

CONTRA COSTA LAWYER

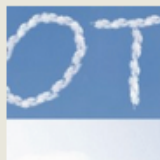
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[Tax a Cola, Save our Kids!](#)

Dr. Wendel Brunner, Director of Public Health for Contra Costa County Health Services, has made the problem painfully clear: one-third of Richmond's African-American and Latino fifth and seventh graders are obese.



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I always knew voting was important, but I learned its true value during my senior year of high school. At the

time, my school campus included a motley collection

Spotlight



[Annual Gala to Support Local High School Law Academies](#)

On September 27, the CCCBA will once again host its Gala Reception at the Lafayette Park Hotel. This

year's Gala benefits Contra Costa High School Law

Contra Costa Lawyer **Online**

September 2012
Elections & Politics

Contra Costa Lawyer Online

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Inside: September 2012 Guest-Editors' Column

Saturday, September 1, 2012



Stephen Steinberg

I always knew voting was important, but I learned its true value during my senior year of high school. At the time, my school campus included a motley collection of portables and old buildings with movable walls that barely impeded sound from traveling between classrooms. We also had no swimming pool, which meant that students on the water polo and swim teams, like me, had to drive 15-30 minutes to get to and from practice.

The school district proposed a bond measure to construct new facilities at my high school and other district schools. It narrowly missed the required two-thirds approval by just seven or eight votes. One of the civics teachers later surveyed her students and found eight seniors who were already eighteen and would have voted for the measure had they known about it, but

who failed to vote. We all learned a valuable lesson about the potential impact of voting (or not voting), and the importance of being informed about what is on the ballot.

To that end, it is my pleasure to present the 2012 Election issue of the Contra Costa Lawyer. Our featured articles cover a range of topics related to this year's election.

First, the City of Richmond could become the first municipality in the country to charge a tax or license fee for every ounce of sugary beverage sold in the city. We have two divergent perspectives on the measure from its author, Richmond City Councilman Jeff Ritterman¹, and Kris Hunt, Executive Director of the Contra Costa Taxpayers Association². Even if you don't live in Richmond, this is a fascinating issue that will almost certainly end up on the ballot in more cities and states in the coming years as we struggle with the obesity epidemic.

Second, the newest member of the Contra Costa County Board of Supervisors, Candace Andersen³, provides a well-rounded explanation of another notable local measure – the Contra Costa County Fire Protection District (“ConFire”) parcel tax. Besides explaining the parcel tax itself and her perspective on it, Andersen's article includes helpful background on the origins of ConFire and its budget problems.

Third, California State Assemblymember Joan Buchanan⁴, who represents residents of Lamorinda, Walnut Creek, Danville, and San Ramon, among others, writes about Proposition 30 and how it fits into her legislative priorities. Joan was recently named to Chair the Assembly Committee on Education, and previously served on the San Ramon Valley School Board, so she is particularly knowledgeable about the challenges faced by our schools.

Fourth, Contra Costa Lawyer Co-Editor Nicole Mills⁵, updates us on voter identification laws and recent court challenges to such laws. This is an issue that has been in the news quite a bit lately, and could have a significant impact on the outcome of the presidential election.

¹<http://cclawyer.cccba.org/?p=4574>

²<http://cclawyer.cccba.org/?p=4567>

³<http://cclawyer.cccba.org/?p=4553>

⁴<http://cclawyer.cccba.org/?p=4559>

⁵<http://cclawyer.cccba.org/?p=4537>

Lastly, we have an article about a great pro bono opportunity for our members – the non-partisan Election Protection program⁶. On Election Day (November 6), thousands of volunteer attorneys, law students, and paralegals will staff call centers that field calls from people with questions about or problems with voting. I have participated in the program in prior years, and it is extremely satisfying to spend part of Election Day helping fellow citizens to exercise their right to vote. I hope you will consider joining me this year.

Steve Steinberg is an IP and business litigation attorney at Vasquez Benisek & Lindgren⁷ ("VBL") whose practice focuses on patent and trade secret litigation and complex business disputes in both federal and state courts. He has represented networking technology and social media companies in patent infringement cases, defect claims against suppliers, disputes arising out of mergers and acquisitions, and prosecuting and defending claims for misappropriation of trade secrets. Before joining VBL, Steve was an associate with Morgan Miller Blair and Morrison & Foerster LLP.

⁶<http://cclawyer.cccba.org/?p=4525>

⁷<http://www.vbllaw.com/>

Tax a Cola, Save our Kids!

Saturday, September 1, 2012



Jeff Ritterman

Dr. Wendel Brunner, Director of Public Health for Contra Costa County Health Services⁸, has made the problem painfully clear: one-third of Richmond's African-American and Latino fifth and seventh graders are obese. Another 20% in each group are overweight. Without a successful intervention, Dr. Brunner warns that most of these children will suffer from diabetes and premature coronary heart disease, and many will not live as long as their parents.

What would a successful intervention look like?

Dr. Thomas Frieden, Director of the Centers for Disease Control and Prevention⁹, has said that a one-cent per ounce tax on sugar-sweetened beverages might be “the single most effective measure to reverse the obesity epidemic.” The American Heart Association, the Institute of Medicine, the American Public Health Association, the American Academy of Pediatrics,

⁸<http://www.nytimes.com/2012/06/03/us/richmond-calif-seeks-to-tax-sweetened-beverages.html>

⁹<http://www.nejm.org/doi/full/10.1056/NEJMp0902392>

The American Medical Association, The American Association of Retired Persons, and the United Nations have all endorsed the idea. The Richmond City Council has decided to give it a try.

Richmond's Proposed Ordinance re: Sugar-Sweetened Beverages

An ordinance on the November ballot in Richmond would impose a business license fee on all businesses in the city that sell sugar-sweetened beverages.¹⁰ Under the proposed ordinance, each business will be required to pay the city one cent per ounce of sugar-sweetened beverage sold each year. This can be calculated from inventory rather than tracking each sale. In addition, the City is working on a toolkit to make compliance for local businesses as easy as possible. The structure of the ordinance allows all of the work on the government side to be done by city employees and does not require help from the State Franchise Tax Board. It will be up to retailers to decide if they will pass the tax on to consumers, but we expect them to do so.

What's wrong with sugar-sweetened beverages?

Can't any food or beverage be part of a balanced diet, e.g. have a cola with dinner but skip dessert? That sounds reasonable, but it's based on old science. What the new science is telling us is that our bodies actually work a bit differently than that. We are not equipped to metabolize large fructose loads¹¹ without severe adverse health consequences.

In nature, sucrose or fructose is always bound to fiber and that prevents us from taking in too much at one time. Our livers can easily handle what's in an apple or two. But when we consume huge doses of fructose in water, either from high fructose corn syrup or from sucrose, we present the liver with more than it can safely handle. The liver has no storage mechanism for fructose, so whatever it cannot metabolize, it converts to fat. Some of the fat ends up on our waistlines, but it's the fat we don't see that hurts us.

