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Thirty Years and Going Strong – The CCCBA Women's Section

With young law students like the 2014 scholarship recipients leading the way, there is no doubt the Women's Section will continue to excel.



Inside



On Lamps, Lifeboats and Ladders
In 2015, locating a female attorney is no longer a "Where's Waldo?" experience. Regardless of gender, the CCCBA and its sections provide members the opportunity to support one another and grow professionally in the practice of law.



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On Lamps, Lifeboats and Ladders

Sunday, February 01, 2015



To state the obvious, I am woman and an attorney. I am not and do not feel alone. In 2015, locating a female attorney is no longer a “Where’s Waldo?” experience. Thankfully, women who are lawyering and leading, and men who champion and respect them, surround me.

In a single generation, the legal profession has seen law school enrollment soar from only a handful of women to classes nearing 50 percent. The CCCBA estimates that 40 percent of its membership is female. It was 37 years ago that Judge E. Patricia Herron (ret.) became the first woman to serve on the Contra Costa Superior Court.

Today, of the 37 judges and four commissioners in Contra Costa County, 20 judges are women. The CCCBA’s Board of Directors is 52 percent female. And of the CCCBA’s 19 sections, 11 section leaders or co-leaders are female.

On January 5, 2015, California Supreme Court Justice Leondra Kruger was sworn in by the Governor and joined Chief Justice Cantil-Sakauye and Justices Werdegar and Corrigan as the court’s fourth female justice. That’s four out of seven, if you’re counting.

Troubling numbers, however, persist, both across California and nationwide, as **Carol Langford** discusses in, “Is There a Glass Ceiling as Lawyers Climb the Law Firm Ladder?”

The 2014 statistics from the American Bar Association Commission on Women show:

- Only 27 percent of federal and state judgeships are held by women.
- Women hold only 21 percent of Fortune 500 General Counsel positions and 16.8 percent of Fortune 501-1000 General Counsel positions.
- While 44.8 percent of private practice associates are female, women account for only 17 percent of equity partnerships.
- At the median, female equity partners in the 200 largest firms earn 89 percent of the compensation earned by their male peers.

The institutional problems reflected in these numbers are not issues solely for women lawyers; these are problems for the profession. Recently I was asked, “Why does the CCCBA have a Women’s Section?” The questioner observed, “There isn’t a men’s section, right?” A myriad of responses exist. My quick one was, “True, but it wasn’t that long ago when there was a “men’s section”—it was the entire organization.”

Both the question and my response missed a crucial truth. Membership in the Women’s Section is not limited to women. Unlike sections anchored in a particular practice area, the Women’s Section provides a platform for research, discussion and advocacy on the advancement of women in the legal profession. The section’s purpose and foundational principles can be, and should be, championed by both men and women.

Like the call to action announced in U.N. Women Goodwill Ambassador, Emma Watson’s “He for She” Speech at the United Nations, the men of the CCCBA, not the just women, are necessary partners in the “quest for equality” in our law firms and our courts.

For both men and women, the Women’s Section can facilitate crucial relationship building and opportunities to develop empathy and understanding of the practical realities that occur when “Women and the Law” intersect. This understanding is crucial for institutional change to occur.

Last year for example, Harvard University professor, Adam N. Glynn, and University of Rochester professor, Maya Sen, published, “Identifying Judicial Empathy: Does Having Daughters Cause Judges to Rule for Women’s Issues?” They determined that “judges with daughters consistently vote in a more feminist fashion on gender issues than judges who have only sons.” Their research shows that “personal relationships can in fact affect judges’ voting” and that “having daughters affects judges on how they vote on cases that directly relate to issues important to young women.”

As a platform for building understanding, the spirit of the Women’s Section’s purpose is captured in Rumi’s quote, “Be a lamp, or a lifeboat, or a ladder.” Regardless of gender, the CCCBA and its sections provide members the opportunity to support one another and grow professionally in the practice of law.

The lamps light the way.

Lighting the way is an act of mentorship. Sometimes the light has decades of experience and sometimes it is just a few steps ahead. Several standing networking events provide regular opportunities for mentoring and business development. We can also light our own way. Attorney and novelist, **Lubna Jahangiri**, sends a message of compassionate encouragement to her 13-year-old self living in Pakistan, who cannot imagine her future life as an attorney in the United States.

It reminds us that challenges come with lessons that turn into skills to draw upon later. And while unspoken, it includes the embedded reminder that today is your tomorrow’s younger self. If you could send a message lighting the way for your younger self, what would it be? Join us on CCCBA’s LinkedIn group page to hear the advice others would offer.

Not yet familiar with the term cryopreservation? **James Y. Wu** and **Claudia J. Castillo** shed light on the newest employee benefit: “Egg freezing.” Will this new benefit recruit

and retain employees or will it avoid resolving the continued conflict between career promotion and family life? In its infancy, this employee benefit for women triggers social, moral, ethical and legal implications that will likely result in an evolving and ongoing discussion.

The “egg freezing” discussion alone should begin to shed light on what has been dubbed a “fertility fog” regarding general reproductive statistics and an individual woman’s personal characteristics, medical history and genetic risk factors. You’re invited to join the ongoing discussion in the comment section on the article page and on CCCBA’s LinkedIn group page.

The lifeboats provide escape.

California provides penalties and remedies for hostile workplace violations, but for female attorneys navigating these scenarios, one overarching consideration is that they never wanted to be plaintiffs in their own lawsuits. They wanted to be working lawyers. Full stop.

For anyone facing this crossroad, **Beth W. Mora** discusses the option of extraction as alternative to litigation. **Terry Leoni** spotlights the work of Community Violence Solutions. CVS is the safety net that provides support services following a sexual assault. It is also the home of the Children’s Interview Center, which plays the pivotal evidence-gathering role when the District Attorney’s Office prosecutes sexual assault cases involving children.

The ladders lift and scaffold.

Leslie A. Johnson and Jordan M. Rojas showcase the important role men play in the mentorship of women in the legal profession. With a 40-year career in her wake, **Leslie A. Johnson** reflects on her years as an associate under the tutelage of Marvin B. Starr and his role in her development as an attorney.

Jordan M. Rojas discusses her current mentor, Randolph M. Paul, and his ongoing support of her advancement. Both articles show the results achieved when male leadership prioritizes hiring, training and retaining female talent.

Finally, **Crystal L. Van Der Putten** captures the illumination, hope and opportunity that lamps, lifeboats and ladders sometimes provide in the form of cold, hard cash. In 2014, the Women’s Section’s Wine Tasting & Silent Auction raised a record setting \$15,000, which resulted in awarding \$5000 to each of the Hon. Patricia Herron and Hon. Ellen James Scholarship recipients: Farrah Hussein, Angelica Lopez and Brandi Jackson.

In guest-editing the Women in Law edition, it was an honor and a pleasure to work with the authors and to showcase the lamps, lifeboats and ladders—both men and women—at work in our legal community.

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President's Message: February 2015

Sunday, February 01, 2015



One of the advantages of being a relatively young Bar President is that the memories of being a new attorney are still fresh. I remember the constant aura of uncertainty in my early practice of law, with every research issue, motion, deposition and court appearance being a matter of first impression.

When a partner asked me to cover a case management conference the following morning at Contra Costa Superior Court—a first for me—I recall staying up until midnight studying every document in the case file. I remember my surprise when that court appearance lasted a sum total of 45 seconds, ending with the setting of another CMC.

I also keenly remember the anxiety of walking into my first Bar Association events without knowing a soul. Well-dressed, self-assured attorneys congregated in tight formations, exchanging jovial salutations and war stories of which I had none. I would walk around aimlessly, fidget with my drink coaster, and perhaps nod with a concerned expression at my phone, trying to convey to everyone that my solitude was due to my (imaginary) lawyer friends running late.

All of this discomfort immediately melted away when Bar members with whom I had made eye contact smiled at me and introduced themselves. They asked what I was doing in the legal world, and I asked about their area of practice. Sometimes I struck the jackpot, and these magnanimous attorneys introduced me to the others in their clusters. Suddenly, *I knew lawyers*, and incrementally, each event was filled with more and more friendly faces.

One of the continuing priorities of the CCCBA has been to effectively recruit new attorneys and to integrate them into the Bar's ranks. This is not a mere pursuit of capturing more members for Bar dues, but in recognition that a healthy Bar Association is one that remains relevant to future generations of practicing attorneys.

Aside from offering meaningful programs to newer lawyers, the Bar has worked on getting law students into the fold so as to provide a pipeline of interest in the Bar. Thanks

to the efforts of fellow Bar Board Member Dean Barbieri, Dean of JFK University College of Law, all 137 law students at the school are now CCCBA members.

The point being, there may be more new lawyers and law students at our events than ever before. And you may even observe some of them performing the ancient rites of “wander, fidget and phone.” I hope this article serves as a reminder of what it was like to be new to the profession, and to spur us all to make that extra effort to reach out to those lawyers and students.

If anything, it is a reminder to myself. After eight years of heavy Bar Association involvement, I have reached the point that, at any given event, I know more people than I don't. I catch myself falling into the habit of chatting with friends, and not giving much thought to those I don't know.

After reflecting on those uneasy days as a fledgling lawyer, I seek to be more open and welcoming to our newer members. I hope we can all commit to this worthy goal—our Association will be stronger for it.

