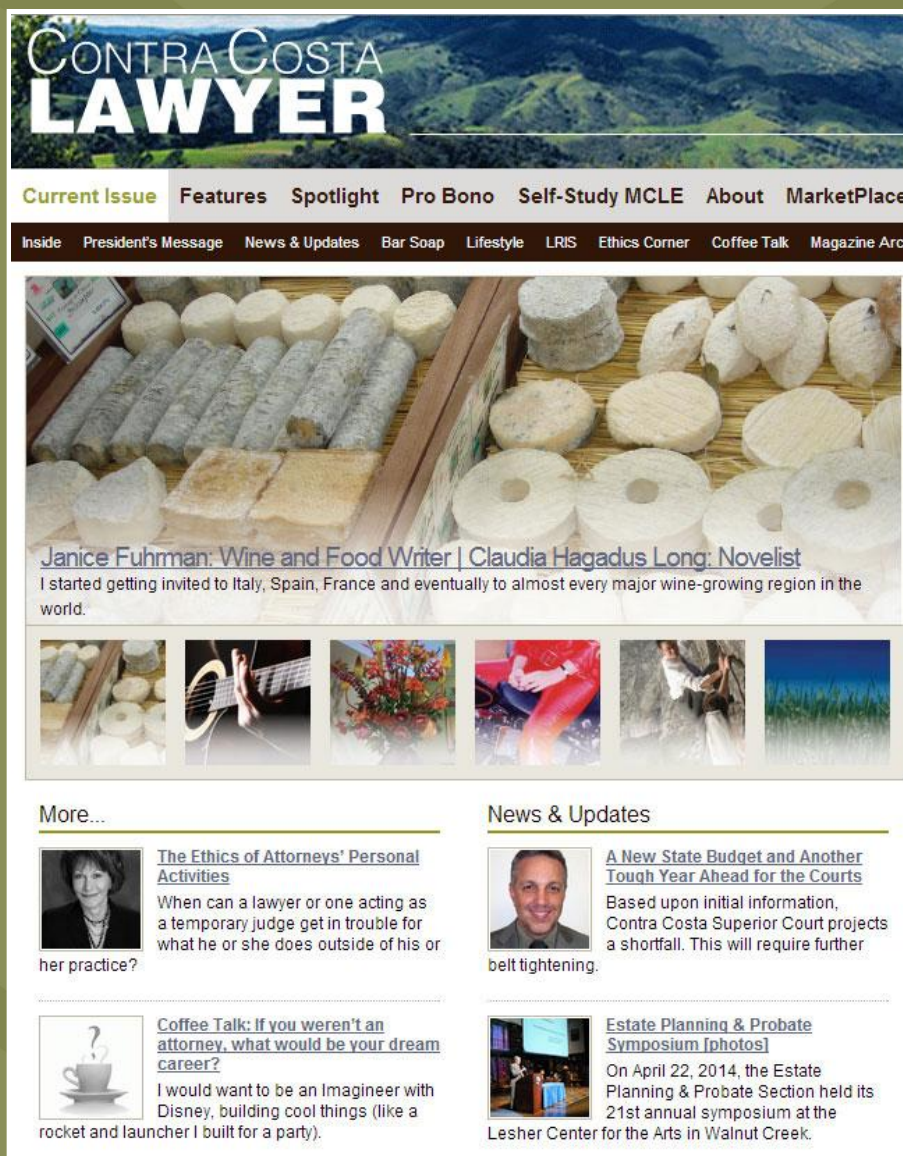


Contra Costa Lawyer Online

August 2014




The screenshot shows the homepage of the Contra Costa Lawyer Online website. At the top is a banner with the title "CONTRA COSTA LAWYER" over a landscape image. Below the banner is a navigation menu with links: "Current Issue", "Features", "Spotlight", "Pro Bono", "Self-Study MCLE", "About", and "MarketPlace". A secondary menu includes "Inside", "President's Message", "News & Updates", "Bar Soap", "Lifestyle", "LRIS", "Ethics Corner", "Coffee Talk", and "Magazine Arch". The main content area features a large image of various cheeses. Below it is a text block about wine and food writer Janice Fuhrman and novelist Claudia Hagadus Long. A row of six small images follows: cheese, a guitar, flowers, a person on a red inflatable, a person climbing, and a field of grass. The page is divided into two columns: "More..." and "News & Updates".


CONTRA COSTA LAWYER

[Current Issue](#) [Features](#) [Spotlight](#) [Pro Bono](#) [Self-Study MCLE](#) [About](#) [MarketPlace](#)


[Inside](#) [President's Message](#) [News & Updates](#) [Bar Soap](#) [Lifestyle](#) [LRIS](#) [Ethics Corner](#) [Coffee Talk](#) [Magazine Arch](#)




[Janice Fuhrman: Wine and Food Writer](#) | [Claudia Hagadus Long: Novelist](#)
I started getting invited to Italy, Spain, France and eventually to almost every major wine-growing region in the world.





More...

 [The Ethics of Attorneys' Personal Activities](#)
When can a lawyer or one acting as a temporary judge get in trouble for what he or she does outside of his or her practice?

 [Coffee Talk: If you weren't an attorney, what would be your dream career?](#)
I would want to be an Imagineer with Disney, building cool things (like a rocket and launcher I built for a party).

News & Updates

 [A New State Budget and Another Tough Year Ahead for the Courts](#)
Based upon initial information, Contra Costa Superior Court projects a shortfall. This will require further belt tightening.

 [Estate Planning & Probate Symposium \[photos\]](#)
On April 22, 2014, the Estate Planning & Probate Section held its 21st annual symposium at the Leshner Center for the Arts in Walnut Creek.

