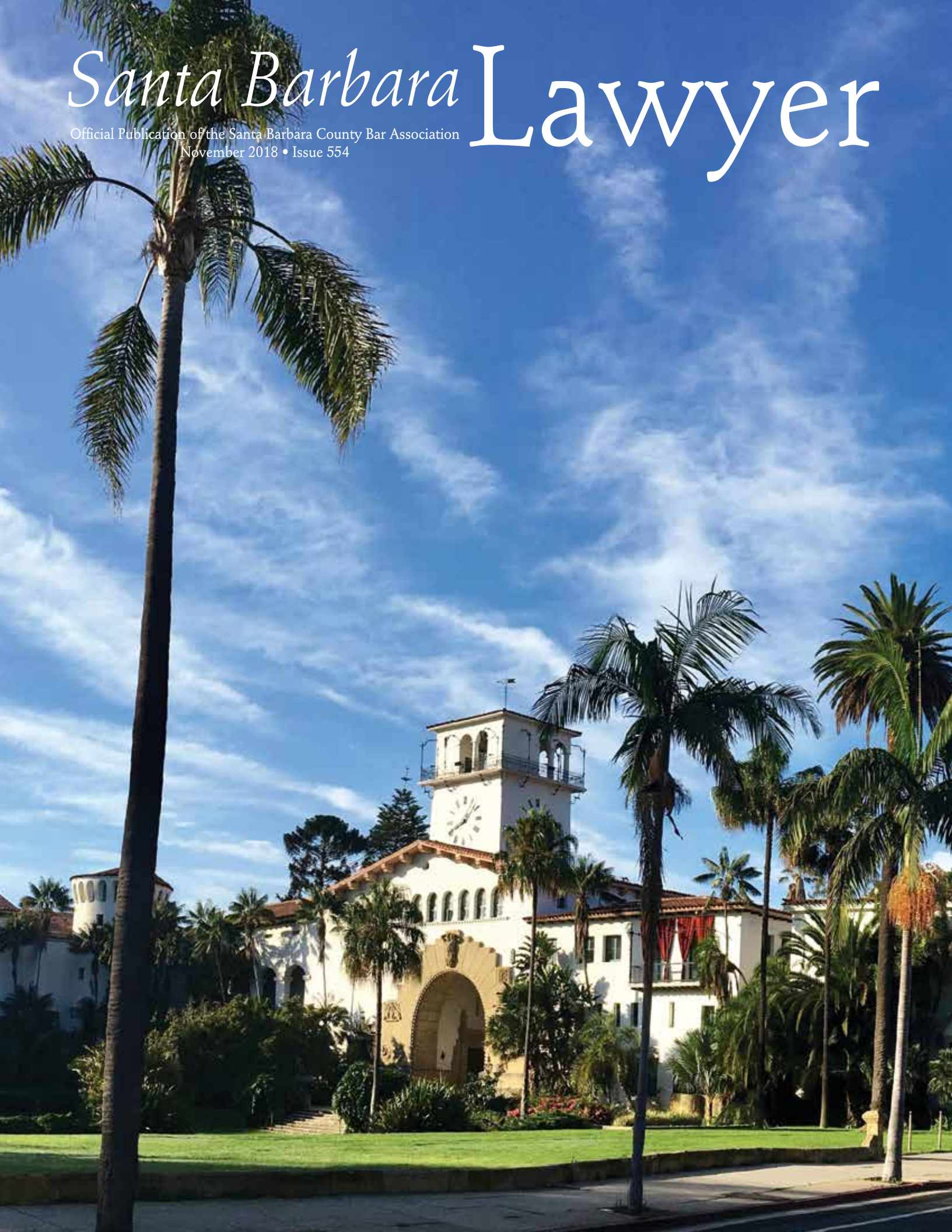


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Mission Statement

Santa Barbara County Bar Association

The mission of the Santa Barbara County Bar Association is to preserve the integrity of the legal profession and respect for the law, to advance the professional growth and education of its members, to encourage civility and collegiality among its members, to promote equal access to justice and protect the independence of the legal profession and the judiciary.



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Photo by Sarah Sinclair



SBCBF President Ben Feld and Tara Haaland-Ford

Tara Haaland-Ford Receives the 2018 Legal Community Appreciation Award from the Santa Barbara County Bar Foundation



Jodi Kaufman and Tara Haaland-Ford, Co-Founders of the Teen Legal Clinic, with the Haaland-Ford family and Bryan Thompson



Jon Ford and Tara Haaland-Ford, with daughters Madison and Lucy



Graham Lyons and Bill Makler

Judge Von Deroian: The Journey from Saigon to Superior Court Judge

BY JEFF CHAMBLISS

Born in 1975, Santa Barbara County's newest Judge, Von Deroian, left Vietnam as a six-month-old baby in her mother's arms on one of the last boats out during the fall of Saigon. Her father, who had fought side-by-side with the Americans, and her older sister were with them. Food, water, and shelter were all in short supply, and the Judge's life was in danger until the family made shore at Camp Pendleton. Fleeing Saigon set the tone for the struggle and success that characterize Judge Deroian's ascent to the Bench.

This perilous start to life, her later background as a single mother of two young children (now 25- and 23-years-old), and putting herself through college and law school, gives Judge Deroian a unique life experience well suited for the diverse criminal calendar over which she now presides in Department 11 in Santa Barbara. Appointed to the Bench by Governor Brown on June 27, 2018, to fill the seat of The Honorable Rogelio Flores, Judge Deroian received her Associate Arts degree from Alan Hancock Junior College and graduated from the Santa Barbara and Ventura College of Law in May of 2006. While in law school, Judge Deroian considered a career as a Public Defender, but after interning with Judge Brian Hill and then for Senior Deputy District Attorney Brian Cota, she decided that she could do more justice as a District Attorney.

Judge Hill had this to say about Judge Deroian as an intern, colleague, and Judge:

"Judge Deroian was an outstanding student at the SB College of Law, where I teach. It was evident to me even then that she possessed the character traits of determination, resilience, integrity, honesty, and perspective. As a deputy district attorney, judges uniformly viewed her as even-handed, just, and fair, all while being a prepared and effective advocate for her client. On a personal

level, she has a compelling personal history and is friendly, open, and engaging. She is an extremely welcome addition to the bench and will undoubtedly make a significant contribution to the justice system in Santa Barbara County."



Jeff Chambliss

After 11 years in the District Attorney's Office, during which she handled all manner of prosecutions, in 2017 she was appointed a Commissioner of the Superior Court presiding over primarily child support and restraining order cases. Her

experience as a Commissioner, especially her extensive interactions with pro per litigants, helped prepare her for her new job as a Judge. Her judicial philosophy includes ensuring that the rights of all who appear in front of her are protected, and realizing that everyone makes mistakes or poor choices that can be corrected.

