

# *Santa Barbara* Lawyer

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# Santa Barbara Lawyer

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## Mission Statement

Santa Barbara County Bar Association

*The mission of the Santa Barbara County Bar Association is to preserve the integrity of the legal profession and respect for the law, to advance the professional growth and education of its members, to encourage civility and collegiality among its members, to promote equal access to justice and protect the independence of the legal profession and the judiciary.*

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# President's Message

BY AMBER HOLDERNESS

Serving as President of the Santa Barbara County Bar Association this past year, I got to work with, and for, a truly exceptional group of lawyers. The year was busy as the Board put on many time-honored events and tackled issues impacting future membership years. First in 2019, the Bench and Bar Conference featured the timely topic “Legal Haze: Cannabis in California.” The Conference highlighted the number of issues that arise in the area of cannabis—from insurance to employment to land use law. The presentations were thought-provoking and informative.

Following the Bench and Bar Conference, the annual BBQ was held at a new location, Oak Park. While the new location seemed to be a hit, the food and drinks remained the highlight. Other great events this year included the golf and tennis tournament, Justices’ Reception, and Food from the Bar mixer. As the sponsor of Food from the Bar this year, the Association raised over \$10,000 for this important cause. Underlying the success of all these events was the support of the Santa Barbara legal community, including the many

members of the judiciary who regularly attend and participate in the events.

Throughout 2019 the Board also explored new opportunities to evolve and grow the Association and continue to secure the future financial health of the organization. Last year, the Board hired an investment advisor to manage our investments and savings consistent with the Board’s fiduciary obligations. This year, we took the next step of working with the investment advisor to develop approaches to ensuring a balanced budget through revenue growth and financial forecasting, while addressing the important grant requests that the Association receives. I am sure there is more to come on this front in the upcoming years.

As I end my tenure as President, I want to thank all of my fellow Board members in 2019 for their hard work in making this year a success. Also, a special thank you to our Executive Director Lida Sideris, whose historical knowledge, guidance, and dedication is a real asset to the organization. I have enjoyed serving as the President of your Bar Association and look forward to working with the 2020 slate of Officers as Past President next year! ■



Amber Holderness



# Courtroom Artists: A Picture is Worth a Thousand Words

BY MICHAEL D. WHITE

It was the tragic case of the kidnapping and murder of Charles Lindbergh's infant son in 1935. It created the framework for the courtroom sketch artists whose work is often seen on television and on the pages of newspapers and magazines today.

The trial of the accused kidnapper, Richard Hauptman, had cast a blinding light on the impact that the media, with its clattering newsreel cameras, snapping camera shutters, blinding flash bulbs and scrimmaging press photographers jockeying for position, had on the decorum and civility usually expected in the courtroom.

While allowed only limited access to the courtroom, the photographers, many felt, had created a disorder in the court that ruled the day.

One year after Hauptman's trial ended, the frenzied, often sensationalist media coverage that dogged the entire tragic event, induced the American Bar Association to create a special committee—the Special Committee on Cooperation between the Press, Radio and Bar—to “agree upon standards of publicity, of judicial proceedings and methods of obtaining an observance of them....”

The Committee, convened in New York City, was in fact, an 18-man, composite body consisting of six members of the American Bar Association appointed by its President, seven representatives of the American Newspaper Publishers Association, and five representatives of the American Society of Newspaper Editors.

The Committee condemned the proceedings at the Hauptman trial and recommended standards for

media conduct in the court. Acting on the Committee's recommendations, the ABA amended its Code of Judicial Ethics to include Canon 35, which states that cameras should not be permitted in the courtroom.

“While the trial is in progress,” the Committee concluded, “those bearing responsible parts in it are performing a high public duty from which their attention ought not to be diverted.”

Most states followed the Bar's recommendation, and, by 1946, both photography and radio broadcasting were banned in federal courts creating, eventually, a head-on collision of two Constitutionally-mandated rights—one, guaranteeing a defendant due process in court and the other, the right of a free, unencumbered press to do its job.

The landmark precedent was legally set after Texas financier Billie Sol Estes was convicted of fraud in 1963. He argued that his Fourteenth Amendment rights under the due process clause were “rendered impossible” by the presence of cameras in the courtroom and the media frenzy that ensued. The United States Supreme Court, in its final, narrow 5-4 ruling agreed that cameras had indeed interfered with



Estes receiving a fair trial, a ruling that has set the tone for the role of the media in the nation's courtrooms.

According to California's current 2019 Rules of Court, “court proceedings may not be photographed, recorded, or broadcast. This rule does not prohibit courts from

photographing or videotaping sessions for judicial education or publications and is not intended to apply to closed-circuit television broadcasts solely within the courthouse or between court facilities if the broadcasts are controlled by the court and court personnel.”

### ***Enter the Courtroom Artist***

Over the past several decades, as a result, multiple national and local media outlets and press agencies have come to rely on the work of courtroom artists, whose rapid-fire and often striking compositions often provide the only permissible visual record of the action inside courtrooms. It is inside these courtrooms where, quite often, sensational, headline-grabbing trials are conducted.

One such sensational trial—the 1994 O. J. Simpson murder trial—sent everything in a new direction when Presiding Judge Lance A. Ito allowed a single television camera into his courtroom in the Stanley Mosk Courthouse in downtown Los Angeles.

Ito made his decision to allow the TV camera in response to a request for “transparency” from both the defense and the prosecution. It was a decision he came to regret as the plan backfired. According to one observer, what ensued was less transparent than it was “a circus” with attorneys positioning their lecterns for just the right camera angles and witnesses mugging for the camera.

The camera was removed and replaced with a battery of courtroom sketch artists, who every day of “the Trial of the Century” produced dozens of pen and ink, pencil, crayon, watercolor and color marker sketches capturing, in a moment, individual identities, gestures, nuances, and body language in a way that humanized the defendants, lawyers, witnesses and judge.

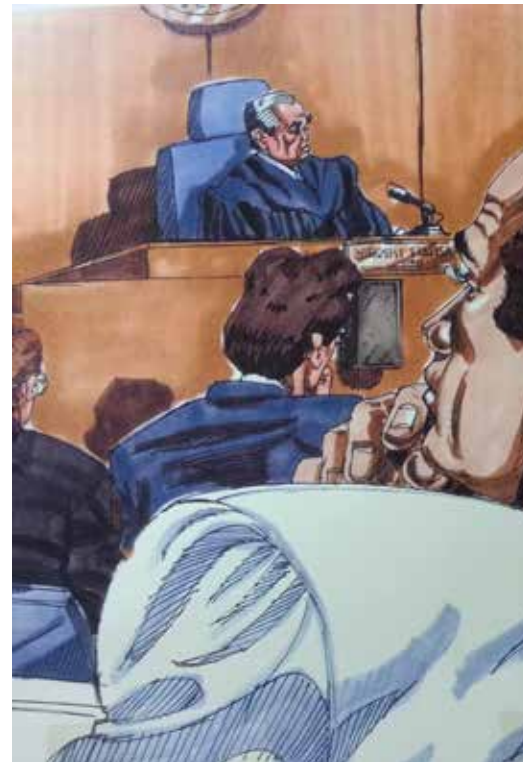
Later filmed by television crews for broadcast on television news outlets around the news-hungry world, their sketches brought to life real people, not caricatures, at what are sometimes the lowest, perhaps most vulnerable points in their lives.

### ***A Pad Too Big***

One of those artists in Judge Ito’s courtroom was Steve Werblun.