Our livers get packed with fat and begin to malfunction. Fatty livers become "deaf" to the hormone insulin, which regulates sugar and fat

¹⁰<http://sireweb.ci.richmond.ca.us/sirepub/cache/0/iz1g5pyzpuugdqi0sauzliak/33714608092012091820466.PDF>

¹¹<http://ajcn.nutrition.org/content/86/4/895.full>

metabolism. The pancreas responds by going into overdrive and making high doses of insulin, and eventually poops out, resulting in diabetes.¹² Fatty livers also make unhealthy cholesterol (small dense low density lipoprotein (LDL) particles), which can plug up the arteries of the heart and cause a heart attack. This is why drinking sugar-sweetened beverages increases our risk of a heart attack by 20%.¹³

Further evidence that sugar-sweetened beverages are to blame

Dr. Kimber Stanhope¹⁴ replaced the toast and crackers that healthy 18-24 year-old volunteers had been eating, calorie for calorie, with a sugar-sweetened beverage. Within two weeks, these healthy volunteers were producing alarmingly high levels of unhealthy cholesterol.

The fact is that we Americans have drastically increased our sugar intake during the past generation, and more than half of the added sugar has come from sugar-sweetened beverages. Estimates are that at least 20% of the weight gained by Americans in the last generation was due to sugar-sweetened beverages.

Why a tax instead of just more education?

The new science says that too many sugary drinks is the main culprit in weight gain, diabetes, premature heart attacks, and even some cancers. So why not just educate folks and leave it at that?

Public health literature has lots to say about this too. Perhaps it's no big surprise, but we humans are a stubborn lot. Education alone was not enough to curtail tobacco use, to get us to put on our seatbelts, nor to designate a safe driver when we had too much to drink. We needed a "stick" to go along with the "carrot." Cigarette taxes, and penalties for drunk driving and not buckling up moved us to behave in healthier ways. That's what we plan to do in Richmond by taxing sugar-sweetened beverages.

How will Richmond use the proceeds?

¹²<http://www.hsph.harvard.edu/news/press-releases/2010-releases/sugar-sweetened-beverages-sodas-diabetes-metabolic-syndrome.html>

¹³<http://www.hsph.harvard.edu/news/features/coverage-in-the-media/sugary-drinks-heart-risk-men/>

¹⁴<http://fpg.ucdavis.edu/news/2011/10/Havel-Stanhope-research-on-sugar-and-health>

We can do even more to improve public health by directing the new tax revenue to programs and projects that promote healthy eating and active living. We also know from our work in the Richmond community that residents will support the sugar-sweetened beverage tax if the revenue is used to create more after school sports programs and make them less expensive; provide adequate sports fields; provide healthier school meals, and nutrition and cooking classes; and provide medical care for children with diabetes who can't afford care. We can guarantee enough votes on the future city council to make that package a certainty if the ballot measure passes. We estimate we will have \$3 million to invest in our children's well-being.

Moreover, we will have made history by being the first municipality in the nation to implement the recommendation of the CDC and others to save our children from the obesity epidemic. Finally, because of the campaign for this ordinance, many more folks in Richmond and the surrounding areas will know and understand the new science than perhaps anywhere else in the United States.

Learn more at www.fit-for-life.org.

Jeff Ritterman is a Richmond City Councilmember (elected November 2008) and Former Chief of Cardiology, Kaiser Richmond Medical Center. Dr. Ritterman has been active in international health. In addition to his international work, Dr. Ritterman has been working to improve health in his own local community. He has served on the Public and Environmental Health Advisory Board of Contra Costa County since 1990. He is on the steering committee of the San Francisco Bay Area chapter of Physicians for Social Responsibility (PSR), and serves on the Richmond Mayor's Task Force on Environmental Justice and Environmental Health. The proud father of a large combined family, Dr. Ritterman has children who are active in the fields of Public Health, Psychology, Music, Medical Technology and Engineering.

Richmond's "Soda Tax" That Isn't

Saturday, September 1, 2012



Kris Hunt

As we enter the season of relentless political ads, the measure dubbed the "Richmond Soda Tax"¹⁵ serves as a good example of what happens when the media meets proponents of a measure and their consultants. Reality often has no major role in the game of politics. Instead, staking out your position first and having great sound bites can make the difference in winning the modern war of words and images.

The Richmond Soda Tax¹⁶ includes all the elements needed to attract the kind of media coverage that is critical to the success of a measure. The initial argument focused on the impact of soda on childhood obesity and how this "tax" would deter consumption of dreaded sugary drinks. The

¹⁵<http://sireweb.ci.richmond.ca.us/sirepub/cache/2/tlmgcs00g42zimnqfdqcb25q/33714608302012030449501.PDF>

¹⁶<http://sireweb.ci.richmond.ca.us/sirepub/cache/2/tlmgcs00g42zimnqfdqcb25q/33714608302012030449501.PDF>

proceeds from this “tax” would be used to fight childhood obesity through a laundry list of well-intended options. This sounded like the perfect “sin tax” and the bonus was that it was “for the children.” The press ran with it, but as with so many things in the law (and politics), the devil is in the details.

Key Details of Richmond’s Proposed Business License Fee

It is not a “tax” in the traditional sense. Rather, it is a business license fee levied at the rate of “one (1) cent per ounce of sugar-sweetened beverage served, provided, or traded by businesses in the City¹⁷.”

The business license fee is paid by the vendor, unlike a traditional “sin tax” that is paid by the actual consumer whose behavior is being targeted. It is an open question how (or if) vendors in Richmond will seek to recover this cost and who will actually end up paying.

The business license fee is not limited to soda. If that were the intention, the ordinance could have been drafted to include the word “carbonated.” Instead, the measure will apply to a broad range of beverages sweetened by sugar in any form (e.g. sucrose, fructose, etc.). Nor is there any amount or proportion of sugar specified in the ordinance. So included under the business license fee will be drinks like Starbucks flavored drinks, Arizona Iced Tea, V8 Fusion, and the list goes on and on. Check the label of your favorite beverage – if sugar is an ingredient, it will likely be covered.

There is no requirement that the proceeds of this fee go to anything related to children or fighting obesity. While there is a companion measure on the ballot that asks if the proceeds *should be* used for things like after school programs, sports fields, school meals, nutrition and cooking classes, and medical care, the measure is an advisory vote only. The Richmond City Council will ultimately be free to use the money however it likes.