Presiding Judge of the Superior Court, The Honorable Patricia Kelly, welcomed Judge Deroian to the Bench, noting:

"I was very pleased with the appointment of Judge Von Deroian to our bench. When Judge Deroian was first hired by the judges as the Family Law Commissioner, she left the District Attorney's Office to take on a whole new role, not only as a bench officer, but in a completely new field of law. For

many lawyers, it would be too frightening to leave an established career where you had earned the respect of your colleagues and the local legal community. But not for Von Deroian; facing down fear had been the cornerstone of her life and career. Judge Deroian graduated from law school while raising two young children on her own. She went on to have a successful career as a prosecutor handling complex, serious cases while winning the respect of her office, defense attorneys, and local judges. When hired as the Court Commissioner, she did a tremendous job handling all aspects of the work and impressed the



Judge Deroian

Continued on page 9

Update: Conference of California Bar Associations

BY DONNA LEWIS

SBCBA was one of 15 bar associations that sent delegates to the September 14-16, 2018 annual conference of the Conference of California Bar Associations (“CCBA”). Delegates of these bar associations make proposals called “resolutions.” These are then assessed by the CCBA Resolutions Committee, then by each bar association, and at the annual conference these are debated, negotiated, and voted upon as either “approved in principle” or “disapproved.” Of the 107 resolutions for changes to California statute or its Constitution, 74 were approved at this conference. Full text of resolutions with their reasoning and CCBA assessments can be viewed at <http://calconference.org/html/2018-resolutions/>. Here is a brutally summarized list of some of the resolutions that were approved:

- a prohibition on local agencies receiving surplus military equipment without voter-based approval of the agency legislative body,
- elimination of sales tax on the sale of used clothing,
- prohibition of district attorneys and county sheriffs serving as coroner,
- creation of a state long-term-care insurance system analogous to the CA Earthquake Authority,
- addition of voting and the electoral system to public school civics curriculum,
- decriminalization of willful failure to complete “Traffic School,”
- prohibition on ICE entering certain state-owned buildings to question occupants without a warrant,
- authorization of electronic recording of court proceedings in counties that do not provide official court reporters,
- tolling of the statute of limitations for legal malpractice actions while the client is pursuing a Mandatory Fee Arbitration against her/his attorney,
- making inadmissible evidence of prior gender identity of the complaining witness in prosecutions for rape and forcible sexual penetration,
- broadening of the DA’s obligation to turn over excul-

patory evidence to include all witness statements, co-defendant statements, and test results, and

- voiding of nondisclosure clauses in employment agreements that prohibit employees from complaining about discrimination and sexual harassment or assault.

CCBA’s representative walking the halls at the California statehouse is Larry Doyle, who was able to get more than 20 resolutions passed into law since the 2017 conference.

This conference provides to delegates an opportunity to learn, and enables SBCBA to influence legislation. Although SBCBA does not have the delegate numbers that Los Angeles County Bar Association and the Bar Association of San Francisco have, on many occasions SBCBA delegate votes have made the difference between a resolution being approved or disapproved.

There will be two SBCBA delegate slots open in 2020. The time commitment is a September work-up of the proposed resolutions (12-22 per delegate), a three-hour meeting before the conference during which the delegation decides its position on each resolution, and the conference, which is a weekend of two half days and a full Saturday. SBCBA defrays the cost of attendance. Consider joining. Please contact sblawdirector@gmail.com to offer your services as a delegate. ■

An engineer and a practicing attorney who teaches at Santa Barbara City College, Donna Lewis is, by her own admission, as nerdy and annoying as they come. During the run of the cable TV show “What Not to Wear” several persons threatened to turn her in. She fled Rhode Island as the ink was drying on her Brown University degree. She is the only past president of the century-old Santa Barbara County Bar Association who is married to another past president, Tom Hinshaw, actor and Superior Court research attorney. Ms. Lewis’ practice emphasizes employment and business law.

THE OTHER BAR NOTICE

Meets at noon on the first and third Tuesdays of the month at 330 E. Carrillo St. We are a state-wide network of recovering lawyers and judges dedicated to assisting others within the profession who have problems with alcohol or substance abuse. We protect anonymity. To contact a local member go to <http://www.otherbar.org> and choose Santa Barbara in “Meetings” menu.

Will There Be State-Mandated Lawyer Professional Liability Insurance in California?

BY RALEIGH ANDERSON

Are you aware that the California State Bar currently has a Malpractice Insurance Working Group (“the Group”) that is trying to determine if malpractice insurance should be mandatory for all attorneys? If the determination is yes, are you further aware that the Group is also determining whether all California lawyers will be required to purchase their insurance through a single captive carrier? For such a massive decision, with such far-reaching implications, the lack of public knowledge of this development is nothing short of shocking.

Last year’s State Bar funding bill included a section authorizing the State Bar to conduct a review and study regarding malpractice insurance for California lawyers, including:

- The availability of insurance;
- Measures for encouraging attorneys to obtain insurance;
- Recommended ranges of insurance limits;
- The adequacy of the disclosure rule regarding insurance; and
- The advisability of mandating insurance for licensed attorneys.

The State Bar is required to report its findings to the California Supreme Court and the Legislature by March 31, 2019.

The Group consists of 19 individuals from various areas of law, the bench, the insurance industry, and the public. They have already met four times, with two more meetings scheduled for November of 2018 and January of 2019. **They are currently seeking public comment. Comments can be made prior to NOVEMBER 5** to:

Linda Katz
Office of Research and Institutional Accountability
The State Bar of California
180 Howard St.
San Francisco, CA 94105
Email: linda.katz@calbar.ca.gov

One topic that has been discussed at length in the Group’s meetings is that of disclosure. California already requires that attorneys disclose in their engagement letters if they do not carry insurance. While many would feel that this topic has already been debated and decided, there is much discussion in the Group over whether the current disclosure requirement is rigorous enough, should also be available on the State Bar website, and/or should also include disclosure



Raleigh Anderson

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SLATE OF DELEGATES TO THE CONFERENCE OF CA BAR ASSOCIATIONS:

Tim Metzinger
Sue McCollum
Donna Lewis
Tom Hinshaw
Jim Griffith

of the limits that the attorney carries.

The topic of mandating all attorneys to carry insurance is likely the hottest topic of contention. The major concern with enacting this mandate is marginalizing solo attorneys and small firms that do not carry insurance either because of the type or the amount of law they practice. For example: a criminal or immigration attorney who works part-time may find that ceasing the practice of law makes more sense than spending 20% of his or her income on a state-mandated policy. This cause and effect limits the public's access to justice, a result contrary to the goals of the panel.

If mandatory insurance requirements are enacted, the Group is also considering two possibilities: an open market and a captive market. An open-market model allows for competition in the private insurance market, as we currently have. A captive-insurance market would be a single option for lawyers, an insurance fund. This fund could be run by the State Bar, an existing private insurance company, or an entity expressly created for this purpose. It would unilaterally set pricing and determine the policy language available.

Oregon is currently the only state that has a mandated captive-insurance fund. That state requires all attorneys to purchase \$250,000/\$500,000 limits from The Oregon State Bar Professional Liability Fund. Idaho requires attorneys to carry \$100,000/300,000 limits but has kept the open-market system. It would seem that the increased costs of litigation in California may require higher limits than both of these examples. This is another topic that the Group must examine. Other considerations are how a potential fund would handle prior-acts coverage that firms currently may have and what type of policy they would need to offer so that other carriers could offer excess policies in addition to the mandated limit.

