

Santa Barbara Lawyer

Official Publication of the Santa Barbara County Bar Association
September 2024 • Issue 624



Santa Barbara Barristers Clean It Up!

*Inside: Empowering Future Attorneys: The Impact of SBCBA's DEI Scholarship Fund /
Give Me a Break: How to Leverage Verdict Data to Make Better Settlement Decisions /
AXON AI / Caffeine: Exploring Lawyers' Well-Being Habits*



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SBCBA

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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Articles

- 7 Message from the Editor, *By Richard Lloyd*
- 8 Empowering Future Attorneys: The Impact of SBCBA's DEI Scholarship Fund, *By Cassandra Glanville*
- 11 Give Me a Break: How to Leverage Verdict Data to Make Better Settlement Decisions, *By Nicole Clark*
- 14 Barristers Clean It Up! *By Scott A. Jaske*
- 16 AXON AI, *By Robert M. Sanger*
- 20 Caffeine: Exploring Lawyers' Well-Being Habits, *By Robin Oaks*

Sections

- 32 Classifieds
- 33 Section Head Directory
- 34 Calendar

On the Cover

Barristers Clean it Up! Post-Fiesta courthouse clean-up organized by the Barrister's Club. From left, Diana Jaske, Mishelle Sotelo, Lisa Petak, Scott Jaske, Christopher Dalbey, Victoria Diffenderfer, Alice Zajic, Haley Lawson, Andrew Dickerson, and Robin Oaks.

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Message from the Editor

BY RICHARD LLOYD

Welcome to the September issue of the *Santa Barbara Lawyer*! As we enter the latter part of the year, we have some announcements to share with you.

First, we are sad to be losing our Assistant Editor Camryn Gulbranson, who is leaving to pursue new opportunities in Dubai. We are very grateful for her continued efforts over the past eighteen months and she will certainly be missed!

However, we are equally excited to announce our new Assistant Editor, Nicole Coulter. Nicole is a 3L currently studying at the Colleges of Law: Santa Barbara Campus, and previously contributed a profile on Judge O'Neil. As a veteran business journalist with articles published in multiple trade publications, we look forward to her contributions and eye for detail over the coming months.

On a personal note, I urge each of you to take the time to read this month's featured article on the DEI Scholarship

Fund and to consider donating. The out-of-pocket expenses associated with studying and taking the bar are significant, and are often not covered by student loans or traditional financial aid packages. For non-traditional students in particular, the expense associated with taking the bar (not even accounting for lost earnings while studying) adds significant stress and uncertainty to what is already a difficult time.

Finally, we take this opportunity to thank all of our contributors, both regular and occasional, who each month provide the content that makes this publication both interesting and informative. The Well-being column in particular has been a welcome addition, and this month's article on caffeine will surely resonate among our readership. On that (caffeinated) note, SBCBA's Director of Well-being, Robin Oaks, will be leading a Well-being in Law Week from October 28-November 1 this year (see page 24 for more detail and to register) and we encourage each of you to sign-up and participate. ■



Richard Lloyd

Santa Barbara Lawyer **SEEKS EDITORIAL SUBMISSIONS**

Articles should be submitted in Word format, including a short biography of the author. A high resolution photo of the author is desired. Articles should be 700 to 3,500 words in length.

Please submit articles by the 8th of the month for publication in the following month's issue. The editorial board of *Santa Barbara Lawyer* reserves the right to edit for accurateness and clarity, or reject any submission if it does not meet magazine guidelines.

Submit all **EDITORIAL** matter to
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Empowering Future Attorneys: The Impact of SBCBA's DEI Scholarship Fund

BY CASSANDRA GLANVILLE

As we look ahead to the future of our profession, diversity, equity, and inclusion (commonly known as DEI) have become more than just buzzwords or lofty ideals. Rather, they are essential components of reaching a thriving and robust legal system. As attorneys, we have both the opportunity and the responsibility to foster the next generation of legal professionals. One powerful way to make a difference in our community is by making a tax-deductible donation to the Santa Barbara County Bar Association's DEI Scholarship Fund. The Scholarship Fund, established in partnership with the Santa Barbara County Bar Foundation, a 501(c)(3) tax exempt, non-profit charitable foundation established to help secure justice and protection of legal rights, can be transformative for aspiring attorneys from underrepresented backgrounds.

Breaking Down Financial Barriers

The path to becoming an attorney is notoriously expensive, and that in itself can be a significant barrier for many individuals who are otherwise qualified. These costs can extend beyond traditional tuition fees, including LSAT and bar preparation courses, exam registration fees, school application fees, and living expenses while studying for the bar exam.

Currently, these are the costs students can expect to incur when preparing for the LSAT, applying for law school, and sitting for the bar:

Costs to Prepare for the LSAT & Apply to Law School

- LSAT Prep Course: \$1,699
- LSAT Fee: \$222
- Credential Assembly Service (CAS) Fee: \$200
- CAS Report \$45 per school (min. 10 schools recommended): \$450
- LSAT Score Report: \$50
- Total: \$2,621

Costs to Prepare and Sit for the California Bar Exam

- Bar Prep Course: \$2,999
- Registration with the California Bar: \$119
- Moral Character Determination: \$551
- Fingerprinting: \$79
- Exam Fee: \$850
- Laptop Fee: \$153
- Hotel stay near testing center for two nights: \$670
- Total: \$5,421



Cassandra Glanville

The Scholarship Fund specifically targets these often overlooked expenses, which are typically not covered by traditional financial aid packages. By addressing these specific needs, the scholarship allows recipients to focus on their studies and exam preparation, rather than worrying about how to make ends meet.

Opening Doors to Opportunities

Beyond financial support, the SBCBA's DEI Task Force, established in 2021, has implemented initiatives to provide valuable opportunities to aspiring attorneys, such as career panels featuring local lawyers and judges, participation in UCSB's Pre-Law Mentorship Program, and hosting MCLEs for practicing attorneys on topics such as creating DEI programs and strategies for reducing bias.

These additional resources can be invaluable for students who may not have pre-existing connections in the legal world and provide mentorship and networking opportunities that may prove crucial for future success.

A Lasting Impact











By supporting students from diverse backgrounds in their journey to the legal profession, the Scholarship Fund does not just help individuals, but rather it helps the entire legal profession in Santa Barbara County as a whole as it contributes to the diversification of our bar. This diversity brings fresh perspectives, innovative thinking, and a broader understanding of the communities we serve.

When we invest in scholarships, we create a ripple effect that extends far beyond the individual recipient. Scholarship

Continued on page 10

SBCBA DEI Task Force & SB County Bar Foundation

DEI Scholarship Fund

	Diversity \$1,500	Equity \$1,000	Inclusion \$500
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Glanville, *continued from page 8*

winners often become role models in their communities and may also be more likely to take on other actions that give back to the community, further extending the impact of the initial investment.

How You Can Make a Difference

We have the power to shape the future of our field. Here's how you can support the SBCBA's DEI Scholarship Fund:

1. Make a tax-deductible donation by check payable to SBCBF, with "DEI Scholarship" in the memo line, and mail to P.O. Box 21523, Santa Barbara, CA 93121
2. Make a tax-deductible donation by Paypal: https://paypal.me/SBBarFoundation?country.x=US&locale.x=en_US (Email sbbarfoundation@gmail.com to specify it is for the DEI Scholarship)

More information about the scholarship levels and benefits can be found on the following page.

