

CONTRA COSTA LAWYER

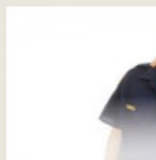
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Truancy and the Juvenile Justice System

What is the jurisdiction of the juvenile court? Generally, the juvenile court has jurisdiction over all acts of delinquency. Delinquency is any behavior that is prohibited by the juvenile law of the state. Delinquency consists of two general



News & Updates



Children's Waiting Room at Arnason Justice Center Now Open!

At long last, the Contra Costa Superior Court has opened the doors of our new Children's Waiting Room! This bright and cheerful room, located to the side of the shared space occupied by the self help center and public law

Spotlight



Interview with Judge Lois Haight

My life before being a judge was incredibly busy. My family was in Washington D.C for 8 years. I had some great opportunities as Assistant

Attorney General of the U.S. to create an office for Victims of Crime in the U.S Department of Justice. I

Contra Costa Lawyer Online

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Kids & the Law

Contra Costa Lawyer Online

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The original blog can be found at
<http://cclawyer.cccba.org/>

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Inside: Kids & the Law

Sunday, April 1, 2012



Nicole Mills

Kids and the law. What do you think of when you hear those words together? Maybe you think about skipping school or getting caught at a party with some beer or maybe it is more sinister- maybe you think of gangs, Juvenile Hall or kids “in the system.”

The intersection of children and our legal system is much bigger than that and, with the advent of new technology and the increasing use of social media, the implications (both legally and practically speaking) of what our children are doing are affecting them for longer and longer periods of time and in ways they may not (and probably do not) currently appreciate. In this issue of the Contra Costa Lawyer, we examine this intersection in many of its facets- both negative and positive. Yes, there can be a positive! As you will see, our legal system is working to improve the odds for the children that are caught up in it.

Two members of our law enforcement community, Dan Cabral, Supervising

Attorney of the District Attorney's Office's Juvenile Prosecution Division, and Lieutenant Christopher Sherry address some of the more traditional intersections of kids and the law. Dan Cabral discusses "Truancy and the Juvenile Justice System"¹ while Lieutenant Sherry identifies several programs that the California Highway Patrol has to help our children stay out of trouble² – be it drugs, alcohol, driving or the deadly combination thereof.

We also examine ways the Contra Costa Courts are looking to make the intersection of kids and the law a more positive experience – one designed to help kids succeed as well as making their experiences in court (when they must be there) a little more comfortable. Ken Torre looks at "Law and Justice Academies of Contra Costa County"³ which are designed to instill in children the goal of staying in school and entering into a law related career. These programs show children who are considered "at risk" in some way (academically behind, economically disadvantaged, possibly truant) the value of their education and how staying in school, going to college and entering a law related profession can be a path to a bright future. Jennifer Rosenberg and James Benney write about the Juvenile Hall Bedtime Reading Program in "For Reading's Sake!"⁴ This program has been providing comfort to young inmates at Juvenile Hall in Martinez for more than 20 years. Thanks to Dana Santos, our April issue also includes an interview with Judge Lois Haight⁵, the Supervising Judge of the Juvenile Department at the Contra Costa County Superior Court. Finally, Mimi Lyster tells us more about the new Children's Waiting Room⁶, which is now open to the public.

Finally, we look at the intersection of kids, the law and technology. With the new generation putting everything they think onto Facebook, Twitter and other forms of social media, it begs the question- what are the long term effects of this "sharing" mentality. In an article originally printed in the Marin Lawyer, Charles Dresow examines this question as it relates to The Fourth Amendment⁷, while James Wu examines the effects of "too much

¹<http://cclawyer.cccba.org/?p=3858>

²<http://cclawyer.cccba.org/?p=3811>

³<http://cclawyer.cccba.org/?p=3824>

⁴<http://cclawyer.cccba.org/?p=3786>

⁵<http://cclawyer.cccba.org/2012/04/interview-with-judge-lois-haight/>

⁶<http://cclawyer.cccba.org/?p=3760>

⁷<http://cclawyer.cccba.org/?p=3845>

sharing” on future employment opportunities.⁸

On a personal note, the movie “Bully!”⁹ opened on Friday, March 30. We were not able to see the movie and review it ourselves before this edition had to “go to press” but we have included a link to a New York Times review of the movie¹⁰. Bullying is one area where kids and the law intersect violently and dramatically. We have seen so many examples recently of the tragic effects that bullying can have- at the elementary, high school and college levels of education. Some children are bullied into committing suicide. Some children- the bullies themselves- may have not understood what they were doing or how traumatic the experiences were for those being bullied. They may now find themselves facing legal actions and jail time. It is a tragic situation for everyone- there are no winners and the legal landscape is evolving on this important issue. By all accounts, “Bully!” is an important movie for all parents to see.

⁸<http://cclawyer.cccba.org/?p=3851>

⁹<http://thebullyproject.com/>

¹⁰<http://movies.nytimes.com/2012/03/30/movies/bully-a-documentary-by-lee-hirsch.html>

Truancy and the Juvenile Justice System

Sunday, April 1, 2012

What is the jurisdiction of the juvenile court?

Generally, the juvenile court has jurisdiction over all acts of delinquency. Delinquency is any behavior that is prohibited by the juvenile law of the state. Delinquency consists of two general categories. First, delinquency is any act committed by a juvenile that would be a crime if committed by an adult. Therefore, acts such as theft, burglary and robbery are acts of delinquency.

The second category consists of acts known as status offenses. A status offense is an act committed by a juvenile that would *not* be considered a crime if committed by an adult. These acts are forbidden because of the status (based on age) of the individual as a juvenile. Status offenses include such acts as running away from home, violating curfew and truancy.

The juvenile court also has jurisdiction over dependent and neglected children. Often overlooked, dependent and neglected children are involved with agencies of the juvenile justice system not because of what they did, but because of what others failed to do for them. Dependency and neglect cases come to the attention of the juvenile justice system because parents or guardians have failed to provide for their children in some way. Dependency usually involves the absence of parents or guardians, generally through death or disability. Neglect cases are based on the lack of physical, emotional or financial support from parents, and in the most severe cases, neglect includes outright abandonment and/or abuse.

Because of the many types of youths served by the juvenile justice system (delinquents, status offenders, dependent and neglected), a concise description of the process for all types would invite confusion. Therefore, this article examines the process for status offenders and specifically addresses truancy and truant offenders.

It is interesting to note that until the 1970s, there was no legal distinction between a juvenile who committed an act considered criminal if committed by an adult, a juvenile who committed a status offense and a youth who came from a home with ill, abusive or deceased parents. Under a doctrine known as *parens patriae*, the juvenile court believed that it had the duty to

intervene if doing so was in the child's best interests. The juvenile court was not concerned with precise definitions and categories of conduct that might fall under its jurisdiction because the assumption was that contact with the juvenile court was always good-no matter what the circumstances.

The outcome of this was that many non-delinquent youths were institutionalized with delinquents prior to 1970.[1]¹¹ At about that time, critics concluded that juvenile court intervention was not always "in the best interest of the child," and changes began to be made. The change process began by making a legal distinction between youths who committed acts considered criminal if committed by an adult and youths who committed acts not considered criminal if committed by an adult-that is, status offenders. Youths who were in court as a result of their parents' failures were called dependent and neglected and were referred to as non-delinquents.

In 1974, Congress passed the Juvenile Justice and Delinquency Prevention Act (JJDPA). This sweeping piece of legislation required the removal of non-delinquents from secure institutions such as detention centers and prohibited the practice of confining juveniles with adults.