The Contra Costa Lawyer is the official publication of the Contra Costa County Bar Association (CCCBA), published 12 times a year - in six print and 12 online issues.

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Summer Reading

Friday, August 01, 2014



For a change of pace in your reading matter for the summer, we asked our membership to write about, or let themselves be interviewed about, their hobbies.

Here's what we got: wine and food writer, novelist, guitar virtuoso, singer/songwriter, sentence diagrammer (we need you for the Contra Costa Lawyer), a cappella quartet singer, cruise ship worker, floral artist, stamp (as in rubber stamp) collector, car collector/pilot, motorcycle rider, rock climber, scuba diver, Little League president, artist (can I say painter, Marlene?), magician, endurance runner, Krav Maga self-defense practitioner and QiGong instructor (branch of acupuncture). I'm sure there are more out there, but that's what came in.

Although we didn't want to put the scare in anyone pursuing a hobby, it seemed like an opportune time to have Carol Langford chime in with an analysis of the legal ethics angle—and she answered the question about how we can get in ethical trouble for what we do outside of our practice.

As for me, travel is a major hobby. I recently came back from two weeks in Japan. While on Naoshima Island in the Inland Sea in Japan, I visited an art installation of James Turrell, called "Backside of the Moon," which consisted of a nearly dark room with the challenge to the visitors to visually adjust to the conditions and walk around the room.

I certainly hope that is not a glimpse of what is about to happen to our court system because of inadequate funding. Our court administrator, Stephen Nash, gives us an update on court funding, and I am happy to say that we are not just groping around in the dark in the courthouse just yet.

Let me close with an idea for summertime amusement. Everyone's little secret nowadays is the incredible amount of time we waste on the Internet, either getting updates about the doings of our entire junior high school homeroom class or watching silly videos of cats flushing toilets and dogs dancing the tango with their owners and/or playing the piano.

Since this is the online version of this month's magazine, you can post comments. So go ahead and post as a comment some Internet video choices that you think your fellow CCCBA members will find interesting. (We can always hit the delete key if you are out of line.) My choice is this video enactment of an unusual actual deposition: <http://www.nytimes.com/2014/04/28/opinion/verbatim-what-is-a-photocopier.html>.

Have an enjoyable summer!

Harvey Sohnen is co-editor of the Contra Costa Lawyer magazine. He is a principal in the Law Offices of Sohnen and Kelly in Orinda, where the focus of his practice is wage and hour law class actions, and other employment and commercial cases.

Janice Fuhrman: Wine and Food Writer | Claudia Hagadus Long: Novelist

Friday, August 01, 2014

Janice Fuhrman: Wine and Food Writer

When I am not working two days a week at Contra Costa Senior Legal Services, I write. Mostly, I write about wine, but also food and travel, for various magazines. Journalism—first writing about the law and later about general news—was my career after law school for more than 20 years.

When I moved to Napa Valley in 1997, I quickly realized there was nothing else to write about but wine, and it was easily accessible—most everyone I met was connected to the wine business, whether as winery owners, grape growers, tasting room employees, etc. I fell easily into writing about Napa and the culture and business of wine. For three years, I wrote a wine column for the Napa/Sonoma regional section of the San Francisco Chronicle. From there, I branched off into specialty wine and food magazines.



Although my work started out writing about my own backyard—Napa and Sonoma—it quickly expanded. After a few years, perhaps because one of the high-profile magazines I wrote for regularly was based in London, I started getting invited to Italy, Spain, France and eventually to almost every major wine-growing region in the world. My work has taken me to five continents (it's amazing where they grow wine grapes these days) and at times has been quite an adventure. I've ridden in helicopters, sea planes and Cessnas over vineyards and steered Segways and e-bikes through fields of grapevines around the world.

On all these fact-finding trips, I have interacted with locals not only about the wine business itself but about their cultures and habits. The wine trade associations or large wineries that host journalists usually want to share their culture and history with us, so it's not all 10 a.m. tastings of Australian Shiraz (a big, intense wine that turns your teeth temporarily black) and muddy vineyard hikes. I've climbed the Sydney Harbor Bridge, dined outdoors under the Southern Cross, and swum with dolphins in Australia, sailed the Marlborough Sounds in New Zealand, attended centuries-old wine society rituals in Bordeaux, viewed the world's steepest vineyards in Germany from a riverboat on the Rhine and met wine "royalty" throughout the world.

Gaining insight into these cultures has been eye-opening and rewarding. To see, for instance, the very close family relationships of Spaniards during my several trips to Spain provided a new perspective on my own culture, where it seems the norm to follow a career far away from your original nuclear family and only see them on holidays. In Spain, I've met many adults with families of their own who live down the street from their parents and talk to them by phone daily and get together for family dinners every Sunday. This tradition serves as a bedrock in their lives. I'm also continually reminded of how young our country is when I visit centuries-old castles, fortresses and wine cellars in the

Old World.

And in the last few years, I have also seen parts of this country through my writing work that I might have otherwise missed: Texas hill country (for peaches and wine), Albuquerque (New Mexico sparkling wine), San Antonio (chilies and beef cheeks) and New Orleans (food, food, food).



Ah, the food. In Europe, and in many wine cultures around the world, wine is seen as a natural companion to food, not as a "cocktail" drunk on its own. So meals are often elaborate, long and paired with half a dozen wines—even at lunch. In my work travels, I've enjoyed Argentine beef, Chilean empanadas, German maultaschen (ravioli), Canadian poutine (French Fries with cheese curds and gravy), deconstructed food in Spain (where dinners last until 1 a.m.), fancy French dishes by the dozen and much more. Lamprey (river

eel) in Portugal (which looked like it had been scooped straight from the riverbed, mud and all) was a challenge to sample and I recently had to politely decline "tete de veau" (calf's head) in eastern France.

