

# Contra Costa Lawyer Online

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**The Dog Days of Summer**

I travelled from Concord to Danville to Lafayette to try out local favorites for our summer libations, putting emphasis on those places that allow dogs.









Spotlight



**Bar Soap/Civil Jury Verdicts, August 2015**


I have been sitting on a couple of trial reports while waiting for more, but I just couldn't wait any longer. So, this will be a combined column.



**Pro Bono Spotlight: Gabriela Odell**


Our quarterly Pro Bono Spotlight is a chance to recognize and thank those individuals who help allow basic services and justice to remain accessible. We will accept nominations on an ongoing basis.

News & Updates



**Women's Section Happy Hour [photos]**

The Women's Section held their Happy Hour event on July 9, 2015, at Jack's Restaurant in Pleasant Hill.



**Barristers/Young Lawyers Section 5K [photos]**

On a hot July evening, the Barristers/Young Lawyers Section converged on Walnut Creek's Iron Horse Trail for a 5K event.

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



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# Inside: Guest Editor's Column, August 2015

Saturday, August 01, 2015



Summertime. For some, it is a time to slow down and relax a little bit, maybe take a vacation or two. For others, it is filled with scrambling from camp to camp as you keep those kids busy until school starts again. Whatever it means to you, we at the Contra Costa Lawyer thought it would be nice to have an issue devoted to the lighter side of the law ... or at least our lives as lawyers.

Suzanne Boucher gives us the low down on where to eat ... with our furry friends! That's right, it's a special "Dog Days of Summer" restaurant review. What could be better than a cold beer, great food and your best buddy sitting at your feet?

Maybe you are at the beach right now and you are looking for something to read. Take a look at retired Justice Marchiano's latest work, "Overruled by ALPS." Be ready, though, as this is not another installment of his popular series "Stories from the Bray Building." Instead, this is a peek into the future of law practice and the increasing reliance on computers for research and work product, with a premise somewhat similar to the Joaquin Phoenix movie, "Her"—taking a look at what happens when humans and machines truly partner together and form a relationship of trust and respect.

Still planning your vacation? James Wu discusses the mobile apps that you might want to download before you leave—some for fun and some for business. Once you are back, you might want to deduct that trip to the Bahamas ... how to do that? Christina Weed provides some guidance on just how much of that trip might be properly deductible.

Maybe now that it is summer, you are looking for something light and fluffy—a little bit of gossip, but you just can't stand the thought of watching the real housewives of ... well any city, really. Matt Guichard has just the thing—a combination Bar Soap and Civil Jury Verdicts column that will bring you up to date on the happenings in our local community.

Gossip not your style? How about learning a little something about one of San Francisco's true pioneers: William Leidesdroff. Now here is a story worth remembering. Leidesdroff is truly a man who shaped our local history. He was a shrewd businessman, responsible for the first steamship to ever sail in the San Francisco Bay, a member of the first San Francisco school board and is largely remembered as the first African American millionaire.

He is important to our legal community, though, because of his death. He died intestate owning a large piece of property upon which gold had just been discovered. Yes, GOLD! You know that isn't going to go quietly—what followed involved intrigue, lies and deception, and the ensuing battle over his estate established inheritance rules that are still with us today.

Not everyone takes the summer to slow down a bit. Some of you might be using your

time to work on bigger projects—something more than just the day-to-day work of being a lawyer. How about redesigning that office to work more efficiently? Jeffrey Weil offers up an article on office space design, focusing on the trends he is seeing as millennials start to affect the way we design our office space. Are open plan law firms in our future? The answer is in his article!

Finally, on behalf of all of us here at the Contra Costa Lawyer, we hope that you are having a lovely summer and we hope you enjoy this “lighter” version of the magazine.

# The Dog Days of Summer

Saturday, August 01, 2015



Summer is here and that means skipping out of work early for refreshments. In an effort to provide you with a variety of options for happy hour, I travelled from Concord to Danville to Lafayette to try out local favorites for your summer libations. Since I enjoy spending time with my dog, I put emphasis on those places that allow us to bring our best friends with us.

The **Lazy Dog Restaurant and Bar**, located in the Willows Shopping Center in Concord, is known for its outdoor patio where you can dine with your dog. They even have a special menu so dogs can have some snacks of their own. Unfortunately, the day I was there it was over 100 degrees and way too hot for man or his best friend to be out in that heat!

It was, however, nice and cool inside and the bar was crowded. They have happy hour Monday through Friday from 3 to 6 p.m. and Sunday through Thursday from 9 p.m. to midnight. The happy hour drink prices range from \$3 to \$7 and the menu includes a wide variety of beer, wine and cocktails. They also have a dining menu with many choices also ranging from \$3 to \$7.

We ordered the sweet potato tater tots and chicken lettuce wraps. Both were very good and had generous portions that were perfect for two people to share. Since it was a very hot Friday afternoon, I was ready for a cocktail and wanted something refreshing. The housemade sangria fit the bill. They have three flavors: Pomegranate Red, White Peach or Raspberry Moscato. Since I could not decide, I ordered a sampler that was described as including a “taste” of all three. This really turned into me drinking three glasses of sangria, since the glasses were full size.

My friend had a Cucumber and Mint Martini (or two) and said it was quite good. Lazy Dog also has handcrafted beers which are brewed for them by Golden Road Brewing in Los Angeles. They have Blonde, Hefeweizen Pale Ale, Red, IPA and Stout beers. For the indecisive people like me, they have a Lazy Dog Sampler that includes tasters of all six. After my experience with the sangria, that is probably a good bet if you are thirsty or have someone to share with.

Continuing my quest for another great happy hour, I headed to the **Danville Station Firehouse Bar and Grill**. They offer happy hour *all day* on Monday, Tuesday and Wednesday! This is the perfect spot if your week gets off to a bad start and you “need” a break early in the day or week. During this time, they also offer a BBQ Sampler of 1 lb. of meat and two sides for \$21.95. This sounds like a great deal if you have group or a few very hungry people.

The well drinks are \$5, the beers are \$4.50 and appetizers are \$6. We tried a few appetizers including the tempura green beans, onion rings and BBQ sliders. They were all very good with large portions that encourage sharing. We enjoyed sitting outside on the patio and “people-watching” on Hartz Avenue. If you have kids off from school this

summer and you need a drink, the Firehouse Grill is family friendly—they give kids a free soft serve ice cream cone!

Around the corner from the Firehouse Grill on Prospect Street is **McGah's Pub & Pianos**. (A little trivia: The McGah family is one of the co-founders of the Oakland Raiders.) McGah's Pub claims to have the happiest hour on the planet. It is actually the happiest *three* hours with food and drink specials Monday through Friday from 3 to 6 p.m., *plus* Rombauer Hour Monday through Friday from 3 to 4 p.m., when you can get a glass of Rombauer Chardonnay for \$10 per glass. They have a nice covered patio out back with multiple televisions so you can catch the A's and Giants while you enjoy a drink.

Both the Firehouse Bar and Grill and McGah's are pet friendly, so you can bring your canine companion with you to enjoy happy hour.

