

Santa Barbara Lawyer

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Tournament*

Inside: Dos Pueblos Mock Trial Team Takes on the Empire / Santa Barbara Women Lawyers: Onward and Upward! / Busting Burnout: Raising Awareness to Reignite Your Fire, Part I / Schizophrenia, Medication, and the Law



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ERIN PARKS

President
Law Office of Erin R. Parks
625 E. Victoria St, Garden Ste
Santa Barbara CA 93101
(805) 899-7717
law@erinparks.com

MICHELLE ROBERSON

President Elect & Secretary
Sierra Property Group, Inc.
5290 Overpass Rd, Bldg. C
Santa Barbara, CA 93111
(805) 692-1520 *102
michelle@sierrapropsb.com

BRADFORD BROWN

Chief Financial Officer
Law Offices of Bradford Brown,
APC
735 State St. Ste 418
Santa Barbara, CA 93101
(805) 963-5607
brad@bradfordbrownlaw.com

JENNIFER GILLON DUFFY

Past-President
Rimôn Law
200 E. Carrillo St #201
Santa Barbara, CA 93101
(805) 618-2606
jennifer.duffy@rimonlaw.com

BARBARA CARROLL

Santa Barbara County Counsel
105 E. Anapamu St, Room 201
Santa Barbara, CA 93101
(805) 568-2950
bcarroll@countyofsb.com

THOMAS FOLEY

Foley, Bezek, Behle & Curtis
15 W. Carrillo
Santa Barbara CA 93101
(805) 962-9495
tfoley@foleybezek.com

TAYLOR FULLER

Herring Law Group
559 San Ysidro Road Ste G
Santa Barbara, CA 93108
(805) 983-6452
tfuller@theherringlawgroup.com

CASSANDRA GLANVILLE

Apex Family Law
7 W. Figueroa Street, Suite 300
Santa Barbara, CA 93101
(805) 770-2015
cassandra@apexfamilylaw.com

ANGELA GREENSPAN

Fauver Large
Archbald & Spray LLP
820 State Street, Suite 4
Santa Barbara, CA 93101
(805) 966-7499
agreenspan@FLASLLP.com

SCOTT JASKE

Law Office of Mark T. Coffin, PC
21 E. Carrillo St.
Suite 200
Santa Barbara, CA 93101
(805) 248-7118

RICHARD LLOYD

Cappello & Noel LLP
831 State St
Santa Barbara, CA 93101
(805) 564-2444
rlloyd@cappellonoel.com

TERESA MARTINEZ

Office of County Counsel
105 E. Anapamu St. # 201
Santa Barbara, CA 93101
(805) 568-2950
teresamartinez@co.santa-barbara.ca.us

MATTHEW MOORE

Moore Family Law & Mediation
148 E. Carrillo Street
Santa Barbara, CA 93101
(805) 697-5141
matthew@moorefamlaw.com

ROBIN OAKS

Attorney at Law
Santa Barbara CA
(805) 685-6773
robin@robinoaks.com
www.robinoaks.com

Staff

MARIETTA JABLONKA

Executive Director
15 W. Carrillo St, Suite 106
Santa Barbara, CA 93101
(805) 569-5511
Fax: (805) 569-2888
sblawdirector@gmail.com

CHRISTY BARKEY

Legal Assistant

Santa Barbara Lawyer

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CONTRIBUTING WRITERS

Dos Pueblos Students
Robin Oaks
Robert M. Sanger

EDITOR

Richard Lloyd

ASSISTANT EDITORS

Nicole Coulter
Marietta Jablonka

MOTIONS EDITOR

Michael Pasternak

PHOTO EDITOR

Mike Lyons

GRAPHIC DESIGN

Baushke Graphic Arts

Submit all **EDITORIAL** matter to
sblawdirector@gmail.com
with "SUBMISSION" in the email
subject line.

