

Mission & Goals

The Women's Section has been a strong presence in the CCCBA for over 25 years. We welcome members practicing in all areas of the law who work or live in Contra Costa County.

The goals of the Women's Section are:

- ◆ To further the interests of women in the legal profession and the judiciary;
- ◆ To stimulate interest in and encourage discussions regarding legal and social issues of concern to women;
- ◆ To promote a spirit of mutual support, cooperation, and service, and to foster social contacts among the members of the Women's Section;
- ◆ To offer scholarships and support to deserving law students who have shown leadership potential, achieved academic success, and helped to advance women's issues;
- ◆ To promote diversity, equity, and inclusion; and
- ◆ To extend our network of contacts and support of women's interests through affiliation with California Women Lawyers.

The Women's Section offers frequent networking opportunities for its members, such as "Power Lunches" and happy hours, MCLE classes with notable and relevant speakers, and fundraising and community events, such as the Honorable Patricia Herron and Honorable Ellen James Scholarship



Contra Costa County Bar Association

2021 QUARTERLY NEWSLETTER

*Welcome to the Women's Section
2021 Quarterly Newsletter!*

MEMBER SPOTLIGHT

Introducing our *Member Spotlight* –
Courtney Masella-O'Brien!

1. *For those of our members who haven't had a chance to meet you, tell us a little about yourself.*

I am a long time Contra Costa County resident. I graduated from Northgate High School in Walnut Creek, but grew up on the East Coast in Ohio, western New York, and Vermont. I attended college at USC and played the tenor saxophone in the USC Trojan Marching Band. Before going to law school, I was a Congressional Aide, and then an insurance adjuster and claims supervisor for 6 years. I put myself through law school as a single parent. Now, I work as a Deputy City Attorney in Oakland and live in Martinez. I am also a Board of Education Trustee in Martinez Unified School District, and the mother of a ninth grader.

2. *What are some of your favorite hobbies?*

My hobbies include politics, reading, skiing, swimming, and attending baseball games and live music shows. When I can, I also enjoy volunteering my time for organizations such as the Food Bank of Contra Costa and Solano, and Passion to the Streets.

and an annual Awards Dinner.

For membership information, please contact Jennifer Comages, CCCBA Membership Director, via email at jcomages@cccba.org.

2021 Board

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3. <i>Who or what inspires you? Do you have a mantra you live by?</i>	I am inspired by women such as Ruth Bader Ginsburg, Michelle Obama, Stacey Abrams, and all of my powerful and intelligent colleagues in the CCCBA Women's Section.
4. <i>What type of law do you practice? Any specific areas or industries of expertise?</i>	I recently started working as a Deputy City Attorney in Oakland so my practice varies widely but focuses on defensive litigation. My cases include tort, dangerous conditions of public property, civil rights, and Public Records Act disputes. Prior to this role, in private practice, my practice focused on general liability and construction defect defense.
5. <i>What do you find most rewarding about practicing law?</i>	I find serving the public to be very rewarding. I also enjoy continual learning and expanding my skill set.
6. <i>Why did you join the Women's Section? Are you a member of any other CCCBA section or committee? Are you involved in any non-CCCBA organizations?</i>	I joined the Women's Section because I strongly believe in its mission of promoting women in the law. Moreover, the members are fun and inspiring. I am also a member of the Alameda County Bar Association, the Association of Defense Counsel of Northern California, the MUSD Board of Trustees, and the Democratic Party of Contra Costa County. I am also a member of IFPTE Local 21.
7. <i>What are some events you would like to see organized or hosted by the Women's Section?</i>	The Women's Section hosts great events such as book clubs, happy hours, lunches, and the annual scholarship dinner. One year we also did a painting event which was so much fun; I'd love to do that again.
8. <i>The Women's Section is working to provide more programming relating to mindfulness, mental health, and well-being. What helps you relieve stress?</i>	To relieve stress, I like to go on walks and hikes with my friends, swim, read, watch Netflix with my daughter, and cuddle with my pets.
9. <i>Last question: tell us something unique or</i>	Something quirky or unique? I am an identical twin! My sister is a RN and nurse

*quirky about
yourself!*

instructor in Sacramento. Also, after college,
I lived in Dublin, Ireland for almost a year.

