Mock Trial:
An Inside Look at Justice

Plus
2012: A Year in Review
A History of San Diego County’s City Attorneys
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Photo by Lauren Radack

ON THE COVER
The annual Mock Trial Competition program brings together San Diego County high school students, attorneys and judges. Among those pictured here are Hon. Yvonne E. Campos (2013 co-chair), Hon. David H. Bartick (2013 Lead Scorer) and Attorney Mark Velasquez. Not pictured: Hon. Linda B. Quinn, (Ret.), 2013 co-chair.
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There is an old adage that character is how you act when no one else is looking. Something similar could be said about justice.

Twenty years ago, a man named Glenn Tinney confessed to the murder of a waterbed store owner in Mansfield, Ohio.

The resolution of the so-called “cold case” was big news for this small town, particularly because there was a hotly contested prosecutorial election in which the incumbent was running on a platform of cleaning up the city’s unsolved homicides.

The problem was that Tinney’s confession and the facts of the case did not add up. I was three months out of undergrad working as a reporter at the Mansfield News Journal when I broke this story. After interviewing the victim’s wife, police and Tinney himself, I wrote a series of articles questioning whether prosecutors had the right man.

I didn’t believe Tinney did it. The victim’s wife didn’t believe he did it. Even the police didn’t believe it. In fact, the police felt so strongly that Tinney was the wrong man, a detective on the force turned over the case to the Ohio Innocence Project.

The Innocence Project investigation found 65 inconsistencies between the facts of the case and Tinney’s confession, and a Mansfield judge ruled Tinney should be able to change his plea.

The prosecutor, still in office 20 years later, continues to defend the conviction. Despite acknowledging the fact that he would not retry the case, he appealed the judge’s ruling. The majority of the decision was upheld but the appellate court found the judge erred in not holding an evidentiary hearing.

Last September, I flew to Ohio to testify at the required hearing that would determine whether Tinney will be allowed to change his plea. A decision from the judge is pending.

It may be fair to ask why a man would confess to a murder he did not commit. Some say mental illness. Others say he was simply so institutionalized that he had no desire to live outside of prison. There may not be an answer.

For me, the question is much different: If the rule of law does not apply when no one is looking, why does it exist?

The Ohio Innocence Project — like other Innocence Projects around the country — continues to amaze me with its willingness to expose what goes on when others think no one is looking. They are not elected officials. They do not get paid handsomely.

It goes far beyond character. It’s about justice.
Congratulations!

Cary Miller, Esq.  Michael Roberts, Esq.

For information and scheduling, please contact Genevieve Kenizwald at Gen@adrservices.org or (619) 233-1323

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PRESIDENT’S PAGE BY MARCELLA McLAUGHLIN

The New Bar: Moving with You

It is hard to believe that 2013, a new year, is already well underway. And in this new year, a new era begins for the San Diego County Bar Association.

By now, I hope that many of you have had a chance to come see our new “home,” the Bar Center at 401, and to experience first-hand all that has changed to enhance what your Association can do for you. The Bar Center at 401 represents more than just a new address, it is a new day for the SDCBA and all of our 10,000 members, as we became more integrated into the fabric of San Diego’s business and legal communities and have more to offer legal practitioners than ever before.

The Bar Center at 401 is comprised of a large Conference Center, located on the first floor in suite 120, and an expansive working space for members, including an exclusive members-only lounge in suite 1100, conveniently located near our state and federal courthouses with ample parking nearby.

For the first time ever, we are able to live-stream our CLE programming via the internet, which means that you can attend SDCBA programs anywhere in the world that you have an internet connection, whether that be in your office, in a coffee shop, or on an airplane. This enhanced technology also allows us to share our unique programs with others interested in participating live throughout the world, anywhere there is an internet connection. While we can comfortably seat 200 in our conference center, we now have the capability to have as many members participate in a seminar or program as are interested.

In another “first” for the Association, the SDCBA has created an “office away from your office” for each of you. At the Bar Center at 401, you can meet with clients, opposing counsel, colleagues, mentors and mentees, in a private, comfortable and professional environment. SDCBA members are able to access our conference rooms, shared workspace, and member lounge, all equipped with free Wi-Fi access, and all meeting spaces are free of charge. As an added perk, we have also provided general office supplies, and you can make use of our copiers and printers as needed.

You can also reserve space for meetings or rent the entire SDCBA Conference Center for larger events. Our Section, Committee and Division meetings and smaller CLEs will be held at the Bar Center in suite 1100, in one of our larger conference rooms, equipped with large screen televisions and high-tech AV equipment.

We hope that you see the Bar Center at 401 as a place to connect with one another in the hub of San Diego’s legal community. Please stop by the Bar Center at 401 to explore all that our new home has to offer for you, and how together we can redefine how we work together as colleagues and as an Association.

While at this time of year many new year’s resolutions may have come and gone, please know that the SDCBA is resolute in continuing to “move” with you as your needs and the needs of our practice continue to grow and evolve.

Note: The Bar Center will be featured prominently in the next issue of San Diego Lawyer, but we invite you to come see our new headquarters in person at your convenience during our business hours (8 a.m. to 6 p.m.).
As an experienced former federal prosecutor and past member of Cooley LLP’s national litigation team, David adds considerable firepower to an already formidable trial team. Good for our clients. Bad for insurance companies and corporate defendants.

Welcome aboard, David.
Legal education is changing. That’s a good thing: the days of law schools disdaining practitioners are better left behind. Those of us who graduated from law school in the 1980s remember the days when there were no, or very few, legal clinics in which students could participate. Most law schools considered such actual practice experience to be less important than classroom instruction in legal doctrine.

Today, of course, legal clinics are commonplace. In fact, it would be difficult to find an ABA-accredited law school that doesn’t offer at least a clinic or two, along with a variety of internships or externships and other experiential opportunities for students. Nevertheless, it remains true that American law schools turn out students who, generally speaking, are poorly prepared for the practice of law. And that is why we should welcome change.

Some will claim that it is not possible to make lawyers out of college graduates in a mere three years. Certainly law schools cannot turn beginners into seasoned lawyers — there will never be a substitute for years of experience. But is it really impossible to teach students minimum competency — that is, practice competency, not exam competency — in one or two fundamental areas of practice, in three years of formal legal education? Surely we ought to try it, before we condemn supposedly more intellectual, theoretical priorities. Our intellectual snobbery can be truly amazing, for example when we trivialize the things we do not teach.

I have had it pointed out to me that we scarcely have time to teach students what color labels they should use for files. How can I reply to this? It should go without saying that practicing law is more than simply legal theory (which we teach) and color-coding (which we don’t, and shouldn’t).

For our students, however, legal education’s failures are becoming a very urgent issue. By now, everyone knows how difficult the employment market is for lawyers. More than ever, law school graduates need to be able immediately to do useful work for clients. Law firm clients, emboldened by the struggling economy of law practice, are leveraging their newfound pricing power to demand that the work of junior lawyers not be billed to the client. “Why should we pay to train your lawyers?” is the question. But within this is a larger, mostly unspoken question: Why does America tolerate law schools that don’t produce graduates competent to practice law? If we were designing a system of legal education from scratch, we surely would do better.

We have an opportunity, right now, to change for the better. Let’s make the most of it. Lawyers, be demanding of legal education. We need you to help us improve.

Niels Schaumann is President and Dean of California Western School of Law.
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Sarah knocked on Macbeth’s door. A young woman stood behind her.

“My friend, Fiona, has a problem.”

“Come in.” Macbeth gestured to the chairs by his desk. “Please, what’s on your mind?”

Fiona began, “I emailed my client, a trustee, a candid pre-litigation analysis. Strengths and weaknesses of an action the trustee was considering.”

Macbeth nodded.

“I marked the email ‘Attorney-client privilege/Attorney work product’.”

“Sounds like you did the right thing. What’s the problem?”

“My client forwarded my email to an officer at the bank that holds the trust assets.”

“Is the bank also a client?”

“No. That’s the problem. The trustee didn’t tell the bank officer to keep my memo confidential.”