Scholarship recipients and sponsors will be honored at the Santa Barbara County Bar Foundation's Annual Awards ceremony, recognizing your contribution to diversifying the local legal community.

By supporting the DEI Scholarship Fund, we're not just helping individual students achieve their dreams—we're investing in a more equitable, diverse, and a more just legal system for Santa Barbara County. The future of our profession is in our hands. Will you join us in making a difference?

For more information about the DEI Task Force and how you can get involved, contact Chair Teresa Martinez at teresamaemartinez@gmail.com. ■

Cassandra Glanville is a partner at Apex Family Law, P.C., a family law firm with attorneys in Santa Barbara, San Francisco, and Los Angeles. Ms. Glanville has been practicing family law since 2013 and focuses on a range of sensitive matters including dissolution and divorce, custody disputes, child and spousal support, domestic violence issues, and post-judgment modifications. She is particularly adept at untangling complex financial issues that accompany high-asset family law proceedings and is now expanding her law practice to include mediation services after completing the Mediation Intensive at Harvard Law School in June 2023. She has been a board member of the Santa Barbara Women Lawyers Foundation since 2016 and a board member of the Santa Barbara County Bar Association since 2023. www.apexfamilylaw.com



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Give Me a Break: How to Leverage Verdict Data to Make Better Settlement Decisions

BY NICOLE CLARK

“Who hurt you?” shouts a billboard for the Razavi Law Group in Los Angeles. The city is awash with gigantic advertisements in this style, each hawking the services of a local personal injury attorney. Our skyline, visually invaded by a collection of stern-looking men in dark suits, highlights the saturated nature of personal injury law. “[A]t the end of the day,” explains Ardy Pirnia of the Pirnia Law Group, “if you want to generate leads, the only way to do it is to be in everyone’s face.”

There is, however, a curious whiplash that occurs whenever cases move from highway billboards to downtown courtrooms. As the business of personal injury law gives way to its practice, one preference is to keep the legal matter private. That is, to prevent the case from ever having to face a jury. This is particularly true for slips and falls, where blame-the-plaintiff biases can easily run rampant. “Of all the cases we handle as plaintiffs’ personal-injury lawyers,” begins Teresa Johnson, an attorney at Kramer Holcomb Sheik, “none are met with more eye rolls and a ‘give me a break’ than when the judge tells the potential panel ‘this is a slip and fall matter.’”

And yet, something is missing between these two observations about showing face and hiding it. We are left wondering about what happens in the interim of a lawsuit. What is there to know about the events that unfold between the acquisition of a case and its settlement? And, more importantly, how are attorneys leveraging verdict analytics every step of the way to make these litigation decisions?

Impermissibly Speculative

Outcome prediction is an important part of practicing law. Clients expect their attorneys to provide them with accurate assessments of the potential consequences of any major legal decision. These assessments, which typically take place at the beginning of the litigation process, allow clients to strategize how they would like to navigate through a specific legal matter. Over the past decade, a variety of legal analytics platforms have emerged to help

attorneys generate these predictions, producing qualitative and quantitative insights into how a case is likely to unfold.

Many of these platforms started by following the logics of conventional research. They provided their users with the tools needed to conduct element-focused analyses. By studying previous motions filed with the court, users were positioned to better understand how likely their action would survive a motion to dismiss or a motion for summary judgment. Take, as an example, Teresa Johnson, the personal injury attorney mentioned above. On January 7, 2017, her client, Jorge Perez, visited Hibachi Buffet for lunch. During his visit, he left his table and walked along a hallway to the restaurant’s restroom. Upon returning to his table, he slipped and fell, fracturing his left patella. Perez subsequently filed a lawsuit against the restaurant, alleging that an employee, making his or her way to the kitchen, had negligently dripped water along the hallway’s tile floor.

A single question sat at the center of the lawsuit. How did the floor become wet? According to photographs and witness testimony, the water spill was ten inches long and extended past the restroom and into the kitchen. However, the plaintiff’s allegations that an employee had spilled water while taking dirty dishes to the kitchen for washing was vehemently denied by the restaurant. According to Hibachi Buffet, there was no evidence showing that any of its employees spilled liquid on the floor. The plaintiff’s story was, according to the defense, impermissibly speculative.

With access to an easily searchable database of prior decisional law, attorneys can anticipate the processes their judge would need to follow in his or her assessment of a claim for impermissible speculation, breaking down a cause of action into its constituent elements and determining how the known facts of a case would need to be applied to each element. With Trellis, for example, an attorney can use Smart Search to uncover tentative rulings on the topic of “impermissible speculation.” She would quickly learn that, in the past, what distinguishes permissible inference from bald speculation is the existence, in the record, of a single fact that could support the inference. In other words, decisional law makes clear that what is important is that “an evidentiary leap is tethered to the evidentiary record” (*Siewe v. Gonzales*, 480 F.3d 160, 169). Our attorney now knows what she will need to highlight in order to affirm her case. But what should happen next?

Calling Bluffs

While archives of decisional law are crucial, they don’t necessarily provide a lot of decision-making guidance, especially when it comes to formulating litigation strategies. Decisional analysis can tell us little about how a jury

will respond to a specific type of action or a specific type of argument. Recognizing this limitation, legal analytics platforms have started integrating verdict data into their systems, amending their archives of case law, legal petitions, and judicial rulings to also include information related to outcomes and settlement awards, particularly for cases where judicial officers never issue formal opinions.

As one of the top causes of unintentional injuries, slips and falls can result in astronomical expenses, ranging from medical bills to lost wages. But every slip and fall case is unique. Some will settle at the onset of litigation. Some will make it all the way to trial. And others will settle days—maybe even hours—before trial begins. With access to verdict data, attorneys can begin to anticipate the trajectories of different settlement strategies, identifying the range of possible outcomes for each decision.

I want to return to the Hibachi Buffet, this time with verdict analytics. At the beginning of his lawsuit, Perez demanded \$499,999 from the owners of the restaurant. Let's imagine, for a moment, that I'm defending Hibachi Buffet in this slip-and-fall case. How should I advise the restaurant? I might start by pulling verdict data for a randomized sample

of cases filed by my opposing counsel. On Trellis, each of these entries contains a description of the case, the initial demands and offers presented, the verdict type, the jury vote, the jury composition, and the final outcome. It only takes a few minutes to sift through this data, which tells me that two-thirds of the cases in my sample resulted in jury verdicts. I now know that my opposing counsel has few qualms about taking a case all the way to trial, spending whatever it might cost to pursue an action in court. I can also see that all of the juries in this sample found in favor of the plaintiff when represented by my opposing counsel. With this information, I can begin to better assess the advantages of pushing my client to increase its settlement offer. After all is said and done, it might not be worthwhile to roll the dice on a jury with this particular opponent.

One month before trial, Hibachi Buffet presented Perez with a settlement offer of \$250,001. There is a world of information embedded within this event. But what does it really tell us? What can we learn by tracking this information? At a general level, verdict analytics help attorneys identify

Continued on page 32

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Barristers Clean It Up!

