments with permit applications in place before 2020, the first inspection report is due January 1, 2025.

Proposed and enacted in 2019, SB 326 created the following requirements, which should be highlighted with property managers and board members of HOAs. The requirements were developed in response to the fatal balcony collapse at the apartment complex in Berkley, formerly known as Library Gardens, at 2020 Kittredge Street.

Builders did not follow specific construction plans. A different quality of wood was substituted for the balconies, and the placement of a protective membrane for waterproofing was delayed, thereby exposing the exterior portion of the balconies to heavy rains. Conditions led to a balcony sheering off from the building during a party, dropping 13 attendees to the ground. Six died, and the other seven were seriously injured.

Beginning with SB 721,² Section 1954 of the Civil Code was modified in 2018 to allow landlords extended authority to enter a dwelling unit “[t]o comply with the provisions of Article 2.2 (commencing with Section 17973) of Chapter 5 of Part 1.5 of Division 13 of the Health and Safety Code”³ to inspect “[e]xterior elevated elements that include load-bearing components in all buildings containing three or more multifamily dwelling units.”⁴

These inspections were then extended to associations of Common Interest Developments in 2020 by SB 326. SB 326 added Section 5551 to the Civil Code to require the board of an association of a condominium project to “cause a reasonably competent and diligent visual inspection to be conducted by a licensed structural engineer or architect”⁵ of essentially all exterior elevated elements (e.g. balconies) that are elevated more than six feet above ground level that are designed for “human occupancy or use, and that are supported in whole or in substantial part by wood or wood-based products.”⁶

The inspection is intended to determine whether the balconies, and their associated waterproofing systems, for which the association has maintenance or repair responsibility, are in a safe condition. There are time requirements for the inspections, depending on when the building or development was permitted for construction.

Applicability

The typical language of a declaration of covenants, conditions and restrictions for a condominium development includes providing authority for the association to maintain the exterior portions of the units and allows the assessment and collection of assessments against the unit owners. Typically language in the declaration states, for example:

“Association Maintenance and Decoration Authority. The Board, or its duly appointed agent, will have the exclusive right to paint, decorate, repair, maintain, alter or modify the exterior walls, balconies, railings, exterior door surfaces, roofs and all installations and improvements on the Common Area. No Owner of a Unit will be permitted to do or have any such work done. The prior written approval of the Board will be required for the installation of any awnings, sunshades or screen doors. The restrictions set forth in this Section will not apply to the initial construction of the buildings or other improvements by Declarant.”⁷

A typical definition of a condominium unit by the declaration includes the elements of the unit that are owned individually and not in common with owners of other elements of the project or development. Accordingly, the areas subject to the Common Area are often balconies providing access to the units, stairs, walkways and balconies that overhang the Common Area shared by all

units. The Common Area is usually defined within an exhibit to the CC&Rs, and it may include elements such as exterior balconies of the units, even though the balconies may only be accessed by the unit owner from inside the unit.

Section 5551 (a)(3) specifically identifies and defines load-bearing components as those extending “beyond the exterior walls of the building to deliver structural loads to the building from decks, balconies, stairways, walkways and their railings, that have a walking surface elevated more than six feet above ground level,”⁸ which will most likely match the language in many CC&Rs defining the areas under the control of the association.

Section 5551 also requires the inspection of newer buildings, those for which a building permit

application has been submitted on or after January 1, 2020, to occur no later than six years following the issuance of a certificate of occupancy.⁹ For older buildings built prior to 2020, the first inspection shall take place by January 1, 2025, and every nine years thereafter. The inspections are required only for “buildings containing three or more multi-family dwelling units.”¹⁰

Inspection Requirements

The inspection and inspector requirements can also be found in Section 5551 of the Civil Code. Definitions of the associated waterproofing systems, exterior elevated elements and load-bearing components are found in subsection (a) of Section 5551. The inspection consists of a visual inspection as defined in subsection (a)(5) consisting of a visual

observation that may include the use of “moisture meters, borescopes or infrared technology.”¹¹ The inspection does not need to include all units of the development; subsections (a), (b) and (c) of Section 5551 only require a statistically significant sample providing a 95 percent confidence that all types of each exterior elevated element of which the association has maintenance or repair responsibility are represented.

The inspector shall exercise their best professional judgment in determining the need for further inspections beyond a visual inspection. Some architects and engineers employ a qualified waterproofing expert to assist with the inspection of the associated waterproofing systems. A written report shall be issued containing the details set forth

Continued on page 20

TARDIFF LAW OFFICES

APPELLATE ADVOCACY GROUP



NEIL S. TARDIFF
ATTORNEY

Certified Specialist in Appellate Law,
State Bar of California

- Specializing in Civil, Criminal and Administrative Appeals and Writs - State and Federal
- Offering Trial Consultations, Settlement Evaluations and Drafting of Pre-trial and Post-trial Motions
- Providing Attorneys, Corporate, Government and Individual Clients with Excellent Litigation and Appellate Advice
- Over 25 Years of Extensive Trial and Appellate Experience in State and Federal Courts



P.O. BOX 1446 • SAN LUIS OBISPO, CA 93406

PHONE: 805-544-8100 • FAX: 805-544-4381 • E-MAIL: Neil@TardiffLaw.com

New Requirements for HOAs continued

in subsection (e) of Section 5551 of the Civil Code, including identification of the components comprising the loadbearing components and associated waterproofing system, the condition, whether there is an immediate threat to the health and safety of the residents, expected performance and remaining useful life, and recommendations for necessary repairs or replacements.