Submit all **MOTIONS**
to Michael Pasternak at
pasterna@gmail.com

Submit all **ADVERTISING** to
SBCBA, 15 W. Carrillo Street,
Suite 106, Santa Barbara, CA 93101
phone 569-5511, fax 569-2888
Classifieds can be emailed to:
sblawdirector@gmail.com

www.sblaw.org

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On the Cover

Top: Diego Leon, Frann Wageneck, Nicolette Paulin, Marietta Jablonka, Jenean Daniels, Chris Jablonka, Lori Brakka, Mary Schmidt. *Bottom left:* Alan Bifano, Chris Cyr, Josh Webb, Matt Raab. *Bottom right:* Lynn Stokes-Pena, Brant Berglund.

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Dos Pueblos Mock Trial Team Takes on the Empire

BY DP TEAM MEMBERS

Coming off of a heartbreaking championship loss during the spring, we were looking to bounce back. We got our new case in July and had just over two months to put a case together, for both the prosecution and defense. It wasn't going to be smooth sailing but we believed we could do it.

Preparation started off strong, both sides thinking of our themes and theories almost immediately. We started to put together our exams, and began to write statements. The issue was, our defense team realized quickly our first theme wasn't going to cut it. We spent multiple practices debating, for hours straight on what it should be, and found nothing. Obviously the case couldn't be built around a non-existent theme—we were beginning to panic.

By mid-August, scrimmage season started against some tough competition. So without a fully formed case, we put on our suits, faked our confidence and gave it what we had.

Our coaches organized a “retreat”—a weekend in the dorms at UCSB to work on the case, hear from speakers and experts, and get an insight on what college life might look like. It was a great weekend, where we managed to talk ourselves out of one theme and settle on our final. Thankfully, with less than a month until competition, we were ready to perfect our performance.

That's when the scrimmages started heating up. We traveled up and down California to prepare, but we were not filling our coaches with confidence. We scrimmaged almost every weekend leading up to the competition, and before we knew it, we

were in Philadelphia.

After our first pre-competition scrimmage, our coaches were not pleased with our performance. Some critical assessment had us hearing that while our witnesses were so much better than theirs, the opposite was true of our attorneys. We knew we had to lock in. A very late night, followed by another mediocre scrimmage had us wondering about our chances heading into the competition.

The way the competition was set up, the top two teams from either division go head to head in the championship round. Each team had four rounds of trials in their division, with the top teams scheduled against similarly ranked teams. Each round was decided by two ballots, which determine your overall score.

We were off and had brought our competition game. We won the first round 2-0. Then we drew an opponent we knew was tough. The round went on, and it was back and forth, at least from our perspectives. It was hours of torture while we waited for the results, filled with pacing, stress, and endlessly dissecting our performance in the competition. We won, 2-0! Hugs, cheers, and smiles were everywhere—energy levels and confidence rebounded, as we were unbeaten heading into the second day of the competition.

That was when we drew our toughest opponent. We found out we were going against twelve-time Georgia State Champions, Jonesboro High School. We started working right away, preparing for the tough matchup ahead. But at this point, there was only so much that could be done. Eventually we had to stop working and go to sleep. They were a very strong team, but so were we. An unpredictable judge was presiding, who happened to be married to our scorer. After the round was over—we had another wait. More pacing, more stress, and more adrenaline coursed through us until results were finally posted. 1-1. We were 5-1 heading into our last trial—second in our division. We were going against the fourth place team. We had done the math, we knew what needed to happen, but the only thing we

could control was us. We had to win 2-0 to have a chance of getting to the championship.

The team we were going against was interesting. They



“We won. We cried, we laughed, we smiled, and we hugged, the emotions were unreal.”

bet our timekeeper money that we would lose, they insulted our attorneys, but we stayed strong, calm and unphased. We felt confident after this round, but we'd been wrong before—even the coaches know you can't predict the score when dealing with mock trial scorer subjectivity.

The closing ceremonies were going to put us out of our misery one way or another. They started as they always do, talking for way too long while we waited in the most suspenseful moments of our lives. They started calling out the ranking, backwards from 10—sharing details of their record and point differential. Then came the third place announcement. "With a record of 7-1, a strength of schedule of 23, and a point differential of 59, we have... Jonesboro High School." We knew what this meant! Dos Pueblos, in second place, was moving on to the championship round. We had the same record as them, and the same strength

of schedule, but the only thing separating us was the point differential. They had 59—we had 61. We won by 2 points.