“You assumed the trustee wouldn’t forward your evaluation without asking.”

“Of course. He’s a sophisticated professional.”

“No. Short story, it fell into the other side’s hands. I’m seeking a protective order to get it back.”

“And the lawyer?”

“Said he didn’t read it. But he claims any privilege was waived. In fact, a subject-matter waiver.”

“I see. So he met his Rico obligations. State or federal court?”

“Federal. Does it make a difference?”

“Well, there’s a recent case you should study. The court found a similar email attachment unquestionably privileged and protected work product.”

“Good.”

“But the court also said the protection had been waived.”

“Why?”

“No common interest between the client and the non-client to which the analysis had been forwarded.”

“Oh, good grief. What can I do?”

“Small comfort, but the court held the waiver for one email that was not a subject-matter waiver.”

“Small comfort indeed. Any suggestions?”

“You can argue that California’s work product protection is absolute…”

“Yes…”

“And you took every precaution to maintain the privilege.”

“Can I argue the trust shouldn’t suffer because the trustee’s an idiot?”

“With perhaps more diplomatic phrasing.”

Sarah interrupted. “With email being the almost universal mode of communication, how do we protect confidential client information … the attorney-client privilege?”

Macbeth sighed. “I’m afraid, as a recent State Bar opinion concludes, only with increasing care.”

Fiona asked, “If I had put ‘Do not forward,’ would I be in a better position?”

Macbeth took off his glasses. “You’d have taken an extra step to protect the confidential information. You’d have another argument. Would it make a difference to the court?” Macbeth shrugged. “We’re still sailing uncharted waters.”

EDITOR’S NOTE:

Edward McIntyre (emcintyre@swsslaw.com) is a partner at Solomon Ward Seidenwurm & Smith.

“With email being the almost universal mode of communication, how do we protect confidential client information … the attorney-client privilege?”
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A San Diego native, Tuari Newman Bigknife returned to his American Indian roots when he joined the Viejas Office of Legal Affairs in June 2007. A descendant of the Cherokee and Shawnee tribes in Oklahoma, Tuari now serves as the Attorney General for the Viejas Band of Kumeyaay Indians, as General Counsel for the Viejas Office of Legal Affairs and as Chief Legal Officer for Viejas Enterprises.

What drives you?
I have a highly competitive streak where I am constantly competing against myself to always be the best I can be. And I hate to lose. I hate any time I don’t feel like I have done my best. I always want to give everything I can to do the best I can do, no matter what it is I am doing. Despite being highly competitive, I also try to pass on to my team my philosophy of always doing your best so that as a team we can all strive to excel.

What did you find particularly challenging when you joined Viejas as in-house counsel?
I had previously been familiar with Indian law issues but did not have a lot of experience in that area. When I started, I had to learn pretty quickly what it takes to be an effective lawyer for the tribe. In this office you have to have a pretty broad base of knowledge and experience. To pass the Bar you need to have a glib understanding … and in this job, you need to have a glib understanding of a lot of areas of law. You need to be able to find the resources … having a good understanding of gaming is critical.

What types of issues do you handle on a daily basis?
Literally something different every day. I deal with a lot of gaming issues. Class 2 gaming issues, gaming regulatory act issues, minimum internal control standard issues, etc. I also handle all the employment issues for an organization with more than 1,600 employees, including labor union matters. I also serve as a manager of a limited liability company that the tribe is a majority owner of and that owns three radio stations, which recently closed on a new broadcast agreement with the Padres. It is a very broad range of practice areas.

What challenges do you see lying ahead for your organization and the Kumeyaay Indians as a group?
One of the biggest challenges is the image of the tribes from the outside (e.g., the non-American Indian’s image of the American Indian). This office deals with issues of tribal sovereignty as much as any office in any government. When it comes to defending tribal sovereignty and educating folks about what sovereignty means … the right to govern one’s land, to govern your people, the right to be respected and viewed as a tribe, it’s a constant challenge, a continual effort to protect tribal sovereignty.

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**Life Notes**

**Years in Practice:** 14
**College:** UC Irvine
**Law School:** UCLA

**Favorite Quote:** “Be more concerned with your character than your reputation, because your character is what you really are, while your reputation is merely what others think you are.” – John Wooden, former UCLA basketball coach

**Favorite Book:** *Fight Club* by Chuck Palahniuk

**Hobbies:** Music (and DJing)

---

**Quick Facts**

- Viejas Band of Kumeyaay Indians
- Viejas Tribal Office, 1 Viejas Grade Road, Alpine, CA 91901
- Population: 394
- Size: Approximately 1,600 acres
- Business: Viejas Casino, Viejas Outlet Center, Viejas Entertainment & Production, Borrego Springs Bank, Ma Tar Awa RV Park and Alpine Springs RV Park
- Employees: Approximately 1,600
- The Kumeyaay Indians were the original inhabitants of San Diego County, living in the region for more than 10,000 years.
- The Viejas Reservation is a federally recognized Indian reservation located near Alpine. The Viejas Band is headquartered in Alpine and is governed by a democratically elected council.
- The passage of the Gaming Regulatory Act in 1988 legalized gambling operations for federally recognized Indian tribes in the U.S. There are currently 460 Indian casinos in the U.S., with approximately 62 of them in California. San Diego currently has 12 Indian casinos.
- Indian casinos in the U.S. generate approximately $26.5 billion in annual revenue and provide more than 400,000 jobs.
- There are a total of 18 federally recognized Indian reservations in San Diego County — more than any other county in the U.S.
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On Writing

Keep it simple: Less really is more

USE PLAIN ENGLISH, NOT LEGALESE. You don’t have to sound like an 18th-century pleading to be a good legal writer. Avoid using words like “hereunder,” “hereafter,” “herewith,” “hereto,” “accordingly,” “notwithstanding,” “inasmuch” and “aforementioned.”

REPLACE CLUNKY PHRASES WITH SIMPLE WORDS. Use “about” instead of “with respect to” or “in reference to.” Use “after” instead of “subsequent to.” Use “before” instead of “prior to.” Use “near” instead of “in close proximity to.”

DON’T SPELL OUT NUMBERS AND PUT THE CORRESPONDING NUMERALS IN PARENTHESES. For example, you don’t need to say, “Defendants make three (3) lousy arguments.” Believe it or not, the judge can actually read the word “three” without the parenthetical.

Martin Buchanan (martinb@martinbuchan.com) is with the Law Offices of Martin N. Buchanan.

On Technology

BE CAREFUL OF THE DIFFERENCE BETWEEN DEMONSTRATIVE EVIDENCE AND SUBSTANTIVE EVIDENCE.

♦ Computer animations as demonstrative evidence are admissible if they are “a fair and accurate representation of the evidence.” Watch for prejudice issues: too light/dark, misleading speed or misleading scale/distances.

♦ Computer simulations/forensic animations as substantive evidence require a showing that any new scientific technique used to develop the simulation has gained general acceptance in the relevant scientific community.

Shannon Carter (shannon.carter@kmob.com) of Knobbe Martens Olson & Bear and Leah Strickland (lstrickland@swsslaw.com) of Solomon Ward Seidenwurm & Smith are co-chairs of the SDCBA’s Intellectual Property Law Section.

On Marketing

1. Taking clients to a sporting event has always been a popular marketing tactic. At Mintz Levin, they do so with a creative twist. Most weeks during the football season, the firm’s San Diego outpost hosts Monday Night Football parties at its Carmel Valley offices with pizza, wings and beer. Mintz attorneys get important face time with clients while guests mingle with each other.

2. While Shakespeare may not think a name makes a difference, Fish & Richardson has found it can. When handing out materials at presentations or submitting proposals, the firm will often drop the contents onto a flash drive. While many firms have adopted this practice, Fish has taken it one step further by branding the drives with their own moniker — Fish Sticks!

3. La Jolla-based Tyson & Mendes regularly sends out electronic newsletters and case updates to 5,000 clients and friends. After Hurricane Sandy, New York native and firm founder Bob Tyson wrote a heartfelt account of what the devastation meant to him and offered the firm’s personal assistance to help those in need. The message, which was sent to the firm’s entire database, also contained links to the Red Cross and Catholic Charities so recipients could easily make a donation.