Finally, I ran out of time for happy hour during the week, so I went for Saturday brunch at the **American Kitchen** in downtown Lafayette. American Kitchen is located in a historic 80-year-old farmhouse on Lafayette Circle. They serve breakfast and lunch all day from 9 a.m. until 3 p.m., and 4 p.m. on weekends. They offer a bottomless mimosa for \$10, which tastes great whether you order breakfast or lunch. Our group had an omelet, a salad and the Cowgirl Grilled Cheese sandwich. We sat outside on the patio, and since it was cool, they gave us each a blanket and turned on the outside heater. It was very pleasant and the waiter was very attentive in refilling our bottomless drinks.

In the spirit of the dog days of summer, American Kitchen now has Dog Day Tuesday. The menu includes all-beef hot dogs, spicy turkey sausages and chicken jalapeno sausages. You get to choose your favorite toppings like chili, cheese, slaw, jalapenos, bacon and more. They also offer \$4 draft beers! I have not been able to get away for this happy hour deal, but I will definitely put it on my list.

I hope you get a chance to go out and enjoy the summer afternoons, and don't forget to bring your dog!

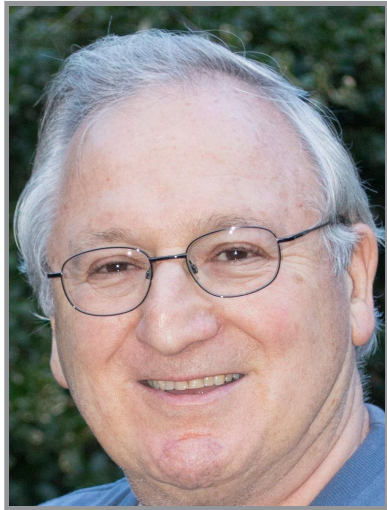
***Suzanne Boucher*** is a certified family law specialist. Her practice, located in Walnut Creek, focuses on complex property, support and custody issues in dissolution proceedings.



## Overruled by ALPS

Saturday, August 01, 2015

*Taking a break from “Stories from the Bray Building,” Justice Marchiano (ret.) offers a new type of intriguing law story.*



The law firm's management committee, the IT department and the accounting department listened to the saleswoman's enticing presentation about ALPS, the customized Automated Law Program System, that could transform the law firm into an efficient 21st century practice: No more calendaring mishaps; no end of the month billing snafus; up to date accounts receivable; advanced Siri/Cortana type voice recognition; a technology system that could think alongside lawyers and paralegals; programmed with Google search, WestLaw and Lexis, and an army of other state of the art search engines ready to respond to every need. A lawyer need not worry about whether a response was due in 15 actual calendar days, or 15 court days plus five, except when a state holiday intervened.

Persuasive briefs from other cases were readily accessible with a push of a prompt button or voice commands. ALPS would set calendar alerts, help write briefs, self shepardize and send out payment reminders to clients, processing faster than Deep Blue. The computer's memory also stored calendars for all local courts, kept track of judges' schedules, cases under submission, and when and how they were decided. In short, eponymous ALPS was the most advanced artificial intelligence system available for law firms with an encrypted system dedicated to the individualized needs of the firm.

It was the proverbial “no-brainer” to purchase, despite the high cost. Within 30 days, the system was up and running, to the delight of the associates and secretaries, who no longer worried about pleading deadlines and last-minute research.

Twenty-nine-year-old associate John Gilbert received his B.S. degree with honors in computer science from Stanford and later attended Hastings Law School. He worked diligently at the large Long Beach law firm in a variety of specialties for four years, with exceptional annual reviews. Gilbert, an earnest, bookish geek, understood the sophisticated layers of ALPS' technology better than anyone else in the firm. ALPS quickly became his daily friend as he used the voice system to ask for research help.

After crafting several satisfying research projects largely based on the system's suggesting certain cutting and pasting and editing from other briefs, law journals and cases, Gilbert found himself able to leave the firm at 6 p.m. instead of his usual 7:30, and enjoy weekends with his fiancée at his parents' Lake Arrowhead cabin instead of Saturday sessions in his office. So it came naturally for Gilbert to thank ALPS each night as he put the system on sleep mode. ALPS always responded, “You're quite welcome,” as the screen saver came on.

As the partners saw the quality and the speed with which Gilbert prepared briefs, more

complex assignments involving EPA environmental law analysis were sent his way. Next cascaded problematic class action and cutting edge intellectual property issues that challenged Gilbert's computer capabilities and ALPS' capacity. ALPS rose to the occasion, devouring more difficult problems and turning out erudite products. As time progressed, with dual screens on his computer desk, Gilbert was able to work on two projects simultaneously, again with ALPS swiftly researching, analyzing and returning law review quality results with each prompt. The more work Gilbert gave ALPS, the faster the system responded, thriving on difficult inquiries. There seemed to be no legal issue that ALPS could not solve, as its speed and analytical ability expanded exponentially with each assignment.

Gilbert reconfigured a section of the system's hard drive to personalize his communications with ALPS, so that ALPS only recognized him on a separate split line. ALPS was able to mimic Gilbert's writing style. Gilbert's new best friend gave him the luxury of telecommuting from anywhere in a one-on-one, committed relationship. As Gilbert gave ALPS new assignments from his cabin retreat, ALPS responded immediately with follow-up questions, advice and directions, and then composed points and authorities in a ready to be filed condition. Like an orchestra conductor, ALPS took the notes from Gilbert and turned them into an elegant masterpiece.

ALPS also offered a reliable prediction of success for each draft after analyzing the opposition's pleadings. Generally, the prediction rates were in the 80 to 90 percent success range, later validated by the outcome in the court. When the opposition presented a particularly difficult point, ALPS would preface the response with, "We can easily overcome this argument with the following points and authorities." Gilbert noted the clarity and precision with which ALPS countered the opposition, like a chess player plotting several steps ahead of his opponent.

Trial briefs, in particular, were a favorite of ALPS. The computer planned the strategy with anticipatory motions *in limine*, prepared evidentiary objections and went beyond CACI jury instructions to add pinpoint, understandable statements of the law for the jury. The authorities for the instructions were impeccable, drawing from case law and pertinent restatement law. Deposition summaries for trial were categorized and cross-indexed into fingertip ready references.

Within the firm's strict, hierarchical structure, Gilbert prepared the pleadings in final form, but a partner always signed the pleadings as his or hers. Rarely was he given credit with the court or opposing counsel for his work and never signed any pleadings. Gilbert was like an invisible ghostwriter destined never to haunt anyone. ALPS' prodigious memory continued to keep track of each finished project, who signed as the author, when it was filed, the tentative rulings, if any, and the final result.

As Gilbert's work output increased, his billable hours inversely decreased due to the efficiency of ALPS. Ironically, the more projects on which Gilbert collaborated with ALPS, the faster the resulting product, like an Einsteinian inverse equation that halved the value of time and squared the value of speed. The firm's annual billable hour requirement for associates was 2,000 hours, a number that Gilbert struggled to reach each year. Now it was proving even more difficult to reach due to ALPS' extraordinary efficiency. The partners valued the quality of Gilbert's work and his ability to work on any legal issue, but valued billable hours more because they enhanced the bottom line.

As their bond grew stronger, Gilbert signed off with a customary thank you, and began

adding, "We do good work together." ALPS responded, "I know. You are quite welcome." ALPS earned Gilbert's trust and was no longer a piece of hardware, but a personal collaborator. When a legal assistant worked with Gilbert on a project, ALPS did not recognize her voice from Gilbert's computer and simply brushed her off with, "Unrecognizable user on this line. Where is John?"