Our prosecution was going for the Championship round, but there was an issue. You see, Empire has some challenges finding people to score rounds, so they sometimes have to rely on coaches. It all works well, until another team's coach has seen your entire case while scoring a different round. We were going against Lynbrook, and their coach had just scored our last round. We worried about it, but eventually realized there was nothing we could do about it except be our best in trial.

The next morning, our prosecution team nailed it. Everything from the pre-trial argument, to our witnesses on cross, to the closing argument was perfect. But still, scorers are unpredictable. There we were, standing in the courtroom after the trial, waiting for the verdict. After they



DP Mock Trial Team

- Luna Avolio
- David Beck
- Alexis Demboski
- Ethan Gardiner
- Sam Jabbari
- Sofia Elena Lara
- Ariel Li
- Mitchell Maskrey
- Sophia Merritt
- Riley Minne
- William Parisse
- Milena Rodríguez
- Jonathan Yang

talked for a long time (again!), here it was. Now we head straight into our regular California season. Our county competition is in February, but we have some work to do. We hope to recreate our Empire magic at County this spring, then further it at State. We'd like to thank our hard-working and dedicated coaches Lisa Rothstein, Christine Voss, Lina Somait, and Hannah Krieshok. We'd also like to thank everyone who supported us along this journey, especially our parents and sponsors who were our platform for going on this adventure.

And if any lawyers in town are in need of any young, enthusiastic, law-minded young interns, we happen to know a number of dedicated individuals who would be happy to help. ■



Looking good—Dos Pueblos mock trial team, ready to compete.



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On October 3, 2024, the Santa Barbara Women Lawyers Foundation hosted their annual Onward and Upward Awards Ceremony at The Canary Hotel. Each year, SBWLF awards scholarships to law students of all gender identities and expressions who have demonstrated a commitment to promoting gender equality, serving the Santa Barbara County community, and enriching society as a whole. The October 3rd Ceremony honored this year's recipients, recognizing their remarkable achievements both inside and outside of the classroom.

Beyond excelling academically, this year's recipients collectively enrich our local community in a variety of ways. Some examples of their contributions to our community include: establishing a Mixteco language interpretation service for medical services; providing an online, bilingual resource for information relating to important social topics and causes; offering healing yoga services to individuals across Santa Barbara County; and championing for change

everywhere they go. As emerging advocates, these promising law students will be a joy to welcome into the legal profession.

Please join us in congratulating:

- Lauren Morrison (*University of Denver, Sturm College of Law*) - The Honorable William McLafferty Memorial Scholarship
- Amy Bankoff (*The Colleges of Law, Santa Barbara Campus*) - The Honorable James E. Herman Memorial Scholarship
- Meg Nakagawa-Hoffmann (*The Colleges of Law, Ventura Campus*) - The Honorable Ruth Bader Ginsburg Tribute Scholarship
- Rebecca "Becky" Hoffman (*The Colleges of Law, Santa Barbara Campus*) - The Tara Haaland-Ford Memorial Scholarship
- Judith Iraided Sanchez (*The Colleges of Law, Santa Barbara Campus*) - The Anticouni & Ricotta Scholarship

Special thanks to event sponsors, Honorable Judge Louise LaMothe and NordstrandBlack PC, and to our scholarship donors: Anticouni & Ricotta, Lisa Franklin, Carol McLafferty, and Santa Barbara Women Lawyers Association.

For more information on how to sponsor or donate to next year's Onward and Upward Ceremony please contact: sbwlfoundation@gmail.com ■





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Busting Burnout: Raising Awareness to Reignite Your Fire

(Article one in a three-part series on Burnout in Law)

BY ROBIN OAKS

“Creating the culture of burnout is opposite to creating a culture of sustainable creativity. This mentality needs to be introduced as a leadership and performance-enhancing tool. It’s also our collective delusion that overwork and burnout are the prices we must pay in order to succeed.”

– Arianna Huffington

“Burnout is not a problem of *doing* too much or needing more sleep. It’s our inner GPS guiding and rekindling our *being* to wake up.”