Teresa Warren (twarren@tw2marketing.com) is president of tw2marketing.
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On the Shelves
Legal page turners written by locals
By John Adkins

◆ Professor Frank Partnoy at the University of San Diego School of Law worked as a derivatives structurer and Wall Street lawyer. His firsthand knowledge of the inner workings of our complex and sometimes farcical financial markets and their regulation are well-used in his books, F.I.A.S.C.O.: Blood in the Water on Wall Street (W.W. Norton and Company, 2009) and The Match King: Ivar Kreuger, The Financial Genius Behind a Century of Wall Street Scandals (PublicAffairs, 2010) — both about the 1920s markets and the man who many consider to be the father of modern financial schemes.

◆ San Diego Morrison & Foerster LLP partner James Huston is a nationally recognized trial attorney on product liability matters, as well as a novelist who uses his practice for plot devices. His novel Marine One (St. Martin’s Press, 2009) focuses on a wrongful death case against a helicopter manufacturer, filed by the First Lady, after the president’s helicopter crashes. Huston is a father of five, and he and his wife live in San Diego, where he plays in a rock band and runs with his two Labs.

◆ Teresa Burrell is a former San Diego juvenile dependency and delinquency attorney whose mysteries provide public awareness about these serious problems. Burrell’s books are inspired by real cases in which she was involved. For her murder mysteries, as in The Advocate’s Dilemma, Burrell starts with a question: “What if an attorney walked into her office and found a dead man on her desk?”

John Adkins (jkins@sdcpll.org) is Director of Libraries for the San Diego County Public Law Library.

Travel

Scott Dodge (scott.dodge@motorolasolutions.com) of Motorola Solutions, Inc., took a vacation in Margaritaville, Grand Turk Island, British West Indies. Scott let a British barrister talk him out of his copy of San Diego Lawyer, which now is believed to be somewhere in the U.K.

◆ If you’re traveling on vacation or business, take a copy of San Diego Lawyer along and you could win a Starbucks gift card. Send a photo of you with the magazine to martin@kruming.com. Don’t forget to tell us where the photo was taken and who took it. Deadline for the March/April issue is February 22.

Quick Bites

Members of the SDCBA’s New Lawyer Division dish on some of their favorite lunch spots

“I love eating at Dobson’s because once you step inside you are transported to another time and place, while still being in beautiful San Diego. The mussel bisque soup, oysters and rib eye are terrific. And owner Paul Dobson still introduces himself to all customers.”
956 Broadway Circle, Downtown
— Jeremy Evans (jeremy@CSLlegal.com) of CSLlegal, Criminal Defense & Sports Law

“Sushi Deli. Good, affordable sushi in a fun, lunchtime-friendly environment.”
134 Broadway, Downtown
— Roberto Contreras (recontreras@hkcf.com) of Horton, Knox, Carter & Foote

“Chez Nous has the best salads that change daily and are made with the freshest ingredients, including homemade salad dressings.”
9821 Carroll Canyon Road, Scripps Ranch
— Lisa Barnett (lbarnett@IRSsolution.com) of the Law Offices of Ronson J. Shamoun

“Cafe Japengo. Their sushi is delicious and the service is great!”
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— Ashley Peterson (apoterson@scheingrosslaw.com) of the Law Offices of Alex Scheingross
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San Diego County high school students from Escondido to Chula Vista will be coming together to participate in The Constitutional Rights Foundation (CRF) annual Mock Trial Competition Program from February 26 through March 2.

The program, which is coordinated by the San Diego County Bar Association (SDCBA) and San Diego Superior Court, began seven years ago, and is funded by donations made to the San Diego Justice Foundation.

Former Deputy District Attorney Kim-Thoa Hoang originally spearheaded the competition, and during her five years as co-chair, the program evolved to include high schools from around the county. Judge Linda B. Quinn (Ret.) and Judge Yvonne E. Campos are serving as co-chairs for the 2013 competition.

“It’s great to see how far high school students can go in this opportunity before them,” Quinn says. “This experience covers so many development areas. Even if the students don’t plan on becoming attorneys, it is worth it because they get so much out of it.”

Students can benefit from the array of skills that they will polish by participating in the program, which include teamwork, problem solving, public speaking and the need to think on their feet.

The teams begin preparing months ahead of time for the competition, and learn many aspects of the trial process, including how to make pre-trial motions, objections, opening and closing statements, and how to effectively examine witnesses on direct and cross examination. The students will play a role as either a prosecutor, defense attorney, witness, bailiff or court clerk.

The teams are given a hypothetical criminal case that involves a societal issue that teenagers face in today’s world. Attorney coaches are assigned to each team, and help the students develop foundational knowledge about the trial process while preparing strategies and arguments. The team who wins will represent San Diego at the state competition, and if successful at the state level, may advance to the nationwide competition.

Local judicial officers volunteer to preside over each mock courtroom. Support staff from the SDCBA and the court will also play a crucial role in ensuring the competition runs smoothly by handling check-in, administration and compilation of the teams’ scores.

“Everyone is working toward the common goal of bettering our democratic society,” Campos says. “It’s heartwarming to see how many people have stepped up to the plate. The attorneys and judges who participate know how important this is; it’s a win-win for everyone. The high school students and their parents are a great audience to learn about the courts, understand why they’re important and why it’s important to be up on our civics.”

“Attorney volunteers reap a tremendous reward when they participate in the competition,” Quinn says. “They get to see the excitement and thrill on the faces of students because so many of them give it 150 percent. I sat in courtrooms for years and it’s great to see how excited high school students are and what they can accomplish with attorneys who help them achieve great heights.”

The program has grown immensely since its inception from four to 21 as more high schools opt to participate in it. This year, federal entities have become involved.
to ensure that the larger competition continues to be a success, U.S. District Judges and U.S. Magistrate Judges, as well as attorneys from the U.S. Attorney’s Office and Federal Defenders of San Diego, are joining deputys from the Public Defender and Office of the District Attorney to volunteer for the 2013 competition. Magistrate Judge David H. Bartick is serving as Lead Scorer this year and will train attorneys to ensure greater consistency in scoring outcomes.

“We are enhancing the program for the students this year by having more federal trial practitioners involved, since they spend a lot of time in court and really know what they are doing,” Campos says. “Magistrate Judge David H. Bartick will serve as a great lead scorer because he is well-respected by lawyers and takes this seriously. He served as an attorney scorer last year and jumped in to judge the competition for a judge who took ill. He will have a great way of ensuring that the scoring aspect will be run as well as possible.”

While students will leave the competition with an understanding and appreciation of the court system, some students will walk away with more: a career path. Assistant U.S. Attorney William Cole, Chief of the Criminal Division, who is volunteering as a coach this year, is one of the many attorneys who were inspired to go to law school after participating in the CRF trial competition.

“There have been quite a few success stories since I have been involved with mock trial,” says Michelle Chavez, San Diego County Mock Trial Coordinator and the SDCBA’s Lawyer Referral & Information Service Director. “Many teachers have told me that this competition has inspired their students to enter a career in the legal field. A few students changed their college majors and are now attending law school or participating in their school mock trial teams.”

Chavez and Julie Myres, Student Outreach and Education Program Manager for the San Diego Superior Court, oversee all support staff for the program. The San Diego County Bar Association is still in need of volunteer attorneys to score the trials for the Mock Trial Competition Program. If you are interested in participating, please contact Michelle Chavez at mchavez@sdcba.org.

Elisabeth Donovan (lizziedonovan@yahoo.com) graduated from Thomas Jefferson School of Law.
After two decades of exploratory talks, frustrating waiting periods and the signing of two technical but required maritime delimitation treaties (one in 1978 and one in 2000), the United States and Mexico signed the Agreement on Transboundary Hydrocarbon Reservoirs in the Gulf of Mexico on February 20, 2012.