There is no shortage of questions on this issue. Perhaps the largest is what spurred this Group and its mission in the first place? Were there a large number of reported incidents of people wanting to sue their attorney but finding out they did not have insurance in place? And who stands to gain by these decisions? Hopefully answers are on the way.

If you have questions, concerns, or comments, please send them to Linda Katz (linda.katz@calbar.ca.gov) before November 5, 2018, when the public comment period will end. ■

Raleigh Anderson is the Vice President of Walter R. Anderson Insurance Services, a boutique insurance agency in Santa Barbara that has specialized in the placement of lawyers' professional liability insurance for nearly four decades. He can be reached at 805-682-8885 or Raleigh@wra-Ins.com. CA License #0F59044

Chambliss, *continued from page 6*

Family Law Bar with her intelligence and demeanor. Judge Deroian is hard-working, extremely bright, ethical, and respectful of those appearing before her. I am happy to welcome her to the bench as a colleague."

In July, prior to starting her assignment in Department 11, Judge Deroian attended the B.E. Witkin Judicial College in San Francisco. While at the College, Judge Deroian visited both San Quentin State Prison and the Delancey Street Foundation. Talking to inmates and Delancey Street staff reinforced in her the need to keep an open mind and treat with respect all persons appearing in front of her.

Her humanistic approach and calm temperament has been noted and appreciated by the Criminal Defense Bar. William C. Makler, President of the Santa Barbara Defenders, has observed Judge Deroian both as a commissioner and a judge to be kind to litigants by making them feel heard and understood. He praised her for her recent handling of a difficult child support controversy between two parents. While one of the litigants was persistently complaining about having parental obligations to their own child, and in a manner that could have led many judges to become more than a little irritated, Mr. Makler explained that Judge Deroian "remained completely focused on the issues at bar and did not indulge in a discussion, or lecture, better suited for a couples' counselor. Her demonstrated ability to calmly and adroitly steer that heated discussion in a more constructive direction was impressive and reflected well on the quality of the Santa Barbara Superior Court experience."

In her spare time, Judge Deroian likes to spend time with her husband, fifteen-year-old stepdaughter, and her pug, Pancake. She is greatly enjoying her new role and as before, embraces the new challenges it brings, with her unique background well preparing her for those challenges. ■

Jeff Chambliss is the current President of the Santa Barbara County Bar Association. He is in private practice in Santa Barbara, San Luis Obispo, and Ventura Counties focusing on criminal defense after having left the Santa Barbara County Public Defender's Office in 2017 as a Chief Trial Deputy.

Lawyer Well-Being: Mind-Body Matters

BY ROBIN OAKS

What does well-being have to do with the practice of law? Why are we not taught, encouraged, or provided with strategies to protect and optimize the functioning of the most precious resources that we use as lawyers - our minds (intelligence) and our bodies (energy)? What does the culture of the legal profession reflect about what is valued, and what does it ignore or make invisible by design or default? If our bodies, minds, emotions, and values expressed through our interactions are not healthy, balanced, or respected, how does this affect our competence as lawyers and how the profession as a whole will be judged by the public as an institution created to protect it? These are questions begging for all of us to take responsibility and find answers. This article provides some practical ideas to consider, and is intended to support legal professionals in their well-being.

Because of my previous articles about the National Task Force on Lawyer Well-Being, and its report entitled “The Path to Lawyer Well-Being: Practical Recommendations for Positive Change,”¹ many in our legal community have shared with me their personal efforts to foster well-being in their lives as lawyers. Some have attended mind-body focused retreats, trained as yoga instructors or mindfulness teachers, or created places for relaxing in their work environment. Recent conferences for the judiciary have included well-being topics such as “the psychology and neuroscience of thinking and reasoning: how mindfulness practices can improve legal analysis, judgment and decision-making.” Other people have shared their stories of courageously changing their career path to follow their heart intelligence and work in new legal settings that are better suited to their skills, and, more importantly, foster an environment of respect, dignity, and inclusion.

What I provide in this and other articles is not intended as medical advice, nor do I suggest that I am an expert in determining what well-being means to you. However, I have a passion to learn about mind-body modalities that optimize functioning, have received training in many effective strategies, and feel committed to doing my part to help pro-

professionals optimize their skills, personal power, and energy. Well-being is an ongoing process involving all life dimensions, including emotional, intellectual, social, physical, spiritual, and occupational. It is our professional responsibility to bring awareness to whatever can foster well-being, both inwardly and outwardly.

To that end, did you know that the tension in your jaw, throat, neck, and mouth are often connected to habits of thinking, or overthinking? Not only while thinking negative thoughts (and what lawyer does not immerse in negative thinking at times?), but also, any time we think at all, our tongues are tensing and moving to some degree. Speech is possible because of our tongues. Even when our thoughts are not verbalized, the tongue is engaged.

Stress is often a product of thinking. It is created when we measure ourselves against illusory standards of perfection, create expectations that life can always be controlled, interpret time constraints and demands as enemies to be fought and conquered, or treat our lives as pyrrhic victories, winning the battles but losing the war. Our beliefs are thoughts. When we think, we, in essence, are talking to ourselves, and tension occurs. And, of course, lawyers not only think a lot, we talk a lot; we are wordsmiths charged with resolving conflicts that become metaphorically a battleground of minds. Becoming aware of how we can become more skillful warriors to create health in our bodies and minds in the process of lawyering is no small feat. There is empirical evidence suggesting that self-care interventions can effectively address tension and stress.² Understanding the tongue’s anatomy also gives clues to why tension in this area is responsible for some of the physical maladies that legal professionals complain about – headaches, neck, shoulder and back pain, fatigue, sleep disturbances, and lack of focus.

The tongue has numerous intrinsic muscles and four extrinsic muscles that connect it to bones in the head, throat, and neck. The major bones involve the mandible (jawbone), the temporal styloid process bone that extends down from the temporal bone of the human skull, just below the ear,



Robin Oaks

Continued on page 21

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Welcome to the

PHILANTHROPY CORNER

BY JENN DUFFY, EDITOR

Featuring Non-Profit Organizations

This month's featured philanthropy organizations focus on nature.

They are:

The Santa Barbara Botanic Garden

and

Fairview Gardens



The Santa Barbara Botanic Garden

For over 90 years, the Santa Barbara Botanic Garden has been studying, protecting, and promoting California native plants and habitats. Located in the foothills of the Santa Ynez mountains, the Garden is a popular year-round destination for nature enthusiasts, with more than five miles of gentle hiking trails, historic landmarks, and a native plant retail nursery.

The Garden's conservation work is making an impact throughout California's Central Coast and offshore islands, and its local school programs introduce children to the wonders of nature through interactive learning experiences. The Garden encourages a lifelong interest in plant science and ecology by fostering an appreciation and understanding of the natural world.

Fairview Gardens

The Center for Urban Agriculture at Fairview Gardens builds critical connections between our community, agriculture and education by innovating and producing safe, organic, locally-grown foods in a sustainable manner, serving as a community-based educational resource, advocating for appropriately scaled, healthy food systems, and providing engaging, hands-on experience with farming.