As an associate with Casper, Meadows, Schwartz & Cook since 2007, ***Nick Casper*** represents injured individuals in cases involving catastrophic injury, wrongful death, medical malpractice, employment discrimination/harassment and civil rights violations. Nick has been lead counsel in five civil jury trials.

Thirty Years and Going Strong - The CCCBA Women's Section

Sunday, February 01, 2015

In 1984, Judges Ellen James (ret.) and Patricia Herron (ret.) organized the first meeting of the Contra Costa County Bar Association's Women's Section with the desire to provide an organization by and for local female attorneys.

Unlike many of the other sections of the CCCBA—which are largely practice oriented—the Women's Section includes practitioners from a variety of practice areas handling both plaintiff and defense work and coming from solo to large firms. This diversity makes the Women's Section unique from many other legal organizations.



Thirty years after its start, the goals of the Women's Section remain largely the same: To provide a support group for women in the profession, to further the interests of women in the legal profession and the judiciary, to provide a forum to address issues particular to women in the section (including increasing women on the bench) and to provide networking and social opportunities.

The section accomplishes these goals in many ways. For example, the Women's Section hosts "Power Lunches" each quarter and launched a "Power Happy Hour" to provide networking opportunities. It also works with organizations with similar purposes. Further, the section works to promote outstanding female attorneys and judges through nominations to various awards.

In honor of its founding members, the Women's Section established the Hon. Patricia Herron and the Hon. Ellen James Scholarship. The scholarship is awarded annually to one or more law students who have demonstrated leadership potential, achieved academic success and helped to advance women's issues. The scholarship recipients must also have a commitment to Contra Costa County.

The amount awarded ranges from \$1,000 to \$10,000 and is funded through the Women's Section's Annual Wine Tasting and Silent Auction. In fact, the annual springtime event has served to fund the scholarship for the last 15 years and 2014 proved to be a record-breaking year with over \$15,000 raised.

Because of the generosity of the Women's Section supporters, the section was able to award three \$5,000 scholarships in 2014 to Farrah Hussein, Brandi Jackson and Angelica Lopez. Hussein and Lopez are law students at John F. Kennedy University School of Law, while Jackson is a student at Boalt Hall School of Law. All three young women have proven themselves academically and are well on their way to contributing both to women's issues and Contra Costa County.

Farrah Hussein grew up in Contra Costa County and is still a resident. During her law

school career, she has been an active student member of the CCCBA, a student member of the Robert G. McGrath American Inn of Court and a member of the Queen's Bench. Hussein also served as a judicial intern for the Contra Costa Superior Court and was described by one judge as outstanding and one of the most intelligent and hardworking interns serving the court, with excellent writing skills and a deep commitment and passion for the law.

Hussein has demonstrated her commitment to women's issues as an advocate for victims of gender based crime and as a volunteer at a rape crisis center. She has also worked at the Alameda District Attorney's Office and been an intern with the U.S. Coast Guard's sexual assault unit. Receiving the scholarship from the Women's Section will allow Hussein to continue her legal education and volunteer activities.

Though Brandi Jackson is not a current Contra Costa resident, she attends law school in Contra Costa and intends to practice here upon her graduation. She is a first generation college student. Jackson has served on the editorial board of Berkeley Journal of Gender Law and Justice and has demonstrated a strong commitment to issues which disproportionately affect women. She is passionate about working with survivors of domestic violence and has worked as a certified law clerk with the Contra Costa Public Defender's Office, as well as in the Domestic Violence Practicum of the Santa Clara District Attorney's Office.

Jackson's law professor described her as insightful, open-minded and "destined to become a wonderful lawyer and a leader who demonstrates compassion and intelligence. ..." The Women's Section scholarship will help relieve the financial burden of law school and enable her, upon graduation, to pursue a career with either the public defender's office or a non-profit legal aid clinic in Contra Costa County.

Angelica Lopez was born and raised in Contra Costa County and still resides here. She is the first woman in her family to pursue a higher education degree. It all started because she wanted to set new expectations for her family, including her child. Because of her history in the county, she hopes to use her law degree in Contra Costa after she graduates. Previously, Lopez has been an intern with a local police department and worked as a paralegal.

One of her law professors described Lopez as well-spoken, impressive and "exactly the kind of person who should be encouraged to pursue her dreams." She currently runs a small non-profit organization that helps women write resumes, apply for jobs and find low cost child care in order to help them succeed in the job market. Lopez hopes to expand her non-profit to include legal services upon graduating from law school. The scholarship she received from the Women's Section will assist Lopez with the financial obligations of law school and allow her to pursue her dreams.

The Women's Section has exceeded its stated purposes in its first 30 years. With all the section has accomplished, we hope the next 30 years are equally productive. With young law students like the 2014 scholarship recipients leading the way, there is no doubt the Women's Section will continue to excel. We are so proud to be part of their journey and to help them achieve their goals. One of the scholarship recipients might even be the Women's Section president in a few more years. After all, that is what happened with past scholarship recipient and 2015 Women's Section President Marta Vanegas.

Crystal Van Der Putten is a shareholder at Livingston Law Firm, P.C., in Walnut Creek, a

general civil litigation firm handling products liability, personal injury, ADA matters, and more, primarily on the defense side. She is a past CCCBA Women's Section president and continues to work with the section (and other organizations) to promote women and diversity in the legal profession.

Egg-Freezing: Is it Truly an Employee Benefit? (Frozen Series, Part 1)

Sunday, February 01, 2015

In January 2015, Apple became the next large Silicon Valley high-tech company to offer a new employee benefit: Covering the cost for cryopreservation, i.e., paying for women to freeze their eggs. Facebook rolled out a similar benefit to its employees in 2014.

Though it is possible (and likely) that other companies, law firms, financial services firms and other employers offer, or are analyzing whether to offer, egg-freezing benefits, Apple and Facebook are leading the way.

According to NBC News, Apple and Facebook provide up to \$20,000 to eligible employees for egg-freezing costs. Employees may also use this benefit to help pay for infertility treatments and sperm donors, and Apple also helps with adoption costs.[1]

The egg freezing procedure can cost up to \$10,000 and storage of the eggs is around \$500 a year. According to an article in the Ms. Magazine blog, fertility expert Dr. Jeffrey Steinberg, founder of The Fertility Institutes, has explained that women in their 20s freezing their eggs could expect success rates of 65-90 percent, women in their 30s, a 50-78 percent rate and those in their 40s, only 5 to 15 percent.[2]

Thus, to increase the probability that the process will lead to a pregnancy down the road, it is recommended that women go through the egg freezing procedure twice (to freeze 20 eggs)—an estimated cost of \$20,000.

An Attempt to Recruit and Retain Employees...

Like most benefits offered by employers (401k plans, group insurance plans, free meals, ping-pong tables and dry cleaning services), cryopreservation and fertility benefits were rolled out to attract and retain top-notch employees.

As noted in its press release, Apple stressed that it continues “to expand [its] benefits for women, with a new extended maternity leave policy, along with cryopreservation and egg storage as part of our extensive support for infertility treatments. ... We want to empower women at Apple to do the best work of their lives as they care for loved ones and raise their families.”[3]

Per Ms. Magazine blog, and the National Center for Women & Information Technology, “56 percent of women in tech leave midway through their careers, double the rate at which men leave the industry. The desire to raise families is a major factor in this.”[4]

Indeed, “[a]nything that gives women more control over the timing of fertility is going to be helpful to professional women,” said Shelley Correll, a sociology professor and director of the Clayman Institute for Gender Research at Stanford University. “It potentially addresses the conflicts between the biological clock and the clockwork of women’s careers: The time that’s most important in work, for getting your career established, often coincides with normal fertility time for women. This can potentially help resolve that by pushing women’s fertility into the future.”[5]

... Or an Attempt to Avoid the Bigger Issue?

Some critics of these new benefit policies point out the seemingly obvious attempt to avoid (or delay) focusing on the overarching issue of promoting career AND family life vs. promoting career and delaying family life.

Simply, in part due to a “biological clock” and in part due to societal pressure, in the United States the typical family/workplace paradigm has been that a woman must delay her career to raise a family. As a result, many view egg-freezing policies as a “band-aid,” rather than the hyped panacea.

While the Family/Medical Leave Act (FMLA) and the California Pregnancy Disability Leave law help to require time off from work pregnancy and childbirth, neither require that the time off be paid. Furthermore, once these protected leaves are exhausted, parents are often left with limited options for daycare should parents/guardians return to work. And thus, most often it is the woman/mother who ends up delaying her career to raise children.

Thus, critics of Apple and Facebook’s new benefits point out that more realistic and practical benefits should be offered, like on-site daycare, increased benefits for covering daycare costs, and more workplace flexibility to allow additional telecommuting. And, perhaps the best recruiting and retention tool for women would be for the company to hire more women in the first place.

And, unfortunately, while egg-freezing sounds like a great new high-tech option, the actual process and success rate should not be glossed over. According to CNN.com, “to stockpile eggs in the freezer, women self-inject powerful hormones for several weeks before undergoing outpatient surgery. In the short term, women face risks from the drugs and egg retrieval procedure.[6] As for the long term, there are zero longitudinal studies on the health effects of exposing women’s bodies to fertility medications. And because of high failure rates, even if women go through all this trouble, fewer than 3 in 10 will end up with a baby.”[7]

A Professional Woman’s Perspective

How do successful professional women feel about employers offering cryopreservation as a benefit? It is a heated debate and opinions vary, but a physician who opted for cryopreservation several years ago, and who knows at least two other women in the medical field who chose to do the same, said she would have jumped at the chance to take advantage of such a benefit if her employer provided it.