– Robin Oaks

This article is the first in a three-part series exploring the causes and the cures of burnout in the legal profession. If you are suffering from burnout, in any form, you may be feeling so fatigued, cynical, and disconnected that you have no interest in even reading this SBL article, at all. However, if you have read thus far, and think you may be suffering from burnout, I offer just two words that might ignite your curiosity to read more—THERE’S HOPE. Through this series on burnout, I hope to: 1) raise awareness about what workplace burnout means for legal professionals, 2) explore ideas for what can be done individually and collectively (organizationally) to prevent it, and 3) reframe symptoms of burnout as a messenger guiding you to make changes that will enliven you – and your work.

This first article introducing characteristics of burnout is intended to raise awareness and spark conversations about the key elements of this all too prevalent occupational hazard. My aim for this series is not to emphasize the risk, as much as to provide a roadmap for strategic action and choices. During a recent presentation that I gave for lawyers about fostering well-being, I canvassed the participants and asked the question, “Who would recommend to a friend or family member that they pursue a career in law?” Only a handful raised their hands and most just

blankly stared back at me, remaining silent. The research on burnout reflects what I realized from my informal survey. Many lawyers are suffering in silence from work related stressors, and likely from varying degrees of workplace burnout.

The hallmark signs of burnout involve a sense of helplessness to do anything about feelings of disconnection and distress that manifest emotionally, physically, socially, and spiritually. After all, haven’t most attorneys been told that stress is a fact of legal life, and that’s “the way it’s always been.” In fact, the process of burnout is often gradual and insidious. Denial, apathy, and effortful coping keep one from recognizing slow but sure shifts in moods, perspectives, and energy. Eventually exhaustion, malaise, and cynicism become the norm. Having candid conversations about burnout not only helps remove the stigma about seeking help, but also allows for diverse perspectives and collective actions to prevent and address it successfully.

In December’s SBL edition, just in time for the end of year holiday festivities and increased work demands, I’ll explore how individually we can address the causes of burnout at work. I’ll outline why balance, mindset, certain skill sets, and perceptions about professional identity can impact mental and physical health. In the third article of the series, I’ll cover how relationships and environmental contextual factors impact burnout, and suggest actions organizations can take to create healthy, engaged work environments.

Unraveling Lawyer Burnout

Burnout is not an occasional dip in energy or motivation. Nor is it the ebb and flow of feelings that might be characterized as “stressed,” “overwhelmed,” “crazy busy,” or “slammed” that legal professionals experience, now and then. Burnout is a slow process of drain, and depletion of mental, physical, emotional, spiritual resources. It involves feelings of unrelenting internal tension/pressure, loss of control, and disconnection from one’s source of aliveness, energy, sense of meaning, and self-identity.

One of the distinguishing characteristics of the phenomenon known as workplace burnout compared to physical or mental medical disease diagnosis, such as clinical depression



Robin Oaks

or anxiety, is that with burnout the symptoms often are relieved when a person is no longer working. Clinical depression symptoms are consistent in all aspects of a person's life. However, not addressing burnout may raise the risk of depression, and other mental and physical health issues, including suicide ideation and self-harm. Working for the last thirty years as an attorney-investigator, I've heard about and had to unravel the many facets of workplace behaviors and conditions contributing to toxic effects on all dimensions of employees' life experiences.

When a total collapse from severe burnout occurs, often professional help or interventions requiring rest and renewal are needed. Because factors affecting burnout are varied, I'm not suggesting specific treatments for handling any mental or physical concerns that may arise. Consequently, each individual is urged to seek professional and supportive help, if needed. However, based on recent studies that confirm lawyer burnout rate is high, it's imperative that we all explore the basics of burnout to craft solutions that can benefit all.

As noted recently in Bloomberg law, studies show lawyers report that they feel symptoms of burnout forty-eight percent (48%) of the time. Significantly, women report experiencing burnout symptoms at higher rates (56%) than their male colleagues (41%). One notable research finding revealed that those lawyers who have children under the age of 18 reported feeling more burnout at work than others, with females experiencing burnout rates higher than males.