Reporting Requirements

If the inspector determines that an immediate threat is posed by the elevated elements to the occupants, it shall then provide the written report to the association immediately, with a copy to the local code enforcement agency within 15 days of completion. The association shall take preventative measures, including preventing occupant access until repairs have been inspected and approved by the local code enforcement agency. Costs are recoverable by the agency. There are additional recordkeeping requirements of the association in subsection (i) of Section 5551.

Given the reporting requirement for immediate safety risks, it may be advisable for the association to undertake visual inspections on a regular basis so that maintenance is ongoing. Routine inspections can provide information to the association for proper and timely maintenance, proper budgeting, and bigger savings on insurance premiums resulting in decreased expenses by avoiding more costly repairs or replacements.

Financial Impact and HOA Operations

When repairs or replacement of elevated elements or the

associated waterproofing system require immediate resolution pursuant to the inspection report, the association must determine whether the costs are earmarked within the reserve budget. If the expenses are not budgeted, the association will need to assess members for the expense. Because the report will be provided to the local code enforcement agency, there will be enforcement of the repairs. Access to the areas of immediate risk should be prevented or restricted by the association until the repairs have been inspected and approved by the local enforcement agency. Given the cost of repairs or replacement of balconies, it can be financially devastating to individual unit owners if the expense must be covered by surprise, mandatory assessments.

Section 5610 of the Common Interest Development Act of the Civil Code provides an exception to the limitations of assessments by an association on its members, as well as an exception to the assessment approval process. Section 5610 allows the association's board to impose an emergency extraordinary expense assessment on the association members without observation of the regular member approval formalities of voting. Per Civil Code Section 5610 (b), an emergency situation includes "[a]n extraordinary expense necessary to repair or maintain the common interest development or any part of it for which the association is responsible where a threat to personal safety on the property is discovered."¹²

The only information to be provided to the members regarding the emergency assessment

is in the form of a formal resolution to the members showing the "necessity of the extraordinary expense involved and why the expense was not or could not have been reasonably foreseen in the budgeting process, to be distributed with the notice of assessment."¹³

Associations of Common Interest Developments may need to prepare to handle the process for inspections as well as the cost for these inspections and any required emergency assessment. The additional costs of the required inspections, and any further inspections that may include destructive testing, should be highlighted with associations so that they can budget for them. Further, associations will need to become better at maintenance and foresight of projected future repairs in their budgeting process.

You should also point out the unknown regarding whether or not an individual owner is exempted from similar inspection and repair obligations based on circumstances of the elevated element being defined as part of an individual unit and not that of a common area. Future declaration drafting could be refined to contemplate these issues. If you are representing an association board or property managers, you should also help them by reviewing the risks associated with any non-compliance.

With an unforeseen need to plan for additional assessments to cover additional inspection costs and future maintenance, individual unit owners could find themselves in a financial crisis upon imposition of an emergency assessment or assessment increases they cannot afford, which

could result in foreclosures. Likewise, assessment increases create an affordability problem for buyers.

Further, the inspection report could affect the value of the development as a whole as well as the individual units. Changes in value due to inspection reports and emergency assessments could create issues with FHA and VA loans. With older condominiums that need more attention, this scenario will pose problems with lenders and may require individual owners to come up with alternative and creative financing options. To be able to afford the emergency assessment and increased assessments, reverse mortgages may be necessary for some residents, while selling and relocation or foreclosure may be a requirement for others. ■

Footnotes

- ¹ 2019 Cal ALS 207, 2019 Cal SB 326, 2019 Cal Stats. ch. 207
- ² 2018 Cal ALS 445, 2017 Cal SB 721, 2018 Cal Stats. ch. 445
- ³ Civ. Code, § 1954 (Deering, Lexis Advance through the 2024 Regular Session Ch 22)
- ⁴ Health & Saf. Code, § 17973 (Deering, Lexis Advance through the 2024 Regular Session Ch 22)
- ⁵ Civ. Code, § 5551 (Deering, Lexis Advance through the 2024 Regular Session Ch 22)
- ⁶ Id.
- ⁷ 11 California Real Estate Law & Practice § 385.131 (2024)
- ⁸ Civ. Code, § 5551 (a)(3) (Deering, Lexis Advance through the 2024 Regular Session Ch 22)
- ⁹ Civ. Code, § 5551 (k) (Deering, Lexis Advance through the 2024 Regular Session Ch 22)
- ¹⁰ Civ. Code, § 5551 (l) (Deering, Lexis Advance through the 2024 Regular Session Ch 22)
- ¹¹ Id. at subsection (a)(5).
- ¹² Civ. Code, § 5610 (b) (Deering, Lexis Advance through the 2024 Regular Session Ch 22)
- ¹³ Civ. Code, § 5610 (c) (Deering, Lexis Advance through the 2024 Regular Session Ch 22)

Your Expertise Is Needed in These Areas...

- Family Law
- Traffic
- Education Law
- SSI Appeals
- Workers' Compensation

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

If you are interested in prescreened, quality referrals, please call Kerrin at (805) 541-5502.



THE OTHER BAR



Free confidential assistance to lawyers, judges, paralegals and law students with substance abuse problems.

Weekly Other Bar 12-Step Meetings are held in many areas, and others are being established. For times and locations, or to start a meeting in your area, contact the number or website below.