This treaty is one of the most important treaties ever signed between these two countries, heralding the beginning of a new era in business, industrial and economic relations, and coinciding with the initiation of a new political administration in Mexico.

This agreement — which reads more like an international business contract — establishes a cooperative legal framework for the joint exploration and commercial exploitation of the richest and deepest transboundary reservoir in the northwestern part of the Gulf of Mexico, known as the Western Polygon, or Western Gap. This reservoir is endowed with three unique characteristics: It is located beyond 200 nautical miles from the U.S. and Mexican coasts; it is covered by the high seas; and its mineral riches, consisting of oil and natural gas, straddle the international maritime boundary established by the 2000 Treaty, embracing about 4 million acres of the most promising deepwater petroleum territory, according to U.S. experts.

With the advent of the latest drilling technologies in ultra-deep waters — greatly facilitated by three-dimensional seismic devices based on sophisticated computer programs that now provide accurate imaging of underwater geological formations — a number of international oil companies from the U.S., Norway, the U.K. and Brazil, among others, are already tapping the riches of ultra-deep water reservoirs in different oceans of the world, including the Gulf of Mexico. According to the latest geological reports, this gulf is considered one of the foremost petroleum provinces in the world — in the same rank as the Arabian-Iranian province of the Middle East and the West Siberian Province of the former Soviet Union. It is believed to contain approximately 9 percent of the world’s known recovery of petroleum liquids (crude oil and natural gas liquids) and approximately 11 percent of the world’s known recovery of natural gas.

The practical and efficient implementation of the 2012 Agreement — not an easy task, given the legal and technical nature of this instrument — is of fundamental importance for the United States and Mexico when one considers the following five reasons:

1. It offers the opening up of commercial exploitation of a transboundary oil and gas reservoir deemed to be the fourth largest in the world. These types of reservoirs are those containing mineral riches in a geological submarine structure bisected by the international maritime boundary between two or more countries.

2. It removes uncertainties regarding the development of transboundary resources of nearly 1.5 million acres of the U.S. Outer Continental Shelf, as declared by Secretary Salazar, head of the Department of the...
Interior. As is customary for the commercial exploitation of these reservoirs under international law, the U.S. and Mexico will equitably share in the allocation of oil and gas based on a precise determination of the respective percentages of the reservoir found within the submarine territory of each country. Based on the 2000 treaty, the total area of the Western Gap is approximately 5,092 square nautical miles (17,467 square kilometers), an area slightly smaller than the state of New Jersey. The boundary “splits” the Western Gap continental shelf in the following manner: The U.S. received 1,913 square nautical miles, or 38 percent, of the total area and Mexico received 3,179 square nautical miles, or 62 percent, of the total area. Today these percentages determine the allocation of the mineral riches to be extracted from the Western Gap between the United States and Mexico.

3. It establishes a legal regime whereby U.S. companies will be able to collaborate with PEMEX, their Mexican counterpart and Mexico’s sole public company controlling the oil industry in that country.

4. For this Agreement to be able to be materialized, Mexico had to amend many of its federal statutes and regulations relating to the oil industry at the initiative of President Calderon in late 2008. These legislative changes made it possible for American companies to invest and enter into contracts with PEMEX for the exploitation of this reservoir — a “first” in the commercial history of these nations.

5. The Agreement moves the U.S. and Mexico closer to completing the only two maritime boundary treaties still pending to be negotiated: one for the Eastern Gap in the Gulf of Mexico and the other in the Pacific. Separately, the U.S. is to establish a maritime boundary with Cuba, and Mexico is to set similar boundaries with Guatemala, Belize and Honduras. The practical implementation of this Agreement will be a challenge for both countries. Special consideration must be given to their differences in legal systems; there is no precedent to guide the way this joint business enterprise is to be handled. Also, many Mexicans believe that among all of its country’s natural resources, oil is the natural treasure that exclusively belongs to Mexico and to the Mexicans, as solemnly prescribed by Article 27 of its Political Constitution.

Jorge Vargas (mexlaw@sandiego.edu) is Professor of Law at the University of San Diego School of Law.
CIVIC PRIDE
A HISTORY of San Diego County’s CITY ATTORNEYS

BY HELEN HOLMES PEAK
The City Attorneys Association of San Diego County (CAASD) was established informally in the late 1960s/early 1970s with a group of City Attorneys who met for lunch on a monthly basis to talk about their work. The cities of Santee, Lemon Grove, Encinitas and Solana Beach had not yet been incorporated and the cities of Vista and San Marcos were relatively new, having been formed in 1963. Some of the earliest members were Don Lindberg of Chula Vista, Don MacLean of Lemon Grove (who became City Attorney there after incorporation in 1977), Vince Biondo of Carlsbad, Lynn McDougal of El Cajon, John Witt of San Diego and Ken Lounsbery of Escondido, among others. Several of the members were alumni from the San Diego City Attorney’s office who became attorneys for other cities within the county. Members now include Assistant or Deputy City Attorneys and members of firms that provide city attorney services. CAASD membership has since been extended to members who assumed positions at local public agencies, such as the Port of San Diego, the San Diego County Water Authority and San Diego Association of Governments (SANDAG). More recently, the General Counsel of the San Diego County Regional Airport Authority has become a member. The Association extends an invitation to City Attorneys in Imperial County; the City Attorney of El Centro is currently a member.

The CAASD has long had a reputation as the most active and close-knit of the statewide City Attorneys groups. For more than five decades, the Association has convened regularly on educational topics of interest to the membership. In addition to monthly meetings offering continuing legal education, Association members also hold their own annual daylong continuing educational seminar. The CAASD membership selects its leadership annually. Historically, the most recently appointed City Attorney is slated to become the Vice President and takes over leadership the following year. The current President is Claudia Silva, City Attorney of National City. Chula Vista City Attorney Glen Googins serves as the Vice President and will be the President of the CAASD in 2013.

In addition to participation in local CAASD activities, the City Attorneys are members of the City Attorneys Department of the League of California Cities. The statewide City Attorneys Department contains 20 divisions, including the San Diego County Division and the City of San Diego (which is a division in itself). The League’s City Attorneys Department

Within San Diego County, there are two elected City Attorneys, representing the cities of San Diego and Chula Vista. The City Attorneys for the remaining 16 cities are selected and appointed to their positions by their respective City Councils. Of those 16 appointed City Attorneys, five are full-time employees of their cities (cities of Carlsbad, Escondido, National City, Oceanside and Vista) and the remaining 11 are contract City Attorneys (cities of Coronado, Del Mar, El Cajon, Encinitas, Imperial Beach, La Mesa, Lemon Grove, Poway, San Marcos, Santee and Solana Beach). The contract City Attorneys are partners in law firms of varying sizes that have offices located in San Diego County.
City Attorneys at a Glance
COMPILED BY GRACE GARNER AND KATRINA JULIAN

CARLSBAD
Celia Brewer
Position: City employee
Staff: 4 attorneys
> In January, Brewer succeeded Ron Ball, who retired as Carlsbad City Attorney after 26 years.

CHULA VISTA
Glen Googins
Position: City employee
Staff: 8 attorneys

CORONADO & SOLANA BEACH
Johanna Canlas of McDougal, Love, Eckis, Boehmer & Foley
> Canlas is the former City Attorney of Coronado.

DEL MAR
Leslie Devaney of Stutz Artiano Shinoff & Holz
> Devaney is also City Attorney of Murrieta.

EL CAJON & Poway
Morgan Foley of McDougal, Love, Eckis, Boehmer & Foley
> Foley is the former City Attorney of Coronado.

ENCINITAS & LA MESA
Glenn Sabine of Sabine & Morrison

ESCONDIDO
Jeffrey Epp
Position: City employee
Staff: 12 attorneys

IMPERIAL BEACH
Jennifer Lyon of McDougal, Love, Eckis, Boehmer & Foley
> Lyon is also City Attorney of Calexico in Imperial County.

LEMON GROVE
James Lough of Lounsbery Ferguson Altona & Peak

NATIONAL CITY
Claudia Silva
Position: City employee
Staff: 2 attorneys
> Silva is the current president of the City Attorneys Association of San Diego County.