More About Courtney:



Courtney O'Brien (she/her/ella) is a Deputy City Attorney in Oakland, California. Her practice focuses on defending the City of Oakland in litigation in both State and Federal Court. She is also a Board of Education Trustee in Martinez, and a parent. Courtney is a staunch advocate of women's rights and public education. She is also a loyal and committed SF Giants and USC Trojan fan.

MEMBER ARTICLE



“Ever-Changing Fire Hardening Laws Affect California Property Owners,

Keep Buyers at Bay, and Open Up to Potential Lawsuits”

By: Celine Mui Simon

As Californians face larger and more intense wildfires, the laws have adapted in response. In the 2021 updates, the California state legislature enacted more proactive measures to combat the growing wildfire threat. This will impact more than 2 million California households and a quarter of residential structures that are located within or near a “high” or “very high” fire hazard severity zone. Understanding these changes will help inform and advise

clients on how to comply and mitigate the risk of losing their home or investment and of incurring liability from fines or lawsuits.

A. What changed?

Prior to 2021, it was already a crime for a person who owns, leases, manages, controls, operates or maintains an occupied dwelling or structure to fail to maintain a 100-foot defensible space on all sides of the structure.ⁱ Insurance companies also have a right to require a greater distance than the State Board of Forestry and Fire Protection (“State Board”).ⁱⁱ Since 2010, California building codes required all new home construction to incorporate fire hardening features in high or very high fire severity zones. The Department of Forestry and Fire Protection (“Department”) was also tasked with providing an online guidance on fuel management.ⁱⁱⁱ But these regulations did not go far enough.



Photo credit: Cal Fire

AB3074 was passed in late 2020 to require more intense fuel reductions within 5 to 30 feet around the structure, also known as the “ember-resistant zone requirements”, and it put into place a notice and enforcement mechanism.^{iv} The bill also requires the State Board to provide suggestions for creating an ember-resistant zone within 5 feet of a structure.^v It may just be a matter of time before these mere suggestions or recommendations become expensive retrofit mandates, and so it is imperative that we keep an eye on these legal developments.

AB38 further requires all sellers of dwellings located in the very high fire hazard severity zone to complete a Fire Hardening Disclosure. Such sellers must disclose whether the home has fire hardening features such as fire-retardant roof shingles, roof vents, rain gutters with metal coverings and tempered glass

windows among other things. Seller must also obtain documentation that they have maintained fire hardening features.^{vi} If such documentation doesn't currently exist, then the burden is on the buyer to obtain such documentation within 1 year of the close of escrow.^{vii} Sellers must also disclose whether the property is constructed before January 1, 2020, whether they are aware of any property features that increase the risk of fire, and whether they received a home fire hardening final inspection report.^{viii} The ever-changing nature of these fire hardening regulations and reforms could detract buyers. But these costs may be a small price to pay to reduce the risk of wildfire damage.

B. Who is affected?

Owners of "occupied" dwellings or structures in a "very high fire hazard severity zone"^{ix} must comply with the ember-resistant zone requirement.^x This would include landlords, property managers, and business owners; and it may apply to tenants if the lease puts the burden on them to maintain the structure and landscaping.^{xi} This new law also applies to any "structure", such as commercial buildings, hotels, barns and stables, just as long as they are not vacant. Most recently, the definition of a structure was expanded to include decks.^{xii}

To determine whether a property is in an area designated as a fire hazard, CalFire maintains the following website showing the different hazard zones: <https://egis.fire.ca.gov/FHSZ/>.

C. When do these regulations take effect?

The ember-resistant zone requirement took effect January 1, 2021, and it will continue as long as the State Board promulgates the requirement, and the Legislature appropriates funding in its annual budget.^{xiii} The fire hardening disclosure requirement also took effect on January 1, 2021. No later than January 1, 2023, the State Board will issue further guidance on how to create an ember-resistant zone within 5 feet of a structure.

D. What are the consequences for non-compliance?

Aside from possibly losing one's property, failure to comply with a notice of abatement could result in a government priority lien, making it difficult for owners to sell or refinance their property.^{xiv} In addition, the first infraction is punishable by \$100 to \$500.^{xv} If another violation occurs within 5 years, the fine increases to a range of \$250 to \$500. If convicted of a third violation, then a misdemeanor could result which is punishable by a fine of not less than \$500, in addition to being billed for the costs incurred by the local agency to perform the necessary work.^{xvi} Insurance companies could cancel their policy or deny claims upon learning that the owner failed to act upon a notice of abatement, making it more difficult for the owner to rebuild in the event of a total loss due to fires.

