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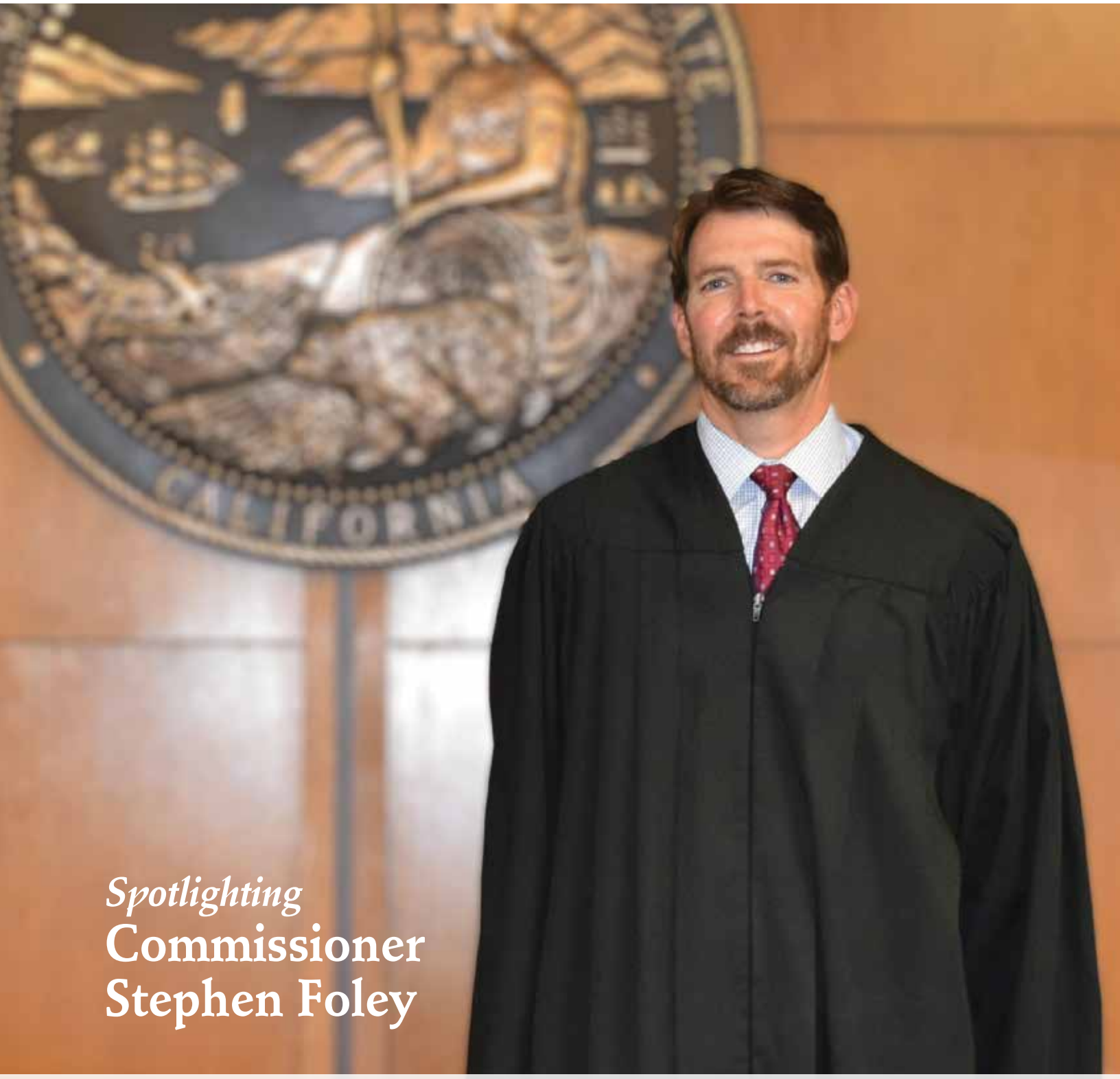

Spotlighting
Commissioner Stephen Foley

Asian-Pacific American Heritage Month / Climate Change Impacts Human Trafficking
Rapid DNA Testing / SB 654 & Family Law / Trademark Use & Loss

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Articles

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On the Cover

Commissioner Stephen Foley
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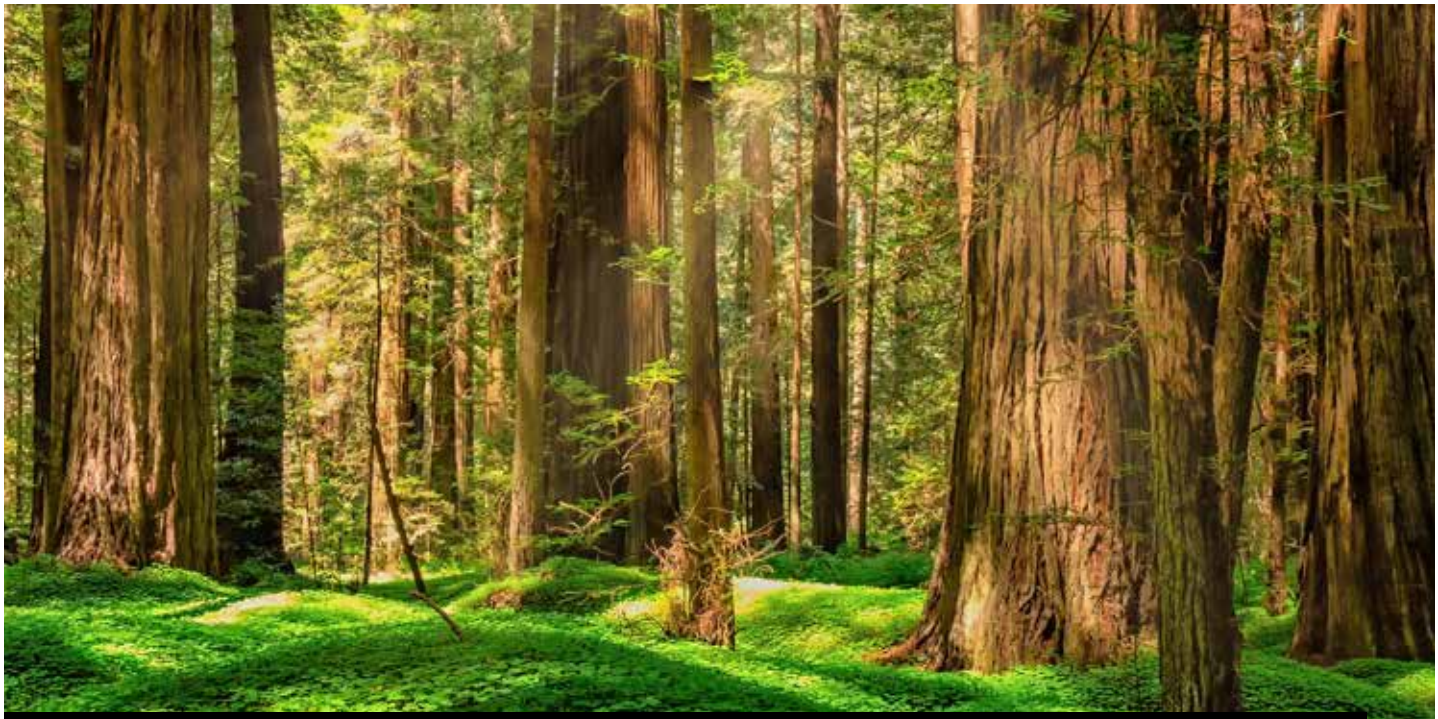

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May 2021 – Celebrate Asian-Pacific American Heritage Month

By Erin Parks

Erin Parks

It never ceases to amaze me when a new trust client walks into my office and we discover that their Santa Barbara home has never been transferred into their revocable living trust. For all non-trust and estates lawyers, the downside of not funding a revocable living trust with what is often the most valuable asset owned by Santa Barbarians is that the asset may have to be probated resulting in long delays, costs, and fees. No Bueno!