This is significant because it is one reason why today a person who is a truant, is prohibited from being sent to juvenile hall. The JJDPA of 1974 had two original core requirements: (1) the deinstitutionalization of status offenders and (2) the sight and sound separation of juveniles (including status offenders and dependent and neglected youths) from adults.

As a side note, states were not required to comply with this legislation; however, compliance with the JJDPA was a condition that states had to meet to be eligible for federal grant funds. Initially, many states did not comply. In 2003 the Office of Juvenile Justice and Delinquency Prevention (OJJDP) reported that almost every state was in compliance with the mandates of the JJDPA.[2]¹²

After 1974 California enacted laws that were in accordance with federal legislation.

What is a truant?

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¹²#_ftn2

Statewide, compulsory education laws in California are enforced locally via the California Education Code. The California Education Code defines a truant as follows: Any person subject to compulsory full-time education or compulsory continuation education who is absent from school without a valid excuse three full days or tardy or absent more than any 30-minute period during the school day without a valid excuse on three occasions in one school year, or any combination thereof, is a truant and shall be reported to the attendance supervisor or the superintendent of the school district.[3]¹³

Fundamentally, the intent of California’s truancy law is to compel minors to attend school.

A minor who is truant from school may be arrested and detained by the police, but he or she cannot be incarcerated in a secure facility unless they are kept out of sight and sound from those who are delinquent offenders.[4]¹⁴

As a means to decrease student truancy, school districts employ truancy intervention programs prior to the matter being referred to the juvenile justice system.

In the beginning of the school year, a letter is sent out to every parent of a child who is in school authored and signed by District Attorney, Mark Peterson. This letter notifies the parent of their responsibility for their child’s attendance at school and the consequences if their child does not attend school.

In addition to this initial letter, District Attorney, Mark Peterson makes personal appearances at schools who request his presence and gives presentations to parents and children regarding the importance of attending school and the consequences of not attending school.

Once a student is deemed to be a *truant* under the Education Code, the law requires that a school district notify the parent or guardian.[5]¹⁵ The school sends out a letter authored by the District Attorney’s office. This letter notifies the parent that their child is “truant” under the terms of the Education code.

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¹⁴#_ftn4

¹⁵#_ftn5

If a student has been reported as a truant three or more times in one school year and after the school has made a conscientious effort to hold at least one meeting with the parent and student, the student is deemed a *habitual* truant.[6]¹⁶ The student may then be referred by law to the school attendance review board (SARB).[7]¹⁷

SARB is the formal anti-truancy program adopted by the school districts in the county. It is managed by staff members at the district offices and is effectively the last diversionary resort in administratively compelling a student to attend school. Ultimately, following this process, the student may be fined and a parent may be criminally charged and fined for willfully keeping their child from attending school.

The school will then send out a post SARB letter authored by the District Attorney's office reminding the parents and students who have attended a SARB meeting to comply with the terms of the SARB agreement or face possible prosecution.

If a student is reported to be truant a fourth time or if the SARB board determines that they cannot correct the habitual truancy of the minor, the matter may be referred to the juvenile court. The juvenile court shall adjudge the minor to be a ward of the court pursuant to 601 of the Welfare and Institutions Code.

What penalties can be imposed?

The court is limited to the penalties that they can impose on a truant minor. The court can place the child on probation and impose 40 hours of community service, fine the student up to \$100.00, compel the student to attend a truancy prevention programs[8]¹⁸ and suspend or revoke their driving privilege.[9]¹⁹ As indicated previously, incarceration is not an option.

Can a parent of a truant child be penalized or prosecuted?

It is a violation of the law if a parent or guardian fails to compel the student to attend school. The parent may be charged with an infraction and be fined

¹⁶##_ftn6

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¹⁹##_ftn9

\$100.00 for the first offense, \$250.00 for the second offense and \$500.00 for the third offense.[10]²⁰

In addition to these penalties, Penal Code Section 270.1 which became effective January 1, 2011 provides penalties for a parent or guardian of a pupil of six years of age or more who is in kindergarten or any of the grades from one to eight. This is a misdemeanor with a consequence of jail time and a fine of up to \$2,000.00. To date, two parents have been charged with this crime in Contra Costa County.

Can a school lose revenue if a child is absent from school?

The state of California funds school districts based on student attendance, also known as Average Daily Attendance (ADA), at school. ADA is calculated by dividing the total number of days of student attendance by the number of days of school taught during the same period. During the 2009-2010 term, traditional public schools in San Diego County lost out on at least \$102 million in state funding because of absences, according to data gathered by KPBS and the Watchdog Institute, an investigative reporting nonprofit based at San Diego State University.

State financial support for schools is directly linked to school attendance. When a student is truant from school, the school loses money. The state does not fund a single day of student absence for any reason, not even the excused days.

Why do truancy laws exist?

The intent of these laws is to provide intensive guidance to meet the special needs of students with school attendance problems or school behavior problems. The interventions are designed to divert students with serious attendance and behavioral problems from the juvenile justice system and to reduce the number of students who drop out of school.

The following information obtained from the California Department of Education is the State of California and Contra Costa County Truancy Information for 2010-2011.

6,163,074 student enrollment

²⁰ #_ftn10

29.81% California student truancy rate

167,329 Contra Costa County student enrollment

Contra Costa County truancy rate 32.45%

54,292 Contra Costa County students truant in 2010-2011

Contra Costa truancy rate is above the state average.

The direct correlation between truancy and juvenile delinquency is well-established and generally understood by educators and law enforcement personnel alike.[11]²¹ Truancy is a significant risk factor for substance abuse, gang activity, teen pregnancy and dropping out of school. Truancy may also be a precursor to serious violent and nonviolent criminal offenses such as burglary, robbery and vandalism.

A report compiled by the Los Angeles County Office of Education of factors contributing to juvenile delinquency concluded that chronic absenteeism is the most powerful predictor of delinquent behavior.[12]²²

Of the half million Californians who turn twenty each year, 120,000 do not have a high school diploma. High school dropouts are three and half times more likely to be arrested than their peers with high school diplomas. Additionally, dropouts are eight times more likely to be in jail. Approximately 75 percent of state prison inmates and 69 percent of jail inmates did not complete high school.[13]²³

Research shows that a ten percent increase in graduation rates would lead to twenty percent reduction in murder and assaults. For California this means that approximately 500 murders and 22,000 aggravated assaults would be prevented each year. More specifically, for Contra Costa County, this means that approximately 10 murders and 479 aggravated assaults would be prevented each year.

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²²#_ftn12

²³#_ftn13

By increasing the graduation rate among males by just 10 percent, murder and assault arrests would decrease about 20 percent, motor vehicle arrests would drop by 13 percent and arson arrests would drop by 8 percent.[14]²⁴

District Attorney, Mark Peterson has made the effort to reduce truancy a top priority. If truancy can be reduced then so may the crime rate and the drop-out rate. In addition to making personal appearances at the various schools and addressing parents and children regarding truancy, he attends bi-monthly coordinating council meetings with the school districts and has encouraged every city in the county to pass a daytime curfew. He has appeared before the Board of Supervisors and requested a daytime curfew ordinance be passed in Contra Costa County. On February 28, 2012, the Board of Supervisors passed a county daytime curfew ordinance.

With the continuing efforts of the school districts and the Office of the District Attorney, it is the hope that we can decrease the truancy rate, encourage education, decrease the dropout rate, increase school revenue and decrease the crime rate.

Dan Cabral is the Supervising Attorney of the Juvenile Prosecution Division of the Contra Costa District Attorney's Office.²⁵

[1] Kenneth Wooden, *Weeping in the Playtime of Others: Americas Incarcerated Children* (Columbus, Ohio State University Press, 2000).