Failure to comply could also lead to negligence claims, if the cause or spread of the wildfire is attributed to the failure to create an ember-resistant zone around a given property. The fact that PG&E has an easement on the property and a duty to maintain the utility lines on such properties does not absolve the property owners from these statutory violations.^{xvii} These statutes work in tandem to make sure that if either owner or PG&E fails to maintain the trees or shrub around the utility lines, then the other is responsible for performing the work.^{xviii}

E. Exemptions from fire hardening mandates.

An exemption may be granted if owners retrofit their property to make them more fire resistant. Dwellings and structures that are entirely constructed on the exterior of nonflammable materials, which was required for homes built since 2010, may be exempt from the ember resistant zone requirement, but the owner must first file an application with the Department and get its written consent for the exemption.^{xix} Another option is to keep the property vacant.

It will be interesting to see if these more aggressive mandates will reduce property damage and deaths due to wildfires each year.

**Endnotes for this article can be found at the end of the newsletter.*

*** This article was reprinted with permission from the Contra Costa County Bar Association (CCCBA). It was originally published in the November 2021 Contra Costa Lawyer magazine, a publication of the CCCBA. You can view the original online here: <https://issuu.com/cccba/docs/2021-11>.*

About the Author: Celine Mui Simon, Esq.



Building on over a decade of experience as a commercial real estate litigation and transactional attorney, Celine Mui Simon obtained her real estate broker's license to diversify her services as she continues to work tirelessly to serve her clients.

Born in Hong Kong, Celine earned her JD from the University of San Francisco School of Law. Special assets, foreclosures, and bankruptcies were ubiquitous at the time of her 2009 graduation and admission to the State Bar of California, so she specialized in those areas involving commercial real estate before eventually transitioning into general real estate

litigation and transactions. Since then, Celine has become well-versed in commercial and residential purchases and sales and handles the leasing of industrial, retail, and office properties, as well as issues involving loans and homeowners associations. Celine is an attorney and founder of Strata Legal, our 2021 Women's Section President, and the 2021 Vice President of Diversity of CREW East Bay.

MEMBERS IN THE NEWS



Congratulations to Women's Section member, **Elena Ramirez**, who was appointed to serve as an Administrative Law Judge for the California Department of Social Services as of August 16, 2021!

Judge Ramirez was previously a Deputy District Attorney at the Solano County's Office. She is a Contra Costa County native, as she was born and raised in Richmond, CA, and has sat on numerous boards, including our very own Women's Section Board.

SCHOLARSHIP RECIPIENTS

*Congratulations to the 2021 recipients of
THE HONORABLE PATRICIA HERRON
and*

*THE HONORABLE ELLEN JAMES SCHOLARSHIP:
Gabriella (Gabby) Sergi and Sydney Mastey!*

Gabriella (Gabby) Sergi attends UC Hastings College of the Law and expects to graduate in May 2022.

Gabby currently works as a Youth Law Academy Intern for Centro Legal de la Raza in Oakland, served as a Gender, Sexuality & Reproductive Justice Intern for the ACLU of Northern California, and also interned for the East Bay Children's Law Offices in Oakland. She is also heavily involved in the community, working as a summer camp site manager in the town of Danville and serving as head coach of local soccer leagues.

Sydney Mastey attends Golden Gate University School of Law and expects to graduate in May 2022.

Sydney recently clerked for the Contra Costa District Attorney's Office, has served as a law clerk for the Family Violence Law Center in Oakland, and has worked at women's shelters and with community outreach organizations to spread awareness and help combat sexual assault and domestic violence. Her interests include fitness, travel, spending time outdoors, and knitting.

UPCOMING SECTION EVENTS

Women's Section January Book Club

Our next book club meeting will be held on **Thursday, January 20, 2022, from 5:30pm to 7:00pm**. We will be discussing One Life by Megan Rapinoe. Attendance is FREE and open to all members and non-members.

Zoom link to be provided upon sign up on www.cccbba.org.

About the Book:

An instant *New York Times* bestseller! Megan Rapinoe, Olympic gold medalist and two-time Women's World Cup champion, reveals for the first time her life both on and off the field. Guided by her personal journey into social justice, brimming with humor, humanity, and joy, she urges all of us to ask ourselves: What will you do with your one life?