Our community farm is situated within a growing suburban community in Goleta, surrounded on all sides by tract homes, shopping malls, and suburban thoroughfares. As a highly visible agricultural parcel in a dense suburban environment, Fairview Gardens plays a unique role in the community, providing its neighbors with food, educational and cultural events, open space, and a connection to the land.

Law Firm Making a Difference

Ghitterman, Ghitterman & Feld participated in the local Walk to End Alzheimer's Disease in Santa Maria on September 29th and will be participating in the walk in Santa Barbara on November 3rd to support our communities and research for those affected by this disease. The firm welcomes anyone to join their team by walking with them or donating. Contact Kaylen@Ghitterman.com.

If you have volunteer opportunities you would like to have listed in the Philanthropy Corner, please contact Jenn Duffy at (805) 963-0755 or JDuffy@fmam.com.

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Our planet and the wildlife that share it with us are in need of stewards. At Fairview Gardens, we create an environment welcoming to all forms of life, free from chemicals and protected from development in perpetuity.

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November Is Long-Term Care Awareness Month

BY BRAD TISDALE

As baby boomers transition into retirement, they are trusting their financial portfolios to carry them for another 25-to-35 years based on projected life expectancies. If it is possible that they could live a relatively long life, is it also possible that, at some point, they may need care over a period of years?

The cost of care today can run between \$6,000 and \$16,000 per month, or more, and it will be more expensive in the future. Paying for long-term care is all about monthly cash-flow and liquidity, and it is the wildcard in financial planning. What feels like a good nest egg can be hit by astronomical care expenses. So, many people acquire long-term-care insurance as a cost-effective way to offset all or some of those potential expenses to protect their retirement assets.

What about estate planning? People put their estate plans together to determine how their various assets will be distributed at death, to whom they will be distributed, and when. When certain assets in the estate are liquidated to pay for the ongoing care of a family member, this can impact distribution and legacy plans. Addressing long-term care needs is very important when it comes to blended families. A lot of time and expense goes into drafting estate plans intended to keep family assets separate, especially when there is a disparity of assets between the spouses.

Those with larger estates have typically overlooked the need for long-term-care insurance or assume they can pay for that care when needed. However, many people who may be able to afford costly care later in their lives are now purchasing “hybrid” long-term-care contracts to protect large estates. These policies, also known as “asset-based” long-term-care policies, build long-term-care benefits into a life insurance or annuity policy. They have become very popular in the long-term-care market and provide an alternative to stand-alone, long-term-care policies. Consumers like the value of these policies, because they always pay a benefit regardless of what the future holds. If long-term-care services are needed, the policy pays for those expenses just like a traditional long-term-care policy. If no care is needed,

a death benefit is paid to the estate or a named beneficiary.

For example, I recently helped a couple acquire a hybrid long-term care policy to satisfy the terms of a prenuptial agreement. The soon-to-be husband was age 70 with grown children, and the wife was 53, single, with no children and limited assets. To protect his family’s wealth should marriage end in divorce, the man wanted



Brad Tisdale

his fiancée to sign a prenuptial agreement. Her concern was there would be no one to take care of her when he dies. They settled on a single-premium hybrid policy that he funded with \$100,000. The policy provides her with monthly long-term-care benefits for life. If she never needs care and passes away, a death benefit of \$124,000 will be paid to his estate.

Hybrid long-term-care policies allow those who want to “self-insure” their long-term-care risk the ability to do so on much better terms. Hybrid policies are often funded with a single cash premium. Those with existing cash-value life insurance policies can transfer that cash, via a 1035 tax-free exchange, into a hybrid policy. It is a great option to repurpose the funds in a life insurance policy that is no longer needed into one that provides tax-free, long-term-care benefits. Premiums can also be paid over time. Regardless of how premiums are paid, consumers like the fact that the premiums on most hybrid policies are contractually guaranteed never to increase.

The issue of long-term care is not going away, nor is the cost of providing care becoming less expensive. Our reality is that 70% of those over age 65 will need some form of care due to aging and frailty; however long-term care can be needed for anyone at any age due to an accident, illness, or dementia. Medicare and health insurance do not pay for custodial care services on an ongoing basis. Only cash, Medi-Cal (Medicaid) for those who qualify, or long-term-care insurance pays for this care. ■

Brad Tisdale owns Tisdale Insurance Services. He is an independent insurance agent who works directly with individuals and business owners. Through the strategic use of life, disability, and long-term-care insurance, he helps his clients protect their families and businesses from the financial impact of life’s unpleasant realities, and preserve wealth for future generations.

The Need to Revise the New Bail Law – Part I

BY ROBERT SANGER

The new bail law in California, Senate Bill 10, was passed by the Legislature after considerable compromise and amendment, and was signed into law by Governor Brown on August 28, 2018. However, it will not take effect until October 1, 2019.³ It was heralded as a bold attempt to end cash bail. The bill will, in fact, end the infamous cash bail and the bail bond system. However, by the time it was amended, it not only displaced cash and bail bonds but it created a new culture of preventive detention.

There is indication that there may be proposed legislation to amend the bill before the effective date in October of next year. No doubt, it was long past time to end the cash bail system. Nevertheless, the potential problems with the structure, content, and assumptions of the new law will need to be addressed either before or after SB 10's effective date.

Over the next three months, this *Criminal Justice* column will look at some of the serious problems with the compromise bill as enacted. This month, in Part I, we will look at the existing system that is being replaced and give a general overview of the nature and effects of SB 10. Next month, in Part II, we will look in more detail at how the bill is intended to implement the replacement of cash bail by creating a release or detention program. And, in January, in Part III, we will examine the “risk assessment tools,” and the concept of predicting future dangerousness with a question of whether we are, or should be, committed to such an enterprise based on predictive ability of such tools.

Bail Before the New Law Takes Effect

It is not hard to criticize the idea of cash bail and the attendant bail bonds industry. The *In re Humphrey*⁴ and *In re White*⁵ cases were granted review by the California Supreme Court prior to the enactment of SB 10 and, somewhat after the fact, severely questioned the cash bail system. Cash bail is the ultimate deference to wealth, property and the privatization of risk. Until a decision by the Court in *Humphrey* and *White* or the effective date of SB 10, in California, a dollar amount of bail is initially established by a

bail schedule⁶ or by an *ex parte* order of a judge on an arrest warrant.⁷ Once a detainee is arrested, he or she can post cash in the bail amount, pay for a bail bond, or go through a complicated process of posting real property with equity equal to twice the bail amount.⁸

If the detainee makes all court appearances, at the end of the case, the bail is exonerated. At that point, if cash was posted, the county (after a usually unnecessarily long processing period) returns the cash to the person who posted it. If a bail bond was posted, the bond is exonerated and the detainee and whoever guaranteed the bond are relieved of their obligations under the bail contract, but the premium they paid remains with the bond agent. If real property was posted, title to the property is re-conveyed to the property owner.⁹

Each bail option depends on the detainee having money or property or family or friends with money or property. That is obviously true with the cash or property posting options but also true regarding bail bonds.¹⁰ The bail bonds agent assesses whether a detainee and/or their guarantor will be able to pay the full bail amount if the detainee fails to appear in court. They require collateral or, at least, some solid evidence that the guarantor will pay the bond amount if there is a forfeiture. Generally, the bond agent will look to equity in real property and will require the property owner to sign a deed of trust on the property.