BY SCOTT A. JASKE

On Saturday, August 10, 2024, the Santa Barbara Barristers came together for a lively and spirited Courthouse Cleanup, transforming a typical Saturday into a day of community care and camaraderie. With trash bags in hand and a shared mission, together they enthusiastically tackled the litter, trash, cigarette butts, broken glass, and confetti that had lingered after the Fiesta activities. It was a joyful occasion where the Courthouse grounds were given some extra love after Fiesta.

Adding to the fun, several members brought along their children, who, despite their youthful energy proved to be “helpful” in their own special way. The kids added an extra layer of excitement to the day making the Cleanup a memorable event. The Cleanup had 14 people in attendance! We had such notable people as Scott Jaske and Diana Jaske, Victoria Diffenderfer along with Anton Diffenderfer and their two kids, Andrew Dickerson, Alice Zajic and her partner and son, Haley Lawson, Robin Oaks, Lisa Petak and Christopher Dalbey along with their two children. Everyone gave their best effort in cleaning up Santa Barbara. A big shoutout to Robin for driving down to the Beach and helping cleanup our coastline!

There may be enough time left in the year for a second Cleanup and the Santa Barbara Barristers would love to have more of our members join up to help beautify the community. We will see you all at the next one! Keep an eye out for the Barristers monthly Newsletter. The Barristers’ printed Directory is currently available for pre-order from the Barristers website. Make sure you pre-order your copy now! If you are not a member of the Barristers, please go to the website at www.sbbarristers.com/membership/ and signup! ■



Anton Diffenderfer with kids Emily and Justin



Alice Zajic and Ben Kilpatrick with their son A.J. and Haley Lawson.



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AXON AI

BY ROBERT M. SANGER

The public is familiar with TASER devices and body-worn cameras. In addition, the application of Artificial Intelligence, including in the legal context, has been the focus of extensive discussion and scrutiny. Independently, over the last few years there has also been a national discussion about police practices. These issues—use of TASER devices and body cameras, the use and ethics of artificial intelligence in law enforcement and police practices—all come together in one company originally called TASER International, Inc.

This *Criminal Justice* column will look at one of the most recently marketed products of this company. It is called *Axon Draft One*.¹ This software is designed to decrease the amount of time police officers have to invest in drafting police reports. It uses AI to generate reports. It also allows AI to use raw data, such as body-worn camera data, to generate a narrative.² This has significant implications for the authenticity of police reports and the reliability of their content. This includes concerns about transparency and biases. This software has been purchased by local law enforcement in Santa Barbara County and is being used in other jurisdictions in California as well as other jurisdictions around the country.

TASER International, Inc.

TASER International, Inc., based in Scottsdale, Arizona, famously developed and marketed the TASER less-than-lethal electric shock weapon. The TASER became popular with law enforcement, probably deterred the use of lethal force in some cases but was also criticized for alleged inappropriate use. As a result, TASER International, Inc. developed a video camera that was located on the TASER weapon and was activated upon its use. With that success, TASER International branched out to seek a share of other parts of the military and law enforcement economy, including body worn cameras, dashcams, computer aided dispatch systems (CADs), and a law enforcement cloud-based system to store digital evidence called Evidence.com.

Apparently after a bit of a struggle, TASER International, Inc. went public in 2001 and was traded on NASDAQ as **TASR**. They opened offices in Europe and started a division

known as Axon based in Seattle. *Axon* was originally a brand name for TASER's cameras. However, both the marketing of body-worn-cameras and other military and law enforcement products caused the company to be concerned about identifying their products solely with the TASER weapon. After a change in management, including a new CEO, TASER International, Inc. changed its corporate name to Axon Enterprise, Inc.. It is now being traded as **AXON** on NASDAQ.



Robert M. Sanger

Axon Enterprise, Inc.

The development of this company's products and its transition to Axon Enterprise, Inc., is significant here because their products ultimately included the original TASER weapon technology which took them to weapon based recording devices to protect law enforcement and the company from lawsuits. That led to body-worn cameras and dashcams which have become a favorite of agencies around the country and the world to protect the officers and, perhaps, the public. That, in turn led to retention and organization of data for law enforcement, such as *Evidence.com* and the CAD systems to preserve dispatch information.

Axon Enterprise, Inc. originally worked with rudimentary forms of artificial intelligence to collect and organize this law enforcement data. A significant step was taken to use AI to interpret and summarize the contents of digital camera recordings. This, in turn, led to the production of products that are designed to automate the review of camera images, including the use of facial recognition to automatically identify persons in the images. Finally—or at least up to this point—Axon Enterprise, Inc. has developed an AI system that is being sold to police departments to generate the the actual production of police reports, *Axon Draft One*.

Academic papers and public commentary started to criticize the use of commercial AI products in the public contexts including in the context of law enforcement.³ There was no algorithmic accountability. Race and gender bias were detected in their application. A fundamental issue involved the use of data-driven systems where there was

Continued on page 18

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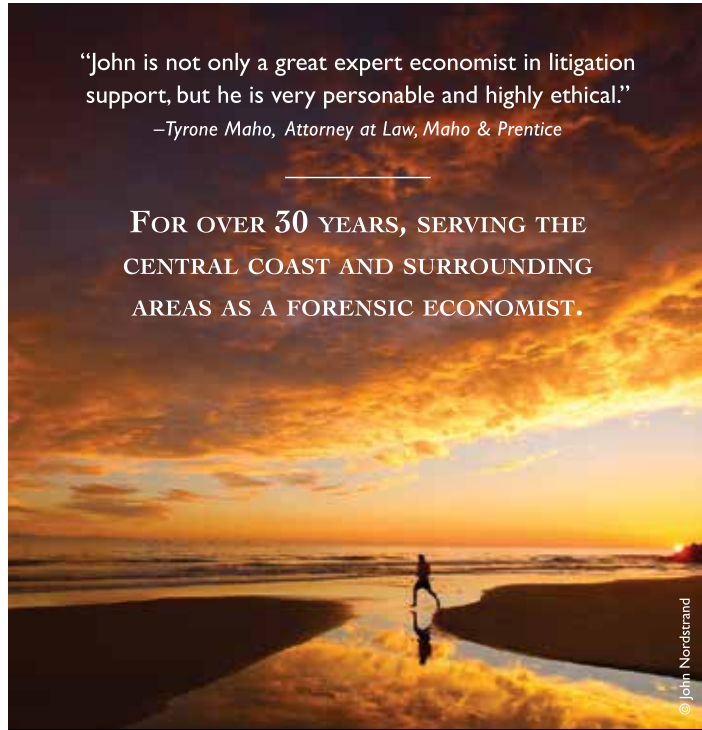
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Sanger, *continued from page 16*

not only a lack of transparency regarding the algorithms but that there was no control over the data. In addition, data that was obtained “in house” had the danger of perpetuating errors and biases within closed systems. These concerns have been expressed by scholars as well as civil liberties and civil libertarian activists on all parts of the political spectrum.⁴

As a result of these criticisms and concerns and potential litigation, Axon Enterprise, Inc. created the Axon AI Ethics Board. The Board was comprised of volunteers who include civil liberties, artificial intelligence and criminal justice experts. This is a company-based Board that can advise the company but has no authority to veto the production, sale or use of Axon products. A review of Axon Enterprise, Inc.’s website does not make it clear what the functions of the Board currently are. Furthermore, it seems that some Board members have withdrawn leaving the fate or existence of the Board unknown at this time.⁵

Axon Draft One

All of this brings us to the Axon Enterprise, Inc. product *Axon Draft One*.⁶ It is a type of generative Artificial Intelligence Large Language Model that is based on creating predictive text from law enforcement data. The program is trained on data related to the presumptive structure of police reports, on data related to the content of police reports in certain categories and then based on data related to a particular case. The structure and content data is proprietary as are the algorithms to process the data. The law enforcement agency makes some programming decisions for the program as a whole. The data related to the particular case is populated by police officer input and from other sources such as body-worn camera or dashcam audio/video material.

