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Justice Judith McConnell Advocates for Greater Civics Education
Local Leaders Make Efforts to Educate

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Roundtable: Leading the Way to the New Bar Center
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Attorney Jim Dell has seen it time and time again. A family, through no fault of its own, is faced with an all-consuming crisis due to its child’s severe illness. “It’s a game changer,” says Jim. “When your child’s life is in jeopardy, your priorities get re-shuffled immediately. Getting care for your child becomes number one, and everything else becomes secondary.”

A child’s medical crisis can put a family into a tailspin. As expenses mount and attention to everyday responsibilities is diverted, legal and financial issues inevitably arise. Issues with employers, creditors, landlords and social services can quickly reach crisis levels. Anxious and bewildered, the family needs help.

That’s where the Professional Alliance for Children comes in. Jim and I founded the Alliance in 2011 with the vision of helping families on a strictly pro bono basis. Since then, the Alliance has worked on dozens of cases, with attorneys, social workers and financial professionals working in teams to address multiple issues.

They quickly realized that there are serious gaps in the assistance available to families. Many are forced into the social safety net, and all the convoluted programs and rules that come with it. Families can easily get lost in all the rules, and be denied benefits — at times improperly. Without expert advice, families can be at a serious disadvantage. “They really need someone in their corner to both protect their rights and also to help them avoid poverty,” says Jim. Without help from the Alliance, many of the families couldn’t afford an attorney or a financial adviser.

The Alliance has represented clients before the Social Security Administration and Department of Health and Social Services, and against employers, landlords and others. Cases have also dealt with immigration law, employment law, unlawful detainer, debt management, bankruptcies and more. In some cases, the Alliance has directly helped to facilitate life-saving care for a child. In one case, the Alliance obtained an emergency guardianship so that a gravely ill child could receive a heart transplant.

The Alliance has started hosting collaboration meetings where different professionals come together to brainstorm and work on case issues. They are also holding training sessions to increase professionals’ knowledge of the specialized issues. The Alliance welcomes more professionals who want to help families of ill children. As Jim says, “There is nothing more rewarding than helping a child.”

Jon Beyrer (beyrer@bfadvisors.com) is on the Board of the Directors of the Professional Alliance for Children.
Knowledge is power, or so they say. In our profession, knowledge is the key to success — not only our knowledge of the facts of our case, but also our intimate knowledge of the rule of law, our justice system and our Constitution. Lawyers tend to be very informed citizens — capable of understanding the nuances of our local and national government and politics (and often asked to impart our knowledge to our family and friends). Most who decided to become lawyers and earn an advanced degree in law did so in order to be able to help others, and we do that all the time through our professional and personal pursuits. We are undeniably qualified to help educate others, and through the volume and diversity of volunteer activities and programs we participate in, there is no doubt that as a profession, particularly here in San Diego, we are passionate about doing it.

Since becoming a mother last year, education has become increasingly more important to me. It is important to me that my son has a well-rounded education, with the standard science, math, history and English curriculum. As a lawyer, it is significantly important to me that he has an education in civics and an understanding of the rule of law in the country in which he resides, and can be a passionate and well-informed constituent.

In our state and our local community, the importance of civics education is becoming more and more visible. Justice Judith McConnell, Administrative Presiding Justice of the 4th District Court of Appeal, was appointed to co-chair a statewide K-12 Task Force on Civic Learning. The Justice chairs The Power of Democracy, a civics education advisory committee that reports to California Supreme Court Chief Justice Tani Cantil-Sakauye, who has made civics education a top priority for the judiciary. Two of our state senators, Sens. Block and Wyland, have taken a lead in Sacramento in pushing for changes in school curriculum to put greater emphasis on teaching social studies, history, civics and political science. And in our own legal community, through our SDCBA programs (see page 26), we are making an impact on our youngest citizens through our myriad programs for elementary, middle and high school students.

In this issue of San Diego Lawyer, we profile each of these leaders in civics education and highlight some of the many programs we have created and participate in at the SDCBA, some of which you may be interested in getting involved with to help further civics education.

And, of significance, we have once again this year asked each of our Presiding Judges to provide you with an update on the State of the Courts. I encourage you to review the State of the Courts feature on page 28 to learn about each of our courts and in part, more about what is happening in regards to funding and how reduced funding impacts court services in our state. We are only beginning to understand how changes to our court budgets will impact San Diego’s businesses and citizens. In addition to this feature, if you haven’t done so already, I invite you to review the SDCBA’s first-ever report on the State of the Judiciary in San Diego County, which can be found at the Bar Center at 401 or online at www.sdcba.org/ judiciareport.

Thank you to Chief Judge Moskowitz, Presiding Judge Trentacosta, Presiding Justice McConnell and Judge Mann, for providing us with their reports on the State of the Courts. And thank you to each of you for continuing to stay involved and informed.

“In our state and our local community, the importance of civics education is becoming more and more visible.”
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We have all read the press. Law schools are downsizing. While law schools have and will continue to downsize, the irony is that one of the most significant challenges facing the profession has not changed: access to justice. The problem is not that there are too many lawyers. The problem is that there are too few lawyers to serve low- and middle-income people and businesses. One study estimates that only 20 percent of civil legal needs of the poor and 40 percent of middle-class legal needs are met.

Whatever good comes from the restructuring of law schools, I believe there is the opportunity to begin to seriously address this problem. Law schools are responding to the challenge. There is a renewed emphasis on developing practical skills in clinics that provide services to the underrepresented helping bridge the “Justice Gap.” For example, in the past two years Thomas Jefferson School of Law has opened several new and thriving live-client clinics under the umbrella of its Small Business Law Center: the Art and Entertainment Law Project, the Community Economic Development Clinic and the Patent and Trademark Clinics — the latter two clinics earning us the distinction of being the only California law school, and one of only 11 in the nation, to be certified by the U.S. Patent and Trademark Office in both patent and trademark practice in 2012.

For me, equally intriguing in terms of access to justice is the development of self-help and incubator projects. Thomas Jefferson School of Law just launched an Employee Rights Self-Help Clinic and a Veterans Self-Help Clinic, which complements its Veterans Legal Assistance Clinic that has served San Diego’s formerly homeless veterans since 2006. Both clinics offer free consultations with a licensed attorney and a law student to provide relevant information and resources so that clients can more effectively represent themselves. Our post-graduate incubator program, or Center for Solo Practitioners, brings together alumni committed to the representation of San Diegans with unmet legal needs. The program is designed to engender a career-long passion for serving underrepresented individuals and communities, and to provide the skills to run successful law firms. Non-traditional billing arrangements are used, including need-based and sliding-scale fee structures, thus leveling the playing field for those who otherwise would be denied access to affordable legal services. This summer, the Center expanded its reach by working with District 8 City Councilman David Alvarez to provide a series of free legal clinics in his district.

The challenge is to figure out how to scale these programs. The Internet is one obvious route for self-help programs. More difficult are incubator programs. They are expensive, and law schools cannot do the work alone. Working with the Bar, we need to develop more incubators not just in or near law schools, but in other communities where there is great need for more lawyers committed to serving the underrepresented.

Thomas Guernsey (guernsey@tjsl.edu) is Dean and President of Thomas Jefferson School of Law.

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Making the Case

Even the playbook may not be enough to disqualify a lawyer

Duncan knocked and walked into Macbeth’s office.

“We’ve been asked to represent BMW as special counsel. To disqualify a lawyer suing it.”

“Really?”

Sarah knocked on the open door. “May I join you?”

“Please. Well, Duncan, what do we have?”

“Igor Meyers represents a client who’s suing BMW. Lemon Law case. But Meyers used to work for another firm. It served as BMW’s outside corporate counsel. A clear Rule 3-310 conflict of interest.”

“Interesting.”

“He worked on 150 BMW cases, including Lemon Law cases.”

“Quite a number.”

“You bet. According to BMW’s general counsel, Meyers received all sorts of confidential information. How BMW defends these kinds of cases. Its pre-litigation strategies. Its tactics.”

“What’s the issue in the present lawsuit?”