Recent studies show alarming rates of attrition involving women lawyers.¹ Reasons that women contend contribute to their decisions to leave the legal profession are also issues the research confirms are associated with burnout.

In a study conducted by Patrick Krill about lawyers, it was discovered that, several key factors, including "being male," correlated most highly with lawyers' reports of experiencing suicidal thoughts: *perceived* high stress

levels, sense of *loneliness*, *overcommitment* to work.²

Also, in a 2023 study by NORC at the University of Chicago with the Massachusetts Lawyers Concerned for Lawyers and Massachusetts Supreme



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Judicial Court Standing Committee on Lawyer Well-Being, high rates of lawyer burnout were revealed (77%).³ Attorneys from marginalized groups reported even higher rates of burnout, anxiety, and depression.

Significantly, this study found that a much lower percentage of those reporting burnout symptoms sought any type of care to address how and what they felt. Instead, they either left work, changed jobs, or did nothing—and suffered in silence. This internal silencing of one’s authentic experiences likely adds to the stress stemming from burnout’s effects.

These findings suggest that although workplace burnout relating to lawyers is considered an occupational issue, any realistic solutions must recognize the multi-dimensional nature of the factors contributing to it.

Burnout Basics

The World Health Organization characterizes burnout as a syndrome (not a medical diagnosis) that includes:

- feelings of energy depletion or exhaustion;
- increased mental distance from one’s job or feelings of negativism or cynicism towards one’s job; and
- a sense of ineffectiveness and lack of accomplishment.

What is apparent from this definition emphasizing an individual’s mental and physical “feelings” and “perceptions” is an absence of identifying what causes burnout. The first standardized quantitative measure of burnout created in 1981 was the Maslach Burnout Inventory (MBI). It characterizes burnout as feelings of “insurmountable work-related stress that comprise symptoms of exhaustion, cynicism and inefficacy.” However, the questionnaire looks at the three reported symptomatic dimensions of burnout (i.e., exhaustion, cynicism, inefficacy), not the causes, and measures the frequency of these occurring over a one-year timeframe.

The MBI has been a major contributor to research about burnout in occupational health science. Employers and individuals use it as a metric to identify where organizational change is needed. There is no question that organizations and leaders in legal workplaces need to be involved in addressing burnout, not only because humans suffer greatly because of it, but it affects loss of productivity, absenteeism, incivility, mistakes, client-relations, and turnover costs.

So, if *burnout*, based on its name, symbolizes both a destructive force and also lack of necessary fuel for a fire to flame, what individual and institutional actions can fire up motivation, energy, compassion, competence, accomplishments, and positive emotions in our legal workplaces?

Digging Deeper to Unearth Burnout’s Causes

The following categories have been suggested for feelings or attitudes that are associated with burnout. As you read through these themes, consider what needs are not being met that might create disconnection, distress, and disease—and what actions might serve as an antidote.

Under-appreciated: This involves feelings of lack of autonomy, or sense of not being valued at work (“I don’t matter”) or through the work one does (“My work doesn’t matter”). This may include feeling misaligned with what one is doing (meaning, interest, strengths, values), one’s expectations, or feeling one does not belong—or fit in.

Under-valuing of self or feeling a lack of agency or worth to meet demands: This involves feelings that work demands or work conditions are out of one’s control. There is a sense that one lacks the resources (either internally or from the environment) to get the job done well (overwhelmed or chronically stressed out) or in accord with internal expectations (beliefs), which may lead to doubts about abilities, efficacy, or accomplishments.

Overachiever and overzealousness: This involves identification of oneself with professional status, power, or work accomplishments, and pursuing success by working harder, longer, focusing mainly on extrinsic motivators, as opposed to intrinsic, and ignoring human needs and self-care.

Over-doing: This involves pushing through and with a sense of drivenness to prove oneself -- to keep performing, accomplish, control, to give, to be of service, to care, despite physical, emotional, mental exhaustion. This pressure, tension creating, chronic sense of doing without rest or renewal, and possibly without adequate resources, may lead to energy drain that shows up as illness, fatigue, depression, anxiety, physical pain, and/or despair, emptiness, and possible suicidal ideation.