OCEANSIDE
John Mullen
Position: City employee
Staff: 6 attorneys

SAN DIEGO
Jan Goldsmith
Position: City employee
Staff: Approximately 147 attorneys
> Goldsmith previously served as a San Diego Superior Court Judge and as a member of the California State Assembly.

SAN MARCOS
Helen Holmes Peak of Lounsbery Ferguson Altona & Peak
> Former San Diego City Attorney John Witt is special counsel to Peak's firm.

Santee
Shawn Hagerty of Best Best & Krieger

VISTA
Darold Pieper
Position: City employee
Staff: 3 attorneys

Almost all of the area’s City Attorneys have served on a League and/or Department Committee.

Helen Holmes Peak (hhp@LFAP.com) is a partner of Lounsbery Ferguson Altona & Peak.

holds its own educational seminars on a semiannual basis. It also has a number of committees, members of which are appointed to work on matters of interest to City Attorneys statewide. Standing Department committees include the Legal Advocacy Committee (LAC), the membership of which is distributed throughout the divisions and which advises the Department and the League about current litigation that may affect cities. The LAC also evaluates whether participation in particular cases by way of an amicus brief would be beneficial to California cities as a whole. Other League standing committees include the Brown Act Committee, California Public Records Act Committee and the Fair Political Practices Commission Committee. Working committees are also formed to address issues that arise which are of interest to the Department, such as the Post Redevelopment Working Group. Almost all of the area’s City Attorneys have at one time or another served on a League and/or Department Committee. City Attorneys who currently represent the San Diego County Division on these committees and groups include San Diego City Attorney Jan Goldsmith through his designee Assistant City Attorney Don Worley, who serves on the Legal Advocacy Committee with Lemon Grove City Attorney James P. Lough. El Cajon and Poway City Attorney Morgan Foley serves on the Department’s Nominating Committee and San Marcos City Attorney Helen Holmes Peak serves on the Post Redevelopment Working Group. Oceanside Supervising Deputy City Attorney Tarquin Preziozi serves on the Municipal Law Handbook Committee.

Grace Garner (gegarner@law.cwsl.edu) and Katrina Julian (katrina.julian@gmail.com) are students at California Western School of Law and are the Law Student Editors of San Diego Lawyer.
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The 1970s were tumultuous times. And as these two women lawyers demonstrate, the decade forced growth and change within the male-dominated legal profession.

BY GEORGE BREWSTER JR.

ANN PARODE
Ann Parode is pure Southern California (Manhattan Beach and Palos Verdes, mostly), going back generations. She grew up assuming that she would become a housewife like her mother, but good grades were a must and her father expected her to go to college, even, as he told her, if only to meet and marry well.

Her father, now 88 and a retired electrical engineer for Hughes Aircraft, and her mother were married for more than 50 years; unfortunately, it was financially but not emotionally stable. Parode’s mother was bipolar, but because of the family’s Christian Scientist faith, Parode’s mother had no medical treatment until Parode was in college. With a mother in frequent crisis, Parode learned to look out for herself, to help her father take care of the family, including two younger siblings, and to be, as she says, a survivor. “My childhood circumstances were very isolating,” she says.
“Looking back, this forced me to be very adaptive — a useful trait to have while starting a career in the early ’70s.”

Parode graduated from Pomona College in 1968. She had enjoyed research and writing there, and as graduation loomed, she discovered that the job opportunities for women were limited, so she applied to law school. (She stated that at the time she took the LSAT, the only lawyer she “knew” of was Perry Mason.) Parode says that law school allowed her to discover that she is a problem solver, a quality she characterizes as “a gift” — and prides herself on getting to the essence of any situation and formulate a solution.

She clerked for Luce, Forward, Hamilton and Scripps, and upon graduation from UCLA Law School in 1971 (in the top 5 percent of her class), she found it difficult to obtain work due to what she perceived was gender bias. However, having clerked at Luce, she was able to land a position with the firm as its first female associate — a particular point of pride that she still notes on her CV. As a new lawyer in San Diego, the first two organizations she joined in 1972 were the San Diego County Bar Association (whose president that year was Robert Steiner, a Luce Forward partner) and the newly formed Lawyers Club of San Diego — formed, in part, because women lawyers were not being allowed to serve in leadership roles in the SDCBA.

In 1972, the SDCBA’s monthly magazine, DICTA, continued to run a feature called “DICTA Girl” featuring law firm secretaries in various poses, described at the time by one of the Lawyers Club founders, Judith McConnell, as “cheesecake” and demanded, satirically, “beefcake” to balance out the issues. In the July 1972 issue, Parode wrote in to complain about the DICTA Girl features. “DICTA is, in my opinion, a notable exception to the otherwise high quality of our Bar organization … May I suggest that San Diego’s Bar recognize that it has come of age and that pages now devoted to ‘gate folds’ and society page features could and should be devoted to articles and notes of interest and value to all lawyers.” The letter notes Parode’s firm (Luce Forward), with an underlying note from the editor of DICTA stating, “If you know of an article or note which would be of interest and value to all lawyers, please let us know.” He literally topped it all off with a DICTA Girl posed at the top of the letters page. Did Bar President Steiner get any grief over the fact that one of his firm’s young associates was taking on the Bar’s magazine? In a recent interview, he did not recall any particular fallout from Parode’s letter, and noted that the firm never restricted her from speaking out. Parode has no recollection about why she wrote the letter, but after the letter was published she was asked to be involved in a number of legal community projects. In 1978, with the support of then-Bar President Colin Wied, she became the founder of the San Diego County Bar Foundation, and also served as Lawyers Club President during that same year.

She stayed with Luce until 1975, and then worked for San Diego Trust & Savings Bank as its first and last General Counsel until 1994. For 10 years, starting in 1997, Parode was the first campus counsel for the University of California, San Diego; she was hired by Robert C. Dynes, who was Chancellor of the UCSD campus from 1996 to 2003, and President of the UC system from 2003 to 2008. (Dynes resigned in 2008, stating to the press so that he could spend more time with his wife; he and Parode married in March 2007.) UCSD now has the Robert C. Dynes and Ann Parode Dynes Endowed Undergraduate Scholarship Fund and the couple also advises a charitable fund at the San Diego Foundation.

Over the course of her career, Parode has participated in many community and professional organizations, including the SDCBA Board. She has served as President of the Law Library Justice Foundation, the Bar Foundation and the San Diego Foundation; as Chair of the Women’s Center Advisory Board for UCSD; and currently serves on the Voices for Children Board. Looking back to 1971, she was in the wave of women coming into positions of leadership in the legal community, and is satisfied with the role she played. She states, “I’ve never done anything for the sake of being remembered. I’ve done them to have a purposeful life.”

VIRGINIA NELSON

Virginia Nelson, like Parode, continues to seek out a purposeful life. Nelson has been described as “unstoppable” and is well-known in the state as one of the top plaintiff personal injury and medical malpractice lawyers. Tough, but fair. A graceful warrior.

Her early years were in northern Minnesota (Fosston), where her dad was a solo lawyer with a trust and estates practice, as well as the town mayor. Her mother was active...
in the local Girl Scouts, chorus and in school literacy programs. When she was in the fourth grade, the family of six moved to Fort Collins, Colorado.

Nelson grew up in a household where her entire family was involved in musical performances, and she also kept up interests in politics, drama and presentation — all good skills for trial work. But her defining characteristics are advocating for the underdog and a deep-rooted independent streak. Her first job was at a skilled nursing facility (known then as a “rest home”), where she encountered an ex-military resident who felt it was his duty to raise and lower the flag each day. The owners wanted to put a stop to it due to concerns over the man’s risk of injury by falling, so Nelson talked them into letting her accompany him to the flagpole.

After her first year at Colorado State University, Nelson worked at a resort in Minnesota and felt that the waitresses there weren’t getting a fair deal — so she organized a strike on Labor Day. She didn’t work there a second summer.