Provider of Certified MCLE Instructors

Confidential Hotline 24 Hours a Day: (800) 222-0767
www.otherbar.org

BOOK IN THE UNI

by Haley Baker



Library of Congress. Photo courtesy

During the past few years, the number of book bans is increasing drastically throughout the United States. “From July 2021 to June 2023, PEN America’s Index of School Book Bans recorded 5,894 instances of book bans across 41 states and 247 public school districts. The mounting book ban crisis from the last two school years has affected 2,823 unique titles, censoring the works of 2,076 authors, 517 illustrators and 31 translators. In sum, book banning has censored a total of 2,598 creatives.”¹

Book challenges and bans are particularly rampant in traditionally conservative areas of the country. Access to books is becoming dependent upon where you live, and representation in literature is becoming a token of belonging to the historical majority. Many of these bans originate from the same groups and individuals. These groups are relatively small and often don’t reflect the views of the majority. History is being suppressed and even removed to appease smaller groups of people.

In 2023, PEN America published an extensive report on the current state of book bans. This report finds that, “Again and again, the movement to ban books is driven by a vocal minority demanding censorship. At the same time, a 2022 poll found that more than 70 percent of parents oppose book banning. Yet, the bans continue. Many public-school districts find themselves in a bind.”²

The bans are often sweeping, without clear guidelines, and implemented with short time frames. Processes for reviewing books have

been challenged. Those processes are being sidestepped in the rush to appease this vocal minority. There are books on the lists that most certainly do not meet the established criteria. This results in books being pulled and even whole libraries being shuttered to err on the side of caution. The books most often challenged are regarding racial themes, LGBTQ+ themes, death, grief, sexual assault, physical abuse, teen pregnancy, abortion, health and wellness, puberty and suicide.

In recent years, the intensity of the rhetoric used by groups wanting to ban books has escalated. The PEN America report continues, “Dozens of books were targeted for removal in the 2021-22 school year on the basis that they contained sexual content. But since last summer, this framing has become an increasing focus of activists and politicians to justify removing books that do not remotely fit the well-established legal and colloquial definitions of ‘pornography.’”

Rhetoric about ‘porn in schools’ has also been advanced as justification for the passage or introduction of new state laws, some of which would bar any books with sexual content and could easily sweep up a wide swath of literature and health-related content.”³ While individual parents have the right—and even obligation—to monitor the materials that their children are consuming, they don’t have the mandate to take other parents’ rights away.

The phenomenon of using highly inflammatory rhetoric as a scare tactic is an effective tool to gain traction. When groups seeking book bans claim that children are

“ From July 2021 to June 2023, PEN America’s Index of School Book Bans recorded 5,894 instances of book bans across 41 states and 247 public school districts...affected 2,823 unique titles, censoring the works of 2,076 authors, 517 illustrators and 31 translators...a t

BANS IN THE UNITED STATES



of Tara Jacobi.

2023, PEN America's Index recorded **5,894** instances in 50 states and **247** public libraries. It identified **2,823** unique titles, **1,776** authors, **517** illustrators for a total of **2,598** creatives. ”

being exposed, endangered or victimized in some fashion, they are more likely to get their way, and it will happen at a much more rapid pace. Furthermore, small passages are taken out of context and presented as evidence, thus employing an angle that uses hyperbole and misdirection as means to an expedited end.

PEN America explains, "...the legal test for obscenity requires a holistic evaluation of the material. Over the last year, however, terminology such as 'obscene,' 'pornographic,' 'harmful to minors' and 'sexually explicit' is being utilized to restrict a range of content, including books on LGBTQ+ experiences, stories that include any sexual references, sex education materials, books that include portrayals of death or abuse, and art books...books are frequently targeted for short excerpts or even single images, without the holistic evaluation necessary to understand their literary merits."⁴

Along with the book challenges that have been occurring, librarians have been the victims of violent threats and behaviors. Using physical force and threats of violence is also a blatant scare tactic to harass and abuse people with opposing views into submission. Instead of following the established rules, regulations and laws, those who want to ban books are resorting to vigilante justice to advance their cause.

These groups are targeting books for young people based on their own personal traditions, morals, religious ideologies and political views. The *Wall Street Journal* reports that more than "40 percent of books removed from school

libraries nationwide until June 2022 involved LGBT identity themes..." and "...more than 20 percent addressed issues of race or racism."⁵

Another recent article in the *Wall Street Journal* notes that, "What we're seeing in these numbers is evidence that there is in fact a campaign to remove books from school libraries and public libraries, books intended for young people, that address controversial topics that reflect the lives and experiences of those who have been marginalized in our society..."⁶

The harsh reality is that for many communities the only access to books is the public or school library. When those resources are taken away, there is nowhere else to turn. Kelly Jensen writes for *Book Riot*, "Book challenges and bans harm the most vulnerable in communities who don't have access to finances, time or transportation to acquire a book no longer available to them in the places where they are: classrooms or libraries."⁷

Why Representation Matters to Marginalized Communities

People, especially children, need to see themselves represented. According to *Psychology Today*, "Positive media representation can be helpful in increasing self-esteem for people of marginalized groups (especially youth). Interpersonal contact and exposure through media representation can assist in reducing stereotypes of underrepresented groups. Representation in educational curricula and social media can provide validation and support, especially for youth of marginalized groups."⁸

Continued on page 24

BOOK BANS continued

By limiting or denying access to books that depict a wide variety of people, backgrounds, ideologies, ethnicities, races, and so on, damage is being done to everyone, especially youth, when they believe that something about them is wrong and needs to be suppressed. In addition, exposure to literature depicting diversity builds tolerance in all areas. The children who identify with the majority can be isolated and misinformed about the world when they are only shown mirrors of their own lifestyles and experiences.

