Dan Link
SDCBA’s New President

PLUS
Spotlight on Diversity
Page 22

Citizens United Impacts San Diego
Page 28

Local Lawyers with Global Roots
Page 24
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FEATURES

16 Introducing Dan Link
Connect with the new SDCBA President.
By Alidad Vakili

22 Generational Diversity
Increasing diversity in age groups calls for added awareness of multiple communication styles.
By Dr. Arin Reeves

24 The Portable Degree
Not every local lawyer started out in this country. Our roundtable discusses what’s different — and what’s the same — when one’s law degree came from another nation.
Edited by C.J. Mody and Annika Rakowitsch

28 Lifting the Limit
Election law cases this year changed the rules for political contributions in the city of San Diego.
By Pamela Lawton Wilson

32 Justice Joined
An attorney finds that the role of Atticus Finch has resonance in his professional life.
By Wilson Schooley

DEPARTMENTS

06 Briefly
Attorney Amy Levine has something to sing about.
By Jodi Cleesattle

08 President’s Page
Pat Hosey reflects on his year as President.
By Pat Hosey

10 En Banc
The question: What’s the greatest challenge for your practice in today’s economy?
By Laura Shingles

12 Order
Lawyer couples reveal favorite special-occasion restaurants.
By Gil and Krista Cabrera

14 Ethics
Help is available when a career comes crashing down.
By David Cameron Carr

35 Directory of Experts and Consultants

38 Rewind
A long-lost manuscript comes to light again, thanks to a local attorney.
By George Brewster Jr.

40 Sustaining Members

42 Photo Gallery
A look at pictures from events in the legal community.

46 Closing
The office of John Wertz.
Photograph by Steve Silva

PREVIEW
The January/February issue will include an arts and entertainment package, with a new section featuring reviews of books, DVDs and movies of interest to the San Diego legal community. In the March/April edition, look for a career package featuring stories about local judges and attorneys.
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Sing It, Sister

Amy Lepine’s days may be filled with legal motions and discovery, but her nights and weekends are filled with music. Lepine, principal of Lepine Law Group, belts it out on Sundays with the Cathedral Choir at Bethel Memorial African Methodist Episcopal Church, one of San Diego’s oldest African-American–founded churches.

Lepine, raised Catholic, was attracted to Bethel AME and its choir because of its vibrancy. This choir doesn’t stand with hands clasped, singing quiet hymns. This choir moves.

“I was looking for a place where I could be more expressive in my praise,” she says, noting that she was first introduced to Bethel AME by a law school classmate but didn’t begin attending regularly until 2006. “When I went out on my own practicing law, I started making changes that felt right for me professionally and spiritually.”

She jokes, “I got lost on my way home from Catholic church, and the nice people at Bethel took me in. The music attracted me. After I had been going for enough time, maybe six months, I finally got up the guts to ask to join the choir.” The choir received her warmly, she says, giving her a round of applause when she showed up for her first rehearsal.

Lepine sings with the choir during Sunday services and for special events like Women’s Day and Pastor Appreciation Day; she rehearses on Wednesdays. “I enjoy rehearsing as much as singing during services,” she says. “I enjoy singing the praise. They say, ‘She who sings, prays twice.’”

She also has sung in the Martin Luther King Jr. Community Choir San Diego and hopes to rejoin that choir this fall. Lepine gets still more of her music fix playing guitar, which she took up a year and a half ago, and she now enjoys lessons, summer guitar camp and jamming with musician friends.

“I started playing guitar because I wanted to accompany myself while singing,” she says, adding that she likes writing songs—some in a gospel vein, some bluesy, some in other musical styles.

Lepine brings passion to her day job, too, handling consumer fraud, civil rights, breach of contract, family law and general civil litigation. She explains, “It’s civil litigation with a bend toward civil rights.”

Jodi Cleesattle (jodi.cleesattle@doj.ca.gov) is a deputy attorney general with the California Department of Justice.
“One must wait until the evening to see how splendid the day has been.”

—Sophocles

ike many of you, I remember in vivid detail the day I was sworn in as a member of the State Bar of California. My law school peers were present, as well as a few of my future colleagues, and future courtroom adversaries, my parents, and the woman who was destined to be my wife and the mother of my children. As I stood before San Diego’s most respected judicial officers and vowed to faithfully discharge the duties of an attorney 19 years ago, I could never have imagined the love and respect that I would feel for each of them today—not only individually but collectively as our legal community.

Recently, as I begin to recognize the significance of this benchmark moment in my legal career, the nostalgia for my early days as a lawyer is a frequent visitor to my psyche. By the time you read this, the organization’s proverbial reins will be in the capable hands of Dan Link, and my day as SDCBA President will have come to a close. To me, it was splendid. I laughed a lot, nearly cried several times, missed a few meetings in order to make other meetings, and once even skated off the ice in the middle of a hockey game in order to make a meeting. I very much enjoyed making introductions at events, providing closing remarks at others, greeting new members, schmoozing with other Bar Association leaders, attending countless legal community events, expressing gratitude to the many exceptional contingencies that make our legal community so extraordinary, and consuming more chicken and chocolate chip cookies than Costco sells in a week.

If the job of Bar President was merely fun, that would be easy. If it was merely work, that would be no problem. But I rise in the morning torn between a desire to jump into action to improve the organization and a desire to relax every day of this experience. This often made it hard to plan the day. And that was the challenge of having fun.

I hope I am leaving the Bar a little better off for my having been there. My efforts to do so were in large part the result of being surrounded by great people. For them, the words “thank you” are simply inadequate; they cannot never convey the level of gratitude I have for allowing me this experience, and for the difference they make every day. But for lack of a better phrase, thank you . . .

Thank you to the 2010 Board of Directors, Dan Link, Elizabeth Balfour, Tom Buchenau, John Gomez, Marvin Mizell, Tim Richardson, Duane Horning, Marcella McLaughlin, Christopher Alexander, Tina Fryer, Alexander Grufti, Jeffrey Joseph, James Lund, Nory Pascua, Gita Varughese, Jon Williams, and New Lawyers Division representative Kristin Rizzo—for your passion, your dedication, wisdom, and enthusiasm. And also to Judge Margo Malana, who served on the 2010 Board until her elevation to the bench. Furthermore, a special thank you goes to Past President Jerrielyn Malana, who has been on the board with me since 2005, who always took my calls and always responded to my fedexed e-mails regardless of the hour.

For their extraordi-

nary vision and energy, I thank all of the volunteer leaders of our sections and committees, our chairs, co-chairs and sub-committee leaders who diligently worked to create dynamic and engaging programs and provide the Board and our membership with inspiration.

The breadth of our Association’s programming is a direct result of your efforts and your countless hours of service to the SDCBA and the community. I am especially indebted to several friends who “volunteered” for “short” assignments/tasks only later to discover that they should have properly investigated the accuracy of the job description and/or length of commitment. (Hey, a President has got to do what a President has to do. It was a good lesson for them.)

One of the more enjoyable benefits of being the SDCBA’s President is being able to work with our Executive Director, Ellen Miller-Sharp. Ellen has an amazing ability to keep all of the Association’s activities moving forward without a Sig Alert. Her aptitude as an Executive Director and the depth of her management skills are what truly make the SDCBA a success and make us the envy of bar associations throughout the country. Thank you to Ellen and the SDCBA staff, for all that you do every day to better the Association for all of us.

Thank you to my incredible Hosey & Bahrambeygui law practice staff, Su Barry, John Fiske, Jennifer Rivera, Leanna Pierce and Kara Ritter, who ably kept our law firm on course and continued to fight the fight and make sure that through all this, we delivered the very best representation to our clients.