A graduate of Philadelphia’s Hussian School of Art, Werblun’s first opportunity to sketch an event came during the inaugural event of the 1976 Bicentennial—the New Years’ relocation of the iconic Liberty Bell from Independence Hall in Philadelphia to a glass pavilion on Independence Mall.

“At the time, I was interested in getting into film and there wasn’t any work in that area in Philadelphia,” says Werblun. “TV was the thing and I thought that illustrating would be a way to work in television and film. That was





my ultimate goal.”

A friend, a press photographer for a local paper, shared an extra pass to the event which drew a crowd of some 200,000 people and a battalion of press photographers and other media types. “It was rainy, snowing, sleet, and hailing, and 32 degrees below zero with the wind chill factored in,” he recalls. “It was impossible to draw anything, so I went home without having produced anything.”

An anxious 3:00 a.m. telephone call from his photographer friend revealed that not only had he been stymied by the inclement weather, so had virtually all of the photographers, whose equipment had been rendered inoperative in the freezing cold.

“They needed a picture of the event and the only one available was the one in my head, so I took a 30 by 40 inch piece of paper and sketched from memory what I’d seen,” he says. “That morning, I brought it in to the *Philadelphia Daily News* and they bought it for \$35. They asked me if I had done any courtroom art and that’s how I got started.”

Now, over the past four decades, Werblun has sketched the famous and the infamous sensational trials involving Rodney King, Reginald Denny, Madonna, Michael Jackson, Heidi Fleiss, Richard “The Night Stalker” Ramirez, and O. J. Simpson for NBC, CNN, and scores of other local and national media outlets.

“It’s the television stations that do the real hiring,” he

says. “The Philadelphia experience was unusual because they wanted me to cover the trial of the person accused of murdering the paper’s Editor-in-Chief. That was my first actual courtroom case. It took a couple of years to break into illustrating for television, but, I had something to show and, finally, NBC picked me up.”

Werblun’s first case for NBC was, he says, “my most difficult. There were nine defendants, nine different attorneys, nine prosecutors, the judge, the jury and all the witnesses. The sketches have to be done very, very quickly and nothing I have done since has been as challenging.”

His personal technique is initially producing a pencil sketch, which he goes over with an ink detail line. Erasing the pencil, he then paints in using artist quality magic markers.

While O. J. Simpson trial Judge Ito exasperated Werblun and the other courtroom artists with the demand that he approve their drawings before they could be televised, Werblun actually credits Ito with helping him improve his style.

“Prior to the O. J. trial, I would work with a 17 inch by 22 inch drawing pad,” he says. “That was huge, but it was the way I’d been doing them for 20 years. During a break, Judge Ito told me that the paper pad I was using was just

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# The Royal Society

BY ROBERT SANGER

In this *Criminal Justice* column, we will look at some events in English history to see how such events could possibly be of metaphorical use in contemplating the future of this country. First, this is not limited to criminal justice and, to an extent, not to the justice system exclusively. It may be more properly considered in the context of finding solutions to current societal problems that threaten our democracy as we have come to expect it to work. Second, this is not particularly brilliant and may be more a matter of reading eclectically. I will admit to having read a book on mathematics and the development of scientific theory at the same time as reading a book on the demise of democracies in recent decades.

As a further disclaimer, this is a reflection on a predominately Western example. There has been much harm done in the service of Western traditions; it is only fair to comment on an aspect of that history that may provide us with an insight into our current situation and, possibly, an inspiration to find a way out. This is provocative enough without referencing other philosophical traditions, which might also provide wisdom for our current issues but which might take the reader too far afield—so we will keep with our Western example.

## **The Problem**

Most people in the United States today, according to demographic research, believe that the current state of politics is divisive and counterproductive. We do not need to choose sides or, more to the point, cling to one side or the other and debate this issue. In fact, the inclination of the reader to acknowledge this phenomenon but immediately blame it on the other side, helps make the point. This has affected the government's ability to govern.

The norms of our political interactions have broken down. There is no longer a collaboration between the party in power and the "loyal opposition." Our politics has devolved into polarized parties, each with the agenda of staying in power, and each member with the agenda of keeping their job without making concessions to the other side. This has led to an inability to govern with regard to the basic needs of

the nation. More is being done by Executive Order and less is being done by the representatives of the people who Madison fancied would be statesmen—his vision (misogynistic and class bound as it was) involved people who were dedicated to the good of the people and who would rise above petty, uniformed public opinion to become educated on issues, meet with fellow enlightened representatives, deliberate and arrive at a consensus on what is best for the country. That is certainly not happening in Washington today.

Suffice it to say that Madison thought that the United States could avoid the domination of "factions," his term for political parties. He thought that allegiance to party could undermine the concept of a representative democracy but on a national level that would not happen. Of course, he and Thomas Jefferson ended up being responsible for creating the two party system that we have to this day.<sup>1</sup> But their vision (before they became invested in seeking and retaining office) is instructive. In Federalist No. 10, Madison identified the problems that the Constitution sought to remedy as based on faction:

"The latent causes of faction are thus sown in the nature of man; and we see them everywhere brought into different degrees of activity, according to the different circumstances of civil society. A zeal for different opinions concerning religion, concerning government, and many other points, as well of speculation as of practice; an attachment to different leaders ambitiously contending for pre-eminence and power; or to persons of other descriptions whose fortunes have been interesting to the human passions, have, in turn, divided mankind into parties, inflamed them with mutual animosity, and rendered them much more disposed to vex and oppress each other than to co-operate for their common good."<sup>2</sup>

Madison's belief, belied by current events, is that in a large representative democracy, those elected to national public office will be inclined to "enlightened views and virtuous sentiments [which] render them superior to local prejudices and schemes of injustice." It was a good, though optimistic, thought.



*Robert Sanger*

Simone Weil made the point more emphatically in a book written during the Second World War in 1943.<sup>3</sup> She asserted that belonging to a party or speaking as a member of a party automatically involves a surrender of a person's integrity. Parties exist to generate collective passions, to apply political pressure on others to conform to its platform and to promote its own growth. Once a person speaks as a member of a party, every nuance of that speech is affected by what that party wants to hear or what people may expect a member of that party to say. Integrity is forfeited. Weil believed that the effect of parties goes beyond governance to personal beliefs and could apply, for instance, to partisan views in art or other aspects of life. Ideally, people would be free from all such influences and think on their own. This is a worthy goal—to think without being compromised by partisan attitudes.

Madison and the drafters of the Constitution, however, confronted the very practical problem of bringing diverse people, from diverse backgrounds, together to act for the public good. Politics can be informed by personal philosophy and by personal integrity. Idealism is good and there are some issues where compromise is not an option. But governance of a diverse nation in a representative democracy necessarily entails reaching consensus. However, today, in Madison's worst nightmare, faction is controlling what politicians say and what they are expected to say. This is often without regard to actual principle and without regard to concern for the public good. That is the essence of the polarization that we see in today's politics.

As Steven Levitsky and Daniel Ziblatt point out, we are at a point in our history where there is no tolerance and no forbearance. In other words, politicians, on both sides, no longer work to reach consensus.<sup>4</sup> There is no tolerance of the opposing point of view—there is no debate, there is only fighting along party lines. There is also

no forbearance of tactics and procedures the forbearance from which have served democracy well in the past and gotten it through many crises. If this rings true and you think, yes, that is the way the other party behaves, let me be clear, this pertains to both major parties in the United States.