Instead, she personally paid \$22,000 for two egg-freezing procedures. While costly, time-consuming and somewhat uncomfortable, for her, the procedures were worth it.

The physician shared that her professional ambitions had nothing to do with her choice to freeze her eggs, and this was also not a factor among the other professionals she knows who have undergone the procedure. Rather, all three women shared the same concern: Not having a suitable partner in their “prime” childbearing years.

While not all three were single at the time (2 were in relationships), they were not interested in becoming single mothers and likewise had no interest in rearing a child with the wrong person. They exercised their choice to freeze their eggs until they met Mr. or

Mrs. Right, fully aware that the procedure does not guarantee a child.

In the physician's opinion, offering a paid benefit for cryopreservation empowers women by providing them with options. Many women face the stress and anxiety of the clicking biological clock, but some are unwilling to start a family without a good partner. Egg-freezing, while not guaranteed to work, offers women some piece of mind they would not otherwise have.

As the doctor points out, cryopreservation is less expensive than in vitro fertilization procedures later in life. And, if she is unable to become pregnant naturally when she is ready, she likes having eggs from her 30s available to her. The quality of the eggs, she points out, is of paramount importance because it decreases significantly once women hit their 40s.

Potential Legal Issues?

Egg-freezing itself also may raise many legal concerns. For example, in employment law: Will managers/supervisors have knowledge that a woman has gone through the egg-freezing process (or fertility treatments); will such knowledge influence work assignments, promotions, salary adjustments and/or lead to some sort of stigma against the employee?

When discussing possible issues in the workplace, the physician we interviewed encourages egg-freezing as a benefit for employers to provide but added that laws should be in place to prevent coercion and also that anonymity is important to prevent favorable treatment or retaliation.

Due to the low probability of success, women should make an educated choice. And, anonymity may be difficult because the procedure itself could require some women to take time off for work, as she had to, without disclosing the reasons why. She opted for taking a week off from work each time she had the procedure performed. She had the flexibility for this, but expressed concern over women who do not have that option.

The legal implications also carry over to issues of privacy law, property law, estate planning and probate, family law and others that are beyond the scope of this article. However, the Contra Costa Lawyer magazine would love to see this discussion continue and encourages and welcomes comments below. Please let us know your thoughts on egg-freezing as an employee benefit, and your take on any of the many legal implications.

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[1] "Perk Up: Facebook and Apple Now Pay for Women to Freeze Eggs," Danielle

Friedman, NBC News, Oct. 14, 2014

[2] "The Cold Truth Behind Silicon Valley's Egg Freezing," Anita Little, Ms. Magazine Blog, Oct. 22, 2014

[3] "The Cold Truth Behind Silicon Valley's Egg Freezing," Anita Little, Ms. Magazine Blog, Oct. 22, 2014

[4] "Women in It: The Facts," Catherine Ashcraft, Ph.D. and Sarah Blithe, National Center for Women & Information Technology (NCWIT), April 2010

[5] "Facebook, Apple Pay for Egg Freezing, Sperm Donors," Barbara Ortutay, The Boston Globe, Oct. 15, 2014

[6] Egg Freezing, Mayo Clinic, Jan. 17, 2013

[7] Age-specific probability of live birth with oocyte cryopreservation: an individual patient data meta-analysis, US National Library of Medicine National Institutes of Health, May 24, 2013

Wolf at Work

Sunday, February 01, 2015

I inherited a button from my now deceased father (Julian Wolf) given to him on his first day as a stockbroker. I am an attorney. I, too, am "Wolf at Work."

The Goal Was to Work

The female attorney worked hard to become an attorney. This was not because she watched "The Paper Chase," "Ally McBeal" or "Legally Blonde" and whimsically decided that it might be fun to be an attorney. No, this was a calling. The female attorney entered the hallowed ground of a law firm or courtroom with the desire to work; she did not wish to be a victim or a plaintiff. She wanted to be treated the same and given the same opportunities as her similarly situated peers.

Even so, the female attorney can find herself facing illegal workplace wrongs such as discrimination and harassment in overt and/or subversive manners. A female attorney may experience the following:

- Female associate sexually harassed by a senior partner including inappropriate text messages, verbal comments, sexual advances, and sexual assault and battery.
- Dramatically reduced work load assigned to female associate upon returning from maternity leave, negatively impacting billable hours.
- Discrimination and retaliation levied upon female partner who took time off to treat breast cancer.
- Recently married female associate asked when she was going to have a baby or "get knocked up;" and when became pregnant, performance comments are made such as "baby brain," questioned hours and dedication as a soon to be mother, followed by work assignments reduced.

Now what?

She Never Wanted a Lawsuit

State and federal laws are in place to address and redress these and other similar wrongs. There are numerous laws protecting women in the workplace from discrimination, harassment and retaliation, pregnancy (related medical leave), parental support and domestic violence. California's list of laws grows each year with new laws and amendments to old laws expanding current rights. But the existence of laws or the assertion of rights and remedies is often not the desired answer when a female attorney is victimized in the workplace.

The female attorney whose dream it was to be an attorney and who worked diligently to become one is usually resistant to accessing the rights and remedies afforded to her under the law—she wants to work and do her job. Once she engages her litigation options, the female attorney's professional reputation can take a hit with perceptions that she's a whiney complainer who is not strong enough to endure the practice of law. And

unfortunately, despite laws prohibiting retaliation, a female attorney typically thinks twice before making a complaint.

Extracting Her Professional Reputation

As one who represents female attorneys in such matters, litigation is not the only, and sometimes, not the best option; a concept that can be difficult to accept as it is our natural instinct to fight.

To protect the female attorney's goal of continuing to practice law, *sometimes* the best option is to consider extraction. Like Hasbro's game, Operation, an extraction from the workplace attempts to preserve the attorney's reputation, professional advancement and future career, while simultaneously terminating the current employment relationship and transitioning to a new, and hopefully more positive work environment.

In an extraction, nothing is easy for the female attorney or for the firm from which she is being extracted. Just like in Operation, an extraction involves emotional human beings with active caseloads to manage, who now must navigate a daunting process. However, it can carry far less baggage for all of the players than a public, and oftentimes protracted litigation.

To effectively navigate an extraction, the departing attorney needs a lawyer who is sensitive to the complex relationship between the parties, willing to speak to senior yet uninvolved (if possible) counsel at the firm, and committed to the necessary time investment in order to be factually and legally armed for a negative reaction.

At the same time, the lawyer must be aware that negotiating an extraction is equally about respecting the players involved at the firm because it advances the long-term interests of their client.

An effective extraction will result in typically most, if not all, of the following elements:

1. Letter/electronic announcement from the parties advising of departing attorney's voluntary lateral move.
1. Out of office email reply and voicemail advising of specific contact at firm and departing attorney's new contact information.
1. Compliance with existing rules of professional responsibility as to existing clients/case files. Consult an ethics attorney if necessary.
1. Confidential Severance Agreement: Should embody standard severance language consistent with employment agreements, as well as:
1. References: Clarity as to references; reference letter(s), content of reference and person to receive references.
1. Compensation/Benefits: Resolve outstanding compensation including but not limited to, severance, salary, bonus, benefits, etc.
1. Mutual Confidentiality: Crucial the parties agree to confidentiality.

Each situation is different and requires specific elements to be negotiated between the parties. However, the above are essential for consideration.

Protecting Her Right to Continue Working

An effective extraction affords a parting of the ways while allowing both the victim and the alleged wrongdoer to maintain their reputations, clients and ability to continue working without significant interruption.

Extraction does not come without some emotional impact. It should be anticipated that no matter how smoothly an extraction is mastered, there will still be consequences. An extraction involves humans dealing with very stressful situations impacting their careers, and an emotional impact is unavoidable. However, an effective extraction is far less harmful than a protracted litigation for all involved.

Female attorneys want to work and will continue to work in the face of obstacles. Today's laws serve as policy statements of what is not tolerated in the workplace, but utilizing them may not always be in the best interest of a female attorney wanting to continue working.

Equally so, an extraction may not be the best or even an available option and when that is the case, the California female attorney will have at her disposal an arsenal of remedies.

A tremendous thank you to hardworking female attorneys who have come before, at present and will make their way in the future. May you always be a *"Wolf at Work."*

Beth W. Mora is the managing partner and owner of Mora Employment Law, dedicated to representing employees in employment law matters. Beth is committed to aggressively pursuing her clients' best interests while treating each person she serves and litigates against with integrity, compassion and maintaining the utmost confidentiality. Beth can be found at www.moraemploymentlaw.com.

Community Violence Solutions: The Unsung Heroes of the CCC Justice ...

Sunday, February 01, 2015

Community Violence Solutions (CVS) opened its doors in 1974, as the Rape Crisis Clinic of Contra Costa and Marin counties. Although its name has changed since its inception 41 years ago, its mission has remained the same—to support adult and child survivors of sexual assault. It is not only one of the oldest organizations of its kind in California, but also in the country, with staff who works tirelessly to assist those in need after a sexual assault.

When asked about the work performed by CVS, one Contra Costa County deputy district attorney said that the employees and volunteers at CVS are the unsung heroes of the justice system who support others in their darkest hours.