It's not a "secret life," but it's a very separate life, especially from the kind of law I do, which is legal services for a particularly vulnerable population—poor and elderly. The lawyers I know seem intrigued by my wine writing and the wine world; the wine people I know appear intrigued with being a lawyer and with my work assisting seniors with their legal problems. For me, it's a wonderful balance.

Claudia Hagadus Long: Novelist

I am a not-so-secret novelist! For years, I wrote books and published under a pen name, but in 2011, my novel, "Josefina's Sin," was published by Simon & Schuster and the word was out. I have two more main-stream novels out now under Claudia H. Long: "The Harlot's Pen" and "The Duel for Consuelo."

All are historical fiction: "Josefina's Sin" and "The Duel for Consuelo" are centered in 1690-1711 Colonial Mexico. "The Harlot's Pen" takes place in San Francisco and Sonoma, and probably has enough history of the labor movement in 1920 to satisfy an MCLE requirement!

I write mostly at night, after dinner and during the month of November for Nanowrimo, National Novel Writing Month. My mediation practice (www.longlawoffices.com), is flexible enough that I can work full time and still write. Besides, I have been writing so long I can't imagine *not* writing.



Keeping a secret is easy in our business. After all, we keep our clients' secrets all the

time. In addition, we are leery of bleeding our personal lives into our professional lives because of our heightened understanding and need for privacy. But it's hard to sell books when your major circle is other lawyers, and you can't tell them what you're doing in secret. (Just writing. No, nothing else!) So it's time to come out as a writer.

“The Duel for Consuelo” is my biggest book yet. It tackles the turmoil of secret Jews in post-inquisition times, and the strain and fear of living a double life. Appropriate for this column on secret lives—though the consequences of attracting the attention of the Inquisition go beyond embarrassment! It also delves into the relationships of children to parents and lovers to one another.

I got interested in the labor movement as an outgrowth of doing employment mediations, so there's a valuable connection between my practice and my writing. You can get all of my books at Amazon, Barnes & Noble or your local bookstore. (Ask them to order a copy if it's not on the shelf. Most novels have a shelf life of about three months, after which they have to be ordered.) We write to persuade all the time; why not write to entertain, amuse, educate and delight?

For more information, visit: www.claudiahlong.com, www.claudiahlong.com/blog or amzn.to/1oAC8j6.

Mark Vickness: Guitar Virtuoso | Michele S. Lane: Singer/Songwriter

Friday, August 01, 2014

Mark Vickness: Guitar Virtuoso

interviewed by Nicole Mills

Listening to the tracks on the new album “Long Way Down” by Glass House, you can hear a lifetime of musical influences—from classical, to world music, even pop. It is hard to imagine that the artists who create this music have time for anything else, but they do.

One, in particular, is local attorney Mark Vickness, who represents people injured on the job in California’s workers’ compensation system. Mark is not only a lawyer and an accomplished guitarist, he is a composer (with a master’s degree in composition) and songwriter as well.



I had the opportunity to sit down with Mark to discuss his music. His passion for music of all genres is palpable and becomes even more obvious when you look at his body of work. Mark has written music from simple pieces for piano and voice to large jazz ensembles, to a concerto for the North Indian tabla, and from large-scale ballets to documentary film scores. He also has years of experience in world music, having performed in West African drum ensembles, an Indonesian gamelan orchestra and as a sitarist and tabla player.

“Long Way Down” is not Glass House’s first album. In fact, it is their third, and they have been making music together for over 23 years. In that time, Mark has worked hard to balance the demands of both of his loves—law and music. Glass House has toured both locally and nationally, and very recently, Mark took his acoustic quartet to Austin, where they performed a Friday night showcase at South by Southwest, only to return early Saturday so that Mark could prepare for a trial in Oakland on Tuesday!

Why does Mark work so hard to have what amounts to two full-time careers? Mark noted that feeding his creative side musically only makes his legal work that much more creative and says: “I’ve always believed being a musician is a great way to maintain some balance ... I could easily work seven days a week. But focusing attention on music requires getting my mind out of law and that’s a healthy thing.”

To discover more about Mark and Glass House, you can go to their website, <http://www.glasshousemusic.org>. If you are in town over the Labor Day weekend and you want to hear some great live music, they will be playing at Fenix in San Rafael on August 31, 2014, at 6:30 p.m. (tickets are available on their website).

Michele S. Lane: Singer/Songwriter

Music is a gift in my life and brings me great joy. My singer/songwriter mojo emerged slowly. I started as a car and shower singer (probably since I was born) and graduated to the church choir in my early 40s.



In 1997, I had my first solo performance singing to 2,500 people at the Ronald Reagan Convention Center in Washington, D.C. I rewrote the words to a song and sang it for an employee event. In 2003, I joined the Blackhawk Chorus, and also began singing solo at various charity events, and on occasions a winery and other venues.

I currently have two CDs on offered on iTunes, Amazon and CD Baby, and the songs are being downloaded around the world. (What a thrill!)

My first CD, produced in 2005, is jazz standards and a few original songs. The second CD, produced in 2012, is a tribute to my mom comprised of those old-time religion songs.

To listen to any of my songs, go to iTunes or CD Baby and search for Michele Lane at <http://www.cdbaby.com/cd/michelelane> or <http://www.cdbaby.com/Search/bWljaGVsZSBsYW5l/0>.

Candice Stoddard: Floral Artist | Judge Joyce Cram (Ret.): Stamp Co...

Friday, August 01, 2014

Candice Stoddard: Floral Artist



It is interesting how we become our parents—in my case, my mother. I grew up in Iowa and my mother belonged to a garden club. She would make flower arrangements for events and show them at the Iowa State Fair. Because the selection of flowers were so limited, she would also do dried flower arrangements and was always on the hunt for things to pick and dry upside down in our attic.