Thank you most of all to my wife, Sherry Bahrambeygui, for supporting me in everything . . . for going to event after event, for listening to me talk incessantly about the latest bar initiative, for not complaining about the 10 p.m. hockey games or waking her up at midnight to help me find the ibuprofen, and for always being the woman I fell in love with in law school. And thank you to our 11-year-old sons, Liam and Ryan. They never complained when I came home late, had to leave early, or that I missed family meals. Instead, they smiled, hugged me, and asked about my day. Thank you mostly for just knowing that, despite my schedule this past year, first and foremost I am and always will be “Dad.”

Serving as the SDCBA President has been one of the greatest honors in my career today. Thank you all for this opportunity, and for helping our community today to be even better for tomorrow.

Go get ‘em, Danno!
“NOW WE CAN SPEND LESS TIME RESEARCHING AND MORE TIME LAWYERING.”

BEN SKJOLD
PARTNER, SKJOLD-BARTHEL
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In today’s economy, what is the greatest challenge for your practice?

“Everyone is trying to get the most value for their dollar, and many people got caught either midtransaction or midproject. That has made getting paid the greatest challenge of my solo practice. I recently added the ability to pay by credit card, but it hasn’t yet helped with late payers. It is very frustrating to do work and not be paid, but once into a project it is tough to stop helping, so the receivables grow.”

Donald Schiffer, Law Office of Donald Schiffer

“Structuring deals that make good financial sense for both parties. Workouts are especially difficult because of the lack of liquidity. The inability to borrow and the lack of work to generate cash often make it difficult to fund settlements.”

Douglas Vickery
Law Office of Douglas Vickery

“Finding clients who are willing to take risks. Despite reduced land prices and the promise of regulatory incentives for certain development projects, capital markets remain restricted, making it hard to finance acquisition and development.”

Robin Munro
Schwartz Heidel Sullivan

“My law practice is, in large part, assisting homeowners who are in foreclosure or in danger of foreclosure. The volume of callers is difficult to manage. Many individuals are financially strapped and do not want to pay for a consultation, but they need information that’s readily available to me, and easy to give away. It is very difficult to refrain from giving lengthy consultations over the phone.”

Shanna Walsh
Kehr Law

“My biggest problem has been fee collection. The economy has really affected my clients. My accounts receivables are presently six figures. The slowdown in payment is across my entire client base. I am reticent to initiate litigation with longstanding clients, but I soon will have no choice.”

Chuck Bongard
Law Office of Charles Bongard

“The biggest challenge I sense from the down economy in the practice of law is the need for more alternative dispute resolution. The adverse litigation court system is simply unaffordable and too slow to address the needs of the majority of conflicts among individuals.”

Joshua Hershon
Global Legal Resources, LLP

“The challenge with opening a practice during this economy is finding a cost-effective way to connect with clients who need help. The economy may have declined, but I do not think advertising costs have. I have also noticed that many clients are looking for flexibility when retaining an attorney. Not everyone has the money they once did to hire an attorney, so I have made adjustments to my practice and now set up payment plans and accept credit cards.”

William Concidine
Law Office of William Concidine

“The costs of litigating a case through trial can be more expensive than the amount of money at stake in the case, and it is hard for people to hear that their position has merit but that it may be in their best interests to avoid the costs of trial. Along the same line, defendants more frequently do not have assets available to satisfy a judgment, and it can be difficult for a client to hear that.”

Jennifer Chapman
Chapin Fitzgerald Sullivan

Laura Shingles (lmshingles@gmail.com) is a 3L at California Western School of Law and law student editor of San Diego Lawyer.
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As an attorney couple, we have lots of friends who are attorney couples as well, and they all love food like we do. We asked a few for their favorite special-occasion restaurants. With this informal survey, we learned about a couple of new places and were reminded of some gems.

Offering classic French cuisine and dishes with contemporary flair in a bistro price range, Scripps Ranch’s La Bastide Bistro is the place for Deputy District Attorney Bryn Kirvin and her husband, Superior Court Judge Evan Kirvin. The Kirvins particularly enjoy the sautéed shrimp and vanilla risotto appetizer and the linguini pasta with shrimp, smoked salmon and dill cream sauce.

10006 Scripps Ranch Boulevard, No. 104, 858-577-0033, www.labastidebistro.com

Attorneys Brett and Heidi Weaver celebrate special occasions at The Oceanaire in the Gaslamp Quarter. They keep things simple and celebratory by sitting at the bar and ordering the fabulous fresh oysters. We are fans of the crab cakes.

400 J Street, 619-858-2277, www.theoceanaire.com

Bankruptcy Judge Margaret Mann and husband Michael O’Halloran have differing views. She votes for A.R. Valentien and says they usually do the wine-tasting menu. The setting is beautiful, and the food is creative but well balanced. He chooses Third Corner, which he describes as fabulous bistro food in every portion size at great prices. It has the bonus of unlimited wine options because it doubles as a wine store.

11480 North Torrey Pines Road, La Jolla, 858-777-6635, www.arvalentien.com
2265 Bacon Street, Ocean Beach, 619-223-2700, www.the3rdcorner.com

Our personal go-to for special occasions is La Jolla’s Nine-Ten, nestled inside the Grande Colonial, serving California modern cuisine using only the freshest local produce. When we visit, we place ourselves at the “Mercy of the Chef,” the five-course tasting menu. The bonus is that each person receives a different item at each course (we tend to swap plates halfway through each). Wine pairings are available for an extra fee; we usually split one pairing between us. On our last trip, we could not stop talking about the pear salad, which included prosciutto, burrata cheese and a truffle vinaigrette.

910 Prospect Street, La Jolla, 858-964-5400, www.nine-ten.com

Inside Tip
Some of you may know of a great little coffeehouse called Twiggs, with locations on Park Boulevard and Adams Avenue in University Heights. But you may not know that Twiggs makes some of the best cakes we’ve ever tasted. Our favorites are the white velvet cake—an extremely moist buttermilk cake with cream cheese frosting—and the chocolate espresso truffle cake (the name says it all!). These cakes can be ordered in advance and decorated for special occasions.

4590 Park Boulevard, University Heights, 619-296-0616; 2804 Adams Avenue, 619-296-4077, www.twiggs.org

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AS OF NOVEMBER 1, 2010, WE WELCOME

ROBERT A. TAYLOR, CPA/ABV

AS A PRINCIPAL IN THE FIRM.

MR. TAYLOR CONTINUES HIS FORENSIC ACCOUNTING PRACTICE IN THE AREAS OF WAGE & HOUR LITIGATION, COMPLEX BUSINESS LITIGATION, REAL ESTATE / CONSTRUCTION LITIGATION, ESTATE & TRUST MATTERS AND BUSINESS VALUATION.
Paul Biegler walked into the Lumberjack Tavern and spied his friend Parnell sitting at the far end of the bar. He strode up and gave him a hearty slap on the back. “Howdy, Parnell, long time no see.” Looking down, he saw Parnell’s usual tumbler half-full of bourbon resting atop an official-looking document.

Parnell glanced up. Biegler was shocked by the expression of his longtime friend, mentor and co-counsel. Never had he seen the old man’s normally jovial visage so worn. “Paul, they want to take it all away from me,” he croaked. Silently, he held up the document, festooned with rings from the glass.

“NOTICE OF HEARING ON CONVICTION,” the document read. Biegler saw it was from the State Bar Court. “Remember last year when we were trying the Manion case? I crashed Maida’s car on the way back from Canada. I never told you, Paul, because you were so upset at how the case turned out. I pled guilty to drunk driving, my second conviction. Now they want to take away my legal career! My life!”

