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Doing More with Less

By Dorian Peters, Guest Editor



Technology has changed the way lawyers work. Just a few years ago, law firms used typists and voice dictation to draft documents. Now, software such as ChatGPT can write letters for us (although you might want to proofread the letter closely). We have all heard about the lawyers who used ChatGPT to write a brief citing made up cases that did not exist. Aside from the media circus their mistakes caused, they also had to pay \$5,000 in sanctions. There are many ways to misuse large language models and new artificial intelligence tools. Mike Kasin drafted an article where he shows how we might avoid some of the missteps and use AI safely and ethically. You may not want to use ChatGPT to draft your next legal brief, but it could help find relevant portions of a 1,000-page document production.

Using technology, lawyers can do more with less using technology. One can run a law practice with a smartphone, computer, internet connection, legal research service,

and productivity software. With video conference software, we can meet with clients and attend court at home or anywhere in the world with internet access. In her article, Ariel Brownell Lee discusses how she has used technology to work remotely, be more efficient, and provide better service to her clients at the same time. She shows us that technology can help us balance family, quality of life, and running a legal business without major sacrifices.

While technology solves many problems, it does not manage itself. We used to keep paper files in two-hole punched folders in large file cabinets. Now, most of our work lives in digital files stored on computers and in the cloud. We need systems in place to manage our digital files, so they are organized, protected, and accessible when needed. David Lederman drafted an article discussing how to manage a digital office and keep things organized and manageable.

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Inside: Doing More

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The shift to digital client files also requires us to reconsider our business practices and our ethical duties to our clients. Often, technological changes move faster than the rules that govern what we can or cannot do. Various bar associations have provided guidance on how lawyers can best handle their ethical obligations. Lorraine Walsh authored an article about some of the ethical considerations to consider in adopting modern technologies and using them to serve our clients.

While technology helps us be more productive and efficient, it can expose us to threats that did not exist before the internet connected us all. In my article, I discuss some of the cybersecurity issues facing attorneys and provide suggestions for how to lower one's cybersecurity risk. In this edition of CC Lawyer, we explore different trends to help lawyers use technology more effectively to better serve clients while helping lawyers protect themselves from technological threats.

Thank you to Ariel Brownell Lee, Lorraine Walsh, Mike Kasen, and David Lederman for their article contributions and sharing their knowledge with our legal commu-

nity. Thank you to Carole Lucido and the Contra Costa Lawyer Editorial Board for allowing me to guest edit this issue.

***Dorian Peters** works at the California Department of Justice as a Supervising Deputy Attorney General for the eCrime Unit, a team that prosecutes cyber crimes. He earned his law degree at Vanderbilt University Law School, his undergraduate degree from UC Berkeley, and has a Masters degree in Cyber Security and Information Assurance from Western Governors University.*

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Outsmarting Cyber Crime: Tips from the eCrime Unit

by Dorian Peters



Almost every day we hear about a cyber incident or a data breach from a well-known company. Law firms are attractive targets for cyberattacks because they have money, sensitive data, and less cybersecurity knowledge than other industries. In January 2024, the large law firm Orrick, Herrington & Sutcliffe was hit by a data breach where attackers had access to their system for weeks. The law firm is in the process of settling a series of lawsuits related to this breach in the U.S. District Court for the Northern District of California.¹ Ironically, Orrick is known for bringing lawsuits against other companies due to their data breaches.

Similar breaches also happened to law firms Kirkland & Ellis, K&L Gates, and Proskauer Rose.² These large law firms have the resources to hire dedicated information tech-

nology and cybersecurity professionals and yet they were still hacked. What does that mean for small law firms without dedicated cybersecurity resources? What should law firms do to protect themselves from cyber attackers?

By following recommended guidance, you can improve your cyber security practices and reduce the chances of being a victim of a breach. Here are a few steps any law firm can take to strengthen its security.

- 1. Require strong and unique passwords** – Passwords should be long, random, and unique. They should contain a mix of numbers, upper case letters, lower case letters, and symbols. Many users use simple words or phrases for their passwords. Hackers have software that can

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Outsmarting Cyber Crime

Continued from page 7

automatically try logging into a user's account using the most common passwords. If your password is a common name, sports team, superhero, food, or phrase, it can be easily guessed by hackers. If you want to see the most common passwords and tools hackers are using to guess your passwords, try googling the "RockYou" password list.³

2. Use a password manager – How can anyone remember a long random series of numbers, letters, and symbols? It is impossible. Instead of storing passwords in your head, or writing them down, you can use password management software. These programs generate random passwords, store them, and help you fill in passwords when you need to log into a site or system. Some reputable password managers include Bitwarden, 1Password, Dashlane, and KeyPassXC. Password managers can synchronize your passwords between different devices, including your phone, tablet, and computer. Is there a risk of storing all your passwords in a password manager? Yes, there is always some risk. However, security experts believe the risk of using a password manager is significantly less than the risk presented by weak passwords or password reuse.⁴

3. Set up multi-factor authentication (MFA) – If you have ever received a text message with a six-digit code to log into an account, you have already used MFA. MFA combines something you know (your password) with something you have (your cell

phone) to increase your security. Text message MFA is better than no MFA. However, the phone number link makes this method susceptible to sim-swapping attacks where someone takes control of your phone account by tricking your carrier. To increase security, one should use an additional method of authentication, such as a phone-based authentication application or a hardware key. Some well-known authentication applications include Microsoft Authenticator, Duo Mobile, Authy, and Google Authenticator. Well known hardware keys include various YubiKey models or the Google Titan Security Key. This means an attacker who can learn or guess a user's password will be unable to access the system without also having physical access to the user's phone or hardware key.⁵ This reduces the number of people who can hack you from eight billion to the handful of people who might have physical access to your phone or hardware key.

4. Encrypt sensitive data on your devices – Encrypting data on your device makes it unreadable by unauthorized people. When you are using a phone or computer to get work done, encryption does not matter much. However, if a device is lost or stolen, a thief can access data on the device. If the data is encrypted, it cannot be accessed without the password or access code for that device. Many years ago, encrypting data on your device meant dealing with performance penalties and slowdowns. Now, on modern devices, any performance hit is negligible to non-existent. Data on mobile devices and Macs are typically encrypted by default. Windows computers can use BitLocker software, which is included in Pro and Enterprise versions of the operating system.

5. Keep your software up to date – Keeping all your software up to date can be daunting. It usually requires waiting for a large download, waiting longer for the updates to install, and requires the device or software to restart. If you are restarting your phone or computer, all the applications you are using are closed and reset. If you are restarting your web browser, all your tabs and windows are closed. In short, updating software can be annoying. One way to deal with this issue is to set up automatic updates whenever possible. Some devices and software can be set up to update in the middle of the night or when not being used.