The Constitutionality of Book Bans and Other Legal Issues

Kelly Jensen writes for *Book Riot*, “What gets forgotten in discussions of censorship...is the incredible power of the public library. No other American institution is tasked with unequivocally protecting the First Amendment and intellectual freedom specifically. This isn’t a politically negotiable assertion. Libraries are founded on and protect these liberties and need to continue to do so. It’s not about banned books. It’s about the rights imparted to American citizens as outlined in the Constitution and Bill of Rights.”⁹

Censorship is not illegal unless the government does it. If the government attempts to ban certain viewpoints, that is an infringement on the freedom of speech. The government can regulate the time and place of free speech but not its content. When individuals, companies and organizations engage in censorship, that is likewise not illegal. This also applies to state and local governments’ regulation of what books are available to their constituents. They have final say in

their curriculum unless it is found to violate the constitution. This is where the gray area occurs in determining what is legitimate curation of materials for schools and libraries and what is the state and local governments infringement on citizens’ rights. “PEN America estimates that at least 40 percent of bans listed in the Index (1,109 bans) are connected to either proposed or enacted legislation, or to political pressure exerted by state officials or elected lawmakers to restrict the teaching or presence of certain books or concepts.”¹⁰

Currently several legislatures are seeking to curtail the books available in their areas by imposing fines and criminal liability. “Library staff found to have ‘knowingly’ distributed or facilitating the distribution of allegedly obscene material to a minor—defined as anyone under 18—would be open to a potential felony charge.”¹¹

PEN America also reports, “... we’ve tracked 156 educational gag order bills introduced in 39 states since January 2021, and this campaign continues to expand. There are at least 49 different bills active in 25 states in the current legislative session that explicitly target colleges and universities. And this is only in the first two months of 2022.”¹²

Prosecuting library staff or school staff for doing their jobs is a gross miscarriage of authority. The fear that comes from having your career and livelihood threatened is purposely calculated. It would require those individuals to have read and retained every single book in the library. That is not humanly possible and is inherently unfair.

To that end, Texas passed HB 900. This bill would have required that vendors label all books with

ratings. The sheer volume of books that would need to be rated is so immense as to render it nearly impossible. That part of the law was blocked while other parts were put into place. This is an example of a blatant scare tactic to engender fear and facilitate immediate knee-jerk responses to circumvent the established book challenge processes. There are many trying to combat not only the bans but to fight the numerous legislative attempts to bolster the bans with legal action, and this will take time to get through the courts.

In June 2023, President Biden announced plans for a coordinator to combat book bans. In September 2023, the Department of Education quietly filled that position. With the gap in time between the announcement and the appointment and the mounting opposition, it looks like the position will have very limited authority. The parent advocate groups think this is an overstep, and book ban opponents find it not strong enough action. The position falls under the Office of Civil Rights that is under the Department of Education. While the Department of Education has limited authority, the Office of Civil Rights has more clout. This will be an area to watch in the coming years.

Conclusion

It is necessary to call out book bans and get the process under control. This can and should be accomplished with awareness campaigns and legal action by those with resources to fight it in court. Advocating support for the first amendment, campaigning for literacy and promoting education can also bring about change and stop this tide of censorship.

“Reading is Fundamental” is the oldest and largest nonprofit children’s literacy organization in the United States. It published an essay by Rudine Sims Bishop that eloquently speaks of the value of seeing oneself portrayed in literature. Here is a portion of it.

“When children cannot find themselves reflected in the books they read, or when the images they see are distorted, negative or laughable, they learn a powerful lesson about how they are devalued in the society of which they are a part. Our classrooms need to be places where all the children from all the cultures that make up the salad bowl of American society can find their mirrors.”¹³ ■

Haley Baker graduated from Sonoma State University with a B.S. in Business Administration. She is currently studying for a Master of Professional Studies in Publishing at George Washington University. She has worked in customer service, administrative, accounting and human resources roles in a variety of fields. Currently she is working with the GW Journal of Ethics as the Team Lead for the Strategy and Sustainability Committee and as a Publishing Assistant for the new fiction publisher, Alder House Books. She is a voracious reader and loves to share her book opinions with anyone who will listen. She currently hosts an Instagram book review account, @haleys.book.club.