Paul regarded him through the kind eyes of a lifetime friend and colleague. “Parnell, we should have had this talk years ago. The truth is, times have changed. We have been around lawyers and judges all our lives. And we all spent lots of times around the watering hole. We took it for granted that lawyers drank a lot, and that some lawyers drank too much.

“But the Supreme Court, the state legislature and the State Bar did not. In the case In Re Kelley (1990) 52 Cal.3d 482, the Supreme Court said, ‘Petitioner’s two convictions, and the circumstances surrounding them as described above, are indications of a problem of alcohol abuse . . . her repeated criminal conduct, and the circumstances surrounding it, are indications of alcohol abuse that is adversely affecting petitioner’s private life. We cannot and should not sit back and wait until petitioner’s alcohol abuse problem begins to affect her practice of law.’ ”

Parnell put his face in his hands. “What can I do, Paul? What do I do?”

The Lawyer Assistance Program can be reached at 877-527-4435 or www.calbarlap.com. Locally, the SDCBA’s Attorney-Client Assistance Committee (www.sdcba.org/index.cfm?page=ClientRelations) offers help for substance abuse.

Coping Effectively with the Challenges of Legal Practice

Join Richard Carlton, an expert from the State Bar’s Lawyer Assistance Program, as he examines issues associated with stress, depression, substance abuse and other personal challenges commonly faced by today’s legal professionals at a CLE program on January 11. The event starts at noon at the SDCBA Bar Center, 1333 Seventh Avenue, downtown. For more information, visit www.sdcba.org.

“Here’s info for the Lawyer Assistance Program,” Biegler said, handing over a card. “The State Bar established this program with some prodding from the state legislature. It is run by caring and dedicated professionals. If you can complete their program, the State Bar Court can give you a break on the discipline through its Alternative Discipline Program. It has helped a lot of lawyers find their way.

“I know it works, Parnell. You know that long fishing trip after the Manion case? Well, I never told you the whole story.”

Parnell looked up. “You mean . . . ?”

Biegler smiled. “Alphonse, a club soda. Make it a double.”
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AS DEPUTY DISTRICT ATTORNEY Dan Link prepares to take over as president of the San Diego County Bar Association, he remains committed to the core values that brought him into the practice of law: civility, professionalism and an unwavering respect for and connection to other attorneys and the practice. A vigorous advocate for his clients, Dan is a challenging adversary who revels in a good battle in the courtroom. Yet after a case is settled, he is sure to shake hands with opposing counsel and buy them a drink, as he would a good friend. He has learned that for him, success as an attorney is not measured by his case results but by his demonstration of respect for his clients, adversaries and the justice system. “As lawyers, it is important for us to remember why we are a part of this profession,” Dan says. “The practice of law is not having our noses buried in our BlackBerries, or staying walled up in our offices typing e-mails. Our profession is about helping people—connecting with our clients and with one another to ensure justice is served.”

When Dan ascends to the presidency of the San Diego County Bar Association (SDCBA) at the age of 35, he will be the youngest president in the 110-year history of the association. As the youngest president, he brings vigor and energy to the challenging year ahead. This rings true when you speak with Dan, who places a strong emphasis on the importance of communication and building interpersonal relationships among attorneys. (He put his BlackBerry on silent during our interview.)

Dan is a rare breed: a true native of San Diego, born in Del Cerro in 1975 to Fred and Roxi Link. He has two sisters, both teachers in San Diego. His father, Judge Frederic Link, is a prominent, well-respected San Diego Superior Court judge who worked as a defense attorney prior to his election to the bench. Dan is quick to say he chose to become an attorney after deciding it would be a great career that would allow him to do good and help people. He is just as quick to highlight the positive influence his father had in helping him...
find his career as an attorney, and how much he enjoys their dialogue on our justice system and San Diego’s ever-expanding legal community.

His mother, originally from Chicago, moved to Los Angeles to attend high school. She later came to San Diego, where she earned a master’s degree in speech therapy at San Diego State University and met his father.

Dan attended Patrick Henry High School, and after graduating, he moved to Los Angeles for college, earning his undergraduate degree in 1997 from the University of California, Los Angeles. There, he studied political science and played on the varsity water polo team. After completing his undergraduate studies and a short summer stint in Greece, where he attended a program sponsored by Tulane Law School, Dan attended the University of San Diego School of Law, earning his Juris Doctorate in 2000.

Water polo is still a constant in Dan’s life, and he regularly participates in a water polo Masters League.

“There are a lot of similarities in water polo and my profession,” says Dan. “You can go in and beat the heck out of one another in the pool, but when the game is over, you all shake hands and realize you have a love for the same sport.”

Dan is married to another native San Diegan, Nicole Link, an executive sales specialist with Teva Neuroscience. They recently welcomed their first child, Kendall (also a native San Diegan). “Kendall doesn’t have a job yet, but she needs to get one soon,” says Dan with a laugh.

The summer between his second and third year in law school, in 1999, Dan interned with the San Diego district attorney’s office. He credits this internship with creating his career path.

“Habitat for Humanity
Buddy Bowl

PRESIDENTIAL
musings

Favorite book? Anything I read to my newborn baby girl.

Favorite quote? “Life is not a dress rehearsal.”

Most difficult challenge you faced? Finding the time to do everything that is important in life.

Proudest moment of your legal career? Trying my first murder case just three years into being a D.A.

Most exotic place you have been? It’s a tossup between Angkor Wat, Cambodia and the Croatian Islands.

If you had one wish, what would it be? That my baby girl grows up healthy and well-adjusted.

Person you most admire? My wife (and my parents).

What do you most value in a leader? Focus and humility.

What quality do you most like in a person? Sense of humor and not taking life too seriously.

Favorite pastimes? Anything athletic, specifically water polo. And winning on game shows.

Favorite restaurant? My wife is an excellent cook, so I enjoy eating at home. But I also enjoy trying new places. My current favorites are Cucina Urbana and Farmhouse Café.

Favorite place to go with your family in San Diego? Breakfast at the beach.

Person you would most like to have dinner with? Will Farrell. Or the Rat Pack.

and learned so much under their guidance. They really helped to shape me as a professional, teaching me how to be both passionate and effective.”

Through that fateful internship, Dan had the opportunity to try a full felony trial. It was a shining moment in his early legal career, and one that brought together his interest in litigation and his enthusiasm for helping people.

Eleven years later, Dan works as a senior deputy district attorney in the Family Protection Unit, where he is responsible for cases involving child molestation, domestic violence and elder abuse. The passion for helping people that drove him to become a prosecutor burns brightly to this day.

“My job is not just about bringing criminals to justice,” says Dan. “It is also about helping victims, during intense and stressful times in their lives, and helping them put the proverbial pieces of their lives together again. Of course there is satisfaction in seeing a criminal rightfully convicted . . . but there is also satisfaction in seeing a victim get their life back.”

Dan’s passion carries over into the many
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Gary Perl, Partner
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Q&A with Dan Link

San Diego Lawyer: What is the most meaningful case you have ever worked on?

Dan Link: In the first three years of my career with the district attorney’s office, I had an “Aha” moment. I was able to get a domestic violence victim to realize she was being abused. I helped her get counseling and to change her life. She finally decided to break the cycle of abuse.

SDL: What is something most people don’t know about you?