In actual application, a law enforcement agency may already own Axon’s body-worn, dash, or drone camera system. The agency may also own the *Fusus CCTV* city-wide surveillance systems, now acquired by Axon. In addition, citizen audios and videos can be uploaded to the database. The agency then can employ Axon’s *Evidence.com* to manage this audio and visual database and make it searchable by name of party, facial recognition, subject matter or other sorting mechanism.

Axon has other programs for law enforcement, including *Axon Commander* which will allow the agency administration to search for officer-involved incidents and Axon Performance to link to officer misconduct which, in turn, can create input to Internal Affairs Reports through *Axon*

Standards. There is a relational database system, *Axon Records*, which relates police reports to digital data referred to therein or data to police reports based on content. Finally—if there is a finally—*Axon Respond* and *Axon Dispatch* coordinate 911 and other service calls.

In conjunction with all of this is *Axon Draft One* which is intended to create AI-generated police reports. One of the most remarkable features of *Axon Draft One* is that it can generate a full police report, including the factual narrative, the investigation and the arrest from material recorded on a body cam. The officer puts in the subject’s name, selects the type of crime, whether it was a felony or a misdemeanor and then states whether there was an arrest or not. The computer armed with *Axon Draft One* will then interpret the audio and video. There are even instructions given to officers that suggests that they repeat key phrases while the video is being recorded.

The result is an apparently well-written, coherent police report. Of course, Axon Enterprise, Inc. advises that the individual police officer who is the purported author of the report and the supervisor are supposed to carefully proof-read the report and correct any technical or substantive issues. The agency regulates the extent of the influence of the AI-generated material and also sets the level of review by law enforcement before the report is released. The report is supposed to have a legend at the end stating that it was generated by AI.

What Could Go Wrong?

Police reports are at the heart of the criminal justice system. In contested cases one would hope that the potential factual errors, biases and overall accuracy of police reports are questioned. However, even in contested cases, that is aspirational. There are less than vigorous and sometimes overworked defense lawyers who will take police reports at face value. More importantly, most police reports are not going to result in contested litigation. Some reports are filed for future reference, some are read and future action is rejected by other officers, superiors or prosecutors. Some lead to filing decisions resulting in charges that should not have been filed or in charges that are too lenient or too harsh. Police reports also result in guilty pleas at arraignment or decision to plead where the reports have not been adequately examined. Finally, reports may be archived to come back years later to have an effect on a future investigation.

A report that is gleaned using AI from, say, a body cam interview in a case will generate a narrative that relates to the verbal content of the audio. It will not reflect the intonation of the speech. It will not understand nuances based on the verbal use of irony, sarcasm or other non-

literal speech. It will not appreciate demeanor. It may not—although to an extent, it may—be able to have access to all other investigative materials, other statements or physical evidence. In other words, an AI-generated police report, all or part, may not capture the subtleties or even the ground truth of the situation that is otherwise a part of a human agent’s investigation.

Of course, it is not just the missing of subtleties that may distort the contents of an AI-generated report. Depending on a number of variables regarding the source of the training data, the algorithm, source and content of the case-specific data, and the implicit biases in the system, the results can be skewed considerably. Most likely, these issues will be taken before the courts and subject to litigation. Corporate governance of its own software and processes is not necessarily effective.⁷

Justice takes time and is expensive. Police work if done right is painstaking in its documentation of detail. Yes, *Axon Draft One* can save an officer the time and trouble of doing paperwork. However, to the extent that that time and trouble contributes to a reliable record of an investigation it is a necessary part of doing justice. This is not a CAD program to help simplify dispatch records or a relational database to make searching for information more efficient. *Axon Draft One* supplants some or most of the human expertise that goes into an investigation of, and report on, human affairs.

Conclusion

Santa Barbara Lawyer and countless other legal journals have published a number of articles over the last couple of years regarding the actual and potential problems with artificial intelligence in the law. ChatGPT in legal research and drafting applications has been seen as a boon but, in practice, has resulted in injustices and outright disasters. This *Axon Draft One* application to police report writing is particularly dangerous in that police reports are supposed to reflect the truth, a truth that is relied upon to determine the liberty of actual people. This is beyond shortcuts to report writing—like use of templates or auto-populating reports with names and dates. This is actually conveying the narrative that will lead to core determinations involved in the criminal law process.

Regulation by statute or case law will have to take place. Axon makes an effort to have guardrails for its programs but those guardrails are subject to the discretion of the various agencies that use the product. Other companies will eventually vie for a share of the market of law enforcement sales for shortcut report generating software. Indeed, we have to ask what can go wrong and stop it before it does. ■

Robert Sanger has been practicing as a litigation partner, now principal shareholder at Sanger Law Firm, P.C., in Santa Barbara for over 50 years and is a Certified Criminal Law Specialist (40-year Certificate: Ca. State Bar Bd. of Legal Specialization). Mr. Sanger is a Fellow of the American Academy of Forensic Sciences (AAFS). He is an Adjunct Professor of Law and Forensic Science at the Santa Barbara College of Law. He is an Associate Member of the Council of Forensic Science Educators (COFSE) and is Past President of California Attorneys for Criminal Justice (CACJ), the statewide criminal defense lawyers’ organization.

The opinions expressed here are those of the author and do not necessarily reflect those of the organizations with which he is associated. ©Robert M. Sanger.