Keeping software updated is important for security. When inadvertent bugs are found in software, software makers will update their software to fix the issue. At the same time, security researchers often publish the details of the bug. This information can then be used to attack devices running older unpatched versions of the software. It is especially important to keep your operating system (Windows, MacOS, Android, iOS) and web browser (Chrome, Edge, Safari) updated.

6. Back up your data regularly – Client files and legal work are some of the most important data controlled by a law firm. The best way to ensure you do not lose your data is to back it up regularly. Experts recommend backing up your data locally but also having backups offsite or in the cloud. Offsite backup ensures your data will be safe even if a disaster, such as a flood or fire, hits your law office. Using software that synchronizes files between computers such as OneDrive or Dropbox is not a backup solution. For example, if a hacker gains access to a computer

with Dropbox and deletes files from that single computer, those deleted files will also be deleted on other computers with Dropbox installed, potentially resulting in data loss. This syncing or mirroring functionality, while convenient for day-to-day work, makes it unsuitable for backup purposes.

The above suggestions are not meant to be comprehensive. However, implementing them will be a strong step towards making your law firm more secure and protecting your sensitive information. In addition to all the business reasons to keep your data secure, it also protects your clients, to whom you owe a duty of confidentiality.⁶

1. <https://www.reuters.com/legal/litigation/law-firm-orrick-reaches-tentative-settlement-cyber-breach-cases-2023-12-21/>

2. <https://www.rolonfriday.com/news-content/kirkland-kl-gates-and-proskauer-hit-ransomware-attack>

3. <https://github.com/danielm-iessler/SecLists/blob/master/Passwords/Leaked-Databases/rockyou-20.txt>

4. <https://www.cisa.gov/secure-our-world/use-strong-passwords>

5. <https://www.cisa.gov/MFA>

6. See page 11 for "The Ubiquitous Threat of a Data Breach - Your Ethical Duties to Mitigate the Risks," by Lorraine M. Walsh.



Dorian Peters works at the California Department of Justice as a Supervising Deputy Attorney General for the eCrime Unit, a team that prosecutes cyber crimes. He earned his law degree at Vanderbilt University Law School, his undergraduate degree from UC Berkeley, and has a Masters degree in Cyber Security and Information Assurance from Western Governors University.

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Lunar New Year

Another memorable Lunar New Year celebration was held on February 22 at Peony Garden in Walnut Creek.



Sam Domingo, Kristen Tabone, Mika Domingo, Terry Leoni



Right, Judge Peter Chang gave the welcome message



Vanessa Candelaria, Rebecca Jones, Ariel Brownell Lee



Judge Rick Flier (Ret.) Dorian Peters, Farrah Hussein, Justice Terry Bruiniers (Ret.)



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The Ubiquitous Threat of a Data Breach

Your Ethical Duties to Mitigate the Risks

by Lorraine M. Walsh



Attempted and actual data breaches involving attorneys and their clients are increasing in frequency, sophistication and severity. Lawyers need to protect clients' privileged communications and other sensitive information. Employing the right strategies and tools can help reduce the risks of a data breach. This article addresses the ethical issues that can arise, the applicable ethical rules and provides practical tips to assist you if you encounter a data breach.

The Ethical Issues of a Data Breach for Attorneys/Law Firms

Attorneys' use of computers, cloud storage and portable electronic devices is now ubiquitous and has increased the risk of unauthorized user access to client confidential information. This risk extends from the solo firm practitioner who may have lost her cell phone she uses to email and text clients to a 100-person law firm whose offsite cloud server is hacked by a cyber-crime syndicate. A Verizon 2023 data breach investigation report found that "74% of breaches involve the human element which includes social engineering attacks, errors or misuse." Yes, you are only one click away from a cyber breach. The consequences can be extensive and lead to serious legal issues including the inability to access firm information due to the installation of ransomware, the revelation of attorney-client communications due to compromised email accounts, public leaks of privileged information and potential legal malpractice lawsuits.

Your Ethical Obligations

It is your duty to protect client data and to disclose an error if a breach occurs. Under California Rule of Professional Conduct 1.1 (Competence), you have a duty to understand the benefits and risks associated with the technology you use. Rule 1.6 (Confidential Information of a Client) and Business & Professions Code Section 6068(e) mandate that you safeguard your clients' confidences and secrets and make reasonable efforts to protect such information from unauthorized disclosure or destruction. Finally, if a data breach occurs, Rule 1.4(a)(3) which governs communications with clients, and Business & Professions Code Section 6068(m) require you to disclose the breach to your client. This is part of your duty to report "significant developments" in the representation.

The California State Bar Committee on Professional Responsibility and Conduct (COPRAC) has issued a Formal Opinion No. 2020-203 which discusses these various rules and statutes. It provides "hypothetical" scenarios to assist attorneys in navigating the ethical issues that can occur if there is a data breach. In their opinion, they point out that "while attorneys are not required to become technology experts and master the complexities and deficiencies of the security features of each technology available," attorneys owe clients a duty to have a basic understanding of the technology they use. The committee also recommended the use of "someone who possesses the necessary knowledge, such as an information technology consultant."

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Data Breach

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In addition, the American Bar Association Standing Committee on Ethics and Professional Responsibility has authored a 16-page Formal Opinion No. 483 entitled "Lawyers Obligations after an Electronic Data Breach or Cyber Attack". It discusses many of the same issues and rules that the COPRAC opinion addressed.

Practical Tips to Mitigate Your Risk

To comply with your professional obligations and standards, you and your firm should implement the following strategies to mitigate data security risks. They include the following:

(1) Prepare a Cyber Security Plan.

Create a "best practices" policy for remote access, use of email and texts, and use of social media. The plan should also include how you will remedy a cyber attack.

(2) Use Technology Safeguards.

This may involve implementing user authentication and limiting user access.

(3) Perform Periodic Training and Monitoring.

To keep ahead of the hackers and cybercriminals, attorneys should employ training to educate themselves and staff on data breach risks. In addition, periodic monitoring should occur to ensure that the technology used to protect information is updated.

(4) Implement third-party vendor checks - Many attorneys use third-party billing programs, office management software, and offsite server file storage. It is extremely important before using these services and vendors to ensure they have reasonable security protections

in place since they will have access to confidential client information.