“Defects in a 2008 535i series. But BMW’s general counsel says all Lemon Law cases are substantially similar. She says Meyers has confidential information about how BMW handles all these cases.”

“And the basis for disqualification?”

“Well, successive representation, of course.”

“So you will have to show that the representations are ‘substantially related.’ As Cobra Solutions established.”

“Right. Easy. Meyers personally provided advice to BMW on legal issues. The legal issues were closely related to those in the present case. Lemon Law cases are Lemon Law cases. So he’s conclusively presumed to possess confidential information. He’s out.”

“Did Meyers ever represent BMW in a current case?”

“Yes, but Meyers knows all the key BMW players. He gave input to its general counsel. To its consumer affairs office. About Lemon Law cases. He knows BMW inside and out.”

“Careful, Laddie, a recent appellate decision has reaffirmed that California has not adopted the ‘playbook approach’ to the substantial relationship test.”

“Yes, but … ”

“Just because Meyers knows general information about BMW’s overall litigation practices may not, in itself, be enough to disqualify him. The same is true about BMW’s litigation philosophy. Or its key decision makers.”

“What’s it take?”

“According to the court’s opinion, the information has to be directly at issue or critically important in the second representation. Think you can show that?”

Sarah spoke. “You’re referring to that Khani case?”

Macbeth nodded. “Right on point, as usual.”

“As I remember, it relies heavily on Cobra Solutions as well as Jessen and Farris.”

“Right again.”

Duncan cut in. “Well, if exposure to BMW’s complete playbook in earlier Lemon Law cases won’t get him disqualified, what do I need?”

“Specific evidence, Laddie, that ties the information to which he was exposed to the case he just filed. In short, show that the information from the prior representation is material to the current one. But remember: You still have to protect client confidential information.”

“Boy, I’m glad I talked to you. I’d better get back to BMW and start preparing the evidence I’m going to need.”

“Good idea, Duncan. Nothing like preparation.”


Edward McIntyre (em McIntyre@swsslaw.com) is a partner at Solomon Ward Seidenwurm & Smith and Chair of the SDCBA’s Legal Ethics Committee.
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IN-HOUSE PERSPECTIVE  BY ALIDAD VAKILI

Q&A: Alejandra Klein
Director, Latin America and Caribbean Legal Affairs

After a number of years working as a lawyer in private practice, Alejandra Klein envisioned transitioning into a career as an in-house lawyer for an international company with interests in Latin America. Her ambition led her to the doors of PriceSmart, Inc., where she is currently the Director of Latin America and Caribbean Legal Affairs, handling a wide range of legal issues with a particular focus on PriceSmart’s operations in Latin America.

How did you find your way to your current position?
I called several attorneys in positions similar to what I was looking for and completed a job search, which ultimately led to getting an in-house legal position with PriceSmart.

What drives you?
Becoming the best version of myself. I always strive to improve every aspect of myself and the services I provide. Be it becoming more efficient, effective, physically and spiritually active, etc. It is exciting that each of us has the possibility of always becoming better. I enjoy the journey of learning how to be a better person, mother and athlete. I try to excel in whatever I do.

What would you say is one of the biggest challenges you deal with as in-house counsel?
I work with 13 different countries and interact with a lot of people, and I always seek to provide the best service to all, which of course takes time and attention, and must be balanced with spending time with my family and nurturing those relationships as well. The job is fast-paced and demanding, yet very enjoyable.

What do you believe is important for outside counsel to know about your job to better enable them to serve your needs?
In our case, where outside counsel is also international, communication is key. In the U.S., we have a certain way of doing things, and we need to think outside the box and do things a bit differently than local counsel is used to. I appreciate when they are creative with solutions and when they assist me promptly. I must say that all outside counsel we work with are excellent, and are always open to the new challenges, directives or suggestions we may have.

Alidad Vakili (alidad.vakili@klgates.com) is a corporate attorney with K&L Gates LLP.

Life Notes
Number of years in practice: 20
Undergraduate: Washington School, Argentina
Law school: Universidad Católica Argentina (1999) and University of San Diego School of Law (2001)
Favorite quote: “I’m a great believer in luck, and I find the harder I work, the more I have of it.” — Thomas Jefferson
Favorite book: Rediscover Catholicism by Matthew Kelly
Hobbies: Fitness, playing golf, reading, spending active time with my wonderful husband JJ and my sons Max and Axel.

Quick Facts

PriceSmart, Inc. was founded in 1993
Employees: Approximately 5,700 globally
Legal department: 4 attorneys, 2 support staff

PriceSmart, Inc. (NASDAQ: PSMT) is the largest operator of membership warehouse clubs in Central America, South America and the Caribbean. PriceSmart serves more than 1 million cardholders at 31 owned and operated warehouse clubs in 12 countries and one U.S. territory. PriceSmart was pioneered by Sol and Robert Price, founders of The Price Club. Robert Price is chairman of the board.

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of all the branches of government, the courts are the least understood, according to Justice Judith McConnell, administrative presiding justice of the 4th District Court of Appeal.

“We in the Court of Appeal have a lot of self-represented litigants. They want us to redo everything that happened in the trial court. That isn’t our role,” McConnell says. “We have to explain this.”

If people have any opinion of the courts, too often it comes from television dramas or reality shows, she says. “They see someone like Judge Judy, it’s entertainment,” McConnell says. “Her form of justice is not what we want to see.”

What concerns McConnell is that if people don’t understand how the courts work, the fair and impartial judiciary that McConnell sees as essential to a democracy might be at risk.

“In other states, there’s been a politicization of the judicial selection process. Special interest groups try to take over the courts and that’s not good,” McConnell says. “The judges need to be able to make decisions based on the law and the Constitution.”

Those concerns are at the heart of the problem is that over time, civics education “has fallen by the wayside” as educators focused on improving language and math performance, McConnell says.

California Supreme Court Chief Justice Tani Cantil-Sakauye has made civics education a top priority for the judiciary. McConnell co-chairs a state task force on K-12 civic learning, and is leading the judiciary’s efforts to improve civics education.

The role is a natural for McConnell, who was active in student government when she attended Glendale High School.

“I was very interested in government. Actually, I thought about going into the foreign service,” McConnell says. In the summer between her junior and senior year in high school, McConnell was an exchange student and lived in Japan with a Japanese newspaper editor. When she returned home, she made the rounds of high schools and community groups giving talks about her experience as an exchange student.

“I did a lot of public speaking,” McConnell says. “I became very interested in outreach to the community. Of course, it was about Japan, not civics.”

Now, McConnell says outreach to the community is very much a part of civics education. “Civics education is much bigger than voting and jury selection; it’s also engaging in our community,” McConnell says. “That sense of community is very important to us as a democracy.”

In February, Justice Cantil-Sakauye organized a state summit on civics education, which brought together legislators, members of the judiciary and business leaders to discuss how to improve civics education.

“We’ve got a lot of momentum coming out of the summit,” McConnell says. She is confident that the result will be changes that will integrate civics education into school curricula.

“I’m very pleased at the level of interest in civics education,” McConnell says. “Civics learning can be incorporated into the teaching that’s already being done.”

Ray Huard (rayhuard@hotmail.com) is a freelance writer in San Diego.

MORE INFORMED CITIZENS

Justice Judith McConnell continues to advocate for greater civics education in K-12 classrooms

BY RAY HUARD

Justice McConnell handing Brawley Union High School teacher Jose Flores the Civic Learning Award of Distinction for him and his students.

PHOTO BY JONATHAN ARCHER
To state Sen. Marty Block, the importance of civics education has never been a question.

Block started his career as a history and social studies teacher in Skokie, Ill., at a time when history was happening right outside his schoolroom door at Old Orchard Junior High School.

Skokie in the late-1970s became a national hot spot when protesters from the National Socialist Party of America wanted to march through the Chicago suburb carrying Nazi regalia.

“They were purposefully going into Skokie because that’s where a lot of the survivors of the Holocaust were,” Block recalls.

With that, history came alive for his students, and civics took on a whole new meaning.