Following a sexual assault of a child or adult, CVS provides a myriad of essential support services. For instance, the CVS staff and volunteers at the Rape Crisis Center are available 24 hours a day, seven days a week to assist rape victims, in any capacity, immediately after an assault.

These are the people who race to the hospital at 3 a.m. on a weekend, to simply hold the hand of a rape victim during an invasive hospital exam. They stand with a victim in court while they courageously face their attacker. Roughly 2,000 brave men, women and children are supported each year through this invaluable program at CVS.

CVS is also home to the Children's Interview Center (CIC), which provides specialized services to the youngest sexual assault victims. At the center, child victims find a place to feel secure and comfortable as they provide a statement of their experience and evidence to a trained CVS staff member or volunteer.

This process works to limit the child's overall trauma by reducing and streamlining the number of forensic interviews and exams. With compassion and care, these saints of CVS work tirelessly, day after day and interview after interview.

Colleen Gleason, a Contra Costa County Deputy District Attorney and current CVS Board Member, first became aware of CVS when assigned to the Sexual Assault Unit at the District Attorney's Office. While at this unit, she worked hand in hand with CVS staff and volunteers, and witnessed them interview boys and girls at the CIC in a calm and efficient manner, and with genuine kindness and concern.

She finds that the dedicated people at CVS are instrumental in prosecuting sexual offenders because the single most important piece of evidence in prosecuting a sexual assault case involving children is this recorded CIC interview conducted by CVS. To Gleason, the people at CVS are truly inspirational.

Understanding that CVS is a non-profit organization that relies heavily on grants and generous donations, Gleason enthusiastically agreed to spearhead the Contra Costa County Deputy District Attorneys' Association's first fundraiser for CVS in 2012.

This event not only serves to financially support CVS, but also educates the community

about the essential services that CVS provides, and has proven to be an incredible success. The third annual event in 2014 raised over \$20,000, which is double the amount raised in 2013.

One of the fundraiser's most remarkable aspects is the diverse group of supporters. It is not often that district attorneys, public defenders, law enforcement and social workers collectively rally around the same cause. This diversity of support for CVS is a testament to the organization's valuable contribution to the legal community and the community as a whole.

Due to financial support from fundraisers like this one, CVS has been able to vastly expand its services. In the few years since Gleason started working with CVS, she has noticed an immediate and positive impact from community education and fundraising efforts.

When Gleason began working in the Sexual Assault Unit, she had little to no support for her child victims of human trafficking. Because of the generous contributions by groups like the Contra Costa County Deputy District Attorneys' Association, CVS started a revolutionary program to combat sexual exploitation in the county, called the "Anti-Trafficking Project," which now offers support and counseling for these marginalized victims.

To provide these crucial services, CVS relies upon volunteers to work in a variety of capacities, from the crisis line to youth education and prevention programs to community outreach. In addition, CVS always welcomes monetary contributions. More information about Community Violence Solutions, including ways to contribute, is available at www.cvsolutions.org.

Terry R. Leoni is a Senior Associate at the law firm of Rains Lucia Stern, PC, who primarily represents attorneys and public safety employees in administrative, criminal and labor matters. She is also a supporter of Community Violence Solutions.

A Teacher of Equality: Marvin B. Starr

Sunday, February 01, 2015

“Is that a baby in your office?”

The voice from the speakerphone had just a touch of incredulity. It was the voice of a New York investor/developer calling Marvin B. Starr to talk about a large office building in downtown LA that our client was buying. I was a pup of an associate sitting in on the call in Marv’s office, diligently taking notes on the client’s acquisition, soaking in every idea.

Marv was rattling off in his machine-gun manner of speaking, and I was trying to absorb his rapid flow of ideas. To lose attention for even a moment would be to miss a jewel of an issue or, more likely, a solution to a potential problem.

The client knew I was doing the legwork because Marv, with much grace and sincerity, always made clear to his clients that we were a team and the client could fully rely on this “pup.” He had not, however, thought to tell the clients that I, too, had a “junior associate.” The client just laughed, commented that he was glad not to have a baby in his office and ... noted that he assumed the baby would not get in my way.

While I had no idea then how truly astonishing and unbelievable the welcome that Marv and his partners, Harry Miller and Ed Regalia, gave baby Inga (now my partner in our law firm, Timken Johnson, LLP), I walked on the eggshell path of knowing that no matter what, the baby on the floor could not get in the way of any client’s work.

That vignette exemplifies so much of what Marv has always been to me and to all those associates who were fortunate to have followed in my footsteps under Marv. Unfortunately, as best I recall, there were no subsequent women associates for Marv, which is a shame as he is a passionate advocate for their rightful place at the conference table. He and his partners, Ed and Harry, were true leaders in fostering the careers of women.

Marv always had me involved with the client, whether it was needed or not (with lots of “no charges” as a consequence) and when our work was praised, always shared the credit, often giving me more credit than due. He knew that to make me stronger did not detract from him but rather made the two of us—and the firm—stronger.

Often sharing the podium to give me additional exposure, Marv treated me with courtesy and respect, even if he was telling me I sounded like a dunderhead. Though I did not know the term then, Marv always “had my back” whether vis-a-vis a client or the firm or anyone (except the one who had grown up on the office floor). What more could one ask from a mentor?

Marv, Ed and Harry were no doubt the first to elevate a woman (Luana Miller) to managing partner of a state renowned commercial law firm. They had first hired Luana Miller as a secretary because, unbeknownst to them, she was a lawyer who finished first in her law school class at a state university law school and could not find a job anywhere.

Even though she was the first person to graduate first in their class and not be asked to clerk in the state Supreme Court, Luana had long since given up telling anyone she was a lawyer, much less seeking a job as a lawyer. Once they learned of the law degree,

however, they knew she was a gem and quickly put her to work as a lawyer, and not surprisingly, a brilliant lawyer.

Above all, Marv was a teacher—not only of real estate law but also of the psyche of real estate people, the developers, investors, brokers, all of whom he held in great respect. He was particularly fond of the little guys (many of whom met Marv as their grad school teacher at UC), who were starting out with nothing but their knowledge, instincts and determination. He freely mentored any and all of them. He was a teacher of the big picture. He was never left burrowing in the details. In fact, if I recall correctly, he often left those details to whatever fate this associate chose.

Marv instead was uniquely able to see the whole picture and what it all meant, such as what a tax code provision was intended to do but did not say, or what the long-term effect a new case would have on the real estate industry. Marv lived above the forest, not among the spindly trees. For me, just learning there was a forest was extraordinary—even if I could never hope for his insight.

A great lesson he taught me was to be a believer in the product. If I was to be a real estate attorney, I had better understand real estate ownership as a fundamental bulwark of American life. His insights made decisions seem simple. Always optimistic, he would find a solution where one did not appear likely and he was also a great proponent of Occam's razor. Problems always seemed simpler in his hands because he just knew there was a solution if he could parse the conflict down to its fundamental core.

Now, when I struggle with an issue, I try hard to think how Marv would analyze it, and it almost always helps me work my way out of the trees to see the forest. I learned from his approach to let the brain work and not to rush the solution; it will come.

Marv is a man of extraordinarily broad talents. He clearly could have been a comedian, a free thinking rabbi, ... anything but a truck driver. Instead, he chose the law, for which those of us who have studied with, worked under or simply had the joy of a legal debate with him, are all the better. Generous of spirit, time, ideas, Marv shared everything and he stands above all as a teacher and mentor.

Now, when a client gives me a compliment, especially for structuring a transaction or an entity in a nifty or a particularly successful way, I always remember the compliment really belongs to Marv. Thank you, Marv.

Leslie A. Johnson is with Timken Johnson, LLP, with a 40-plus year career with entity structuring, financing and acquisition transactions. She is active in East Bay CREW (Commercial Real Estate Women) and in chasing her two-year-old granddaughter.

Role Model for the Male Mentor: Randolph M. Paul

Sunday, February 01, 2015

As a female attorney practicing for 10 years in the construction defect litigation field, I have often heard some familiar refrains repeated about women's equality in the workplace. Women are discriminated against in the workplace—they are paid less and promoted less often. Women lawyers face a difficult balancing act with high-pressure careers and family life. Women need to help other women succeed in the law.

While this is all true, I believe there is more to the story of women succeeding in the law. It's about the men. Men need to be a part of the conversation and action to achieve equality in the workplace.

Although there are firms where women have to fight to get to partnership because of their gender, there are also firms where the male leadership welcomes and encourages women to the table. These male mentors recognize the value and talent of the female attorneys working with them. They invest in them, work to retain them and champion them. These male mentors, who promote true equality in the workplace, stand as role models for others.

Randolph M. Paul is such a role model. I am fortunate to have Randy as a mentor. He has both supported me in succeeding and made it a priority to invest in and promote equality throughout the workplace. Randy is an accomplished trial attorney and Principal at Berding | Weil LLP with a real estate litigation practice with emphasis on consumer-side construction defect litigation.

Randy not only personally creates an equal and positive work environment but requires it of everyone at the firm. He does not tolerate derogatory language or conduct from anyone regardless of rank. Male attorneys do not receive preference over female attorneys with work or case assignments. Marketing opportunities are not limited to male-oriented activities.