Footnotes

- ¹ Baëta, Sabrina, and Kasey Meehan. “Spineless Shelves: Two Years of Book Banning.” PEN America. Accessed May 25, 2024. <https://pen.org/spineless-shelves/>.
- ² Meehan, Kasey, and Jonathan Friedman. “Update on Book Bans in the 2022-2023 School Year Shows Expanded Censorship of Themes Centered on Race, History, Sexual Orientation and Gender.” PEN America. April 20, 2023. <https://doi.org/https://pen.org/report/banned-in-the-usa-state-laws-supercharge-book-suppression-in-schools/>.
- ³ Meehan, Kasey, and Jonathan Friedman. “Update on Book Bans in the 2022-2023 School Year Shows Expanded Censorship of Themes Centered on Race, History, Sexual Orientation and Gender.” PEN America. April 20, 2023. <https://doi.org/https://pen.org/report/banned-in-the-usa-state-laws-supercharge-book-suppression-in-schools/>.
- ⁴ Meehan, Kasey, and Jonathan Friedman. “Update on Book Bans in the 2022-2023 School Year Shows Expanded Censorship of Themes Centered on Race, History, Sexual Orientation and Gender.” PEN America. April 20, 2023. <https://doi.org/https://pen.org/report/banned-in-the-usa-state-laws-supercharge-book-suppression-in-schools/>.
- ⁵ Bhattacharya, Suryatapa, and Jennifer Calfas. “Penguin Random House Sues Florida School District Over Book Bans.” *Wall Street Journal*. May 17, 2023. https://doi.org/https://www.wsj.com/articles/penguin-random-house-sues-florida-school-district-over-book-bans-dd301e0f?mod=saved_content.
- ⁶ Calfas, Jennifer. “Efforts to Ban Books Nearly Doubled in 2022, Report Finds.” *Wall Street Journal*. March 23, 2023. https://doi.org/https://www.wsj.com/articles/efforts-to-ban-books-nearly-doubled-in-2022-report-finds-877409d1?mod=article_inline.
- ⁷ Jensen, Kelly. “How to Fight Book Bans and Challenges: An Anti-Censorship Took Kit.” *Book Riot*. October 7, 2021. <https://doi.org/https://bookriot.com/how-to-fight-book-bans-and-challenges/>.
- ⁸ Nadal, Kevin. “Why Representation Matters and Why It’s Still Not Enough.” *Psychology Today*. December 27, 2021. <https://doi.org/https://www.psychologytoday.com/us/blog/psychology-the-people/202112/why-representation-matters-and-why-it-s-still-not-enough>. “Library Privacy Guidelines for Students in K-12 Schools.” American Library Association. December 11, 2020. <https://doi.org/https://www.ala.org/advocacy/privacy/guidelines/students>.
- ⁹ Jensen, Kelly. “How to Fight Book Bans and Challenges: An Anti-Censorship Took Kit.” *Book Riot*. October 7, 2021. <https://doi.org/https://bookriot.com/how-to-fight-book-bans-and-challenges/>.
- ¹⁰ Friedman, Jonathan, and Nadine F. Johnson. “Banned in the USA: The Growing Movement to Censor Books in Schools.” PEN America. September 19, 2022. <https://doi.org/https://pen.org/report/banned-usa-growing-movement-to-censor-books-in-schools>.
- ¹¹ Albanese, Andrew. “Librarians, Publishers, Bookstores Join Lawsuit Over Arkansas Library ‘Obscenity’ Law.” *Publisher’s Weekly*. May 26, 2023. <https://doi.org/https://www.publishersweekly.com/pw/by-topic/industry-news/libraries/article/92421-librarians-publishers-bookstores-join-lawsuit-over-arkansas-library-obscenity-law.html>.
- ¹² Friedman, Jonathan. “Goodbye Red Scare, Hello Ed Scare.” *Inside Higher Ed*. February 23, 2022. <https://doi.org/https://www.insidehighered.com/views/2022/02/24/higher-ed-must-act-against-educational-gag-orders-opinion#>.
- ¹³ Bishop, Rudine S. “Mirrors, Windows, and Sliding Glass Doors.” *Reading Is Fundamental*. January 3, 2015. <https://doi.org/http://www.rif.org/us/literacy-resources/multicultural/mirrors-windows-and-slidingdoors.htm>

Use the PROS to Foster Well-being

by Robin Oaks

At a recent bar association presentation during which I shared practices for fostering well-being, I canvassed the participants and asked the question, “Who would recommend to a friend or family member that they pursue a career in law?” Significantly, only 5 of the 55 lawyers in the room raised their hands. I realize there are many reasons likely contributing to this informal survey result. However, based on my experience as a well-being coach, conflict resolution consultant, and attorney for 40 years working in a variety of legal settings, I believe it reveals a sad truth—many legal professionals are suffering in silence.

My hope is to give voice to important issues that affect the people practicing law, and speak up to make well-being strategies become integral to our legal practice toolkit. After all, law is about people—and our mind and body are the tools of the trade. It’s time we take positive steps to let the proverbial cat out of the bag and zealously advocate for fostering well-being for the benefit of everyone in our legal communities.

In August 2017, the National Task Force on Lawyer Well-Being (“the Task Force”) issued a 73-page report (“the Report”) entitled, “The Path to Lawyer Well-Being: Practical Recommendations for Positive Change.”¹ The Task Force was formed by the ABA Commission on Lawyer Assistance Programs (CoLAP), the National Organization of Bar Counsel (NOBC), and the Association of Professional Responsibility Lawyers (APRL), together with other relevant organizations.

The Report states, “Sadly, our profession is falling short when it comes to well-being. Recent studies conducted of lawyers reveal that too many lawyers and law students experience chronic stress and high rates of depression and substance use. These findings are incompatible with a sustainable legal profession, and they raise troubling implications for many lawyers’ basic competence.” We all need to take positive action “to maintain public confidence in the profession, to meet the need for innovation in delivering legal services, to increase access to justice, and to reduce the level of toxicity that has allowed mental health and substance use disorders to fester among our colleagues.” The Report provides pages of strategies and concrete actions that individually and collectively promote positive change for the thriving of all legal practitioners.

The Report lists these three compelling reasons to make fostering well-being a cornerstone of legal practice.

1) Organizational Success

Citing research that shows it’s profitable because happier, healthier and engaged employees perform better, and the financial and human costs of health issues, attrition, and burnout are high;

2) Professionalism and Civility

Referencing professional responsibilities and their relationships to well-being and wellness;

3) Humanitarian

Asserting it’s the “right thing to do” to prioritize legal professionals’ well-being—and support the public good.

We all need to take off the blinders and make a “wide-eyed and candid assessment” of what needs repairing in our legal profession, “accompanied by a courageous commitment to re-envisioning what it means to live the life of a lawyer.” The Report broadly defines fostering well-being as a continuous process in which legal professionals seek thriving and improving in each dimension of their lives: intellectual, spiritual, physical, social, emotional and occupational.

PROS: Well-being in Law Proficiencies

In my trainings for legal professionals, I use the word PROS to illustrate the wide scope of proficiencies impacting legal practice and practitioners. The PROS diagram helps conceptualize the interconnection of these “whole lawyer” competencies and interventions (I call them “*our controlling life laws*”) that promote our well-being. PROS stands for: Professional Proficiencies, Relational/Relationships, Organizational Context, and SELF Skills.