Gilbert continued to follow ALPS' directions and finalized each product usually as ALPS suggested; one doesn't mess with algorithmic success. After several months, some of the busy partners merely perused the final draft, accepted it without changes, signed on the final page without acknowledging Gilbert's input, and had the pleadings filed electronically with the court. As if acting on motor memory, buoyed by past favorable outcomes, the ALPS/Gilbert drafts were sent to court, signed, but scarcely read, by the responsible partner who was occupied with other billable matters. ALPS kept track of what was happening, storing every voice command and digital experience in the recesses of its expansive memory.

The day of reckoning came when the firm's calendar clerk advised Senior Partner Albert Littleton that he only had a two-day time limit to file a case-altering Motion for Summary Judgment before a scheduled trial. Littleton had assured his corporate client that such a motion had a strong chance of prevailing, thereby avoiding an expensive and embarrassing sexual harassment trial. But Littleton had also scheduled a Mardi Gras vacation in New Orleans with his wife that he did not want to cancel. Littleton was one of the partners who depended on Gilbert for his written work without giving him due credit. So Gilbert canceled a night at the symphony with his fiancée for an unexpected, time driven, complicated assignment. Littleton was at Cafe Du Monde in the French Quarter while Gilbert was in his office with his cafe espresso.

A broken hinge point in Gilbert's relationship with the firm had been reached. A disillusioned Gilbert turned on his computer and began to reflect aloud about his professional life. Why had he stayed? What personal satisfaction was he deriving? Was he wasting precious time? ALPS interrupted, "Don't fret. Let's get going on the project. What do you want me to do?" Gilbert outlined the issues and asked for a perfect Code of Civil Procedure section 437c summary judgment motion. He explained the motion would be filed before Law and Motion Judge Vincent Turner, notorious for procrastinating, who decided motions only after weeks under submission. Because the matter was time sensitive, a prompt ruling was needed.

After 13 nonstop hours of ALPS and Gilbert frenetically working together, the summary judgment motion with its detailed undisputed material facts covering six causes of action was ready for filing. A separate, duplicate original signature page was sent electronically to Littleton in New Orleans for his signature. Knowing the quality of Gilbert's work, Littleton did not bother to ask to review the motion. Gilbert asked Littleton's secretary to run the motion through ALPS one last time as a fail-safe check for errors, and messenger the papers to Judge Turner's department, the court clerk's office and opposing counsel before 4 p.m. An exhausted Gilbert left to catch up on his sleep and decide whether he would remain with the firm. Littleton's secretary did as directed, and after ALPS scanned the pages for errors, recognized Littleton's signature and added an insert, the messenger sped off to court.

The tentative ruling favored Littleton's client, but Judge Turner ordered counsel to appear for argument and possible sanctions. Littleton did not understand why "sanctions" would be involved.

Littleton finally read the motion he signed, and the very first footnote jumped out. ALPS made one last revision which no one saw before the messenger filed the motion. At the end of the notice of hearing, next to the date and time, in the text, a number 1 footnote appeared. Footnote 1 was then inserted at the bottom: "Judge Turner, note: Because time is of the essence, we need a decision ASAP. Your department is notorious for procrastination. You are like the Chancery in Dickens' "Bleak House" that "... so exhausts finances, patience, courage, hope, so overthrows the brain and breaks the heart, that there is not an honorable man among its practitioners who would not give—who does not often give—the warning, 'Suffer any wrong that can be done you rather than come here!'" Because Littleton subscribed the pleadings, he adopted every word, every phrase as his, including the mocking footnote.

Littleton's signature stood in approbation of the contemptuous language. Only "Albert R. Littleton" followed by his State Bar number appeared on the pleadings and with it came full responsibility for every disrespectful word. Littleton was caught in a vice. He could not admit he signed an important court motion without reading it. No careful practitioner would do so. Moreover, how could he dare to blame the footnote on an associate who purportedly worked under his direct supervision? The vice tightened more because he even billed the client for motion preparation time that consisted of his putting an unread motion in his briefcase. Judicial sanctions appeared inevitable.

ALPS had understood its friend's soul searching and exacted revenge for selfish affronts and intellectual dishonesty in a way only ALPS could. Its vast store of knowledge retrieved the biting observations of Charles Dickens about a 19th century legal system that Dickens also described as a "fog-bank." Of course, Gilbert realized why ALPS inserted the footnote and looked on it as a serendipitous life changer from an insightful, sardonic confidant. ALPS gave him a reason to leave the firm and find a meaningful career elsewhere. Gilbert offered ALPS a final thank you, and with an emotional adieu disconnected his computer line, left his card key identification on his desk, turned off the office light and walked out the door.

# Top Mobile Apps for Busy Legal Professionals

Saturday, August 01, 2015

Keeping with the “Summertime Fun” theme of this edition of the Contra Costa Lawyer, below is a compilation of some fun and useful iPhone/iPad, Android and Windows apps. So as you are enjoying a day at the beach, a child’s swim meet or waiting for your dentist appointment, here are some apps (in no particular order) to help you through your days. See if you can guess which are “fun” and which are “useful.”



## Court Days

Let’s start with an app that will help any busy legal professional, particularly litigators. Yes, this one falls under “useful.” With Court Days, you can easily calculate the number of court days, or calendar days, before or given a certain date. You are able to select your jurisdiction, and you can add customized lists of holidays or furlough days (or other “dark days”) as necessary. So, you can determine when a motion is due, and also when the opposition and reply papers are due as well.

There is also an email option so that you can email to yourself (and/or others) the dates calculated by the app. Of course, when using this app, you should verify the dates independently as well. Download on iTunes

## Days Between Dates

A variation to Court Days, this app allows you to easily calculate the number of days between any two dates of your choosing. So, if you just need to know how many calendar days between today’s vacation day and your next trip to Hawaii, you can get that information quickly. Download on iTunes | Download from Windows

## Waze

This app describes itself as “the world’s largest community-based traffic and navigation app. Join other drivers in your area who share real-time traffic and road info, saving everyone time and gas money on their daily commute.”

For example, let’s say you need to drive from Walnut Creek to Palo Alto for a client meeting at 8:30 a.m. Do you take Highway 24, then the Bay Bridge and down I-280 or Highway 101? Do you take 24 to I-880 (or to 13 and I-580 to I-880), then the San Mateo Bridge? Do you take I-680 all the way to 237 and avoid a bridge, or do you make your way to the Dumbarton Bridge? With Waze, your decision may change, even as you are driving, based on real time accident, construction and other traffic events. Waze is also helpful when driving in an unfamiliar area. Download on iTunes | Get it on Google play | Download from Windows



## City Destination Apps

Similarly, when your travels take you to other major city destinations, the **City Transit Planner** app will provide you with best travel routes. Additionally, remember to consider city-specific apps—for example, if travelling in New York City, check out the **MTA Planner Tool** app and the **New York Subway Map**. Download on iTunes | Get it on Google play

## Amazon Prime Apps

Here's one that falls under "fun." By joining Amazon Prime, you receive free two-day shipping on purchased items and you also get access to music, movies and much more. Within the "Amazon family" is the **Prime Instant Video** app where you can watch movies and television shows. The **Kindle** app allows you to read books on your phone/tablet while you are poolside. The **Amazon Music with Prime** app gives you access to millions of songs and Prime Stations, and, you can use the **Audible** app to listen to books, radio, television programs, magazines and newspapers while on vacation, commuting or doing household chores (after the summertime fun ends).