This happened to me a few years ago when a 90ish woman walked into my office with her estate planning file because she wanted to amend her trust. Her original attorney had retired and someone else from the firm had filled in, but neither ensured that the family trust had been funded with my client's home. We took care of that problem straight away. Thank goodness because when my client passed away late last year her modest Mesa home sold for $4 Million Dollars! Her nephew, one of two beneficiaries, and successor trustee, was not shy about repeatedly thanking me for making sure the house was in the trust and probate was avoided.

When the nephew packed up my client's Mesa home, he invited me over to see the extraordinary unobstructed 180-degree views. While there, he offered me some unique collectibles that his Aunt had acquired when she and her husband, "The Colonel", were stationed in Asia. It seems the family from rural Washington was boy-heavy and uninterested in fine china.

I came home with twelve place settings, plus some, of beautiful china "made in occupied Japan". True confession—I was not a history buff in school and I had no idea that following the end of World War II (WWII) all items imported from Japan to the US had to be marked in a fashion to reflect that they were made in "occupied Japan". Or that, from 1945 to 1952, U.S. occupying forces, led by General Douglas A. MacArthur, enacted widespread military, political, economic, and social reforms in Japan. So history goes....

I hardly needed more fine china in my cabinets having inherited treasures from my own family but accepted the gift with a huge smile derived from my childhood enchantment with all things Asian. You see, when WWII broke out, my grandfather served his country piloting Merchant Marine vessels instead of attending the University of San Francisco on a basketball scholarship. I grew up surrounded by the exotic items my grandfather toted back from his tours of duty and being regaled with stories (watered down for young ears) of the beauty of the South Pacific (more likely the beauties), and Merchant Marines' hijinks upon crossing the International Date Line. Naturally, I grew up dreaming of traveling far and away, and have ventured to the South Pacific, South East Asia, and a bit of China. Japan is still on my bucket list.

All this goes to say that it is my honor, particularly in the wake of swelling anti-Asian violence and harassment, to recognize the contributions and influence of Asian Americans and Pacific Islander Americans to the history, culture, and achievements of the United States this month.

Like most commemorative months, Asian-Pacific American Heritage Month originated with Congress. In June 1977, Representatives Frank Horton (New York) and Norman Y. Mineta (California) introduced a House resolution to proclaim the first ten days of May as Asian-Pacific American Heritage week. Hawaiian Senators Daniel K. Inouye, and Spark Matsunaga, introduced a similar bill in the Senate.

On March 28, 1979, President Jimmy Carter signed the following Proclamation:

> America's greatness - its ideals, its system of government, its economy, its people - derives from the contribution of peoples of many origins who come to our land seeking human liberties or economic opportunity. Asian-Americans have played a significant role in the creation of a dynamic and pluralistic America, with their enormous contributions to our science, arts, industry, government and commerce.
>
> Unfortunately, we have not always fully appreciated the talents and the contributions which Asian-Americans have brought to the United States.

Until recently, our immigration and naturalization laws discriminated against them. They were also subjected to discrimination in education, housing, and employment. And during World War II our Japanese-American citizens were treated with suspicion and fear.

Yet, Asians of diverse origins - from China, Japan, Korea, the Philippines, and Southeast Asia - continued to look to America as a land of hope, opportunity, and freedom.

At last their confidence in the United States has been justified. We have succeeded in removing the barriers to full participation in American life, and we welcome the newest Asian immigrants to our shores—refugees from Indochina displaced by political, and social upheavals. Their successful integration into American society and their positive and active participation in our national life demonstrates the soundness of America's policy of continued openness to peoples from Asia and the Pacific.

The Ninety-fifth Congress has requested the President by House Joint Resolution 1007, approved October 5, 1978, to designate the seven-day period beginning on May 4, 1979, as "Asian/Pacific American Heritage Week."

Now, Therefore, I, Jimmy Carter, President of the United States of America, declare the week beginning on May 4, 1979, as Asian/Pacific American Heritage Week. I call upon the people of the United States, especially the educational community, to observe this week with appropriate ceremonies and activities.

In Witness Whereof, I have hereunto set my hand this twenty-eighth day of March, in the year of our Lord nineteen hundred seventy-nine, and of the Independence of the United States of America the two hundred and third. (Jimmy Carter, Proclamation 4650—Asian/Pacific American Heritage Week, 1979 Online by Gerhard Peters and John T. Woolley, The American Presidency Project, https://www.presidency.ucsb.edu/node/249398; https://www.presidency.ucsb.edu/documents/proclamation-4650-asianpacific-american-heritage-week-1979; https://apaics.org/events/asian-pacific-american-heritage-month/.)

In 1990, the weeklong celebration was extended to a month-long celebration when President George H. W. Bush signed a bill passed by Congress. In 1992, the month of May was officially designated as Asian-Pacific American Heritage Month. (https://apaics.org/events/asian-pacific-american-heritage-month/.) ■

Erin Parks is the Editor of the Santa Barbara Lawyer. For almost 30 years, she has had a solo practice emphasizing Trust and Estates, Employment, and Immigration Law. While getting her Juris Doctor at Santa Clara University School of Law, she spent a summer abroad in Singapore studying International Dispute Resolution and Comparative Law. Erin continues to dream of travels in Asia and the South Pacific. Ms. Parks can be seen at www.erinparks.com and contacted at law@erinparks.com.

THE OTHER BAR NOTICE

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Spotlight on Santa Barbara Superior Court Commissioner Stephen Foley

By Stephen Foley

IT Team members Kevin Trigueros, left, and Elliot Steadman, right. Commissioner Foley, center.

I was appointed as Commissioner of the Santa Barbara Superior Court in August of 2018. Serving for the judiciary has been a great honor and I strive to be extremely prepared and patient every day. As Commissioner, I hear child support, custody and visitation, restraining order, and unlawful detainer cases. With a background in criminal litigation, my transition to bench officer involved a tremendous amount of hard work. I spent long hours learning new areas of law, civil procedure, and calendar management.

I sit in Santa Barbara's Department 9 on Mondays and Tuesdays, Santa Maria's Department 1 on Wednesdays and Thursdays, and Lompoc's Department 2 on Fridays. Since the Covid-19 pandemic, I have been covering the Lompoc calendar from Santa Maria via Zoom.

After the Court closure due to the pandemic, we started back up the Tuesday after Memorial Day, May 26, 2020. Since then, we have been operating almost exclusively by Zoom. The Court's IT department successfully transformed our Court system into an effective virtual platform. In both scope and speed, it was an amazing accomplishment.

Many litigants that appear on my calendar are self-represented, and I am extremely impressed with how most of them have figured out the Zoom technology. Even those without computer or smart phone access may call in on any phone. Litigants and witnesses can appear from home without needing to obtain childcare or from work without taking the whole day off. For the most part, people take Zoom court appearances very seriously, but there have been a few lighter moments when litigants appeared wearing pajamas in bed, drinking alcohol, or driving a car. I do not recommend these types of behavior. I hope Zoom appearances will remain an option going forward once the pandemic recedes.

As for advice for new attorneys, I recommend focusing on thorough preparation and professionalism. New attorneys succeed when they build their reputation from these basics. As they progress in their careers, the most successful attorneys develop these additional traits: (1) being concise (always remember that less is more); and (2) demonstrating sincerity (better to acknowledge weaknesses than feign perfection.)

I grew up in Goleta Valley attending Vieja Valley Elementary School, La Colina Junior High, and San Marcos High School. I started working at age eleven delivering the Santa Barbara News-Press, which was an evening paper at that time except for Sundays. I also spent my youth working at places that may be familiar to long-time local attorneys (but which no longer exist): Alpha Beta grocery store, The Bakery restaurant, and the Chart House restaurant.