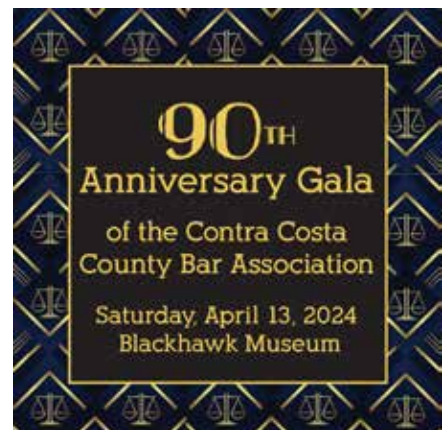
(5) Secure your mobile devices - Your cell phone, laptop computer or electronic tablet should have strong password protection, multi-factor authentication, and a "lost and found" feature if the device is lost or stolen. The COPRAC opinion cited in Section II provides a real-life scenario describing an attorney's use of a coffee shop's public Wi-Fi network which allowed a hacker to gain access to a client's patent application.

(6) Obtain client consent to use electronic communications and limit file retention in your fee agreement - In your written fee agreement it is advisable to include provisions for client consent for the use of electronic communication. You should also include a provision outlining your client file retention policy. There is no California Rule of Professional Conduct that states how long you must retain a client's file. Therefore, a contractual provision in your fee agreement can explain how long the file is retained and how the client can retrieve it. This is advisable since the longer the file is retained, the longer it is susceptible to a data breach or cyber attack. The State Bar website has sample form fee agreements with these optional clauses for your use.

(7) Purchase cyber liability insurance - many errors and omissions policies have cyber liability protection. Although the type of coverage varies depending on the insurance company, typically the policy will cover the following: (1) privacy liability coverage providing a defense and indemnity if a lawsuit is filed (2) regulatory cost coverage which pays for fines and penalties from state and federal agencies and (3) security breach response coverage which provides notice to clients and may also include credit monitoring if the breach concerns financial information.

Technology is a critical component of our legal profession. Its use produces many benefits which improve communication with our clients. Its use also produces challenges and risks. As a result, we must consider and address them so we can fulfill our ethical duties to our clients. Understanding the ethical rules that apply to data breaches and use of these practical tips can go a long way to reducing your risk of a data breach.

Lorraine M. Walsh is an attorney who has practiced law in California for 41 years and maintains her office in Walnut Creek. She is a State Bar Certified Specialist in Legal Malpractice Law and handles controversies involving attorneys and clients. Her practice includes client representation in appeals, and she has four published appellate opinions. She is a member of the CCCBA Senior section leadership team and Co-editor of the Contra Costa Lawyer magazine.



For all of the details on CCCBA's 90th Anniversary Gala, turn to page 21.

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Installation Lunch & Diversity Awards Luncheon

On January 19, the CCCBA installed its new board of directors, officers and section leaders at the Contra Costa Country Club in Pleasant Hill. The CCCBA also presented its 7th annual diversity awards to deserving member firms (see back cover for more on the CCCBA Diversity Awards) and the CCCBA Port Chicago Task Force presented hero and service awards in its efforts to exonerate the Port Chicago 50. (See page 20 for more information on the CCCBA Port Chicago Task Force.)



2024 CCCBA Board President David Person with 2023 Board President David Erb.



CCCBA Staffers Barbara Arsedo, Jennifer Comages and Anne Wolf at the check-in table.



Left, Commissioner Lowell Richards (Ret.) with Richard Breitweiser, (past CCCBA President) and CCCBA Executive Director Jody Iorns.

Below Left: Some of the Section Leaders in attendance: Arvonne De Marco, Carl Gustafson, Shandyn Pierce, Jennifer Navalle and Judge Richard Flier (Ret.)

Below: Gina Giammanco (center) and John Duarte share a conversation with a new friend.





CCCBA Executive Director Jody Iorns honored CCCBA Past Presidents in attendance. From left, Richard Breitweiser, Colin Coffey, Tammy-Lyn Gallerini, Larry Cook, Steve Steinberg and Phil Andersen.



Two time President James Wu, Oliver Greenwood, Ericka McKenna, David Erb and CCCBA President for 2024 David Pearson.



Board members and section leaders took the oath of office administered by Presiding Judge Ed Weil.



Pa'tanisha Davis Pierson, Mike Pierson, Jonathan Lee and James Wu.



Port Chicago Task Force honorees Marcus Mims, Ruth Mims and Nancy Mims



Judge Dorothy Proudfoot with Pol Minguet



Yulie Padmore, a member of CCCBA's Port Chicago Task Force prepares to present an award.



Going Virtual

by Ariel Brownell Lee

Traditionally, law is a profession rooted in brick-and-mortar offices, face-to-face interactions, reams of paper, and bloated overhead costs. However, a significant transformation in how modern law offices practice is underway: practitioners are going virtual. This shift towards virtual practices is redefining the landscape of legal work. For many, including myself, the journey towards a virtual office has been motivated by personal circumstances including the need for a better work-life balance and logistical adjustments due to life changes. The traditional office setting, characterized by a daily commute, strict office hours, and a physical presence, is being replaced by a more flexible, digitally oriented approach.

My decision to go virtual came following the birth of my first son and a severe injury that left me facing surgery and several months of immobility. When those things happened almost simultaneously in

the spring of 2019, I was running a traditional practice that required me to commute from Oakland to Walnut Creek daily, out of the house from 8 am – 6:30 pm. I couldn't justify leaving work before 6 pm due to traffic because I couldn't work after I put the baby down. Everything I needed was at the office! I felt mom guilt and lawyer guilt, and something had to give. When my lease came up in December 2019, I had the opportunity to reevaluate my organizational structure. I moved to a virtual office space in January 2020 that answered my phones, received and scanned my mail, accepted service, offered monthly credits for office rental and conference room rentals, and provided all the other niceties and necessities of an office environment (minus the privacy).

Regardless of the amenities, I had so many fears: Would clients accept meeting me in a shared conference space? Would clients accept most meetings occurring by phone

(remember, I was three months away from learning about Zoom!)? How would I handle file management? How would I lug things back and forth? From January to March 2020, I split my time: two days at home, and three days in a shared office environment. Then, when the world changed in March 2020, everyone had to adapt quickly, and I felt ahead of the curve. I framed it as an opportunity to make an even more drastic change. From that point on, 99 percent of my client interactions have occurred virtually, and it's going better than ever.

For someone deciding whether to make the switch to a virtual practice, I suggest considering several important issues. The most important of these include managing client expectations and experience, the ethical use of technology, creating a virtual workspace, cost-saving strategies, time management, work-life balance, and overcoming the challenges of virtual work.

Managing Client Expectations and Experience

Managing client expectations is a critical aspect of transitioning to a virtual practice. Luckily, at this point, most clients expect that meetings will occur virtually, and many prefer it for its convenience and efficiency. Considering many of their court appearances may occur via Zoom, there is ample room to explain the benefits to a client who may be feeling uneasy. If virtual court proceedings are workable for the court, they are workable for client meetings. If a client pushes back and wants to meet in person but you can't (COVID concerns, space, or other reasons) don't be afraid to push back a little and ask why they are hesitant to meet virtually. Often clients just need some reassurance. If someone is still pushing back, don't be afraid to gently suggest that your office may not be the right fit for their needs. It's OK to set a course and stick to it, accepting that not everyone will be on board.