It is significant, though not well known, that the insurance company that underwrites the bond receives only a small portion of the bail bond premium. Most of the premium goes to the bail agent. However, the underwriter also has very little risk except in extremely high-dollar bonds. The reason is that the bail agent indemnifies the underwriter from ever having to pay on a forfeited bond. In turn, that bail agent is required to maintain a private emergency fund to pay for the forfeiture out of the agent's own money. And, even that is unlikely to happen because, if a detainee fails to appear, the bond agent has 180 days to go out and find the detainee and turn him or her into the sheriff. Hence, the agent employs bounty hunters when necessary to round up someone who has failed to appear.



Robert Sanger

Continued on page 19



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Sanger, *continued from page 17*

There is an alternative to bail under the present system, release on one's own recognizance, known as "OR." Release on OR can occur at the jail through an OR court services program whereby court employees or other officials interview detainees while they are in the jail to determine if they can be released on a promise to appear. That promise usually includes conditions, including checking in at regular intervals with the OR Unit. Persons arrested on warrants are not considered by the OR Unit, nor are several classes of allegations, including domestic violence. Of course, cases punishable by death and where the detainee's "guilt is evident or the presumption thereof great"¹¹ are ineligible, but most detainees are eligible for bail and for OR consideration.¹²

Nevertheless, even with the OR program, detainees may remain in jail for a night before the OR Unit can decide or will have to stay in jail for several days before their request for own recognizance release can be considered by the court. Detainees who have access to money or property often will either post cash or a bail bond rather than wait for an OR determination from the Unit or wait to go to court. Those who do wait for an OR determination find that the criteria for OR release include "ties to the community," which often is satisfied by owning real property, having a job to which they can return, or having friends and family of substance. The result of this process is that people with money and property or friends and relatives with money or property are released on OR, cash bail, bail bond, or by posting real property. The poor remain in jail and are herded to the court in chains and jail jumpsuits to be spit out into a "cage" or "fishbowl" for their day in court.¹³

The last thing to understand about the present system is the standard for judicial intervention after a person is detained. The court can hold a bail hearing, and according to a strict reading of the law, the court should look only to the likelihood that the detainee will appear in court in the future.¹⁴ The nature of the offense can be considered, but not whether or not the offense was committed.¹⁵ The nature of the offense is considered only as it bears on the likelihood of appearance, making the questionable assumption that a person is more likely to show up for a minor offense than for a major one due to the potential consequences.

Safety of the public was not properly a concern of the court under Article I Section 12(b) of the California Constitution in setting bail, even though there was language on the books.¹⁶ The claim that public safety is the primary consid-

eration in setting bail stems from a flawed understanding of the effect of both Proposition 4 and Proposition 8 passed in the 1982 election. While Proposition 8, purported to enact law stating that "[p]ublic safety shall be the primary consideration [in setting bail]," Proposition 8 never went into effect because Proposition 4 received more votes.¹⁷ Nevertheless, judges routinely say that public safety is a concern and, sometimes their main concern, in setting bail or considering an OR release which, if applicable under Article I Section 12(b), would be relevant only to a limited number of cases.¹⁸

The Supreme Court in *Humphrey* and *White* acknowledges that the question of public safety is unresolved, asking, "In setting the amount of monetary bail, may a trial court consider public and victim safety? Must it do so? [and] Under what circumstances does the California Constitution permit bail to be denied in noncapital cases? Included is the question of what constitutional provision governs the denial of bail in noncapital cases (Cal Const art I, §12(b) and (c), or Cal Const art I, §28(f)(3)) or, in the alternative, whether these provisions may be reconciled."¹⁹ So, these issues are not resolved under current law regarding the setting of money bail and the use of high bail to effectively detain a person on public safety grounds.

*"Spoiler alert:
it is not going
to work."*

Senate Bill 10: Pretrial Release or Detention

This last year, following the *Humphrey* and *White* decisions in the Courts of Appeal, the legislature saw the handwriting on the wall as to the need to revise or eliminate cash bail. Its efforts culminated in the enactment of SB 10 in August 2018, which did away with monetary bail, effective October 1, 2019. In concept, the first iterations presented a progressive and workable solution but, as the legislative session wore on, the Bill, now law, metamorphosed into a conglomeration of competing considerations.²⁰

Spoiler alert: it is not going to work. There is a bizarre reliance on preventive detention, an increase in procedures that will delay or prevent pretrial release in large categories of cases, and the creation of a bureaucratic mechanism that will be unwieldy. There is also a large amount of discretion built into the various levels of determining pretrial detention or release, determinations that will play out in different ways in different counties.

The present configuration of SB 10 should have some general consequences, some good and others not so good: 1) Fewer poor people should be in custody simply because they are poor (good); 2) More wealthy people, their children, relatives, and friends are likely to be in custody at least through pre-arraignment or arraignment hearings who

would have bailed out (maybe economically fair but maybe not good); 3) More wealthy people and their benefactors will just sit in jail pending trial (same); and 4) Who gets out and who stays in will depend on arbitrary categories of alleged crimes and metric results of a “risk assessment tool” which, depending on how administered and how interpreted, will arbitrarily result in the detention of classifications of people based on predictions that eight-to-ten percent of them (or maybe five-to-fifteen percent, depending on the instrument) will reoffend within six months (not good).

There will be other unintended consequences. As arbitrary as the present system of cash bail is, people with jobs are more likely to get out of custody. Under the new system, given the priority for detention of classes of allegations and risk assessment tool determinations, more detainees with jobs will remain in custody for a few days or even during the entire pre-trial period. This will mean the loss of jobs and the domino effect thereafter including, losing homes and automobiles, inability to pay obligations within the economic community, arrears in child support, and the further effect on employers, family and others. It will also mean that detainees who might have stayed employed and been able to afford counsel will now have to rely on appointed counsel.

Furthermore, the cost of housing pre-trial detainees will have to be borne by the taxpayers. Even prolonging release by a day or two will be expensive, but it is likely that the jail population will dramatically increase. Currently, between 70% and 80% of the jail population is comprised of pre-trial detainees. Many are there because they are poor, but the potential is that the reduction in the population for those who simply cannot make bail will be superseded by the increase in the population of detainees who have been charged with disqualifying offenses or have “high” risk assessments and must wait for judicial determinations and, even then, may not be released. And, the cost of housing is exacerbated by the cost of transportation to and from court and of housing, movement, and maintenance of detainees at the courthouse.

Conclusion

The economic effect of SB 10 will be significant, as will be its impact on individual lives. Some people will benefit by non-monetary release, but others will suffer the results of preventive detention. It is predicted that SB 10 will be subject to revision before it takes effect. Whether the revision will be successful in dealing with these anticipated problems will have to be seen.