[2] J. Robert Flores, OJJDP Annual Report, 2001 (Washington D. C. Office of Juvenile Justice and Delinquency Prevention, 2003) 24-28

[3]48260(a) Welfare and Institutions Code

[4]207 Welfare and Institutions Code; In re Humberto O. (2000) 80 Cal. App. 4th 237

[5]48260.5 Education Code

[6]48262 Education Code

[7]48263 Education Code

[8]48264.5 Education Code

[9]13202.7 vehicle code

[10] 48293(a) Education Code

[11]U. S. Department of Justice, Office of Juvenile Justice and Delinquency

²⁴#_ftn14

²⁵<http://www.co.contra-costa.ca.us/index.aspx?NID=948>

Prevention (2001). Truancy Reduction: keeping students in school. Retrieved April 24, 2011 from <http://ncjrs.gov/pdffiles1/ojdp/188947.pdf>

[12]B. Shuster, "L. A. School Truancy Exacts a Growing Social Price," *Los Angeles Times*, June 28, 1995, sec. A, p.1 Cited by E. Garry. "Truancy: First Step to a Lifetime of Problems," *The Office of Juvenile Justice and Delinquency Prevention, Juvenile Justice Bulletin*, October, 1996.

[13]Harlow, C. (2003) Education and Correctional Populations. In *Bureau of Justice Statistics Special Report*. Washington D. C. U. S. Department of Justice

[14]Moretti, E. (2005) *Does Education Reduce Participation in Criminal Activities?* Research presented at the 2005 Symposium on the Social Costs of Inadequate Education at Teachers College, Columbia University, New York

Why Your Status Updates May Come Back to Haunt You

Sunday, April 1, 2012



James Y. Wu

Before social media hit it big, embarrassing pictures and comments could be shared between friends without too much fear that the public would ever see or hear such material. But now, with Facebook²⁶, Twitter²⁷, LinkedIn²⁸, Google+²⁹ and other social media outlets, job applicants would be wise to tackle head-on issues of privacy controls and having embarrassing pictures or comments disclosed for public consumption.

This focus on the social media is particularly important for younger job applicants who may be unfamiliar with job hunting and the hiring process. Whether intentional or inadvertent, posting too much information (TMI) can prevent you from getting a summer job, or the dream job you always

²⁶<http://www.facebook.com>

²⁷<http://www.twitter.com>

²⁸<http://www.linkedin.com>

²⁹<https://plus.google.com/%20>

wanted. According to a study by CareerBuilder³⁰, **35% of employers decided not to extend a job offer to an applicant after reviewing the applicant's social networking profile.** Employers are not the only ones reviewing social networking profiles: Kaplan Test Prep³¹ released a new study reporting that **82% of people working in college admissions admitted to checking their applicants' Facebook page.**

Recently, Reppler³², a social media monitoring service, surveyed 300 hiring professionals to learn if, when, and how hiring professionals are using social media to screen job applicants. The survey confirmed what we all have assumed for some time, that recruiters and hiring managers research job applicants' social media activity. Specifically, according to the survey, **91% of the recruiters and hiring managers stated they have used social networking sites to screen prospective employees.**

First, the good news:

Using social media can benefit job seekers. The Reppler³³ survey revealed that 68% of hiring managers reported hiring employees due to information gleaned from an applicant's social networking profile. Some of the information that helped job applicants include: providing a positive impression of their personality and organizational fit (39%); having a profile that supported their professional qualifications (36%); having a profile showing the candidate's creativity (36%); and having good references posted by others (34%).

Now, the bad news:

More importantly, 69% of these recruiters and hiring managers revealed that they have denied employment to job applicants due to something they found on an applicant's social networking site. According to the Reppler survey, job applicants were rejected based on social networking activity

³⁰<http://www.careerbuilder.com/Article/CB-1337-Getting-Hired-More-Employers-Screening-Candidates-via-Social-Networking-Sites/>

³¹<http://www.kaptest.com/oneoff/socialmediainfographic.shtml>

³²<http://blog.reppler.com/2011/09/27/managing-your-online-image-across-social-networks/>

³³<http://blog.reppler.com/2011/09/27/managing-your-online-image-across-social-networks/>

because the applicant: lied about qualifications (13%); posted inappropriate photos (11%); posted inappropriate comments (11%); posted negative comments about a previous employer (11%); made discriminatory remarks (10%); posted comments about drug use (10%); posted comments about alcohol consumption (9%); and shared confidential information from a previous employer (7%).

Some employers have gone much further than just simple web surfing to research job candidates. Some have started to ask job applicants to provide the company with their Facebook username and password³⁴, and/or to require applicants to login to their Facebook accounts during an in-person interview. To address this trend, some states have introduced legislation that could become law in the near future. For example, here in California, on March 27, 2012 Senator Leland Yee, D-San Francisco, introduced the “Social Media Privacy Act” (SB 1349)³⁵ to the legislature [1]³⁶. Senator Yee’s proposal would add new sections to the California Labor Code and Education Code prohibiting private and public colleges, universities, and employers from “requiring, or formally requesting in writing, a student or an employee, or a prospective student or employee, to disclose the user name or account password for a personal social media account, or to otherwise provide the institution or employer with access to any content of that account.” While this piece of legislation is a bit too simple, and will likely need to be refined, California joins a few other states, and some U. S. Senators, who are hoping to move the law to catch up with technology.

Be proactive when managing your online presence

In the meantime, before any such laws are passed, you should proactively manage your online identity. In a practical sense, job seekers should rely only upon themselves to make sure their online profiles result in job offers and not job rejections. Everyone who has an online presence should be sure to set privacy settings appropriately so that potentially embarrassing photos, comments, or other information are not generally available to the public. In addition, take the initiative to manage the content on your profile or “wall.”

³⁴<http://www.jdsupra.com/post/documentViewer.aspx?fid=0f9f31dc-a3ea-4b4a-b074-781e21da1729>

³⁵http://dist08.casen.govoffice.com/index.asp?Type=B_PR&SEC=%7BEFA496BC-EDC8-4E38-9CC7-68D37AC03DFF%7D&DE=%7B0696B06F-1981-4526-B844-868912957986%7D

³⁶[#_ftn1](#)

A stray comment by a “friend” about how fun it was drinking with you the other night, or how great it was to play hooky from school or work with you, could doom your job prospects.

Thus, also make sure to set up your alerts so that you are notified of when someone is talking about you, or has tagged you in a photo. Also, do not be afraid to delete comments and photos that you would not want your boss, or a parent, to see. Your friends should understand why you may have chosen to delete such material. Additionally, take care in who you are “friending” – it is usually not a good idea to become Facebook friends with your supervisor, teacher or even a co-worker (because that co-worker could have “friended” your supervisor). Finally, be careful what you “like,” what applications you use on social media, and to what you have “subscriptions”. You never know if your call for help in “Mafia Wars,” or if your “like” of “Burning Man” will be a turn-off for your potential employer.

What legal protection do job seekers have?

The Federal Trade Commission³⁷ (FTC) has taken some steps to protect individuals faced with an employer or potential employer who rely on consumer reporting agencies (companies who sell background reports). Generally, under the Fair Credit Reporting Act³⁸ (FCRA), such consumer reporting agencies must take reasonable steps to ensure maximum accuracy of the information in their reports. Employers, too, face specific requirements under the FCRA. For example, employers must provide to the job applicant/employee a disclosure that a consumer report/background check will be performed, and the employer should obtain the individual’s authorization to proceed with the check. Furthermore, the employer must provide notice to the individual if they will take adverse action (not hire the individual, for example), before the employer takes that action. The FCRA also requires an employer to provide a post-adverse action notice as well.