This measure would place a significant financial burden on retailers, particularly small ones, that could put them at a competitive disadvantage to those in neighboring cities. For example, a 24-can case of Pepsi (full disclosure – I am a Pepsi fan, but I drink Diet Pepsi) can cost \$5-\$10. The one-cent

¹⁷[http://ballotpedia.org/wiki/index.php/City_of_Richmond_Tax_on_Soda_\(November_2012\)](http://ballotpedia.org/wiki/index.php/City_of_Richmond_Tax_on_Soda_(November_2012))

per ounce business license fee would cost a retailer \$2.88. As with all business expenses, that additional cost will have to be recovered by the business somehow.

This measure fails as a sin tax

It is unlikely that consumers of sugary beverages will directly pay the cost of the proposed business license fee. Each vendor could raise prices on covered items or simply spread the total cost across all products and customers. The latter is much more likely given the respective burdens. Will vendors really want to reprogram their systems to charge one price for a Diet Pepsi and a higher price for a Pepsi with sugar? For products that do not have a sugar-free equivalent, it might be easier to build in the charge directly. But what about self-serve drink dispensers found in some restaurants, convenience stores, and movie theaters? No one is going to stand by the drink dispenser to see if you pour yourself a sugary drink and then ask you to pay up. If these businesses tried to recoup their license fees by asking customers which drink they poured, customers might lie to avoid paying extra.

It is misleading as to the use of the revenue

It is going to be difficult for the opponents to counter the way these measures have been framed in the press as a “soda tax to fight childhood obesity.” Anyone who reads the laundry list of potential uses of the money in the advisory measure will find something to identify with, regardless of whether any notable number of these worthy projects could actually be funded by the “tax.” But as explained above, the accompanying advisory measure is for advisory purposes only, leaving the Richmond City Council free to spend the money however it chooses.

This measure is missing the intended target

If childhood obesity is the target, banning soda from schools altogether would be a better tactic. Or why isn’t something like pizza a better target for combatting childhood obesity? Pizza is eaten in large quantities by children. Pizza would be easier to tax directly, rather than through a business license fee, and reducing its consumption might help curtail both heart disease and obesity in children and adults.

The answer is obvious: sugary beverages are an easy target and a “soda tax” is an easy sell. More importantly, cash-starved cities are always looking for new revenue sources and they think they may have found one in the soda tax that isn’t. Welcome to the real world of politics.

Kris Hunt became the Executive Director of the Contra Costa Taxpayers Association* (CoCoTax) in April of 2003, having previously served on the Board of Directors of that group. She has a strong financial background in both the governmental and private sectors. She was a Senior Accountant-Auditor in the Office of the Auditor-Controller of the County of Los Angeles. After relocating to Northern California, Kris worked as a Senior Budget/Cost Analyst for Blue Cross of California and then several management positions with TakeCare Corporation. After leaving TakeCare, she worked with a number of her own clients including U. C. Berkeley. Kris has been married to Jim, a professor at UC Berkeley for since 1972. They have one daughter, Dana, who is following her father’s footsteps in the academic world at Duke University.

*The Contra Costa Taxpayers Association (<http://www.cocotax.org/>) is a nonpartisan, nonprofit 501c(4) corporation that has been looking out for the interests of those who live or work in Contra Costa since 1937 by **providing fiscal oversight of local government.**

ConFire's Parcel Tax on the November Ballot

Saturday, September 1, 2012

Candace Andersen



On November 6, voters will have the opportunity to enter the voting booth and raise their own taxes through a variety of measures on the ballot. One of these will be a *75perparceltax*¹⁸ requested by the Contra Costa County Fire Protection District¹⁹ (“ConFire”). A 55% majority vote would raise approximately \$16.8 million annually and sunset after seven years. On July 31, the Contra Costa County Board of Supervisors²⁰, which serves as ConFire’s Board of Directors, in a 4-1 vote, decided to place the tax on the ballot. I was the lone vote against it.

The Formation and Coverage of ConFire

¹⁸<http://www.cccfpd.org/ParcelTaxInitiative.php>

¹⁹<http://www.cccfpd.org/>

²⁰<http://www.co.contra-costa.ca.us/index.aspx?nid=193>

Most Contra Costa County cities don't have their own fire departments. Instead, emergency medical services, fire protection, fire suppression, and other emergency responses are provided by fire protection districts. These are independent governmental entities, overseen by their own boards of directors, and with independent sources of revenue.

ConFire²¹ is one such fire protection district. ConFire was formed in the early 1960's through a merger of several existing fire districts. It has 28 stations and serves the cities of Antioch, Clayton, Concord, Lafayette, Martinez, Pittsburg, Pleasant Hill, San Pablo, and Walnut Creek. ConFire also serves the unincorporated communities of Bay Point, Clyde, El Sobrante, Montalvin Manor, North Richmond, and Pacheco. These are the communities which will be voting on the parcel tax.

ConFire's Budget Problems

ConFire's budget for 2012-13 includes expenditures of just under \$99.8 million, while its revenue is estimated at \$88.7 million. The budget gap will be closed through the use of reserves, which will be exhausted next year. Of the \$99.8 million in expenses, \$31 million goes to pension and retirement healthcare costs. For every \$1 in regular salary paid, another 88 cents goes toward these retiree expenses. Salaries and benefits account for 85% of the District's budget. ConFire firefighters retire with a 3% at 50 formula for their pensions (3% of their salary for every year of service, with eligibility at age 50).

ConFire receives approximately 90% of its funding from property taxes, which is typical of most fire districts. Like many agencies, it was hit hard by the decline in property taxes. From 2008-2012 it lost nearly \$32 million from its operating budget. It also has had ever increasing pension obligations due to investments not meeting financial projections made when generous pension tiers were put in place. ConFire's problems were further compounded by a "depooling" of their retirement fund from the rest of Contra Costa County's retirement system. This was done to ensure that each agency paid its own fair share toward pensions.

The Proposed Parcel Tax

²¹<http://www.cccfpd.org/>

ConFire Chief Darryl Louder has stated that unless the November parcel tax passes, ConFire will have to close seven (7) fire stations in July 2013²². The district will be \$8 million in the red and response times will dramatically increase. The following year another three stations will have to close as ConFire will be short \$18 million. When the tax was first presented to the Board of Supervisors in June of this year, the projections showed that even with a \$75 tax, the district would be shutting down stations within three years. Now, the Chief's projections are rosier and show that ConFire will be able to get by with the tax, but when it sunsets in seven years, the district will once again be in the red by \$11 million.

Proponents of the parcel tax argue that many people have had the assessed values of their homes and their corresponding property taxes drop dramatically over the past several years, so they should be able to afford an additional \$75. They also note that this is like an insurance policy – for just \$6.25 a month (\$75 a year), you are ensuring that a first responder will arrive on the scene quickly when you need one. Finally, they highlight the fact that homeowners' insurance rates may go up if fire stations are closed.