One of the most controversial aspects of SB 10 as written is that it will have a direct impact on due process and

equal protection because people otherwise able to make bail will arbitrarily await their trials in custody. In next month’s *Criminal Justice* column, Part II, we will consider the arbitrary nature of the assessment process and, in the January issue, in Part III, we will review the risk assessment tools and the problems associated with both the concept and the application of those tools. ■

Robert Sanger is a Certified Criminal Law Specialist and has been practicing as a criminal defense lawyer in Santa Barbara for 45 years. He is a partner in the firm of Sanger Swysen & Dunkle and Professor of Law and Forensic Science at the Santa Barbara and Ventura Colleges of Law. Mr. Sanger is Past President of California Attorneys for Criminal Justice (CACJ), the statewide criminal defense lawyers’ organization, and a Director of Death Penalty Focus. Mr. Sanger is also an elected Member of the American Academy of Forensic Sciences (AAFS) and an Associate Member of the Council of Forensic Science Educators (COFSE). The opinions expressed here are his own and do not necessarily reflect those of the organizations with which he is associated.
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- 1 Penal Code §1320.34.
- 2 In *re Humphrey* (Review granted May 24, 2018, S247278, lower court opinion at 19 CA5th 1006).
- 3 In *re White* (review granted May 23, 2018, S248125, lower court opinion at 21 CA5th 18).
- 4 Penal Code §1269(b) and Government Code § 72301. Bail schedules are required to be maintained by each county and, therefore, differ from county to county.
- 5 The judge shall set the amount of bail when issuing an arrest warrant. Penal Code §815a.
- 6 Penal Code § 1298. The process for posting property requires obtaining a title policy and an appraisal along with a proper deed of trust. This then goes to the County Counsel who determines whether the property qualifies, and the documents are in order. The process usually takes a couple of weeks. Unless the bail amount is high (maybe over \$500,000) it is more economical to post a bail bond, which would also result in a more expeditious release.
- 7 Penal Code §815a.
- 8 The bail bonds industry, including the licensing and bonding of bail agents, is regulated in broad terms by state law and regulation, see, California Insurance Code §§ 1800 through 1823 and California Code of Regulations Title 10, §2053 through §2105.19.
- 9 Penal Code §1270.5.
- 10 Penal Code §1270. Note that the California Constitution guarantees certain rights in Art. I Sec. 12(b), but the legislative enactment in Section 1270 is more restrictive. The issue of the effect of “victims” rights under Art. I sec. 28(f)(3) on restricting the rights of defendants beyond those granted by Sec. 12(b) is the subject of the *Humphrey* and *White* grants of review.
- 11 Referring to the glass cage in Department 8 of the Santa Barbara Superior Court where detainees, including those too poor to

Continued on page 22

Oaks, *continued from page 10*

and the hyoid bone located in the anterior midline of the neck between the chin and thyroid cartilage. Even if you are not aware that you might be tensing your tongue when thinking, your mind and body are making the connection.

Tension creates constriction, and chronic tension or injury cuts off blood supply. This causes a release of stress hormones to prepare for fight or flight, and, in many ways affects other body processes, including, but not limited to, the flow of cerebrospinal fluid, which is the fluid that circulates to deliver necessary nourishment to brain cells and the spinal cord. Also, lack of flow impedes the process of carrying away waste products. As one can deduce, this does not bode well for health or optimal functioning.

After I had been working for months on a lengthy report that involved an investigation in which I interviewed more than forty witnesses, my nonstop thinking and sitting at the computer created tension throughout my body, and in particular around my tongue, jaw, and neck. I thought and “silently talked” for hours on end, and probably even in my sleep, analyzing the evidence and selecting just the right words to communicate my findings about who said what, when, and how. My progressing difficulties with sleep, together with neck and shoulder pain, helped wake me up, both figuratively and literally, to the reality that my over-thinking and perfectionistic tendencies were impacting my body and having ripple effects on my overall well-being.

I had sessions with an osteopathic physician and a healing arts practitioner, each of whom helped release the knots of tension in my tongue, jaw, neck, and spine, and created openings in the energy and body systems. Then, with a more conscious effort on my own to use self-help techniques throughout the day, including specific breathing, muscle, and emotional-release interventions, I brought my body back into balance and restored my autonomic nervous system functions. The amount of tension that had been internalized and then unwound made it clear that such terms as tongue-tied, tongue twister, tongue-in-cheek, and even silver-tongued are more than figures of speech, and that our body and mind are incredibly interconnected.

Even short, one-minute breaks during work and before sleep, focusing on slowing your breathing and relaxing your tongue, jaw, head, neck, and shoulders, can break the unconscious tensing created by thinking. Using your mind, bring your attention to these areas and imagine the bone, tissues, and muscles softening. Focus specifically on relaxing the tongue, and imagine it expanding, relaxing, and getting lighter. Let your thinking take a backseat and your breath become the master guide. Then, with each breath,

focus on making each cycle slow, “diaphragmatic,” silent, and rhythmic. Gently increase the length of each inhale, and particularly the exhale, with mouth closed. Proceed at your own pace. You can use imagery in the form of light and colors slowly moving through the head, mouth, jaw, and shoulder areas, or hum tones softly creating vibrations at a slow and steady frequency of your choice.

Consider doing any of these techniques right now as you read the remainder of this article, noticing where tension is created as you think. Particularly, be aware of your body’s sensations and what happens when you consciously allow your mind to send messages of more space and ease. It is likely that your tension will lessen, your thinking will focus and possibly be more insightful, and your mood will shift.

Experts in bio-feedback and brain-wave measurements tell us that beta waves occur when we are in active thinking and processing states. As the beta brainwaves of constant thinking subside, and tension in the body decreases, more alpha and possibly even theta waves appear, which is when insights and creativity arise.

As Carl Jung said, “Until you make the unconscious conscious, it will direct your life and you will call it fate.” I invite you to join me in bringing to our collective awareness your stories, wisdom, and ideas for optimizing our well-being as individuals and legal professionals. ■

Robin Oaks has been an attorney for thirty-three years. For more than twenty years, she has focused her legal practice exclusively on conducting discrimination and workplace complaint investigations, in addition to providing training, workplace mediation, and conflict resolution services for public and private sector clients. She has studied a wide range of mind-body and healing-arts interventions geared towards fostering health and well-being. She provides coaching and healing arts sessions for professionals in a confidential setting to foster awareness and empower and enliven individuals on their personal and professional paths. Contact her at: Robin@RobinOaks.com or 805-685-6773.

ENDNOTES

- 1 See *Santa Barbara Lawyer* articles in February, March, April 2018 editions.
- 2 Contact me for more information and research related to this article and the subject explored. Look for future articles explaining in more detail other interventions and ongoing medical and legal research on well-being.

Sanger, continued from page 20

obtain release, are brought to sit on steel benches and hear proceedings over a speaker system while their lawyers are out in the courtroom. Other counties, as written about previously in this col-

umn, have equally objectionable means of arraigning detainees. See, Robert M. Sanger, "Courtroom Architecture and Human Beings" Santa Barbara Lawyer, (December 2017) p. 13, 19-21 – 21, http://works.bepress.com/robert_sanger/42/
12 The California Constitution states that bail must be set based on the seriousness

of the alleged crime, the record of the accused, and the probability of him or her showing up in court and not based on a "public safety" criterion except in violent felonies or cases of threats. (California Constitution, Article I, section 12.)