“It was a good thing to happen while I was teaching social studies because it was a teachable moment,” Block says. “That’s kind of what sparked kids’ interest.”

The neo-Nazis never made it to Skokie. Ultimately, they were allowed to march in Chicago under a precedent-setting court decision.

Block’s personal interest in history and civics started early.

Growing up in Chicago, talk of politics was just part of life.

“What surfing is to San Diego, politics is to Chicago,” Block says. A sixth-grade teacher, who divided the class into debate teams, heightened his interest in history and politics.

“I can still remember topics we debated, like whether the Berlin Wall should come down,” Block says.

With that as his foundation, Block’s fascination for history and the workings of government shaped his academic career.

Block, 63, earned a bachelor’s degree in political science from Indiana University, and a law degree from DePaul University.

It was only a matter of time before Block became a living lesson in civics.

His entry into politics came as a result of his work at San Diego State University, where he served as a professor, dean and director during a 26-year career.

In 1986, Block ran for and was elected to the San Diego County Board of Education after some of his students challenged him to put what he taught them to work outside the classroom.

“It was a good time,” Block says. “It really was an example of civics in action.”

Block, a Democrat, went on to win election to the San Diego Community College Board in 2000, to the state Assembly in San Diego’s 78th District in 2008 and to the state Senate in San Diego’s 39th District in 2012.

“Quite honestly, I think he’s one of the adults in the room up in Sacramento,” Grosch says. “He doesn’t demagogue people just for having different opinions. He will always focus on the issue.”

Evan Goldberg, an administrator for the Alameda County Office of Education, gives a similar assessment of Block.

Goldberg, who also is education director of the Fred T. Korematsu Institute, met Block at SDSU when Goldberg was a student representative to the board that ran the Aztec Center for students on campus, and Block represented the university.
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Denise Asher  Doug Barker  Rick Barton  Jim Chodzko  Judy Copeland  John Edwards  Hon. Susan P. Finlay (Ret.)
Mark Wyland always thought he’d be a college professor or work in foreign affairs. In a way, he’s done both as a state senator, and before that as a member of the state Assembly and as a board member of the Escondido Union School District.

In Sacramento, Wyland has taken a lead in pushing for changes in school curricula to put greater emphasis on teaching social studies, history and political science.

“I don’t want to criticize the education establishment and certainly not the teachers, but over time I think there’s been a greater emphasis on other subjects,” Wyland says. “I’m not blaming teachers at all. I think teachers are doing the best they can.”

For example, Wyland says national student testing has focused more on math and English language, and teachers in response have concentrated more on teaching those subjects to the detriment of others.

“Teachers will tell you, even in the early grades, that shuts out social studies,” Wyland says.

The result, he fears, is that people know less about how their government works and become less engaged.

“As one gets older, you appreciate the fragility of democracy and the rule of law. There’s no historical imperative that we always have expanding democracies and legal systems,” Wyland says. “What we’ve created is a bright spot in human history. A large portion of people on the planet would love to have it but don’t.”

Wyland, 62, grew up in Escondido where his grandparents settled in 1926, and where he was co-owner of his family’s Pine Tree Lumber Company. A Fulbright Scholar, Wyland has a bachelor’s degree in international relations and a master’s degree in political science, both from Pomona College.

His political career began in 1997 when he was elected to the Escondido Union School District board, and advanced with his 2000 election to the Assembly and his 2006 election to the state Senate.


Education has long been a key focus for Wyland in the Legislature, but civics education in particular is his passion.

Wyland traces his keen interest in civics to high school, where he was a member of the National Forensic League, a speech and debate honor society.

“That was a formative influence. I was 15 or 16 and I can still remember the topics,” Wyland says. One year, he remembers, the topic was NATO.

“I didn’t even know what NATO was when I started,” Wyland says.

Long-time friend Dave Bowie says Wyland’s abiding interest in civics and education comes as no surprise to those who know him.

“If you go into his garage, you will find boxes and boxes of research material he’s collected on the issue,” says Bowie, who was a classmate of Wyland’s at Pomona College.

Like Wyland, Bowie studied international relations at Pomona College under Michael Armacost, who went on to become U.S. ambassador to the Philippines and later ambassador to Japan.

Wyland and his classmates would get into spirited discussions on the issues of the day, Bowie reflects. “An interest in public policy

CONTINUED ON PAGE 22
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CIVICS IN ACTION CONTINUED FROM PAGE 18

By Ray Huard

president on the board.

“It’s people like Marty Block who inspire me,” says Goldberg, who is the school district’s coordinator for character education and service learning. “He’s always been gentle and friendly and engaging and smart.”

Goldberg says he reconnected with Block this year and hopes to work with him in developing legislation that promotes service learning programs in which students put what they learn in class to work in their community. “Service learning is a way of getting the kids involved,” Goldberg says. “It’s the idea that this is my community, my community has problems and I’m going to do something about it.”

As a legislator, Block’s passion for civics education was rekindled this year when his friend and colleague, former San Diego City Councilman Ben Hueso, was elected to the state Senate in a special March election in which only 15 percent of the district’s 244,100 registered voters cast ballots.

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Block said the poor voter turnout underlined what was a growing concern for him — the erosion of social studies and history teaching throughout the schools as the emphasis has shifted to math, science and English.

“It just confirmed how bad civics education is,” Block says. “We have, to some extent, overlooked social sciences and history.”

In response, Block is one of those pushing legislation that would require schools to pay more attention to history and civics in the classroom.

“Marty is trying to plant the seeds with the educational bureaucracy that will lead to civics education being part of the curriculum,” says Joseph Dunn, executive director of the California Bar Association.

“Marty has a long history in education. He continues to push that passion for education overall but in particular, civics education is one of his strong suits.”

California Supreme Court Chief Justice Tani Cantil-Sakauye has made civics education a top priority and worked with civic leaders to put on a February summit on civics education.

Block was among those participating in the summit.

“It’s just thrilling that the legislators are as excited about this as those of us in the judiciary,” says 4th District Court of Appeal Administrative Chief Justice Judith McConnell, who co-chairs a state K-12 Task Force on Civic Learning and chairs The Power of Democracy, a civics education advisory committee that reports to Justice Cantil-Sakauye.

“With legislation, I think there will be more opportunity for teachers to have support from the powers that be,” McConnell says. 

Ray Huard (rayhuard@hotmail.com) is a freelance writer in San Diego.

ON A MISSION CONTINUED FROM PAGE 20

follows pretty naturally from that.”

From a personal standpoint, Bowie says Wyland has been “a very loyal friend for a great number of years,” adding, “His head is always in the right place in the way he approaches things.”

Joseph Dunn, executive director of the California Bar Association, praises Wyland for taking up an issue that Dunn says puts Wyland at odds with some of his fellow Republicans who are skeptical of the push for civics education. “Mark was able to set aside partisanship to focus on civics education,” says Dunn, a former state senator from Orange County.

“There are many on his side of the aisle who see civics education as a cover to get undocumented people registered in the Democratic Party,” says Dunn, a Democrat. “Mark deserves credit for being able to rise above politics.”

Wyland believes that for civics education legislation to succeed, “it can’t preach any particular point of view. It has to be about the system itself.”

Indeed, 4th District Court of Appeal Administrative Presiding Justice Judith McConnell says party politics have no place in the renewed effort to gain a higher level of civics education, organized at the behest of California Supreme Court Chief Justice Tani Cantil-Sakauye, who has made civics education a top priority.

Wyland couldn’t agree more.

“In the long run, you cannot sustain a democracy without intelligent, informed voters,” Wyland says.

When the state Bar Association started its drive to improve civics education, Wyland asked the association what he could do to help. He was among those who spoke at a February state summit on civics education, organized at the behest of California Supreme Court Chief Justice Tani Cantil-Sakauye, who has made civics education a top priority.

Wyland is passionate in his dedication to civics education, and he’s delighted to see others taking up the cause.

“We face a far more dangerous world by far than we have faced (before) in my lifetime,” Wyland says.

Ray Huard (rayhuard@hotmail.com) is a freelance writer in San Diego.