ENDNOTES

- 1 Based on the readily available literature and other materials, Axon Enterprise, Inc.’s Draft One software is the one product that has been successfully sold to law enforcement at the time of this writing to generate police reports using AI Large Language Models with predictive text capabilities. ChatGPT, itself, can generate a police report type of document but not with the sophistication of Axon Draft One which can use as a primary source, for instance, raw body cam data. However, competitors will be on the market and one, Truleo, is emerging that is based on a dictation system that converts oral notes into finished reports. See, <https://resources.truleo.co/narrative>.
- 2 This article is based in part on the representations of Axon Enterprise, Inc. on its website: <https://www.axon.com/resources>. Axon published its own “study” of Draft One at: <https://www.axon.com/resources/draft-one-quality-study-overview>.
- 3 See, e.g., Ian T. Adams, “Large Language Models and Artificial Intelligence for Police Report Writing,” CRIMRXIV (February 28, 2024); Matt O’Brien, “ChatGPT chief says artificial intelligence should be regulated by a US or global agency,” Associated Press (May 16, 2023).
- 4 Alessandro Mantelero, BEYOND DATA, (Springer, 2022), see, Chapter 3, “The Social and Ethical Component in AI Systems Design and Management,” pp. 94-138
- 5 Axon website, by Rick Smith (Founder), “Axon Committed to Listening and Learning so that we can Fulfill our Mission to Protect Life, Together,” (June 5, 2022) at: <https://www.axon.com/news/technology/axon-committed-to-listening-and-learning>.
- 6 The one and (according to the article itself and independent research) the only law review article primarily on Axon Draft One is: Andrew Guthrie Ferguson, “AI-Assisted Police Reports and the Challenge of Generative Suspicion,” (Pre-publication posted on SSRN, submitted July 17, 2024) available at: <https://ssrn.com/abstract>. The author is a Professor at the American University, Washington College of Law and it has not been designated of publication in a particular review as yet. Nevertheless, it is an excellent overview of the issues involved with Axon Draft One.
- 7 Peter Cihon, Jonas Schuett, Seth Baum, “Corporate Governance of Artificial Intelligence in the Public Interest,” 12 INFORMATION 275 (2021).

Caffeine: Exploring Lawyers' Well-Being Habits

BY ROBIN OAKS

I've had a love-hate relationship with caffeine throughout my forty years of practicing law. I love how a caffeinated drink makes me feel more focused and able to stay glued to my chair while thinking and writing. I hate how if I use caffeine consistently for more than a week, I feel jittery, my digestion feels off, and I toss and turn as I try to fall asleep at night.

I know that many find caffeine to be both enjoyable and beneficial. Overall research has been pretty convincing that coffee is more healthful than harmful in terms of health outcomes.¹ Caffeine use can be a friend or foe, based on quantity, the type of product in which it's contained, and also on the individual metabolic differences among people. Every legal environment I worked in deeply embraced a coffee culture.²

Chocolate, which also contains caffeine, doesn't make me feel as wired as coffee or tea (likely because food is metabolized more slowly, and chocolate has less caffeine in it). However, my body sometimes uncomfortably heats up and if I even *look* at chocolate—my waistline seems to expand overnight! (It's true, but I haven't found the science to prove it—yet...)

In the U.S., depending on the study, 85% to 90% of adults daily consume 135 to 200 mg of caffeine. Nearly three out of four Americans drink coffee each day. One 8 oz cup of coffee contains around 100-200 mg of caffeine, and many coffeehouse drinks exceed 300 mg. The safety limit for caffeine set by the FDA is 400 milligrams a day.³ However, these statistics don't reflect how caffeine affects you individually.

The coffee arabica (coffee) plant and the camelia sinensis (tea) plant produce a chemical, 1,3,7-trimethylxanthine, known as caffeine. Caffeine is classified as a drug because it is a chemical substance that produces a biological effect when given to a living organism. Caffeine addiction, referred to as "Caffeine Dependence" or "Caffeine Use Disorder," is a real thing. It's listed as a condition "for further study" in the *Diagnostic and Statistical Manual of Mental Disorder* (5th ed.) (DSM-5)⁴

The World Health Organization recognizes the diagnosis of Caffeine Dependence Syndrome, defined as a cluster of behavioral, cognitive, and physiological conditions that typically involve 1) a strong desire to use, 2) persisting in use *despite* harmful consequences, 3) increased tolerance, and 4) possible physical withdrawal symptoms.⁵ Caffeine dependence appears to be influenced, in part, by genotype.

As I've learned through my studies of Ayurveda and Chinese Medicine practices, how and whether we metabolize, react to—and enjoy—certain foods, medications, or plant substances depend on many factors, such as "constitution,"⁶ genetic make-up, stress responses, and a host of other considerations, including environment (time of year, climate, circadian rhythms). One person's medicine may be another's poison.

Human beings have been using and experimenting with plants to alter consciousness since the beginning of time.⁷ When I listened to Michael Pollan's audio book, *Caffeine, How Coffee and Tea Created the Modern World*, he outlined how caffeine affects the mind and body, how coffee and tea spread around the world and was intertwined with imperialism and slavery, and how he ceased his long-term coffee habit to write about his personal "withdrawal" experience. He notes, "I think this is true for any kind of habit. Until you try to break it, you really don't understand its hold on you. It was kind of a challenge."

I recently wrote an article about sleep and how it's the quality, not just the quantity, that matters. Caffeine may affect deep sleep, interfering with the slow brain wave activation process that each night is necessary for detoxing the brain and storing information. I decided to do my own personal experiment like Pollan, but instead of quitting, I started a new habit of using caffeine routinely for a month (I rarely use it, normally). I wanted to mindfully explore its impact on my sleep and wakefulness. Plus, I was planning a trip to visit family on the east coast soon after Daylight Saving. I thought it would be the perfect opportunity to explore how caffeine might decrease my usual jet lag blues as I navigated time zones and changes.



Robin Oaks

Caffeine Use: A Mixed Bag

For the first couple of weeks of my experiment, I really enjoyed sipping a fresh brewed cup of cappuccino that my brother made for me each morning. The coffee helped me feel awake—and lifted my lethargic mood. My brother, a professional pilot for over forty years, admits that he’s been wedded to caffeine (coffee, cola drinks) since he first began his love affair with flying. For many professionals, lawyers included, who often are forced to work out of sync with their body’s internal clock (circadian rhythms) while maintaining alertness and focus under demanding conditions, caffeine is a work environment staple.

During one morning coffee klatch, my brother shared well-being strategies that pilots learn as a trick of the trade. Turns out that the FAA (and the DOD) have invested heavily in studying how sleep and other factors, including caffeine, affect human performance. Pilots are taught, among other things, to take scientifically proven “26 minutes afternoon powernaps” to help buffer against sleep deprivation consequences.⁸

Biphasic sleep refers to multiple sleep-wake cycles that humans experience. Certain cultures create afternoon siesta-time to address our genetically hardwired dip of alertness that occurs in the mid-afternoon. This is the time of day

in our legal work environments that it’s common to take a coffee break—not a nap.

The military has done extensive research about caffeine use to optimize soldiers’ performance during military operations.⁹ One concern studied is the serious consequences of *not* providing caffeine to soldiers who are routine coffee drinkers because withdrawal from caffeine can impact cognitive and physical functioning. Withdrawal symptoms are generally not long-lasting, but may include headaches, drowsiness, irritability, fatigue, lack of focus and vigor, and flu-like symptoms. Michael Pollen chronicled his miserable withdrawal experience in his book.

During my own caffeine experiment, I felt an unmistakable kick-start to my sympathetic nervous system within minutes of consuming coffee. It enters the bloodstream within fifteen minutes and can start working as quickly as five minutes, although most notice its effects within an hour. My heart rate increased, and I felt a palpable sense of focus, which I interpreted as an energy boost.

I noticed that coffee’s unique aroma swiftly became associated with feelings of social connection and a subtle comforting feeling that I could predictably alter my consciousness and alertness—on command. I was forming all sorts of pavlovian-like associations with my morning “java” jolt.