Last summer, the FTC investigated and approved methods used by Social Intelligence Corp.³⁹, a background check company that screens job applicants based on their Internet photos and postings. Whatever information Social Intelligence Corp. finds on a job applicant, it keeps in its files for

³⁷<http://www.ftc.gov/>

³⁸<http://www.ftc.gov/os/statutes/fcrajump.shtm>

³⁹<http://www.socialintel.com/>

seven years. According to Social Intelligence Corp., the discovered information is stored but not automatically provided to future potential employers. For example, if the applicant deletes Internet postings before another employer requests a background check, Social Intelligence, Corp. does not provide the “old” information it has stored. Instead, it provides the newer results, thus confirming the need for everyone to diligently manage online profiles.

Importantly, the FCRA requirements do not apply to employers who perform their own background checks without using a consumer reporting agency to obtain the information. Thus, for example, if the employer’s own human resources personnel, or if the hiring manager, performs social media research on a job applicant, the FCRA does not apply to those actions. And, of course, there are smartphone applications for this type of research. The FTC warned a few of the companies providing these smartphone applications, but the FTC has not yet determined that an employer’s use of these smartphone applications are subject to the FCRA.

Employers should beware too!

In general, employers should think twice, and consult an attorney, before establishing a practice of requiring employees and applicants to turn over login information. And, though the law is evolving in this specific area, employers should understand that such a practice might result in the company losing talented employees and/or potential employees.

In addition, employers should also pay attention to the FCRA, and privacy and ant-discrimination laws. For years, employers have been counseled to not invade employee privacy, to not base any employment decisions on protected characteristics, and to avoid unlawful questions during the hiring process. Now, with so many employers conducting pre-employment research on job applicant’s social profiles, employers may be opening themselves up to discrimination claims. By reviewing social networking profiles and information, employers are learning about job applicants’ religious beliefs, marital status, family relationships, race, ethnicity, medical conditions, and other information that cannot be used to make an employment-based decision. As a result, employers must take care when performing such research. One practical method is to only allow someone who is not involved in the hiring of the specific position to be the person who conducts the social media background check. Then, when completed, that person can summarize

the job-related information that may be helpful in considering the applicant, and can make no mention of the “protected” information (race, religion, medical condition, etc.) that would otherwise get the employer into trouble. This way, the hiring manager, or ultimate decision-maker receives only the job-related information.

Social media is here to stay, and job applicants should be mindful of how their own web identities may be sabotaging their attempts to get the next dream job. Additionally, social media can be used to benefit a job applicant, and thus, should not be ignored altogether. Furthermore, while we wait for the law to catch up with technology and these evolving issues, employers should be careful to conduct such background searches in compliance with the FCRA, and equal opportunity laws prohibiting discrimination.

For over 15 years, **James Y. Wu** has focused his practice on employment law and HR issues. James continues to provide day-to-day counseling and strategic litigation services to both employers and employees. James is a member of the CCCBA Board of Directors, and in 2008, James was the president of the Employment Law Section of the CCCBA and served on that Board from 2007 to 2012. Please contact James at james@jameswulaw.com and www.jameswulaw.com.

[1] Senator Yee previously introduced SB 1349 in February 24, 2012. That version of SB 1349 focused on child abuse reporting. In March 2012, Senator Yee amended SB 1349 to focus on social media. The text of SB 1349 can be found here: www.leginfo.ca.gov/pub/11-12/bill/sen/sb_1301-1350/sb_1349_bill_20120327_amended_sen_v98.html .

The Tension between Modern Technology and the Fourth Amendment to the United States Constitution

Sunday, April 1, 2012

This article has been previously published in The Marin Lawyer⁴⁰, a publication of the Marin County Bar Association⁴¹.

The Fourth Amendment to the United States Constitution protects the citizen from unreasonable searches and seizures by government agents. The Constitution was drafted with quill pens dipped in ink and copied by hand. The framers of the Constitution could not have conceived of modern technology when they drafted the Fourth Amendment. The internet, social media, cell phones, and twitter have altered the perception of privacy. There is a growing disconnect between the legal idea of a reasonable expectation of privacy for Fourth Amendment purposes and the public's idea of privacy. In addition modern technology allows the government to perform searches and surveillance in ways not possible even twenty years ago. The case of *United States v. Jones*⁴² (2012) 132 S. Ct. 945[1]⁴³ foreshadows the coming legal battles over how technology impacts the Fourth Amendment right to be free from unreasonable searches and seizures.

For decades the United States Supreme Court has primarily used a reasonable expectation of privacy standard to analyze Fourth Amendment violation questions. If a citizen does not have a reasonable expectation of privacy in the area searched there is no Fourth Amendment violation. *United States v. Jones* provides a window into the tension between modern surveillance technology and the Fourth Amendment of the Constitution. In *Jones* the Supreme Court addressed the question of whether the attachment of a Global-Positioning-System (GPS) tracking device to an individual's vehicle, and subsequent use of that device to monitor the vehicle's movements on public streets, constituted a search or seizure within the meaning of the Fourth Amendment.

⁴⁰<http://www.marinbar.org/?event=member.newsletter>

⁴¹<http://www.marinbar.org/?event=home>

⁴²<http://www.scotusblog.com/case-files/cases/united-states-v-jones/>

⁴³#_ftn1

Antoine Jones owned a nightclub and was suspected of drug trafficking. Government agents installed a Global-Positioning-System (GPS) tracking device on his car without a valid warrant. Government agents tracked the vehicle's movements for 28 days. Evidence of the vehicle's location was used to tie Mr. Jones to a stash house which contained \$850,000 in cash, 97 kilograms of cocaine, and 1 kilogram of cocaine base. After trial Mr. Jones was sentenced to life in prison.

The Justices unanimously ruled that this violated the Fourth Amendment. Justice Scalia drafted the majority opinion which was joined by Justices Roberts, Thomas, Kennedy, and Sotomayor. Justice Sotomayor drafted a concurring opinion. Justice Alito drafted a concurring opinion which was joined by Justices Kagan, Ginsburg, and Breyer. Although the Justices unanimously agreed that the government action violated the Fourth Amendment they disagreed as to why. Their varying opinions illustrate a fundamental disagreement as to how the Fourth Amendment should be applied to government use of modern technology.

Justice Scalia based his decision on a government trespass theory. He relied on case law from 1765 to support his argument that when the government commits a trespass on private property the Fourth Amendment is violated. He explained, "[i]t is important to be clear about what occurred in this case: The Government physically occupied private property for the purpose of obtaining information. We have no doubt that such a physical intrusion would have been considered a "search" within the meaning of the Fourth Amendment when it was adopted. *Entick v. Carrington*⁴⁴, 95 Eng. Rep. 807 (C. P. 1765), is a "case we have described as a 'monument of English freedom' 'undoubtedly familiar' to 'every American statesman' at the time the Constitution was adopted, and considered to be 'the true and ultimate expression of constitutional law' " with regard to search and seizure."

In his concurring opinion Justice Alito criticized the basis for Justice Scalia's reasoning by stating "This case requires us to apply the Fourth Amendment's prohibition of unreasonable searches and seizures to a 21st-century surveillance technique, the use of a Global Positioning System (GPS) device to monitor a vehicle's movements for an extended period of

⁴⁴<http://caselaw.lp.findlaw.com/data/constitution/amendment04/01.html>

time. Ironically, the Court has chosen to decide this case based on 18th-century tort law.”