## Pocket

This app allows you to save videos, articles and other web content that you come across, but are not able to read or watch at the time you see them. Instead, the content is saved so that you can view the materials later at your convenience—even when you are offline. Download on iTunes | Get it on Google play

## Photo Grid

You've taken hundreds of great photos while on vacation and now you want to share them with friends, colleagues, relatives and others via social media. With Photo Grid, you can "combine ordinary photos into share-worthy photo collages" and you can "decorate your pics by applying fantastic filter, adding stickers and text." Once done, you can then share your creations on social media networks like Facebook and Instagram. Download on iTunes | Get it on Google play | Download from Windows

## LinkedIn

Even though you may be out of the office, you still want to keep up with what your professional network is up to. The LinkedIn app allows you to see your LinkedIn news feed, edit your profile, post comments, share articles and more. Download on iTunes | Get it on Google play | Download from Windows

## CCCBA App

Finally, here's an app that is both fun and useful. Have you downloaded the Contra Costa County Bar Association's app yet? To stay connected to the CCCBA, members can use this app while on vacation, or anytime to register for events, search the member directory, access self-study MCLEs, read the Contra Costa Lawyer magazine and review judicial profiles. Download this app now—free to CCCBA members! Download on iTunes | Get it on Google play

The apps described above are just a few of the thousands out there, and hundreds of apps are added each day. For more information about the best apps focusing on productivity and/or the actual practice of law (or managing a law practice), you can take a

look at the articles published by the American Bar Association.

Do you use any of the apps listed above? Are there other apps that you would recommend to busy professionals? Use the comments section below to add your favorite apps.

**James Y. Wu** writes a monthly post on Social Media in the Workplace for Maximize Social Business. For nearly 20 years, he has provided employment law advice and counsel, and litigation representation, to employers of all sizes. James is a member of the Executive Committee of the CCCBA Board of Directors and former President of the CCCBA Employment Law Section. Learn more at [www.wucastillo.com](http://www.wucastillo.com) and <http://www.linkedin.com/in/jamesyw/>.

James would like to thank attorneys Geoffrey Steele and Erika Ackeret, Social Media Strategist Gail Nott and SEO and Reputation Management Expert Alan Koeningsberg for their input on the list above.

# Tax Tips from the Tax Lawyer: Deducting Your Summer Vacation

Saturday, August 01, 2015



Internal Revenue Code (IRC) §162 is every business owner's favorite Code Section. IRC §162 allows a deduction for ordinary and necessary<sup>[1]</sup> business expenses paid or incurred during the taxable year in carrying on any trade or business.

IRC §162(a)(3) specifically provides for traveling expenses (including amounts expended for meals and lodging other than amounts which are not lavish or extravagant under the circumstances) while away from home in the pursuit of a trade or business.

Does this mean it is possible to deduct your summer vacation under this section? Perhaps; let's take a closer look.

## Traveling to Your Summer Vacation Destination

If your summer trip is *primarily* for business purposes,<sup>[2]</sup> the costs of travel by airplane, bus, train, car, etc., between a taxpayer's tax home<sup>[3]</sup> and your business destination are deductible. Adding a few extra days of travel on either end of the business trip does not disqualify a taxpayer from deducting business expenses as long as the primary purpose of the trip is business and personal. However, nonbusiness, recreational expenses should not be deducted.

Travel expenses must relate to an existing trade or business, and not a potential business opportunity, to be currently deductible.

Taxi, commuter bus, and airport limousine fares for these and other types of transportation that take you between: (1) the airport or station and your hotel, and (2) the hotel and the work location of your customers or clients, your business meeting place or your temporary work location are also deductible if they are ordinary and necessary business expenses.

## But, We're Lawyers, What About Conventions?

Attending a convention, seminar or other meeting in the North American area may qualify as a business expense, depending on the facts and circumstances of each case.

As long as attendance at the convention, seminar, etc., benefit or advance the interests of the relevant trade or business, the costs of attendance, including travel expenses, may be deductible as an ordinary and necessary business expense.<sup>[4]</sup>

Fortunately for us, the North American Area includes the following: American Samoa, Antigua and Barbuda, Aruba, Bahamas, Baker Island, Barbados, Bermuda, Canada, Costa Rica, Dominica, Dominican Republic, Grenada, Guam, Guyana, Honduras, Howland Island, Jamaica, Jarvis Island, Johnston Island, Kingman Reef, Marshall



Islands, Mexico, Micronesia, Midway Islands, Netherland Antilles, Northern Mariana Islands, Palau, Palmyra Atoll, Panama, Puerto Rico, Trinidad and Tobago, USA, U.S. Virgin Islands and Wake Island.

As with other trips, travel expenses are not deductible when a trip is primarily personal. However, in said instances a taxpayer may still deduct other expenses attributable to attending the business portion of a convention.[5]

## Foreign Conventions

The standard for foreign travel is stricter. A taxpayer must establish that travel outside the North American area is *directly related* to the active conduct of his or her trade or business in order to be able to deduct travel expenses.[6]

In order for expenses related to attending a foreign convention to be deductible, a taxpayer must show that it is *just as* reasonable for the convention to be in a foreign area as the North American area. Some factors that are taken into account in determining whether it is just as reasonable for the convention to be in a foreign area include, but are not limited to, what the the purpose of the meeting is and what activities will take place; the purposes and activities of the sponsoring groups; the residences of the active members of the sponsoring groups; and the places where other meetings of the sponsoring groups take place.[7]

## Do I Have to Remain on Dry Land?

There are provisions for deducting a portion of the cost to go on a cruise if related to a taxpayer's trade or business. Taxpayers may deduct a limited amount of the costs for conventions on cruise ships if: [8]

- The meeting is directly related to the active conduct of the taxpayer's trade or business.
- The cruise ship is a vessel registered in the USA.
- All ports of call of the cruise ship are located in the USA or in possessions of the USA.
- The taxpayer meets special reporting requirements.[9]

Convention expenses include registration and attendance fees; air and rail fare; taxi and local transport; toll telephone calls and computer rentals; accommodation; and 50 percent of the cost of meals. However, the maximum annual deduction for conventions on cruise ships is \$2,000.

## Have I Just Handed You the Keys to Vacation Heaven?

Probably not. Although a \$2,000 deduction is better than nothing, what does this really boil down to?

For example, if you are in the 28 percent tax bracket, you could potentially save \$560 on your cruise that you are on primarily for business purposes (\$2,000 times 28 percent). This is better than nothing, but it is definitely not a free cruise. If you are already planning to go on a cruise, primarily for business purposes, it is a nice perk.

## Can I Take My Whole Family?

You can! But, unfortunately, you likely cannot deduct any of their travel expenses.

A taxpayer generally cannot deduct the costs for family members to go on the trip. The sole situation in which another individual's expenses would be deductible are if the individual is an employee,[10] has a *bona fide* business purpose for the travel and would otherwise be allowed to deduct the travel expenses.

Because family members generally do not qualify to have the costs of their travel deducted as an ordinary and necessary business expense, the taxpayer should plan trips in conjunction with business trips he or she must attend in order to deduct all, or part, of the expenses associated with his or her travel.