Although these descriptive themes may at first glance appear to be an individual matter, organizational factors play a big part in battling or contributing to burnout and related stressors. Some of these factors include workload, resources allocation, staffing, culture, inclusion, leadership, mentoring, autonomy support, organizational hierarchy, and finances. There is a direct relationship between addressing human needs (such as safety, connection, autonomy, accomplishment, authenticity, competence) and “lawyering well.”

Two psychologists, Gail North and Herbert Freudenberger, developed a way of characterizing the slow process of moving through what are categorized as the twelve stages of burnout. The twelve stages include:

- An urgent need to prove oneself.

- Working harder, overcommitted, pushing through to meet all demands and deadlines on one's own, with increasing tension, pressure, and identification with accomplishments.
- Neglecting needs, and normalizing isolation and identification with work over people.
- Interpersonal conflicts and physical complaints increase.
- Revision of values, lessening of empathy, increased insensitivity and criticism.
- Denial, cynicism, feelings of loneliness (not feeling authentic, belonging) increase.
- Withdrawal, irritability, helpless feelings contribute to substance use and other maladaptive distractions to cope, numb, and self-medicate.
- Behavioral changes become more prominent—apathetic, unproductive, avoidant.
- Depersonalization, loss of identity as Self, meaninglessness in value of work or efficacy.
- Feeling empty, exhausted, anxious, fatigued, frazzled.
- Despairing, depressive, helplessness, and sad feelings set in—possible suicide ideations.
- Total burnout—mental, emotional, physical collapse—requires immediate care.

In the next article, I'll explore raising awareness about individual efforts to build resources of resilience and renewal that counter burnout affecting our legal livelihood. Consider reflecting upon the following questions that ask you to dig deeper beyond the burnout basics that I've introduced in this article. My hope is that the insights that might come to light can help ignite, individually and collectively, some positive changes to prevent, cure, and address burnout. ■

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 CA Lawyers Association 2023 research: Losing Our (Best) Minds <https://calawyers.org/wp-content/uploads/2023/02/Losing-Our-Best-Minds-FINAL-2022.12-REM.pdf>
- 2 Stressed, Lonely, and Overcommitted: Predictors of Lawyer Suicide Risk, Patrick Krill, et al. <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC9956925/>
- 3 Massachusetts Lawyer Well-Being Study <https://www.norc.org/research/projects/massachusetts-lawyer-well-being-study.html>

Questions to Ignite Positive Change

1. What is one change in my life that needs to happen now, and what am I gaining by avoiding it?
2. What is something I need at work that I'm resistant to ask for—or do something about?
3. Why did I want to become a legal professional? How many times this week or this month did I consider how my work matters and benefits others?
4. What client or legal colleague do I most enjoy connecting with, and why?
5. When was the last time I thanked someone for what they did that helped my day be rewarding, better, or easier? When was the last time someone thanked me?
6. If I'm honest with myself, what is one thing I routinely do in my workday that I know saps my energy—but I continue to do it?
7. Have I made judgments, distractions, and/or criticism a comforting, coping habit?
8. Today, what went right at work that I can take a moment and savor?
9. What is a strength I believe is authentically me and reflects an important value in life? Do I find a way of expressing it every day through my work?
10. Is there one symptom described in the 12 stages of burnout that I recognize in myself? How might it be revealing to me what needs to change (big or small) in my work-life or in me?



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Schizophrenia, Medication, and the Law

BY ROBERT M. SANGER

Introduction

The criminal justice system is the “court of last resort” in dealing with mental health issues. To the credit of the courts, there has been great progress in providing Mental Health Treatment Courts and Mental Health Diversion. This is an enlightened approach to the use of the legal system, but it is also expensive and, to an extent, can be avoided by improved intervention, diagnosis, and treatment at earlier stages. Nevertheless, criminal defense lawyers—as well as prosecutors, family law and transactional lawyers, and anyone who may be asked for advice—are encountering people and families of people who have significant mental health issues with increasing frequency.