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I also became acutely aware of caffeine's power to stimulate *dopaminergic* activity. Dopamine is known as the "feel-good" hormone because it's involved in the brain's reward systems and causes feelings of pleasure, satisfaction, and motivation. Coffee's abilities to release dopamine in the brain's nucleus accumbens may be a specific neuropharmacological mechanism underlying the addictive potential of caffeine.

Although caffeine is a central nervous system stimulant, it doesn't actually increase focus, as much as it contributes to prolonging wakefulness. It blocks endogenous adenosine from connecting to receptors throughout the body. Adenosine causes feelings of fatigue and lack of focus, which helps us with our physiological need to rest. If caffeine is not in the body acting as an antagonist at adenosine receptors, then adenosine slowly builds up, leading one to eventually fall asleep. Scientists have confirmed that every animal species on earth needs sleep to survive—and thrive.

Sipping Deeper

I'm not offering any medical advice in this article about caffeine—or coffee use (you can do your own research and talk to your doctor about any concerns). Instead, I am suggesting that there are benefits to exploring any habit deeper. Habits are repetitive behaviors, often done unconsciously. So, an important first step is to be aware of what you routinely eat or drink, and how it's *really* affecting you.

For instance, although research hasn't found any association between caffeine consumption and hypertension, a physician friend I know discovered that if he gave up his long-time coffee drinking habit, his alarmingly high blood pressure numbers dropped to normal levels. Caffeine is so woven into modern day culture that its effects may remain invisible regarding physical or mental conditions.

A few years ago, a study was published about coffee and mortality rates that caused a big stir in our coffee culture. It showed that people who consumed a cup of coffee a day were twelve percent (12%) *less* likely to die compared to those who did not drink coffee. Lower mortality rates were present regardless of whether people drank regular or decaffeinated coffee, which suggests the association the study found is not likely tied to caffeine specifically.¹⁰

One reason for the potential benefits of coffee drinking may be due to the presence of a wide range of biologically active polyphenols—chemicals with super powerful antioxidant and anti-inflammatory properties. Coffee is acidic generally, but, using courser grounds or pairing it with alkaline foods, or with milk—and not drinking it on an empty stomach, may help mitigate certain digestive effects. Caffeine is also a potent stimulator of gastrointestinal

motility. That's why many people use coffee in the morning to "get things moving."

At low doses, caffeine may positively impact symptoms of depression because caffeine stimulates dopamine, which is associated with good feelings. In addition to ingesting through food and drinks, caffeine can be inhaled, it's in medications and food additives, and it's even been used in enemas (by some claiming it promotes liver detoxication).

Knowing how your coffee is brewed, its source, and how it's been stored is also important. Although coffee has antimicrobial and antibacterial properties, high levels of mold have been detected in certain coffee products that may increase a person's toxic load. Also, coffee made with a French press is associated with a small but significant increase in LDL cholesterol that does not occur typically with filtered coffee.

As one ages or with long-term use (tolerance is another caffeine trait), how something affects us may change. For instance, pregnant women should monitor caffeine intake due to its effects on metabolism and estrogen. As we evolve—so may our sensitivities. Among the variables that may contribute to caffeine sensitivity are genetically mediated stress reactivity and baseline levels of stress exposure (and we all know lawyers routinely work under stress-inducing conditions).

Lawyer Polling Results

To explore how lawyers' caffeine consumption habits compare to national averages, I conducted a (very) informal study asking lawyers about whether they "routinely" consumed 1) "coffee", and/or 2) "anything caffeinated." I sent a few lawyers my yes/no caffeine survey and asked them to then forward it to other lawyers. Fifty-three (53) lawyers responded (and thank you to those who participated!).

The results suggested slightly higher than national averages regarding caffeine consumption, with 92% of the lawyers sampled consuming some form of caffeine routinely/daily; 71 % of the participants reported they routinely drank coffee, which reflects the national average. Of those claiming that they routinely had something caffeinated, 77% identified coffee as their main caffeine source.

Several participants added more details to the yes/no poll, clarifying their individual experiences. A few noted that they only drank one cup of coffee daily, and only in the morning because otherwise their sleep was impacted. Several expressed their fond relationship with a warm caffeinated beverage every day. Some claimed they had no problem consuming caffeine throughout the day, even into the evening.

Choices

Happily, my personal experiment with caffeine didn't result in any serious adverse effects. Adverse effects can happen, such as caffeine toxicity at high doses, creating disorientation, hallucinations, psychosis, seizures, and arrhythmias. Knowing exactly your caffeine source, and how much is consumed, is why the FDA reports on safety issues, especially concerning caffeine-alcohol beverages and energy-drinks containing high amounts.

For me, the cons outweighed the pros about whether I chose to continue using caffeine daily after my month-long experiment ended. Because I don't consume caffeine routinely, I'm an outlier in our legal culture caffeine use study. A formal study might have revealed more nuanced results about our community's caffeine preferences and habits.

Interestingly, Michael Pollan happily chose to return to what he called his beneficial coffee habit after abstaining for three months — although he acknowledged that his quality of sleep improved markedly without caffeine.

I invite you to do the following mindfulness practice. Explore whether your caffeine consumption is helping or hurting your performance as a legal professional—and how it benefits your wellness and well-being. ■

PRACTICE: Mindful Eating/Drinking

If you use caffeine daily or occasionally, choose your favorite caffeinated drink or food and place it in front of you. (If you never eat or drink something caffeinated, then choose any favorite food for this practice.) Take a mindful pause—and notice your breathing.

Now, take a sip of your drink, or a bite of food. Don't engage in conversation with others. Pay attention to the flavors, textures, smells, your mouth moving and any associations that come to mind.

Do a body scan by slowly moving your awareness from head to toe through your body, noticing areas of tension, your heart rate, breathing patterns, or any thoughts that might arise. Take another sip or bite. Note what you witness.

Take a break. Then, sit down again in fifteen minutes. Do another body scan and slowly move your awareness from your head down to your toes. Notice any body sensations or feelings that might have changed.

Consider starting a caffeine diary, recording daily what you feel after drinking or eating something caffeinated. Note the frequency and time of day you consume caffeine. Build an awareness about how your mind-body-energy, sleep, and performance are impacted by what you eat/drink.

Robin Oaks has been an attorney for nearly forty years, and for twenty-five years has provided legal services focused on independent workplace investigations and mediation. She is certified in and has studied a wide range of healing, emotional intelligence, cognitive fitness, and mind-body practices. She is a well-being consultant and offers confidential professional life coaching sessions for legal professionals seeking to optimize potential, restore balance, and thrive during stressful life changes and challenges. Contact: Robin@RobinOaks.com or 805-685-6773.