My Perspective on the Tax and a Long-Term Solution to ConFire's Budget Problems

As a newly elected County Supervisor and member of ConFire's Board of Directors, I feel a serious responsibility to manage our resources wisely. I have always believed that government needs to live within its means and find new models of delivering services if the old ones are not sustainable. I consistently support local parcel taxes and bond measures when there is a direct nexus to the benefit received by the community, where the measure is fiscally sound, and when it provides an ongoing benefit. I am not finding that test met here.

ConFire's pensions are not sustainable. Meaningful pension reform is difficult to achieve, but we need to begin somewhere. Retirement for existing employees and retirees is deemed vested by the California Supreme Court and cannot be modified unless agreed to by the entire bargaining unit. At the very least, we need to have a new, less costly pension tier such as a 3%

²²http://www.contracostatimes.com/news/ci_21201908/contracosta-fire-tax-measure-sent-voters

at 55 for new hires. The financial benefit won't be seen immediately, but it's a start.

We also need to continue to look at how we provide services. The district has tried traditional cost savings measures including salary reductions, increasing employee contributions to benefits, furloughs, controlling staff overtime, and deferring capital purchases and improvements, but it hasn't been enough. With over 70% of ConFire's calls being for medical services, and where an ambulance from a private company is also dispatched, we need to make a greater effort to look at other models of delivery. It is imperative that we show taxpayers that we have a plan in place to not only provide emergency services but to do so cost-effectively.

I care deeply about keeping our communities safe, and have never questioned the integrity and skills of ConFire's firefighters. They are a well-trained and dedicated group of men and women who willingly work each day to protect others. I want to help them keep their jobs and not close fire stations. If, prior to November 6, we have a new pension tier agreed to and either a new model for delivering services or a cost savings plan to make the district's budget sustainable beyond the sunset of the parcel tax, I will support this measure.

Candace Andersen was elected to the Contra Costa County Board of Supervisors on June 5, 2012 and sworn in on June 26, 2012 to begin serving her first term as the District 2 County Supervisor.

Candace served as the Mayor of the Town of Danville for two terms. Candace also served on the Morgan Hill City Council in the early 1990's. She is an attorney licensed to practice law in California and Hawaii. She began her legal career as a Prosecuting Attorney in her hometown of Honolulu and also worked as a civil practitioner with a law firm in Morgan Hill. Candace put her legal career on hold to serve the community and raise her family. She and her husband, attorney Philip M. Andersen, have been married for 28 years and are the parents of six children ranging in age from 14 to 26, and have two daughters-in-law and a son-in-law.

California's Bridge to Recovery

Saturday, September 1, 2012



Joan Buchanan

This November, Californians will be voting on eleven state ballot measures. The topics are wide-ranging, from the death penalty and three strikes reform to genetically-modified food labeling. However, none will be more critical to California's future than Governor Brown's Proposition 30²³, which implements temporary taxes to fund education and guarantee local public safety funding.

The Importance of Proposition 30

As a state, our vote on Proposition 30²⁴ will determine the level of investment we are willing to make in education, public safety, and healthcare. The

²³<http://www.sos.ca.gov/elections/ballot-measures/qualified-ballot-measures.htm>

²⁴<http://www.sos.ca.gov/elections/ballot-measures/qualified-ballot-measures.htm>

Governor's measure will provide the revenue the state needs to sustain a baseline level of services and bridge the gap while the economy recovers. Without the revenue generated from this initiative, Governor Brown has identified a number of cuts that will have to be made to balance the budget. These cuts will devastate funding for K-12 education, higher education, the Department of Developmental Services, and numerous other state services.

Since the beginning of the recession in 2008, California has seen revenues drop significantly. The Legislature has already had to make drastic budget cuts across the board. Cuts to education, healthcare, and critical social services have disproportionately impacted the children of California.

For example, California now ranks 48th in the nation in per pupil spending²⁵, \$2,500 below the national average. Continuing to disinvest in education will leave the next generation of Californians unable to compete in a global economy. We need a highly trained, skilled workforce to help propel us out of this recession and build a strong economy for the future. The Public Policy Institute of California estimates that the demand for college graduates will exceed supply by over one million by the end of the decade²⁶. Without a strong and vibrant education system, California will continue to fall behind.

The Governor is asking the people of California to pass Proposition 30²⁷ to generate nearly \$6 billion in additional annual revenue to increase funding for K-12 education, higher education, and dedicate funding to the realignment of public safety services. Without these funds the school year could be cut by an additional 15 days, class sizes likely will go up, tuition at the University of California and Cal State University systems will continue to increase, and funding for local government services will decrease.

Recipe for Success

We already know the recipe for success – we have implemented it before and it has made California's economy one of the largest and strongest in the

²⁵<http://blogs.kqed.org/americangraduate/2012/01/13/california-student-spending-near-bottom/>

²⁶http://www.ppic.org/content/pubs/report/R_409HJR.pdf

²⁷<http://www.sos.ca.gov/elections/ballot-measures/qualified-ballot-measures.htm>

world. We need three things to be successful.

Investment in Education

Our number one priority should be investing in education. When California's school funding ranked 5th in the nation, California's students performed 5th in the nation. That generation of innovators built the aerospace industry and created Silicon Valley, the world headquarters for internet and technology companies like Google, HP, Apple, Facebook, and Twitter. California also became the home of the bio-tech industry and many of the nation's top research institutions.

None of this would have developed in California without a significant investment in K-12 education and one of the most robust higher education systems in the world. The intellectual capital these investments created is unrivaled anywhere in the world. However, the cuts we have made in recent years are leaving our children unprepared to be the leaders and innovators of tomorrow that will sustain California's economic strength.

Investment in Infrastructure

Secondly, we need to reinvest in our state's crumbling infrastructure. Construction spending will create well-paying jobs, lowering California's high unemployment rate in a critical industry and stimulating consumer spending. Strong transportation infrastructure also stimulates commerce and tourism.

Middle Class Jobs

Finally, we need middle class jobs. The middle class is the foundation of a vibrant economy. The rising level of income inequality significantly restricts the economy's consumer base and drives down demand. As fewer middle class jobs are available, more Californians fall into poverty, requiring additional social services from the state. In short, a strong economy requires a vibrant middle class.

With these three ingredients Californians built the strongest state in the Union and we can carry that legacy into the 21st century. The first step is to stop cuts to critical programs like education and build a bridge to recovery. Proposition 30 is that bridge.

California is naturally blessed with an abundance of natural resources, a beautiful and diverse geography, and entrepreneurial and innovative people. But our state's continued success is not inevitable. By investing in a top education system, a strong infrastructure, and a vibrant middle class, we can give our children the tools they need to sustain the bright future and strong economy our parents gave us.

Assemblymember Joan Buchanan, elected to the State Assembly in November 2008, represents the 15th Assembly District, which includes portions of Alameda, Contra Costa, Sacramento and San Joaquin counties and the communities of Brentwood, Danville, Elk Grove, Galt, Livermore, Oakley, Pleasanton, San Ramon, Stockton and Walnut Creek. A member of the Assembly Budget Committee, Assemblymember Buchanan chairs the budget subcommittee on State Administration and Information Technology. Joan is a 30 year resident of Alamo, CA and a native Californian.