Although he based his decision on the reasonable expectation of privacy standard Justice Alito confronted the idea that modern technology has made the application of the standard problematic in that the “test rests on the assumption that this hypothetical reasonable person has a well-developed and stable set of privacy expectations. But technology can change those expectations. Dramatic technological change may lead to periods in which popular expectations are in flux and may ultimately produce significant changes in popular attitudes. New technology may provide increased convenience or security at the expense of privacy, and many people may find the tradeoff worthwhile. And even if the public does not welcome the diminution of privacy that new technology entails, they may eventually reconcile themselves to this development as inevitable.”

Justice Alito identifies the additional dynamic that modern technology has given the government the ability to observe more while expending fewer resources, “[i]n the pre-computer age, the greatest protections of privacy were neither constitutional nor statutory, but practical. Traditional surveillance for any extended period of time was difficult and costly and therefore rarely undertaken. The surveillance at issue in this case—constant monitoring of the location of a vehicle for four weeks—would have required a large team of agents, multiple vehicles, and perhaps aerial assistance. Only an investigation of unusual importance could have justified such an expenditure of law enforcement resources. Devices like the one used in the present case, however, make long-term monitoring relatively easy and cheap.”

Justice Alito recognizes that the proliferation of technology that permits the monitoring of a person’s location such as GPS enabled cell phones will create a tension between a person’s desire to take advantage of these products and their desire for privacy. He believes that “concern about new intrusions on privacy may spur the enactment of legislation to protect against these intrusions.” Legislation may be the best answer but at the current time it is not entirely clear how the Supreme Court will apply the Fourth Amendment to modern technology.

Charlie D. Dresow’s practice focuses on representing those accused of a crime. Mr. Dresow is a Marin County Bar Association Board member, and

a proud member of the Richard M. Sangster Inn of Court. In his spare time Mr. Dresow enjoys coaching youth football, playing rugby, and reading history. He can be reached at cdresow@gmail.com⁴⁵ or (415) 300-7753.

[1] All citations to *United States v. Jones* (2012) 132 S. Ct. 945 unless otherwise noted.

⁴⁵<mailto:cdresow@gmail.com>

Law and Justice Academies of Contra Costa County

Sunday, April 1, 2012

“We often hear that students are our future. Volunteer Contra Costa attorneys working with local high school students accomplish two goals: Law & Justice Academies instill in students purpose for remaining in school and direction in a variety of law-related careers after graduation. All of our futures are brighter because of these collective efforts.” These inspirational and encouraging words are from Dick Frankel who is a member of the Deer Valley Law & Justice Academy Advisory Committee⁴⁶. One DeAnza faculty member stated “The goal is to inspire the students toward the field of law.”



Attorney Richard Alexander with RHS Law students during lunchtime mentoring session

According to the State Department of Education⁴⁷, there are 15 categories of academies. The academy reform educational model is based on meeting the needs of at risk students: poor attendance, behind in earned credits, low academic motivation, economically disadvantaged, low state test scores, or

⁴⁶<http://www.cccbba.org/attorney/build-your-practice/volunteer-law-academy.php>

⁴⁷<http://www.cde.ca.gov/ci/gs/hs/cpagen.asp>

low GPA. An additional goal is that students meet admission requirements for UC. The hope is that many of the students participating and benefiting from this initiative will fill the justice system diversity needs of the future. Law academies have been established in the Deer Valley⁴⁸, Richmond⁴⁹, Pinole⁵⁰, DeAnza and Kennedy high schools.

Standard learning goals include such skills as: reasoning, persuasive arguments, consensus building, positive verbal written communication, meeting vision, goals and mission of an organization, encouraging ideas, analyze, plan and prioritize, application and foundation of laws and trial procedure, problem solving, critical thinking, teamwork, leadership, listening, technology, responsibility, ethics, health and safety. These skills are to be learned within the context of the standard classes in high school. Connecting standards based outcomes to contextual information from industry professionals help engage students in the classroom. The academy model answers the age old student question of “Why” do I have to learn English, history, math, science and so on. The performance goal is based upon linking rigorous, relevant education with real world experience and 21st century skills. According to recent statistics, Academy student performance exceeds the state averages in English, math, graduation rates, and meeting UC admission requirements.



Christopher Darden and Diana Becton with RHS Law students during the

⁴⁸http://dvhs-antioch-ca.schoolloop.com/cms/page_view?d=x&piid=&vpid=1256796971060

⁴⁹<http://www.wccacademies.org/law.html>

⁵⁰http://www.wccacademies.org/law_pinole.html

Color of Justice event held in Martinez

Some examples of contextual learning include: court tours in superior, appellate and federal courts including meeting with judges, trial attorneys, FBI, DEA and Secret Service Agents, law school students, attended actual Superior Court and Appellate Court held in San Francisco and at the Deer Valley theater, guest speakers, in-class mock trials, mock trial competition, police station tours, Alcatraz tour, e-mentor direct mentoring, and professional development of faculty by judicial officers, and the De Anza students are launching an exciting project in partnership with the ACLU of Northern California to analyze and evaluate the current realignment plans initiated at the county level in response to Brown v. Plata and AB 109. The biggest needs in the future are: donations and sponsorships for program sustainability, internships, mentoring and summer jobs. To donate or to find out more about how you can support the law and justice academies of Contra Costa County, please contact Ken Torre at torrecourt@aol.com⁵¹.



CA Supreme Court Associate Justice Carol Corrigan in RHS courtroom

There are many dedicated volunteers assisting the efforts in Contra Costa and we are grateful for all of their support. Industry and Educational partners include representatives from the superior court, state and county bar association, other justice professionals, California Center for College and Career and Education, Development Center of Massachusetts, community (parents), teachers, principals, district administrators, district superintendent, school board trustees, county and state boards of education with an advisory committee assisting each academy. Additionally, the Judicial Coun-

⁵¹<mailto:torrecourt@aol.com>

cil of California and State Bar of California are key supporters. DeAnza is truly fortunate to have Judy Johnson, State Bar Emeritus Executive Director as its Advisory Committee Chair.



Attorneys Ryan Wells and Michael Nisperos with RHS Law students during lunchtime mentoring session

Don Gill, Antioch Unified School District Superintendent summarizes: “John Adams believed young people should be educated in the principles of freedom. Deer Valley Law Academy provides students with the opportunity to cultivate the virtues, knowledge, and skills necessary for civil participation so that they can better carry out their roles as citizens. We can do no better for our society than to support our children and young adults further their education.”

It is truly rewarding to see the student interest, engagement, performance and confidence thrive with the academy education model with all of this support.

California Highway Patrol Youth Programs and Services

Sunday, April 1, 2012

Dispatcher: *"11-79 (Accident with Ambulance Responding). Northbound 680 at Willow Pass Road. Two vehicles involved, and one is overturned. Fire and ambulance are en route."*

Dispatcher: *"Per witnesses, one car was driving recklessly prior to the collision."*

Officer: *"10-4 (Message Received). I am en route from northbound 680 at South Main Street."*

Dispatcher: *"Per the fire department on scene, alcohol is involved."*

Officer: *"I'm 10-97 (Arrived on Scene)."*

Officer: *"This is going to be a fatal collision. Roll the Coroner for a teenager..."*



Lieutenant Christopher Sherry

While this emergency incident is fictional, it is very similar to thousands of accidents that occur throughout California each year. These are true tragedies. Their consequences are sometimes long-lasting but largely preventable. In an effort to save lives and prevent future tragedies, the California Highway Patrol (CHP) utilizes enforcement, engineering, emergency medical services, and education. The educational component is very powerful. Our children are our future. The CHP has developed and participates in several programs for children of all ages. These educational programs alert our youth to the dangers they face as they grow up, like dealing with alcohol and drugs, handling peer pressure, and street racing. The following is an overview of the CHP's youth programs and services.