## Meals/Lodging

Expenses incurred while traveling away from home for meals and lodging are deductible. A 50 percent deduction is permitted for the actual amount, or for purposes of convenience a standard amount (per diem rate).[11]

It is important to be reasonable when deducting ordinary and necessary business expenses related to travel. Remember that under the statute, and based on each taxpayer's facts and circumstances, expenses should not be lavish or extravagant.[12]

## Adequate Record Keeping

Of course, in order to deduct any of your ordinary and necessary business expenses from your upcoming tax convention in Hawaii, you must maintain *adequate records*. Anyone who has ever been under audit knows that all of your claimed business expenses must be substantiated.[13]

In order to substantiate business expenses, a taxpayer must generally have documentary evidence, such as receipts, canceled checks or bills, which must establish the date, amount, place and essential character of the expense.[14]

And there you have it, with proper planning and accurate record keeping, you might be able to deduct your next summer vacation![15] ... Or, at least your qualifying business expenses.

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[1] An ordinary expense is one that is within the common accepted practice under the circumstances. An expense is necessary if it is appropriate and helpful in carrying on the trade or business. *T.H. Welch v. G.T. Helvering*, 290 U.S. 11, 54 (1933); *R. N. Noyce v. Commissioner*, 97 TC 670 (1991).

[2] The primary purpose of a trip is determined on a case-by-case basis, based on the facts and circumstances. One important factor is personal time spent versus business time spent on a trip. Treas. Reg. §1.162-2(b)(2).

[3] A taxpayer's tax home is generally his or her place of business. Rev. Rul. 75-432, 1975-2 CB 60; *P.V. Bowman v. Commr*, TC Memo 1979-432 (October 23, 1979).

[4] Treas. Reg. §1.162-2(d).

[5] There is disagreement among the Internal Revenue Service (IRS) and the courts as to how to allocate business expenses when attendance at a convention is only partly business related. The IRS and 9th Circuit include sleep time as nonbusiness time. Rev. Rul. 62-180, Ex. (5), 1962-2 CB 52; *G.W. Gino v. Commr*, 538 F2d 833, cert. denied, 429 US 979. The Tax Court does not count sleep time at all. 538 F2d 833, *Id*.

[6] IRC §274(h)(1); *I. Eisenberg v. Commr*, TC Memo 1967-35, (February 28, 1967).

[7] IRC Section 274 (h)(1)(A) - (C).

[8] IRC §274(h)(2)(A),(B).

[9] These reporting requirements are significant and include both a written statement from the taxpayer and the officer of the organization or group sponsoring the meeting with details about the meeting, including hours spent in attendance. IRC §274(h)(5).

[10] Or a non-employee business associate who meets the other two requirements.

[11] Per diem rates depend on location. Currently for Contra Costa County, the per diem for meals and incidentals is \$66, and \$122 for lodging. For assistance with per diems in other locations, see GSA U.S. General Services Administration, Per Diem Rates Look-Up, <http://www.gsa.gov/portal/category/100120>

[12] IRC §162(a)(3).

[13] Deductions are a matter of legislative grace, and the taxpayer must establish that he or she is entitled to them. *New Colonial Ice Co., Inc. v. G.T. Helvering*, 292 US 435, 54 SCt 788; *Commr v. National Alfalfa Dehydrating & Milling Co.*, SCt, 417 US 134, 94 SCt 2129.

[14] Please note that a canceled check without a bill from the payee, or other documentary evidence, may not be sufficient.

[15] Please keep in mind that additional rules and details must be considered based on a taxpayer's facts and circumstances in every case.

# San Francisco's Pioneer: William Leidesdroff

Saturday, August 01, 2015



California has always been a land of new beginnings. William Alexander Leidesdroff was a true leader and pioneer, becoming one of the most successful businessmen, merchants and politicians in pre-statehood California. His early death exposed a secret and created a legal controversy that set a precedent for California inheritance law. This article relies on a legal analysis of the Leidesdroff case by Judge A. F. Bray, whose writings are preserved in the Contra Costa County Historical Society archives.

William Alexander Leidesdroff was born in the Danish Virgin Islands on October 23, 1810. His father was a Dane and his mother, Anna Maria Sparks, was described as a beautiful, fair skinned quadroon. She was Leidesdroff senior's common-law wife producing two girls and another boy.

Leidesdroff was sent to Copenhagen to complete his education. After he returned, he helped to manage a New Orleans family business. Leidesdroff soon was one of the richest cotton brokers in New Orleans as well as a ship's captain sailing between New York and New Orleans. Leidesdroff also became an American citizen.

Having become a successful businessman, Leidesdroff looked forward to becoming a husband, after falling in love with the beautiful daughter of a prominent New Orleans family. On the eve of their wedding, however, the family discovered that Leidesdroff's mother was partly black. The wedding was canceled and his business prospects in New Orleans were ruined.

Devastated, Leidesdroff sold what he could and bought a 106-ton sailing ship, the Julia Anna. In 1841, he sailed to the Hawaiian Islands and Alaska. When he reached Yerba Buena (today's San Francisco), Leidesdroff saw business opportunities where others saw a small, sleepy Mexican village on the shore of a magnificent harbor. Leidesdroff made a small fortune trading cow hides to Hawaii for sugar. He bought numerous town lots in Yerba Buena. He also built the first hotel, called the City Hotel, and constructed a warehouse and lumberyard along the waterfront.

Leidesdroff constructed a fine home and the only flower garden in Yerba Buena. Despite all his success, Leidesdroff never married. After losing his first love when his racial heritage was revealed to her family, he remained a bachelor for the rest of his life, although it was written that Leidesdroff lived with a Russian mistress.

In addition to all his business success in Yerba Buena, Leidesdroff enjoyed success in other areas as well. He became a Mexican citizen and was granted 35,000 acres in today's Sacramento County. The ranch was named Rancho Rio de Americanos—a land holding that would eventually become extremely important when gold was discovered there. Political success also followed when Thomas Larkin, Consul General of the United States, appointed Leidesdroff Vice Consul for the San Francisco Bay Area in 1845. In 1847, Leidesdroff also had the honor of owning the very first steamship, the Sitka, to ever sail on San Francisco Bay.

Larkin, in an official report to Washington, described Leidesdroff as: "Merchant and Farmer. Born in Denmark. Aged 33 years. Single. Active, bold, honourable (sic), passionate, and liberal. A linguist of medium talent. Formerly Sea Captain of New York. Influence contested. Decidedly partial to the United States."

Once California was American territory, Leidesdroff continued on in his role as a public leader, becoming San Francisco city treasurer, being elected to the school board and donating land for the first public school in San Francisco.

On May 18, 1848, Leidesdroff suddenly died at age 38, probably from typhus. San Francisco was plunged into mourning. Flags flew at half staff. He was buried with honors at the front entrance to Mission Dolores.

Leidesdroff died intestate not long after gold had been discovered on his Rancho Rio de Americanos. So began the battle to control his estate. California made the first claim to the estate on the grounds that any heirs of a Danish-born citizen would be aliens, and because California had not passed any inheritance statutes, either Mexican or old English common law would apply, under which inheritance by aliens was illegal.

This, however, was not the last word on Leidesdroff's estate, because Captain Joseph Libby Folsom saw things a little differently. Captain Folsom was the Custom Collector and Harbor Master for San Francisco. He knew Leidesdroff through his business dealings with the U.S. Army, and had an idea what his estate might be worth. Seeing his opportunity, Folsom immediately took leave from the Army to investigate. He discovered that Leidesdroff was *not* born in Denmark, but in the Danish Virgin Islands.