Mentorship helps young lawyers develop both personally and professionally. Randy allows and encourages mentees, regardless of gender, to achieve their personal best. With Randy's support and encouragement, I have questioned witnesses in trials and arbitrations, presented opening statements at trial, given pitches to potential clients, argued motions, taken countless depositions and became a partner at our firm, all while raising two small children.

As a mentor, Randy promotes those he works with to clients, opposing counsel, mediators and internally within the firm. He provides mentees with meaningful and substantive litigation experience, including trial and deposition experience. He includes mentees in networking and marketing events with introductions to colleagues. He shares with others about mentees' skills and achievements.

Men like Randy who recognize the valuable contributions of female attorneys and support their development are in the position to help make great strides in changing a culture that historically has failed to recognize the equal skills of female attorneys. Mentoring the female attorney is not a handout—it is a recognition of the contribution and talent of

female attorneys, who are assets to the workplace and obtain successful results for clients.

As Randy explains, “I started practicing with attorneys who were not used to attorneys who were not men, and many made assumptions based on gender, even more so than on other distinctions such as color. From an early time, I formed a view that a person’s worth was gender-blind and that our profession, above all, should endeavor to avoid prejudgments.”

Randy also sets an example for work-life balance with an investment in family and activities outside the office. How can women balance work and family life if the men in the workplace do not do the same? Randy encourages everyone—both male and female—to invest in family and activities outside the office. According to Randy, “the law is a demanding profession and often requires extraordinary time commitments. Given that, it is even more important to provide a work-play balance. I find that people perform better if they take time to enjoy the fruits of their work, including family and fun. You should even have fun doing the work.”

Without that encouragement, I would not be able to say what so many women are unable to say: That I enjoy my work and have succeeded in my career with little compromise of caregiving for my children. The firm’s availability and Randy’s support of a flexible work schedule has been essential for me to obtain that balance.

Women need powerful mentors to succeed and, for the time being, the majority of powerful leaders in the legal field continue to be men. The profession needs more male mentors like Randy, who create and require equality in the workplace, to help develop talent and to take leadership equality in the legal field to the next level.

Jordan M. Rojas is a Partner at Berding | Weil LLP with a practice that emphasizes consumer-side construction defect litigation throughout California. For more information, visit <http://www.berding-weil.com/>.

A Letter to My Younger Self

Sunday, February 01, 2015



Dear Younger Lubna,

You are only 13 years old so you may not understand everything that I'm going to say to you today. But one day it will all make sense, I promise you that. You feel disconnected from the rest of the world in your small town in Pakistan. As a little girl, you watched breathlessly as Neil Armstrong landed on the moon.

You have a free spirit and you feel as if you are waiting on the sidelines for things to happen. You have dreams. After witnessing the lunar landing, you are determined to go to the United States and become an astronaut so you can go to the moon. Well ... you won't become an astronaut and you will never reach the moon. But you will reach the next best place.

As you study about North America in your geography class, pay close attention and take good notes. One day, you will call San Francisco "home," but it won't be soon. You have to wait another 13 years. And when you land in San Francisco for the first time, almost 10,000 miles from where you are now, your only assets will be two suitcases, your one-year-old child in your arms, and a master's degree in psychology. Your husband (and yes, you will get married, despite your claims to the contrary) will join you nine months later.

When you stand up to read in your English class, stand tall and proud and speak loudly and clearly, for one day you'll be standing up in courts representing people who have been wronged. You are privileged to be enrolled in Burn Hall, one of the best private schools in the country. This school will provide you with a strong academic foundation. Since English is the medium of instruction, your early command of this language will serve you well as the English language will be your ultimate tool of trade.

You take your education for granted and at times feel deprived because unlike your friends, you don't have nice clothes and shoes, a car or a telephone. You are being raised by a single mother on government salary. Look at it this way. You have a school uniform so you don't really need a lot of clothes. As a fun fact—you will, one day, teach your sons how to knot a tie because you wear a tie as part of your uniform everyday. How many girls can look forward to that?

Walking to school daily, snow, rain or shine, on a path lined with briar roses, honey suckles and morning glory will become a loving memory as the open fields will soon vanish, replaced by concrete, as a result of the overpopulation of your hometown. Cherish the absence of a phone because one day you will be constantly connected to and linked in with everyone else.

You are a brilliant student but you feel awkward and inadequate in your looks because you have to wear glasses. Don't worry, because one day your intellectual strength will make money for you. Fairly soon you will be able to wear contact lenses anyway. So

wear your glasses with pride.

You will go to some of Pakistan's best educational institutions and will meet interesting people and have lots of fun once you leave your hometown. In college, you will shift your focus to psychology and finally receive a master's degree in applied psychology from the prestigious University of the Punjab.

After college you will get married. You will infuse your husband with your hunger for America, many times shaking him awake in the middle of the night saying "Lets go to America," knowing full well that you have neither the money nor the means, just an insatiable desire. But simply dreaming will make it real for you, so never give up the dream.

You will get a second master's degree in counseling psychology from the United States. It is that restless nature of yours which will prompt you to take the second big risk in your life—to enter law school the same year your second son starts preschool. You will go to an outstanding private law school in California, and will graduate at the top of your class, while raising two children. Your husband will be the wind beneath your wings. Changing your profession to become a lawyer in your late 30s will be possible only in America.

Continue to stand up to bullies, just like you did when you flung a handful of stones at the four boys who were teasing you, and to your surprise they ran away. Being one of the 30 or so girls in a school of 1,000 boys may sound great, but some boys can be bullies. However, you are learning an important lesson, which will serve you well—never be intimidated.

Later in life, you will encounter many bullies, who will shout at you, try to intimidate you into settling, taking a motion off-calendar or backing down from your position. Holding your own now is toughening you up for your role in life, for eventually you will become a lawyer. You will find dealing with adult bullies easier.

Be mindful of others' feelings but do not take responsibility for keeping your family happy. That is not your burden to carry, but you will carry it for a while. If you get this letter in time, stop trying now because you are only a child and not a parent. Listen to yourself and speak up when you want something for yourself. One day you will learn to put your needs first, but I'm afraid it might be too late.

Finally, know that no matter where you go, whatever happens to you, you'll be all right. I hope you get this letter in time. There seems to be a long distance between us.

Older Lubna

Lubna Jahangiri earned her JD from Golden Gate University in 2001. She is a partner at Blackwell, Santaella & Jahangiri, LLP, where her primary focus is on business and corporate law. Lubna serves on the adjunct faculty of Golden Gate University, School of Law, and teaches Civil Litigation, Pretrial Phase. In her spare time, she reads and writes fiction. Her first novel in English "The Little Stepmother" is under publication. The book is based on a true story and is about the rare, but devastating practice of bigamy legally practiced in Pakistan.

Ladies, You're Invited to Calendar it, Show up and Go!

Sunday, February 01, 2015

Goal Setting for 2015



1. Locate a new volunteer opportunity.
2. Expand potential new client contact list.
3. Reconnect with potential client list.
4. Find a mentor.
5. Be a mentor.
6. Find a new job.
7. Hire a part-time/full-time attorney.
8. Increase book of business by 25-50 percent.
9. Diversify areas of practice.
10. Calendar it. Show up. Go.

No matter what goals grace your 2015 list, “a goal without a plan is just a wish.”[1] Put a plan in place and commit to connecting in person this year.

Step 1: Calendar It

Two local networking events to get on calendar in 2015 include the East Bay Ladies Who Lunch Breakfast and the CCCBA Women's Section Power Lunch.

East Bay Ladies Who Lunch Breakfast for Women Attorneys

When: First Wednesday (of most months)[2]

Time: 7:30 - 9 a.m.

Sunrise Bistro

1559 Botelho Drive

Walnut Creek, CA 94596

7:30 - 8 a.m.: Casual networking conversations.

8 - 9 a.m.: Guests are seated around a large table for breakfast with each attendee sharing a short introduction. Next, either a guest speaker or one of the attendees

presents on a topic, which is followed by a Q&A discussion. The breakfast fosters a collaborative conversation in which all attendees are invited to offer advice, support and related anecdotes on the morning's topic. Past topics have included "How to Become Certified as a Small Business Enterprise (BSE) and a Woman/Minority Owned Business (WBE or MBE)" and "Tips for Growing Your Business."

The breakfast is a platform for women to network, to grow professionally, to exchange marketing ideas and practice resources, and to provide mutual support in the running of a successful law practice. Plus, when attendees join the Yahoo! Group, they receive access to additional breakfast and lunch events around the area, including Oakland, Palo Alto and San Francisco.

For more information and to RSVP, please email Ivette Santaella at ivette@blackwellsantaellalaw.com.

To join the Ladies Who Lunch Yahoo! Group, click here: <https://groups.yahoo.com/neo/groups/ladieswholunchbayarea/info>.

CCCBA Women's Section Power Lunch

When: Wednesday (usually the second or third Wednesday of the month)[3]

Time: 11 a.m. – 1 p.m.

Tender Greens

1352 Locust Street

Walnut Creek, CA 94596

The CCCBA Women's Section Power Lunch has a fluid and flexible start time. Upon arrival, attendees are welcomed to immediately queue up to order lunch. Once they have their lunch, attendees head to the reserved tables where the lunch's host will seat each attendee at different open spots. By seating each attendee, the host facilitates new introductions and professional connections.