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There is plenty of blame to be cast and the reader might think that one party over the other is more responsible for the devaluation of our political discourse. In my personal view, that is true—but it is irrelevant. The political processes that have been in place in this country are based on laws and the Constitution but they are, in larger part, based on a sense of tradition that has fostered a certain amount of tolerance and forbearance. In the Presidency of Franklin Delano Roosevelt, we can find examples of both tolerance and forbearance. Social security was strongly opposed by Republicans and, yet, it was eventually enacted by a substantial majority including a significant vote of Republicans. On the other hand, FDR's own party objected to his court packing plan—not because it was unconstitutional or illegal but because it offended a sense that the executive branch should forbear from taking such action. In other words, the people charged with governing, advocated for their position but insisted by word and deed that both tolerance of the opposition and forbearance from acts that exceeded some vague concept of appropriateness not be engaged in just because they could be.

What has happened today is that there is no tolerance for the opposing party.<sup>5</sup> In word and deed the opposing party and its members are often cast in terms used for enemies at war. Tolerance is regarded as a basis for claiming a person not willing to castigate the opposing party at every turn should not be returned to office by their own party. The lack of civility could be put more at the doorstep of one party more than the other—but my guess is that readers would agree in principle but identify opposite doorsteps.

There is also a lack of forbearance of procedures that may not be illegal but are not a part of our tradition. Again, readers may agree in principle and point the finger in opposite directions. For instance, the use of executive orders to accomplish legal change that could not be gotten through Congress was not invented by either President Obama or President Trump. What Arthur Schlesinger, Jr.

called the Imperial Presidency, had its roots in the expansion of Presidential power maybe from the time of Washington but certainly in the last hundred years.

So, if we can put aside a partisan view of blame, perhaps we can agree that the concepts of tolerance and forbearance are worthy of effort and, perhaps we can see how those concepts carried our democracy through times that would have ended democracies less attached to those principles. And, if we can put aside a partisan view of blame, we may

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be able to agree that we need to do something to re-establish those basic traditions. These are traditions that supersede who is in the White House or Congress or the Supreme Court.

### ***So, What to Do?***

It would seem that we, as a society, need to do something if we want to have laws and governance that is in the best interest of the people of the country. Polarization of the political parties on just about every issue to the point that we reach an inability to govern is not the answer. This is not to mention the lack of civility that this oppositional behavior engenders in ordinary life and discourse. If a particular reader finds the present state of affairs to be ideal, fine, but I do not think—and polling bears this out—that most people in this country are satisfied with the tenor of politics. They are not satisfied to tell their children that

this is the way people should behave or a country should be run. Blame whoever you want, but let us agree on that much.

Now, there are many sources from which we could derive insight into our own dysfunctional political system in the United States at this time. But one simple example came to mind—no doubt due to the juxtaposition of eclectic reading material. It was not the extended theories of political philosophers nor the academic models of political scientists. It was not a utopian vision dependent on an alternative state of human nature. In fact, the source of insight was something that was created in the 1600's in the middle of the wars and interregnum dystopia in which thinking people found themselves at the time in England.

You may recall that Europe was in the throes of religious,

political and scientific change. The Catholic Church was being challenged by Protestantism and was fighting back. Governments were being formed based, not on Papal approval, but either secular justification or a non-Papal divine right. And the Copernican revolution was persisting despite the punishments inflicted on advocates such as Galileo. Universities gained prominence and fostered a modicum of diversity of thought. In England, Charles I attempted to suspend Parliament. He, in turn was removed by force and beheaded. The interregnum followed while wars continued, power was seen to have been usurped and eventually the monarchy was restored. Basically, intelligent people did not know where to turn. Everyone had an opinion but, depending who was in power at the moment, expressing the opinion could have been contentious or even fatal.

So what to do? Well, some of the leading intellectuals at the time decided to form a society that would not be limited according to a political party and would not be limited to academics or even to established intellectuals. It was a society to discuss science which included the science of governance. The beauty of it was that established intellectuals attended meetings along with some intelligent but unpublished, untenured lay people and that they agreed not to discuss politics of the day although they did discuss issues that might later have been described as political philosophy and political economics. The people who met were committed to meeting collegially and to trying to solve the practical problems of English society (scientifically in a very broad sense) without regard to the current power politics of the moment. It was originally unnamed and then, upon the return to the throne of the monarchy in the persona of Charles II, it received a charter in 1661 as “The Royal Society of London for Improving Natural Knowledge.” It is known to this day as the “Royal Society.”

What is important is that the Royal Society was considered a safe place to gather and discuss ideas. There were constraints of the time. It excluded women and it was generally men of property who were admitted. But, it was not only considered a safe place to gather but it was a place of relative tolerance of political views. And, English as it was, it was a place of relative decorum where attendees exercised forbearance in bending the rules or forcing their viewpoints on others. They were there to discuss science, do experiments to test hypotheses and make the world a better place.

Their political wisdom was influenced heavily by Francis Bacon and promoted by John Locke and other Fellows of the Royal Society in the late 1600’s. They talked in terms of natural law—that is, some principles that could guide those

who would attempt to create laws and legal systems for a just society. Civility, balance and fairness were paramount. These principles were to be employed by thinking people and were to supplant mere assertion of power or adherence to dogma.

We are reminded that, in the century after the Royal Society was founded, Benjamin Franklin was invited to be a member. Franklin attended meetings and expounded on some of his scientific discoveries. He presented his paper on the electrical nature of lightning to the Royal Society in 1752. It should not be ignored that Franklin was involved in that meeting of colonial representatives in Philadelphia in 1787 where the United States Constitution was drafted. Whether one had an effect on the other, the Philadelphia convention attendees met in private, discussed their views with tolerance and forbearance and kept them in the room until the proposed Constitution started to make its rounds for ratification.

Whatever the reader may feel about one party or the other, our elected and senior appointed officials today have not displayed the ability or inclination to meet quietly and reflect on the well-being of the country. It seems that most everything is a sound-bite and is about as polemical as it can be. And, it also seems that what passes for an organized society of intellectuals that might promote reflective thought, the think tanks and political organizations, often wear their dogmas on their sleeves.

Simone Weil asked how anyone could be an honest thinker and also belong to a party. Any loyalty or alliance to a party requires a partial surrender of one’s personal honesty and personal integrity. Since Weil’s time, researchers have discovered empirical proof of the “allegiance effect” among “objective” professionals in a clinical setting. One need not use much imagination to see how allegiance to party can have an even greater effect on politicians whose employment is dependent on continuing to be a member of that party. But, somehow, the political representatives have to govern.

### Conclusion

The Congress has its caucuses and committees but they do not promote free intellectual discussion among members of both parties. There is not in a safe place where representatives can gather to try to solve the problems of the country. There is not a place where elected officials can feel free to be tolerant of other member’s political views. There is not a place of relative decorum where attendees can exercise forbearance from using tactics that may be legal but not productive.

Can we create such a place and give our elected officials

time off campaigning to sit and reflect? Can such an environment co-exist with transparency? We do not want a government run by the out of touch elite in the back room. A dominant race and gender still predominates, particularly in the Senate, and we have to ask if there is enough diversity to engender honest discussion. But we also have to ask if it is necessary for elected officials to campaign for their own re-election as soon as they are in office and for them to run to the microphones and give statements that, consciously or not, pander to the party line? Is it possible to restore some civility in government and to expect our elected representatives to study what is best for the country, discuss it with tolerance and forbearance from the destructive tactics that we see today?