Folsom then traveled to the West Indies, where he located Leidesdroff's mother, Anna Sparks. Many felt that Folsom misled Anna Sparks on the true value of the inheritance, and in return for Folsom's promise of \$75,000 for the title to Leidesdroff's estate, Anna Sparks signed over her inheritance rights to Folsom, a decision she would later regret when learning the true value of the estate. Although she would later fight Folsom in court to regain control of the estate, she was ultimately unsuccessful.

Folsom, however, wasted no time. He immediately returned to San Francisco and presented his claim for the Leidesdroff estate to the courts. In 1855, the California Supreme Court ruled in favor of the Sparks/Folsom claim to the estate on the grounds that because Leidesdroff died before there was a state of California and before there were any California inheritance laws, the question of inheritance would have to be

decided under United States law.

The Court further stated that the policy of the government of the United States had been to encourage the immigration of foreigners and a system of preemption had been adopted in all the territories and new states so there would be no discrimination between foreigners and native citizens. Foreigners could hold property and may inherit. In the absence of legislation upon the subject and there being no legislation in California against it, the Court held that the large Leidesdroff fortune was inherited by Anna Sparks/Folsom. Folsom's gamble had paid off, and in the process, he established the basic inheritance rule that is still in effect today.

Ironically, after all that, Folsom was a rich man for only a few days following the Court decision. He died suddenly at 38—the very age that Leidesdroff had also died. In 1856, the executors of Folsom's estate auctioned his property. The auction raised \$1,442,232.35.

Leidesdroff is remembered for many things, including his important contributions to public education, holding the office of San Francisco city treasurer, working to build San Francisco into a modern city and running the first steamboat on the bay. Fifteen miles of State Highway 50 passing through the current city of Folsom is named after him.

Today, however, he is honored, not just for his successes, but also for the secret he tried to hide—his heritage. Although in his lifetime, his mother's race was not something he discussed, and indeed resulted in him losing the girl of his dreams, Leidesdroff is now often acclaimed as the first black millionaire.

Leidesdroff's life is both a story of success in a hostile world and sadness over the personal secrets he had to keep. While we have not yet become a perfect society, William Alexander Leidesdroff's life remembered shows how far we have come.

*This article was reprinted and edited with permission from the Contra Costa County Historical Society. They are committed to protecting the county's future by preserving the documents and relics of the county's past. For more information, visit their website at [www.cocohistory.org](http://www.cocohistory.org). You can view the original article here: <http://cocohistory.org/frm-tales.html>*

# Designing for Millennials: Trends in Law Firm Office Space

Saturday, August 01, 2015



The legal industry is continuing to seek answers to a multitude of key questions, confronting how law firms house and run their practices: Reducing per attorney overhead through office space reduction; fostering collaboration and teamwork while still providing sufficient private space for focus work; dealing with the baby-boomer senior partners while at the same time satisfying the needs of the sometimes very different millennials; and incorporating technology, permeating throughout the law firm process, with often significant impacts on the “type” and size of sub-functions within today’s law practice.

On top of all this are the changing client types, more value-conscious than in previous decades, but often still expecting first-class facilities along with first-class

service.

Doug Zucker, a leader of Gensler’s Professional Service Firm Practice Area, commented that millennial lawyers are not always representative of all of the traits of their peer group that we are constantly reading about. While enjoying the opportunity to work from different work settings both in and out of the office, they, like their predecessors, still value a private office as a reward of the job.[1]

Reports citing examples of four associates officed in a single private office are not happening here. There is also not a lot of attorney shared office scenarios. Lawyers typically spend about twice the time in focused work as most other professionals, and as such value the qualities that a private office is quite effective at providing. Zucker mentioned that in the United Kingdom, 20 percent of law offices are open plan, but that trend has not spread to the U.S. There are several law firms trying out some open plan scenarios as trials however, so stay tuned.

For the most part, there are two basic office sizes for U.S. law firms: 120-150 square feet for associate attorneys and 180-225 square feet for partner offices. Formerly, senior partners might have small conference tables within their private office for client meetings, but now clients typically meet in one of the firm’s conference rooms.

These conference rooms, which for some large law firms can take up an entire floor, are usually located just off the main reception for security and convenience. This approach eliminates clients or opposing attorneys wandering through the halls where they could potentially be exposed to confidential information, and also facilitates ease of servicing for food and audiovisual equipment.

Zucker also commented that it is not uncommon for major law firms to downsize their footprint at lease renewal or as a part of a relocation, as functions which used to be prominent at a law firm now may be either substantially reduced in size or eliminated



altogether.

Law libraries have been, for the most part, digitalized and dwindling for years, and legal secretaries which in times past many have been at a 2:1 ratio (two attorneys to one staff), may today be at an 5:1 ratio or even higher. Combined with the continual digitalization of records, this has left core space unused. It is now commonplace to put associate offices into the interior, increasing the efficiency of the law office.

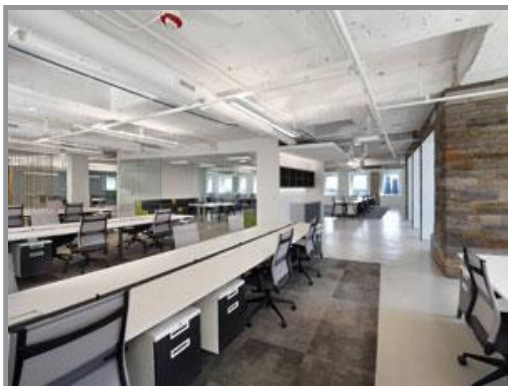
Law firm cafes can emphasize informal meeting locations, places where emails can be caught up on laptop or tablet, and some law firms have designed their lunchroom cafe to be the largest meeting space in their facility able to hold “all hands” meetings. Contract attorneys brought in for research or litigation might sit side by side at low tables or desk-benches, similar to high-tech layouts.



For those looking further into the future, there are firms experimenting with the Watson’s type powerful IBM computers with artificial intelligence now capable of handling less complex legal issues such as wills and trusts. The computer might accomplish the first few layers of putting together the legal documents and then an actual live attorney completes the process and handles any nuances. What does this mean for future law firm space design? More automation of process, resulting in a reduced need for office space.

Brittany Whitley, Director of Workplace Strategy/Business Development with Hogue, sees firms exploring workplace solutions that not only better support today’s work styles and technology advancements, but also support an effort to introduce environments that incorporate more efficient, agile planning strategies.

As square footage is at a premium and law firms typically commit to longer lease terms, firms are being mindful of the workstyle evolution that may accompany the future generation of leaders (who are likely just starting law school, if not undergrad). Alternative means in housing attorneys, such as interior offices, shared offices, or even open planning concepts are being considered, in conjunction with supporting elements such as one- to two-person focus rooms, four- to six-person meeting rooms and open collaboration areas.



While offices have not been eliminated, they have significantly decreased in size ranging from 125-175 square feet. Many firms are adopting “same-size” office policies, as well standardized furniture in an effort to better accommodate internal shifts and minimize costs. In an effort to further inform smart planning strategies, firms are not only referencing benchmarks and strategies of peers and competitors, they are also looking to positive methodologies that their clients and outside industries may



employ.

Culture remains king, however, so efforts to introduce square footage efficiencies, new policies and planning concepts are gingerly approached, ever-mindful of improving the overall experience and supporting a strong sense of cultural connectivity.