ENDNOTES

- 1 <https://www.hsph.harvard.edu/news/hsph-in-the-news/is-coffee-good-or-bad-for-your-health/#:~:text=Hu%20said%20that%20moderate%20coffee,their%20risk%20of%20early%20death.>
- 2 Kamil Rodak, et al. *Caffeine as a Factor Influencing the Functioning of the Human Body—Friend or Foe?* (2021); <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC8467199/pdf/nutrients-13-03088.pdf>

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Dinner is \$50 per SBCBA Member/\$60 per non-SBCBA Member (*\$60/\$70 after September 15th*)

GOLF

Meet at the Santa Barbara Municipal Golf Course at 12:00 pm. First tee off at 12:18 pm. Team prizes for 1st & 2nd places. Individual prizes for Longest Drive and Closest to Pin! Players must give some estimate of his/her handicap.
You will be contacted regarding team assignments.

\$125 to Play for SBCBA Members/\$135 for Non- Members - Includes green fees & cart.
(*\$130/\$145 after September 15th*)

\$170 for BOTH Golf & Dinner for SBCBA Members/ \$180 for Non- Members
(*\$180/\$190 after September 15th*)

TENNIS

Meet at the tennis courts at the Santa Barbara Tennis Club at 1:00 pm for warm-up with round robin play starting at 1:30 pm. A committee will form teams, for all levels. Men and women will participate in the tournament in all levels.

Prizes to tournament winners!

\$50 to Play per SBCBA Members/\$60 for Non- Members - Includes court fees & balls.
(*\$60/\$70 after September 15th*)

\$95 for BOTH Tennis & Dinner for SBCBA Members/\$105 for Non-Members
(*\$110/\$120 after September 15th*)

PICKLEBALL 1:30-4:30 Earl Warren Showgrounds

\$30 SBCBA Members/\$40 Non-Members (*\$40/\$50 after Sept. 10th*)

\$75 for BOTH Pickleball and Dinner for SBCBA Members/\$85 non-members
(*\$85/\$95 after Sept. 15th*)

To register, please fill out bottom portion of this flyer and mail, with check, to:

SBCBA 15 West Carrillo Street, Ste. 106, Santa Barbara, CA 93101

Questions? Call the SBCBA at (805) 569-5511

Limited Number of Tee Sponsorships: Tee sign on course with your company name (\$150)

Name & Phone Number	Handicap/ Rating	Tourney Fees	Dinner	Vegetarian?	Total

Amount Enclosed: \$ _____ (all fees are non-refundable)

THE CENTRAL DISTRICT OF CALIFORNIA BANKRUPTCY COURT'S WORKSHOP FOR JUNIOR ATTORNEYS

The Court's mission statement is "to serve the most populous and diverse judicial district in the country by providing bankruptcy relief, fair and impartial justice, and a prompt and efficient resolution of disputes." One way the Court advances this mission is to sponsor, contribute to, and promote programs that are aimed at educating the bar and the public on matters of bankruptcy law and practice.

To this end, on **Thursday, September 26, 2024, from 3:00 p.m. to 4:30 p.m.**, the Santa Ana and Riverside Divisions of the Bankruptcy Court of the Central District of California are presenting the "**BANKRUPTCY COURT'S WORKSHOP FOR JUNIOR ATTORNEYS**", an in-person workshop intended to foster the courtroom presentation skills of junior attorneys. The workshop will be held at the **Ronald Reagan Federal Building and Courthouse, 411 West Fourth Street, Santa Ana, California.**

The workshop is being offered to provide junior attorneys an opportunity to gain real time experience in a courtroom setting. The workshop is open to attorneys who have practiced for less than 7 years.

During each simulated hearing, two attorneys will be involved: one advancing the motion, and one opposing it. Participants will not be required to draft any papers. The preparatory materials, e.g. the motion and opposition papers, will be provided to the participants no later than one week in advance of the simulated hearings. Each attorney will have seven (7) minutes to present their arguments to a bankruptcy judge, who will thereafter question the attorneys on their positions.

At the conclusion of the exercise, the judge will provide feedback to the attorneys and answer questions as time permits. The Court will provide hearing transcript links to all participants to allow them to review the hearings and judicial feedback afterwards.

A reception will follow the workshop, held on the second floor of the building.

For more information, the following attorney coordinators may be directly contacted:

Ryan O'Dea, Esq.

☎ (949) 340-3400

✉ rodea@shbllp.com

Summer Shaw, Esq.

☎ (760) 610-0000

✉ ss@shaw.law

Richard Marshack, Esq.

☎ (949) 333-7777

✉ rmarshack@marshackhays.com

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09.26.2024**

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AND COURTHOUSE
411 West Fourth Street, Santa Ana, California



To Register, please visit <https://www.cacb.uscourts.gov/>

Under "News & Announcements", see the link for "The Central District of California Bankruptcy Court's Workshop for Junior Attorneys (Santa Ana)".

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2024 MCLE Series Schedule 12:15-1:15 p.m.

Date	Topic(s)	Credit Hours
May 22	<i>David Mann of the Other Bar – A Conversation on Attorneys and Substance Abuse (Competence Credit)</i>	1.0*
June 26	<i>Jennifer Lee – Technology in the Practice of Law (Technology Credit)</i>	1.0*
July 24	<i>Dr. Keisha Clark - Recognition and Elimination of Bias (Elimination of Bias Credit)</i>	1.0*
August 28	<i>Doug Ridley – The Complete Attorney (Ethics Credit)</i>	1.0*
September 25	<i>Civility in the Legal Profession – It’s Importance & Why We Need It (Civility Credit)</i>	1.0*
October 23	<i>Robin Oaks - Professional Burnout Among Lawyers & How to Address It</i>	1.0*

* Indicates California State Bar Specialty Credit

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*Membership may be purchased at <https://sbwl.org/join-sbwl/>



Oaks, continued from page 23

- 3 See <https://www.ama-assn.org/delivering-care/public-health/what-doctors-wish-patients-knew-about-impact-caffeine#:~:text=About%2085%25%20of%20adults%20consume,source%20of%20caffeine%20for%20adults>
- 4 The DSM-5 added CUD because withdrawal and dependence from caffeine are clinically significant. The APA is not clear that CUD is a clinically significant disorder, so the DSM-5 doesn't include a *diagnosis* for it.
- 5 Dr. Steven Meredith, Dr. Roland Griffiths, et al, *Caffeine Use Disorder: A Comprehensive Review and Research Agenda*, (2013): <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3777290/>
- 6 According to Ayurvedic Medicine practices, we each have unique constitutional and functional energy patterns called doshas (kapha, pitta, vata) governing physiological and psychological activity. These classifications reflect varieties of physiologic strengths and weaknesses, mental tendencies, and susceptibility to illnesses. Approaching wellness and balancing processes through an understanding of doshas provide a framework for healing and thriving from a *holistic* perspective.
- 7 For his book, Michael Pollan interviewed Dr. Roland Griffiths, Departments of Psychiatry and Neurosciences, Dir. of Psychedelic and Consciousness Research, and Caffeine Research at Johns Hopkins Univ. School of Medicine.

- 8 According to NASA, pilots who take 26-minute power naps experience a 34% increase in job performance and a 54% increase in alertness. They feel less sleepy at the end of flights and are less likely to experience microsleeps.
- 9 Institute of Medicine, *Caffeine for the Sustainment of Mental Task Performance, Formulations for Military Operations*, Washington D.C. (2001) <https://pubmed.ncbi.nlm.nih.gov/25057583/>
- 10 Veronica W. Setiawan, lead author of the study is Associate Professor of Preventative Medicine at the Keck School of Medicine of USC; study reported in the *Annals of Internal Medicine*, July 11, 2017 issue.