CHIPPER the CHP Chipmunk⁵²

CHIPPER⁵³ is utilized in coloring books and other printed materials in order to bring traffic safety messages to young children. CHIPPER dons a smile and a CHP uniform. The CHP utilizes several CHIPPER outfits for classroom visits and public information events throughout the state.

Red Ribbon Week⁵⁴

Red Ribbon Week⁵⁵ is an annual event, usually held in October, to increase the public's awareness of the problems associated with using illicit drugs. The Department shows its support of this program by flying red ribbons from the antennas of all patrol vehicles. Area personnel also participate in local community events featuring this campaign.

Start Smart!⁵⁶

Start Smart!⁵⁷ is a free class offered statewide to current and prospective teenage drivers and their parents/guardians. This two-hour class discusses important issues such as: tips to avoid collisions, safe driving habits, consequences, victim testimonies, parental roles and responsibilities, and legal ramifications and civil liabilities affecting teen drivers and their parents.

⁵²<http://www.chp.ca.gov/community/pdf/ChipPals.pdf>

⁵³<http://www.chp.ca.gov/community/pdf/ChipPals.pdf>

⁵⁴<http://www.redribboncoalition.com/>

⁵⁵<http://www.redribboncoalition.com/>

⁵⁶<http://www.chp.ca.gov/community/startsmart.html>

⁵⁷<http://www.chp.ca.gov/community/startsmart.html>

Impact Teen Drivers⁵⁸

Car accidents are the second leading cause of death among teens (ages 16-19). Many of these accidents do not involve drugs or alcohol, but rather reckless and/or distracted driving. Impact Teen Drivers⁵⁹ is a non-profit, public awareness and education program designed to educate teens about the dangers of distracted driving. This website is filled with great videos and information for students, lesson ideas for teachers, and a Memorial Wall to remember friends lost to accidents.

Making the Right Turn⁶⁰

The CHP conducts, free of charge, a one-time, 30–45 minute presentation to middle school students as a means of opening a dialogue about alcohol use, peer pressure, and the risks of drinking and driving. The intent of the program is to jumpstart a discussion so that teachers and parents can continue the dialogue with students long after the presentation is over.

Sober Graduation⁶¹

“Sober Graduation⁶²” is both a title and an objective. This program was established by the CHP in 1985 and has been recognized internationally as an effective anti-DUI program targeting high school seniors and raising their awareness of the dangers of drinking and driving. Each year the CHP assists participating schools by attending rallies and fund-raisers to disseminate promotional materials with anti-DUI messages. Public Service Announcements (PSAs) showing the consequences of drinking and driving are provided to CHP public information officers for presentation at school rallies. In addition, many public information programs feature accident scene reenactments that offer a strong message to students about the very serious consequences of drinking and driving.

Every 15 Minutes⁶³

⁵⁸<http://impactteendrivers.org/>

⁵⁹<http://impactteendrivers.org/>

⁶⁰<http://www.maketherightturn.org/>

⁶¹http://www.chp.ca.gov/community/impaired_driving.html

⁶²http://www.chp.ca.gov/community/impaired_driving.html

⁶³http://www.chp.ca.gov/community/impaired_driving.html

The Every 15 Minutes⁶⁴ program is a two-day program focusing on high school juniors and seniors, which challenges them to think about drinking and driving, personal safety, responsibilities, and the impact their decisions have on family, friends, and many others.

Mentoring Programs⁶⁵

The Governor's Mentoring Partnership⁶⁶ (GMP) was created to provide continuing support for California's youth through mentoring. The goal of the GMP is to encourage strong collaborations regionally to involve whole communities in mentoring efforts to assist our youth. CHP employees are encouraged to participate in these types of youth mentoring programs.

CHP Explorer Program⁶⁷

Exploring is designed to provide young adults the opportunity to experience a career in law enforcement by working side-by-side with officers. CHP Explorers assist with non-confidential duties in the office (answering phones, etc.), go on ride-alongs, and participate in parking and traffic control details at parades and special events.

The CHP's mission is to provide the highest level of safety, service, and security to the citizens of California. Our commitment is to prevent the loss of life, injuries, and property damage. Teen drivers are found at fault in 66% of all fatal collisions they are involved in, although they only represent 4% of the state's licensed drivers. Our hope is that our youth programs and services will help our youth make good decisions. We strive to make the highways safer for everyone.

Lieutenant Sherry⁶⁸ is a 15 year veteran of the CHP. He oversees the field operations of the CHP in Contra Costa County, where he lives with his family. Prior to promotion to Lieutenant, he was the Northern California supervisor with the CHP's Judicial Protection Section, ensuring security and protection to the California Supreme Court Justices, the California Courts of Appeal Justices, and the Judicial Council. With its 2010 accreditation by the Commission on Accreditation for Law Enforcement

⁶⁴http://www.chp.ca.gov/community/impaired_driving.html

⁶⁵<http://www.chp.ca.gov/community/mentoring.html>

⁶⁶<http://www.chp.ca.gov/community/mentoring.html>

⁶⁷<http://www.chp.ca.gov/community/explorers.html>

⁶⁸<http://www.linkedin.com/pub/christopher-sherry/8/94a/b>

Agencies⁶⁹ (CALEA), the CHP is the largest accredited state police in the world.

⁶⁹<http://www.calea.org/>

For Reading's Sake!

Sunday, April 1, 2012

The **Martinez Juvenile Hall Bedtime Reading Program** recently celebrated its twenty year anniversary and is still going strong.

Every unit at Contra Costa County Juvenile Hall is visited once a week by a volunteer reader. Readers come in just before 10 pm and play a little music over the intercom system, engage in a little chat, and read aloud via intercom for 30-45 minutes while the young inmates are resting their minds in their cells, listening quietly (or occasionally calling out commentary) and drifting off to a more peaceful sleep than usual.

Read more about the Juvenile Hall Bedtime Reading Program in Martinez – in the San Francisco Chronicle⁷⁰ and the Los Angeles Times⁷¹

Many of the inmates, mostly teenagers but some as young as 11 and 12, have never been read to in their lives. Virtually all of them have a limited knowledge of life outside of their own neighborhoods. Some of these kids will spend their lives tied up in the criminal justice system, but some will choose more meaningful and legitimate careers. In any case, all will benefit from the expanded awareness of the universe around them that the Bedtime Reading Program aims to bring.

Volunteer participants in this program read everything from Harry Potter to John Steinbeck to Dr. Seuss to the youthful offenders incarcerated at the Hall. Readers choose material that they feel is suitable and appropriate for their Unit, each of which has its own personality and characteristics.

Betty Frandsen started The Bedtime Reading Program in Martinez. The program has been recognized and copied nationally because of its unconditional effectiveness.

As Betty said many years ago, "It's just a madhouse in there, all steel and concrete, very noisy. And no one comes to see the kids, so they lay awake at night and worry. It made me think about ways to get them to sleep. I thought

⁷⁰<http://www.sfgate.com/cgi-bin/article.cgi?f=/c/a/1997/12/04/MN55185.DTL>

⁷¹http://articles.latimes.com/1993-01-28/news/mn-2363_1_contra-costa-county-juvenile-hall

better sleep might translate into better daytime behavior. Our purpose is to allow a young person to fall asleep in a peaceful, quiet and caring way.”

When a new facility was built on Glacier Drive, the library was named for Betty, in recognition of her leadership and dedication to the kids whom the program serves. For the past several years, the Betty Frandsen Library at Juvenile Hall⁷² has been leading the charge towards literacy for our disadvantaged County youth and given these kids easy access to stimulating reading materials.