I attended college at the University of Notre Dame (1993) majoring in political science and earned my law degree at UCLA (1996). I spent 22 years in litigation, first with the

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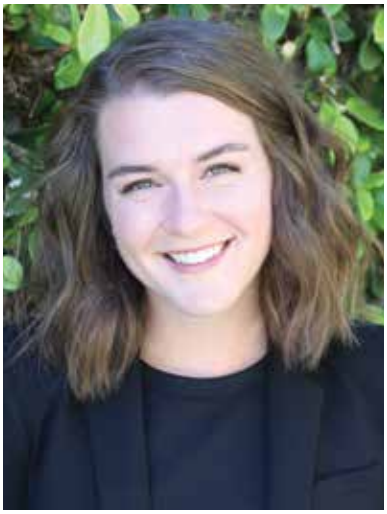
SB9 Court Team: Joe Garnica, Deputy Tony Diaz, Commissioner Foley, and Elizabeth Mooy.

Human Trafficking's Greatest Ally? Climate Change

By Brynn Barton



Brynn Barton

Unless governments and corporations around the world take serious measures to reduce the effects of climate change, the world may soon face not only serious ecological consequences but also the worst human trafficking crisis in history.[1] Human trafficking, a crime involving the labor and sexual exploitation of others, "tends to increase after natural disasters or conflicts where large numbers of people are displaced from their homes and become highly vulnerable."[2] By 2050, it is estimated that climate change-related events will displace one in every 45 people around the globe.[3] These 200 million climate refugees will be highly vulnerable and desperate for employment, greatly increasing their risk of being trafficked by those looking to exploit them.[4] Given that reality, any strategy to end human trafficking must also encompass ways to address the climate crisis.

> "...any strategy to end human trafficking must also encompass ways to address the climate crisis."

Human trafficking is often a symptom of poverty: traffickers target people living in poverty—people who have limited opportunities for employment or education.[5] Such vulnerable people often become trapped in these impoverished circumstances, compounding their desperation to search for a better life and meet their basic needs. Traffickers often exploit this desperation by promising employment, wealth, and education, using the victim's hope for a better life as a lure for human trafficking.[6]

Although the poverty rate in the developing world has fallen in recent decades—an encouraging sign in the fight to end human trafficking—climate change is predicted to increase poverty levels around the world by "amplify[ing] the already existing divide between those who have resources and those who do not."[7] This is because climate change poses the greatest risk to vulnerable populations, which are politically, socially, and economically marginalized and already "live on the most fragile land."[8] Barring a massive effort to mitigate the effects of climate change, the projected forced migration crises caused by rising sea levels, food shortages, and natural disasters will negate many of the gains in the fight against global poverty.[9]

Despite this reality, strategies to fight trafficking have not yet taken climate change into consideration in a holistic way. This is especially problematic when considering that many anti-human trafficking strategies are most effective when government and political bodies are constant and stable and able to continue on set trajectories. For example, one theory of addressing human trafficking is to address and diminish demand.[10] Even though penalizing and disincentivizing sex buyers is a part of the solution, societal norms change slowly, and it would likely take generations for social norms and national laws regarding sex and labor to change.[11] Such a culture shift is not impossible, but its cultivation is less likely if the world is in a state of emergency, literally working to stay afloat. Similarly, advocates focus on other strategies such as tightening border security, prosecuting traffickers and Johns, and holding corporations accountable for supply chains.[12] But each of these solutions are only pieces of the puzzle and, more importantly, pieces that require relative governmental peace and stability to succeed.[13] When a nation finds itself in a state of emergency, its political, social, and economic systems are often thrown into disarray, and life becomes more about surviving than thriving.[14] A nation facing a complete loss of territory to a rising sea-level is unlikely to have the resources to hold supply chains accountable; likewise, a government attempting to accommodate a surge of migrants is unlikely to put prosecution of sex buyers at the forefront of its to-do list.

These realities are especially true in a globalized world, where issues such as human trafficking are not specific to a single area but instead are part of a global market and culture.[15] Prosecute Johns in the United States, and Americans will still engage in commercial sexual exploitation of children in Thailand.[16] Hold Backpage.com accountable for online sexual misconduct, and major chocolate companies

will continue profiting off of child labor in Cote D'Ivoire.[17] Eliminate the demand for commercial sex in Europe, and people will still be forced to labor on fishing boats in Ghana. Addressing demand, national policies, and prosecution of traffickers may further the fight against human trafficking, but the permanent success of such solutions is dependent on the long-term functionality of political, social, and economic systems—something that may not continue to exist in a world characterized by constant natural disaster.[18]

At the White House Summit on Human Trafficking in 2020, President Trump stated that to combat human trafficking, "we'll do what's necessary. We will do exactly what's necessary. There's nothing more horrible than [human trafficking]."[19] "What's necessary" is a holistic approach that includes serious and strategic environmental reform. This can be manifested in a variety of ways but requires a general recognition that climate change and human trafficking are inherently linked—an idea that faces serious pushback within the U.S. political culture.

For example, there is generally bipartisan support in Congress for efforts against human trafficking, and indeed, it is encouraging to see such a wide cross-section of the U.S. population so adamantly opposed to the human trafficking epidemic.[20] However, action to combat climate change does not enjoy the same broad support—only 13 percent of Republicans and 62 percent of Democrats say climate change is a major problem.[21] Similarly, in 2018, President Trump signed the Stop Enabling Sex Traffickers Act into law, aimed at making it more difficult to traffic people online.[22] This is an admirable goal; however, there were simultaneous steps to reduce efforts to combat climate change.[23] The problem, therefore, is not a lack of concern regarding human trafficking but rather a lack of holistic action.

Human trafficking is a deeply complex issue that needs to be attacked from multiple angles. However, without addressing climate change, all other efforts will be insufficient. Without urgent measures to mitigate and adapt to climate change, by 2050, the world could be overwhelmed by environmental refugees desperately looking for employment and a way out of poverty—vulnerable to traffickers looking to exploit people for cheap labor and commercial sex. ■

Brynn Barton is a third-year law student at Pepperdine Caruso School of Law where she serves as a Literary Citation Editor for Pepperdine Law Review and Vice President of the Interfaith Student Council. She grew up in Uganda and Michigan before attending Abilene Christian University in Texas, where she got a degree in Global Studies with minors in Spanish and Bible. She hopes to use her interests in climate justice and international law to address global issues of human trafficking. When she is not attending Zoom School of Law, she can be found trail running, rock climbing, or playing soccer.

Endnotes

1 Joe McCarthy, *Why Climate Change and Poverty are Inherently Linked*, Glob. Citizen (Feb. 19, 2020), https://www.globalcitizen.org/en/content/climate-change-is-connected-to-poverty/.

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7 McCarthy, *supra* note 1 ("An estimated 100 million people living in developing countries could be pushed into poverty by climate change by 2030.").

8 McCarthy, *supra* note 1.

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11 *See generally* Inter-Agency Coordination Grp. Against Trafficking in Persons, Preventing Trafficking in Persons by Addressing Demand (Sept. 2014), https://www.unodc.org/documents/human-trafficking/2014/ICAT_Demand_paper_FINAL.pdf (providing an in-depth analysis of demand that contributes to human trafficking, specifically for labor exploitation for goods and services).

12 *See* Rebecca Miller & Sebastian Baumeister, *Managing Migration: Is Border Control Fundamental to Anti-Trafficking and Anti-Smuggling Interventions?*, Anti-Trafficking Review (last visited Mar. 9, 2021), https://www.antitraffickingreview.org/index.php/atrjournal/article/view/29/49 (discussing border control's connection to human trafficking); Off. To Monitor and Combat Trafficking in Persons, 2020 Report on U.S. Government Efforts to Combat Trafficking in Persons 11 (Oct. 2020), https://www.state.gov/wp-content/uploads/2020/10/2020-PITF-Report.pdf (outlining a goal to "[i]nvestigate and prosecute traffickers and dismantle the criminal networks that perpetrate trafficking in persons); *id.* at 9 (stating that the U.S. government is working to hold global supply chains more accountable).