Ethical Use of Technology

Central to the success of a virtual legal practice is the adept and ethical use of technology. A virtual practice goes hand-in-hand with a paperless practice, and that can only be accomplished by using technology. The standard we are held to when utilizing technology in our practice as it relates to confidentiality and competence is "*reasonableness under the circumstances*." An attorney is not required to become a technology expert to comply with his or her duty of confidentiality and competence; however, an attorney does owe clients a duty to have a basic understanding of the protections afforded by the technology used in their practice. If an attorney lacks the necessary competence to assess the security of a specific technology, he, she, or they must seek additional information or consult with someone who possesses the necessary knowledge, such as an information tech-

nology consultant. This is like our duty of competency – either know it or learn it. This includes being well-versed in the use of advanced computer programs, efficient document scanners, video conferencing tools, e-signature platforms, and comprehensive document management systems. Moreover, cloud-based services have become indispensable for secure data storage and easy accessibility of information. If you are using cloud-based services, consider including notice to clients in your retainer agreement.

Creating Your Workspace

Creating an effective workspace is a vital aspect of the transition. A dedicated home office, equipped with a robust technological setup, including multiple monitors and high-quality scanners, is essential. Be honest with yourself when deciding how much space you will need and don't make it multi-use if possible. A dedicated workspace enhances productivity and projects professionalism to clients, which is a critical factor in building trust and credibility in a virtual setting. Remember that your workspace doesn't need room for physical files because those files will be stored on your computer! Invest the time to create digital files that are organized like a paper file and make them accessible on your computer, tablet, phone, and the cloud.

Cost Savings & Money-Making Opportunities

One of the most appealing aspects of a virtual practice is significant cost savings. Leaving a traditional office space dramatically reduces overhead expenses and adds the possibility of home office tax deductions (another reason a dedicated home office space is essential, see IRS Publication 587). A virtual office space is 10-20 percent of the cost of traditional office space. Further, you're not eating lunch out daily,

and you will have reduced gas and parking fees. Reduced overhead translates into increased profitability.

In addition to reducing your costs, a virtual office setup allows you to eliminate geographic barriers and penetrate new markets. Suddenly you can take a case in a county you would have never driven to or prepare documents for a client who lives in Southern California.

Finally, a virtual setup allows you to attract a larger pool of staff and attorneys who work for you. Remote positions are increasingly popular, and a flexible work environment is a huge benefit to potential employees looking for the best fit for their own lives.

Time Management and Work-Life Balance

The benefits of a virtual practice extend beyond financial gains. Effective time management and a healthy work-life balance are critical benefits. One of the biggest and most immediate benefits is time recapture. Commuting is nearly eliminated with a virtual set-up. For many, that's an hour saved. You can also recapture your small downtime that would otherwise be wasted in the office. I use my 5–10-minute stretch breaks to check in with the kids or walk the dog. It's nice to have some time to connect with personal obligations during the workday. You also can redefine your work week. You can work off hours or even swap a weekend for a weekday when everything you need is available at home. Time management is crucial because working from home requires internal accountability. If you're solo (or the boss), it's up to you to stay on track. If you work for a firm, check in frequently to understand the expectations of when you'll be "at your desk."

Continued on page 18 ►

Going Virtual

Continued from page 17

Challenges of Virtual Work

Despite all the advantages, transitioning to a virtual environment has challenges. The risk of isolation is a significant concern. To mitigate this, actively engage in professional networks, bar association events, and legal communities – online and in-person. Make sure to prioritize your mental health and personal well-being. Regular mental health check-ins, setting realistic personal goals, and establishing clear bound-

aries between professional and personal life are crucial. Adapting your work patterns to your preferences and needs can significantly enhance overall well-being and job satisfaction.

The transition to a virtual legal practice is a multifaceted journey with significant benefits. In my personal experience, I've seen a more flexible, cost-effective, and efficient way of practicing law. I encourage anyone feeling surmounting pres-

sure of their in-office position to consider it. It's a great time to position yourself to thrive in the digital era of the legal profession.



Ariel Brownell Lee owns and operates a boutique two-attorney family law firm in Walnut Creek. Ariel serves as a Director of the Contra Costa County Bar Association and as President of the CCCBA Family Law Section. When she's not working or volunteering her time, you can find her playing at home with her two sons.

HARTOG, BAER, ZABRONSKY, APC ANNOUNCES ITS 2024 DIVERSITY SCHOLARSHIP RECIPIENTS

HBZ is pleased to announce the recipients of the 2024 HBZ Diversity Scholarship. Congratulations to Saleshia Ellis, Alejandra Hernandez, and Jiayu Fang for their outstanding achievements! Jaime Herren, Principal and Chair of the HBZ Diversity Scholarship Program, states that she was thrilled with this year's candidates selected for their exceptional academic performance, dedication to equity and inclusion, and commitment to serving underrepresented communities in the field of law.

The HBZ Diversity Scholarship is a prestigious award presented to a law student from an underrepresented background who currently resides in or plans to practice law in Contra Costa or Alameda County upon graduation. While the award is typically given to only one student per year, the response to this year's scholarship was so outstanding that three deserving finalists were selected for the honor.



Saleshia Ellis, the top finalist, is a law student at the UC Davis School of Law and is expected to graduate in 2026. She is deeply committed to promoting equity, diversity, and inclusion in her community and plans to use her legal education to support marginalized groups and broaden opportunities for all.

Alejandra Hernandez, a student at UC Berkeley School of Law, is also a passionate advocate for diversity and immigrant rights. Her goal is to leverage her legal knowledge and experience to fight for the rights of marginalized communities and promote social justice.



Jiayu Fang, a law student at UC Davis School of Law, is expected to graduate in 2025. She is dedicated to empowering underrepresented communities and promoting accessibility for everyone, regardless of their background. With her bilingual abilities and artistic talent, Jiayu is uniquely positioned to make a difference in the lives of those she seeks to serve.

We congratulate our scholars and celebrate them at our annual HBZ Diversity Scholarship Luncheon.



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CCCBA Honors Port Chicago Heros from the Deadliest Stateside Disaster of World War II

At the annual installation and awards lunch on January 19, the CCCBA conferred awards on three African-American sailors who served at Port Chicago during World War II. The CCCBA's Port Chicago Task Force recognized the sailors with Port Chicago Hero Awards, noting their courage in the face of adversity before, during and after the Port Chicago Disaster. Four other awards, Port Chicago Service Awards, were presented to four people who have been dedicated to advocacy on behalf of the sailors who served there during World War II.