Link: That my wife, a former UCSD track star, can run faster than I can. We started running together a number of years ago. Being competitive by nature, I decided to show her a thing or two, and midway through our run, I took off. The next thing I knew, she blew past me and left me in the dust. I realized that day that I’d better be nice to her, because if I tick her off, I can’t get away from her.

SDL: Tell us about one of the many programs you would like to implement during your presidency.

Link: There is too much drunk driving, cyber-bullying and inappropriate sexual activity among today’s youth. The SDCBA has been working on a Bar/Bench program to help educate kids about the risks with these dangerous activities. This program will help to teach kids about life’s lessons, and we hope to have it in place by summer of 2011.

ways he works to serve the San Diego community. Aside from the lectures, presentations and trial advocacy courses he has taught, he takes an active part in community service programs. In 2008, Dan was a leader with Project Lead, a 10-week law-related program directed at teaching fifth graders throughout the San Diego area to recognize the social and legal consequences of criminal behavior. Each year, Dan and a team of attorneys from the D.A.’s office, along with civil attorneys, participate in the Buddy Bowl, a flag football tournament dedicated to raising money for military, law enforcement and children’s charities. He regularly leads and participates in a number of service programs, including Habitat for Humanity and Project FaceLift.

He also spearheads the Adopt-a-Family program, which allows law firms, individuals and legal organizations each holiday season to “adopt” a family down on their luck and help to ensure they have a happy holiday. Recognizing that through his connection to the Bar Association, more families could be assisted, Dan created a partnership for this program between the D.A.’s office and the SDCBA; under his leadership, the program now reaches twice as many families.

Dan’s steadfast determination to excellence has earned him a solid reputation among his peers. His honors include being chosen Top Young Attorney by the San Diego Daily Transcript, Order of the Barristers Award (for excellence in trial advocacy) and the San Diego County Bar Association Community Service Award. He was recently honored as one of San Diego Metropolitan magazine’s 40 Under 40, an annual award that recognizes 40 leaders in our community under age 40.

His dedication to professionalism and his commitment to community service are two themes he hopes to merge to build a foundation for his presidency. This year, Dan plans to focus on building connections and fostering relationships among SDCBA members, the judiciary and the community at large.

“Sometimes you have to get away from your computer and telephone, stop working e-mail to e-mail. Get out and meet with other attorneys, meet with your clients. Don’t lose that human connection and true understanding of their needs,” he says.

“Technology, particularly social media, have changed our profession, in some ways, for the better. But I do have this fear that in 15 years, lawyers will never leave their offices—or home offices—to interact with one another. The friendly relationships we have with our adversaries form the foundation of this profession, and I hope that’s something we never lose.”

One way Dan proposes to help achieve his goal of more interaction is to host more Bench and Bar initiatives, such as the recent inaugural Bench Bar luncheon. At the event, a judge was assigned to each table so attorneys would have the opportunity to interact with members of the judiciary. Other ideas Dan is working on include specific CLE programs that will focus on networking, how to keep your clients and maintaining their trust level.

Asked how he plans to lead the SDCBA, Dan replies, “The SDCBA is in great shape. I truly believe that our members are the best in the profession, and I am proud to be able to work with such dynamic and talented attorneys. I know there will be challenges along the way, but I am looking forward to connecting with new friends and colleagues and discovering new opportunities for our association.”

The SDCBA is pleased to welcome Dan and looks forward to the year ahead, influenced by his vigor and enthusiasm.
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BY ARIN REEVES, PH.D.

BY NOW, YOU HAVE PROBABLY read about this topic, discussed it, perhaps added your own perspectives to the ongoing dialogue. You may have even wondered why this topic is garnering so much attention these days. Haven’t there always been different generations in the workplace, with differences between them? As George Orwell noted on this issue almost a century ago, “Each generation imagines itself to be more intelligent than the one that went before it, and wiser than the one that comes after it.” Has the idea of generational differences changed, and does it warrant more attention today than in previous years?

There have, indeed, always been different generations in the workplace, and they haven’t always agreed on much there. However, the number of generations coexisting on the job today—and the way they disagree—has definitely made the management of generational issues a greater challenge than ever before, demanding sophisticated leadership skills.

In the late 1970s, the workplace comprised three major groups: the Silent Generation (born between 1900 and 1927, 23.6 percent), the Traditionalists (1927-1947, 39.6 percent) and the Baby Boomers (1947-1965, 36.4 percent). These groups occupied their expected rungs in occupational hierarchies, with upward movement linked to length of time served and power defined through formal roles and titles. Managing these three generations at work was usually quite simple, because disagreements were contained within a strict hierarchy. The Baby Boomers might have thought the Silent Generation was dead wrong, but they would not have dared say so, at least not directly. If and when cross-generational communication conflicts arose, they would have been quickly dismissed as the natural friction of one generation fighting for authority as another slowly releases it through expected retirement.

In contrast, today’s complex workplace may have anywhere from three to five generations coexisting. We still have the Silent Generation (the youngest, in their early 80s, are a very small percentage of many workplaces but are most visible in professions like academia, law, politics and finance), the Traditionalists (about 8 percent) and the Baby Boomers (39.9 percent). We now also have Generation X (born between 1965 and 1981, 35 percent) and Generation Y/Millenials (1981-1999, 16 percent).

Five generations and a brand-new work arena. Traditional hierarchical rungs have...
been made obsolete as modern technology creates new entrepreneurial and other opportunities, while medical advances have allowed many Silent Generationers and Baby Boomers to delay their retirements by up to 20 years.

With more generations in a rapidly changing workplace, the structure and substance of their differences have shifted dramatically to include not just the content of disagreements but the communication modes through which they are expressed. Variances between expectations of the workplace, perspectives on work-life balance and the prioritization of certain values over others are nothing new, but they are magnified and exacerbated by the differences in choosing in-person meetings, telephone conversations, e-mails, texts or other social media as the primary method of expression.

For example, if a Baby Boomer and a Gen Y disagree about what should be valued in the workplace, the Baby Boomer will try to express his opinion through in-person meetings or telephone calls, while the Gen Y will attempt to e-mail or blog her perspectives. (Other inclusion issues such as gender, racial/ethnic and sexual orientation diversity add additional layers to this conversation, which will not be explored in this article.) Although disagreements in 2010 may be similar to those in 1970, people in the workplace were more likely to speak the same communication language in 1970.

What does this mean for leaders who realize the necessity for closing these communication gaps to create stronger organizations that leverage the differences for strength instead of attempting to survive by avoiding the generational fault lines? Baby Boomers in leadership positions may be tempted to lead from the perspective by which they were led (hierarchy, organizational loyalty, compensation as feedback and a “live to work” value), but they need to look beyond their own points of view to consider how Gen X and Gen Y want to be led (flat/team models, independence over loyalty and a “work to live” value where compensation is a means, not an end). Leaders should create and sustain workplace cultures that allow these different (and sometimes conflicting) values to coexist, not compete. The variances in both the content and the expression of these different values should be leveraged to deliver better results.

Three Key Leadership Strategies

1. Address the topic of generational differences directly and explicitly. Deliver a clear message that these differences are to be respected and leveraged, not debated and resolved. Create opportunities for productive dialogue and encourage the creation of cross-generational teams to work through strategic or administrative concerns.

2. Refine feedback and evaluation processes to focus on results, not process. Set a nonnegotiable standard for excellence regarding results, but nudge the Baby Boomers to not micromanage the process. Gen X and Gen Y may do it very differently than Baby Boomers, but they will arrive at the same or even better results if their process is not constrained to Baby Boomer preferences.

3. Create alternative paths to success, and allow for individualized compensation packages. Again, the bottom line of success can be the same, but the ability to personalize a career path and compensation package will get you more loyalty from Gen X and Gen Y than merely increasing compensation.