Probably not, but wouldn't it be nice? ■

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*(CACJ), the statewide criminal defense lawyers' organization. He is a Director of Death Penalty Focus and an Associate Member of the Council of Forensic Science Educators (COFSE). The opinions expressed here are his own and do not necessarily reflect those of the organizations with which he is associated. ©Robert M. Sanger.*

ENDNOTES

- 1 Supported the Anti-Administration Party and creating the Democratic-Republican Party in the early 1790's which was the beginning of the two party system in this country.
- 2 Publius (James Madison), Federalist No. 10, "The Union as a Safeguard Against Domestic Faction and Insurrection," THE FEDERALIST PAPERS, (1787).
- 3 Simone Weil (Simon Leys, trans.), ON THE ABOLITION OF ALL POLITICAL PARTIES, (1943; NYRB Reprint 2014). Of course, Weil was working with the French Resistance in London and the Nazis and the Stalinists were dominant examples at the time of her writing but the truth she extracted is universal.
- 4 Steven Levitsky and Daniel Ziblatt, HOW DEMOCRACIES DIE, (Penguin Random House 2018).
- 5 To be clear, tolerance has limits. Racism, violence and hatred should not be tolerated. Legitimate differences in governance can be advocated or opposed based on principle but, for democracy to work, there must be respectful tolerance of respectfully presented positions.

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# Civility In and Out of the Courtroom

BY JUDGE DONNA GECK

**W**ebster defines civility as “polite, reasonable and respectful behavior.”

Incivility doesn’t require a definition because like Supreme Court Justice Potter Stewart said, “we know it when we see it.”<sup>1</sup>

Civility is the cornerstone of trial advocacy – our roots as barristers in 18<sup>th</sup> century England. Barristers were held in the highest esteem and conducted themselves with honor.

Your responsibilities as officers of the court include professional courtesy to the court and opposing counsel.\*

The legal profession has suffered a loss of stature and of public respect. Lawyers seem to have forgotten that law is a profession and not a business. The win at all costs behavior degrades us all. Zeal and Vigor in representation of clients is commendable. So are civility, courtesy and cooperation. They are not mutually exclusive.

Surveys show lawyers rank just above used car salesmen in public trust and respect. When lawyers question prospective jurors in voir dire, they frequently find that jurors’ opinions about trial lawyers are not good. They see lawyers as shakedown artists, being profit-driven and as opportunistic greed mongers. And if this is what they are saying to the lawyer’s face, imagine what they are saying out of Court!

The Bench and Bar has become increasingly concerned about the lack of civility as evidenced by the number of MCLE and articles on civility.

The Court in *Kim v Wietmore Partners, Inc.* (2011) 201CalApp4th 267, 293, puts it this way: “Our profession is rife with criticism, awash in incivility. Lawyers and judges of our generation spend a great deal of time lamenting the loss of a golden age when lawyers treated each other with respect and courtesy. It’s time to stop talking about the problem and act on it. For decades, our profession has given lip service to civility. All we have gotten from it is tired lips. We have reluctantly concluded lips cannot do the job; teeth are required. In this case those teeth will take the form of sanctions.” Counsel was sanctioned \$10,000.

Finally in 2014, the Attorney Oath of Office was revised

to add this language: “I will strive to conduct myself with dignity, courtesy and integrity.” Bus & Prof Code 6067.

It is lamentable that we can no longer expect legal professionals to act in a professional manner. So we make them take an oath. No other profession requires this. How must other professions view lawyers?

Consider CCP 583.130: It is the polity of the State that a plaintiff shall proceed with reasonable diligence in the prosecution of an action but that all parties shall cooperate in bringing the action to trial or other disposition.

The policy of the State is that parties to a lawsuit shall cooperate.

This section’s earnest urging to civility and cooperation “is a custom, more honored in the breach than in the observance.” Hamlet Act 1, Scene 4.

So have these efforts worked? Not so much. Let me share some experiences:

1. In a recent case, the attorneys were bickering in front of jurors in the courtroom before I took the bench. A juror reported it to my staff who reported it to me. This resulted in an in-chambers conference and admonishment to the lawyers.

2. In a recent jury trial, a member of the jury sent me a note which said: Please remind counsel to remain with a professional demeanor for the entire questioning process, to speak clearly into the microphone without having to be reminded constantly by the Judge, to remain composed and respectful to the witnesses without interrupting with excessive objections. (I had, in fact, admonished counsel about this behavior outside the presence of the jury and finally before the jury. It was only after he saw the juror’s note that there was a change in demeanor.)

3. In one of the last jury trials I tried before going on the bench I used a peremptory challenge to excuse a prospective juror who was an attorney. She later sent me a note telling me I had made a mistake in excusing her because she found the opposing counsel so rude and obnoxious, she would have voted for my client no matter what!

Civility wins cases. Judges want to be able to trust the attorneys in their representations to the court. If you engage in behavior that is not civil, it lessens your trustworthiness. We all deal in shades of gray. If everything was black and white, the case would not need to be tried and would be settled. Jurors do not like incivility. If they like you and respect you and like and respect your client, they will find a way to find in your favor. No juror has ever said: I hated the lawyer and his client, but had to find for them anyway because their evidence was so compelling.

So what are the sources of incivility?

- The practice of law is difficult.

- Earning a living leads to a scorched earth – feet to the fire approach.
- Incivility can arise due to mindlessly unprofessional, deliberately unprofessional, uncritical conformity to group norms of behaving badly.
- Incivility can result because of a diffusion of personal responsibility.
- It can arise through passive tolerance, inaction or indifference.
- It can result from insecurity, ignorance or inexperience.
- It can result where there is an older lawyer versus a younger lawyer.
- It can result where there is a male lawyer versus a female lawyer. (Note: There may well be a sea change once the older male lawyer's daughter is in law school or a new attorney!)

Here is what doesn't work:

1. Hostility and aggression lose the message
2. Whining doesn't work
3. Strident doesn't work
4. Histrionics doesn't work
5. Aggressive and hostile cross-exam doesn't work. Be polite and professional. Carve with a scalpel, don't hack with an axe.

So how do you incorporate civility in your practice? Cooperate with opposing counsel when possible.

In Hearings:

- Strive to accommodate schedules
- Notify of Changes ASAP
- Agree to Extensions when possible
- Don't use discovery to delay or harass
- Return phone calls, emails

In Court:

- Arrive on time
- Treat all Judges and court personnel with respect
- Avoid ad hominem attacks

Remember: Your reputation is on the line. Conduct yourself as an officer of the Court.

If you act civilly, opposing counsel is more likely to reciprocate.

You may need a favor from opposing counsel.

Civility makes everything easier and reduces stress.

There's a reason why lawyers have higher rates of depression, substance abuse and suicide. An increase in civility could have a prophylactic effect

Lawyers and Judges should work to enhance the rule of law – not allow a return to the law of the jungle. We need a return to professionalism. Ethics is the floor and professionalism is everything above it. If you are complying with ethical requirements you are practicing at the minimum acceptable level to avoid disciplinary action. Professional conduct is action that exceeds ethical minimums and aims toward aspirational ideals. Professionalism leads to quicker, less expensive and more innovative outcomes for clients.

So, here are some tenets for your consideration in maintaining a civil and professional practice:

1. Maintain competence in your area of practice and share with younger lawyers
2. Maintain professional practices
3. Be willing to accept and act upon feedback; have self-awareness
4. If you don't know the answer, ask
5. Do the right thing for the right reasons. Take the high road
6. Become involved in the Bar, Inns of Court, Barristers and other professional bars, network, resources
7. Get a mentor
8. Write better and think better than your peers
9. Talk with your client about specific expectations

What can you do in the face of incivility of your opposing counsel:

1. Don't respond in kind – Don't take the bait. Take the advice of Professor Irving Younger, a frequent lecturer on trial advocacy, and try your case to the invisible adversary
2. Have colleagues join phone calls or attend meetings as a witness
3. When meet and confer becomes futile consider face-to-face meeting before filing motion to compel
4. If you expect opposing counsel to bully during depositions – videotape
5. Don't take on the persona of your client, keep your professional distance
6. As a last resort, Court intervention

Shakespeare wrote in *The Taming of the Shrew* "And do as adversaries do in law, strive mighty, but eat and drink as friends."