She met her husband, Mark Andrews, while at CSU, and they have one son, Nick, currently a math/economics major.

Although she wanted to be a teacher, Nelson’s father urged her to go to law school to expand her career opportunities. She was the only one of the four children who went to law school, while her three siblings went into the medical field — ironic since Nelson’s primary focus is medical malpractice.

Nelson made her way further west, to attend law school at USD. By the time she graduated in 1979 there were more opportunities for women lawyers than those experienced by Parode and others in the early 1970s. Although it wasn’t ideal, and “not the equality you would have expected,” says Nelson.

She joined Wesley H. Harris as an associate after the Bar. In 1983 they formed a partnership (Harris & Nelson) that lasted until 1985, when she opted to go solo. She rented space from trial lawyer Brian Monaghan and received mentoring support from both plaintiff and defense attorneys. Eight years ago, Nelson added talented associate, Noel Fischer. “Noel and I have a great time collaborating on all our visual presentations and strategizing,” says Nelson.

While Nelson enjoys being her own boss, she admits that a solo practice can be “hard, difficult, risky — and sometimes lonely.” But she has no regrets. “The cases I handle are very challenging and I always learn something every day,” says Nelson. “This is a source of continual delight for me. I feel very lucky to do what I do.”

Nelson cites her parents as the source of her independent streak. Both went to the University of Minnesota, were dynamic and involved in the local community and schools. Nelson has received the Bernard E. Witkin Esq. Award from the Law Library Justice Foundation for excellence in the teaching, practice, enactment and adjudication of the law, and the Daniel T. Broderick III Award for civility, integrity and professionalism. She was the second female SDCBA President (1990) and one of the first female members of the San Diego chapter of the American Board of Trial Advocates.

Nelson is a Fellow in the American College of Trial Lawyers (first San Diego woman to be inducted) and is a past President of the San Diego Inn of Court and the Enright American Inn of Court (again, the first woman). True to her roots, she has also kept involved in elementary school reading programs, various community organizations including the SDVLP Domestic Violence Prevention Program. Like Parode, she has endowed a scholarship, a Graduation Prize in Advanced Advocacy at the University of San Diego School of Law.

As SDCBA President, Nelson oversaw the purchase of the former University Club building for the new Bar headquarters, which had been in discussion for 10 years. The difficulties of finally purchasing and moving the association were daunting and all-consuming, but Nelson thrived on tackling such a major project. “I learned a lot about leadership doing that project — and working with such a variety of talented people in the Bar was invigorating,” she says. But mostly, “It was important to give something back.” And, she notes, she never felt any pushback during her presidency related to gender.

As a lawyer, Nelson strives to find a balance between the role of a tough advocate for her clients and always treating the opposing witnesses and attorneys with respect. “A trial lawyer is a warrior, fighting for other people — but in that fight, my goal is to always be respectful.” Nelson admits that being tough but respectful is a challenging line to walk, but appreciates the sentiment of the various Inns of Court, where it is important at the end of the day to sit together and break bread.

George BREWSTER Jr. (sandbrews@aol.com) is Chief Deputy Counsel with the Office of County Counsel.
It is and was very reassuring to me that you listened to my explanation, viewpoints and perspectives about the situation with the other side and could see the positive and negative aspects to the varied circumstances. I would never have expected it and I have shared very positive things about this experience with a number of people."

– Defense Attorney

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WHERE THEORY AND PRACTICE MEET

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On September 14, 2012, the First San Diego Courthouse, Inc., celebrated the 20th anniversary of the reconstruction of the original San Diego Courthouse. The replica brick courthouse stands not only on the site of the original courthouse but also on top of some of the original foundations.

The courthouse, originally intended to be a schoolhouse, was built with bricks fired by the members of the Mormon Battalion, who had marched 2,000 miles from Council Bluffs, Iowa, to San Diego to assist in the Mexican-American War. However, by the time they reached San Diego the war had already concluded.

The first session of the District Court was held on May 6, 1850, and promptly adjourned as the officer of the court had not yet been qualified by the state. The next session was held on September 2, 1850, to summon a grand jury, which found no true bills and was discharged the next day.

The courthouse burned down to the ground in April 1872.

Members of the Mormon Battalion, Inc., sought to reconstruct the courthouse as a part of the Old Town State Park. In 1981 an archeological dig was begun in order to determine the exact location of the courthouse. This project uncovered various portions of the original foundation of the courthouse as well as many artifacts that are carefully displayed in the replica courthouse and museum.

June Moeser, a former deputy marshall with the San Diego Municipal Court and a former foreperson of the County Grand Jury, spearheaded the reconstruction of the replica courthouse with the aid of Judge William Yale, Judge Jack R. Levitt and Judge Earl Cantos. In mid-1987 the taco shop that stood on the property was demolished and construction began. Kent Pederson, clerk of the San Diego Municipal Court, contractor Eldon Cripps and architect Kenneth P. Moeller researched the project from old photos, personal journals and early writings about San Diego to reconstruct the courthouse. The cost of the reconstruction was approximately $100,000, which came from community donations as well as the San Diego County Bar Association and the Bar Auxiliary.

The replica courthouse and museum contains the portrait of Oliver S. Witherby, the first District Court Judge, which previously hung in the presiding department of the Superior Court.

The courthouse is administered by the Old Town Courthouse, Inc., Board of Directors with assistance from the Mormon Battalion Museum.

Hon. William Howatt, a retired Superior Court Judge.
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SAN DIEGO COUNTY BAR FOUNDATION
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More than 50 years ago, a small group of newly appointed judges were discussing the need for legal education in California. Most of the new judges had only practiced in one area of law before taking the bench. For example, a district attorney who was appointed to the bench had never done a family law case. The new judges agreed that there was a need for judicial education to help judges become familiar with the law in cases that they would have to preside. The judges agreed to develop a two-week intensive program that would expose new judges to numerous areas of law that a judge would encounter. The subjects would include substantive law and procedural law. The California Judicial College was born.

Although there was one major hurdle that needed to be crossed before the college could begin. California had no money to fund the college. So, the new judges approached the leading scholar on California law to help with financing the college. The legal scholar was Bernard Witkin. He gave a substantial amount of money that funded the college. Thus, the judicial college became the Bernard E. Witkin Judicial College.

The Judicial College was held at Boalt Hall School of Law on the campus of the University of California, Berkeley. Newly appointed judges from around the state would come to Berkeley each summer for judicial college. The judges stayed in the college dormitories and ate dorm food. Classes, which were held in the large lecture halls, started at 8 a.m. and concluded at 4 p.m. Then the judges were divided into seminar groups to discuss the issues presented in the lectures. The teachers at the college were judges who were experts in their fields of law. The Judicial College was such a large success that today it is mandatory for new judges to attend. As judicial education has progressed, so has the Judicial College. It was determined that judges get more from legal education by doing instead of only listening to lectures. Today at the Judicial College, new judges participate in their education by taking active roles in their classes. Instructors no longer only lecture to their student judges — they engage the new judges by having them do problem solving and participate in legal analysis. Lecturers model how a judge should handle certain situations and the new judges try to replicate it.

In the early years of the Judicial College, the curriculum was set for the two weeks. Now, mandatory classes are held for the first week. In the second week, judges have elective courses from which to choose. One elective is a trip to San...
As a new judge in 1988, one of my first requirements was to attend new judge orientation in Berkeley. New judge orientation is a weeklong crash course to acquaint a new judge with the responsibilities and ethics of being a state court judge. The highlight of the course was the dinner on Thursday night where the “father of California law” would speak, Bernard E. Witkin.

Having used Witkin Summaries of California Law to help me get through law school, I was truly excited to meet Mr. Witkin. It’s not every day that one gets to meet California’s foremost legal scholar and educator. I had no idea what to expect, but felt fortunate just to be invited to such a dinner.