The generational gaps exist, but their ability to be bridged through effective leadership—or widened through neglect—is a choice that divides the workplaces that are moving forward from ones that are standing still.

Dr. Arin Reeves (arin@nextions.com) is president of the newly formed consulting firm Nextions.
The vast majority of lawyers in San Diego graduated from law school here or in other parts of the United States. However, a handful grew up abroad, where they also received their law degrees. What’s it like to transition from practicing law in another country? We asked five lawyers from England, South Africa, Mexico, India and Canada. EDITED BY C.J. MODY AND ANNIKA RAKOWITSCH

THE PORTABLE DEGREE

PAUL GREENWOOD
Country: England
Law school: Leeds
University Current position: Deputy District Attorney and head of the Elder Abuse Prosecution Unit
Arrival in San Diego: 1991

TESSA HEUNIS
Country: South Africa
Law school: University of Cape Town
Current position: San Diego Deputy City Attorney
Arrival in San Diego: 2006

MICHAEL VACHON
Country: Canada
Law school: University of Victoria; LL.M. in business and corporate law from the University of San Diego
Current position: Solo practitioner
Arrival in San Diego: 2000

LILIANA MENZIE
Country: Mexico
Law school: Universidad Panamericana in Guadalajara; LL.M. in comparative law from the University of San Diego
Current position: Associate at Procopio, Cory, Hargreaves & Savitch
Arrival in San Diego: 2000

Tessa Heunis
Country: South Africa
Law school: University of Cape Town
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Country: South Africa
Law school: University of Cape Town
Current position: San Diego Deputy City Attorney
Arrival in San Diego: 2006
San Diego Lawyer: Why did you choose San Diego?

Paul Greenwood: My wife and I have been married for 32 years, and San Diego is her hometown. When we were living in England, my wife missed the blue skies of San Diego.

Tessa Heunis: Because it was one of the few U.S. cities I had experienced, and because it was so much like Cape Town. I instantly felt at home here, geographically speaking.

Liliana Menzie: I came to do an internship with Procopio, Cory, Hargreaves & Savitch. Initially, I was only going to be here for a few months under a program sponsored by the American Bar Association, but I ended up studying at the University of San Diego the following year.

SDL: After graduation, did you practice in your country, and if so, what type of law did you practice?

Greenwood: After I graduated, I went to Kenya for two years as a volunteer teacher. At that time I did not want to become a lawyer. Upon my return I worked at an international airport for a year and then resumed legal studies in 1978. In 1980, I started my legal career in England in family, probate and real estate law, then realized this was no fun and switched to criminal law. I devoted the majority of my practice to criminal defense work, although one day a week I became a prosecutor agent for the Crown Prosecution Service.

Heunis: I decided that I really did not enjoy practicing law at all and decided to try prosecuting as a last resort before changing careers. Eighteen years later, I am still a prosecutor and loving every moment.

SDL: Did law school and your practice prepare you for work as a lawyer in San Diego?

Greenwood: 25 percent.

Lavanya Ramachandra: About 60 percent, which was unusually high.

Michael Vachon: Slightly over 50 percent.

SDL: Did men and women have the same employment opportunities after law school?

Heunis: I believe there was both a gender and racial bar to employment and advancement at that time.

Ramachandra: This is a difficult question to answer “yes” or “no.” I personally did not experience any difficulty in getting a job because of my gender, but as a broad statement, I think the legal profession in India does show a bias against women when it comes to hiring and advancement. There is a common perception that women are more likely to prioritize their family and will therefore be unable to put in long hours or travel for work. When giving bonuses or raises, factors such as “A man needs it more because he has to support a family” are sometimes considered.

SDL: Did law school and your practice prepare you for work as a lawyer in San Diego?

Heunis: Despite the fact that I never learned anything about the actual practice of law that could have helped me here, I think all law schools teach you how to think and apply or argue the law, regardless of what that law is. Law school used to frustrate me as being esoteric without any practical application, but now I appreciate what it taught me.

Menzie: Yes. Although some classes focused more on the theory and concepts of the law, most classes toward the end of my studies were more practical. Mexico is a civil law country, so we study statutes that are drafted based on many practical legal scenarios.

Ramachandra: Both India and the United States are common law legal systems. This commonality made it possible for me to quickly adapt to practice in the United States. When I started to work in Los Angeles as a first-year associate, I found I had an edge over other first-year attorneys. I was familiar with, and had no difficulty in, making court appearances, drafting pleadings or motions or arguing motions in court.

Vachon: Law school in Canada prepared me very well for practice in San Diego in some ways, not so well in others. The University of Victoria is an intellectually rigorous school that emphasizes policy considerations and how different interests shape the law. However, the University of Victoria didn’t prepare me as well for the dog-eat-dog nature of litigation in California. Here, attorneys are less concerned with their reputations, less concerned with ethical and professional issues, less courteous and more aggressive.

SDL: How difficult was the California Bar? Did you have to pass a bar exam in your country?

Heunis: In South Africa, you could practice law in certain circumstances without taking the bar exam, including practicing as a prosecutor or in-house corporate counsel. I was one of the few prosecutors who took the South African Bar Exam, and subsequently also the California Bar Exam. The law was completely different from South African law, and certainly from anything I’d ever done, so it was a matter of hard work and getting to know the foreign terms and concepts.

Menzie: It was very difficult, not only learning new concepts under different subjects but also learning the bar exam techniques and how to manage the time and stress of sitting for the exam. As a foreigner, you also have to know the English language extremely well, because of the terms and the time constraints of the exam. I did not have to take a bar exam in Mexico, because my law school has a system where you chose a topic or problem and develop a thesis during your last year of law school. A mentor works with you during the year, and once your thesis is completed you go through an oral examination before a panel of three law school professors.

Vachon: At first, the California Bar rejected my application to sit for the bar exam. I had
are a little different. My impression is that it is significantly harder to get into law school in Canada—there are only about a dozen—but once you get in and finish the program, practically everybody passes the bar exam.

**SDL:** What challenges, if any, did you have in finding work in San Diego?

**Greenwood:** I found work within three days of arriving in San Diego in 1991. If you are prepared to do absolutely anything and get out and about, San Diego is a very welcoming city. I was very fortunate to be hired by the D.A.’s office in 1993.

**Menzie:** I was able to return to Procopio after completing my LL.M., so after studying full time for a year I went back to work and have never been unemployed. I was also very lucky to be in a law firm that has a very unique international tax practice, where my background was a good fit for the international tax team.

**Ramachandra:** In my opinion a lot of jobs in San Diego are not advertised, so networking is very important. As an outsider with no connections in San Diego, I had to work hard to find a job. There are many useful resources, but it takes time to find them.

**SDL:** How easy or difficult was the transition to practicing law in San Diego?

**Greenwood:** Making the transition takes time. Even after 19 years there are some obstacles. But overall, San Diego lawyers and judges have been very kind and welcoming.

**Heunis:** I had worked for one huge institution—the National Prosecuting Authority—in a small legal community in Cape Town for 18 years and pretty much knew my way around both the people and the system. Everything I’ve done here has required a rethink, from prosecuting misdemeanors before juries to the limited civil litigation I’ve subsequently become involved in. Sometimes I get confused as to where I am and, on at least two occasions, have stood up in court and announced that I’m appearing on behalf of the city of Cape Town!