The program has attracted many lawyer volunteers over the years. Jennifer Rosenberg at Bramson, Plutzik, Mahler & Birkhaeuser, LLP, waited until her own children were grown before joining the bedtime readers, knowing that late night commitments can be demanding, and wanting to give her evening at the Hall her full attention. Many readers find that they are somewhat exhilarated when they return home (it’s really a performance, after all) and it takes them awhile to fall asleep themselves. They may need a reader too sometimes!

New readers are always welcome. Prospects go through an extended acclimation process, visiting every unit and seeing how every reader does it, to be sure they are comfortable with the program and surroundings. Attorneys familiar with the criminal justice system are ideal candidates, as are their spouses, but anyone who enjoys reading aloud and likes teenagers has the makings of a good bedtime reader.

Susan Grice has been ably running the Bedtime Reading Program for several years and has a painless system for introducing interested participants to the program. She can be contacted at sgbuckeye@aol.com⁷³ or 925 833-8703.

Jennifer Rosenberg is senior counsel with Bramson, Plutzik, Mahler & Birkhaeuser, LLP⁷⁴, in Walnut Creek. **James Benney**⁷⁵ is the owner of James Benney Painting and Decorating and the author of five books. Both are readers with the Juvenile Hall Bedtime Reading Program.

⁷²<http://ccclib.org/locations/juvenile.html>

⁷³<mailto:sgbuckeye@aol.com>

⁷⁴<http://www.bramsonplutzik.com/>

⁷⁵<http://www.jamesbenney.com/>

Interview with Judge Lois Haight

Sunday, April 1, 2012

What was your professional life like before you were a judge?



Judge Lois Haight

My life before being a judge was incredibly busy. My family was in Washington D. C for 8 years. I had some great opportunities as Assistant Attorney General of the U. S. to create an office for Victims of Crime⁷⁶ in the U. S Department of Justice. I was able to brief the President and his cabinet on several occasions on the important issues of victims of crime and family violence to gain support for important legislation. Further being appointed as a U. S delegate to the United Nations for four different overseas conferences was a great challenge and learning experience.

Prior to our move to Washington D. C, I worked as a deputy district attorney in Alameda County, California.

What made you want to be a juvenile judge?

⁷⁶<http://www.ovc.gov/welcome.html>

I have always enjoyed working with young people and actually never aspired to be a judge unless it was a judge in juvenile court. While going to Hastings Law School, I worked as a probation officer in the summer and as a counselor in juvenile hall during the school year. I truly loved talking, interacting, and listening to youth and wanted a chance to help, inspire, encourage and support youngsters as best as I could.

As Assistant Attorney General, there were four large departments under my supervision. One of them was the Office of Juvenile Justice and Delinquency Prevention. I paid special attention to those programs and found them very worthwhile and interesting which further piqued my interest in juvenile law.

You have been offered other assignments in other courts. Why have you chosen to remain in Contra Costa County's Juvenile Department?

I have been fortunate to be able to remain in the juvenile division for 18 years. I believe that it is an area where you can best protect children, reunite families when possible and help redirect youth who are committing crimes. Youngsters are more malleable and open to redirection than adults. When I see incredible positive changes in a child and/or parent, it is very rewarding. Being able to praise, encourage and support change is a blessing.

How have events in your life influenced the manner in which you approach your responsibilities as a juvenile judge?

I believe working with youth in my law school days influenced my approach as a juvenile judge. I think I was able to see all sides of many youthful issues. Some children come from very difficult homes, some come from recently divorced parents and can't handle the emotional turmoil, and some came from homes where the parents were never home for one reason or another. There is a common theme, although accountability and consequences for bad behavior are necessary to effect change – understanding and encouraging and supporting are also necessary. There are also peer pressures that influence youngsters, even with a wonderful home life; and, certainly drugs and alcohol have a big affect on actions and decision making.

Can you share with us one of your most encouraging stories as a juvenile judge?



Judge Lois Haight with Presiding Judge Diana Becton

There are hundreds of them. Suffice it to say when a youngster changes his or her ways and goes on to college or work and becomes a productive, happy citizen, I am thrilled. Also, when parents truly change their behavior and their child is returned to a safe, drug free, loving home, I am thrilled.

Can you share with us one of your greatest disappointments as a juvenile judge?

My greatest disappointment is our community response to illegal drug use. Day after day for 18 years I have watched babies exposed to illegal drugs in utero. These children are often born with terrible lifelong handicaps and disabilities. These very disturbed children, who cannot help their difficult behavior, are overwhelming our teachers in school, our health care system and our criminal justice system; and, it is not their fault that they are deeply harmed. Further, I see young girls and boys (95% of delinquency cases) using drugs on an almost daily basis, always marijuana and often methamphetamine. These young people are dropping out, flunking out, sleeping through classes, driving under the influence and losing inhibitions and conscience.

They commit crimes, some terrible crimes, harm themselves and leave a long legacy of innocent victims with lives changed. The youth sometimes are just following the lead of their parents of crime and drugs and others are exposed to drug use by their peers. I see an A student drop down to F's and

crime. For too long we have tolerated illegal drug use in our society and it has made victims of us all.

What would you say to practitioners who may be considering entering the field of juvenile law?

I would say go for it. You will sleep at night knowing you did your best to help a family, a child or protect future victims. You will be rewarded by knowing you truly make a difference; and isn't that really why most of us went into law?

What is the greatest skill an attorney can bring to your courtroom, and to the service of juvenile clients?

The greatest skill, besides intelligence, is an open mind, an open heart and love of children. I have many dedicated attorneys in my court on a daily basis that possess these skills in abundance.

Judge Becton Receives the 2012 Rose Bird Memorial Award

Sunday, April 1, 2012

On March 23, 2012, Presiding Judge Diana Becton was honored by California Women Lawyers (CWL) with the 2012 Rose Bird Memorial Award. Family, friends and colleagues surrounded Judge Becton at the sold-out reception in Walnut Creek.

Judge Lois Haight (Contra Costa County Superior Court), Justice Martin Jenkins (First District Court of Appeal), Justice Carol Corrigan (California Supreme Court), Thuy Thi Nguyen (General Counsel, Peralta College), and Judge Becton's sister Carol Ann Barry each spoke, followed by presentations by the California State Legislature, on behalf of the Chief Justice of the California Supreme Court, as well as the National Association of Women Judges.

Below is a small selection of photos as well as video of the event. You can see many more photos on our Facebook page at [Facebook.com/CCCBA](https://www.facebook.com/CCCBA)⁷⁷.



Judge Becton with CWL President Pat Sturdevant and President-Elect Eliza Rodrigues

⁷⁷<http://www.facebook.com/media/set/?set=a.374195719278948.90006.156293777735811&type=1&l=0f7c42115a>



Justice Corrigan and District Attorney Nancy O'Malley



Judge Becton surrounded by members of the reception planning committee



Judge Becton with her staff, Diane Lynn (Clerk) and Sandy Walden (Reporter)



video⁷⁸

The Rose Bird Memorial Award was instituted by CWL in 2000 to honor Chief Justice Rose Elizabeth Bird (1936-1999). Chief Justice Bird was a trailblazer, the first women deputy public defender in Santa Clara County, the first women to hold a cabinet-level position in California, and the first female Chief Justice of the California Supreme Court. She was a founding

⁷⁸<http://www.youtube.com/embed/LuGry6Cp-vc>

member of California Women Lawyers. The award honors judges for judicial excellence, public service and inspiration to women lawyers. (adapted from the reception program)

Children Addressing the Court – Video

MCLE Preview

Sunday, April 1, 2012

Children Addressing the Court – an MCLE event sponsored by the Family Law Section of the Contra Costa County Bar Association.