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TAKING IT TO THE STREETS

Nonprofit organization Street Law, Inc. provides legal education to young adults transitioning from foster care

BY RAY HUARD

Sometimes, it’s the simple things that can seem insurmountable for young adults coming out of foster care or trying to find their way after living on the streets with no place to call home.

How do you look for a job?

How do you find an apartment?

How do you even carry on a face-to-face conversation?

“A lot of this information you learn around the dinner table in middle-class homes,” says Lee Arbetman, executive director of Street Law, a nonprofit organization that creates classroom and community programs that teach people about law, democracy and human rights.

“It might seem basic, but for young people who have been in the foster care system, it’s new,” Arbetman says.

Those simple lessons are what Street Law plans to bring to young adults in San Diego who are leaving foster care, homeless or runaways through its Youth in Transition program. The program is funded by a $51,000 grant from the Price Family Charitable Fund.

The target audience is generally young adults between the ages of 18 and 22, although it can include youths as young as 16 who are emancipated and living in transitional housing, says Deborah Foster, Street Law senior program director.

“They don’t have the adults in their lives who are able to take the time to teach them this information, or won’t take the time to teach them this information,” Foster says.

“The idea is to provide these young people with real life lessons.”

Based in Silver Spring, Md., Street Law was started in 1972 by a group of students at Georgetown University.

“The law students who started the program thought people were coming through school with no idea of how the judicial system impacted their lives,” says Arbetman, who has been with Street Law since 1973. “The law is pretty powerful when you know about it. It’s like a thunderstorm when you don’t. You don’t know when it’s going to strike you in the wrong spot.”

Since 1972, Street Law has grown to offer its programs throughout the United States and in 40 countries around the world, Arbetman says.

Street Law also produces a law textbook used in many high schools, and offers professional development programs for teachers.

Street Law’s classroom programs have been offered in several San Diego high schools since 2004, with students from California Western School of Law and Thomas Jefferson School of law serving as teachers, says Alex Simpson, director of Street Law San Diego and associate director of the California Innocence Project.

“We’re primarily serving at-risk youth, trying to get them to understand the law in a more positive way,” Simpson says. “Most times, when somebody is from an underprivileged area, you don’t have resources. You’re not having your parents help you get a job with dad’s company.”

In San Diego, Street Law’s classroom program is offered in up to eight San Diego schools per semester, reaching about 250 students, Simpson says.

The 14-week classroom program covers a wide range of topics from basic civics lessons about how democracy works to practical issues like what to do or say when approached by a police officer. Students also participate in a moot court, Simpson says.

“It’s about laws that affect people in their daily lives, where they live,” Arbetman says.

The Youth in Transition program provides much of the same information over a shorter time span to young adults who are especially vulnerable because they are too old to remain in foster care, are homeless or runaways.

“These young people are really amazing and are really underestimated, particularly the ones that are homeless,” Foster says. “When you’re moving from your teenage years, there’s so much uncharted water there.”

Youth in Transition classes are taught by lawyers and law school students who volunteer their time and serve as role models.

“They talk about themselves, about their career paths, maybe some of the obstacles they faced,” Foster says. “Everyone faces adversity but it’s all about overcoming that adversity.”

The Youth in Transition program is relatively new. So far, it’s been offered in Chicago, Newark and New Orleans. However, the potential for expanding the program is large. Nationwide, more than 500,000 children are in foster care, Foster says.

“About 25 percent of them are aging out of the system with no real future, no real goal,” Foster says.

In establishing the San Diego Youth in Transition program, Foster says Street Law is working with San Diego Youth Services and the law firm of DLA Piper. The San Diego County Bar Association also is helping to find volunteers to work with Street Law.

For more information or to volunteer, contact Alex Simpson at asimpson@cwsl.edu.

Ray Huard (rayhuard@hotmail.com) is a freelance writer in San Diego.
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CIVICS 101

The San Diego County Bar Association understands the importance of maintaining a connection with students. By offering a range of youth outreach and education programs, the SDCBA and San Diego Superior Court help to foster an understanding and interest in the legal community.

SDCBA Programs:

Law Week Poster & Essay Contest

As part of the SDCBA’s annual Law Week celebration, the Bar holds this contest for kindergarten through 12th-grade students to help generate excitement for the justice system. The entry deadline is in March, and winners are recognized at the SDCBA’s Law Week Luncheon & Celebration of Community Service held in late April or early May. For more information, contact Michelle Chavez at mchavez@sdcba.org.

San Diego County High School Mock Trial Competition

The SDCBA and San Diego Superior Court, together with the Constitutional Rights Foundation The United States District Court and San Diego Office of Education, organize this annual competition. Participating high school students assume the roles of lawyers and witnesses in a hypothetical case, and area lawyers volunteer to serve as coaches and scorers. Federal and Magistrate Judges, along with Superior Court Judges and Commissioners preside over the mock trials. The competition serves to promote a greater understanding of and appreciation for the law and our justice system. If you are interested in participating in next year’s competition, email Michelle Chavez at mchavez@sdcba.org.

SDCBA Children At Risk Committee

The SDCBA’s Children At Risk Committee (CAR) aims to advance the interests of youth in various legal forums, in the public and before decision makers through the following CAR-facilitated programs:

• Attorneys in the Classroom: The SDCBA coordinates a speakers bureau for SDCBA members to speak to students about our justice system. School teachers interested in arranging attorneys to speak in a classroom can email bar@sdcba.org.
• Conflict Resolution Training: Volunteer judges, attorneys, law students and other legal professionals teach children how to prevent and resolve school conflicts in peaceful ways. For more information, contact Lori Mendez at lori@mendezplc.com.
• Juvenile Tutor/Mentor Program at Ash Street School: CAR partnered with the San Diego County Office of Education to create this volunteer mentorship program to help students develop timely graduation and career goals, study schedules or simply discuss their mentee’s day. To get involved, contact Shawn Tafreshi at stafr@sdcda.org.
• Mock Trial Video Presentations: In an effort to teach students about the legal system and to help prevent at-risk behavior, SDCBA attorney volunteers visit elementary and middle school classrooms and present mock criminal trial videos to students. The interactive presentations are generally one-and-a-half to two-hours long and require modest preparation. Contact Christopher Todd at ctodd@wingertlaw.com for more information.
• Porter Elementary School: The SDCBA also provides programs for San Diego’s Porter Elementary School including:
  • Porter Peace Patrol: SDCBA volunteers assist the Peace Patrol on the playground and train students in the mediation process. For details, contact Lori Mendez at lori@mendezplc.com.
  • Porter Readers: Volunteers read monthly at Porter Elementary. At the end of the school year, teams present each student in their classroom with a gently used book. Contact Richard Pray at richardpray@sbcglobal.net to volunteer.
• Rolling Readers: SDCBA members read weekly to at-risk children during the school year at various schools throughout the county. Email lori@mendezplc.com for details about volunteering.
San Diego Superior Court programs:

Justice 101

Through the Justice 101 program developed by Judge Frederic L. Link, high school seniors gain a unique look at the San Diego Superior Court system and the real impact of making poor choices. The program includes a presentation by a Superior Court judge about topics such as drinking and driving, teen violence and date rape; visits to courtrooms to observe court proceedings; and a Q&A period with a court official and deputy sheriff. Video highlights of the program can be viewed at www.sdcourt.ca.gov.

Courthouse Tour Program

The San Diego Superior Court’s Courthouse Tour Program provides fifth- through 12th-grade students the opportunity to experience the California justice system first-hand. Students observe proceedings in the felony arraignment courtroom, including a Q&A session with the judge; participate in a mock trial and view a trial in progress. As preparation for the tour, teachers are sent a vocabulary list of terms that students may hear during their tour along with the “Path to Justice” video, an overview of the California justice system.

Passport to Life Career and Education Expo

This annual career and education expo was developed by Judge Carolyn M. Caietti for youth ages 14 to 24 who are on probation or have been on probation in the San Diego Superior Court, Juvenile Division. The event provides information about available resources and opportunities as they transition from being a youth on probation into adulthood with adult responsibilities.