I was fascinated by her creations. I didn't even realize what was happening to me until I had slowly transformed our property in Lafayette into a half-acre cut flower garden and outside living area. My mother would have been so proud the day my garden was on a garden tour. I used to chuckle that on the weekends, the house would look like a funeral home or floral shop.

I would start by harvesting the flowers, and then slowly but surely they would morph into the most beautiful flower arrangements. My office has been a happy recipient and Monday mornings yield the best of the weekend. In the spring, I augment the garden with two trips to Annie's Annuals in Richmond, and add about 15 flats of flowers. The choices have become more eclectic each year.

I believe that it is this avocation that has provided the balance to what can be a very stressful career choice. I make a tour of the garden in the morning to assess everyone's needs, and at the end of the day, it is the most peaceful place to be and all of the stress of the day just evaporates.

Judge Joyce Cram (Ret.): Stamp Collector

interviewed by Suzanne Boucher

Judge Joyce Cram (retired) has a secret life as a stamp collector. These are not your normal stamps ... these are rubber stamps used to make greeting cards and other crafts. She started this "collection" about seven years ago and has amassed over 180 stamp sets (containing 5-6 stamps each—you do the math!), plus all of the other essential tools needed to make fabulous cards and gift boxes.

Judge Cram has dedicated an entire room in her house to stamping. Once a month she invites family, friends and colleagues to her house for a light dinner and the chance to play with all of these great stamps. Although it may take up to 1-2 hours to make a single card (think of the value of these cards at our hourly rates!), it is also a great opportunity to catch up with friends and colleagues and let the creativity that is often stifled with the practice of law come out.

Christopher N. Schneider: Car Collector/Pilot | Nancy L. Powers: Mo...

Friday, August 01, 2014

Christopher N. Schneider: Car Collector/Pilot

interviewed by Harvey Sohnen

Two of my hobbies—working on collector cars and being a private pilot—are escapes which have nothing whatsoever to do with my practice in the estate planning field.

I work on the restoration of collector cars. This started with my father showing me the ropes when I was in high school. I've worked on some Bonneville convertibles, a '64 and a '68; and the old family car, which was an '85 Suburban.

I also worked on a '94 BMW 540, which sat unassembled in my parent's garage for a long time, although fortunately, not forever. Currently, I am working on a red 1968 Corvair convertible. There are too many red convertibles so I may change the color.

I started flying lessons when I was 11. It became evident after a few lessons that this was getting very expensive and so I stopped. I let it go until after I finished college, but when I was 23, and I found I had some time on my hands, I returned to flying. I went all out with intensive lessons. Ten months later I had a pilot's license.

The time I flew the most was when I was in law school at Golden Gate, and my girlfriend (who is now married to me) was in Fresno. Flying was good for long-distance dating. It was a 40-minute flight. I don't fly that much now, as having two kids has definitely put a cramp in my style on being a pilot.

Nancy L. Powers: Motorcycle Rider

Dreaming of carving canyons and sweeping curves ...

When I was 47, I learned to ride motorcycles and was privileged to ride with a band of San Francisco region professional and business men. We often rode 500 miles in a day all over Northern California. At that time, I was a single mother and equity partner in charge of the estate and trust group at the San Francisco office of a large West Coast law firm.

I soon discovered that because my daughter and career took precedence over some rides, I was not meeting expectations of the club leader. I tried to find a women's club to join, but women didn't admit to riding motorcycles due to perceived risk to their reputations and careers. So, I organized a riding club called Professional Motorcycle Sisters (PMS for short) to meet professional and business women's needs.



Our first meeting was held at Splendido in Embarcadero Four, San Francisco. The

restaurant welcomed us with a billboard and fanfare—women were off and riding in public!

The response was immediate and before long we had around 250 members in the U.S. and other countries. Members were free to join any ride that fit their busy schedule, and to organize rides for themselves and others with whom they felt comfortable riding. No one was pressured to ignore family or business demands to join a ride simply to keep membership. Men were welcome to join us as long as they understood who was in the lead (and they baked the cupcakes).

I have ridden to amazing places such as Canyon De Chelly, Glacier National Park, San Jose del Cabo, Yosemite, and on day trips to the Five Passes in Northern California, and many other locations. It didn't take long to put 30,000 miles on my Kawasaki Ninja. Some days we rode as many as 800 miles because there was nothing in between except desert.

I put it down only one time—on the sand wash road to Punta Chivato in a deep sand wash corner, but nothing was bruised except my pride, and my Ninja completed the rest of the 10-day trip without incident. When we arrived at our hotel destination in the evenings, we changed from riding gear into our little black dresses and enjoyed wonderful meals and companionship. Who knew?

Victoria Snyder: Rock Climber | Philip Hunsucker: Scuba Diver

Friday, August 01, 2014

Victoria Snyder: Rock Climber

My special hobby is rock climbing. My husband and I have been rock climbing together for approximately eight years.



Climbing has been incorporated into our lives together so much that we climbed up Half Dome as part of our wedding week activities in Yosemite National Park and took a few photos in our wedding attire.

My favorite climb, however, will probably always be a climb called "Nutcracker" in Yosemite Valley. It was my first outdoor multi-pitch climb and among the first dates I had with my husband.

Aside from offering a breathtaking view of Half Dome across the valley, I also like the name because of my background doing ballet as a child.

Additionally, my husband was significantly more proud of me when I passed the lead

climbing test at our local indoor climbing gym than when I passed the California Bar Exam.

I enjoy climbing because it is a social and friendly activity that often occurs in some of the most beautiful places.