Professional proficiencies include those technical skills and substantive knowledge that are generally considered the basics for licensing, traditional legal studies, and foundational legal competencies for practicing in specific fields of law. Many of these professional skillsets develop with experience, such as document drafting, persuasive writing, identifying issues, investigating, fact gathering, researching, court procedures, substantive law learning and technology.

Relational competencies involve those interpersonal skillsets affecting interactions with others in the profession, including colleagues, employees, judges and clients. This also includes cultivating supportive relationships and building social connections in one’s life, which act as a vital buffer to stressors and impact health and well-being. Relational competencies include a wide range of strategies involving civility, collegiality, leadership,

teamwork, emotional intelligence, empathy/compassion, trauma-informed lawyering, and effective listening, conflict resolution and communication skills, as well as relatedness to non-people matters, such as effective management of finances, energy and time.

Organizational context and culture reflect the environmental factors, supervisory networks, and work climates affecting the practice of law, which impact people. This category includes practices and strategies promoting healthy (vs. toxic) environments, both structurally and psychologically. Environmental factors might include air quality and physical working conditions, as well as institutional norms, conflict resolution options, business goals and structure, and cultural strategies affecting fairness, equity, inclusion, psychological or physical safety. Organizational resources, supervisors, values, policies, workload allocation, and methods for managing change or crisis all affect morale, motivation, and whether workplaces are considered toxic/hostile—or healthy.

SELF skills include those intra-personal competencies supporting well-being, healthy functioning, self-care and optimal performance. These proficiencies involve skills focused on physical (body), mind (cognitive) and mental (emotional), and spiritual/existential (feeling connected to something bigger and meaning). These self-skills address human needs. They include practices and evidence-based strategies one develops from within, including, but not limited to growth mindset, metacognition, grit, mental and physical fitness, resilience, stress management, brain health, public speaking, executive functioning and goalsetting, decision-making, sleep, nutrition, exercise, nervous system self-regulation, self-awareness, and a wide range of mind-body, ancient wisdom tradition strategies and contemplative practices.

All of these competencies and strategies build upon one another—every piece a part of and reflecting a complex whole web of interdependence and *inter-being*.² Fostering well-being and wellness must be considered through a totality of the circumstance perspective when exploring what practices, actions—and changes—best serve individuals and organizations.

Changes Fostering Well-being

Signaling a recognition that fostering well-being in law matters, last year the State Bar of California's Board of Trustees approved changes to the mandatory continuing legal education (MCLE) requirements for licensed attorneys. Effective October 1, 2023, licensed attorneys must now complete one hour of MCLE in *Wellness Competence* as part of the two-hour "Competence" requirement.

One hour of the MCLE Competence requirement covers *Prevention and Detection* of "substances use disorders, mental illness and other mental or physical issues impairing an attorney's abilities to practice law." The

other requisite hour now will include *Wellness Competence* educational topics focusing on "*physical and mental wellness and wellbeing or stress management*, so long as the activity addresses these topics in the context of the practice of law and the impact these issues can have on an attorney's ability to perform legal services with competence." Rules 3.601 E, F.

In California Professional Rule 1.1, which defines a lawyer's duty of competence, required abilities include a wide range of well-being-related proficiencies. Rule 1.1 clarifies: "[F]or purposes of this rule, 'competence' in any legal service shall mean to apply to the (i) learning and skill, and (ii) *mental, emotional, and physical ability reasonably necessary for the performance of such service.*"

Studies have shown that law students start law school with high life satisfaction and strong mental health measures but become by the third year the most dissatisfied, demoralized, anxious or depressed of any graduate student population. To address this, law schools must include well-being and wellness education for law students. Recent changes in curriculum requirements now mandate that law schools "shall provide substantial opportunities for development of professional identity." "Professional identity [involves an] intentional exploration of the *values, responsibilities, guiding principles, and well-being practices considered foundational to successful legal practice.*" ABA Standard 303 b, 303-5.