\*If you are reading this article you are probably already practicing what it preaches. The lawyers who most need to heed the call are the least likely to read it or attend MCLE seminars on civility.

*Judge Donna D Geck presides in Department 4 of the Anacapa Division, a civil department. She is South County Supervising Civil*

Judge, serves on the Appellate Panel, the Executive Committee, the Bench and Bar Committee and is a member of the American Board of Trial Advocates. She is a member of the County Bar, Santa Barbara Women Lawyers and volunteers as a judge for Teen Court.

Footnote 1. *Jacobellis v Ohio* 378 US 184 (1964)  
He, of course, was addressing obscenity.



White, continued from page 9

too big and that I was distracting the the jury, which was watching me draw, rather than listening to testimony.”

Ito told Werblun to change the size of his paper so they couldn’t see what he was doing. “I brought it down to 9 inches by 12 inches,” he says. “My work actually improved because it took on a finer look...like that of a watercolor. It also allowed me to be much more detailed.”

### Due Credit

Over the past several years, a number of books have been published featuring the works of prominent courtroom sketch artists, including Steve Werblun, while the Library of Congress in Washington, D.C. has accumulated more than 10,000 courtroom sketches—the most comprehensive collection of its kind in the country.

In 2017, the Library of Congress organized “Drawing Justice: The Art of Courtroom Illustration,” its first-ever exhibit of courtroom sketch art to show “how courtroom artists visualize the trial narratives for the public, and also process emotional moments and pivotal testimonies beyond simple documentation.”

According to Sara W. Duke, curator of applied and graphic art in the Library of Congress’ Prints and Photographs Division and the exhibition’s organizer, courtroom artists “are not cartoonists nor caricaturists, and their ability to work depends on capturing not only a portrait of those involved, but the gestures they made, their facial expressions, the way they interacted with those around them.”

Their work, she told the media, accomplishes a critical purpose “by offering the American people, through the television news, newspapers and now the internet, access to the proceedings.”

Whether it involves a once-beloved celebrity or a reviled terrorist, “Americans want access to the legal system.” ■

*Michael D. White is editor of Valley Lawyer magazine and Communications Manager at the San Fernando Valley Bar Association in Woodland Hills, CA. He is the author of four published books and has worked in business journalism for more than 40 years. Before joining the staff of the SFVBA, he worked as Web Content Editor for the Los Angeles County Metropolitan Transportation Authority. He can be reached at michael@sfvba.org.*

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# Loosening the Grip of Procrastination and Writer's Block

BY ROBIN OAKS

***This morning I took out a comma, and this afternoon I put it in again.*** - Oscar Wilde

I suspect that any legal professional reading this article, be they lawyer, judge, law student or paralegal, has at one time or another wanted to write something but felt blocked. As I submit this article for publication, I do not miss the irony that for the past several months when I thought about writing an article on procrastination, I found all sorts of excuses not to start. In this article, I will explore some of the underlying causes of writer's block, and outline six techniques<sup>1</sup> that may help. Factors contributing to procrastination vary. However, writer's block and procrastinating behaviors seldom have anything to do with laziness, time management, or writing abilities.

David Rasch, a local clinical psychologist (also an ombuds at UCSB) who coaches professionals experiencing writer's block, authored an essay with his daughter, Meehan Rasch, a lawyer, exploring procrastination – its causes and cures. In "Overcoming Writer's Block and Procrastination for Attorneys, Law Students and Law Professors"<sup>2</sup> he explains, "Writer's block is not a single identifiable syndrome." "Each person's writing process has its own context, history and specific pattern of behavior, thoughts and feelings." "The ability to write is intimately connected to your psychological state."

Procrastination involves the voluntary delay of an intended action that one wants to or needs to accomplish. At the same time, one knows the delay may derail achievement of the goal. It creates a conflict. The failure to act is often serving a secondary purpose or reward for the individual: avoiding feelings about an event in the future perceived to be unpleasant, unhappy, threatening or energy draining. At its heart procrastination is a stressful and emotional phenomenon.

Richard S. Lazarus,<sup>3</sup> a psychologist who studied the interconnection of emotions and stress, defined stress as "a relationship" between a person's "perception of demands and the power to deal with them." How we are interpreting

our relative position in the win-lose story we are telling ourselves informs our bodies. Stress spurs us to action, or can cause us to freeze or to flee – hallmarks of procrastination's hold.

Timothy Pynchyl, a psychology professor, a member of the Procrastination Research Group<sup>4</sup> and author of *Solving the Procrastination Puzzle: A Concise Guide to Strategies for Change*,

states, "Procrastination is an emotion regulation problem, not a time management problem...a maladaptive coping problem" that works to avoid a threatening feeling experienced in the present linked to a perception about an event in the future. One useful strategy suggested by Pynchyl is to re-direct focus away from an intended future writing goal and its completion and instead to think only about the next step needed to accomplish it. Ask yourself, "What specific step – framed as concretely as possible – do I need to do next?" Pynchyl explains, "When a task is conceptualized concretely and as a next small step, the threshold for engagement is low. It's easier to move forward. Of course, any movement forward on a goal through this action fuels well-being. Motivation follows."

Often our patterns of thinking solidify into limiting beliefs about who we are and how we cope with a challenge. Becoming aware of what we are thinking and feeling strengthens our ability to intentionally direct our attention. With awareness we have choice. Daniel Siegel, a noted neuropsychiatrist, explains the wonder of the brain's neuroplasticity with the phrase: "Where attention goes, neural firing flows, and neural connection grows."<sup>5</sup> The brain is in fact changing and re-wiring all the time depending on the sensory information and interpretations of reality we are experiencing. This is why becoming aware of what we are experiencing is so important.

Judgmental self-talk and habits of thinking, often unconscious, are created by prior experiences and environments. Limiting beliefs might sound like: "I'm afraid I won't be able to finish in time." "Everything is riding on what I write." "Failure is not an option." "I feel overwhelmed and never supported." "They'll find out I really am not a good writer." "I really don't want to and no one can make me do this." "No one can find out I'm



Robin Oaks

struggling because that means I'm weak." These limiting beliefs need to be made conscious and reframed<sup>6</sup> in a less absolute, more encouraging manner.

In coaching sessions, I have shared with others useful methods for shifting energy-depleting thoughts to more energy-renewing experiences. Byron Katie's "the Work" and other methods can be used to "end suffering by questioning the stressful thoughts you create." Exploring "what would you be without your story", letting go by reframing stressful thoughts and building capacity to release uncomfortable emotions creates freedom to take constructive action. Lawyers, skilled in analysis, can use their logical reasoning aptitudes to deeply question, with self-compassion and courage, how their stress-inducing thinking patterns and resulting feelings may be holding them captive in procrastination's grip.

Certain mindfulness techniques that hone awareness skills are also effective for calming sympathetic arousal and strengthening the ability to focus.<sup>8</sup> Sara Lazar,<sup>9</sup> a neuroscientist at Harvard Medical School, studies long-term meditators and the effects on the brain of other mindbody strategies. Her research confirms that changes in the brain occur with these practices that diminish mind-wandering and optimize executive functioning. At the end of this article I provide an example of an attention and mindfulness practice that may prove useful for hacking procrastinating behavior.