'Tis the Season for Voter ID Laws

Saturday, September 1, 2012

"The more things change, the more they stay the same." Alphonse Karr



Nicole Mills

In 2008, I wrote an article for the Contra Costa Lawyer²⁸, titled "Why California Should Not Enact a Voter ID Law²⁹." In it, I argued that voter ID laws lead to the disenfranchisement of the most vulnerable and underrepresented groups in our political system. Four years later, we find ourselves once again preparing to vote in a Presidential election, and again dealing with the question of the legality and necessity of voter ID laws.

Four years ago, the Supreme Court upheld what was at that time the country's most restrictive voter ID law. *Crawford v. Marion Cty. Election Bd.*³⁰,

²⁸<http://www.cccbba.org/attorney/cclawyer/index.php>

²⁹<http://www.cccbba.org/attorney/pdf/cclawyer/2008-10.pdf>

³⁰<http://www.supremecourt.gov/opinions/07pdf/07-21.pdf>

128 S. Ct. 1610 (2008). Commenting on the decision, I wrote that requiring voters to show photo ID at the polls sounds innocuous at first blush – how hard is it really to whip out your driver’s license or state ID before you vote? In fact, for some groups, getting that ID is too expensive, too difficult, or even downright impossible.

Typically, they are the groups that are most vulnerable in our political system – the groups with no money, no power, and very little voice. They are the elderly, who sometimes have no driver’s license because they no longer drive. They are the poor, who may not be able to afford the cost of a photo ID. They are non-native English speaking minorities, who may find it difficult to understand the procedures necessary to get an ID card. They are the homeless, who have no address to put on an ID card. The result of a voter ID requirement is the disenfranchisement of members of these groups. Despite this, the Supreme Court decided that the potential harm to a “small number of voters” (*Crawford*³¹, 128 S. Ct. at 1622) was outweighed in Indiana by the state’s interest in preventing voter impersonation fraud. *Id.* at 1617-20, 1624.

Today, the disenfranchisement of this “small number of voters” continues to be seen by the courts as an unfortunate but acceptable side effect. On August 15, 2012, the Commonwealth Court of Pennsylvania refused to grant injunctive relief against Pennsylvania’s strict voter ID law despite acknowledging that “[p]etitioners’ counsel did an excellent job of ‘putting a face’ to those burdened by the voter ID requirement.” *Applewhite v. Pennsylvania*³², No. 330 M. D. 2012 (Pa. Commonw. Ct. Aug. 15, 2012)

What Has Changed and What Has Remained The Same?

Let’s start with what remains the same.

Four years ago, the proponents of the Indiana law at issue in *Crawford*³³ could not identify instances of the harm that their law was designed to protect against – that is to say in-person voter fraud. Indeed, the majority conceded that “[t]he record contains no evidence of any

³¹<http://www.supremecourt.gov/opinions/07pdf/07-21.pdf>

³²http://www.pacourts.us/NR/rdonlyres/676A25C6-3760-4376-B7EF-71EA4A6623F9/0/CMW330MD2012ApplewhiteDetermPrelimInj_081512.pdf

³³<http://www.supremecourt.gov/opinions/07pdf/07-21.pdf>

such fraud actually occurring in Indiana at any time in its history.” *Crawford*, 128 S. Ct. at 1618-19. As the dissent pointed out, this is consistent “with the dearth of evidence of in-person voter impersonation in any other part of the country.” *Id.* at 1637.

Four years later, voter ID proponents have yet to come up with any compelling evidence that the “harm” such laws are designed to prevent actually exists. As in Indiana, the proponents of the Pennsylvania law “admitted in court filings that no identifiable instances of voter fraud would be curbed by the new law. Instead, they primarily argued the Legislature had the right to set new requirements for voting.”³⁴[1]³⁵

Those findings are not limited to Pennsylvania. CBS News researched the ten states that recently passed voter ID laws and found voter fraud of any kind to be extremely rare: With 40 million registered voters in those states, CBS News found less than 70 voter fraud convictions in the last decade³⁶.^[2]³⁷ Similarly, a national analysis of voter fraud allegations found in-person voter fraud to be “virtually non-existent³⁸.”^[3]³⁹ The same study showed that Pennsylvania’s law currently leaves 9% of its eligible voters unable to vote because they do not have adequate identification. “Even if 90 percent of those voters got the correct identification by Nov. 6, that still could leave 75,800 voters disenfranchised.”⁴⁰”^[3]⁴¹

So What Has Changed?

Despite the lack of identifiable harm, what has changed is the exponential increase in the number of voter ID laws across the country. Since 2010, 11 states have passed some form of voter ID law⁴².^[4]⁴³ Opponents

³⁴<http://paindependent.com/2012/08/judge-upholds-voter-id-law-opponents-plan-to-appeal-to-supreme-court/>

³⁵#_ftn1

³⁶http://www.cbsnews.com/8301-18563_162-57494102/pa-upholds-controversial-voter-id-law/

³⁷#_ftn2

³⁸<http://votingrights.news21.com/article/election-fraud/>

³⁹#_ftn3

⁴⁰<http://votingrights.news21.com/article/election-fraud/>

⁴¹#_ftn3

⁴²<http://in.reuters.com/article/2012/08/15/us-usa-voterid-pennsylvania-idINBRE87E0LT20120815>

⁴³#_ftn4

have obtained injunctions against these laws in three states – Texas, Wisconsin, and South Carolina⁴⁴.^[5]⁴⁵ In the most recent development mentioned above, however, the Commonwealth Court of Pennsylvania upheld the strict voter ID law enacted in that state. It is widely expected that opponents of the law will appeal to the Pennsylvania Supreme Court.

If harm from in-person voter fraud is nearly non-existent, then why the sudden increase in voter ID laws? Generally, supporters of these laws insist that they are important to protect against fraud, despite mounting evidence to the contrary. More likely, these laws are part of an election strategy intended to disenfranchise voters who largely tend to vote Democratic. As I mentioned in my prior article, the voters most directly affected by voter ID requirements are those who traditionally support the Democratic Party and not the Republicans – the poor, minorities, and the disadvantaged. As Dan Quayle is famously said to have observed, “Republicans have been accused of abandoning the poor. It’s the other way around. They never vote for us.”

In June of this year, Pennsylvania Representative Mike Turzai made a similarly unscripted statement, admitting that the new voter ID law in Pennsylvania would allow Romney to win that state. Listing recent accomplishments in a speech to the Republican State Committee, Turzai said, “Voter ID, which is going to allow Governor Romney to win the state of Pennsylvania, done.”⁴⁶^[6]⁴⁷

Whether we, as a people, continue to allow the right to vote to be taken away from certain groups for political gain remains to be seen. But it is frightening that in the last two years, we have reversed a consistent march toward enfranchisement of voters in this country, and instead begun making it more difficult for eligible voters to vote.