The massive explosion on July 17, 1944 killed 320 men and wounded hundreds more. Following the Disaster, the Navy charged fifty men with mutiny when they refused to return to work loading ammunition under dangerous conditions that violated the Navy's regulations. The trial ended in guilty verdicts against each of the fifty defendants.

In February 2022, the CCCBA formed the Port Chicago Task Force and established two goals: first, to raise awareness of the Port Chicago Disaster, and second, to advocate for the exoneration of the Port Chicago 50, the sailors convicted of mutiny. Two hundred two of those killed and all of the Port Chicago 50 were African-American sailors who served at a time when the Navy was segregated and they were not allowed to serve in any combat units due to their race.

The three Port Chicago Hero Awards went to John B. Felisbret, of New York state, who was "about 17 years old" according to his family when he died in the Disaster. Two members of the Port Chicago 50, Joseph R. Small, Sr., of New Jersey, and Jack P. Crittenden, of Alabama, also received Hero Awards. Both Small and Crittenden were convicted of mutiny and sentenced to 15 years of hard labor confinement, before their sentences were commuted. All three Port Chicago Hero Awards were conferred posthumously.

Members of the Felisbret and Crittenden families participated in the awards ceremony.

The Port Chicago Service Awards went to John Lawrence, who worked diligently on the formation of the Port Chicago



Top left to right: Marcus Mims, Jody Iorns, Dana Mims, Nancy Mims, Port Chicago Service Award Recipient and CCCBA Task Force chair Jonathan Lee, Ruth Mims, Yolande Barial Knight, and Yulie Padmore. Bottom left to right: Port Chicago Service Award Recipient President of Friends of Port Chicago National Memorial Reverend Diana McDaniel, Port Chicago Service Award Recipient the Honorable Willie Mims, Posthumous Port Chicago Hero Award Recipient to John B. Felisbret accepted by relative Camille Felisbret.

Naval Memorial Magazine, at the Concord Naval Weapons Station near Concord California, the National Park Service's unit at the site of the Disaster; Reverend Diana McDaniel co-founder of the Friends of Port Chicago, a nonprofit dedicated to the preservation of the site, promotion of the history of the Disaster and the mutiny trials, and the exoneration of the Port Chicago 50; Willie Mims, who has been a community activist in the greater Bay Area, serving in executive leadership roles in the NAACP and other civil rights organizations. Mr. Mims worked at Port Chicago in the 1960s, and in the decades since, he has been advocating for the exoneration of the Port Chicago 50; and Jonathan U. Lee, a Bar Association director who serves as Chair of the Task Force.

The CCCBA Port Chicago Task Force continues to communicate its exoneration arguments to federal, state and local leaders, and the Department of the Navy, in hopes that exoneration will be accomplished by the 80th anniversary of the Disaster on July 17, 2024 which will be recognized with a public ceremony at Thurgood Marshall Regional Park in Concord this summer.

For information on the CCCBA Port Chicago Task Force visit www.cccb.org/port-chicago-task-force. Interested parties are encouraged to sign a petition on Change.org to "Exonerate the Port Chicago 50" at <https://www.change.org/p/exonerate-the-port-chicago-50>.

HONORING THE PAST, DRIVING TO THE FUTURE

90TH Anniversary Gala



Saturday, April 13, 5:30 - 10:00 pm
Blackhawk Museum, Danville

Dinner • Dancing • Silent Auction • History



Join the Contra Costa legal community as we celebrate 90 years of legal legacy and unveil our new charitable nonprofit, **Contra Costa Justice For All**, dedicated to expanding access to justice. Be part of an enchanting evening where elegance meets purpose and your contribution makes all the difference!

Photo credit:
Marcus Jackson



Brian Copeland,
Special Guest MC



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www.cccbba.org

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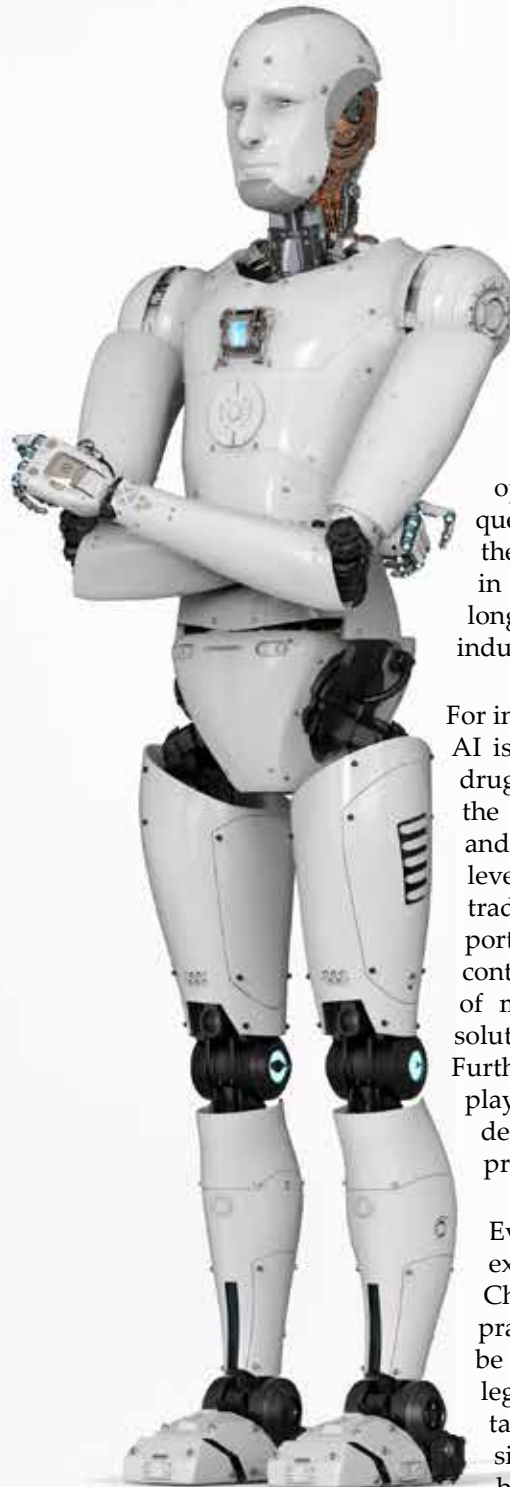
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Productive Use of Artificial Intelligence in a Law Firm

by: Michael R. Kasin



As a legal practitioner, you're likely acquainted, at least to some extent, with the concept of generative artificial intelligence, or generative AI. This advanced form of artificial intelligence has the capacity to produce text, images, or other media in response to given prompts. Essentially, generative AI operates by repeatedly asking a fundamental question: "Given the text so far, what should the next 'word' be?" Despite its recent surge in popularity, artificial intelligence has a long-standing presence, influencing diverse industries in various capacities.