There were 15 new judges in my orientation class. On Thursday night, we got dressed up and went to a restaurant in Berkeley. At the restaurant, we were escorted to a private room on the second floor. We were there about 15 minutes before Bernie walked in the room. I take the liberty of calling Mr. Witkin by the name Bernie because after I got to know him, he would insist on it. I would occasionally call him Mr. Witkin out of respect, but each time he would remind me to call him Bernie. When he arrived at the dinner, there was no doubt he had arrived. He had that certain something that drew everyone to him. He took immediate control of the program. He told a few jokes, some of which by today’s standards might be considered politically incorrect. But he never offended anyone.

After dinner, Bernie would speak about the importance of being a fair judge. He stressed upon us that it was our duty to stay current in the law. He also stated that sometime in our careers we would have to make a decision that may not be popular with the public, but as a judge you should make the tough call. It was a very inspirational speech, which I still try to live by today.

There are approximately eight new judge orientations a year and Bernie spoke at every one, if possible. Being involved in judicial education, I was fortunate to have many dinners with Bernie. He would always bring his wife, Alba, who I also got to know. Alba was always in the background because Bernie was the highlight. But one could tell that she was his steady hand. She was truly devoted to him.

LUNCHES WITH BERNIE

HE HAD THAT CERTAIN SOMETHING THAT DREW EVERYONE TO HIM.
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<thead>
<tr>
<th>100 PERCENT CLUB 2013</th>
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| Best Best & Krieger, LLP |  |
| BioMed Realty Trust, Inc. |  |
| Blackmar, Prinpo & Schmetter APC |  |
| Blanchard Krasner & French |  |
| Bonnie R. Moss & Associates |  |
| Birnongt, Jones & Jones, LLP |  |
| Brown Law Group |  |
| Buchanan Ingersoll & Rooney PC |  |
| Butterfield Schechter LLP |  |
| Butz Dunn & DeSantis APC |  |
| Casey Gery Schenk Francavilla Blatt & Penfield, LLP |  |
| Caufield & James LLP |  |
| Chaplin Fitzgerald LLP |  |
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| Eppsteiner & Fiorica Attorneys, LLP |  |
| Epstein Grinnell & Howell, APC |  |
| Farmer Case Hack & Fedor |  |
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| Fragomen, Del Rey, Bernsen & Loewy, LLP |  |
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| Freeland McKinley & McKinley |  |
| Gatzke Dillon & Ballance LLP |  |
| GCR, LLP |  |
| Goodwin Brown Gross & Lovelace LLP |  |
| Graham Hollis APC |  |
| Grant & Zeko APC |  |
| Green Bryant & French, LLP |  |
| Greenman, Lacy, Klein, O’Harra & Helfron |  |
| Grimm, Vranjes & Greer, LLP |  |
| Henderson, Caverly, Pum & Charnley LLP |  |
| Hilden, Rott & Oertle, LLP |  |
| Higgins Fletcher & Mack LLP |  |
| Hooper, Lundy & Bookman PC |  |
| Horton, Oberrecht, Kirkpatrick & Martha, APC |  |
| Hughes & Pizzutto, APC |  |
| Judkins, Glatt & Hulme LLP |  |
| Kehr Law |  |
| Keeney, Waite & Stevens APC |  |
| Kennedy & Souza, APC |  |
| Kirby & McGuinn APC |  |
| Kirby Noonan Lance & Hoga LLP |  |
| Klinedinst PC |  |
| Konosuke Akiyama |  |
| Krause Kaffayan Benink & Slavens LLP |  |
| Latham & Watkins LLP |  |
| Laughlin, Faibo, Levy & Morelli LLP |  |
| Law Offices of Beatrice L. Snider, APC |  |
| Legal Aid Society of San Diego, Inc. |  |
| Lincoln Gustafson & Cercos LLP |  |
| Littler Mendelson PC |  |
| Lopez & Wilmer, LLP |  |
| Lorber, Greenfield & Polito, LLP |  |
| Marks, Finchin, Thornton & Baird, LLP |  |
| McKenna Long & Aldridge LLP |  |
| McLeod Law Group, APC |  |
| Miller, Monson, Peshel, Polasko & Hoshaw |  |
| Moore, Schultman & Moore, APC |  |
| Morris Sullivan & Lemkul LLP |  |
| Musci, Peeler & Garrett LLP |  |
| Neal, Dymott, Frank, McFall & Trexler APLC |  |
| Nicholas & Butler LLP |  |
| Olins Riviere Coates and Bagula |  |
| Oliva and Associates ALC |  |
| Paul, Plein, Sullivan & Connaughton, LLP |  |
| Pettit Kohn Ingrassia & Lutz PC |  |
| Pope, Berger & Williams, LLP |  |
| Procopio, Cory, Hargreaves & Savitch LLP |  |
| Pyle Sims Duncan & Stevenson APC |  |
| RJS Law – The Law Offices of Ronald J. Shamoun, APC |  |
| Rosner, Barry & Bablitt, LLP |  |
| Rowe Allen Mullen LLP |  |
| Ryan Mercaldo LLP |  |
| Sandler, Lasry, Lascz, Byer & Valdez LLP |  |
| Schwartz Sernoffian Barnard & Cauley LLP |  |
| Selzter Caplan McEhon Vlue |  |
| Sheppard, Mullin, Richter & Hampton LLP |  |
| Siegel, Moreno & Stettler, APC |  |
| Simpson Delmore Greene LLP |  |
| Smith, Steiner, Vanderveel & Wax, APC |  |
| Solomon, Grinde, Silverman & Wintringer, APC |  |
| Solomon Minton Cardinal Doyle & Smith LLP |  |
| Solomon Ward Selendwurm & Smith, LLP |  |
| Steel Rivers LLP |  |
| Stokes Roberts & Wegner, ALC |  |
| Stutz Arifoo Shiozawa & Holtz |  |
| Sullivan Hill Lewin Res & Engel |  |
| Summers & Shives, APC |  |
| The Gomez Law Firm |  |
| Thorpe & Bartolotta McGuire |  |
| Walsh McKean Fursto, LLP |  |
| Ward & Hagen LLP |  |
| White, Oliver, Amandson & Gallagher, APC |  |
| Wilson Eber Moskowitz Edelman & Dicker LLP |  |
| Wilson Turner Kornex LLP |  |
| Winet, Patrick & Weaver |  |
| Wingert Grebing Brumaker & Jusikis LLP |  |
| Wright & Eriksen |  |
| Yelmen & Associates |  |
| Zeitles & Haeggquist, LLP |  |
We are excited to welcome you to our new “home” and invite you to take advantage of the amenities at the Bar Center at 401, designed just for you, our members. Located at the center of San Diego’s legal community, the Bar Center at 401 is in close proximity to our state and federal courthouses, and in the core of San Diego’s business district, with many parking options and easy access to public transit. The Bar Center at 401 is comprised of a large Conference Center, located on the first floor in suite 120, and an expansive working space for members, inclusive of an exclusive members-only lounge in suite 1100.

At the new Bar Center at 401, SDCBA members can:

- Access shared member workspace during the workday, which includes:
  - Free Wi-Fi access
  - Use of copiers and printers
  - Common office supplies
- Connect with colleagues or take a break from meetings and enjoy refreshments in our member-only lounge.
- Meet with clients, witnesses, or opposing counsel in a private setting in one of our conference rooms.
- Attend Continuing Legal Education (CLE) seminars and other programs in our new state-of-the-art conference center either live or live-streamed virtually to your office or anywhere in the county.
- Meet with your mentors, colleagues, or other Bar members in a comfortable and professional setting.

Section, Committee and Division meetings and smaller CLEs will be held at the Bar Center in suite 1100, in one of our larger conference rooms, equipped with large screen televisions and high-tech AV equipment.

The advanced technology at the Conference Center at the Bar Center at 401 allows us to bring our programming to more people than ever before, with capacity for up to 200 individuals to attend CLEs and other programs in person, and live web-streaming available for any Bar members who would like to access programs live from their offices, local cafés, or anywhere with internet access.

The Bar Center at 401 is your “office” away from your office, and a place for members to meet, engage and connect in the hub of San Diego’s legal community. Stop by the Bar Center at 401 to explore all that our new home has to offer for you.