There is no formal presentation or introduction period. Attendees are encouraged to simply connect over lunch with those 4-5 people sitting nearby. There is no such thing as being "late" to this lunch. Attendees are on time and welcome whenever they arrive. To encourage the exchange of business cards and follow-up connections, a drawing for a small gift usually takes place around noon. Photos from past Power Lunch events are available here.

For more information and to RSVP, please email Anne Naffziger at anaffziger@leydig.com.

To receive the email invitation to the Power Lunch, please join the Women's Section. Calendar updates for upcoming Power Lunch events are also available on the CCCBA Women's Section page. The next lunch date is February 25, 2015.

Want to get outside? Check out the San Francisco area events for Women on Course, a networking and golf skill development opportunity for women of all levels, including "beginning and learning" golfers. Check out the Women on Course San Francisco area events calendar. For more information, contact WOC's Clubhouse Leader-SFO, PJ Rhae at pjrhae@gmail.com.

Interested in networking across industries? Check out East Bay CREW, Commercial Real Estate for Women. East Bay CREW is designed to enhance professional growth and business opportunities for women in the commercial real estate industry.

Step 2: Show Up

Half the battle is calendaring and attending the event. To make the most of this inherently relationship based experience, showing up mentally is fundamental and takes practice. Marianne Trost of the Women Lawyers Coach, LLC (business development and career coaching for women lawyers), suggests a few quick tips to put you in a productive state of mind to maximize your networking events.

- **Focus on giving rather than getting.** Attending a networking event with the intention of helping, providing a resource, making an introduction or being of service makes for a more enjoyable mindset and a more effective approach. Acting like a host, rather than a guest, is a simple technique that can help you connect with people in a way that puts you more at ease and takes the edge off the uncomfortableness that can sometimes surface when speaking with people you don't already know.
- **Be yourself.** Networking is about engaging in conversation, meeting new people and expanding your circle of relationships. It is not about asking for the business or selling your services. Those steps come much later after a business relationship has been established. So, relax and take the pressure off yourself.
- **Follow through on your goals.** Giving thought to your networking goals ahead of time will help maximize your efforts, provide focus and reduce the risk of random acts of business development. For example, if you set a goal to meet 2-3 new people with whom you would enjoy staying in touch, seeking out the person(s) you met last time so you can re-connect, and introducing yourself to one person in the organization's leadership, you will accomplish more than if you simply walked into the event with no plan.
- **Recognize small talk for what it is.** Many of us dislike small talk because it seems insincere and superfluous. However, small talk is actually a starting place for conversations while looking for common ground. Once common ground is found, rapport can be established, and more meaningful conversation can evolve. When you view small talk as a stepping stone to deeper conversations, it doesn't seem like such a waste of time after all.
- **Ask open-ended questions.** Finding out about others is part of uncovering ways to serve as a resource and help others. By asking open-ended questions, you can learn about people, their interests, their business, their industry, their career or their hobbies. The more you hear, the more likely you are to learn about opportunities and ways in which you might be of future service.

Step 3: Go!

Now say, "yes" to your plan and your goals and go. If you need a little inspiration and motivation to kick-start your 2015 goal setting plan, consider attending the 2015 East Bay Women's Conference on March 2, 2015.

Wendy McGuire Coats of McGuire Coats LLP, is an appellate attorney with a statewide and federal appellate practice. She serves on the Contra Costa County Bar Association Board of Directors, the ABA's Council of Appellate Lawyers publications committee, and the California Women Lawyers Amicus Committee. You can find Wendy at www.mcguirecoats.com.

[1] Antoine de Saint-Exupéry

[2] The group typically breaks for December, January and some summer months.

[3] CCCBA Women's Section Power Lunch Months: February, April, June, August, October, December

Bar Soap: February 2015

Sunday, February 01, 2015



It does seem quite a while since I penned a Bar Soap column for the Contra Costa Lawyer. Perhaps so, but here goes the latest ... and actually, I did not “pen” this article. My kids give me a hard enough time with my electronic skills or lack thereof, so I want to make it clear: I use a computer.

I am a bit annoyed with a recent interview concerning a Coroner’s Inquest. In fact so annoyed, I penned a separate article (okay, I didn’t actually pen), on just the topic of Coroner’s Inquests.

As a longtime Coroner’s Inquest Hearing Officer, I do not normally give interviews concerning specific Inquests, and in fact when you read about a Coroner’s Inquest in the Contra Costa Times, the hearing officer’s name is never mentioned. And that is as it should be. So look for my separate article coming soon, and you will learn all about Coroner’s Inquests in Contra Costa County.

I recently went to trial in Contra Costa County. That is unusual for several reasons. The first of which is that although I am a Contra Costa lawyer, most of my cases are tried in other venues. Another reason is that not many civil cases actually get to verdict. You will have to read about the results in my latest “Civil Jury Verdicts” column.

The salient point being: Most often when a case goes to trial, one side or the other miscalculated. Very few cases in my view offer such novel issues that a jury must decide. Perhaps that is the reason so few civil cases go to verdict as compared to days gone by. The reasons are many, but suffice it to say, most lawyers have gotten that message.

The year 2015 greets us with a number of changes in our Contra Costa Superior Court Civil Bench. That is not to say that our judges who do criminal matters, probate matters, family law matters, juvenile matters, et al., are not civil. I am talking about the departments we at one time called “Fast Track” departments. Anyone wanting to use that term should sit in for a few trial setting conferences. Trials are regularly being set in the fall of 2016. Yes, 2016, not 2015.

But, I digress. **Judge Jill Fannin** is taking over the civil calendar from **Judge Laurel Brady**. So, we will once again have a Fannin in a civil trial department in Contra Costa. I only

hope her taste in neck ties is different than her father's. **Rick Flier** can weigh in on this issue if he likes.

Judge Barry Goode is headed back to the complex litigation department and **Judge Judy Craddick** is moving over the hallway to take over **Judge Austin's** department, while **Judge George Spanos** remains in place in department 34 on the third floor.

Speaking of civil matters, I do have to chuckle once again at the whole Court Call "experiment." So, why do some lawyers talk way too much, and a number not enough, when on Court Call? Often is heard the words by the court: "Hello, are you still there?"

The mind boggles at what may be going on behind the scenes. More often the responses are long, tedious and without a muzzle. I suppose if lawyers are in their kitchens, in their pajamas, with the news blasting in the background, they think they can talk on Court Call as if they are in their kitchens, in their pajamas, with the news blasting in the background. A little hint to all: State your appearance, say only what is needed to let the court know you have that new CMC date, then shut up.

Sadly, it seems I never fail to have to mention the passing of members of our local legal community. Some have thanked me for being the local legal obituary column. I don't really mean to be that, but I do feel the need to mention the passings. I read about the death of **Seymour Rose**. Seymour was a real character for many years in our community. A UC Berkeley grad and a Boalt Hall grad, Seymour was admitted to the State Bar in 1955. How many of you can say you were even alive in the '50s?

Dean West Wright was also a UC Berkeley grad and a Boalt Hall grad. While he spent much of his legal career in an Oakland office, we certainly saw him in our local courts. Dean spent 55 years in the practice of law, and finally retired in 2004. That is a long time.

Although not lawyers, we lost several members of our local police department over the past few months. Fortunately, not in the actual line of duty. I worked very closely with **Dan Lynch** and **Carlos Rose** when I was a deputy district attorney. Dan was a Martinez police officer and most recently an inspector with the Contra Costa District Attorney's Office. Carlos was longtime Concord police officer. Both left us too soon.

Now onto more pleasant news of "People on the Move." Sitting in one of our civil courtrooms recently I saw **Jay Chafetz** seated nearby, but not suited up in his usual attorney appearance attire. Turns out, Jay is now a research attorney with our Superior Court. In chatting I learned he was one of eight such research attorneys. Congratulations, Jay. Looks like no more client meetings and certainly no more monthly pre-bills. Oh the thought of it! I wonder if they have any openings?

Ralph Zappala is now at Busby & Zappala in Lafayette. Shortens up that commute, I bet. Ralph was a longtimer at Lewis Brisbois in the city. Congratulations, Ralph, on your new firm.

Read in the SF Business Times, my former colleague at Ropers Majeski, **Jim Lassart**, is now a shareholder at Murphy Pearson. He came over to Murphy Pearson a while back as Senior Trial Counsel. Saw that **Dennis Strazulo** and **Maurice Fitzgerald** have also made moves. Dennis and Maurice were also at Ropers when I was in the city. Maurice is now at the Cartright firm in San Francisco. And Dennis is the California managing partner of a big Atlanta firm. Sounds very nice for both of them. I should mention that the Bus Times

also mentioned the addition of three new lawyers at Ropers Majeski.

Remember last time I asked for local lawyers to let me know if they had achieved “Super Lawyers” status? I heard from **Ross Pytlik** who was designated a “Rising Star” by Super Lawyers. Congratulations, Ross. The only other person I heard from was me.

After the death of our good friend **Mark Ericsson**, I wondered what would happen at his firm. Well, wonder no more. Not letting any moss grow under his feet, **Walt Youngman** has hired **Jean Claude Mallein Jr.**, and **Tara Shine**, as attorneys at the firm.

I saw a recent announcement that **Mike Brown** and **Audrey Gee** had celebrated two years at their firm Brown Church & Gee. Two years? It seems they just started that firm last week. Congratulations to them on the two-year anniversary.

Time to go. I am sure there is more to talk about. Keep those cards and letters coming or email me at mguichard@gtplawyers.com.