For instance, in the healthcare sector, generative AI is instrumental in medical image analysis, drug discovery, personalized medicine, and the generation of synthetic data for training and testing algorithms. The financial industry leverages generative AI for algorithmic trading, risk assessment, fraud detection, and portfolio management. In manufacturing, it contributes to product design, optimization of manufacturing processes, and innovative solutions to engineering challenges. Furthermore, in education, generative AI plays a role in creating educational content, developing adaptive learning platforms, and providing personalized learning experiences.

Even though the integration of AI, exemplified by the implementation of ChatGPT in 2022, has become a standard practice in various domains, there seems to be a growing reluctance to embrace AI in the legal profession. Contrary to the perceived taboo, AI serves as a valuable tool that can significantly enhance efficiency and save both time and money when implemented correctly.

Despite the potential benefits, there exist several misconceptions regarding the use of generative AI in the legal field. One prevalent myth suggests that incorporating tools like ChatGPT into legal practice could lead to immediate disbarment. However, this assertion is unfounded. While it is true that AI, including ChatGPT, can generate inaccurate information with confidence, commonly referred to as “hallucinations,” it is essential to recognize that such occurrences are inherent to all large language models (LLMs). Caution is advised against relying on ChatGPT for legal research or drafting legal documents, as demonstrated by the case of former Trump attorney Michael Cohen who cited fake court cases generated by AI. Nevertheless, when used as a tool in appropriate ways, AI emerges not as a looming Cyberdyne threat but as a valuable asset for legal professionals.

Beyond legal research, generative AI proves versatile in supporting various daily activities. For instance, it excels at summarizing lengthy articles, providing concise overviews of salient issues from news articles worldwide. Given the time constraints faced by attorneys, leveraging ChatGPT to summarize multiple articles efficiently could be a time-saving strategy.

Concerns regarding confidentiality emerge as a significant consideration when contemplating the use of generative AI in legal practice. In California, attorneys are bound by strict confidentiality rules, outlined in California Rule of Professional Conduct 1.6 allowing disclosure of a client’s confidential information without informed consent when the attorney reasonably believes it is necessary to prevent a criminal act likely to result in death or bodily harm. It’s important to note that OpenAI’s ChatGPT is not designed for confidentiality, and any client information inputted into the system may be utilized for learning, growth,

and potentially shared with others. While inputting confidential information into an open-source AI would be a breach of confidentiality, a simple solution exists—avoid putting confidential information into an open-source AI. You can utilize ChatGPT for non-confidential items such as blogs, social media posts, white papers, upcoming events, Inns of Court scripts, and website posts. Even certain legal templates that lack confidential information can be efficiently generated by ChatGPT. However, it remains the responsibility of the user to review the document generated, add necessary clauses or phrases, and ensure it is ready for public display. The time-saving potential of using AI to generate an initial template for these documents is significant, reducing the time investment from one hour to just 10 minutes.

Another application of AI, particularly in the realm of contract law, is its role as a summation tool. By requesting AI to summarize and subsequently generate a contract clause specific to a client’s needs, attorneys can capitalize on the technology’s capabilities. For example, asking AI to summarize the best California venue clause and then crafting a California venue clause based on its summation can result in a highly tailored and effective legal document. The clause generated by ChatGPT reads as follows:

“Any legal action, suit, or proceeding arising out of or relating to this agreement shall be exclusively venued in the state or federal courts situated within the jurisdiction of California. The parties expressly consent to the personal jurisdiction of such courts. In the event of litigation, the prevailing party shall be entitled to recover reasonable attorney’s fees and costs. This venue clause establishes California as the exclusive and

agreed-upon jurisdiction for the resolution of any legal matters pertaining to this contract.”

In conclusion, while AI presents valuable support for legal professionals, it is imperative to recognize that human oversight and legal expertise remain indispensable. Attorneys must diligently review and finalize all documents produced by their firm. Any support provided by AI is precisely that—a form of support. The attorney retains the responsibility to adhere to California Rules of Professional Conduct, including oversight of anything produced. It is the attorney’s obligation to ensure that the AI tool aligns with ethical standards, client preferences, and the specific legal nuances of each case. AI should be regarded as a tool designed to enhance efficiency and productivity, not as a substitute for legal judgment and expertise. The seasoned legal practitioner remains irreplaceable, with AI serving as a valuable time-saving ally.



Mike Kasin offers tailored legal counsel encompassing intellectual property, contracts, entertainment issues and commercial disputes, and serves clients ranging from Fortune 100 companies to independent artists and inventors.

His approach prioritizes individualized representation over a one-size-fits-all model, emphasizing quality and accessibility without ego. As a Partner at AT&P Legal and a law professor at Diablo Valley College, Mike brings a wealth of experience and diverse interests, including travel, writing and entrepreneurship, to his practice. With a Juris Doctorate from John F. Kennedy University and a BFA from NYU, Mike is passionate about supporting start-ups, protecting intellectual property and mentoring students to achieve their aspirations.



The Modern Office and How to Avoid Paper Cuts

by David M. Lederman

When I started practicing law in the 1990s we, collectively as a society, were giving up our IBM Selectric typewriters and migrating towards personal computers. We brought paper files to court, spread them out on our conference room tables, and hand-wrote stipulations at court using pink, blue, yellow, and white carbon paper forms. It is now 2024. A paperless office is no longer new and theoretical. It is ubiquitous.

For purposes of this article, I assume that we are painting on a blank slate. We've shed our preconceived notions of running a business and law practice and are free to reconsider our operations. In the transition from paper to paperless, many firms adopted an ad-hoc approach – adding software and systems to pre-existing ways of operations. Often the reason for these tethers is aversion to change and the “if it ain't broke – don't fix it” attitude. To be blunt, such an attitude is detrimental to the health of the firm and business. As time passes, tools improve and systems change. My firm typically enters into three-

year contracts with our software vendors. When the term expires, we review all of the software competitors, reevaluate our systems, and assess whether it is beneficial to switch.

In this article, we will explore the basic components of a paperless office. I will not recommend one vendor over another as each firm has its own particular culture and needs; what works best for my office may not be the best fit for your office. However, a paperless office should consider the following elements:

1. Data organization system
2. Case management software with the following:
 - a. Interoffice communication method
 - b. A way to send secure files to clients
 - c. Calendaring system
 - d. Task lists
 - e. Timing system
 - f. Billing system
 - g. Client file database
 - h. Automation
3. PDF software (including digital

signature features)

4. High-speed scanner (some things are still sent to us on paper)
5. Obviously... computers...
6. Research database.

This article will focus on elements 1-3.