Nicole Mills is a mediator practicing in Walnut Creek. She is the co-Editor of the Contra Costa Lawyer and the Chair of the ADR Section. She can be

⁴⁴<http://abcnews.go.com/blogs/politics/2012/03/voter-id-laws-struck-down-in-texas-wisconsin/>

⁴⁵#_ftn5

⁴⁶<http://abcnews.go.com/blogs/politics/2012/08/pennsylvania-court-upholds-voter-id-law/>

⁴⁷#_ftn6

reached at nicolemillsesq@yahoo.com⁴⁸.

FURTHER READING

As you consider the current state of voter disenfranchisement in the United States, here are some links you may find helpful or (in the case of the clip from The Daily Show) amusing.

For a summary of current Voter ID and registration laws from the Brennan Center, go to: http://www.brennancenter.org/content/resource/2012_summary_of_voting_law_changes/

My original 2008 article on this topic was part of a Point/Counterpoint feature on Voter ID laws. You can download the entire 2008 edition of the Contra Costa Lawyer, which includes both articles, here: <http://www.cccba.org/attorney/pdf/cclawyer/2008-10.pdf>

What are the Voter ID laws in your state?⁴⁹ USA Today interactive map

Wizards of I. D. – The Daily Show, August 8, 2012⁵⁰

FOOTNOTES

[1] Boehm, E. (2012, August 15). Judge upholds ‘voter id’ law; opponents plan to appeal to supreme court. *Pennsylvania Independent*. Retrieved from <http://paindependent.com/2012/08/judge-upholds-voter-id-law-opponents-plan-to-appeal-to-supreme-court/>

[2] Pa. upholds controversial voter id law. (2012, August 15). *CBS News*. Retrieved from http://www.cbsnews.com/8301-18563_162-57494102/pa-upholds-controversial-voter-id-law/

[3] Khan, N., & Carson, C. (2012, August 12). Comprehensive database of u.s. voter fraud uncovers no evidence that photo id is needed. *News 21*. Retrieved from <http://votingrights.news21.com/article/election-fraud/>

⁴⁸<mailto:nicolemillsesq@yahoo.com>

⁴⁹<http://www.usatoday.com/news/opinion/editorials/story/2012-08-08/voter-ID-Pennsylvania-trial/56887192/1>

⁵⁰<http://www.thedailyshow.com/watch/wed-august-8-2012/wizards-of-i-d->

[4] Baynes, T. (2012, August 16). Pennsylvania judge denies challenge to state's voter id law. Reuters. Retrieved from <http://in.reuters.com/article/2012/08/15/us-usa-voterid-pennsylvania-idINBRE87E0LT20120815>

[5] Voter id laws struck down in texas, wisconsin. (2012, March 12). *ABC News*. Retrieved from <http://abcnews.go.com/blogs/politics/2012/03/voter-id-laws-struck-down-in-texas-wisconsin/>

[6] Pennsylvania court upholds voter id law. (2012, August 15). *ABC News*. Retrieved from <http://abcnews.go.com/blogs/politics/2012/08/pennsylvania-court-upholds-voter-id-law/>

Election Protection: Lawyers and Law Students Protecting the Right to Vote

Saturday, September 1, 2012



Sonia Gill

Election Day is fast approaching. With less than three months to go, the Lawyers' Committee for Civil Rights Under Law⁵¹ is mobilizing legal volunteers nationwide to lead Election Protection⁵², the country's largest non-partisan voter protection coalition. *Election Protection* was formed in 2001 to ensure that all voters have an equal opportunity to participate in our democracy. Through the dedication of attorneys, law students, and paralegals around the country *Election Protection* is able to provide voters with comprehensive and immediate assistance on Election Day. This service has been instrumental in helping Americans all over the country to exercise their right to vote for the past decade.

⁵¹<http://www.lawyerscommittee.org/>

⁵²<http://www.866ourvote.org/>

Election Protection⁵³ has two key components. The centerpiece of the program is the **Election Protection Hotline: 1-866-OUR-VOTE** (1-866-687-8683) (1-888-VE-Y-VOTA for Spanish speakers). Through the hotline, voters can call and speak with a trained volunteer to ask questions and get information about voting, and report problems with voting. Inquiries run the gamut and may be as simple as a voter asking for his or her polling location to more substantial problems such as voter intimidation at the polling place which require follow up with state or county officials. All calls received into the Hotline are reported into Our Vote Live⁵⁴, an online database and reporting system available for public consumption, so voters, election officials, and the media have a live feed of what is happening in their communities. Additionally, our legal volunteers spearhead a comprehensive field monitoring program in targeted precincts and polling sites where we help voters with questions and report problems into the Hotline.

The Lawyers' Committee⁵⁵ relies on pro bono resources and the spirit of volunteerism inherent in many in the legal profession. This year we aim to recruit 10,000 legal volunteers from across the country to volunteer on Election Day. We will also aim to partner with over 75 law firms and law schools around the country who support Election Protection⁵⁶ in a number of ways including by hosting call centers, developing legal materials for Election Day, providing media and communications support and, of course, supporting the program with volunteers.

The Bay Area is host to one of our three national call centers (in addition to New York and Washington D. C.). Partnering with various Bay Area law firms, Election Protection⁵⁷ is able to recruit, manage, train, and staff the hotline with hundreds of volunteers on Election Day. Volunteers go through a two-hour training session and are then assigned to a four-hour shift during which they answer calls from voters up and down the West Coast. Most volunteers have no prior experience with voting laws. The Lawyers' Committee⁵⁸ and its partners help provide hotline volunteers with comprehensive training, a suite of legal materials for reference, and call center "captains"

⁵³<http://www.866ourvote.org/>

⁵⁴<http://electionawareness.appspot.com/>

⁵⁵<http://www.lawyerscommittee.org/>

⁵⁶<http://www.866ourvote.org/>

⁵⁷<http://www.866ourvote.org/>

⁵⁸<http://www.lawyerscommittee.org/>

who assist volunteers in answering some of the more complex calls. The experience of helping a voter, one at a time, to exercise their right to vote on Election Day keeps many of our volunteers coming back again every election cycle.

If you want to protect the right to vote and are interested in volunteering for Election Protection in the Bay Area, visit our voter protection website at www.866ourvote.org for more information and to sign up to help on Election Day.

Sonia Gill is an Associate Counsel with the Lawyers' Committee for Civil Rights⁵⁹ in the Voting Rights Project. She manages Election Protection programs in nine states, including California.