**SDL:** What are some differences between the practice of law in your country and here?

**Greenwood:** The biggest difference is the atmosphere in the courtroom. It is so much more informal here in San Diego. There are no robes or wigs, no bowing to the judge. I
was also shocked that jurors do not have their own entrance to the courtroom and that during a break in the proceedings jurors sit on the same bench outside the court together with witnesses and even the defendant. I think we need to change that.

Heunis: It seems to me that there is much more of a “zero tolerance” attitude to crime here, plus far less flexibility in sentencing. In South Africa, virtually every sentence is individualized—the sentence must fit both the criminal and the crime—which doesn’t seem to be the case here. Also, South Africa’s legal system was formed by and based on the English legal system and is a lot more formal, in many respects.

Ramachandran: India has a quasi-federal system with a unified judiciary. The judiciary is a multitiered system with the Supreme Court of India at the apex. An interesting feature is that states in India are divided on a linguistic basis, because the spoken language in each state is different. This difference also seeps into the judiciary, because often oral arguments in district courts, or title documents, contracts or witness statements, are in the native language spoken in that state. So if you moved from one state to another in India, you would have to learn a new language rather than new statutory provisions.

Greenwood: It is a wonderful opportunity to be able to work as a lawyer in different cultures. I have sat in a courtroom in London, San Diego and Kenya; I have traveled to Singapore, India, Colombia and many parts of Europe. The more we open ourselves up to other legal systems, the more we learn, and the more we appreciate what we have in the USA. We should never stop learning about comparative legal systems.

Heunis: Although I had no language barrier to overcome, it still somehow does seem that everyone is speaking a common language from which you're excluded. From the sports idioms and references, to the use of imperial/metric measures, to cultural references, to references to school days—it’s all initially foreign. In many ways, it’s hard starting all over again in a foreign country, but in other ways, it has been a blast. For a long while now, virtually everything I’ve done has had a novelty value that will take some time to wear off completely. I also don’t take anything for granted, including having the opportunity to live and work here in this amazing country.

Vachon: A little while ago I talked to an “oldtimer” who told me that as recently as 20 years ago, opposing attorneys used to sit down together and objectively talk about the merits of their parties’ respective claims, in the interest of reaching a quick and efficient solution. Many of today’s attorneys seem to feel it is their obligation to always disagree with their opponent on every issue. Sometimes I feel like I received a legal education from an earlier, more courteous era, even though I don’t have the gray hair usually associated with people who remember the practice of law being conducted another way.

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SAN DIEGO’S FEDERAL courthouse was the scene this year of a faceoff between Republican-allied plaintiffs and the city of San Diego over alleged unconstitutional provisions in the city’s campaign finance law. Preliminary rulings in Thalheimer v. City of San Diego et. al. significantly changed the dynamics of November’s general election, opening the floodgates on spending in city candidate races. Acting on a preliminary injunction motion earlier this year, U.S. District Court Judge Irma Gonzalez temporarily enjoined the city from enforcing certain provisions of its law, lifting—for now—longstanding limits on how much can be spent to influence city candidate elections and who can spend it.

San Diego’s case mirrored and followed similar developments before the U.S. Supreme Court, where a slim majority in January threw out nearly 100 years of campaign-finance jurisprudence in the Citizens United v. Federal Election Commission decision and ruled that corporations have a First Amendment right to fund political speech regarding federal candidates. The impact of both decisions: unprecedented expenditures by corporations, unions and other entities to influence this year’s elections.

The Thalheimer case gave locals a rare opportunity to see nationally prominent election lawyers in action. Attorneys for the plaintiffs included Joe La Rue, who practices in Terre Haute, Indiana, with James Bopp Jr. Bopp is an election law attorney who represented plaintiffs in Citizens United and convinced the Supreme Court to rule that nonindividuals may spend independently to promote federal candidates. This summer, La Rue represented pro-life, anti-tax plaintiffs seeking to overturn the Minnesota disclosure law that revealed Target stores donated to a political group favoring an anti-gay candidate for governor. The contribution brought intense adverse pressure...
from gay rights activists and liberals and prompted Target to reevaluate its contribution policies.

On deck for the city in the Thalheimer case were local attorney Dick Semerdjian, of Schwartz Semerdjian Ballard & Cauley, and Professor Richard Hasen of Loyola Law School. Semerdjian previously represented the city of Solana Beach in litigation over a ballot measure. Hasen is co-author of a prominent casebook on election law and edits the quarterly Election Law Journal.

Following are excerpts from a February 1, 2010, hearing before Judge Gonzalez on plaintiffs’ request for a preliminary injunction barring San Diego from enforcing five campaign law provisions. Note: Excerpts are not strictly in chronological order because plaintiffs made opening arguments on all topics before the defendant replied.

Test for Granting a Preliminary Injunction

The Court: . . . I have some concern that we are only at the preliminary injunction stage, and I think the defendant raises in its paper that we haven’t had the benefit of . . . any evidence in the case and of a record being completed . . .

La Rue: . . . [T]he plaintiffs have presented questions of law, not questions of fact. At the preliminary-injunction stage, the plaintiffs have to show that they’re likely to succeed on the merits, and if they can make that showing . . . the other parts of the preliminary-injunction test are presumed . . . Irreparable harm is presumed any time First Amendment rights are infringed on . . .

The Court: . . . [S]o basically, the biggest question in this case is whether the plaintiffs are likely to prevail on the merits . . . But isn’t it a question of fact as to whether the $500 limit for contributions is too low?

Semerdjian: With all due respect to the plaintiffs and to Mr. La Rue, he has indicated the wrong standard in which to grant a preliminary injunction at this stage . . . [Winter vs. National Resources Defense Council] established four standards, four tests, which need to be met by the plaintiff in order to obtain this extraordinary or drastic relief. The burden is high . . . What the Supreme Court tells us . . . is that a full and detailed factual record must be required. In fact, the Ninth Circuit . . . stressed that factual findings are needed before taking a drastic step such as the grant of a preliminary injunction . . .

The City’s $500 Limit on Contributions to Candidates and Committees

La Rue: We don’t dispute that San Diego has an anti-corruption interest. That isn’t disputed in this case. The question is: Is a $500 limit closely drawn to the interest? In view of the fact that the Ethics Commission has said a much higher limit would suffice, the plaintiffs assert that it’s not.

The Court: That’s really what you’re hanging your hat on. Correct?

La Rue: Well, we also hang our hat on the fact that this limit is significantly lower than any limit that’s previously been upheld by the Supreme Court . . .

The Court: Okay. Let’s talk about, then, expenditures by committees.

La Rue: . . . [The Election Campaign Control Ordinance] limits the amount of money that independent expenditure committees can raise, because it imposes a $500 contribution limit on individuals and it completely bans contributions from organization entities to independent expenditure committees . . . My plaintiffs can make as much independent expenditures as they want to, if they do it by themselves, but the minute they contribute to a committee, they’re bound by the $500 contribution limit . . . The United States Supreme Court in its recent Citizens United decision said, “We now conclude that independent expenditures pose no risk of corruption, and if there’s no risk of corruption to independent expenditures, it doesn’t make sense that we could limit the amount of money that people can contribute to committees that make independent expenditures.” . . .