<http://www.supertopo.com/rock-climbing/Yosemite-Valley-Manure-Pile-Buttress-Nutcracker>

Philip Hunsucker: Scuba Diver

In 2000, I became a scuba diver because of basketball. That's right, basketball. I was coaching my daughter's AAU team in Orlando, Florida, when we finished a tournament a little sooner than expected. We had flights scheduled a few days later, had already been to Disney World and were looking for something to do.

One of the other dads suggested we try scuba diving. We signed up with a dive shop in the Florida Keys. After a morning of instruction, 10 of us were diving on the reefs in the afternoon with an instructor.

Afterwards, we asked the dive shop if we could come back the next two days. We were hooked. The next summer, my wife and two teenage children were certified. We took family dive trips until my children graduated from high school. My wife and I have continued to dive after my children went to college.

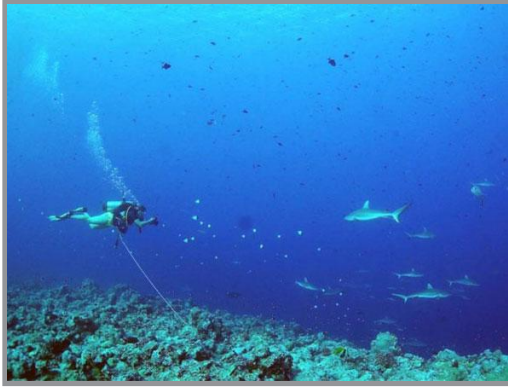
In nearly 1000 dives, I have been diving all over the world. We have done Caribbean diving in Belize, Mexico, and the U.S. Virgin Islands. In the Pacific, I have been diving in Ecuador (Galapagos), Costa Rica (Cocos Island), Hawaii (Big Island, Kauai, Maui, Molokai and Oahu), the Republic of Palau, the Solomon Islands, the Federated States of Micronesia (Yap and Chuuk States) and Indonesia (Ambon, Bali, Banda and Wakatobi).



Most of my diving has been on reefs. I have seen many pretty fish. To the left is a photograph I took of a green sea turtle and tropical fish eating algae on a reef.

I also have also seen lots of sharks and rays underwater—including Galapagos sharks, hammerhead sharks, reef sharks (gray, white-tip and black), silvertip sharks, tiger sharks, silky sharks, whale sharks, eagle rays, manta rays, mobula rays and stingrays.

To the left is a photo I took of sharks cruising on the Blue Corner in Palau.



I also have done some diving on shipwrecks. One of the best places in the world to dive wrecks is in Truk Lagoon in Chuuk State, Federated States of Micronesia.

That is where the United States sank over 80 Japanese ships in two days during Operation Hailstorm in February 1944.

James Wu: WC Little League President | Marlene Weinstein: Artist

Friday, August 01, 2014

James Wu: Walnut Creek Little League President

interviewed by Nicole Mills

“Take me out to the ballgame! Take me out with the crowd!” Yes, it is that time again. Our A’s and Giants are both hitting it out of the park this summer, but closer to home there are other, smaller, ballplayers that we like to watch. That’s right—Little League!

There are more kids’ baseball teams, leagues and games around here than you can shake a stick at, and for each one there are legions of parent volunteers (many of whom happen to be local attorneys) who make it happen. There are coaches and assistant coaches; there are people who set up the field before the game, and people who break it down after the game; there are drivers, and don’t forget the Team Mom!



Local attorneys are among the many parents who fill these roles, but there is one local attorney (and CCCBA Board Member) who goes above and beyond.

By day, James Wu is a mild-mannered employment attorney (and member of the Contra Costa Lawyer Editorial Board), but by night (ok, late afternoon), his secret identity is revealed—Walnut Creek Little League President! Ok, it’s not really that big of a “secret.” After all, James was an ever-present figure at the ball fields this year.

Like many of us, he was at every game his son played in (Go Rangers!), but unlike the rest of us, he was also working hard to make sure there were games to be played. James devoted more hours to Little League than I think he would care to admit, so on behalf of all of us whose children play in the WCLL, I would like to say “Thank you, James.”



Marlene Weinstein: Artist

I grew up with art all around me. My parents had paintings all over the walls, and my father sold art supplies for what was then one of the biggest art supply stores in New York City, having worked there since the age of 16. My dad later opened his own art store in Manhattan, where he sold supplies and did picture framing.

He also created dyes and special wax-coated paper for the textile industry—we literally ironed the wax onto the paper in our garage. It was not until much later that I realized my dad was an artist himself, and I have one small painting of his that I believe he painted when he came back from France after World War II.

Although I wanted to go to art school—FIT (Fashion Institute of Technology) to be exact—my parents (especially my dad) knew what the life of an artist was like and “gently” pushed me to go to a liberal arts college ... and so here I am.

After many years, I returned to my art. I have since exhibited in galleries and sold my work. My second marriage is to another artist, Mark Read, and together our art has flourished. My evolution as an artist is best explained by my Artist Statement:

My art has truly been a reflection of the evolution of my spirit ...

My life as an artist ... where do I begin ... when I think of it ... it's always been with me ...

from my earliest days I can remember I loved to draw ... each report I prepared for school inspired a picture ... even then I was drawn to the impressionists ... especially Van Gogh ...

as I grew ... I drew fashion ... my art always being a depiction of the physical world outside of me ...

When I first entered college I planned to study art ... but it was the days of Warhol and Lichtenstein ... and I became disillusioned ... and instead ... I developed my intellect ... and so for many years that's the world I lived in ... and through which I experienced a connection to my own creativity ...

But art is not intellectual ... it is spiritual ...

and to me it has become the expression of my inner spirit ...

as a reflection of a greater universal energy from which I draw my creative inspiration ...

It has been over fifteen years now since I became aware of a world greater than myself and the physical world around me.