13 *See* Ben Ehrenreich, *How Do You Know When Society Is About to Fall Apart?*, N.Y. Times (Nov. 4, 2020), https://www.nytimes.com/2020/11/04/magazine/societal-collapse.html ("[S]ocieties 'become vulnerable to collapse.' Stresses that otherwise would be manageable — natural disasters, popular uprisings, epidemics—become insuperable.").

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15 *See* Inter-Agency Coordination Grp. Against Trafficking in Persons, *supra* note 11.

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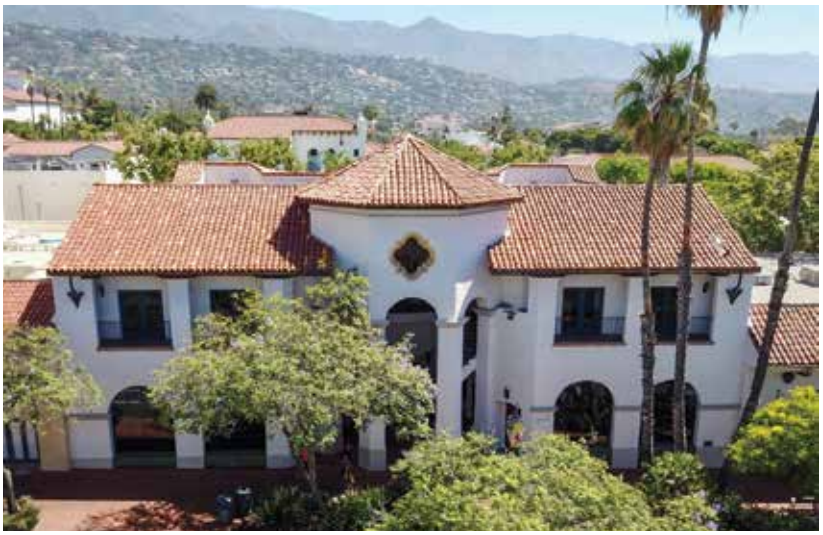




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Trademarks: Use 'em (Correctly!) or Lose 'em

By Christine L. Kopitzke

A bedrock rule of trademark law is that a mark must be used in commerce to establish rights and continue to be used to maintain rights. This is true whether a mark is registered with the U.S. Patent and Trademark Office (USPTO) or whether it is a "common law" mark used without registration. But what constitutes the sort of "use" that qualifies to establish, register, and maintain rights in a trademark or service mark?

Under U.S. law, "use" and "commerce" are both terms of art with specific meanings. The federal trademark statute defines use of a mark for goods and for services as follows:

> The term "use in commerce" means the bona fide use of a mark in the ordinary course of trade, and not made merely to reserve a right in a mark. For purposes of this chapter, a mark shall be deemed to be in use in commerce—
>
> (1) on goods when—
>
> (A) it is placed in any manner on the goods or their containers or the displays associated therewith or on the tags or labels affixed thereto, or if the nature of the goods makes such placement impracticable, then on documents associated with the goods or their sale, and
>
> (B) the goods are sold or transported in commerce, and
>
> (2) on services when it is used or displayed in the sale or advertising of services and the services are rendered in commerce, or the services are rendered in more than one State or in the United States and a foreign country and the person rendering the services is engaged in commerce in connection with the services. (15 U.S.C. § 1127.)

"Commerce" is defined as "all commerce which may lawfully be regulated by Congress."(Ibid.)

Let's unpack these requirements with some questions and examples.

What counts as commerce that can be regulated by Congress?

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For a product (i.e., a "good"), sale or transportation to a customer across state lines or across international boundaries is a qualifying use. Note that services must be both advertised or sold *and* rendered in commerce. An advertisement on the internet suffices for advertising in commerce. "Rendering" is trickier. Providing services in more than one state, or in the United States and in a foreign country, will satisfy the statute.

For both goods and services, the nationwide character of commerce in the U.S. has led over time to acceptance of a broader interpretation of "use in commerce." Sale of a product (for example, wine) to a customer who is going to carry it across state lines counts as use in commerce, as does rendering in-state services (such as the sale of a vacation home) to a client who normally lives out of state. These activities also qualify as use in commerce because Congress has enacted laws "regulating" the sale of liquor and prohibiting discrimination in real estate transactions.

If my client sends her cousin in another state a prototype of her product, or a sample of her finished product, is that "use in commerce"?

No. Under the statute, the sale or transportation of trademarked goods must be in "the ordinary course of trade, and not made merely to reserve a right in a mark." That usually means a routine sale of a product that your client is currently offering for sale, although it can be the first such sale. There are exceptions, as when a beta version of software is offered to selected customers in the "ordinary course" of testing a new software product.

What counts as "proper trademark use" for purposes of registering and maintaining rights in a mark?

In addition to the required methods of use set out in the statute, a trademark must be presented visually in a way that sets it apart so that it will be recognized as identifying a particular product or service. The USPTO has become very strict about this requirement in recent years when

examining the use of marks in applications for registration or renewal.

What are some ways to present a mark visually to indicate that it is a trademark or service mark?

A trademark or service mark generally consists of wording ("APPLE"), a name ("DISNEY"), a slogan or tagline ("FINGER LICKIN' GOOD"), a symbol (the Nike swoosh), or a drawing (the Morton salt girl), alone or in combination. When a mark consists only of a word or wording, it should be presented in a visually distinctive way so that that it will be perceived as a mark by customers when used on product packaging or in connection with advertising a product or service. Typical strategies to direct attention to a word mark are to present it consistently in a specific typeface or in a particular color (think "Google" for an example of both). Large corporations often have detailed style guides dictating how their marks are to be presented on packaging and in marketing materials, but consistency in graphic presentation of trademarks and service marks is good practice for a company of any size.

Is use of a mark in a company name a valid trademark use?

No. While the wording of a trademark might appear in a company name, that is not considered a trademark use. For example, a grocery store business might be registered with the California Secretary of State as "Marvin's Market, Inc." The same business might use MARVIN'S MARKET as a trademark for its store brands (MARVIN'S MARKET® ice cream and MARVIN'S MARKET® fresh-baked bread) and as a service mark (MARVIN'S MARKET® custom shopping and delivery service). But for purposes of mark registration and continuing mark use, it is not sufficient to print "Marvin's Market, Inc." with the market's address and phone number on the ice cream carton or bread wrapper or grocery delivery receipt: the mark "MARVIN'S MARKET" must be used separately and set apart in a way that indicates it is a mark used to identify specific goods or services, and not just a company name.

How should a mark be used in text on a website or in marketing materials?

It is a surprise to many clients that a mark must be used as an *adjective* to maintain rights in it. This makes sense because a mark is meant to identify a specific source of a generic type of goods or services, e.g., TIDE (specific brand) laundry detergent (generic product category) and MIDAS (specific brand) automotive services (generic services category).

Use of a mark as a noun (e.g., "PURPLEMED will cure what ails you") violates this principal and risks having the mark be perceived as the generic name for a product or service and losing the exclusive right to use it. (Instead, say "PURPLEMED® supplements will cure what ails you.") Some famous marks that have become generic in the U.S. are ASPIRIN, ESCALATOR, THERMOS, LINOLEUM, and ZIPPER. To avoid this fate, the best practice is to use the appropriate generic term immediately after a trademark or service mark whenever possible, and always at the beginning of any promotional material and at subsequent significant points, for example after a major heading in text or on each page of a website.