The full program features a presentation by Matthew Sullivan, Ph. D. who specializes in Forensic Child and Family Psychology; a presentation by Deputy District Attorney Dana Filkowski; as well as a roundtable discussion. The event, which took place on February 24, 2012 at the Contra Costa Country Club, is now available as a Self-Study MCLE Program.

Here is a preview:



video⁷⁹

Watch the full program to earn 3.5 hours of MCLE credit. The cost for access to the full video program is \$70 for CCCBA members and \$105 for Non-Members. Please contact Theresa Hurley at (925) 370-2548 or thurley@cccba.org⁸⁰ for more information.

⁷⁹<http://www.youtube.com/embed/y8SpDejSp80>

⁸⁰<mailto:thurley@cccba.org>

Mexico MCLE – Study with Style

Sunday, April 1, 2012



The flyer is titled "MEXICO MCLE" in large, bold, white letters, with "STUDY IN STYLE" in smaller white letters below it. The background is a vibrant photograph of a Mayan stone structure on a cliff overlooking the turquoise ocean. Below the main title, there are three smaller inset photos: a man in a blue shirt and shorts standing on a beach, a view of a swimming pool surrounded by palm trees, and a group of people sitting on a stone wall. At the bottom of the flyer, the text "JOIN US! OCTOBER 6-13, 2012" is written in white. Below this, a paragraph of text describes the trip to Mexico, mentioning the Centro Costa County Bar Association, the Riviera Maya, and the Playa del Carmen. It lists the inclusions: six hours of MCLE credit, food, beverages, and activities on campus, and a flight cost of \$250 (non-stop) or less than \$1,500 per person for the entire week. A separate \$250 per person seminar fee is due to the CCCBA for all attorneys wishing to attend the continuing education portion of the trip. Significant others and children are welcome at this family-friendly event. The flyer concludes with the contact information for Dana Santos at dsantos@cccba.net.

MEXICO MCLE
STUDY IN STYLE

JOIN US! OCTOBER 6-13, 2012

Come join the **Centro Costa County Bar Association** for our annual MCLE trip to Mexico. This year we will be staying at the beautiful 4-star **Riviera Maya**, a luxurious all inclusive beachside resort located about a mile from charming **Playa del Carmen**. Up to **six hours of MCLE credit** will be offered, including bias and ethics credits. If booked early, the all inclusive resort (food, all beverages and activities on campus) and flight cost (\$250 non-stop) is less than \$1,500 per person for the entire week. (A separate \$250 per person seminar fee is due to the CCCBA for all attorneys wishing to attend the continuing education portion of the trip.) Significant others and children welcome at this family friendly event!

BOOK EARLY FOR THE BEST RATES

For information, please contact **Dana Santos** at dsantos@cccba.net.

Download the Mexico MCLE flyer here⁸¹

⁸¹<http://www.cccba.org/flyer/CAB0-AD-2012.pdf>

Children's Waiting Room at Arnason Justice Center Now Open!

Sunday, April 1, 2012

At long last⁸², the Contra Costa Superior Court has opened the doors of our new Children's Waiting Room! This bright and cheerful room, located to the side of the shared space occupied by the self help center and public law library at the Arnason Justice Center in Pittsburg⁸³, is a safe and engaging place for children to hang out while their parent or guardian is in the courthouse.

In the first two weeks of March, the new Children's Waiting Room has hosted 57 children between the ages of two and 12 years old for an average of about 45 minutes each. During that time, these children had access to age-appropriate toys, games, computer and video materials, and snacks – and were relieved of the responsibility to “sit still and be quiet” while in the courthouse!



⁸²<http://cclawyer.cccba.org/2011/09/childrens-waiting-room/>

⁸³<http://www.courts.ca.gov/facilities-contracosta.htm>

Children's waiting room at the Arnason Justice Center in Pittsburg

The waiting room is staffed by two trained caretakers from Kidango⁸⁴, an experienced court-based child care provider. Kidango's caretakers meet stringent training and education requirements, and have done a wonderful job of turning their compact area into a place that kids really enjoy. Funding for this waiting room comes from a portion of dedicated civil filing fees that have been accumulating in a trust account for just this purpose.

⁸⁴<http://www.kidango.org/>

Judge Grossman's Retirement Party

Sunday, April 1, 2012

Judge Grossman's retirement party was held on a lovely spring evening in March at the Veterans Memorial Building in Lafayette, an elegant and fitting location for us to celebrate one of our most well-loved judges.

Attended by judges, justices, attorneys, dignitaries, court administration and other worthies, the celebration was wall to wall with guests enjoying festive hors d'oeuvres and a pleasing selection of beverages. Many stories were shared about Judge Grossman, and it was with mingled appreciation and regret that we say goodbye to one of our favorite bench officers. Best of luck Judge and enjoy your retirement!







First Inter-Professional Mixer of 2012

Sunday, April 1, 2012

The first Inter-Professional Mixer of the year, on March 21, 2012, was a hit. Once again, more than 200 people mingled at Pyramid Alehouse in Walnut Creek. Attorneys and other professionals, including bankers, accountants, real estate and insurance professionals enjoyed drinks and hors d'oeuvres while catching up and making new contacts.

Audrey Gee, the CCCBA's 2012 Board President, has been the driving force behind the CCCBA's sponsorship of Inter-professional Mixers. From the start, the mixers have been very popular and well-attended, drawing more than 200 people each time. The Inter-Professional Mixers have garnered national attention, too. In an interview with the American Bar Association's Bar Leader magazine⁸⁵, Gee touts the simplicity of the events as a reason for their ongoing success: "You grab a drink, you talk with people, and get to know them. It's pure networking" (Winter 2012 Bar Leader).

Here are some photos from our last Inter-Professional Mixer. Enjoy – and see you next time!



⁸⁵http://www.americanbar.org/publications/bar_leader_home.html



You can see more photos on our Facebook page at

Facebook.com/CCCBA⁸⁶

⁸⁶<http://www.facebook.com/media/set/?set=a.371094466255740.89312.156293777735811&type=1&l=bfff9b0d8a>

Coffee Talk: What do you, as a parent, do to monitor your kids' social media/ electronic communication?

Sunday, April 1, 2012

We are friends with our daughter on Facebook and have her password. We occasionally check her phone texts and computer to see what she is up to. However, more recent apps, such as Snapchat, allow a person to send a picture that is only viewable for up to 10 seconds before it is wiped and gone forever without a trace. With new technologies that are appearing, there is no way a parent (or any other person) can monitor what is occurring on a phone so one has to hope that they raised their child correctly. Of course, every parent hopes their child doesn't do the same stupid things they did as a child.

David S. Pearson, Law Offices of David S. Pearson

My wife and I raised four children who now range in age from 26-34. I believe the same rules apply; you limit their use of electronic devices. The role of a parent is to set limits and boundaries, not necessarily a "best friend". I realize it's more challenging today with social media and the Internet and today's parents have my sympathy. Given that I am on Facebook because I like to see what my "adult" children are up to, especially since three of them are still single.

Richard L. Adame, Professional Fiduciary

My younger sisters are their friends on Facebook and alert me to anything that concerns them (and where their nieces are concerned they are a lot more conservative than I am!) We have an ongoing dialogue about electronic communication and how easy it is for words and images to be spread around to people they don't know (or people they do know!). I've also worked hard to impress the importance of taking responsibility for their actions. I trust them to do the right thing and will assume they are unless I get evidence to the contrary.

Theresa Hurley, CCCBA Section Liaison/ Education & Programs Coordinator