Hasen: . . . If this court issues a preliminary injunction, starts striking these things down, and people are giving six-, seven-figure donations to people running for city council and giving very large contributions to fund inde-
speech and to do so robustly . . . and . . . the Supreme Court said that the First Amendment simply cannot tolerate restrictions upon candidates’ freedom to speak . . . on behalf of their candidacies, and so what this law does is impose a legislative limit . . . [T]he city has not explained how a contribution given prior to 12 months could be more corrupting than one given within the 12-month window . . . The Supreme Court in the Citizens United case rejected the appearance of influence as being equivalent to corruption or the appearance of corruption . . . The Supreme Court said . . . that the appearance of influence or access will not cause the electorate to lose faith in our democracy, and the court went on to say, reliance on a generic favoritism or influence theory is at odds with First Amendment analysis . . . The Court went on to say that corruption and fraud laws can be enacted . . . [I]f an official does act corruptly, you can deal with that, but the fact that one might have access to a politician or influence with a politician is not sufficient to conclude that the politician will act corruptly . . .

The Court: Anything else about that issue?
La Rue: Just one more, Your Honor . . . The city established contribution limits to curb corruption and the appearance of corruption, and that is the proper way . . . put limits in place, put constitutional limits in place . . . then it really doesn’t matter whether that contribution takes place a year before the election or two years before . . . The contribution limit itself deals with the corruption problem.

Hasen: . . . Let me turn to the temporal limitations. . . . The question is not “Can I give $500?” The question is “When can I give $500?” The city has made its determination that such limitations are necessary to prevent corruption and the appearance of corruption by preventing contributors seeking to curry favor with elected officials and candidates at a time when the contribution is least likely to be used to support the efforts to elect the candidate for office. So, as Your Honor suggested, when a business interest or a labor union gets people involved in these groups to start giving contributions three or four years before the next election, it must be an attempt to curry favor with the elected official or try and influence the challenger who’s out there, and not really to try to effectuate the election of this person for office again . . . Mr. La Rue said that this law can’t be justified based on the time, place and manner restrictions because it’s a direct limitation on speech. It’s not a direct limitation. You can still give your $500. It just times it in a way to prevent corruption and the appearance of corruption . . .

The Court: And so the bottom line from the city’s point of view is that none of the challenges in this case involve expenditures. They all involve contributions, whether it be contributions by an individual or . . . nonhumans, and that the time limit is really just a time limit on those contributions, correct?

Hasen: That’s absolutely correct, Your Honor. Not one of these challenges involve as pending limit . . .

La Rue: . . . We believe it’s an expenditure ban, . . . contribution bans to these types of committees serve as expenditure bans. They limit the amount of money a committee can spend.

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Postscript
In April, Judge Gonzalez granted the Thalheimer plaintiffs a preliminary injunction on some but not all of their claims. Acknowledging these rulings, the City Ethics Commission in July voted unanimously to not enforce source and amount restrictions on committees that make independent expenditures. The commission also decided that as long as there is a $1,000 contribution limit in place for political party contributions, the city’s ordinance imposing a lesser limit will not be enforced.

The city’s appeal of the preliminary rulings in the Thalheimer case was scheduled for an October hearing before the Ninth Circuit Court of Appeal.
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JUSTICE JOINED:
ACTING ATTICUS,
LIVING THE LAW

A lawyer/actor’s adventures playing Atticus Finch on the 50th anniversary of *To Kill a Mockingbird*

By Wilson Schooley
“Life’s greatest gift to me is my children, and my greatest gift to them is pure childhood—open and free enough so they can live in that magical world of imagination and wonder.”

—Wilson Schooley

IF YOU ARE LIKE MOST PEOPLE born in this country (or even in others) in the last 50 years, you have your own special relationship with *To Kill a Mockingbird*. The resonance this story has for so many is remarkable. It is one of those uncommon creations that reaches right into our beating hearts, regardless of race, faith, politics or education. It makes each of us feel something so personal, so intimate and yet profoundly universal.

This is one of many truths I learned playing Atticus Finch in a 50th-anniversary production of the play this year. It seemed almost everyone who heard I was cast as Atticus told me: “*To Kill a Mockingbird* is my favorite book (or film) of all time!”

What is it about this story? I think *Mockingbird* drills directly, lovingly, deeply into the loveliest moments of our childhoods and sings to the soul of our best selves. Even if we had hard-knock boyhoods or girlhoods, there were still some breathtaking, honeyed moments when we felt wonder, love, discovery and the magic camaraderie of children. *Mockingbird* remembers those moments for us and brings them back to the surface—makes them alive again, right now. Almost as poignantly, it makes us feel, very viscerally, the primal heartbreak of injustice and the heartbreaking honor of people who fight against insurmountable odds to make it right.

Acting Atticus, I traveled an aerial arc from my childhood to my children’s and back to my parents. As a father, I felt an unabated arterial flow from Atticus to Scout and Jem to my own mighty love for my children. It whispers in my ear the truth I know: Life’s greatest gift to me is my children, and my greatest gift to them is a pure childhood—open and free enough so they can live in that magical world of imagination and wonder, yet protected and directed enough to prepare them to be responsible, hon-
orrible, loving adults. Exactly what Atticus tried to do. Nearly every line of the play rings with the beauty of his effort, and so brings water to my eyes.

I love Atticus’ thought in the book when, challenged by his brother about how he lets strong-willed Scout be herself, he says, “She minds me as well as she can. Doesn’t come up to scratch half the time, but she tries.” His brother responds, “That’s not the answer.” Atticus answers: “No, the answer is she knows I know she tries. That’s what makes the difference.”

The play has also been a path to reawaken, cherish and mourn my own childhood—the singular world in which I lived with my parents, a world no one else knew and now, with their death, no one but me retains in memory. Full of crystal-clear moments and small treasures, like those in the jumble of marbles and memories in the exquisite opening credits of the *Mockingbird* film, it has a deep and abiding power.

This story sings the song of my heart’s greatest public passion: equal justice, civil and human rights, the cause of the disadvantaged and discriminated against. Apart from children, nothing moves me more. As Jem and Scout’s childhood was in many ways defined by the Tom Robinson case, mine was indelibly marked by Martin Luther King Jr., Malcolm X, the Freedom Rides and civil rights movement. The compelling power and righteousness—the moral imperative—of that struggle fueled my journey to law school, into the legal profession and finally to the work I’ve been doing for a dozen years, representing the indigent accused on appeal.

As an actor, this production reenergized me. I had not done a play in almost four years. I felt rusty and both eager and leery about acting again. Atticus changed me as an actor. Because of the nature of this mighty story and how much it speaks to me personally, I connected with the character instantly and deeply and felt a moral and emotional obligation to pour myself into bringing him to life on stage. That connection and commitment, combined with very special, visceral performances from other actors in the ensemble, put me in touch with chords of an actor’s “voice” I had never before fully understood. It empowered me because of that experience itself—of finding my way deep into the heart of Atticus and finding real connections between him and other actors living on that stage with me—and because of the resulting response from audiences.

I’ve been well-reviewed and awarded as an actor before. But I’ve never received anything like the reaction I got to Atticus. People approached afterward, trembling and in tears, and told me I moved them, shook them, touched their hearts deeply. The reactions give me confidence I’ve not felt before—a faith that I can bring emotional resonance I didn’t know was in me; a conviction I can really act, not just perform: inhabit a character in a way that reaches audiences on a deep emotional level. I attribute much of that to Harper Lee’s pen rather than my performance, but
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it is nonetheless a powerful discovery that has changed my perception of myself as an actor and will change performances to come if I can hold on to what I learned.

Pulled from all of these lessons of *Mockingbird* is a theme of Atticus’ character: Throughout the story he is, over and over, talked about as a man who is “the same in town as he is at home.” There, surely, is a code for each of us to adopt: to be the same person—just, fair, honorable, honest and true—to everyone in every aspect of our lives. “Justice joined.” For Atticus, these are not just words; they are the blood in his veins. The most profound praise I received during the production was in a note from an actress in the play, who wrote: “Throughout this production, you have been Atticus both on stage and off.”