Likewise, a mark should *not* be used in a possessive form ("KFC's taste is unique"), as a plural noun (APPLES are popular mobile phones), or as a verb ("simply VELCRO the two sides together"). For a humorous and slightly off-color demonstration of an attempt to stop improper uses of the VELCRO mark for all hook-and-loop closures, check out this YouTube video of the singing and dancing trademark attorneys for Velcro Industries: https://www.youtube.com/watch?v=rRi8LptvFZY. For Velcro Industries' own G-rated, basic explanation of proper trademark use, go to https://www.youtube.com/watch?v=lV-qNmlaOvo.

When embedded in text, for example in an online description or in a press release, a mark should be differentiated typographically by using it with an initial capital letter or all capital letters, or in bold or italic type, in order to distinguish it from the generic noun it describes and from other language in the text.

When are the TM, SM, and ® symbols properly used?

The ® symbol indicates that a mark has been granted registration by the USPTO and should not be used unless that is the case. The TM symbol simply means that the user claims rights in the mark with which it is used, whether or not there is a pending application to register the mark. The SM symbol is technically for indicating a claim of rights in a service mark, but it is rarely used. In practice, service marks are often referred to as trademarks, and the TM symbol is generally used with unregistered service marks. The appropriate symbol should appear with the first or most prominent use of a mark in a print or electronic publication, but need not be used with every subsequent appearance.

The federal trademark statute provides a significant incentive for using the ® symbol with a registered mark. In an infringement suit, a plaintiff-registrant who fails to use

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Pros and Pitfalls of Expanding Family Code Section 3042 Via Senate Bill 654

By Taylor G. Fuller

California Senate Bill 654 (SB 654) was recently introduced by Senator Dave Min (Los Angeles District 37). If passed, it will have serious effects on the way custody and visitation disputes are litigated. Children, twelve (12) years of age or older, will be saddled with the responsibility of choosing whether to voice their preference by testifying in pending custody and visitation disputes.

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How does SB 654 change existing law?

Existing law requires the court to consider, and give due weight to, the wishes of a child in making an order granting or modifying custody or visitation where the child is of sufficient age and capacity. While there is no fixed age upon which a child gains the appropriate level of comprehension and maturity to offer testimony regarding their opinion, California's Family Code defines "sufficient age" as 14 years of age or older. (Fam. Code, § 3042, subd. (c).)

SB 654 will instead require the court to permit a child who is 12 years of age or older an opportunity to testify regarding custody or visitation.

Why does it matter?

Evidence Code section 700 provides, "except as otherwise provided by statute, every person, irrespective of age, is qualified to be a witness and no person is disqualified to testify to any matter." (Evid. Code, § 700.) Section 701 goes on to provide that a witness must be able to: 1) Express him or herself well enough to be understood alone or with the assistance of an interpreter, and/or 2) Understand the duty to tell the truth. (Evid. Code, § 701.)

Family Code 3042 subdivision (a) provides, "If a child is of sufficient age and capacity to reason so as to form an intelligent preference as to custody or visitation, the court shall consider, and give due weight to, the wishes of the child in making an order granting or modifying custody." (Fam. Code, § 3042.)

The court has discretion to consider the preferences and testimony of a child under the statutory age where it is appropriate and consistent with the child's best interest. (Fam. Code, § 3042, subd. (c).) A trial court may consider the preferences of children ages 10 and 13 after soliciting testimony in chambers. (*In re Marriage of Rosson* (1986) Cal. App.3d 194.)

SB 654 will yield an increase in volume of minor children testifying in family law matters.

How will this affect family law?

Procedure Point - If SB 654 is passed, we can expect an uptick in the number of minor children who testify in their

parents' custodial disputes. Courts will be required to allow a child 12 years of age or older to offer testimony unless the court determines it would not be in the child's best interest and states the basis for its finding on the record.

Where a child 12 years of age or older wishes to express a preference regarding custody or visitation: 1) The minor's counsel, an evaluator, an investigator, or a mediator who submitted a custody or visitation recommendation must tell the judge that the child wishes to address the court; 2) The judge may make that inquiry in the absence of such request; or 3) A party or a party's attorney may indicate to the judge that the child wishes to address the court. (Fam. Code, § 3042, subd. (f).)

SB 654 further amends Family Code section 3042 to include the following:

- A form is required to be filed with the court, attested to by a person specified in subdivision (f), certifying that the child, has been informed of their right to testify.
- All children 12 years of age or older whose parents or guardians have a case in family court where custody and visitation are at issue shall be informed of their right to give input to the court.
- If the court determines that it is appropriate pursuant to the best interest that the child testify, the child shall be informed in age-appropriate language that they have a right to provide input regarding their preferences for custody or visitation, if the child wishes.
- If the child who wishes to give input does not wish to speak to the court directly, arrangements shall be made for alternate methods of providing input and information.
- If the child wishes to be heard, the court shall schedule a hearing within a reasonable time after receipt of the notification that the child wishes to provide input.
- The court shall not make a final decision on custody or visitation without documentation in the record demonstrating that the child has been informed pursuant to this subdivision, any input the child wishes to give has been obtained in accordance with this section, and, if relevant, the hearing has occurred.
- If the child wishes to have their testimony and preference remain private because of physical or sexual safety or concerns of retaliation, the court shall ensure the child is safe and is not retaliated against.
- If the child discloses (to the Court or a governmental agency) that a parent or household member has abused, sexually assaulted, or battered them, the court shall give strong weight to the child's preference.

Practice Point - Where the court permits testimony of a child under the age of 14, the court must: 1) Take special care to protect the child from undue harassment or embarrassment; 2) Restrict unnecessary repetition of questions; and 3) Ensure that questions asked are age-appropriate for the cognitive level of the witness. (Evid. Code, §765 (b).)

California Rules of Court, rule 5.250, implements Family Code section 3042 and establishes the procedures and guidelines for soliciting examination from a child witness. Children's participation in family law matters must be considered on a case-by-case basis. Where a child wishes to testify in connection with a custody or visitation matter, the court should find a balance between protecting the child, the statutory duty to consider the wishes and input of the child, and the probative value of the child's input while ensuring all parties' rights to due process.

In determining whether addressing the court is in a child's best interest, the court should consider: a) Whether the child is of sufficient age and capacity to form an intelligent preference as to custody or visitation; b) Whether the child is of sufficient age and capacity to understand the nature of the testimony; c) Whether information has been presented indicating that the child may be at risk emotionally if he or she is permitted or denied the opportunity to address the court; d) Whether the subject areas about which the child is anticipated to address the court are relevant to the court's decision-making process; and e) Whether any other factors weigh in favor of or against having the child address the court.

The court is required to give a child's testimony "due weight," but is not bound by a child's preference. A 14-year-old child's expressed preference has been overruled on the ground that the choice was not made with mature reasoning. (*In re Marriage of Mehlmauer* (1976) 60 Cal.App.3d 104.)

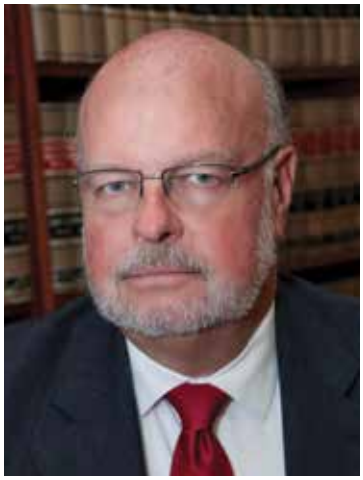
Conclusion

Should SB 654 become law, we can expect an increase in the amount of child witnesses in family law court. While a child's testimony may give the court a firsthand understanding of a child's preference, the potential effects could be detrimental. The child's best interest should be of primary concern—whether one chooses to solicit child testimony or not. ■

Born and raised in Santa Barbara County, Taylor Fuller is a member of the Boards of Directors of the Santa Barbara County Bar Association, Santa Barbara Women Lawyers, and Santa Barbara Barristers. She is an attorney with Herring Law Group, a family law firm serving "the 805" and beyond with offices in San Luis Obispo, Santa Barbara, and Ventura Counties

Rapid DNA Redux

By Robert M. Sanger



Robert M. Sanger

Quite a bit has happened in the last six years regarding the implementation and regulation of rapid DNA testing at the booking of an arrestee. The new technology was introduced in the *Criminal Justice* column of the June 2015 edition of the *Santa Barbara Lawyer*. At the time the article was written, rapid DNA testing was just being advertised to the forensic and law enforcement communities. It is now in place in several jurisdictions and an "update" is in order. Rather than covering the science and technology again, the reader is referred to the 2015 article as an introduction to this month's column.[1]

From a scientific standpoint, the rapid DNA technology applied at booking seems to be efficient. While recent United States Supreme Court precedent might or might not permit limited evidentiary use, as will be discussed, the primary use of the process is as an investigative tool. The use in investigations has been cited by law enforcement for leading to arrests. On the other hand, there are criticisms relating to invasion of privacy, proprietary algorithms, implicit bias, and the effect on those accused.