Youth in Court Day

Developed by the Hon. Joan P. Weber, Youth in Court Day is held annually in the Superior Court’s North County Division and exposes students to various aspects of the judicial system. Students are given the opportunity to interact with judges and staff during the event.

On My Honor Program

On My Honor, developed by the Hon. Richard G. Cline, teaches fourth- through eighth-grade students about the legal system and the administration of justice. The program includes a class curriculum teacher’s guide, lesson plans and activities, as well as a visit to the court and participation in a mock trial.

Open Doors to Justice

Open Doors to Justice is a collaborative effort of the San Diego Superior Court, San Diego County Public Defender’s Office and the San Diego County District Attorney’s Office. The program provides middle school students with firsthand knowledge of how the justice system works and the consequences of making bad choices. The students view actual trials and tour a prisoner holding cell at the courthouse.

You Be the Judge

Developed by Judge Robert J. Trentacosta, You Be the Judge is a unique opportunity for fifth- through 12th-graders to learn and experience the justice system through the eyes of a Superior Court Judge. Students are given the fact pattern of a real adjudicated case and are asked to decide the sentence as if they were the Judge, and are given the opportunity to ask questions about the case before they make their decision. The students not only learn about how a trial is conducted, they learn about the complex issues Judges must consider when deciding appropriate punishments. Students also visit courtrooms in session.

For more information about these programs, contact Julie Myres, Community Outreach & Education Program Manager, at 619-450-7176, or visit www.sdcourt.ca.gov.
As I present my last State of the Court article, I am pleased to provide a small glimmer of hope. For the first time in five years, the California judicial branch budget was not cut by the executive and legislative branches. It appears the court's fragile financial health has, for the time being, stabilized. Although, we are still in dire straits, there are flickers of hope that the court will eventually regain the resources needed to meet the needs of our community.

Restoration of our court will be a slow, arduous process but for the first time in a long time, there is hope that the chronic budget reductions have stopped. After imposing historic budget reductions on the state judiciary of more than one billion dollars, it appears our legislators now recognize that the judicial branch has been cut too deeply. Access to justice has been compromised. Courtroom closures, service cuts, furloughs and employee layoffs have been barriers to the efficient administration of justice the public has rightly expected from our courts.

I thank all of you who have reached out to legislators describing how devastating the budget reductions have been to the court and community. Without your stories of justice delayed, we would not have arrested the financial free fall inflicted upon the courts in our state.

Our Budget
On June 14, the state legislature and governor reached a compromise and restored $63 million to the judiciary. For San Diego, this means a net increase of approximately $1.5 million, for FY 2013-14. This is far from the tens of millions reduced from the court’s budget during the past five years, but this down payment on restoring court funding is a welcome step in the right direction.

Unfortunately, this good news is tempered by another budget decision that will make future local budget management more difficult. The local courts will be limited to 1 percent of annual appropriations for the amount of money that can be carried over from year-to-year. Historically there were no limits on such “reserve funds,” and local courts could use these reserve funds to plan for large projects, unanticipated expenses and to smooth the ups and downs of revenue and expenditures from year to year. With this new limitation, courts will be more vulnerable to unforeseen variations in revenue and spending, and more reliant on the legislature and governor for funds for large, complex, multi-year projects, such as technology.

Our Budget Impacts
In a continuing effort to meet the residual effects of the budget reductions, the Superior Court has eliminated more than 330 court employee positions, either through attrition, separation incentives or layoffs. We currently operate with a 27 percent vacancy rate. In addition, we have closed or restructured operations in more than 20 courtrooms.

Many of you have felt the magnitude of these reductions: civil and small claims at our East and South County courthouses and the North County Probate Department have been closed, with all services consolidated downtown. Court-provided court reporters are no longer available in civil, probate and some family law matters. We have reduced the court’s phone service hours (8:30 a.m.-11:30 a.m.). Business counters close at noon on Fridays to allow staff to work on backlogs. We have experienced growing backlogs in the processing of civil, small claims and probate documents, and cases are being routinely set for trial beyond one year.

Meeting Budget Impacts
In light of the above, we continue to look at new technology to serve the growing clientele that would rather go
Currently, all civil departments, including probate, are imaging documents. With some exceptions, these documents are available to the public on the court’s website and at public kiosks at court locations. Users can also access, view and print court-generated documents from any location for a nominal fee.

Attorneys and the general public are embracing this service. Since providing imaged documents, more than 900,000 unique users have accessed files and more than 40,000 documents have been purchased.

In March, the Court introduced e-filing of civil cases in its Central Division. Attorneys and the public can file certain case documents with the Court without physically coming into the courthouse.

The response to e-filing has also been very positive. More than 3,500 cases have been e-filed. On average, we are processing 70-80 e-file transactions per day.

**MARCHING FORWARD**

The Court and the public have endured another year of inadequate funding of the state judiciary. Despite the hardships, I am optimistic for the future. The 154 judicial officers and more than 1,250 employees who constitute this Court will continue to meet the challenges imposed on the judiciary with their hard work, innovative thinking and unending optimism. We are deeply grateful for the support we have enjoyed from our legal community, and look forward to a brighter future.

_Hon. Robert Trentacosta is Presiding Judge of the San Diego Superior Court._

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“...for the first time in a long time, there is hope that the chronic budget reductions have stopped.”
Just as the trial courts have felt the pain of the budget crisis, so have the appellate courts. The Court of Appeal and Supreme Court are now entering the fifth year of mandatory furloughs of one day a month for all employees. Not only has this meant an ongoing pay cut for all staff, but also a reduction in available working time. Personnel, representing 88 percent of our budget, is the only area where we can achieve significant savings. As we have retirements, we have had to maintain open positions, creating an increased burden on those remaining and delaying our casework. Fortunately, our staff has a strong work ethic and does their best to provide service to those who come to the Court of Appeal.

This strong ethic of public service was the hallmark of our long-time Clerk Administrator Steve Kelly, who died suddenly at the age of 64 in February 2013. He was the longest serving Clerk in the state. We still mourn his passing and miss him every day. The court held a special session in his honor that was attended by more than 300 people whose lives he had touched. Fortunately, our Assistant Clerk Administrator Kevin Lane had been Steve’s understudy for nine years and he assumed the position of Clerk Administrator on July 1, 2013.

The workload of the court remains much the same. We have a large caseload of dependency appeals, although the Superior Court has seen an 11 percent drop in those filings over last year and we expect a similar decline. Our civil filings were much the same as the past year and criminal filings slightly down. However, looking at the Fourth District as a whole, filings are up. As of September 1, 2013, we resumed transfers of cases from Division Two (Riverside) to Division Three (Orange County) to equalize the work load and to provide some relief to the backlog in Division Two. As of now we are transferring eight cases, both civil and criminal, each month.

The time to disposition in criminal and dependency appeals remains about the same, although the civil cases are taking longer to resolve. That is due, in part, to the need to defer calendaring non-priority civil appeals due to staff reductions and focus on our priority matters. We do calendar non-priority civil appeals when we can, but the time to resolve them has been protracted. For all civil cases during the 2012-13 fiscal year, we were able to file the opinion on average 7.5 months after the case is fully briefed.

The court has not had a vacancy on the bench since Justice Dan Kremer retired in 2003, and no judicial vacancies are currently anticipated.

The big change on the horizon for the state appellate courts is the anticipated electronic filing of all documents, including the record. The 1st District Court of Appeal is hosting a pilot program for electronic filing in civil appeals and expects to be up and running by the middle of 2014. Once the bugs are worked out, the plan is to extend the program to the other districts by 2016. We have begun exchanging documents electronically with the Superior Court and are expanding on that process as new opportunities arise. Currently we accept and encourage the filing of briefs in electronic form in addition to paper copies so we can become accustomed to this method and can develop processes that will make e-filing work smoothly.

Outreach programs are very important to this court and although budget cuts have limited our ability to conduct oral argument away from the courtroom, we are planning a special session at the Brawley Union High School this fall. In addition we have ongoing educational programs for the Bar, including a program for newly admitted attorneys. We work closely with the law schools that bring many students in for oral argument and discussion afterward with the bench. Our extern program also allows law students to work directly with the justices.