⁵⁹<http://www.lawyerscommittee.org/>

Annual Gala to Support Local High School Law Academies

Saturday, September 1, 2012

On September 27, the CCCBA⁶⁰ will once again host its Gala Reception⁶¹ at the Lafayette Park Hotel⁶². This year's Gala benefits Contra Costa High School Law Academies⁶³. Special guests Dr. Ovick, County Superintendent of Schools⁶⁴, and Supervisors John Gioia⁶⁵ (Dist 1) and Federal Glover⁶⁶ (Dist 5) join the local legal community in supporting these important programs for at-risk high school students.

Law Academy student Joseph, presenting the academy's business development plan.



Law & Justice Academies are vital because they help students excel academically, prepare for college, and explore careers in the legal field. The

⁶⁰<http://www.cccba.org>

⁶¹<http://www.cccba.org/attorney/calendar/event.php?id=3003>

⁶²<http://www.lafayetteparkhotel.com/>

⁶³<http://cclawyer.cccba.org/2012/04/law-and-justice-academies-of-contra-costa-county/>

⁶⁴http://www.cccoe.k12.ca.us/supe/supe_main.html

⁶⁵<http://www.co.contra-costa.ca.us/index.aspx?NID=589>

⁶⁶<http://www.co.contra-costa.ca.us/index.aspx?NID=781>

academy model is based on meeting the needs of students who are at risk due to poor attendance, low test scores, or because they are economically disadvantaged. Students receive exposure to the legal profession and develop the skills and knowledge needed to embark on advanced professional and academic careers. Department of Education⁶⁷ reports show that academy students have significantly higher graduation rates and scores. Additionally, the academy model helps more students meet UC admission requirements.

“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.” **Dick Frankel**, a member of the Deer Valley Law & Justice Academy Advisory Committee.

The goal of this year’s Gala is to raise \$30,000 to fund law-related field trips, Mock Trial programs and teacher training. Academies being honored are Deer Valley High School Law & Justice Academy⁶⁸ (Antioch), Richmond Law Academy⁶⁹, and De Anza Law Academy⁷⁰ (Richmond).

Below are some details about this year’s Gala Honorees and the types of programs that will benefit from this year’s proceeds. For more information, come join us at the Gala where you can meet some of the Law Academy students, see their work, and hear how High School Law Academies engage and inspire students in Contra Costa County.

Richmond High School Law Academy

⁶⁷<http://www.cde.ca.gov/ci/gs/hs/cpagen.asp>

⁶⁸http://dvhs-antioch-ca.schoolloop.com/cms/page_view?d=x&piid=&vpid=1256796971060

⁶⁹<http://www.wccacademies.org/law.html>

⁷⁰<http://www.wccusd.net/domain/474>



The mission of the Richmond High School Law Academy⁷¹ is to help students become public leaders and public servants who can effect democratic and equitable change in their school and community.

Some of the programs that RHS Law Academy students participate in are Mock Trial, Junior Statesman (JSA) and summer internships. According to Mary Kadri, one of the Law Academy lead teachers, students greatly valued their experience in Mock Trial, and made tremendous gains in public speaking, and critical thinking. Students who participated in JSA developed their debating skills and their knowledge of political and social issues, as well as the government process. Kadri also reported that "[t]his experience also gave the students exposure to a much wider and whiter community than they have ever experienced, and they gained confidence outside of their comfort zone." All of these programs would be supported by grant funding from Gala proceeds.

De Anza Law Academy

De Anza Law Academy⁷² students receive exposure to the legal profession, and develop the skills and knowledge needed to embark on advanced professional and academic careers.

Last year, De Anza Law Academy students prepared a series of presentations about realignment addressing different issues in the areas of pre-trial, alternatives to incarceration, and re-entry. Many solutions were aimed at reducing recidivism, overcrowding, and costs while providing benefits for

⁷¹<http://www.wccacademies.org/law.html>

⁷²<http://www.wccusd.net/domain/474>

both the offender and the community. Students researched the bill through several mediums. They met with community members and professionals in the field involved in the decision-making process for the bill, researched alternatives to incarceration, and developed a proposal. They presented their findings to a panel of members from the legal professions and the community.

Due to recent budget cuts in the state, the law academy does not have funds for teachers to work on law academy projects outside of the classroom, such as attending field trips, teacher trainings and academy tutoring. According to Mirel Rivera, Law Academy Lead, "[f]ield trips are an essential part of career exploration, exposing students to the real world applications of the concepts they learn in the classroom. However, without adults who can supervise them and connect the concepts from the classroom to the field, the students would not benefit as much from a field trip." Gala proceeds will support Mirel Rivera's goals for the Law Academy.

Deer Valley High School Law & Justice Academy

Law Academy student Sierra presenting the magazine students created, focusing on the role of women in the law



The DVHS Law & Justice Academy⁷³ is a small learning community at DVHS. Law and justice integrated curriculum is embedded within classes and extracurricular activities provide a rigorous and relevant course of study that meets or exceeds the requirements for the University of California admissions.

An internship class will be offered this school year, and students will again have the opportunity to create a magazine. Last year's magazine focused on women's role in the law. This year, the magazine will be about the students' city, Antioch. Students will focus on the history, laws and the local community with industry professionals providing feedback and insight to the developing articles.

The academy realizes the importance of work-based learning experiences. The importance was highlighted last year, when the academy's 11th graders went on a field trip to the 1968 Exhibit at the Oakland Museum⁷⁴, many said they had never been to a museum before. Teachers are often reluctant to charge for field trips since 40 percent of the students at Deer Valley receive free and reduced lunch which is based on the family's income. Grant funds from Gala proceeds would go towards subsidizing field trips to Contra Costa County Superior courthouses, the State Capitol and the San Francisco Federal Court.

Can CCCBA members support county high school law academies in other ways?

In addition to financial support, Law Academies are always looking for guest speakers, mentors, Mock Trial coaches and general volunteers. Practicing attorneys, retired attorneys, law students, judges, court personnel and law enforcement are all welcome to participate.

For more information about the Gala or Law Academies, please contact Theresa Hurley at (925) 370-2548 or thurley@cccba.org.

⁷³http://dvhs-antioch-ca.schoolloop.com/cms/page_view?d=x&piid=&vpid=1256796971060

⁷⁴<http://museumca.org/1968>

Bar Soap – September 2012

Saturday, September 1, 2012



Matt Guichard, author of
The Bar Soap

The same names keep popping up in our profession, as sons and daughters, nieces and nephews, join the practice of law. David Larkin⁷⁵ reports his son **Tom Larkin**, a newly minted lawyer, joined the Santa Clara County Public Defender's Office⁷⁶. Appel Law Firm LLP⁷⁷ announced **Thomas G. Appel**, USF Law Class of 2011, has joined the firm as an Associate Attorney. My nephew Matt is reportedly a very competent Deputy DA in Contra Costa County. No, his last name is not Guichard.