Rapid DNA as an Investigative Tool

At the present, rapid DNA testing is a means by which to obtain a DNA sample during the booking process of certain arrestees and to send the results processed by the rapid DNA testing device to state or local databases or to the FBI's Combined DNA Index System (CODIS). This is all being done with a device that resembles a small ATM machine that serves as the point of collection of the sample, the processor of the DNA analysis, generally at the 20 CODIS core loci, and the transmission of the results to the database(s) for automated comparison.

Training for the use of the CODIS machines is provided by the vendor. The general protocol is for the vendor to provide a twenty (20) minute training to a group of sergeants or lieutenants.[2] Once they have "trained the trainers," the sergeants or lieutenants then train the patrol officers, booking officers and detectives who use the machines to obtain and analyze the samples at booking and to transmit the samples to the state, local or FBI units that maintain the databases. Any "hits" are then electronically sent back to the booking station and, if there is one, the investigating officer. Depending on the protocol chosen, results can be sent to other officers or agencies. The hits can come back in ninety (90) minutes.

The benefits to law enforcement can be significant. For one thing, the speed of the response – 90 minutes – allows law enforcement to have information about potential hits without having to wait the one or two weeks that it might take to physically send a sample to a laboratory, have it analyzed and then send the results to the database for comparison. Another potential benefit is the use of regional or state databases, which allows law enforcement to sometimes connect persons associated with crimes in other counties or law enforcement jurisdictions even if results are not in CODIS. In addition, it has been said that law enforcement resources are reduced in that there is no need to continue an investigation to locate a suspect when it is determined that the suspect is in jail in another town. So far, so good – but there are concerns.

Potential Concerns with Rapid DNA Testing

First, under the FBI pilot program, buccal swabs for rapid DNA testing for CODIS hits are collected at booking.[3] There are other applications which may be employed by agencies including the Department of Homeland Security, for instance, for immigration and border enforcement, which include submitting data for "DNA watchlist checks." (See, e.g., https://www.dhs.gov/publication/st-rapid-dna.) In none of these cases has there been a judicial adjudication of guilt. Unless the person was arrested on a warrant based on an affidavit or following a grand jury indictment, there has not been a determination of probable cause other than by an officer making an arrest.

Although some jurisdictions allow DNA collection for any arrestable offense, California requires booking on a felony under Proposition 69 known as the "DNA Fingerprint, Unsolved Crime and Innocence Protection Act." (Pen. Code, § 296.1.)[4] As it pertains to rapid DNA at booking, all persons arrested for a felony of any sort, including attempt

to commit a felony, are subject to collection "immediately following arrest, or during the booking or intake or prison reception center process or as soon as administratively practicable after arrest, but, in any case, prior to release on bail or pending trial or any physical release from confinement or custody." (Id.)

The discretion to book on a felony is extremely broad when deciding whether, for instance, to arrest for an *Estes* robbery [*People v. Estes* (1983) 147 Cal. App. 3d 23], rather than a shoplifting [Pen. Code, § 484], or a felony resisting arrest [Pen. Code, § 69], rather than a misdemeanor resisting arrest [Pen. Code, § 148], or disturbing the peace [Pen. Code, § 415]. If a person is booked, rightly or wrongly, on a felony, the DNA sample is taken and, with rapid DNA technology, can be submitted for hits in one or more databases. Nevertheless, the United States Supreme Court found that an officer's arrest supported by probable cause is sufficient, and a buccal swab for DNA is like fingerprinting and photographing and not a violation under the Fourth Amendment. (*Maryland v. King* (2013) 569 U.S. 435.) California's Supreme Court found that the procedure was valid under the independent state right of privacy as well. (*People v. Buza* (2018) 4 Cal.5th 658.)

Both California and federal law provide for expungement of DNA information obtained at booking, including having the specimen and sample destroyed if a person is cleared of the charges. (Pen. Code, § 299, subd. (c); 34 U.S.C. § 12592(d)(2)(A).) Without going into detail, expungement may be the result of an acquittal and subject to court order. It might also be upon application of the subject if a case was never filed or was dismissed. However, the improper information will be in the database for weeks, months or years or may never be expunged. Furthermore, the new information that goes into the databases is searched within minutes of it being obtained. Expungement weeks or months later will remove it from subsequent searches, but does not have an effect on hits obtained either immediately or while waiting for it to be expunged.

Second, reliance on the commercial rapid DNA industry for results that can affect a person's liberty is troubling. The initial collection of the sample by the booking officer is submitted into a sealed device. The installation of the machine is accomplished by the vendor who also supervises the connection with the DNA database or databases. Any calibration, maintenance or repair is also accomplished by the vendor. The internal workings of the machines are off-limits to law enforcement or members of the crime labs, and the software for each vendor is proprietary. There has been some movement toward allowing court appointed or even party aligned experts to have access to proprietary software and hardware under protective orders but, for the most part, it has been protected.[5]

The reliance on the private vendors for the technology, the algorithms, the maintenance, the repair, the installation, the IT connections, and the training of the trainers, is concerning. To the extent that there is no transparency regarding the proprietary hardware, software, and programming, it is impossible for the forensic science community to assess this technology in the abstract, or to assess how it is applied in individual cases. The FBI just released a manual for rapid DNA booking procedures which only approves of the instruments of two vendors, ANDE's 6C System and Thermo Fisher Scientific's RapidHIT. (F.B.I. Laboratory, *National Rapid DNA Booking Operational Procedures Manual* (September 1, 2020).) There is a provision for conducting internal validation checks but no published details regarding the internal details about either vendor. The FBI's "Scientific Working Group on DNA Analysis Methods" (SWGDAM) issued a position paper, but it is now a few years old. (SWGDAM, *Position Statement on Rapid DNA Analysis* (posted October 30, 2009).

The overall data available is based on single sourced, properly obtained buccal swabs. In other words, ideal booking conditions where a sample is obtained without incident from a subject. Thus far, rapid automated DNA systems should be used with single source samples and not crime scene evidence containing mixtures. The National Institute for Science and Technology (NIST) supported an FBI study on maturity assessments for rapid DNA testing showing that the success rate for single source swabbed samples was about 85% for the 20 CODIS core loci using the Ande 6C System and the Thermo Fisher Rapid HIT instruments. (Romsos, et al., *Results of the 2018 Rapid DNA Maturity Assessment* (May 2020) 65 Journal of Forensic Sciences 953.)[6]

Third, the automated analysis of booking DNA through rapid DNA testing is not qualified for admissibility at trial. It is an investigative tool to possibly match a person taken in for booking to some other entry in CODIS or a local or regional database. Once a connection is made, law enforcement can proceed to investigate the connection of the individual to the other entry. In any subsequent criminal case, the original test might provide an investigative lead, or it might provide probable cause for a warrant. The rapid DNA test itself should not be admissible as to guilt even though samples could be analyzed separately by a manual laboratory method based on established validity studies.