Our court has a very good working relationship with the San Diego County Bar’s Appellate Court Committee. We encourage anyone engaged in appellate work to become active in the committee and also appreciate suggestions from the Bar for ways to improve our service to the community.

Hon. Judith McConnell is Administrative Presiding Justice of the Court of Appeal, 4th Appellate District.
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There have been many changes with our Court since my last report to you in June 2012. The biggest change was the opening of our new courthouse, where the first case was heard on December 3, 2012. The Clerk’s Office and six District Judges completed their move into the new courthouse by December 31, 2012. Six Magistrate Judges and Pretrial Services completed their move into the new courthouse by the end of January 2013. The new courthouse is presently known as “The Annex,” but there is a bill pending in Congress to name it the James M. Carter - Judith N. Keep Courthouse after the first male and female judges of our district, both of whom were pioneers in the San Diego federal legal community.

We welcomed District Judge Gonzalo P. Curiel, who was sworn in on October 3, 2012. District Judge Irma E. Gonzalez assumed senior status on March 29, 2013, creating a vacancy on the Court. Superior Court Judge Cynthia Bashant has been nominated fill this position.

Laura S. Taylor became the Chief Bankruptcy Judge and Christopher B. Latham became our newest Bankruptcy Judge. Bankruptcy Judge Peter W. Bowie retired but then immediately took the status of a recalled judge and continues to preside over a large docket.

It is with great sadness that I note the passing of District Judge Rudi M. Brewster on September 7, 2012. Judge Brewster was a brilliant jurist who was a mentor to many, including me. I will always remember working with Judge Brewster on the local rules. When we finished for the day, Judge Brewster would reach into his desk drawer and pull out a chocolate bar, which he shared with me. He would say, “Hard work should leave a sweet taste in your mouth.” He will be greatly missed.

Our Court has opened a nursing mothers room in the Schwartz Courthouse. This facility provides a convenient and private location for nursing attorneys and their assistants. The facility can also be used by pregnant women to take a break and relax. We believe we are one of the few federal courthouses to provide such a facility.

2013 has been a challenging year for our Court due to budget cuts and “sequestration.” The Clerk’s Office, Probation and Pretrial Services are working with reduced staff. The Clerk’s Office has only about 70 percent of its authorized staff. Everyone has been pressed to do more with much less. A freeze on hiring and promotions and strong fiscal management by the Clerk of Court and the Chiefs of Pretrial Services and Probation avoided furloughs and layoffs. But the fiscal storm clouds for 2014 are even darker. The Clerk’s Office is facing the possibility of budget cuts of 15-20 percent. The U.S. Marshals Service and the U.S. Attorney’s Office also face the prospect of furloughs due to budget cuts. Also hard hit will be the Federal Defenders, facing a budget cut of 10 percent.

The combined budget cuts will severely impact the handling of cases in federal court. Our staff will continue to do more with less, but there comes a point at which the service to the legal community is impacted. We can only hope that does not come to pass.

We continue to be one of the hardest working courts in the nation. Every member of the Clerk’s Office, Pretrial Services and Probation, as well as the judges and their staff, contribute mightily to the success of our Court meeting its goal of timely and equal justice for all. I am grateful for the efforts of all of our Court’s employees.

Hon. Barry Ted Moskowitz is Chief Judge of the United States District Court, Southern District of California.
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The most important 2012 milestone for the Bankruptcy Court is that we welcomed Judge Christopher Latham as our new colleague on the bench to sit in Department 5. Judge Peter Bowie, while technically retired and on recall, still manages a caseload at the Court. Judge Laura Taylor is now our Chief Judge, and was appointed in 2012 to serve on the Ninth Circuit Bankruptcy Appellate Panel.

The Court also remains involved in many community service projects. Through the District Court Community Outreach Program, Judge Louise De Carl Adler is a Porter Reader, promoting literacy in public schools, and Judges Latham and Mann present mock trials to San Diego school children. Judge Bowie chairs the Judicial Advisory Committee of the ABA’s Standing Committee on Ethics and Professional Responsibility.

The Bankruptcy Court also sponsors a financial literacy program, called Credit Abuse Resistance Education ("CARE"). Chaired by Judge Mann, CARE volunteers reach out to young adults to teach them how to make wise financial decisions and manage the financial problems people face when they experience a personal crisis like divorce, job loss or medical problems. These crises account for 85 percent of total bankruptcy filings. The CARE program currently focuses on student loan debt, which now has passed credit cards as the largest category of consumer debt, totaling $1 trillion. Unmanageable student debt, which is generally not dischargeable in bankruptcy, has long-term effects on the students’ ability to choose their careers, afford rent or car payments, and even start a family. We have a one-hour video presentation that teaches young people how to better manage their future finances. CARE volunteers are available to make presentations to any high school class or group of young people that might benefit from this program. Contact us at www.casb.uscourts.gov/html/care/comm_outreach.html if we can help a group you care about.

Hon. Margaret Mann is with the United States Bankruptcy Court for the Southern District of California.

(student loan debt) now has passed credit cards as the largest category of consumer debt, totaling $1 trillion.”
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University of San Diego School of Law
Years practicing in San Diego: 9 Years
Years as SDCBA Member: 2005-2007, 2009-2013
Areas of practice: Public Interest, Academic

ANDY COOK
Law Offices of Andy Cook
Years practicing in San Diego: 19 Years
Years as SDCBA Member: 19 Years
Area of practice: Family Law

ARIEL JAVIER
Law Office of Ariel A. Javier, APC
Years practicing in San Diego: 7 Years
Years as SDCBA Member: 7 Years
Area of practice: Tax Law

LINDSEY MERCER
Law Offices of Lindsey B. Mercer
Years practicing in San Diego: 7 Years
Years as SDCBA Member: 7 Years
Area of practice: Criminal Defense

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Rizzo Law, PC
Years practicing in San Diego: 7 Years
Years as SDCBA Member: 7 Years
Areas of practice: Plaintiff Employment Law, Civil Litigation

LILYS MCCOY
Thomas Jefferson School of Law
Years practicing in San Diego: 21 Years
Years as SDCBA Member: 21 Years
Areas of practice: Legal Education, Consumer Litigation

DINO PARASKEVOPOULOS
San Diego County District Attorney
Years practicing in San Diego: 15 Years
Years as SDCBA Member: 15 Years
Areas of practice: Criminal Prosecution, Litigation

KHODADAD “KO” SHARIF
Sharif Law Group
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Years as SDCBA Member: 8 Years
Areas of practice: Civil Litigation, Family Law, Criminal Defense

DAN BACAL
Law Offices of Dan Bacal
Years practicing in San Diego: 33 Years
Years as SDCBA Member: 33 Years
Areas of practice: Criminal Defense, Personal Injury

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Paper ballots are available by request by contacting Katie Doherty at (619) 321-4118 or kdoherty@sdcba.org.
Leading the Way to
THE NEW
BAR CENTER

On September 13, Bar leaders Judge Anthony Battaglia, Marc Adelman, Virginia Nelson, Richard Huver, Jeffrey Joseph and Ellen Miller-Sharp gathered to discuss the progression of the Bar Center and how it has changed to meet member needs. An excerpt of their conversation can be found here. Thank you to Hutchings Court Reporters for recording the conversation for our use.

EMS: The leadership who bought the former Bar Center at 1333 Seventh Avenue had the foresight to meet the needs of the legal community at the time. If it wasn’t for your vision, we would never be here today. So while we are here in this new space, it is really the end point of a 25-year history and a buildup to creating a Bar Association that we are today in 2013. We want to capture the journey and pay homage to our past and current leadership, and their recognition of how the Bar would become the “hub” of the legal community, and change to meet member needs.

MA: I believe that in the late-’70s and early-to mid-’80’s, there was a huge jump in our membership. We went from a smaller number to a much larger number. I remember that the Bar was growing at leaps and bounds at that time. The Lawyers Club became much more active in what happened with our Bar, and I think that had a significant influence.