I began to understand that there is a universal energy ... nature made me a believer of a greater power ... whether it be God or Buddha or just an absolute being or energy force ... something must have created all of the beauty and power that we see in nature ... it is truly the majesty and magnificence of the natural physical world that inspires me to create ...

For now my medium is pastels ... although I have explored the use of water colors and am delving into acrylics so that I can work larger ... it is the immediacy and vibrancy of the chalk that excites me ... and the intimate connection between my fingers and my paper canvas ... the energy I feel from within ... some spark that generally ignites in an explosion of color ...

The beauty of nature moves me to paint ... but not what I see ... it is not the flower or the



mountains that I paint ... but the energy I feel ... the essence and vitality of nature ... the nature of beauty.

Please view my website at www.marleneweinsteinart.com (although it has not yet been updated with my most recent works).

Magician | Endurance Runner

Friday, August 01, 2014

Oliver A. Greenwood, Esq.: Magician

Prior to becoming an attorney, I was a magician. I performed magic shows at birthday parties and corporate events all over the Bay Area for several years.



I had never considered magic as a means to pay the bills, but shortly after my enlistment in the United States Marine Corps, I bumped into a magician named Rick Allen in Benicia and he convinced me otherwise. I talked Rick into allowing me to follow him around and see how it worked.

Rick was reluctant, but liked the idea of free labor. After months of lugging his gear around and practicing like a madman, he booked me in my first show. Things went well and he booked another and then another.

I continued the magic gig through law school, but once I started practicing law, the time was too much for me and my family. I still love performing and handle the occasional birthday party or special event, but I can't devote the time to it like I had before. While my kids dig the magic, they are all right with me just being a lawyer.

David S. Pearson: Endurance Runner

I do endurance events. In addition to numerous 5k, 10k and half-marathons with Brazen Racing, I have completed three ultra marathons—all three were 50k. I have completed numerous GORUCK events: Five Light classes (6-8 hours), six Challenge events (12-14 hours) and one Heavy event (24+ hours). www.goruck.com

QiGong Instructor | Krav Maga Self Defense Practitioner

Friday, August 01, 2014

Bonnie C. Maly: QiGong Instructor

I teach QiGong at Kaiser Hospital every Monday night in Oakland. I received certification in 2005 to teach this movement, similar to Tai Chi, from the Wen Wu School of Chinese Medicine in El Cerrito.

QiGong is a branch of acupuncture medicine and assists one's body to heal itself. I consider this to be an immeasurable discovery, and it is as important to me as a healthy diet and regular exercise, like dancing, going to the gym and walking.

Through QiGong practice and teaching, I've met an amazing community of people that has enriched my life as much as being an attorney.
<http://www.wenwuschool.com/qigong.html>



Derek M. Wagley: Krav Maga Self Defense Practitioner

I have been involved with something that I have found most people have not heard about, so I thought I would share it. Just over five years ago, I started Krav Maga self defense and have been hooked on it ever since.

Krav Maga originated in Israel and was initially used by the Israeli military. Today, Krav Maga, or parts of it, are utilized by U.S. law enforcement nationwide. It combines quite a few other martial art disciplines such as boxing, kick boxing, grappling, judo and muay thai, and highlights the philosophy of threat neutralization and simultaneous defensive and offensive maneuvers.

For those who find it less than exciting to spend an hour at the gym on the treadmill or stationary bike, Krav Maga offers an interesting way to quickly reach your fitness goals and learn practical and effective self defense at the same time.

A Cappella Quartet Singer | Sentence Diagrammer | Cruise Ship Worker

Friday, August 01, 2014

Kent C. Parr, Esq.: A Cappella Quartet Singer

I have been singing in an a cappella quartet—"HouseBlend"—since 1998. Not really a barbershop quartet, we perform all styles, including gospel, jazz, pop, doo-wop, seasonal, Irish, etc. I have arranged many of our songs. We have performed throughout Contra Costa County and have twice won the Audience Favorite Award at the prestigious San Francisco Harmony Sweepstakes, held at the Palace of Fine Arts, where an audience of over 900 votes for their favorite group.

S. Lucia Kanter St. Amour: Sentence Diagrammer

I enjoy diagramming sentences in multiple languages. It's a bit nerdy, but I love language and grammar and I have learned six languages. Above my desk, I have a lithograph with the opening lines of many notable novels diagrammed. Sometimes I take a little break from my computer work and just study it. I have a workbook for diagramming sentences that I carry in my briefcase so that I can work on it during breaks in negotiations, depositions or mediations. I even tried to start a Sentence Diagramming Club but I didn't get a whole lot of interest in that. Go figure ...

Marc Bouret: Cruise Ship Worker

I have been working for Metro Shore Services, LLC, for three years. It is a company that evolved from Metropolitan Stevedore, which has a pedigree stretching back more than 150 years in the U.S. You can sometimes find me at Piers 33 and 35 in San Francisco, where I help thousands of passengers debark in the morning (while the ship is being cleaned and re-provisioned with everything needed, including shift replacements). Then thousands more embark in the afternoon to sail under the Golden Gate after 5 p.m. with a pilot boat. I assist with all kinds of jobs, including helping with wheelchairs and passports, visas, registration and room keys. Otherwise, my full-time job of mediating and arbitrating are my main efforts in the legal environment in Northern California (www.adr-resolve.com). Bon Voyage.

A New State Budget and Another Tough Year Ahead for the Courts

Friday, August 01, 2014

Where We've Been



Like other areas of government, funding for our California's trial courts has been significantly reduced in recent years, with succeeding waves of cuts totaling over \$475 million. These cuts have resulted in the closure of 51 courthouses and 205 courtrooms, fewer staff, reduced public hours, longer lines, longer delays, increased filing and other fees, reduced assistance for self-represented litigants, as well as various other impacts all of which have incrementally reduced the public's access to the courts.