In One Life, Megan Rapinoe invites readers on a remarkable journey, looking back on both her victories and her failures, and pulls back the curtain on events we know only from the headlines. After the 2011 World Cup, discouraged by how few athletes were open about their sexuality, Rapinoe decided to come out publicly as gay and use her platform to advocate for marriage equality. Recognizing the power she had to bring attention to critical issues, in 2016 she took a knee during the national anthem in solidarity with former NFL player Colin Kaepernick to protest racial injustice and police brutality—the first high-profile white athlete to do so. The backlash was immediate, but it couldn't compare to the overwhelming support. Rapinoe became a force of change. Throughout One Life, Rapinoe makes clear the obligation we all have to speak up, and the impact each of us can have on our communities. Deeply personal and inspiring, One Life reveals that real, concrete change lies within all of us, and asks: If we all have the same resource—this one precious life, made up of the decisions we make every day—what are you going to do?

About the Author:



Megan Rapinoe is an American professional soccer player. As a member of the US Women's national soccer team, she helped win the 2015 and 2019 FIFA Women's World Cup tournaments and a gold medal at the 2012 London Olympics. A cocaptain of the team since 2018, she was named the Best FIFA Women's Player in 2019, and was awarded the Golden Boot.

ODDS & ENDS



Wine glasses for sale!

The Women's Section is selling our signature stemless wine glasses for the low price of \$5 each. All proceeds go towards the Women's Section scholarship fund.

Contact us at cccbawomenssection@gmail.com to place your order today!

FEEDBACK

- Do you have event ideas you would like the Women's Section to host?
- Would you like to submit an article for publication or share a community service opportunity with your fellow members?
- Have any information and/or general feedback about the Women's Section you would like to share?

Please email us at cccbawomenssection@gmail.com.

*We hope you have enjoyed the last
Women's Section Quarterly Newsletter of 2021 – happy holidays!*

Endnotes:

**Ever-Changing Fire Hardening Laws Affect California Property Owners,
Keep Buyers at Bay, and Open Up to Potential Lawsuits**

By: Celine Mui Simon

ⁱ Government Code Section 51182(a)(1)(A); Public Resources Code Section 4291(a)(1)(A).

ⁱⁱ Public Resources Code Section 4291(a)(1)(A)(C).

ⁱⁱⁱ Government Code Section 51182(c)(1).

^{iv} Government Code Sections 51182(a)(1)(A), 51186(b)(1); Public Resources Code Section 4291(a)(1)(A), (f)(1)(B).

^v Government Code Section 51182(c)(2). The following list of features have been codified to put property owners on notice of what fire hazard vulnerabilities exist in a home:

(A) Eave, soffit, and roof ventilation where the vents have openings in excess of one-eighth of an inch or are not flame and ember resistant.

(B) Roof coverings made of untreated wood shingles or shakes.

(C) Combustible landscaping or other materials within five feet of the home and under the footprint of any attached deck.

(D) Single pane or nontempered glass windows.

(E) Loose or missing bird stopping or roof flashing.

(F) Rain gutters without metal or noncombustible gutter covers. Civil Code Section 1102.6f(a)(3).

^{vi} Public Resources Code Section 4291.

^{vii} Civil Code Section 1102.19.

^{viii} Civil Code Section 1102.6f.

^{ix} To find out if a particular property is located in a high or very high fire hazard severity zone (pictured above in red for Contra Costa County), visit the following website: osfm.fire.ca.gov.

^x Government Code Section 51182(a).

^{xi} Government Code Section 51182(b) specifically states that a person is not required to manage fuels on land if they don't have a legal right to, or consent from the owner. This would give some statutory protections to tenants and adjoining landowners who may have been given notice of a fire prone hazardous condition, but could not and did not act due to lack of consent from the property owner.

^{xii} Government Code Section 51182(d).

^{xiii} Government Code Section 51182(a), Public Resources Code Section 4292(a)(1)(A).

^{xiv} Government Code Sections 51186 and 51189(d)(2).

^{xv} Public Resources Code Section 4291.

^{xvi} Public Resources Code Section 4291.1.

^{xvii} Public Resources Code Sections 4291-4293.

^{xviii} Public Resources Code Sections 4291, 4295.5.

^{xix} Public Resources Code Section 4291(c)(1).