⁷⁵<http://www.walnutcreekcriminallaw.com/>

⁷⁶<http://www.sccgov.org/sites/opd/Pages/Office-of-the-Public-Defender.aspx>

⁷⁷<http://www.appellawyer.com/index.html>



Very sad to learn of the untimely passing of **Stuart (Stu) Willis**. Stu was a very good lawyer and a wonderful man. He had many friends and many talents. He trained me as a backup Hearing Officer for Coroner's Inquests and was always happy to offer needed advice. I do recall as a new Deputy DA, going against Stu in a misdemeanor case in the Concord Courthouse. I didn't know him then and he was giving me fits. At the lunch break I ran across the street to my office, seeking help from my boss CL Morris. Who was sitting in CL's office having a sandwich with CL? Stu Willis of course. In spite of CL's advice, I lost the case.



The beat goes on, as far as people moving around in our profession. **Joe Morrill** has announced he has formed his own firm, **Morrill Law Firm**, at 1333 N. California Boulevard in Walnut Creek. Joe will be teaming up with **Andy Verriere** and **Nicole Morrill**.



Utrecht Harding & Lenvin, LLP⁷⁸ announced their new partnership. The firm's partners will continue their practice of real estate law in their offices in San Francisco and Walnut Creek. And I assume the partners are Utrecht, Harding and Lenvin.



Although I did know that Townsend, Townsend & Crew merged with Kilpatrick & Stockton to form Kilpatrick, Townsend & Stockton, LLP⁷⁹, I did

⁷⁸<http://uhlfirm.com/>

⁷⁹<http://www.kilpatricktownsend.com/>

not know that **Gerald Gray** from Townsend joined Leydig, Voit & Mayer⁸⁰ and will oversee the Walnut Creek office. I think the office is right across the street from the Walnut Creek DMV Office on Broadway.



Paladin Law Group, LLP⁸¹, a boutique environmental law firm in Walnut Creek was the recipient of a Climate Leader Award for the 3rd Cool California Small Business Awards⁸², at a ceremony held in Sacramento on June 13, 2012. Presented by the California Air Resources Board, the CoolCalifornia Small Business Awards recognize California small businesses that took action to reduce their greenhouse gas emissions, promoted climate friendly practices and integrated the tools on CoolCalifornia.org into their business operations. Paladin Law Group is the only law firm to ever receive the award.



Do not forget my request to all of you who made Super Lawyers this year to let me know. I was the only one to let myself know. I know about those of you who did make it, because I saw your names in the latest Super Lawyers Magazine.



Rob Bramson submitted a verdict for the column, although he advised it was neither local, nor a jury verdict. That is okay. All verdicts are welcome from our local attorneys. Thanks, Rob. He has worked on the case for seven years. The case was filed in Orange County, California in 2005 as a class action on behalf of disabled and retired military veterans. The defendant is a Southern California business which advertised on the internet to veterans

⁸⁰<http://www.leydig.com/>

⁸¹<http://www.paladinlaw.com/>

⁸²<http://www.coolcalifornia.org/article/2012-award-winners>

for “Quick up front cash”, in exchange for signing over the next eight years of their U. S. Military pension payments. Incidentally, Federal Law forbids assignment of military pensions. Apparently undaunted, defendant craftily argued it was not an assignment. It was still a purchase of future cash flow and not a loan. The class was certified in 2008. Trial took place in phases spanning two years. At the end of the day, Plaintiffs prevailed. The Judgment provided an injunction against future assignments, and an award to the class of \$2.9 million. That is an average of \$47,000 per veteran. The money award represents full return of all pension payments. A request for attorney’s fees is in process. Interestingly the last demand was \$1.5 million and the last offer was \$350,000. Congratulations Rob and the veterans you represented.



And last but not least, **Joe Morrill** reported a verdict he obtained in an Alameda County case. In the Matter of the Weller Trust and the Estate of Beverly Weller, Case No. MSP 11-00406 and MSP 11-00814, Judge William A. McKinstry presided. Joe Morrill and Andrew Verriere of Barr & Barr represented Plaintiff. Michael Rupprecht and Erin Gray represented Defendants. Plaintiff was the personal representative of the estate of Beverly Weller, on petitions seeking to disinherit a beneficiary from both the Estate of Beverly Weller and the Weller Trust, for violation of the no contest provisions. After trial the Court granted both petitions to disinherit. The estimated value of the Trust and Estate assets is approximately \$12,000,000. Ouch! Contact Joe for more information. The moral of the story is: There is a reason for a no contest clause.

Please be sure to let me know your news. Keep those cards and letters coming, and please write to me about those civil verdicts/settlements of any kind – You can reach me at mguichard@gtplawyers.com

Further Reading

Saturday, September 1, 2012

Below are links to articles and videos related to the topics discussed in the 2012 Election issue of the Contra Costa Lawyer. Please feel free to add your comments and additional links via the comment section.

SODA TAX

City of Richmond ordinance to impose a business license fee on sugar-sweetened beverages⁸³

Campaign over Richmond Soda Tax Bubbles Up⁸⁴ (Wall Street Journal, 8/12/2012)

Actor Danny Glover backs Richmond Soda Tax⁸⁵ (Mercury News, 8/29/2012)

VOTER ID LAWS

As you consider the current state of voter disenfranchisement in the United States, here are some links you may find helpful or (in the case of the clip from The Daily Show) amusing.

For a summary of current Voter ID and registration laws from the Brennan Center, go to: http://www.brennancenter.org/content/resource/2012_summary_of_voting_law_changes/

My original 2008 article on this topic was part of a Point/Counterpoint feature on Voter ID laws. You can download the entire 2008 edition of the Contra Costa Lawyer, which includes both articles, here: <http://www.cccba.org/attorney/pdf/cclawyer/2008-10.pdf>

What are the Voter ID laws in your state?⁸⁶ USA Today interactive map

⁸³<http://www.fit-for-life.org/sodatax/SSBTaxCCOrdinance.pdf>

⁸⁴<http://online.wsj.com/article/SB10000872396390443545504577567600004302574.html>

⁸⁵http://www.mercurynews.com/breaking-news/ci_21429168/actor-danny-glover-backs-richmond-soda-tax-ballot

⁸⁶<http://www.usatoday.com/news/opinion/editorials/story/2012-08-08/voter-ID-Pennsylvania-trial/56887192/1>

Wizards of I. D. – The Daily Show, August 8, 2012⁸⁷

Pre-Election Legal Battles Target Voting Rules⁸⁸ (NPR, 8/24/2012)

⁸⁷<http://www.thedailyshow.com/watch/wed-august-8-2012/wizards-of-i-d->

⁸⁸<http://www.npr.org/2012/08/24/159955343/pre-election-legal-battles-target-voting-rules?sc=17&f=1001>