HON. AB: At that time, there were a lot more social activities, and as I joined the Board in 1989, the cry was for meeting space, that the committees, the sections and so forth, needed a place to get together for their meetings. We had the Glenn Building at Fifth Avenue that had a small conference room and nothing much more. Everything was rented space or restaurant space or whatnot, and with the socialization of those groups back in the day pre-Internet, getting together in a common place was very important, and I think that was driving. The community, not only Lawyers Club, but San Diego trial lawyers now, the consumer attorneys were growing, they wanted space for their various programs and regular homes for themselves. There was a great need for a facility.

VN: Identifying the location really started in 1970-71, when Judge Yale and the leadership then made the first big move to buy the parking lot at Union, which has been a huge financial component of the Bar for the past 40-plus years. So then their first move was to the Glenn Building in the mid-’80s — it was the first time when the Bar took a step to have a place where it was identified that the Bar Association existed, and that’s uncommon with Bar associations.

VN: So then we had our first place where people knew the Bar leaders met, but only the leaders could meet there, because the one meeting room was significantly smaller than the room that we are in now. Then, with the needs of the membership changing and our wish to create a hub and technology not being what it was today, we moved into a larger physical space that accommodated what was most common then, which were meetings of people, large seminars, dinners, etcetera, and having other organizations with the Bar Association in the same building. And that was a very large physical location that people identified with very readily. I just see it as a big 40-year evolution where the Bar leadership has tried to match what the needs of the members are, yet always carry an identifiable location.

HON. AB: Ginny is right. It has been a 40-year evolution, and all those presidents from Judge Yale forward took part in that, as did all of the board members. Remember, back
then we didn’t have the type of staffing the Bar now has. The board was very hands-on, were doing things all themselves, and including picking drapes and carpets, space planning, dealing with asbestos. We might represent various segments of that transition, but there are so many people that really should be considered the fathers and mothers of the Bar building or this legacy that has gone on. We had a recession. Dollars were tight, lawyers were tightening their belts, firms were not granting associate-ships and summer internships, and so forth, and related Bar organizations were growing, and there was a concern about with all these choices that people were making we wanted to make sure that the Bar was among those choices, and one way was to bring those other groups into the family was with a facility that could house other organizations and could give them meeting space and seminar space. It really helped do that, gave us that nexus.

VN: We knew we didn’t have the resources to refurbish the building that we were purchasing, so we needed to have a major fundraising effort, and we thought that the smartest way to do that would be to hire people who knew what they were doing in fundraising. So we sat in a conference room, and in that were some really high-powered fundraisers, and we realized very quickly in the conversation that we could not afford the fundraisers, and we were already on the track of purchasing the building. So then we decided we had to create our own fundraising effort, and the board was there morning, noon and night, literally, and a brochure was created, and the overwhelming response by the community was so amazing and so heartening, and everybody came together to do that. And that is very hard to do and very rare for bricks and mortar, but we way overshot the goal, and that’s because of the kind of people that are in this legal community, and I think that speaks to why we have such a strong Bar and such a strong legal community today, as well as in years past.

HON. AB: We had donations from modest dollars to $50,000 firm donations but the community really supported the project to our surprise and delight, because the only money from renovation came from that seven-figure fundraising effort. Ginny and I sat down with Craig (Higgs) and we put together kind of an offbeat plan and approached Gray Cary, Luce Ford and Higgs right off the bat and got a commitment. My memory could be off a bit, but we got a commitment right off the bat of $50,000 from those. We got an incredible response right away.

VN: Five or six firms that participated on that level, and then there was a $25,000 level, there was a $10,000 level that had many individuals, and in each Bar publication, we would roll out the list, and people wanted to add to the list. But that’s what led, to my understanding, after we all had moved on, to support the building and its necessary repairs for a period of time.

EMS: For several years.

VN: Yeah. But then it became time to start to consider other options, and I think what I saw on the Building Committee that Jeff and Richard were part of is that there was a very thorough consideration, and repeated consideration of the options, and

“The Bar Association for decades has looked out for the best interests of the members, researched to facilitate their practice.”
over time those options changed as the economy changed. In the end, the economy then sort of helped then to guide you to get to a place where it is very different from where we were, but much better suited for the current climate.

RH: It is a timing thing. This Bar Center would not have worked then. And that Bar Center was not going to work now.

VN: Right.

RH: The history was something that Jeff and I thought about a lot, and it weighed on us, because there was a lot of effort that went into that, and there was a lot of money poured into that, and there were some very strong feelings that, ‘Hey, this is the Bar. We don’t want to just get rid of it for the sake of getting rid of it.’ So, we definitely had that in mind when we were looking at what to do, but it is a timing thing, and this place, what we have today, wouldn’t have worked then.

EMS: But the vision that you created, the idea that you created a hub and that you wanted to bring together the legal community, and that you created that environment before MCLE was even there, those are very similar threads and themes that we deal with now. MCLE is not the driver any more. We are getting back to the Bar as a convener. We are getting back to the need of the Bar to host and create community and to strengthen our community. The vision that you set with your hub is very much something that we feel very strongly about and stay true to today, and, in fact, have incorporated in most of our marketing and most of the vision of what we think the Bar Association is today. Although our law-related partners aren’t physically in the space, they partner with us in different ways. You’ve mentioned Bars didn’t own their own buildings. So, this was pretty risky. Did you recognize at the time that that was revolutionary in buying the Bar Center?

VN: Very few state Bars had buildings, let alone city Bars. But what was great — and I think Tony has said this to me many times — was that if we had known what we were really doing, we never would have done it, because it was so much bigger than we ever dreamed. The prior Bar leadership was very supportive, and they were financially supportive, but they let us drive the project, and all of us were not experienced real estate purchasers.

HON. AB: Even after we got in the building, I would go to ABA meetings and they would have a break-out session for running your own Bar building, and I would go, and it would be Chicago the State Bar of Chicago, the State Bar of New York, and the San Diego Bar Association in the room looking at each other. So I would go to learn and I would end up, really teaching more than learning. So, it was on the curve of the — we were pushing the envelope for a little old local Bar to do this.

EMS: In our process, we were fortunate to have the expertise of Jeff, who’d gone through this experience.

JJ: Yeah. When I was appointed chair of the Building Committee, there were two committees at the time, the Building Committee and the Building Renovation Committee. We had gone through the process at Thomas Jefferson. It was really a decision of should we stay or should we go? So we kind of collapsed those committees together, and we looked at the old Bar Center, which is a wonderful building, and a lot of people wanted to keep it and renovate it. It was described as a classic car, but for people that have had classic cars, you know, they can get pretty pricey to maintain. So we looked at that, and we went through it meticulously — Ellen’s stuff and me and Richard, we had a spreadsheet that had multiple tabs that went into almost everything that you could consider in terms of renovating the old building or doing something else. And
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renovating the old building didn’t seem like a good option to us, because it was going to be expensive, and we didn’t think we would ever get our money out of it in terms of value. I think there was a consensus among the group — and this was where Richard was really the shot in the arm that helped us get there. The consensus at the time with some people dissenting was, well, we ought to consider going somewhere else, but it was always the vision to build something. Well, I had gone through that process of building a new law school for TJSL, and it is tremendously complicated, expensive and you need a lot of expertise, and it just didn’t seem like we were there, you know, to build it on the parking lot site. But after my first year, we made the decision, yeah, we should go, but we had a site and we lost it and sort of the air went out of the balloon, and then Richard came on board, and he’s got all this energy and enthusiasm, and we became like the ‘bro chairs’ of the Building Committee.

RH: Strike that from the record, please.

JJ: We were very motivated to move the Board, and the decision was made to come down here. And as I look at it, I think that was the right decision.

VN: The other piece to this is the technological reach that we have now. Yes, there is a big constellation of people down here, but there is a large constellation of people that are not, and they are both being served because of the way we use technology now.

JJ: I agree with that, Ginny. One of the things we considered in staying here was in order to be able to get the broadband capabilities we wanted.