In addition to the funding woes facing the courts, the state also implemented a cap on the level of reserves that courts can carry over from year to year. This action effectively eliminated the "rainy day funds" that courts have set aside to address unexpected events,

short-term revenue declines, and to support intermediate and long-term planning, among other things.

The double whammy of the funding drop and the loss of reserves has been hard on Contra Costa Superior Court, as it has been for other courts. The operational changes that our court has had to implement echo many of the effects seen elsewhere in the state. These changes include closure of the Concord Courthouse, consolidation of juvenile and family law cases to Martinez, reduced court clerk's office public hours, reductions of over 100 staff and elimination of court-provided court reporters in family and civil cases. The effects of these changes include increased backlogs, waiting times, public travel times and delays throughout the court.

One bright spot in this period of gloom has been the support provided by the Contra Costa County Bar Association and its members. The Bar Association stepped up during the current financial crisis by coordinating lawyers willing to volunteer in the Discovery Facilitator Program and the Voluntary Mediators Program, as well as providing temporary judges to hear Small Claims and Unlawful Detainer cases.

Together, We Made a Strong Push and Had Initial Success

In January 2014, Chief Justice Tani Cantil-Sakauye called on the Legislature and the Governor to restore funding to the courts. She laid out a three-year request, with a first-year proposed spending increase of \$353 million. This would allow courts to begin to restore services and courtrooms. Alternatively, her plan identified an increase of \$266 million as the bare minimum needed for courts to simply "tread water," without having to implement further reductions in operations.

Also in January, Governor Brown released his initial state budget proposal for fiscal year 2014-2015 that just began July 1, 2014. With regard to the trial courts, the Governor

proposed increased funding of \$100 million, substantially lower than the level needed to mitigate much of the effects of prior cuts.

After the Governor's proposal was released, the Chief Justice and Judicial Council staff began advocacy efforts regarding the need for more court funding. Press releases were issued, materials were disseminated, and meetings with key legislative members and staff were held. California's judicial branch leadership also worked to garner the support of the public and representatives from the legal and business communities.

A parallel and equally important effort was taking shape in local jurisdictions that were hard hit by court cuts. In various counties, efforts were initiated to inform state officials and the public of the dire need for increased court resources. In Contra Costa County, Presiding Judge Barry Goode lead court efforts to document and communicate the effects of the funding crisis were having on the public's access to the courts. Critical support for these efforts was provided by members of the Contra Costa County Bar Association, who identified court impacts through surveys and interviews of court users, and provided direct legislative testimony.

The combined efforts of court leaders and other court stakeholders to inform legislators of the courts' funding needs resulted in initial successes in the Legislature. After the Governor's Budget proposal was released, various legislators stated that the level of funding proposed for the courts was insufficient. Then, in legislative budget subcommittee hearings held in the spring, committee members voiced support for further increasing the level of funding for the courts.

In late April, an extraordinary event occurred. Two letters were delivered to the Governor, one signed by a majority of senators and the other by a majority of assembly members. The letters stated that the level of reductions to court funding was not sustainable and they called for increased funding for the trial courts. The Assembly letter was specific in advocating for an additional increase of \$236 million above the \$100 million increase proposed by the Governor.

But Then...

In May, the Governor responded by proposing additional court funding, though with a much smaller increase than the Legislature was calling for, rising from \$100 million to only \$129.1 million. This amount was substantially short of what courts need to maintain existing levels of operations and service.

In June, the "Big 3," made up of the Governor, the Senate President pro tempore, and the Speaker of the Assembly, met to finalize the state budget. When final compromises on the state budget were announced, the Legislature approved the lower level of court funding that the Governor had proposed, meaning courts would receive only \$129.1 million more than provided last fiscal year, significantly short of the \$266 million needed just to "tread water."

Needless to say, there was disappointment in the Judicial Branch. The Chief Justice characterized the level of funding provided to the courts as "not enough to provide timely, meaningful justice to the public."

Looking Ahead

How much each court will be allocated is still being sorted out. Based upon initial information, Contra Costa Superior Court projects a shortfall. This will require further belt tightening. While our court has not yet announced what measures it will have to take to balance its budget, it is already clear that additional actions are necessary.

And we will soon begin preparing for next year's budget battles in Sacramento.

Stephen Nash serves as the Executive Officer of the Superior Court of Contra Costa County. Prior to his current appointment, he served as the Executive Officer for the Superior Court of San Bernardino County, and before that, as the Chief Financial Officer for the California Administrative Office of the Courts.

The Ethics of Attorneys' Personal Activities

Friday, August 01, 2014



Lawyers are known for being intellectually curious and energetic, which translates into a wide array of extra-curricular activities. When can a lawyer or one acting as a temporary judge get in trouble for what he or she does outside of his or her practice?

The most interesting ethics opinion on this issue is *Oasis West Realty, LLC v. Goldman* (2011) 51 Cal.4th 811. In that case, the attorney agreed to represent Oasis in its effort to obtain approval of a Hilton hotel redevelopment project from the Beverly Hills City Council. During the representation, Goldman became "intimately involved in the formulation of the plan for Oasis' development of the property and its strategy to secure all necessary approvals and entitlements ..." [1] His firm, Reed Smith, LLP, received about \$60,000 in fees for his work to

develop the Hilton hotel.