13 This fallacy evolved from a results-oriented reading of *Ex Parte Duncan* (1879) 53 Cal. 410, in which the California Supreme Court notes that a *habeas review* of a trial court bail setting is based by an assumption of guilt standard. (*Id.* at 411.) The Court contrasts that standard with the trial court standard that would have been appropriate "had the proceedings to let him to bail been originally before us . . ." (*Ibid.*)

14 *People v. Ormiston* 105 Cal.App.4th 676 (2003), rehearing denied.

15 *People v. Standish* 38 Cal.4th 858, 874-875 (2006); *People v. Barrow* 233 Cal.App.3d 721, 723 (1991); see also *In re York* 9 Cal.4th 1133, 1140 n.4 (1995): "Because Proposition 4 received more votes than did Proposition 8, the bail and OR release provisions contained in Proposition 4 are deemed to prevail over those set forth in Proposition 8. (Cal. Const., art. II, § 10, sub. (b); *Brosnahan v. Brown* (1982) 32 Cal.3d 236, 255, 186 Cal.Rptr. 30, 651 P.2d 274; *People v. Barrow* (1991) 233 Cal.App.3d 721, 723, 284 Cal.Rptr. 679 [additional citations omitted].")

16 California Constitution Art. I, Sec. 12(b): "Felony offenses involving acts of violence on another person, or felony sexual assault offenses on another person, when the facts are evident or the presumption great and the court finds based upon clear and convincing evidence that there is a substantial likelihood the person's release would result in great bodily harm to others." (Amended by Stats.1994, Res. ch. 95 (A.C.A.37) (Prop. 189, approved Nov. 8, 1994).)

17 Order granting review, *In re Humphrey*, review granted May 24, 2018, S247278; lower court opinion at 19 CA5th 1006.

18 The Penal Code was amended, effective October 1, 2019, to first repeal the laws relating to bail, including cash bail, bail bonds, and property bonds pursuant to new Penal Code Section 1320.6. Second, a new Chapter 1.5 is added, commencing with Penal Code Section 1320.7 through 1320.33, which becomes effective on the same date as the repeal.

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SCHEDULE OF DUES FOR 2019

Active Members	\$130
Student Members	\$30
New Admittees (First Year Attorneys Only)	\$00
Affiliate Members (non-Attorney members only)	\$65
Non-Profit	\$65
Inactive/Retired	\$65
Total amount enclosed	\$_____.

AREAS OF INTEREST OR PRACTICE (check box as applicable)

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| <input type="checkbox"/> ADR | <input type="checkbox"/> Estate Planning/Probate |
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| <input type="checkbox"/> Criminal | <input type="checkbox"/> In-House Counsel & Corporate Law |
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| <input type="checkbox"/> Employment Law | <input type="checkbox"/> Taxation |

Mail completed form along with check to:

Santa Barbara County Bar Association, 15 West Carrillo Street, Suite 106, Santa Barbara, Ca 93101 Tel: (805)569-5511

Thanks to Our Fee Arbitration Panel!

The SBCBA would like to thank the following Mandatory Fee Arbitration attorney arbitrators for their service in 2018. The program, which operates under the auspices of the State Bar of California, provides services to resolve fee disputes between clients and attorneys.

Stephen Anderson
Marilyn Anticouni
Christopher Biely
Ben Bycel
Penny Clemmons
David Fainer

Gary Goldberg
Diana Lee
Donna Lewis
Sayre Macneil
Stephen Penner
Victor Zilinskas

Thank you also to the committee members of the fee arbitration program, Chair Eric Berg, Naomi Dewey, and Vanessa Kirker Wright.

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You are invited to the 2018 Annual Dinner

Friday, November 30, 2018 starting at 5:30 pm, dinner at 6:30

At the Wine Cask

813 Anacapa Street, Santa Barbara



Featuring:

Awards:

- ◆ Richard Abbe Humanitarian Award to Allan Ghitterman
- ◆ Pro Bono Awards to Jessica Diaz, Kenneth Falstrom & Lynn Goebel
- ◆ Special Recognition to Robert Sanger

Payment Received	On or Before 11-16-18	After 11-16-18
Members	\$115	\$125
Nonmembers	\$135	\$145
Group of 10 Members	\$1000	\$1100
Group of 10 Non-Members	\$1200	\$1300
New Attorneys (0-3 years)/ Law Students/Public Interest Attorneys	\$90	\$100

Cut Along Here

Reservation Form

Name: _____ Member Nonmember Total: _____
 Name: _____ Member Nonmember Total: _____

To reserve and pay via USPS, please complete this form and send with your check payable to SBCBA: 15 W. Carrillo St, Ste 106, Santa Barbara, CA 93101. To reserve and pay by credit card, or if you have any questions, call SBCBA at (805)569-5511. Fees paid are nonrefundable.

2019 Bench and Bar Conference
January 26, 2019 at the Historic Courthouse
Schedule

8:15 AM – 9:00 AM	Registration and Breakfast. Location Santa Barbara Club	
Joint Session 9:00 AM to 10 AM 1 hour MCLE Competence Issues	Substance Abuse Perspective William Makler	
Breakout Session 1 10:05 AM to 11:05 AM 1 hour MCLE	City of Santa Barbara Perspective Tava Ostrenger, Esq. – Santa Barbara City Attorney Cannabis Laws in Santa Barbara - Regulation, licensing, compliance, implementation, and comparisons to other Counties.	Family Law Perspective Renee Fairbanks, Esq. - Law Office of Renee M. Fairbanks Child custody aspects and problems determining cash flow in cannabis business
8:15 AM to 2:00 PM	Legal Services & Technology Exhibits	
Breakout Session 2 11:10 AM to 12:10 AM 1 hour MCLE	Insurance Perspective Brian Marblestone, CLCS – Straton Agency Risk Management History of cannabis in California, overview of license types, types of insurance policies available, OSHA compliance, written safety plans, safety training, and human resources	Employment Law Perspective Jennifer Gillon Duffy, Esq. - Fell, Marking, Abkin, Montgomery, Granet & Raney LLP and David Secrest, Esq – Law Offices of David S. Secrest Hiring, inside the workplace, and drug testing
12:15 PM to 12:45 PM	Luncheon Buffet	
Joint Session 12:45 PM to 1:45 PM 1 hour MCLE	Keynote Presentation: First District Supervisor, Das Williams	
Breakout Session 3 1:50 PM to 2:50 PM 1 hour MCLE	Business Perspective Hillary Bricken, Esq. – Harris / Bricken Corporate Structure and Contracts Related to Cannabis Businesses	Land Use Perspective Amy Steinfield, Esq. - Brownstein Hyatt Farber Schreck, LLP Land Use Permitting of Cannabis Operations on the Central Coast
Joint Session 2:55 PM to 3:55 PM 1 hour MCLE	Judicial Panel: Moderated by Santa Barbara Superior Court Judge Patricia Kelly	



Bench & Bar Conference

LEGAL HAZE: *Cannabis in California*

Saturday, January 26, 2019
at the Santa Barbara Club



CALIFORNIA REPUBLIC



Featuring

- Keynote Presentation featuring First District Supervisor Das Williams
- Judges' Panel led by Judge Patricia Kelly
- Courses include a presentation from the City Attorney, and experts in the fields of business, insurance, family law and employment law regarding the effects and implications of the legalization of cannabis in California

**6 Hours of MCLE Credit
including Competence**

Registration will be open exclusively to attorneys until December 1, 2018, after which registration will be opened to the general public. This is expected to be a very popular event so please register early!