RH: You know, back in the ’80s and early-’90s, everybody got together. People got together after work, go for drinks or whatever, and then slowly but surely — I don’t know why — things changed, and less and less people got together after work. They didn’t want to go to a seminar, a dinner, another dinner. But now, you could have a hundred people attend a seminar, the only 20 of them are downstairs, and the other 80 could be anywhere.

HON. AB: So, we are able to serve the CLE needs a little bit differently, and now we are going back to that social aspect. While it is not the dinners, it is the let me get together for an hour, connect with you,
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JON R. WILLIAMS
take in a Ted Talk, have a beer and then I am going to go home to my family.

EMS: Well, the Bar is a tight-knit community, and it is a community that rewards people who give of themselves and who want to get involved. We want people to be here and to understand that piece, that it is getting a chance to have an informal conversation with someone. That's going to get you more information about what the community is like or whether your next job opportunity is out there.

HON. AB: My current law clerk I met at Stepping Up to the Bar. Some of my externs I have met at Stepping Up to the Bar.

MA: I have a couple of mentees and I am always telling them, look on the calendar, see what is going on in the Bar building, just go. I think that today it’s more important than ever with all of the young lawyers out there that are having a tougher time getting a job than we did.

HON. AB: You bring lawyers from all aspects of practice to come together, which is a wonderful thing. Cross-pollination of specialties, interests and other factors that is such a rewarding experience for anyone that’s ever served.

EMS: I think this group’s decision was also motivated by the fact that we have more small and solo firms, more young attorneys starting their own practice. It is about being relevant to the membership and what they need.

VN: I think this space goes a long way towards attracting and meeting the needs of the younger lawyers. I think the strength of the Bar has two other components, what I would call mid-level lawyers, and then some of us in the room who would be called, senior-level lawyers, and we still have to make sure that the space in the Bar provides benefits and meaning for those groups as well.

JJ: I don’t want to suggest that leaving that building was easy for us, and there are a lot of people that really wanted to sink the money into it. It just didn’t pencil out, but we all have fond memories of many events.

HON. AB: The Bar Association for decades has looked out for the best interests of the members, researched to facilitate their practice. The level of professionalism in the community has adapted through all the hard work of all the presidents and boards that have gone before and after all of us. So while the practice has changed and the needs have changed, the Bar’s central purpose has always lived on, and I think that’s a credit of all of the leaders and all of the board members over these four decades.

RH: There is no doubt the Bar is in a great place today because of all of those people on the wall.

HON. AB: And you folks.

EMS: And especially all of you. 🙏
On Friday, June 7, 2013, the Legal Aid Society and its Pro Bono Program held its Annual Pro Bono Volunteer Appreciation Luncheon at the Westin Gaslamp Quarter Hotel. The Legal Aid Society presented Outstanding Service Awards to 119 individuals, three law schools, four diversity bar associations and one law firm. The Outstanding Service Awards are presented for contributing more than 100 volunteer hours to the Legal Aid Society Pro Bono Program and its clients.

Cooley, LLP was honored as the Legal Aid Society’s “Pro Bono Law Firm of the Year” for its sponsorship of an SSI Advocacy Program and for the firm’s donation of more than 400 hours to the Legal Aid Society Pro Bono Program and its clients.

Another 171 individuals received Wiley W. Manuel Awards from the State Bar of California for donating more than 50 hours each to the Legal Aid Society and its clients during the previous year. Because of the dedicated individuals and organizations honored at the luncheon, the Legal Aid Society’s Pro Bono Program was able to give legal advice and provide legal representation to hundreds of clients, while providing community outreach and education to thousands more. Volunteers donated more than 20,000 hours to the Legal Aid Society’s Pro Bono Program during the last year, and these volunteer services have an audited value of more than $3,000,000.

Commissioner Cindy Davis and Court Operations Manager Barbara J. Bleichwehl were in attendance, and each provided remarks about the importance of pro bono work, as well as the great service provided by pro bono volunteers in the various courthouse clinics staffed by the Legal Aid Society Pro Bono Program. Sara Raffer Lee, Legal Aid Society Pro Bono Program Manager; the Pro Bono Program staff members; Tony Stiegler, Past President of the Board; and CEO Gregory Knoll distributed the Outstanding Service Awards.

Gregory Knoll (gek@echea.org) is CEO and Chief Counsel of the Legal Aid Society of San Diego, Inc.
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DISTINCTIONS & PASSINGS

Distinctions

- **JUDGE IRMA GONZALEZ** of the United States District Court, Southern District of California, was recently named recipient of the Hispanic National Bar Association (HNBA) Lifetime Achievement Award.

- SDCBA Past President **MARVIN MIZELL**, attorney with the San Diego Attorney General’s Office, was honored with the Citizenship Award at the annual Attorney General Awards in September.

- **THOMAS PENFIELD**, partner with Casey Gerry Schenck Francavilla Blatt & Penfield and member of the SDCBA Board of Directors, was recently honored by the American Association for Justice and the National College of Advocacy as a Diplomate of Trial Advocacy.

- Retired San Diego Superior Court **JUDGE PATRICIA YIM COWETT** received the Asian Heritage Society’s Award in Government and Legal Service in September.

- **STEVEN SMITH**, former dean of California Western School of Law, was recently elected chair of the San Diego Foundation’s Board of Governors.

- Solo practitioner **JOHANNA SCHIAVONI** was elected to serve as President of the Lawyers Club of San Diego for 2013-14.

- Associate **STEFANIE WARREN**, of McKenna Long & Aldridge LLP, was appointed to the San Diego Regional Water Quality Control Board.

- **THOMAS JEFFERSON SCHOOL OF LAW’S CLIMB** (Crawford Legal Institute Mentorship Bond) Program was selected to receive the 2013 State Bar of California Education Pipeline Award.

- **HEATHER ROSING**, attorney and CFO of Kinedinist PC, was elected treasurer by the California State Bar’s board.

- The San Diego Superior Court’s former Presiding **JUDGE JOHN EINHORN** retired on August 31 after serving 18 years on the bench.

- **FREDERICK KOSMO**, partner with Wilson Turner Kosmo LLP, was recently appointed chair of the Federal Magistrate Judge Selection Committee for the United States District Court, Southern District of California.

- **JUDGES PAMELA PARKER** and **MICHAEL WASHINGTON** took oath of office for the San Diego Superior Court in September.

- San Diego Superior Court **JUDGE WILLIAM McADAM** retired on September 30 after serving 10 years on the bench.

Passings

- **San Diego Deputy District Attorney and 2013 SDCBA Service Award Winner GEORGE CARY LOYD IV** passed away on September 1. Prior to his 12-year career as a prosecutor, George served in the U.S. military for more than 20 years. He used his military experience to help establish the Veterans’ Treatment Court in San Diego County, and for his work with this special court, the SDCBA honored George with the 2013 Service by a Public Attorney Award.

- University of San Diego School of Law **PROFESSOR JOSEPH DARBY** passed away on July 5. Joseph joined the USD faculty in 1965, where he taught for more than 40 years. He lectured at universities all over the world, including France, Israel, Poland, Russia and South Africa.

To submit information regarding honors of a community or civic nature, or passings in the legal community, email bar@sdcba.org.
The San Diego County Bar Association’s 100 PERCENT CLUB is a special category of membership that indicates an outstanding commitment to the work done through SDCBA programs and services in the legal profession and the community. The following firms (five or more lawyers) are members of the 100 PERCENT CLUB for 2013, having 100 percent of their lawyers as members of the SDCBA.

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Volunteers joined the SDCBA, I Love A Clean San Diego and members of the San Diego Superior Court on August 24 at Playa Pacifica Beach for the SDCBA Bench Bar Beach Clean Up. More than 150 pounds of trash were gathered to help keep San Diego’s beaches clean and beautiful.

RED BOUDREAU DINNER
PHOTOS BY GREG LAMBERT
Members of the legal community celebrated civility and integrity in the legal profession at the 29th Annual Red Boudreau Trial Lawyers’ Celebration on August 2.
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