Focus always involves effort. According to research, fifty to eighty percent of the time our brain is set to its default mode, which is mind-wandering. Mindfulness and cognitive restructuring act to rebalance our brains from the effects of distracting behaviors (technology, busy schedules, etc.) that weaken our attention skills and create more mind-wandering. Evidence-based mindfulness techniques can, with practice, strengthen our focusing powers leading to more thoughtful decision-making and reasoned choices. Lazar explains, "So when your inner voice is like 'Oh, no, I've got a deadline!' you can say, 'Ok, quiet, I'm trying to concentrate' "

Mindset is a concept that comes from the work of Carol Dweck, a professor of psychology at Stanford University, who spent several decades researching achievement and success. Simply put, a mindset is a set of beliefs people have about themselves and their lives. "Fixed mindset" about who we are and our ability to meet a challenge can be changed to a "growth mindset," which lessens stress, increases energy to act, and enhances productivity.

People with a fixed mindset tend to believe that their abilities are set and nothing can change who they are, such as being smart, talented or strong. When faced with

setbacks that challenge their view of themselves, they often feel conflict and stress. It is an either-or thinking pattern that contributes to avoidance, blame, lying, anxiety, depression, and burnout. Dweck's research found that fixed mindset thinkers were reluctant to take on challenging projects again after initially having bad experiences. This sets the stage for procrastination. People with a growth mindset, on the other hand, understand that talents and abilities can be developed, and are a function of effort. Setbacks are seen as opportunities for growth. They have an inner sense of trust that they can rise to the challenge, and learn from their mistakes. They are motivated by intrinsic rewards, compared to fixed mindset people who look outward for validation. Growth mindset people are less vulnerable to enlisting maladaptive coping mechanisms such as procrastination.

It is hopeful to note that mindset can be changed and procrastination can be overcome. An effective approach for moving to a growth mindset perspective and diminishing writer's block is to 1) list your strengths or examples of how your writing has grown and improved, and 2) recall concrete incidents in the past when a challenging writing experience became an accomplishment. Placing in your work area specific symbols of successes can anchor you to certain truths and help you cross-examine negative self-talk. You can also express gratitude for the resources you do have to support you. This can build a sense of self-compassion and capacity to accept all of what you are experiencing. Martin Seligman, a psychologist who has pioneered the field of positive psychology, wrote in an essay entitled "Why Lawyers are Unhappy,"<sup>11</sup> "Much of the unhappiness of lawyers can be cured. It stems from three causes: (1) Lawyers are selected for their pessimism (or "prudence") and this generalizes to the rest of their lives; (2) Law jobs are characterized by high pressure and low decision latitude, exactly the conditions that promote poor health and poor morale; and (3) ...[L]aw is a zero-sum game," which fosters win or lose thinking and competition at all costs. In a profession with these conditions and that requires writing on demand, in isolation, and with high stakes consequences, it is predictable that writer's block can happen.

David Rasch provides in his book *The Blocked Writer's Book of the Dead* many useful techniques and assessment tools for overcoming writer's block. One point he emphasizes is the importance of an environment that optimizes the "Write Place, Write Time." How comfortable you are in your workspace may have a lot to do with whether you wander – not only in your head – but away from your work area.

For instance, one factor that kept me from writing this article was that for several months I had spent long hours

at my computer working on lengthy investigation reports. My work area, my attitude and my body needed serious adjusting. I replaced my old chair with one that optimized my alignment. I organized my desk, cleaned out several file cabinets, shredded a truckload of paper, and even color-coded the books in my bookcases. I obviously found time for these projects, but starting this article still eluded me. Through mindfulness practices and journaling, I became aware of the thoughts filling my mind with stressful propaganda about how I had to write a “perfect” article and “it would likely take too much time.”

Research<sup>12</sup> confirms that techniques emphasizing reward, motivation and autonomy can build attention skills and create positive feelings that encourage productivity. One of the techniques that ultimately helped kickstart me into action involved my listing all the reasons WHY writing this article had meaning for me. Anchoring my attention on my purpose for writing this article, which is to explore all forms of well-being practices and share them with others, helped me realize I had a choice. I could direct attention to my negative thinking about the “I-don’t-have-enough-time-and-it-must-be-perfect” future, OR focus on what I identified as a heartfelt purpose right now. Aligning with what was rewarding to me created the impetus to take a first step and start writing what you are now reading.

Daniel Bowling, a professor at Duke University School of Law, concludes in an essay entitled *Lawyers and Their Elusive Pursuit of Happiness – Does it Matter?*: “If more lawyers re-discover why they became lawyers in the first place and rededicate themselves to those intrinsic goals we will have a happier, healthier and more ethical profession.”

In closing, I offer the following attention and presence practice the next time you find yourself wanting to write, but too overwhelmed or distracted to start.

First, state out loud what your writing goal is and why it is meaningful to you in simple, specific, and realistic terms.

Second, identify the next step that you need to take. Focus on a concrete, easy-to-accomplish first-step you can take right now. Don’t resist any thoughts about the finished result but gently let them float away like clouds passing.

Third, bring your attention to those parts of your body where you are holding tension. Imagine your breath coming in and out of these areas. With each breath soften and release.

Fourth, look around at your surroundings and notice – one by one – three objects that you see. Do this with an attitude of curiosity as if you are observing these objects for the first time.

Fifth, close your eyes and notice three sounds that you hear. Fully attend to each sound as you feel yourself breathe.

Sixth, notice your breathing specifically. What is moving as you breathe? Feel how being aware of your breathing calms you. Just rest your attention on your breathing for a few moments.

Seventh, open your eyes and take that first step. *Carpe diem!*

Remember this: If you are in the grip of procrastination, there are practices and techniques that can help. Know that writer’s block is not uncommon and not a malady. Even Dorothy Parker, a famous writer, once said, “I hate writing. I love having written.” And if you would like to hear a funny procrastination joke I just read... I’ll tell you later. ■

### ENDNOTES

- 1 Techniques to try: 1) Take a Specific Small Next Step 2) List Your Strengths and Past Successes, 3) Recognize and Reframe Your Thoughts, 4) Optimize Your Work Environment, 5) Align with the Why, 6) Practice Attention and Presence.
- 2 *Overcoming Writers’ Block and Procrastination for Attorneys, Law Students and Law Professors*, New Mexico Law Review, 43 N.M. L. Rev 193, (Spring 2013), David Rasch, Ph.D., Meehan Rasch, J.D. Contact info for David Rasch is davidarnotrasch@gmail.com.
- 3 [https://en.wikipedia.org/wiki/Richard\\_Lazarus](https://en.wikipedia.org/wiki/Richard_Lazarus)
- 4 Dr. Timothy Pychyl’s research at [Procrastination.ca](http://Procrastination.ca)
- 5 *Mind: A Journey to the Heart of Being Human* by Daniel J. Siegel, © 2017. Of note: Dr. Siegel is speaking locally in Santa Barbara on December 13, 2019 at the Consciousness Network regarding his new book: *Aware: The Science and Practice of Presence*; <https://consciousnessnetwork.org>
- 6 [https://en.m.wikipedia.org/wiki/Cognitive\\_reframing\\_and\\_restructuring](https://en.m.wikipedia.org/wiki/Cognitive_reframing_and_restructuring).
- 7 *The “Work”* by Byron Katie; <https://thework.com/>; *Who Would you Be Without Your Story?* by Byron Katie, © 2008; *Question Your Thinking, Change the World* by Byron Katie, © 2007;
- 8 Psychological mechanisms driving stress resilience in mindfulness training: A randomized controlled trial, *Health Psychology*; (2019 Aug.); Chin B, Lindsay EK, Greco CM, Brown KW, Smyth JM, Wright AGC, Creswell JD <https://www.ncbi.nlm.nih.gov/pubmed/31120272>
- 9 Dr. Sara Lazar’s research at [https://scholar.harvard.edu/sara\\_lazar/publications](https://scholar.harvard.edu/sara_lazar/publications).
- 10 Dr. Carol Dweck’s research at [https://www.researchgate.net/scientific-contributions/14808970\\_Carol\\_S\\_Dweck](https://www.researchgate.net/scientific-contributions/14808970_Carol_S_Dweck).
- 11 *Why Lawyers are Unhappy*, Martin Seligman, Paul Verkuil, Terry Kang (April 2005) <http://www5.austlii.edu.au/au/journals/DeakinLawRw/2005/4.html>
- 12 Esterman, M., Reagan, A., Liu, G., Turner, C., & DeGutis, J. (2014). Reward reveals dissociable aspects of sustained attention, *Journal of Experimental Psychology*, 143(6), 2287-2295.