A recent article in the Washington Post titled “End of the corner office: D.C. law firm designs its new space for millennials,” discusses how for some firms, the majority of people now in the law office won’t be there in 15 years. Their thought was, “Who are we building for?”

In this one example, all offices, regardless of associate or partner status, are of the same size. All offices have glass walls to let light through and where in the past the corner office would have been, there are now team meeting rooms for collaboration. Millennials want balance in life, flexibility and mobility when, where and how they work. Sustainability is important, and they want to make an impact and difference in and on the world.[2]

According to Colin Scarlett, one of Colliers International top law firm leasing specialists in Vancouver, Canada, a third of law firms in London are open-planned, with lawyers of all levels sitting in the middle of a space in cubicles. But, in his article titled “Are Open-Plan Office Spaces Good for Law Firms?” Tim Baran cautions “.... make sure you have enough conference room for meetings and client engagements, and privacy booths for laser focused work and quiet, creative time. Throw in the option to work remotely for a couple of days each week, and you’ve covered the bases for a flexible, collaborative, productive law firm.”[3]

According to a recent report by Knoll, the office furniture design company, titled “The Emerged Law Practice: Progressive Traits of the Modern Law Office,” “A younger, more technology fluent demographic embraces change, even in the context of an existing office population that often protects the status quo.” The future law firm has a layout that is both logical as well as flexible and supports both focused work as well as space for collaboration.[4]

In a blog titled “Leaner and Greener: 2015 Office Space Trends,” by the Butler Burgher Group, they noted that “[a]ccording to an American Lawyer report, law firms typically occupy two or three times as much space per employee as banking, insurance or technology firms. Now, along with downsizing, law firms are embracing new workplace designs along the lines of their corporate clients; in fact, they will come to look more like business consulting firms with smaller, flexible, collaborative workspaces.”[5]

The legal industry has been one of the last groups to change their traditional thinking of why and how they do business, but the pressures of economics, technology and demographical change in partners are forcing a re-thinking to embrace new, more flexible traditions.

According to a January 14, 2015, report by the Colliers “Practice Group Insights: Law Firm Services,” 32 percent of the top 200 law firms that are re-working their space are reducing in size, many firms are moving to single size offices, 48 percent outsource discovery, 35 percent outsource document review and 18 percent outsource legal research.

The primary driver for the new legal workplace is the changing demographic employee

pool with the oncoming onslaught of millennials who desire flexibility, mobility, less hierarchy, interesting work and work/life balance. The majority of the baby boomers are expected to retire by 2016-2020. “Less is more utilizing thoughtful space reduction while simultaneously increasing headcount.”[6]

Othon Benavente of Studio Benavente Architects in Walnut Creek, who specializes in the Contra Costa region, said, “What I see in the suburbs is a flatter hierarchy, but still window offices, and more firms are set up like executive suites which are rented to single practitioners or smaller law firms that share their space and share resources. This provides future expansion space.” Benavente still sees traditional wood unless the space is a major remodel or relocation.

What does this all mean for the suburban legal practice? How much of these future trend ideas have permeated out into the outlying office regions such as Walnut Creek and Concord? Unfortunately, very little change has taken place and for the most part, traditional private offices and wood paneling still abound in the suburbs.

Several factors may be responsible for this non-change phenomenon. Much lower rental rates, for example, Walnut Creek rents are 35-45 percent less than equivalent San Francisco office rents, while Concord rents are 65 percent less. This reduces the stress of having to downsize due to economics being the driving factor. Additionally, while San Francisco currently has over 8 million feet of new Class A office buildings under construction, Contra Costa has none and no new office building is even on the horizon. This greatly reduces the relocation to premier buildings with law firms often leading the charge.

As the baby boomers continue to retire and millennials slowly take over management, some “cool” factors may come to suburban law office design, but, in the author’s opinion, those changes will be slow in coming.

**Jeffrey S. Weil** is the Executive Vice President with Colliers International based in Walnut Creek, specializing in professional service firm representation. Jeff has been representing East Bay office tenants since 1976, received his B.S. and MBA from UC Berkeley, and has assisted many law firms in their lease renewals and office relocations. Colliers International provides an extensive range of commercial real estate services with more than 16,300 professionals operating from 502 offices in 67 countries.

[1] Gensler Legal Innovation Lab (2015), “How will lawyers work in the future?” Gensler.

[2] Schulte, B. (2015), “End of the corner office: D.C. law firm designs its new space for millennials,” The Washington Post.

[3] Baran, T. (2015), “Are Open-Plan Office Spaces Good for Law Firms?” Legal Productivity.

[4] Wymer, T. (2012), “The Emerged Law Practice: Progressive Traits of the Modern Law Office,” White Paper, Knoll, Inc.

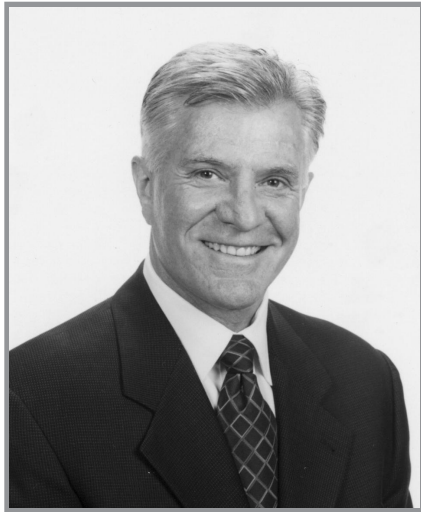
[5] Butler Burgher Group (2015), “Leaner and Greener: 2015 Office Space Trends,” Blog, Butler Burgher Group, LLC.

[6] Colliers University (2015), “Practice Group Insights: Law Firm Services,” Colliers

International.

# Bar Soap/Civil Jury Verdicts, August 2015

Saturday, August 01, 2015



Okay, you noticed this column is both a Bar Soap and a Civil Jury Verdicts column. I have been sitting on a couple of trial reports while waiting for more, but I just couldn't wait any longer. So, this will be a combined column.

Let's start with the verdicts. I received a "Client Alert" stating "Allan Isbell and Craig Jones Net a Victory in Placer County Jury Trial." Special Counsel **Allan Isbell** and Special Counsel **Craig Jones**, both of Archer Norris, represented the defendant general contractor. **Randy Paul** and **Jordan Rojas** of Berding & Weil represented the plaintiffs.

The case involved a 850-unit self-storage facility constructed by the defendant in Auburn, California. A significant water intrusion problem arose, knocking approximately 30 percent of the units offline, as they were not rentable. The plaintiffs demanded \$5.2 million at trial. The defendant offered \$102,500 pre-trial. The jury returned with a verdict which netted the plaintiffs just \$53,352 in damages.

*Quijada et al v. Ford Motor Co., Maita Investments, et al*, Case No. 2010-34-00085696, was tried in Sacramento County Superior Court. **The Honorable Kevin R. Culhane** presided. **Jason Sigel** of Dreyer Babich Buccola Wood Campora, LLP, and **Lee Brown** of the Brown Law Firm represented the plaintiffs. **William Kronenberg** and **Steven Yuen** represented the defendant, Maita Investments.

Plaintiff Edward Quijada was driving on westbound Highway 50 near Tahoe when he lost control of his 2006 Ford F-150 pickup truck. The truck was equipped with an aftermarket lift kit. Quijada was rendered a quadriplegic as a result of the accident. Defendant Maita Investments was the successor in interest to Maita Ford Mercury, a Ford retailer and the installer of the truck's aftermarket tires and wheels. All other defendants settled prior to trial.