Registration Form	Registration	Payments received →	On or before 12-19-2018	After 12-19-2018
	SBCBA Members			\$110.00
Non-SBCBA Members			\$130.00	\$150.00
New Admittee/Public Interest Attorneys			\$90.00	\$90.00
Three or More Attendees from Same Firm or Organization			\$90.00	\$90.00

Name	Email	Firm	Membership status
			<input type="checkbox"/> Mbr <input type="checkbox"/> Non-mbr
			<input type="checkbox"/> Mbr <input type="checkbox"/> Non-mbr
			<input type="checkbox"/> Mbr <input type="checkbox"/> Non-mbr
			<input type="checkbox"/> Mbr <input type="checkbox"/> Non-mbr

Payment: _____ SBCBA members at \$110 \$130 _____ .00
 _____ non-SBCBA members at \$130 \$150 _____ .00
 _____ new admittee/public interest at \$90 _____ .00
 _____ 3+ from same firm/org. at \$90 _____ .00 → **Total: \$** _____

To register and pay by credit card, call SBCBA at 805-569-5511. Otherwise, mail completed registration form with payment to SBCBA, 15 West Carrillo, Ste. 106, Santa Barbara, CA 93101. Attach additional sheets for additional registrants.

**The Litigation Section of the
Santa Barbara County Bar Association presents:**

**ESI AND ETHICS
The Attorney's Ethical Duties In Discovery Of
Electronically Stored Information**

Electronic communications, document creation, and storage have become commonplace in modern life, and discovery of ESI is now a frequent part of almost any litigated matter. Attorneys who handle litigation cannot ignore the requirements and obligations of electronic discovery. A lack of technological knowledge concerning e-discovery may render an attorney ethically incompetent to handle certain cases involving e-discovery, absent curative assistance under rule 3-110(C), even where the attorney may otherwise be highly experienced. It may also violate the duty of confidentiality, notwithstanding a lack of bad faith conduct. Get your Ethics MCLE credit and avoid practice mistakes before they happen.

Speaker: Thomas Plunkett, Director of Digital Forensics at Calforensics, San Diego

Thomas is a Certified Information Systems Security Professional (CISSP) and EnCase Certified Forensic Examiner (EnCE) with over 20 years of experience in digital forensics, cybersecurity and counterintelligence. He holds a Master's degree in Information Systems and is an adjunct professor, teaching cybersecurity and digital forensics topics at the University of San Diego. Mr. Plunkett has led investigations involving data breaches, computer hacking, theft of intellectual property, and foreign intelligence operations. His clients have included all levels of government, law firms, casinos, medical device manufacturers, hospitals, technology companies and celebrities.

Date and Time: Wednesday, **November 14th**, 12 noon to 1:00 pm
Location: SB College of Law, Room 1, 20 East Victoria Street, SB
Reservations: Via email to Mark Coffin, Litigation Section Chair, by Wednesday, November 7th, at mtc@markcoffinlaw.com
Cost and Payment: \$35 members, \$40 non-members (includes lunch)
Please mail checks by Wednesday, November 7th payable to Santa Barbara Bar Association, to:
LAW OFFICE OF MARK T. COFFIN, P.C.
21 E. Carrillo Street, Suite 240, Santa Barbara, CA 93101
Questions: Tel: 805-248-7118
MCLE Credit: 1 hour Ethics credit applied for.

The California Coast Chapter of the American Board of Trial Advocates (ABOTA) presents:

Is CIVILITY a sign of weakness?
CIVILITY MATTERS!

Please join us for a fascinating video presentation and panel discussion with Judge Colleen Sterne and Judge Thomas Anderle and members of the plaintiff and defense bar, on the topic: "Why Civility, and Why Now?" We all strive for professionalism, but it can be difficult to maintain high standards in adversarial situations – opponents' toxic letters, "hide the ball" discovery disputes, and clients with legal perceptions shaped by television. This program is designed to "raise the bar" for all members of the legal profession.

Speakers

Judge Colleen K. Sterne, Santa Barbara County Superior Court

Judge Thomas P. Anderle, Santa Barbara County Superior Court

Brian K. O'Connor, Esq., Santa Barbara County ABOTA Representative

Jill L. Friedman, Esq., President California Coast Chapter of ABOTA

Date and Time

Wednesday, November 14th, 12 noon to 1:30 pm

Location

University Club of Santa Barbara, 1332 Santa Barbara Street, Santa Barbara, CA 93101

Reservations

Please RSVP via email to Brian K. O'Connor, Santa Barbara County ABOTA Representative, at bkoesq@gmail.com, by Friday Nov. 02, 2018 (PLEASE NOTE: We anticipate full venue capacity)

Cost and Payment

Lunch will be provided for \$35.00 with advance RSVP. Please mail checks by Friday Nov. 1st, payable to: ABOTA, c/o Brian K. O'Connor, LAW OFFICE OF BRIAN K. O'CONNOR, 800 Garden Street, Suite L, Santa Barbara, CA 93101

MCLE Credit

One hour of credit (applied for Ethics)

The SBCBA Alternative Dispute Resolution Section Presents:

NEW MEDIATION STRATEGIES

Honored Speaker:

Judge Frank J. Ochoa, (Ret.)

- IDENTIFICATION OF MEDIATION STRATEGIES
- OUTCOME BASED MEDIATION STRATEGIES
- BLENDED MEDIATION STRATEGIES

When:

Thursday, Nov. 15, 2018

Time:

12:15 pm – 1:15 pm

Where:

Santa Barbara College of Law
20 E. Victoria Street

Cost:

\$30 Scrumptious Lunch Included

MCLE:

1 Hour (General)

R.S.V.P. to:

Penny Clemmons, Ph.D. clemmonsjd@cs.com or
Lida Sideris director@sblaw.org

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To attend our Santa Barbara Family Law Study Group, e-mail llasseube@wzwlw.com. There is no charge for the dinner or program and you will receive one hour of MCLE credit.

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2018 SBCBA SECTION HEADS

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bstone@paladinlaw.com

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pmuzinich@gmail.com
Cindy Brittain 695-7315
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For information on upcoming MCLE events,
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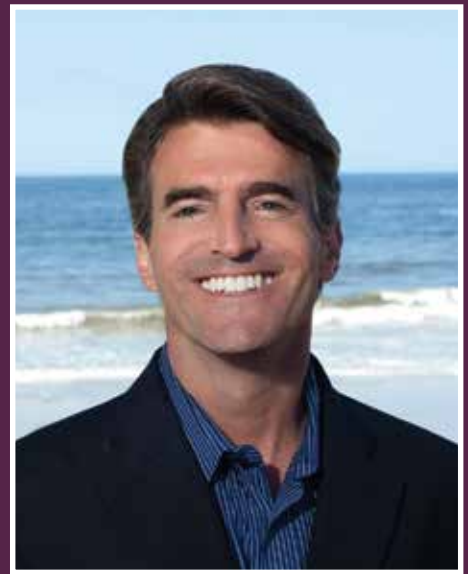
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