Data organization system

Let's face it. Given the volume of data we must maintain and review, if we do not have a standardized system for managing the data, we could be faced with the proverbial search for the needle in the haystack. A data organization system must be written, staff must be consistently trained on it, and there can be no room for system deviation.

Step one: Create a folder system. In the early days before we transitioned to a digital system, we used cardboard folders with two or three partitions. The sections of those folders were: intake and billing, correspondence, our pleadings, their pleadings, bank statements, and other financial data depending on

the case. These rudimentary folder divisions formed the basis of what became a far more complicated (yet still intuitive) digital filing system. Today, when we open a client matter in our case management system (we use Smokeball) and the system automatically creates the initial folder structure. The automated folders that we use are (in alphabetical order):

1. Billing
2. Client pleadings
3. Correspondence
4. Data Dump
5. Discovery
6. Dissomaster
7. Evidence
8. Hearings and Trials
9. Intake packet
10. Notes
11. Opposing Pleadings
12. Orders
13. Receipts
14. Reports
15. Transcripts

Within each of these folders are subfolders. Note that the folders listed above (as well as all of the suggestions made in this article) are intended as examples that we use and are not anyone's standard or best practices. What is intuitive for me, may not be intuitive to you. Think through how you organize data and build a standardized system from that. Remember, once you have a standardized system, everyone on your team must be trained in that system and must adopt it. Deviations should not be tolerated. This applies double to your naming convention which is addressed next. Remember, when you are dealing with large amounts of information – having the information is useless if you cannot quickly and efficiently access it.

Step two: create a folder naming convention. Just like the folder system, the naming convention must be intuitive to you. Spend the time to think through your process and how you access data. Just like the file system described above, the naming

convention must be followed. I like to arrange our folders by dates and descriptions, for example, an Order After Hearing filed on 1/8/24 would be designated as "240108.FE.FOAH". If needed, we could add a little more information to the description, for instance, the hearing date, and maybe use "240108.FE.FOAH.231228.hearing." This description tells us the following: the findings and order after hearing was filed on January 8, 2024, for a hearing held on December 28, 2023. Another option could be to include a shorthand for the type of hearing, for instance adding the letter "CS" for child support or "CC" for child custody. The choices are endless, but a choice must be made, and standardized across the firm.

Choose a case management system

There are many options, for example, Clio, Smokeball, Practice Panther, and AbacusLaw – to name a few (without endorsement of any). Each

of these products is different. In choosing any law office technology, consider the 3 'S' metric. The 3 S's are Speed, Stability and Scalability. If a product is buggy, nonresponsive and limiting – it should not be considered. Weigh the cost of the system as well against the features you use. In considering any system, think about how the system will make the firm more efficient, faster and responsive.

Another issue to consider is integration: Will I need to subscribe to a program to do the tasks I need and how much will that cost? What integrates well with the system I use? Another question is how do you track time and bill clients? One of the features that I find crucial is automated time tracking. While I completely trust my staff, people are inherently poor timekeepers and if you are honest and unsure of your time, you estimate low. If the system tracks your behavior, you have a built-in verification process to

Continued on page 26 ►

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The Modern Office

Continued from page 25

confirm your time (separate from the start and stop of a manual timer).

You should also consider the benefits of using artificial intelligence (AI). Using software that automates repetitive processes translates into costs savings for the client. Our forms and pleadings automatically fill in case data and system-created data which is termed “non-generative” or document automation. Generative AI, which is computer generated content is dangerous for an attorney to use. While AI may be helpful in the future, the risk of generative AI is that it will create content – that may not be accurate and – far worse – can lead to lazy thinking. For an advocate, our words are soldiers. Each soldier has a job and must be accounted for (and accountable). When we draft our pleadings, we know what we write. We can and should be held to account for each word. If a computer generates our content, we lose control and, to a greater extent, we abandon our critical analysis which is the core of our law practice.

PDFs

Portable Document Format (PDFs) are a standard form of document that can be viewed. PDFs are NOT secure documents that cannot be modified. They are convenient. The one product I suggest each practitioner use is Adobe Acrobat Professional. This will allow you to edit PDFs, password protect, and create bookmarked trial binders (a different subject for a different article). Adobe Acrobat Professional also has as part of its package Adobe Acrobat Sign, which allows you to send documents by email for digital signature. There are other products, such as DocuSign, that allow for digital signatures. I use Adobe Acrobat Sign

for the simple reason that I have it already integrated into our system.

In summary, consider your systems. Think through your practice and design a system that will enhance your firm’s value to your clients and create efficiencies so that the attorney can focus on lawyering, not repetitive tasks.

David M. Lederman is a past Chair and past Legislation Chair of the State



Bar Family Law Section, and two-time past President of the CCCBA Family Law Section. He currently sits on the Board of Directors for the Association of Certified Family Law Specialists (ACFLS), and CCCBA Family Law Section. Mr. Lederman exclusively practices Family Law and is frequent speaker and writer on technology and family law.

Don't miss CCCBA's 90th Anniversary on Saturday, April 13 at the Blackhawk Museum. See all the details on page 21



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The Induction of Judge Peter Chang



Judge Peter Chang

The entire bench of the Superior Court of Contra Costa County came out to welcome Judge Peter Chang to the bench for his official induction on Friday February 9.



Judge Glenn Kim was the master of ceremonies.



Below, Mindy Chang and Anne Wu assisted with the judicial robe.



Above, Lisa Nguyen

Right, Tamar Pachter



Michael Elisofon



Judge Chang accepts the gavel from David Pearson.



Judge Joni Hiramoto administered the oath of office.

CALENDAR

UPCOMING EVENTS | OVERVIEW

The Contra Costa County Bar Association certifies that the MCLE activities listed on pages 28 and 29 have been approved for the specific MCLE credit indicated, by the State Bar of California, Provider #393.