So much learned and so much gained, just personally, from those pages. How much greater is Harper’s gift to us all, as people and as a country. Fifty years after she put pen to paper and made *Mockingbird* magic, we have an African-American president. What does that mean for *Mockingbird*, its legacy and relevance? It means maybe, just maybe, Atticus’ effort was not so futile. (And maybe my losing that case over and over in every show, week after week, was not so hopeless.) It means, above all, that when the fight for equal justice seems over, we will understand that it is not. Not for those of us honored to have on our wall a license to serve justice. When justice seems either lost or won, the Atticus in each of us must remember that the battle continues, and that it is both our moral responsibility and our greatest reward to persevere as warriors for what is fair, equal and right.

Wilson Adam Schooley (waslawprose@cox.net) is managing partner at SchooleyLAW.

**Author’s Note**

I’ve been asked to take Atticus on the road! He’s going, incongruously, to the Ritz in Chicago, where the ABA has hired me to do his closing argument at its leadership meeting.
Thomas E. Sharkey, Esq.

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In November 1905, Vienna composer and conductor Gustav Mahler gave his friend of 30 years an autographed manuscript of one of his famous works, “Ich bin der Welt abhanden kommen” (“I Am Lost to the World”). The friend was famed musicologist Guido Adler, then a professor at the University of Vienna. In time, thanks to the Nazi occupation of Vienna and the looting of Jewish homes by German soldiers and officers, the manuscript itself (likely the draft orchestral score) became lost to the world—at least until 2000 and the legal fight waged by recently deceased local civil rights attorney Tom Adler.

Mahler was known for conducting—especially works by German composer Richard Wagner, 1813-1883—and composing, and his work was sentimental and popular in his day. He was 50 years old when he died in 1911, shortly after returning from a brief stint as the director of the New York Metropolitan Opera. He did not enjoy his time in the States. The manuscript was a gift for Adler’s 50th birthday. Adler, a founder of the systematic study of music, shared with Mahler an interest in Wagner and the emotional effects of music. He helped Mahler obtain the post of director of the Royal Hungarian Opera in Budapest in 1888. In 1941, Adler died at age 86 in Vienna. He had promised Mahler that he would never travel to the United States, and he kept that promise. His son—Tom Adler’s father—had made no such promise and fled with his family (including young Tom) to the USA after the Germans entered Austria in 1938.

Although Jewish, Guido Adler was allowed to stay in his home due to his age and reputation in the music world—and possibly due to the intervention of Wagner’s daughter-in-law; Wagner was a Hitler favorite, and his family were active supporters of Hitler. When Guido died, his library was secured by the Gestapo, and, with a prohibition against Jewish attorneys, the estate was overseen by Nazi attorney Richard Heiserer. According to Tom Adler, Heiserer opened Guido Adler’s safe and didn’t declare the Mahler manuscript on the probate schedule but hid it until his death in 1957, at which time it was passed down to his son.

In 2000, Tom Adler received an e-mail from an Austrian historian doing research on the life of Wagner’s daughter-in-law. Guido’s name had popped up in this research, and Tom Adler was the heir apparent. This caused Adler, by then retired from active practice, to go on his own hunt for the looted pieces of his grandfather’s library, which included a death mask of Beethoven and an original Beethoven manuscript. While planning a trip to Vienna, he e-mailed a music professor at the University of Vienna, who just four days prior had been contacted by the Austrian government. As it turned out, the original “I Am Lost to the World” score was in Sotheby’s possession for possible auction, which Sotheby’s was looking to sell at its London house to maximize the auction price. But first a release was needed from the federal government of Austria, which prohibited exportation of national treasures.

It was a miracle of timing. “The professor told them it was a national treasure,” said Adler. “I called Sotheby’s attorney in New York City and had a hold placed on it. After 90 years of being lost to the world, it started a long legal journey home.”

Adler and Anika Scott wrote a book about the manuscript’s journey, titled Lost to the World. It was a tough legal fight in Austria, explained Adler, noting his lack of any ability to conduct discovery, “no rules of evidence, the fact that in order to file a civil suit in Austria you have to post the full value of the item sought, which for all intents and purposes has made it impossible for Jews to get their property back.” Adler persevered and won the rights to ownership. He sold the manuscript in 2004 for $700,000. A percentage went to Heiserer’s son (as part of settlement terms to end any further appeals), the remainder was donated by Adler to charity, and the manuscript itself went to a New Yorker who conducts Mahler pieces.

Adler had just begun looking for his roots when some of his roots found him, starting and ending in Vienna.

George W. Brewster Jr. (sandbrew@aol.com) is a senior deputy county counsel with the Office of County Counsel.

Author’s Note
Tom Adler assisted in the research for this column, including suggestions for the first draft. He passed away on August 23, and a Celebration of Life was held at the SDCBA Bar Center on September 25.
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I certify that all information furnished is true and complete. Ellen Miller Sharp, Executive Director, San Diego County Bar Association.
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REACHING OUT
Beginning in January, San Diego Lawyer will publish the names of attorneys, judges and law students performing pro bono, in each issue of the magazine during 2011. Please e-mail martin@kruming.com with your name, affiliation (firm, agency, court, law school) and volunteer organization (only one). The information will be published in a raw data format, so please send only this information. Thank you, and happy holidays.
We would like to acknowledge and thank our sponsors for their generosity. A special thanks to Ali & Haida Mojdehi for the use of their home.
Golf Tournament
PHOTOGRAPHS BY SDCBA STAFF

Lawyers teed off at Riverwalk Golf Course in Mission Valley on October 11 during the SDCBA’s annual golf tournament.

Jenny Erdmann, Albert Lee
Randy Gust, Stephen Lowe

Law Student Reception
PHOTOGRAPHS BY SDCBA STAFF

Students from California Western, Thomas Jefferson and USD mingled with lawyers and judges during a September 30 reception at the SDCBA Bar Center.

Pat Hosey
Benita Ghura, Isabel Eustaquio
PHOTO GALLERY

Bench-Bar Luncheon
PHOTOGRAPHS BY LAUREN RADACK

The inaugural Bench-Bar Luncheon was presented by the San Diego County Bar Association and the San Diego Superior Court on October 13 at the Westgate Hotel.

Yvonne Sterling, Gregory Knoll, Claudia Garcia

Joanna Tsai, Jim Granby, Hugh Friedman

SDCBA President-Elect Dan Link, Hon. Melinda Lasater

Hon. Randa Trapp, Hon. Jeffrey Barton, Richard Huver

Hon. Joan Lewis, Vincent Bartolotta, Hon. Linda Quinn

Hon. Lisa Foster, Monty McIntyre

Hon. Melinda Lasater, Andrew Albert, Alex Maniscalco

Hilary Boyer, Stanley Bacinett, David Schulman

Hon. Polly Shamoon, Hon. Amalia Meza
Dialogue on Diversity
PHOTOGRAPHS BY ALICIA SANTISTEVAN

An overflow audience of lawyers, judges and law students attended the annual Dialogue on Diversity program at the SDCBA Bar Center.
Evening in La Jolla

PHOTOGRAPHS BY GATESPHOTOGRAPHY.COM

Ali and Haida Mojdehi hosted the San Diego County Bar Foundation’s gala event on October 2.
THE OFFICE OF JOHN WERTZ (jwertz@wertzmcdade.com), senior partner of Wertz McDade Wallace & Moot, whose clients have included three mayors and a city council member. Photo by Steve Silva (steve.silva@sdcourt.ca.gov) of the San Diego Superior Court.
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