Is There a Glass Ceiling as Lawyers Climb the Law Firm Ladder?

Sunday, February 01, 2015



Racial, gender, cultural, sexual preference and other biases are facts of life in our society. Some biases are overt; but most in today's world come in more subtle forms. They affect the practice of law every bit as much as they do other walks of life.

For example, for the past 30 or so years, almost half of law school populations have been women. Yet in the 2014 survey by the National Association of Women Lawyers charting the progress of women in "BigLaw," 4 percent of managing partners in the 200 largest American law firms were women, and only 17 percent of the firm equity partners were women.[1]

It's true that women have children. But often women who do go back to their firms still end up having to explain why they are in the office on a Saturday when they have a new baby (no man would be asked to explain). If her husband is the child's caretaker he is seen as less masculine by his peers; she will be viewed as too masculine. It is a no-win situation.

The road is even tougher for minority lawyers. In 2008 and 2009, when the recession hit law firms hard, the American Lawyer's 2010 "diversity scorecard" revealed that the percentage of minority lawyers at BigLaw firms went down and minority lawyers were 1-1/2 times more likely to be laid off than white attorneys.[2]

Harvard Professor David Wilkins, who has long examined and written about the experience of African-American lawyers in law firms, believes that some of the problem lies in the fact that black lawyers consistently report that they have difficulty finding mentors.[3] Since connections are the currency of the market for new clients, this puts them at a disadvantage.

As Frederick H. Bates, a prominent black partner ruefully notes, "We don't sit in the corporate boardrooms, and our mothers and fathers don't sit in the corporate boardrooms. We're not members of the \$40,000-a-head country club and neither are our mothers and our fathers. We're just not naturally networked—because of the history of our country, quite frankly—into the kinds of business opportunities or avenues that our white counterparts are networked into." [4]

What I find most distressing about it all is that at UC Berkeley Boalt Hall, a top-10 law school, I find no difference whatsoever in the intellectual abilities of men and women, or minority or white students, when I grade their exams anonymously (which I am required to do). Yet I am afraid that 10 years down the road, a survey would show that my former women and minority students have not fared as well as my white students in the workplace. I agree with Jacob Herring that the problem is not just with cultural assumptions we all make—no matter what our gender or race—but with digital and analog communication.

"In face-to-face interactions, 65 percent or more of what is communicated is analog communication, and it is ambiguous. While people may use digital communication to say things that are socially acceptable, their analog communication sends a different message." Or "telling a female associate you are 'finally learning to think like a man,' or the sincere associate who mentions to his newfound colleague 'I don't even think of you as black anymore!'"[5]

Is bias an ethical issue? The answer to this question is increasingly "yes." In the past 20 years, many states have passed disciplinary rules prohibiting discrimination by lawyers. In about 10 states, bias misconduct must be connected in the practice of law, and does not cover such issues as discrimination in employment.

Other jurisdictions like New York, the District of Columbia and California (Rule 2-400), have barred employment discrimination as well. Nevertheless, enforcement of Rule 2-400 is slight. That is because Rule 2-400 requires a civil adjudication that the lawyer's conduct was wrong, a precondition that severely impacts the Rule's impact.

The good news is that this battle is not lost. Times are changing, even if slowly, and our ethics rules are once again up for grabs since the Supreme Court soundly rejected the latest submission sent by the Rules Commission as not being reflective of the law. Perhaps the new Commission—to be appointed soon—will see their way to drafting a Rule with some real bite.

Carol M. Langford is a lecturer in law at UC Berkeley Boalt Hall School of law as well as a practicing lawyer in Walnut Creek specializing in attorney conduct and State Bar disciplinary and admissions matters. She was formerly a partner in the San Francisco law firm of Carroll, Burkick and McDonough.

[1] Report of the Eighth Annual NAWL National Survey on Retention and Promotion of Women in Law Firms, National Association of Women Lawyers, February 25, 2014.

[2] The American Lawyer, June 1, 2013.

[3] Why Are There So Few Black Partners in Corporate Law Firms: An Institutional Analysis, 84 California Law Review, 493 (1996).

[4] Chicago partner Frederick H. Bates, quoted in Steven Keeva, "Unequal Partners," ABA Journal, February 1993.

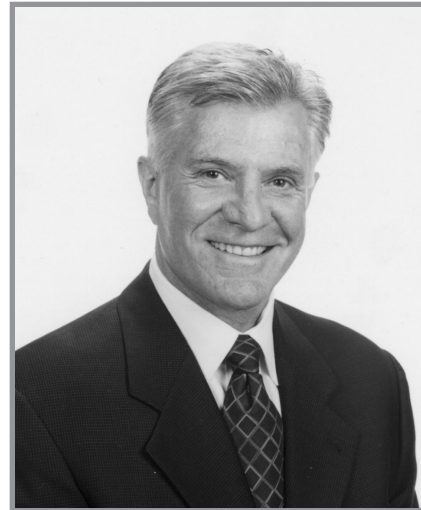
[5] Jacob H. Herring, "Diversity in the Workplace," San Francisco Attorney, October/November 1992.

Civil Jury Verdicts: February 2015

Sunday, February 01, 2015

Yes, I am back with another Civil Jury Verdicts column. No, I did not move out of town. There just have not been sufficient reports for me to prepare a Civil Jury Verdicts column. I now have some reports so here goes.

Brian C. (a minor) v. Contra Costa Health Services involved one of the bigger jury awards in Contra Costa recent history. The **Honorable Steven Austin** presided. Two Plaintiffs firms took the lead. **Michael E. Gatto** of Rains Lucia Stern, PC, was co-lead together with **Eustace de Saint Phalle** of the Veen Firm. **Alison M. Karp** of the Veen firm assisted the lead lawyers. **W. David Walker** of Craddick, Candland & Conti represented Defendants.



Factually, the case involved a medical malpractice claim involving alleged negligent management of a twin pregnancy, which resulted in the death of one twin and severe brain injury to the surviving twin. It was alleged Contra Costa County Health Services assigned a family practitioner to handle an extremely rare and high-risk pregnancy. The defendant doctor did not seek co-management with a specialist, nor did the doctor refer the mother out to a specialist. The doctor apparently failed to appreciate the risks associated with the pregnancy, failed to schedule a timely delivery and failed to properly respond to an obstetrical emergency.

After five years of litigation and a two-month trial, Plaintiffs' counsel presented evidence that the doctor engaged in a pattern of tampering with the medical records and provided arguably false testimony.

The pre-trial demand was \$11.75 million. The mother's claim had settled prior to trial for the MICRA limits of \$250,000. At the mandatory settlement conference and after three failed mediations, the carrier offered \$2.25 million. There were additional demands and offers during the trial.

The jury determined the surviving twin would live another 74 years, would never be employable and would require extensive future medical care for the rest of his life. The jury returned a verdict of \$12,132,780.82 present value.

In an Alameda County Superior Court case entitled *Francisco et al v. AC Transit et al*, Case No. RG12617444, the jury awarded a woman and her daughter \$15,313,703 for injuries incurred while they were passengers in an AC Transit bus.

The **Honorable Gail Brewster Bereola** presided at trial. Plaintiffs were represented at trial by **Brian Panish**, **Spencer Lucas** and **Patrick Gunning** of the Panish law firm. Plaintiffs were also represented by **Ivan Golde**. Defendants were represented by **Shawn Tolliver** and **Dana Fox** of Lewis Brisbois.

Maria Francisco, her daughter Mia and other family members were riding in an AC

Transit bus. The bus went over a speed bump in a school zone at twice the legal speed limit. As a result, Francisco was thrown from her seat and suffered a severe traumatic burst fracture to her L1 vertebra. The driver allegedly verbally berated Francisco after the accident. It was all caught on tape. As a result of the injury, Francisco has undergone three spine surgeries and has been in chronic pain and unable to work since the incident.

The jury awarded Francisco \$10 million in past and future pain and suffering, \$3.385 million in past and future medicals, \$800,266 for future loss of earnings and \$127,472 for past family services. Daughter Mia was awarded \$1 million for past and future emotional distress relating to her witnessing the incident. The Defendants pre-trial settlement offer was \$2.75 million.

Interestingly enough in 2011, the Panish firm obtained a \$10.5 million settlement against AC Transit in another bus accident case.

Another Contra Costa Superior Court civil jury verdict involved a case entitled *Kelly v. Contra Costa Water District*, Case No. C10-01388. The **Honorable Laurel Brady** presided at trial. Attorney **Don Odell** of Pleasanton represented Plaintiffs. **Craig Judson** and **Sharon Nagle** represented Defendant.

The case involved water leaks at a property in Pittsburg. Plaintiffs alleged the water district was responsible as it had a nearby pipeline. The water district admitted a small leak but was not responsible for damages claimed by Plaintiffs.

Prior to trial, Plaintiffs demanded \$3.2 million. Defendant offered \$1 million by CCP 998. The jury returned a gross verdict of \$414,000 which netted out to \$331,200.

The Morrill Firm attorneys never fail to provide trial reports to me. Here are three bench trial reports:

1. *In the Matter of the Raul C. Uvalles, Sr., Revocable Living Trust*, Contra Costa Superior Court Case No. P12-01004, **Judge Suzanne Fenstermacher** presided. **Andy Verriere** and **Joe Morrill** represented the trustee. Opposing counsel was **Juliette Robertson**.