About two years later, a group of Beverly Hills neighborhood residents (including Goldman) opposed to Oasis' plans formed the Citizens Right to Decide Committee, with the intended goal of trying to halt the Hilton project. The day the City Council gave final approval to the redevelopment of the Hilton hotel, Goldman and his wife walked their street soliciting signatures for a petition to overturn the Council's decision to approve the project, saying it would be noisy and cause excessive traffic near their home. Understandably furious, Oasis sued Goldman and his firm for breach of fiduciary duty. Since the issue came up in a SLAPP lawsuit, the court focused only on the duty of loyalty lacking in Goldman, and not other ethics issues they could have discussed.

Goldman strenuously argued to the court that he had a right of free speech, which allowed him to engage in fighting the proposed project, as his efforts were made in his spare time. He also contended that he had not learned anything from Oasis in his representation that was not already public knowledge. The court disagreed, saying they were not putting a broad prohibition on an attorney expressing his beliefs, but instead were enforcing the duty of loyalty where the lawyer was fighting the very project he had worked on.

While Rule of Professional Conduct 3-310 (b) (4) requires lawyers to disclose their own *legal, business, financial or professional* interests in the subject matter of the representation, *Oasis* makes it clear that the Rule encompasses *personal* interests that would substantially affect the exercise of the lawyer's professional judgment as well. [2] Other personal outside activities that might cause a problem for an attorney could include using a client's information to start a competing business (*David Welch Co. v. Erskine & Tully* (1988) 203 Cal.App.3d 884), and negotiating a law firm merger with the attorney representing your client's adversary (*Stanley v. Richmond* (1995) 35 Cal.App.4th 1070).

Where a lawyer is a candidate for judicial office, the rules are stricter. That makes sense; we want the public to have faith in the judicial process. Rule of Professional Conduct 1-700 puts lawyer-judicial candidates on par with sitting judges in order to avoid public

misconceptions about the integrity of the bench. Judicial candidates cannot act as leaders or hold any office in a political organization (Canon 5A(1)) or personally solicit funds for a political organization. They also cannot make statements to the electorate committing themselves with respect to cases that could come before the courts. The standard of avoiding the appearance of impropriety means that basically judges and candidates for judicial positions must watch all their activities in an effort to promote public confidence in the bench.

All of this may sound like a lot of “rules,” but it’s not really that complicated. Think about it—what kind of behavior do you expect from your lawyer or local judge? Do you expect loyalty from your former lawyer? Shouldn’t you be able to count on a lack of bias from your judge with regard to the matters that may be in his or her court, or count on your former attorney not to actively speak out against the very project you paid him to promote? At the end of the day, lawyers hold a position of trust, and we need to keep that in mind when our personal and professional lives intersect.

Carol M. Langford is an attorney specializing in State Bar defense and in providing advice to lawyer on ethics matters. She is also a lecturer in law of professional responsibility at U.C. Berkeley Boalt Hall School of Law.

[1] *Oasis West Realty, LLC v. Goldman* (2011) 51 Cal.4th 811

[2] Cal. Practice Guide: Professional Responsibility, 4:264.10a.

Coffee Talk: If you weren't an attorney, what would be your dream c...

Friday, August 01, 2014

If I weren't an attorney, I'd be a swim coach, which was my summer job in high school and through college.

Stephen Steinberg

I would run an animal sanctuary and no-kill rescue operation. I currently volunteer for several animal rescue organizations and visit animal sanctuaries in my free time. Just looking at a picture of my dogs lowers my stress level immediately!

Martha G. McQuarrie, Esq.

I would want to be an Imagineer with Disney, building cool things (like a rocket and launcher I built for a party).

Stuart C. Gilliam

Butcher, long-haul trucker, or race car driver, not necessarily in that order of preference. But who's to say I can't be a lawyer AND one or more of those at the same time?

Gary Vadim Dubrovsky, Dubrovsky Law

I would be an architect. "Nothing is higher than an architect."

C. Joseph Doherty

I'd be a makeup artist. I was always interested in makeup, especially the special effects makeup they do in the movies, or at fashion shows, where one can do the more creative and elaborate getups.

Marta R. Vanegas, J.D., LL.M., Law Offices of John F. Martin

A ballerina!

Bonnie C. Maly

A fashion designer, interpreter, or high school foreign language teacher. I did become a teacher (law professor for 10 years, including visiting lecture gigs at various foreign law schools where I was able to put into practice my foreign language aptitude). I bought my first sewing machine last December and have been taking classes and making fun projects with my young sons. Childhood aspirations don't have to evaporate; they might just take on a different form.

Lucia Kanter St. Amour

A pilot in the USAF.

Lewis G Pascalli, Jr.

I would be a singer. I almost dropped out of law school to pursue a music career, but in the end decided I wanted a more stable lifestyle. Now I spend much of my spare time singing, but only for fun, not to earn a living.

Deborah Jo Sandler

I would be an artist and paint.

Jeffrey Hall

Never really thought that way. I suppose I would be an author.

Wayne Smith

My acceptance to law school arrived the day after I had notified UCLA that I would take them up on their offer to accept me into their graduate program. I intended to be a professor of computer engineering. But my dream job? Professor of American history. Damn shame there weren't any jobs available in that field back in the mid-'80s.

Doug MacMaster, Chief Assistant District Attorney

After modest effort, I cannot think of a "dream career" that wouldn't be more dream than work. Call me lucky (or unimaginative).

Mark W. Frisbie



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[Janice Fuhman: Wine and Food Writer](#) | [Claudia Hagadus Long: Novelist](#)

I started getting invited to Italy, Spain, France and eventually to almost every major wine-growing region in the world.



More...



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News & Updates



[A New State Budget and Another Tough Year Ahead for the Courts](#)

Based upon initial information, Contra Costa Superior Court projects a shortfall. This will require further belt tightening.



[Estate Planning & Probate Symposium \[photos\]](#)

On April 22, 2014, the Estate Planning & Probate Section held its 21st annual symposium at the Leshner Center for the Arts in Walnut Creek.