For information on reserving rooms, email bar@sdcba.org.
Year in Review

2012

SDCBA members helped pave the path to success for future generations of lawyers, school children and the community throughout 2012. These photos highlight a few events from the past year.

Annual Bench-Bar Beach Clean Up
SEPTEMBER 15

Annual Judicial Reception
MARCH 7
Matthew Mulford and Hon. Esteban Hernandez

2012 Golf Tournament
MARCH 30
Alex Zyman, Matthew Ichinose, Gregory Halsey, Mark Zyman

Fifth Annual Bar Night at the Opera
APRIL 27
Courtney Ann Coyle, Richard McCue, Erika Hiramatsu, Hon. Lillian Lim

San Diego County High School Mock Trial Competition
FEBRUARY 7, 9 & 11
Bree Ashley, Keith Rutman, Alexandra Rothman
Shredding Events
JULY 20, DECEMBER 17

Annual Law Week Luncheon & Celebration of Community Service
MAY 1
Law Week Poster & Essay Contest Winners

Annual Bench-Bar Luncheon
OCTOBER 16
Alan Brubaker and Hon. Penne McLaughlin

Stepping up to the Bar, the SDCBA’s Annual Holiday Celebration
DECEMBER 7
Judge Robert Trentacosta swears in the 2013 SDCBA Board of Directors

Bench-Bar Community Outreach: Senior Community Centers Luncheon
JUNE 19, SEPTEMBER 19, NOVEMBER 29
Hon. Peter Deddeh

Law Student Welcome Reception
SEPTEMBER 27
Frank Drummond, Aaron French, Vanessa Lagarnia

Dialogue on Diversity, Disability: A Civil Rights Model
SEPTEMBER 12
Amy Vandeveld, John Edson, Shawn Kravich

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Year in Review 2012

Distinctions

- Hon. Laura Taylor named Chief U.S. Bankruptcy Court Judge in San Diego.
- Karen Crawford appointed to the U.S. District Court in San Diego.
- Niels Schaumann appointed President and Dean of California Western School of Law.
- Ann Richardson appointed Senior Adviser to the Chief Deputy of the California State Lottery.
- Christopher Todd elected to State Bar Board of Trustees.
- Brian MAINESHEIM elected to the California State Assembly, 77th District.
- Hon. Judith Haller recognized with an award for professionalism by the American Inns of Court. The award dinner was hosted by U.S. Supreme Court Chief Justice John Roberts at the annual Ninth Circuit Court of Appeals conference in Hawaii.
- Hon. Ana Espana appointed to the Judicial Council’s Access and Fairness Advisory Committee with a term that expires in October 2015. She was also appointed to the Access and Fairness Education Workgroup, which will be responsible for helping to develop a language access studio video and two “Continuing the Dialogue” broadcasts for the judicial branch.
- Hon. Yvonne Campos was recognized by the Mexican Consulate with an award for her accomplishments, distinguished career and contributions to the community as a Mexican-American. She was also elected as a Director of the Harvard Alumni Association.

Books

- CALIFORNIA WESTERN SCHOOL OF LAW
  Steven Smith (with David L. Shapiro), Malpractice in Psychology: A Practical Resource for Clinicians (APA Books, 2011)
- THOMAS JEFFERSON SCHOOL OF LAW
- UNIVERSITY OF SAN DIEGO
  Hon. Ronald Prager was one of the authors of the following two publications:
  - California Summary Judgment 2012 (Continuing Education of the Bar, 2012); and

Passings

- Dennis Avery
- Hon. Rudi Brewster
- Hon. George “Woody” Clarke
- Robert Helm
- James Krause
- Josiah Neeper
- James Pippin
- Ralph Pray III
- This list highlights a few of our community’s accomplishments, and is not all encompassing. We will feature accomplishments throughout this year in San Diego Lawyer. Send information or press releases to bar@sdcba.org with subject line “Distinctions.”

DIRECTORY OF EXPERTS AND CONSULTANTS

EYEWITNESS EXPERT TESTIMONY: 43 years of forensic psychology experience with pretrial consultations and frequent court testimony regarding factors known to influence the validity of eyewitness report. Pretrial consultation can include choosing bills for live lineups and selecting jurors. Trial testimony includes charts to explain the results of scientific research demonstrating factors known to influence eyewitness identification accuracy. Thomas R. MacSpeiden, Ph.D., (619) 665-8766, fax: (619) 295-4113, e-mail: macspeidenphd@nethere.com

FOR INFORMATION ABOUT ADVERTISING, CONTACT THE SDCBA AT 619-231-0781.
Register online: www.sdcba.org/golftourney

FRIDAY, MARCH 22
RANCHO BERNARDO INN GOLF COURSE

$130 for SDCBA Members
$135 for Non-Members

11:00 a.m. - Registration
12:30 p.m. - Shotgun

Certified by the State Bar of California, Cert #0043

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February 2013 SAN DIEGO LAWYER 41
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NAME THAT BUILDING

Please submit answers by February 22 to martin@kruming.com. Your name will be entered in a drawing to win lunch for two at Dobson’s Bar & Restaurant in downtown San Diego. Congratulations to Deputy District Attorney Lisa Weinreb, Assistant Chief of the Juvenile Division, whose name was drawn from those who correctly identified the back of the downtown courthouse at 220 West Broadway.

Photo by Christine Pangan. <

Win a Free Lunch!
SDCBA President Marcella McLaughlin and other newly elected board members were sworn in during the annual Stepping Up to the Bar festivities on December 7 at the Bar Center.
PHOTO GALLERY

SABA-SD ANNUAL DINNER
PHOTOS BY BARRY CARLTON
The South Asian Bar Association of San Diego held its annual Dinner & Awards Ceremony on October 13 at the Natural History Museum in Balboa Park.

STATE BAR SWEARING IN
PHOTOS BY BARRY CARLTON
The Sheraton San Diego Hotel & Marina was the site of the State Bar of California’s Swearing In Ceremony on December 4.

SDCBA SHRED DAY
On December 17 lawyers brought documents for shredding to one of the SDCBA’s most popular events.
Pan Asian Lawyers of San Diego (PALSD) and Filipino American Lawyers of San Diego (FALSD) gathered at the Double Tree Mission Valley for their Annual Dinner & Installation of Officers on January 24.
ROOM WITH A VIEW
One of the views from the new Bar Center at 401. This is the shared workspace room, designed exclusively for SDCBA members to visit and work outside of their usual office.

Photo by Lauren Radack
ARE YOU A GOVERNMENT OR PUBLIC ATTORNEY?

The SDCBA’s Member Benefit program offers savings on practice-related products and services including:

**Preferred Providers**

AHERN Insurance Brokerage offers a full line of insurance coverage discounted exclusively for SDCBA members.

Structured settlement experts, Manuel and Manny Valdez provide SDCBA members with high level counsel.

Save 15% on all ABA book and periodical purchases including a variety of titles, covering a vast range of broad and highly specialized topics.

Save time, money and up to 26% on your shipping costs with no minimum shipping requirements through the discounts offered in the FedEx Advantage Program.

One of the nation’s largest private-passenger auto insurers offers SDCBA members an exclusive discount.

Verizon Wireless plan holders may qualify for discounts including a 12% discount on law firm/corporate monthly access fees¹, 18% discount on four other lines², $20 unlimited wireless email feature³, and additional equipment discounts.

**Additional SDCBA Benefit Providers Offering Savings Include:**

- Clio
- LawPay
- Javelin Web & Media
- San Diego Magazine
- Westlaw
- Voit Real Estate Services
- Ace Parking
- TERIS
- TelePacific
- San Diego Business Journal
- Torrey Pines Bank
- Vu TelePresence
- Hetz
- AWS

To learn more, visit www.sdcba.org/benefits.

¹Five wireless lines required to qualify; one line must be the law firm/corporate line; others may be employee/family; law firm/corporate line receives 12% discount

²Discount on four other lines may be employee/family lines tied to the law firm/corporate line

³Not eligible for discounts; must be added to a calling plan of $34.99 or higher; corporate accounts only