March 5 | ADR Section

The Art of Bracketing (Zoom Webinar)

Speakers: Tia Welch Maerz | Kari Erickson Levine | Diana L. Maier | Patricia Prince

Noon – 1:15 pm | 1 hour General MCLE credit | Free for members of the ADR Section, \$30 CCCBA members, \$45 nonmembers

March 7 | Solo Section

Solo Section Happy Hour Social in Brentwood (In Person)

5:00 pm – 7:00 pm | The Lounge on Oak, 220 Oak Street, Brentwood | Free for members of the Solo Section, \$20 CCCBA members, \$30 nonmembers

March 12 | Litigation Section

Untangling the Web of Medical Records: How to read them and understand them (Webinar)

Speaker: Kathy Chamberlain

Noon - 1:30 pm | 1.5 hours General MCLE credit | Free for members of the Litigation Section, \$10 Legal Support members, \$30 CCCBA members, \$45 nonmembers

Sponsored by: Clio

March 14 | CCCBA

Solano County Bar & CCCBA Mixer (In Person)

5:30 pm – 7:00 pm | The Chill - Benicia Wine Bar, 362 1st Street, Benicia | \$10 members and nonmembers

March 21 | Women's Section

Women's Section Annual Luncheon (In Person)

11:45 am - 1:30 pm | 0.5 hours General MCLE credit | The Concord Hilton, 1970 Diamond Blvd., Concord | \$65 Members of the Women's Section, \$60 judges, \$50 law students, \$75 CCCBA members, \$85 nonmembers

April 13 | CCCBA

CCCBA's 90th Anniversary Gala and Fundraiser (In Person)

5:30 pm - 10:00 pm | Blackhawk Museum, 3700 Blackhawk Plaza Circle, Danville | \$250 per person

April 17 | Solo/Small Firm Section

Breakfast with the Solo/Small Firm Section - Walnut Creek

(In Person)

7:30 am - 8:30 am | Sunrise Café, 1559 Botelho Dr., Walnut Creek | Free for members of the Solo/Small Firm section, \$20 CCCBA members, \$30 nonmembers

April 17 | Employment Section

When You Don't Love Someone: RIFS and Recent Developments in Separation Agreements (Zoom Meeting)

Speakers: Terry Leoni | Christopher Mead

Noon - 1:15 pm | 1 hour General MCLE credit | \$10 CCCBA members, \$25 nonmembers

April 18 | Estate Planning & Probate Section

2023 HOT CASES: A Review of Key 2023 Probate | Conservatorship | Guardianship Decisions (Webinar)

Speaker: Julie R. Woods

Noon - 1:15 pm | 1 hour Estate Planning & Probate Specialization and General MCLE credit | Free for members of the Elder Law and Estate Planning & Probate Sections, \$10 Legal Support, \$30 CCCBA members, \$45 nonmembers

For more information on these programs, please contact Anne Wolf,

CCCBA Education & Events Director at awolf@cccba.org or (925) 370-2540 or check the calendar www.cccba.org/attorney-events

April 21 | Wellness Committee

Let's Go to the Farmer's Market and then Let's Go Cook (In Person)

10:00 am – 2:00 pm | 10:00 AM - Meet at Cafe La Scala (near the Walnut Creek Farmer's Market). | 11:00 AM - Head back to Anina's house and start COOKING | Noon - Time to EAT.

Free for all | Register early. This event is limited to 10 people!

April 25 | Women's Section

Women's Section SOCIAL HOUR - Piatti in Danville (In Person)

5:00 pm - 6:30 pm | Piatti, 100 Sycamore Valley Road, West, Danville | Free no-host happy hour

May 1 | Senior Section

Law Day 2024 – Voices of Democracy with Congressman John Garamendi (Zoom Webinar)

Noon – 1:30 pm | 1 hour General MCLE credit | Free

May 3 | Solo/Small Firm Section

Save the Date! 2nd Annual SOLO/SMALL FIRM SECTION SUMMIT

(In Person) ‘

11:30 am – 6:00 pm | MCLE credit TBA | Lafayette Library, 3491 Mt. Diablo Blvd., Lafayette

May 7 | Estate Planning & Probate Section

Save the Date! 31st Annual Estate Planning Symposium (In Person)‘

1:00 pm – 6:00 pm | MCLE credit TBA | Leshner Center for the Arts, Margaret Leshner Theatre, 1601 Civic Drive, Walnut Creek | \$65 for members of the Barristers Section, law students and legal support members, \$75 members of the Estate Planning & Probate Section, \$90 CCCBA members, \$95 nonmembers

A Special Note to Senior/Retired Attorneys and Retired Judges

Your help is needed on CCCBA's Lawyer Referral & Information Service (LRIS). We are looking for members who can spare 3 or 4 hours per month to match potential clients with attorneys for 30-minute consultations.

Contact CCCBA LRIS Director Barbara Arsedo for more information at barsedo@cccba.org or 925-370-2544.



Contra Costa County Bar Association

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CCCBA LAWYER REFERRAL & INFORMATION SERVICE



We Take the Calls, You Get the Clients

Each year we receive over 9,000 calls through our Lawyer Referral & Information line from potential clients seeking referral to an attorney. Registered attorneys receive referrals for panels they choose, including:

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- Personal Injury
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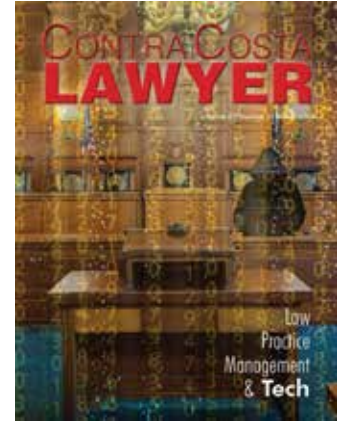
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Did you know that you can run classified ads in Contra Costa Lawyer and also on the CCCBA website? Classified ads run on the CCCBA website for 30 days. Members pay just \$75 per month for online classified ads that can include photos or graphics. For information, please contact Carole Lucido, CCCBA Communications Director at (925) 370-2542 or clucido@cccba.org.

Advertising Opportunities

Contra Costa Lawyer Magazine - Print and Online



The Contra Costa Lawyer is the official publication of the Contra Costa County Bar Association. It is published every other month for an audience of more than 1,500 attorneys, judges and court officials, law libraries and public officials involved with the administration of justice in Contra Costa County and has a readership of approximately 4,500 online.

Both the print and online editions of Contra Costa Lawyer have won awards of excellence from the National Association of Bar Executives.

Cost effective display and classified advertising opportunities are available in the print magazine. Online ads are available on the CCCBA's website: www.cccbba.org.

View and download the complete media kit at www.cccbba.org/flyer/2024/cccba-adkit-2024.pdf

Contact CCCBA Communications Director Carole Lucido if you have questions, clucido@cccba.org or (925) 370-2542.

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Contra Costa County Bar Association

We gratefully acknowledge our

2024 SUSTAINING LAW FIRMS

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FIRMS WITH 11-19 ATTORNEYS:

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**Contra Costa County
Bar Association**

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Congratulations to 2023 CCCBA Diversity Award Winners

The 2023 CCCBA Diversity Award recipients were recognized on January 19, 2024 at the CCCBA Installation and Awards Luncheon.



Your firm can be recognized for its diversity efforts next year. Check CCCBA's Diversity web page in mid March for the Diversity Award Checklist for 2024. The completion deadline is the first week of December 2024.

The CCCBA Diversity Equity & Inclusion Committee is planning periodic DEI events. Check our website events calendar to see what's coming next!