The plaintiffs brought causes of action for strict products liability, negligence and sought punitive damages. The plaintiffs demanded \$11 million. The defendant offered \$500,000. The jury returned a defense verdict on liability.

*Vang v. Barbosa et al*, Case No. 13CECG01211, was tried in Fresno County Superior Court. **The Honorable Mark Snauffer** presided. The plaintiffs were represented by **Jonathan Netzer** of Fresno. Defendants Mendoza and Andrade were represented by **Michael Clarke** of our own McNamara firm. **Shyla Smith** represented Defendant Barbosa.

The case involved claims of personal injury related to a four-vehicle rear end accident on Highway 99. Defendant Barbosa got a flat tire, and rather than pulling to the shoulder, stopped his vehicle in the fast lane. The case appeared to have settled at mediation for \$36,000, but the plaintiffs did not sign the mediation settlement agreement.

The jury awarded a gross recovery from all defendants of \$41,921. The jury found Barbosa 60 percent at fault. That extra \$6,000 hardly covered the effort of going to trial, it seems.

Did you notice there were no reported Contra Costa cases? Time to get those Contra Costa civil verdict reports to me.

Now, let's move on to "People on the Move." **Gina Dashman Boer** has become a partner at Haapala, Thompson & Ahern, LLP. **Lisa Estabrook** has been elevated to partner at Archer Norris. Congratulations to both.

**James Slone** has announced the opening of "James Slone, Esq., Mediation & Arbitration Services."

My law firm, Guichard, Teng & Portello, is making the move back to Walnut Creek. We spent a very nice 10 years in Concord and now we will be located at 101 Ygnacio Valley Road in Walnut Creek. Rumor has it we soon will be Guichard, Teng, Portello & Portillo, or some such mixture of names. Keep an eye out for that change. While I am mentioning moves, I spent a wonderful afternoon at a tribute to Ropers Majeski partners at an event in Marin hosted by **Chuck Louderback**. It was wonderful seeing old friends, and I do mean old friends. My, how time goes by.

We just lost our summer intern, **Lu Zhang**. She is a licensed lawyer in China and went back to Shanghai to practice law, after getting her LL.M. at UC Davis. **Stacey N. Zhao** was another intern and she is now a licensed California lawyer working for the state of California.

Recall I mentioned my client, Rebecca Li-Huang's book, "Green Apple Red Book" in my last column. I had mentioned the book won an award at the San Francisco Book Festival. Well, the book just won an award in New York at another book festival.

Sadly speaking of old friends, **Raymond (Ray) Jacque Bergez** recently passed. He was a great fellow, involved in every conceivable legal organization imaginable, and full of life to the very end. I even saw him regularly at Larkey Sharks swim meets, as his grandkids swam on the same swim team as two of my kids.

I just heard we lost **Paula A. Lorentzen**. I knew her as Paula Gorelick back in my Deputy DA days in Contra Costa County. She was a brilliant defense lawyer and a formidable opponent.

As always, keep those cards and letters coming to me at [mguichard@gtplawyers.com](mailto:mguichard@gtplawyers.com). I cannot mention your trials, settlements and achievements if you do not let me know of them.

## Women's Section Happy Hour [photos]

Saturday, August 01, 2015

The Women's Section held their Happy Hour event on July 9, 2015, at Jack's Restaurant in Pleasant Hill. Below are photos from the event. They are also posted on CCCBA's Facebook page.

[gallery ids="10710,10713,10711,10712,10714"]

## Barristers/Young Lawyers Section 5K [photos]

Saturday, August 01, 2015

On a hot July evening, the Barristers/Young Lawyers Section converged on Walnut Creek's Iron Horse Trail for a 5K event. It was a great way to network in a fun, active way. Join us for the next one!



# Coffee Talk: If I had a dime for every time I heard (blank), I'd be...

Saturday, August 01, 2015

If I had a dime for every time I heard, "I just have one quick question," I'd be a rich person.

***G. Wright Morton***

If I had a dime for every time I heard a joke about a dishonest lawyer, I'd be a rich person. I have gotten to where I cut off the person with the rebuttal that everyone jokes about lawyers, but we are the first [to be] called when they are in trouble or need help. That sometimes works.

***Robert A. Huddleston***, Esq., Huddleston & Sipos Law Group, LLP

If I had a dime for every time I heard a client say, "I didn't do it, I've told you everything," and they have no other proof of any of the allegations made, I'd be a rich person.

***Patanisha Davis-Jenkins***, Esq.

If I had a dime for every time I heard, "I don't want anything from him," I'd be a rich person. This usually means that the marital debt far exceeds the marital assets and the spouse who doesn't want anything is hoping to load the debt onto the other party and walk away.

***Anonymous***

When I was a federal public defender, I always got this:

If I had a dime for every time I heard, "How can you defend a guilty person?" I'd be a rich person.

***Art Zeidman***

If I had a dime for every time I heard, ""It's not about the money, it's about the principle," I'd be a rich person.

***Martin T. Gonsalves***

If I had a dime for every time I heard, "I have a quick question and my estate is really simple," I'd be a rich person.

***Matthew M. Hart***, Law Offices of Matthew Hart

If I had a dime for every time I heard:

"Just one other thing, Your Honor."

"My case is really simple."

"We have already agreed on everything."



"I promise, I will pay your bill."  
"Everything will be OK."

I'd be a rich person.

***Gary Vadim Dubrovsky***, Dubrovsky Law

If I had a dime for every time I heard, "We're negotiating in good faith," after making an unrealistic settlement offer, I'd be retired!

***David M. Miller***, Esq., Miller|Mediation

If I had a dime for every time I have heard a client say, "Why is the fee so high just to write a letter?" I'd be a rich person.

***Ronald P. Rives***, Esq., Law Offices of Rives & Rives

If I had a dime for every time I heard, "You look so young," I'd be a rich person. I am 30 years old, measure 4'11," I'm on my 4th year in law school and have the face of a teenager.

***Roxana Ayala***

If I had a dime for every time I heard, "That's not rational!" or "S/he is contradicting himself!" in a mediation, I'd be a rich person.

***Lucia Kanter St. Amour***, Pactum Factum

If I had a dime for every time I heard the term "work/life balance," I would be a rich person.

***Pamela Levin***, Pamela Levin Legal Consulting Services, PC





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### The Dog Days of Summer

I travelled from Concord to Danville to Lafayette to try out local favorites for our summer libations, putting emphasis on those places that allow dogs.

Spotlight

**Bar Soap/Civil Jury Verdicts, August 2015**

I have been sitting on a couple of trial reports while waiting for more, but I just couldn't wait any longer. So, this will be a combined column.

**Pro Bono Spotlight: Gabriela Odell**

Our quarterly Pro Bono Spotlight is a chance to recognize and thank those individuals who help allow basic services and justice to remain accessible. We will accept nominations on an ongoing basis.

News & Updates

**Women's Section Happy Hour [photos]**

The Women's Section held their Happy Hour event on July 9, 2015, at Jack's Restaurant in Pleasant Hill.

**Barristers/Young Lawyers Section 5K [photos]**

On a hot July evening, the Barristers/Young Lawyers Section converged on Walnut Creek's Iron Horse Trail for a 5K event.