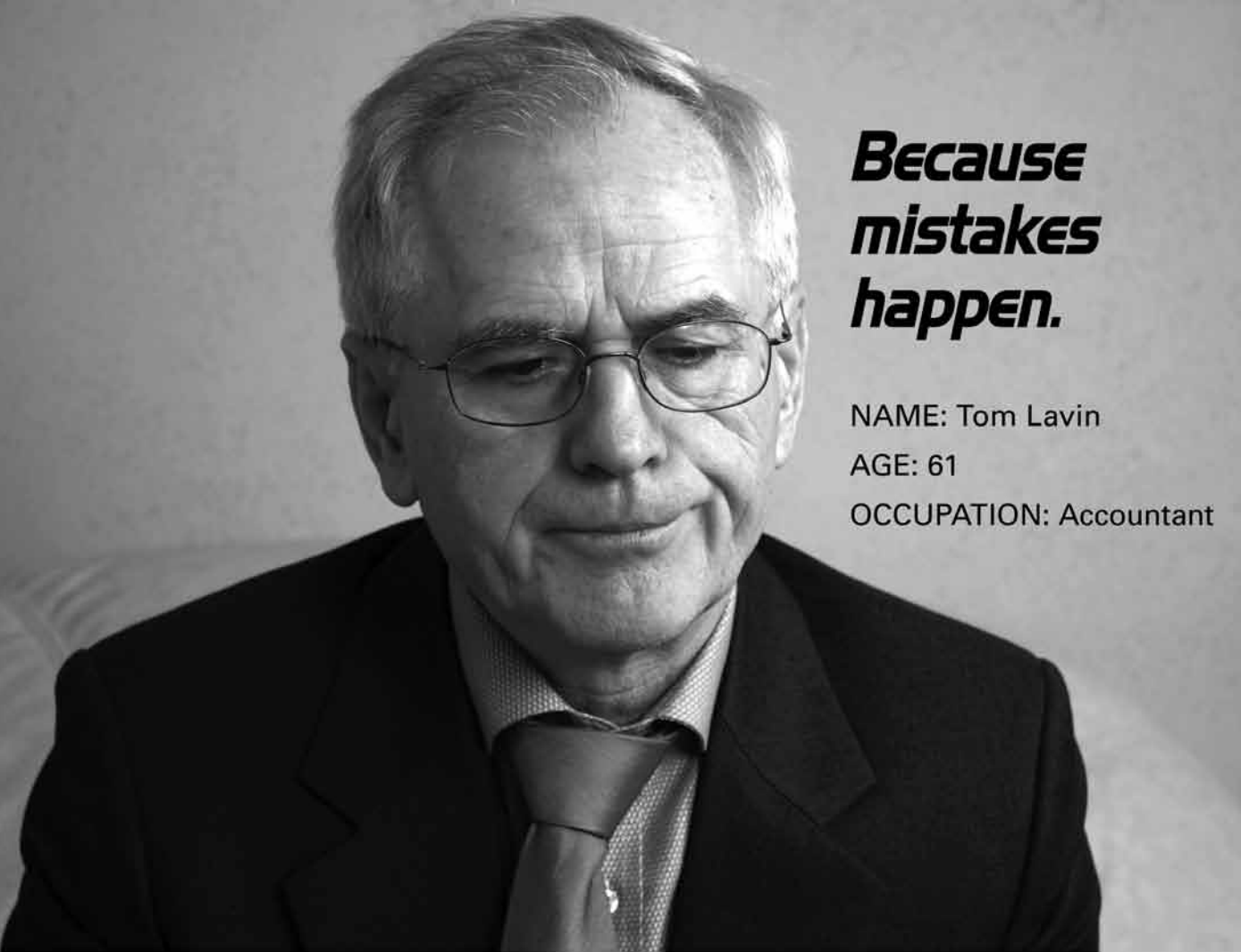
Well-being Matters

Four years ago, I designed and began teaching an accredited law course at the Santa Barbara/Ventura Colleges of Law entitled "Lawyer Well-being and Professional Identity." In this 10-week course, law students explore a wide range of well-being and wellness strategies for optimizing learning and functioning as legal practitioners.

The coursework is rigorous, but the most challenging tasks for these future legal professionals include reflecting upon and navigating their own inner physical, emotional and cognitive landscapes and behaviors, and applying strategies, drawing from many disciplines, including business, positive psychology, sociology, medicine, neuroscience, law—and related research. They become their own case study, discovering what supports lawyering and learning well. By the end of the course, they report feeling empowered, inspired, less stressed, and happier (not defined by hedonic pleasures, but based on "eudaimonic" happiness, which involves living authentically a good life—with connection, positive emotions, meaning, mastery, and accomplishment).

Daniel Bowling, a law professor from Duke University School of Law, in his thought-provoking article, "Lawyers and Their Elusive Pursuit of Happiness: Does it Matter?"³ recounts an interaction he had once after presenting on the topic of lawyers and happiness. A judge approached him and bluntly proclaimed, "I don't give a damn about the happiness of lawyers."

Continued on page 29



***Because
mistakes
happen.***

NAME: Tom Lavin

AGE: 61

OCCUPATION: Accountant

Sometimes bad things happen to good people. If your client needs to post bond, give us a call. We offer the most professional, confidential and honest service on the Central Coast. And we even give attorneys an 8% rate on referrals.*

Gregory L. Sullivan, Owner

Insurance Bail Lic. #BA1674186

Cell (805) 441-0762

948 Santa Rosa St., San Luis Obispo, California

Across from the courthouse

*Conditions apply.



(805) 544-1000

www.bailbondsabc.com



Use the PROS *continued*

I recognize that certain readers considering my article may share similar sentiments about whether fostering well-being matters. It's a choice to care—or not. But not caring won't address what the research continues to reveal about lawyers ranking among the most lonely,⁴ unhappy,⁵ dissatisfied, and stressed professionals.⁶ My intention for this article is to raise awareness and explore the many ways that fostering well-being can actually optimize the practice of law for all people involved—clients, judges, lawyers, paralegals, court personnel, law students and others.

I leave you with a few simple practices representing concrete steps for action. I'm advocating for a conscious and collective effort to create positive change in our legal communities. Fostering well-being in law impacts everyone and supports your most precious tools of the trade—your life.

Well-Being in Law Practices

1. Relational Practice (Building employee engagement): Say thank you and express gratitude by telling someone *why* you value their work or actions. Specifically identify *how* it is important to you or to a client's legal matter.

2. Organizational Practice (Developing health workplace culture): Consider implementing a mentoring program or leadership training that identifies organizational values and conducts surveys about what employees perceive they need most (addressing needs, such as I matter, my work matters, I can grow, fairness, belonging, etc.).

3. SELF Practice (Promoting positive body, mind, emotional connections): We unwittingly create habits of distraction, fatigue, chronic tension and nervous system hyper-arousal by what we unconsciously do—or don't do. Take repeated screentime and mindful pauses throughout the day while you work. Next time you reach for your phone as it *hijacks* your attention with distracting alert-sounds, instead treat the sound as a signal to pause and do a conscious stretch to clear tension from your body and rebalance your nervous system.