# Motions

## JAMIE FORREST RANEY 1952-2019

It is with the heaviest of hearts that we announce the untimely passing of our partner and friend, Jamie Forrest Raney, the morning of Tuesday, November 12, 2019 after a very brief stay at Serenity House in Santa Barbara. Jamie had been in practice with us since 1980, right after graduating from law school at UCLA. She



was a Past-President of the Santa Barbara County Bar Association and a Founding Director of Santa Barbara Women Lawyers.

Jamie was a truly special person. Her loss is tragic and, we know, already felt deeply in our community. We appreciate the outpouring of support we have already received. We ask that you hold Jamie's family in your hearts at this very difficult time. They will always remain our family, too.

Jamie was very clear in her wishes, and she did not want a funeral, so there will not be a funeral service for her. However, there will be a gathering to celebrate her life that is being planned. We will announce that information when it is known. We will also share more information about her life and legacy at a later date.

Jamie was a champion of Legal Aid. In lieu of flowers, we ask that donations be made to Legal Aid in her name.

We will share more about Jamie's life and legacy in a future issue of the *Santa Barbara Lawyer* magazine.

With great sadness,

*The attorneys and staff of Fell, Marking, Abkin, Montgomery, Granet & Raney, LLP*

## Buynak, Fauver, Archbald & Spray, LLP (BFAS) welcomes Dallas Verhagen to the firm.

As a corporate business attorney, Mr. Verhagen provides legal insight and services through a broad spectrum of business related matters and is working closely with the firm's corporate partners.

Mr. Verhagen has experience representing clients in a wide range of business law matters, working with entrepreneurs, start-ups, and established businesses and advising on all aspects of business formation, operations, venture capital financing, and employment matters. He is also knowledgeable about the ever-changing regulations surrounding the cannabis industry.

He earned his J.D. from Pepperdine University School and his B.A. from University of Hawaii at Manoa.



\*\*\*

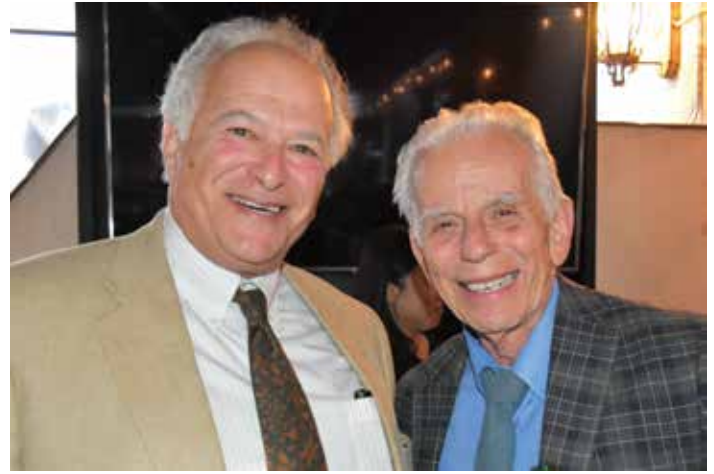
The law firm of **Ghitterman, Ghitterman & Feld** is pleased to announce that **Megan Compton Meyer, Esq.**, has been recognized as an award winner in this year's Pacific Coast Business Times 40 Under 40.

Megan has held an inspiring career path with Ghitterman, Ghitterman & Feld over the last 13 years. Starting out as a Receptionist for the firm in 2006, she attended Santa Barbara College of Law, advanced to the position of Hearing Representative, then Attorney, then just last year earned the highest credential in her field: becoming a Certified Specialist in workers' compensation law, which less than five percent of workers' compensation attorneys attain. While Megan is expecting her first child and moving on to new adventures, the firm congratulates her on this well-deserved accomplishment and wishes her continued success in the future.





*Katy Graham, Judge Tom Anderle*



*Allan Morton, Justice Arthur Gilbert*

## SBCBA Justices' Reception

A Reception with the Appellate Justices of Division Six



*Commissioner Stephen  
Foley, Robert Patterson,  
Justice Martin Tangeman*



*Robert Sanger, Justice  
Steven Perren, Miguel  
Avila, Sarah Sanger*





*Justice Martin Tangeman, Judge Tom Anderle*



*Tim Metzinger, Herb Fox*



*Michael Lyons, Lida Sideris*



*Judge Donna Geck, Justice Arthur Gilbert, Judge Pauline Maxwell*



*Betty Jeppesen, Judge Jean Dandona, James Ballentine, Lucila Ritterstein, John Derrick*



*Barbara Carroll, Marisol Alarcon, Monique Fierro, President Ben Feld, Guneet Kaur, Ron Perry, Maureen Clark.*

## Santa Barbara County Bar Foundation Award Dinner



*Judge George Eskin (ret.)*



*Award recipient Ron Perry*



*Guneet Kaur and Ron Perry*



*Betty Jeppesen*



**MCLE: 1 Hour Elimination of Bias**

The SBCBA Alternative Dispute Resolution Section Presents:

**BIAS IN MEDIATION: A ROUNDTABLE DISCUSSION**

facilitated by

**Penny Clemmons, Ph.D.**

- *The Curse of Knowledge and Hindsight Bias*
- *Confirmation Bias*
- *Self-Serving Bias*
- *The Sunk Cost Fallacy*
- *The Backfire Effect*
- *The Fundamental Attribution Error*
- *The Forer Effect (a.k.a. The Barnum Effect)*

***Reading materials will be provided to paid registrants prior to the course..***

**Date:** Wednesday, January 15, 2020

**Time:** 12:15 pm – 1:15 pm

**Where:** Santa Barbara College of Law  
20 E. Victoria Street

**Cost:** \$35 Lunch Included

**R.S.V.P.:** Penny Clemmons, [clemmonsjd@cs.com](mailto:clemmonsjd@cs.com) or Lida Sideris, [sblawdirector@gmail.com](mailto:sblawdirector@gmail.com)

**Please make checks payable to the Santa Barbara County Bar Association and mail to: SBCPA  
15 W Carrillo St. Santa Barbara, Ca. 93101**