The trial involved the claim by the surviving spouse seeking a determination that a premarital agreement was invalid and therefore the surviving spouse was entitled to at least 50 percent of the trust's assets. The trustee filed a cross petition seeking that not only was the premarital agreement valid under California law, but the surviving spouse waived her right to inherit. The court determined the premarital agreement was valid and the surviving spouse had waived her right to inherit from the decedent.

1. *In the Matter of the Emmett and Aralee Charlton Trust*, Contra Costa Superior Court Case No. P13-01298, **Judge John Sugiyama** presided. **Andy Verriere** represented the trustee. Jonathan Le Duex and Lawrence Crocetti represented themselves. The trial involved an objection to accounting petition covering an 11-year period by trustee and petition to remove trustee. Following the trial, the court overruled the objection to the accounting petition, approved the petition and denied the petition to remove the trustee.
1. *In the Matter of the Estate of James S. Brotherton*, Contra Costa Superior Court case No. P13-00811, **Judge John Sugiyama** presided. **Andy Verriere** represented the personal representative. Diana Brotherton represented herself. The trial involved the objection to accounting petition. Following the trial, the court overruled the

objection, and ordered Diana Brotherton to pay the estate \$23,765.65 in attorney's fees and costs.

Please keep those case reports coming to me at mguichard@gtplawyers.com.

CCCBA Holiday Party [photos]

Sunday, February 01, 2015

CCCBA held its annual holiday party on December 18, 2014, at the CCCBA office in Concord. Members enjoyed hors d'oeuvres and beverages and mingled with acquaintances and CCCBA staff.

Below are photos from the event. To see more event photos, please visit the CCCBA Facebook page.

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Coffee Talk: What is the most shocking gender bias comment you have...

Sunday, February 01, 2015

The father of my son's classmate was complaining to me and other parents about jury duty, and I mentioned the legal implications of ignoring a jury summons. "Ahhh," he said with a knowing look, "Your husband must be a lawyer."

Lauren Dodge

I will never forget when my very conservative mother from Montgomery, Alabama, told me, "Don't go to law school. You will wind up a poor old maid with no husband." She had never met a woman lawyer, so I have to forgive her for that comment. My response: "I won't be poor!" Sometimes we have to believe in ourselves, even when no one else believes in us. *Especially* when no one else does.

Carol M. Langford

"Oh honey, you can't know how to install a toilet." From a retired judge and mediator.

Anonymous

I showed up to a law office for a deposition in a multiparty case. The deponent, plaintiff in the matter and his attorney showed up just after me. They were talking free trash about the deposition and the case. I just sat there quietly, as I often do, and when the host attorney came out and greeted me, as counsel for a party, the plaintiff's attorney turned red in the face and stammered to me, "Oh ... I thought you were the court reporter."

Karen Juster Hecht

As for most of my professional career, I worked long hours even though I was a single mother balancing the needs of my young daughter with those of my law firm (where I was the first woman lawyer to come to work). My daughter often called me in the late evening hours asking if I was ever coming home from San Francisco. On those few nights when I did leave the office with the men—at a "reasonable hour," I would soon hear complaints about divided loyalties. I wore the uniform of that era—business suits with Brooks Brothers button-down shirts, a bow tie and comfortable business heels (as advised by my law school mentor). One day, I was called into a senior partner's office and told to close the door. He said, "You are scaring the young men because of the way you dress. Further, you might as well slow down because you will not be promoted over any of them—they have families to support."

Anonymous

My college professor who was the head of the department in which I majored, said to me, "Why are you wasting my time taking my course? You know that you are only going to get married and have children."

Bonnie L. Johnson

About 35 years ago, a Contra Costa Superior Court judge, in ruling against opposing counsel, said from the bench that she needed to go get a lawyer. I did not have a high opinion of opposing counsel's legal ability but I was shocked to hear that comment coming from the bench.

Anonymous

In 2005, a judge in Yolo County talked to a group of law students and family law attorneys and said that he had to give men a bump up in their testimony, because women always came across better than men. We were shocked (and displeased, since our clients were mostly women).

Corrine Bielejeski, Esq.

Comment made by one of the male senior partners in my first firm (there were no female associates or partners) after having generated more than required billable hours for a bonus: "Why should we pay you any more when your wife makes so much money?" She is a physician and we're still married after 40 years!

Anonymous

I was in a large meeting of lawyers and clients on a big commercial lease deal when I was a first- or second-year associate. I was the only woman in the room, by far the most junior, and easily 20 years younger than anyone else. Toward the end of the day, when we'd been negotiating for hours, the question of whether to continue or break for dinner arose. Some people wanted to break, saying it would help them resume afterward. Others wanted to push on, saying that the incentive of finally getting to leave for dinner would help us get through the remaining issues faster. In response to this latter argument, one of the older men among my client's group stood up and said (perhaps jokingly), "We must break for dinner—this young lady here might be with child!" I'm rarely speechless, but all I could think to say was "I must need to go on a diet!" It was shocking, not to mention seriously mortifying, to have my gender highlighted in this way.

Star Lightner

During law school (1970s), a small firm told me that they didn't like to hire male clerks, because female clerks were more reliable. This was a firm in which all partners considered themselves positively cutting edge, and the wife of one of them (later a judge) was a prominent local feminist. Too bad for them; they missed out on some great guys.

Edward T. Perry

At the beginning of a civil litigation case (in Texas) the judge asked me "Why aren't you home, little lady, making dinner for your husband?" I smiled sweetly and replied that my husband was a chef and didn't need help. Luckily the case settled.

Diane Michelsen

As a mid-level attorney representing the State of California Judicial Branch in a mediation, I was admonished to "Pipe down, little mouse,"—by the mediator no less—when I requested that opposing counsel not persistently interrupt my opening statement.

Lucia Kanter St. Amour

Back in the 1980s, I was a young attorney interviewing for a job at the Alameda County Superior Court as a Research Attorney, and one of the judges, mind you, asked me if I had ever been married.

Bonnie C. Maly

Recently, an opposing counsel instructed me to type a settlement agreement with the comment "I know you can type." I had just met opposing counsel the afternoon of our settlement discussion. We had never met before.

Anonymous

Heard this now anachronistic phrase over 40 years ago in college: "A woman needs a man like a fish needs a bicycle."

Dan G. Ryan, Esq.

The most shocking gender bias remark that I have ever heard was directed at me on the first day that I ever appeared in court, Contra Costa Superior Court, Probate. It was 1989. I was appearing on a Petition for Probate to get the Order and Letters. As I approached the bench on behalf of Petitioner, in my blue suit, white shirt and bow tie, the judge asked, "Are you an attorney?"

Bonnie K. Bishop

As a female associate, I interacted regularly with a client for over a year when our firm defended two different cases against his business, including spending a full day together in mediation. Many months after both cases settled, he returned to our office to drop something off, spotted me to say hello, and asked if I was "still the front desk secretary." Ouch.

Anonymous

When defendant walked out of a deposition and refused to appear for my re-noticed deposition, I brought a motion to compel. Among several other belittling comments, defense counsel said to me, "I don't know why you are creating all this drama." That's something my 10-year-old daughter says to her girlfriends—not something you say to a professional. But my story has a happy ending—I beat him at trial!

Josette D. Johnson, Esq.

I was having a discussion with opposing counsel outside a courtroom, and he asked me if I was "on the rag" (meaning my period).

Anonymous

Only a Few Weeks Left to Renew Your Membership

Sunday, February 01, 2015

Renew today so you don't lose your CCCBA member benefits!

After February 28, anyone who has not renewed their membership will be moved to non-member status, removed from section rosters and will lose other member benefits including discounted MCLEs and inclusion in our Membership Directory.

Three easy ways to renew your membership:



- **Renew online today.** Simply review your current profile and update if necessary.
- **Renew over the phone.** Call our Membership Coordinator, Jenny Comages, at (925) 370-2543.
- **Renew by mail.** Printed statements were mailed the last week of January. Fill out the statement and return with your payment to:
CCCBA
Attn: Jennifer Comages
2300 Clayton Rd., Suite 520
Concord, CA 94520

Renewal Resources

- Membership Dues and Sections Fees
- Detailed Instructions on How to Renew Online
- Restricted Access Court Security Cards
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- Join/Rejoin the Lawyer Referral & Information Service (LRIS)

Thank you for your continued membership!



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Thirty Years and Going Strong – The CCCBA Women's Section

With young law students like the 2014 scholarship recipients leading the way, there is no doubt the Women's Section will continue to excel.



Inside



[On Lamps, Lifeboats and Ladders](#)


In 2015, locating a female attorney is no longer a "Where's Waldo?" experience. Regardless of gender, the CCCBA and its sections provide members the opportunity to support one another and grow professionally in the practice of law.



[How I Survived the MCLE Audit – You Could Be Next!](#)


The State Bar's goal is to increase MCLE audits tenfold compared to three years ago, so there is an even greater chance you will be audited within the next five years.

Spotlight



[A Letter to My Younger Self](#)

When you stand up to read in your English class, stand tall and speak loudly and clearly, for one day you'll be standing up in courts representing people who have been wronged.



[Ladies, You're Invited to Calendar It, Show up and Go!](#)

Half the battle is calendaring and attending the event. To make the most of this inherently relationship based experience, showing up mentally is fundamental and takes practice.