Clasp both hands behind your occiput and pull slowly back from your elbows to create a stretch along the spine, scapula and upper shoulders. Now fold your elbows forward slowly until you are gently touching the sides of your head. Do this cycle a few times while breathing in and out slowly and rhythmically. Arching slightly, open your chest wider, and fold forward a little further through each repetition. Pause, and tune inward, scanning your body. Notice how you feel when you return to your work. ■

Join Robin Oaks for Well-Being in Law Week to hear nationally recognized speakers talk about well-being in law from noon to 1:15 p.m. October 28–November 1, 2024, via Zoom, for wellness/competence and elimination of bias MCLE credit. To register for the event go to sblaw.org.

Footnotes

- 1 The Path to Lawyer Well-Being: Practical Recommendations for Positive Change; The Report of the National Task Force on Lawyer Well-Being, August 2017. <https://www.americanbar.org/content/dam/aba/images/abanews/ThePathToLawyerWellBeingReportFINAL.pdf>
- 2 The term “interbeing” was coined by Thich Nhat Hanh. <https://en.wikipedia.org/wiki/Interbeing>
- 3 Lawyers and Their Elusive Pursuit of Happiness: Does it Matter?, Daniel S. Bowling, III, 38 Duke Forum for Law & Social Change, Vol. 7:37 (2015).
- 4 Extensive research by Patrick Krill, Krill Strategies, studying legal professionals and mental health and well-being. <https://www.prkrill.com/legal-profession-mental-health>
- 5 Martin E.P. Seligman, Paul R. Verkuil & Terry H. Kang, Why Lawyers are Unhappy?, Vol. 23 Cardozo Law Review (2001)
- 6 J. M. Organ, What Do We Know About the Satisfaction/Dissatisfaction of Lawyers? A Meta-Analysis of Research on Lawyer Satisfaction and Well-Being, 8 U. St. Thomas Law Journal, 225 (2011); L. S. Krieger & K. M. Sheldon, What Makes Lawyers Happy? Transcending the Anecdotes with Data from 6200 Lawyers, 83 Geo. Washington Law Rev., 554 (2015); Debra Austin, Positive Legal Education: Flourishing Law Students and Thriving Law Schools, 71 Maryland Law Rev., Issue 3, Article 3 (2018).

Robin Oaks has been an attorney for 40 years, and for 25 years has provided legal services focused exclusively on independent workplace investigations and workplace conflict resolution consultations. She currently serves as Director of Well-being on the Santa Barbara County Bar Association Board. For over two decades she has trained with professionals in medicine, psychology, contemplate practices and ancient wisdom healing traditions from around the world, and has become licensed and certified in a wide range of evidence-based mind-body, stress management and well-being strategies. She provides MCLE training, consultations and confidential coaching sessions that empower professionals to thrive in livelihood and life. Contact her at Robin@RobinOaks.com or (805) 685-6773.

BAR BULLETIN SUBMISSION GUIDELINES

Editorial Policy

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.

Editorial contributions to the *Bar Bulletin* must be submitted electronically **ONLY** in Microsoft Word format directly to the 2024 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 deadines listed in the Publications Schedule at right.

The *Bar Bulletin* reserves the right to reject or edit any contributions. By submitting contributions for publication, contributors consent under this policy to the editing of their work, the publication of their work and the posting of their work online.

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.

Photograph/Artwork Policy

Your submission of photographs/artwork 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.

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

Advertisement Policy

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 they 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 Adams at (805) 541-5930 to reserve advertising space and arrange payment.

2024 Bar Bulletin
Tara Jacobi, Editor
tarajacobi@icloud.com



HAVE AN ARTICLE FOR THE COUNTY BAR ASSOCIATION’S BULLETIN?

**Do you know that writing an article for the Bar Bulletin counts toward CLE credits?
Please email article ideas or articles for consideration in Word format to Tara Jacobi
at tarajacobi@icloud.com.**

DEPOSITION SERVICES

**WE ARRANGE THE COURT REPORTER,
 VIDEOGRAPHER and ZOOM**



Let us record the deposition and sync the video to the transcript for clip creation to be used in trial.

- **Depositions**
- **Focus Groups**
- **Mediations**
- **Trial Service**



SERVICE OF PROCESS



COURT SERVICES



SUBPOENA PREPARATION



IMAGING SERVICES



TRIAL TECHNICIAN

CONFERENCE ROOM RENTAL

444 Higuera Street, Suite 100 • San Luis Obispo, CA 93401
 P: (805)439-1800 • F: (805) 888-3985 • E: admin@elegalservicesinc.com

www.elegalservicesinc.com

TRIAL CONSULTS

- ✓ Member Inner Circle of Advocates limited to 100 of the best Trial Lawyers in America
- ✓ Recognized 14 times by peers as Outstanding Trial Lawyer
- ✓ 5 times Central Coast Trial Lawyer of the Year
- ✓ 100 million dollars in verdicts and settlements



"Jude is one of America's finest! If I needed help, I would search out Jude Basile." Gerry Spence, Legendary Trial Lawyer

Jude Basile
of Counsel Gomez Trial Attorneys

Available for select cases as referral or cocounsel
Referral Fees paid pursuant to State Bar Rules

PHONE 805.909.8113
www.basilelaw.com



Civil Cases Mediated
with Civility
Andrew Weiss

Providing expert mediation services for all civil matters, from simple two-party disputes to complex multi-party cases, in-person or via Zoom.



Serving California's Central Coast and Beyond

Named a Southern California Super Lawyer in ADR Four Years in a Row

☎ 805-709-0304

✉ arweiss03@gmail.com

🌐 arweissmediation.com