Because the rapid DNA test itself does not meet the threshold established in *Daubert v. Merrell Dow Pharmaceuticals, Inc.* (1993) 509 U.S. 579, the results should not be admitted if relied upon by a testifying expert. In *Williams*

v. Illinois (2012) 567 U.S. 50, the United States Supreme Court held that an expert could disclose the facts of a Cellmark match as a part of the basis for her opinion, but the information indicated that the tests were properly done under accepted and valid procedures.[7] The *Crawford*, *Melendez-Diaz*, *Bullcoming* challenge to confrontation would be a bar to testimony that another jurisdiction's report was considered if the report were based on rapid DNA testing and was offered for the truth. (*Crawford v. Washington* (2004) 541 U.S. 36; *Melendez–Diaz v. Massachusetts* (2009) 557 U.S. 305; *Bullcoming v. New Mexico* (2011) 564 U.S. 647.) On the other hand, it would be possible for law enforcement to develop probable cause and retest a sample from the accused or simply not present the evidence to the jury if the original test only created a lead. Prosecutors and defense counsel will have to be vigilant.

Fourth, DNA databases reinforce implicit bias. This may seem counterfactual, but some aspects of big data crime databases have an inherent racial and socioeconomic bias. It has been estimated that forty percent (40%) of the DNA collected in the CODIS database as of 2011 was from African Americans while the 2010 census established that African Americans comprised only 12.6% of the population of the United States. (Jason Silverstein, *The Dark Side of DNA Evidence* (March 27, 2013) The Nation; *Overview of Race and Hispanic Origin: 2010*, U.S. Census Bureau (2011) 4.) The ties to arrests and socioeconomic status are stronger. Therefore, a person arrested once before who is arrested again (even if neither arrest was well founded) is likely to be tagged with a hit, and then presumed more guilty and more likely to be charged on weaker evidence.

A careful analysis of courthouse data shows that actual trials occur in approximately three percent (3%) of cases filed in federal court with state courts having similar statistics. (National Association of Criminal Defense Lawyers, *The Trial Penalty* (2018).) Conservative organizations, as well as those arrayed on other parts of the political spectrum, recognize that the resultant mass plea-bargaining "undermines the integrity of our criminal justice system." (C. Neily, *The Trial Penalty* (February 9, 2018) CATO Institute.) As one judge put it, "If you want to see extortion, see an innocent man who has sat in jail for months and is being offered credit for time served if he pleads to whatever he is charged with."[8] As Bryan Stevenson cogently put it, "We have a system of justice that treats you better if you're rich and guilty than if you're poor and innocent," (Bryan Stevenson, Oprah Winfrey interview (2015).)

Conclusion

Technology can be valuable but can also have unintended consequences and hidden flaws. Rapid DNA testing at booking is no different. It is impossible to predict how law enforcement and the courts will proceed with it – although an educated guess was proffered by Supreme Court Justice, Antonin Scalia. His dissent in *Maryland v. King states*, "The Court repeatedly says that DNA testing, and entry into a national DNA registry, will not befall thee and me, dear reader, but only those arrested for 'serious offense[s].'" (*Maryland v. King* (2013) 569 U.S. 435, 481, Scalia, J., dissenting.) Justice Scalia predicted that the trend will be to allow DNA collection in traffic stops. "Make no mistake about it: As an entirely predictable consequence of today's decision, your DNA can be taken and entered into a national DNA database if you are ever arrested, rightly or wrongly, and for whatever reason." (Id.) ■

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ENDNOTES

1 Sanger, Rapid DNA Testing (June 2015) Santa Barbara Lawyer at 19. The article is reproduced at BePress: https://works.bepress.com/robert_sanger/29/. And, if you cannot find it in your treasured stack of old *Santa Barbara Lawyer* magazines, the issue is archived at: https://secureservercdn.net/192.169.223.13/3b9.d8d.myftpupload.com/wp-content/uploads/sb-files/sblawyer_pdfs/June%202015.pdf.

2 This is the training time recommended for booking of arrestees. More advanced training of three days is recommended for DNA collected from a crime scene or from human remains.

3 Local and other federal agencies may employ rapid DNA testing in other contexts.

4 Unless otherwise noted, all references to the Penal Code will be to that of California.

5 While rapid DNA source codes have not been accessed, even by NIST, some courts have held that other genetic testing software may be accessed to assess its reliability. (See, Thomas Claburn,

Accused murderer wins right to check source code of DNA testing kit used by police, The Register (February 4, 2021).

6 "NIST did not have access to each participant's internal validation data for manual interpretation of the data." (Id.)

7 This was a plurality opinion by United States Supreme Court Justice Alito, with separate concurrences by Justices Breyer and Thomas and a dissent by Justices Kagan, Scalia, Ginsburg and Sotomeyer. Justices Gorsuch and Kavanaugh are probably closer to Justice Scalia's view of the Confrontation Clause and this may be an outlier that is not followed by this or a future configuration of the Court.

8 Statement made in author's presence by sitting judge to multiple prosecutors and defense attorneys during a case conference.

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the symbol cannot recover profits or damages unless the defendant had actual notice of the registration. (15 U.S.C. § 1111.)

Can trademark rights be lost through non-use?

Yes. The owner of a trademark or service mark must continue to use it in the marketplace in order to preserve rights in the mark. Even if a mark is registered, non-use can result in abandonment of trademark rights. U.S. trademark law provides that a mark shall be deemed abandoned when its use has been discontinued with intent not to resume use, which may be inferred from circumstances. Non-use for three consecutive years constitutes prima facie evidence of abandonment. (15 U.S.C. § 1127.)

What are the benefits of proper trademark use?

Unlike patent rights and copyrights, trademark rights can be maintained indefinitely if they are properly and continuously used in commerce. Some trademarks registered in the U.S. continue to be active after more than a century, including JOHN DEERE (first used in 1870 and registered in 1913), COCA-COLA (first used in 1886 and registered in 1928), CHICKEN OF THE SEA (first used in 1912 and registered in 1914), and CHEVROLET (first used in 1913 and registered in 1924).

The bottom line? To establish and maintain exclusive ownership and control of a trademark or service mark, the rights holder must take care to use the mark properly and prominently, use it continuously, and use it in interstate or international commerce. This careful attention to use protects the value of hard-earned goodwill built up over time and represented by the mark. ■

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2021 Bench & Bar Meetings

As Assistant Presiding Judge, the Honorable Pauline Maxwell has set the schedule for the Bench and Bar Meetings that will take place as follows:

May 20, 2021
August 19, 2021
November 18, 2021

These Bench and Bar Meetings will be held via Zoom. They provide a forum for local members of the Bar to engage in an informal dialogue with the presiding judge as a means of raising issues and concerns that may not otherwise be addressed. All attorneys and paralegals are welcome to attend. For any practitioners wishing to submit agenda items for consideration before any of the scheduled meetings, please email those items to Ian Elsenheimer: Ielsenheimer@aklaw.net

Spotlight

Foley, *continued from page 9*

Riverside County District Attorney's Office, and then with the Santa Barbara County District Attorney's Office.

In my free time, I spend time with my family and keep active playing tennis, running, hiking, and playing basketball. Every summer, I try to fit in a backpacking trip to the High Sierras. The beautiful lakes surrounded by majestic mountains offer a peaceful respite from the real-life tragedies that I hear about in Court.

Since I drive all over Santa Barbara County for work, I love listening to music and books on tape. Recently I listened to *Think Again* by Adam Grant, *Beloved* by Toni Morrison, and *Educated* by Tara Westover.