**2020 Bench and Bar Conference**  
**January 25, 2020 at the Santa Barbara Club**  
**Schedule**

8:15 AM – 9:00 AM	Registration and Breakfast. Location: <b>Santa Barbara Club</b> <b>1105 Chapala Street, Santa Barbara, CA 93101</b>
Joint Session 9:00 AM to 10:05 AM 1 hour MCLE Competence Issues	<b>Substance Abuse Credit</b> Doug Ridley, Esq. Ridley Defense
Breakout Session 1 10:10 AM to 11:15 AM 1 hour MCLE	<b>Community Enhancement Through the Eyes of the City Attorney's Office</b> Daniel Hentschke, Esq., Santa Barbara City Attorney
8:15 AM to 2:00 PM	<b>Legal Services &amp; Technology Exhibits</b>
Breakout Session 2 11:20 AM to 12:25 PM 1 hour MCLE	<b>Estate Litigation</b> Cristi Michelon Vasquez, Esq.
12:25 PM to 1:00 PM	<b>Luncheon Buffet</b>
Joint Session 1:00 PM to 2:05 PM 1 hour MCLE	<b>Keynote Presentation</b>
Breakout Session 3 2:10 PM to 3:15 PM 1 hour MCLE	<b>Employment Law- Specialty Credit Elimination of Bias</b> Jennifer Gillon Duffy, Esq. - Fell, Marking, Abkin, Montgomery, Granet & Raney LLP David Secret, Esq. – Law Offices of David S. Secret
Joint Session 3:20 PM to 4:25 PM 1 hour MCLE Ethics	<b>Mediation Perspectives</b> Victoria Lindenauer, Esq. and Mediator  <b>Tips for Effective Civil and Criminal Litigations: From the Judge's Perspective</b> Judges' Panel



## 2020 Bench and Bar Conference

**Saturday  
January 25, 2020  
Santa Barbara Club**

- Keynote Presentation
- Judges' Panel - Tips for Effective Civil and Criminal Litigation
- Interactive courses include a presentation from the City Attorney, experts in the fields of immigration, trust and estate litigation, criminal law, mediation, employment law, and a mock jury trial.

### 6 Hours of MCLE Credit, including Competence and Elimination of Bias

	Registration	Payments received →	On or before 12-20-2019	After 12-20-2019
<b>Registration Form</b>	SBCBA Members		\$110.00	\$130.00
	Non-SBCBA Members		\$130.00	\$150.00
	New Admittee/Public Interest Attorneys		\$90.00	\$90.00
	Three or More Attendees from Same Firm or Organization		\$90.00	\$90.00

Name	Email	Firm	Membership status
			<input type="checkbox"/> Mbr <input type="checkbox"/> Non-mbr
			<input type="checkbox"/> Mbr <input type="checkbox"/> Non-mbr

Payment: \_\_\_ SBCBA members  \$110  \$130  
 \_\_\_ Non-SBCBA members  \$130  \$150  
 \_\_\_ New admittee/public interest  \$90  
 \_\_\_ 3+ from same firm/org.  \$90

→ **Total: \$** \_\_\_\_\_

To register and pay by credit card, call SBCBA at 805-569-5511.  
 Otherwise, mail completed registration form with payment to:  
 SBCBA, 15 West Carrillo, Ste. 106, Santa Barbara, CA 93101.  
 Attach additional sheets for additional registrants.

**TWO OFFICES FOR RENT**

For rent (available November 1) two professional furnished offices (11'8" x 8'8" for \$1,200.00 and 11'8" x 10'9" for \$1,350.00). Includes a shared reception, two conference rooms, kitchen and workroom with copier. Located in a great Santa Barbara downtown location across from the Courthouse and above Cafe Ana. Please contact Howard Simon @[hsimon@jhslawsb.com](mailto:hsimon@jhslawsb.com) for further information.

\* \* \*

**DOWNTOWN OFFICE SPACE AVAILABLE**

Private downtown office for rent, large windows, in shared suite. Rare opportunity for a single office with a shared reception area. Available immediately—furnished or unfurnished—\$1,250. 2 blocks from the courthouse, parking, elevator, AC and utilities included. If interested, please email [downtownofficespaceforrent@gmail.com](mailto:downtownofficespaceforrent@gmail.com).

**BUSINESS/TRANSACTIONAL ASSOCIATE SOUGHT**

**Price, Postel & Parma**, a long-standing law firm in Santa Barbara, is seeking a transactional associate with superior credentials, 3-5 years of significant experience and a current license to practice in the State of California. Compensation is commensurate with skills, education and experience. Please submit a cover letter and resume via email to Ian Fisher at [ifisher@ppplaw.com](mailto:ifisher@ppplaw.com).

\* \* \*

**HEARING OFFICERS SOUGHT**

The City of Goleta is seeking to compile a list of licensed attorneys willing to serve as Hearing Officers for Administrative Hearings on appeals of administrative citations of the Goleta Municipal Code. Attorneys will be called upon on an as-needed basis. Compensation is \$175 per hour. If you are interested, please submit your resumé to Sandra Rodriguez, Management Assistant to the City Attorney's Office, at [srodriguez@cityofgoleta.org](mailto:srodriguez@cityofgoleta.org).

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[John.nordstrand747@gmail.com](mailto:John.nordstrand747@gmail.com)

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## 2019 SBCBA SECTION HEADS

### Alternative Dispute Resolution

Dr. Penny Clemmons 687-9901  
clemmonsjd@cs.com

### Bench & Bar Relations:

Jeff Soderborg 687-6660  
jsoderborg@barneslawsb.com

### Civil Litigation

Mark Coffin 248-7118  
mtc@markcoffinlaw.com

### Criminal

Jeff Chambliss 895-6782  
Jeff@Chamblisslegal.com

### Debtor/Creditor

Carissa Horowitz 708-6653  
cnhorowitz@yahoo.com

### Employment Law

Alex Craigie 845-1752  
alex@craigielawfirm.com

### Estate Planning/Probate

Connor Cote 966-1204  
connor@jfcotelaw.com

### Family Law

Renee Fairbanks 845-1604  
renee@reneemfairbanks.com  
Marisa Beuoy 965-5131  
beuoy@g-tlaw.com

### In House Counsel/Corporate Law

Betty L. Jeppesen 450-1789  
jeppesenlaw@gmail.com

### Intellectual Property

Christine Kopitzke 845-3434  
ckopitzke@socalip.com

### Mandatory Fee Arbitration

Eric Berg 708-0748  
eric@berglawgroup.com  
Naomi Dewey 979-5160  
naomi@trusted.legal  
Vanessa Kirker Wright 964-5105  
vkw@kirkerwright.com

### Real Property/Land Use

Joe Billings 963-8611  
jbillings@aklaw.net

### Taxation

Peter Muzinich 966-2440  
pmuzinich@gmail.com  
Cindy Brittain 695-7315  
cindy.brittain@kattenlaw.com

For information on upcoming MCLE events, visit SBCBA at <http://www.sblaw.org/>

## Lawyer Referral Service 805.569.9400

Santa Barbara County's ONLY State Bar Certified Lawyer Referral Service ,

A Public Service of the Santa Barbara County Bar Association

## THE OTHER BAR NOTICE

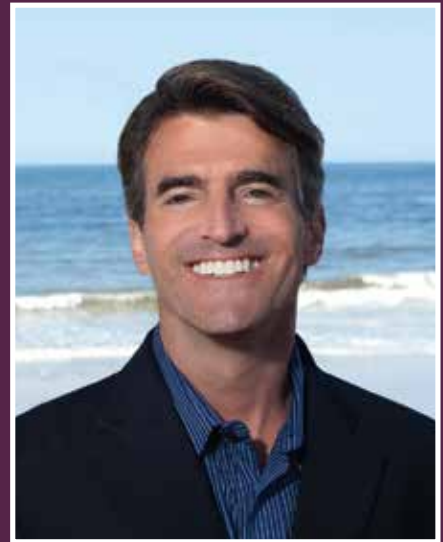
Meets at noon on the first and third Tuesdays of the month at 330 E. Carrillo St. We are a state-wide network of recovering lawyers and judges dedicated to assisting others within the profession who have problems with alcohol or substance abuse. We protect anonymity. To contact a local member go to <http://www.otherbar.org> and choose Santa Barbara in "Meetings" menu.

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