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Feature

Clark, *continued from page 12*

the monetary amounts at stake in the settlement process. The settlement of personal injury cases can get stalled by monetary demands that far exceed the reasonable value of a case. However, by comparing verdict data from similar cases, we can quickly get a feel for the amounts different types of parties have been willing to accept in order to resolve different types of matters. At a more specific level, we can also look into the timing of these settlement offers. Is there something telling about the defendant's last minute effort to settle the case out of court? Does the amount of the settlement offer index anything about the defendant's confidence level before trial?

A Jury Box Verdict

On October 7, 2019, a jury for the Los Angeles County Superior Court found in favor of Jorge Perez. Concluding that Hibachi Buffet was negligent in the maintenance of its premises, all twelve jurors agreed to award the plaintiff \$850,000 in damages. The amount, although less than the restaurant's \$1 million insurance policy limit, far exceeded the \$250,001 settlement presented to Perez. This case study is a reminder that while jury verdicts are few and far between, they are incredibly important. Each year, juries at the state and federal level decide the outcomes of billions of dollars. They also set the standards that influence future legal behavior, as jury verdicts determine the value of legal disputes in ways that can influence the choices of future plaintiffs, defendants, and their attorneys. Even though we may never know with any degree of absolute certainty how a case will unfold in front of a jury box, verdict analytics has brought a new level of transparency to the risks and rewards of the settlement process, the details of which would otherwise have remained hidden from the public record. ■

Nicole Clark is the CEO and co-founder of Trellis She is a business litigation and labor and employment attorney. Trellis is an AI-powered legal research and analytics platform that gives state court litigators a competitive advantage by making trial court rulings searchable, and providing insights into the patterns and tendencies of your opposing counsel, and your state court judges:

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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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If you are interested in serving as a SBCBA Section Chair, please contact Marietta Jablonka, SBCBA Executive Director at (805) 569-5511 or sblawdirector@gmail.com.

September

2024

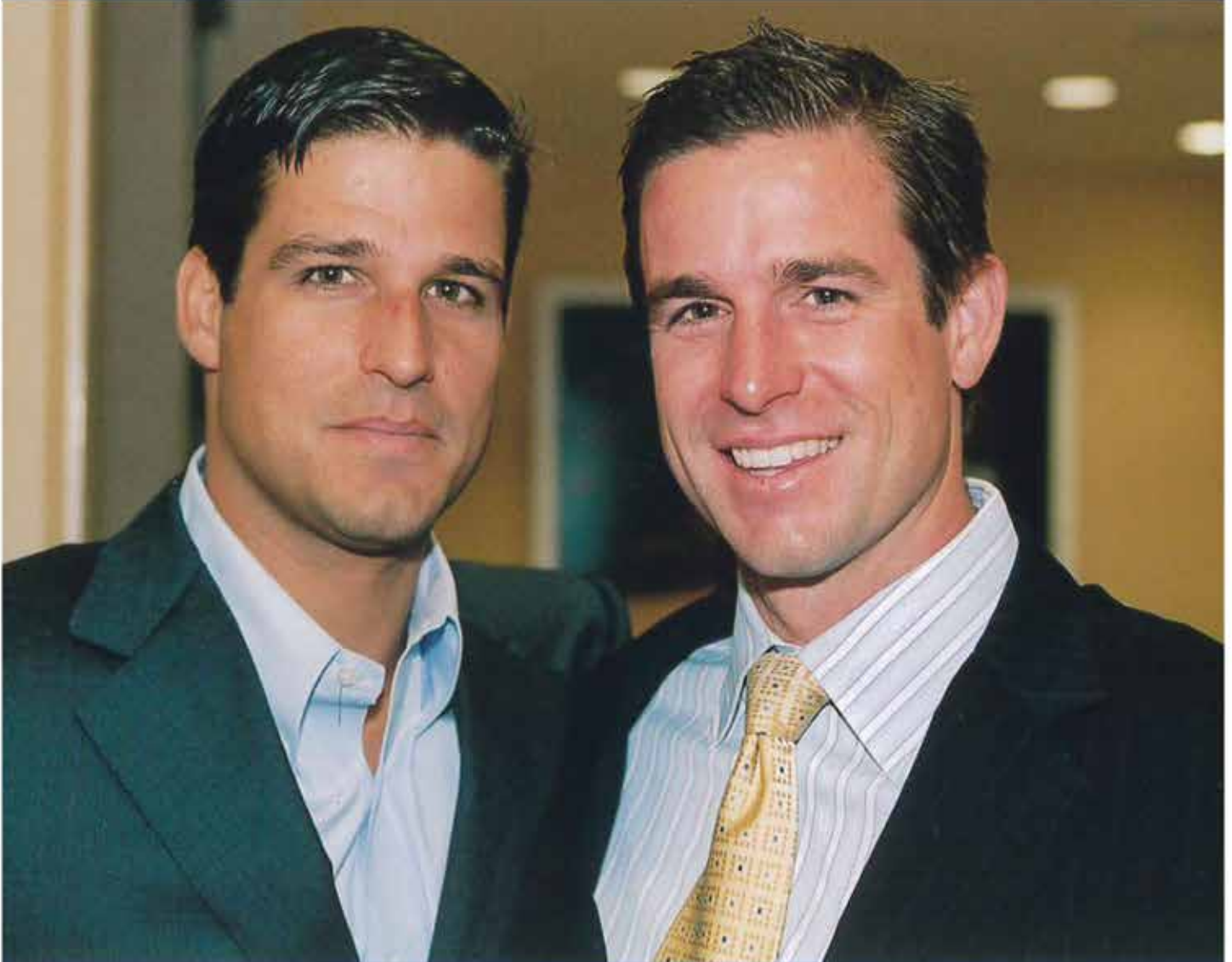


Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
1	2 Labor Day	3	4	5	6	7
8	9	10	11	12	13	14
15 First Day of Hispanic Heritage Month	16	17	18	19	20	21
22 Autumn Equinox	23	24	25 SBWL Presents MCLE : "Civility in the Legal Profession – Its Importance & Why We Need It"	26	27 SBCBA 2024 Golf, Tennis & Pickleball Tournament	28
29 National Coffee Day	30					

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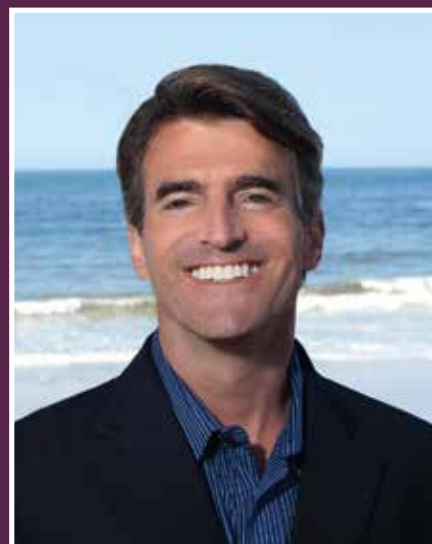
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