For inspiration or consolation, I return often to the poem "Desiderata" written by Max Ehrmann. It is full of encouraging messages, such as, "With all its sham, drudgery, and broken dreams, it is still a beautiful world. Be cheerful. Strive to be happy." ■

Motions

Clark Lammers

Herring Law Group is pleased to welcome **Clark Lammers** to their team. Clark is a Santa Barbara native and second-generation local attorney, following in the footsteps of his father, Terrence L. "Terry" Lammers. Clark received his Bachelor of Arts degree in History and Political Science from the University of Michigan, Ann Arbor. He gained his Juris Doctor from the University of San Francisco School of Law. He spent the past decade working at top area firms specializing in complex and challenging family law matters. Immediately prior to joining Herring Law Group, Clark was an associate and then a partner at the Santa Barbara firm of Fell, Marking, Abkin, Montgomery, Granet & Raney, LLP, where he practiced civil litigation emphasizing family law. Clark is a strong addition as Herring Law Group's fifth attorney serving a select clientele throughout "the 805."

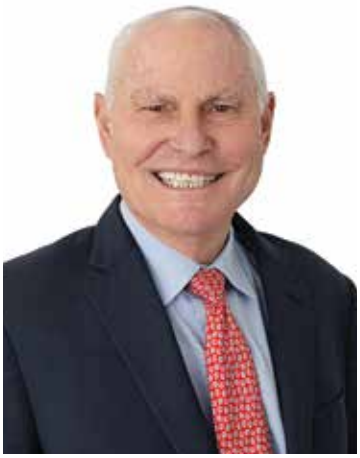
* * *

Jeremy Stone has joined **Price, Postel & Parma** as an associate attorney. Mr. Stone's practice focuses on public agency, environmental, education, and employment law. He supports the firm's education law practice by providing general counsel services to public employees, school districts, and county offices of education. Mr. Stone has advised clients regarding a variety of real property, land use, employment, tax, financing, public agency, contracting, and landlord-tenant laws. He also has a broad civil litigation practice. Mr. Stone is uniquely qualified to represent both public and private entities having served in the Office of Chief Counsel for the State Water Resources Control Board, as in-house for a real estate development company, and as a law clerk in the Office of California's Attorney General. Prior to joining Price, Postel & Parma, Mr. Stone was a litigation associate with an insurance defense firm, where he litigated environmental, employment, and personal injury matters. Mr. Stone received his J.D. (with Great Distinction, Environmental Law Concentration) from the University of the Pacific, McGeorge School of Law in 2018.

Jeremy Stone

* * *

Rimôn PC is pleased to announce the opening of its Santa Barbara office, with the addition of new partners **Joseph Abkin**, **Jennifer Gillon Duffy**, **Craig Granet**, **Michael Hellman** and associate, **Claire Mitchell**. All were previously attorneys at Santa Barbara firm, Fell, Marking, Abkin, Montgomery, Granet & Raney LLP.



Joseph Abkin

Rimôn is a tech-enabled law firm with 37 offices across five continents and a completely remote business model. The new Rimôn Santa Barbara team offers a diverse mix of legal services to clients in the Santa Barbara area and beyond.

Mr. Abkin is a corporate attorney who has always focused his practice on business matters, including organization and coun-

Jennifer Gillon Duffy

seling of corporations, partnerships, and limited liability companies, mergers and acquisitions, securities, financings, real estate, taxation, and commercial transactions, and trade association matters. He serves as outside general counsel to various types of business enterprises.

Ms. Duffy is a civil litigator who focuses on employment law (both transactional and litigation) and family law. She is a Certified Family Law Specialist by the State Bar of California Board of Legal Specialization. She has been notably ranked the Pacific Coast Business Times, "Top 50 Women in Business" in multiple years and was the Volunteer of the Year for Dream Foundation in 2018.

Craig Granet

Mr. Granet is a civil litigator with a dual focus on real property litigation (including property disputes, land use challenges, and environmental contamination issues), and complex business and commercial litigation, including breach of contract actions, wrongful termination claims, telecommunications disputes, and intellectual property matters.

Michael Hellman

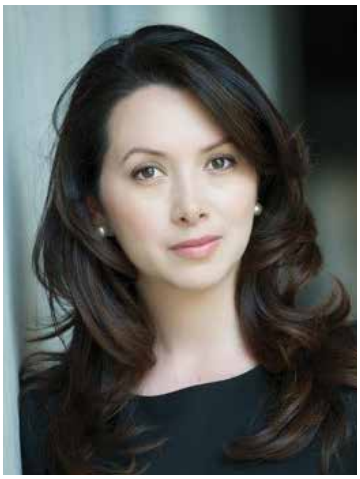
Mr. Hellman focuses his practice exclusively on complex litigation, with an emphasis on trusts and estates disputes. His expertise includes representing trustees and trust beneficiaries with claims including breach of fiduciary duty, breach of contract, financial elder abuse, negligence, conspiracy, rescission or reformation of a settlement agreement, undue influence, fraud, mistake, breach of trust, and accounting disputes.

Claire Mitchell

Ms. Mitchell is a civil litigator with a focus on business, commercial, and real property litigation. She has experience in breach of contract actions, land use challenges, entertainment industry disputes, and intellectual property matters. Ms. Mitchell also maintains an active pro bono practice, with a focus on civil rights litigation and immigration.

All five Rimôn attorneys are very active in the Santa Barbara community.

* * *



Natalia Duque

The Law Office of Renee M. Fairbanks is delighted to welcome **Natalia Duque** to its team of exceptional family law attorneys. The Law Office of Renee M. Fairbanks has offices in Santa Barbara and Los Olivos and represents clients in divorce, legal separation, support, parentage, and custody proceedings in Santa Barbara County and the Central Coast.

Ms. Duque is an experienced and dedicated family lawyer with a passion for helping clients navigate the legal hurdles associated with divorce and custody matters. She practiced family law in Texas prior to joining the Law Office of Renee M. Fairbanks. Ms. Duque has worked on a wide variety of complex family law cases and is adept at assisting clients from a broad range of backgrounds.

Duque grew up in Colombia and is bilingual in Spanish and English. Duque has been passionate about family law since her college years when she served as a court-appointed guardian in child abuse and neglect cases. After completing her undergraduate degree at the University of Florida in Gainesville, she rose to the top of her Family Law class at Emory University School of Law in Atlanta, Georgia, earning the Dean's Award for highest grade.

If you have news to report, the Santa Barbara Lawyer *editorial board invites you to "Make a Motion!" Send one to two paragraphs for consideration by the editorial deadline to our Motions editor, Mike Pasternak at pasterna@gmail.com.* ■

TWO OFFICES FOR RENT

For rent (available March 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 the old Café Ana. Please contact Howard Simon at hsimon@jhslawsb.com for further information.

HAGER & DOWLING, LLP SEEKS ASSOCIATE ATTORNEY

Highly respected Santa Barbara civil litigation firm seeks associate attorney with civil litigation and insurance law background.

The applicant must have excellent verbal and writing skills, work well both independently and in a team environment, exceptional legal research and enjoy litigation. Competitive benefits include, health and dental insurance, free parking and 401k plan.

Respond with resume, cover letter and references to kcallahan@hdlaw.com

HIGH QUALITY, EXECUTIVE OFFICE SPACE

Space available for sublease in a historic building in downtown Santa Barbara, two blocks from the Court House. First floor individual offices and suites available in addition to secretarial/assistant space. This building offers shared use of all amenities including receptionist, three conference rooms, kitchenette, elevator, and copy room featuring a high speed color copier with fax and scan capabilities.

COVID 19 Accommodations: The building's air conditioning system has been upgraded to include more fresh air circulation in addition to the installation of IWave technology to filter out COVID 19. We have also instituted enhanced cleaning protocols, automatic hand sanitizer dispensers, and maintains mandatory mask wearing.

Until such time as the Governor of California lifts all COVID 19 restrictions, the current monthly lease rate per office will be $300. Once all COVID 19 restrictions have been lifted the monthly rent will increase to $500 per month, per office. Please contact Jeanette Hudgens, 805 962-9495, with inquires.

2021 SBCBA SECTION HEADS

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