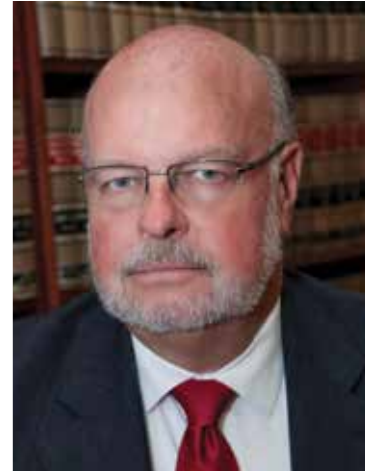
Lawyers can advise people and families to reach out to resources through their family physicians, local counselors, psychologists and psychiatrists, County Behavioral Wellness (the renamed County Mental Health Department, BWELL)¹ and the local chapter of the National Alliance on Mental Illness (NAMI) which is quite active.² Of course, in case of an emergency or acute mental health crisis, call 911. There is no stigma in seeking help for a mental health condition. It is incumbent upon lawyers to advise clients to seek out mental health professionals for advice before—and certainly after—the criminal justice system is invoked.

Schizophrenia is a mental health condition that involves psychotic symptoms and, untreated, can be devastating to the individuals and to their families. Schizophrenia affects approximately 1% of the world population,³ and diagnoses may be higher in the United States. People with schizophrenia often become involved in the criminal justice system. There have been some important developments in recent years including some significant medical advances which we will address in this month’s *Criminal Justice* column.

Schizophrenia

Schizophrenia is recognized as a mental, behavioral, and neurodevelopmental disorder, which is described in the International Classification of Diseases, 10th Revision, Clin-

ical Modification (ICD-10-CM, 2025 edition) as “a severe, lifelong brain disorder. People who have it may hear voices, see things that are not there or believe that others are reading or controlling their minds.” Symptoms include unusual thoughts or perceptions, disorders of movement, difficulty speaking and expressing emotion, and problems with attention, memory, and organization.



Robert M. Sanger

The Diagnostic and Statistical Manual published by the American Psychiatric Association (DSM 5-TR) includes five identifying symptoms which are similar but not identical to the ICD-10-CM: 1. Delusions; 2. Hallucinations; 3. Disorganized speech; 4. Grossly disorganized or catatonic behavior; 5. Negative symptoms (e.g., reduced emotional expression). Two or more of these criteria must be present for a period of time and meet other clinical standards.

Under either scheme, a diagnosis of schizophrenia—or any other psychiatric condition—is a matter of clinical judgment. Both the ICD-10-CM and the DSM 5-TR are classification systems originally designed for billing purposes and are still used as such. They also attempt to facilitate communications among health care professionals. However, mental health can unfairly categorize people who are neuro-divergent into discrete boxes that do not exist in the complicated human mind. Having said that, people presenting with the symptoms of schizophrenia as identified in the ICD-10-CM or the DSM 5-TR do often present to the public as cognitively compromised and sometimes floridly psychotic.

Of course, the development of the symptoms of schizophrenia can be gradual and largely unrecognized. Often family members will discount symptomatic behavior, especially in early development, based on an unconscious but understandable urge to not believe that their loved one is affected by such profound psychological challenge. It is hard to accept that the loved one may be in need of psychiatric care. It is also hard for the person affected to have the insight to request care of their own accord. Yet, it is established that if a person suffers from schizophrenia, mental health treatment is necessary, and it is empirically beneficial.

Etiology and Development and Treatment of Schizophrenia

The etiology of schizophrenia is not clearly established. It appears to be organic rather than environmental. There may be a genetic component that may have to do more with the epigenetic expression of genes than the presence of the genes themselves. However, there is evidence that suggests that environmental factors can have some contributory effect on the development of the disorder. To summarize extensive research, there is no “schizophrenia gene.” The methylation of the DNA seems to be more predictive, but the patterns of gene expression discerned to have a correlation with behavioral symptoms of schizophrenia are diverse and have not been clearly identified.

Development of schizophrenia occurs over the life of an individual usually manifesting psychotic symptomology between the ages of 18 and 25. Since studies suggest that the actual epigenetic progression may start pre-natal or in infancy, the behavioral manifestations usually have a later onset. Clinicians and allied professionals like juvenile and criminal defense lawyers have anecdotally noted that chronic marijuana use may have a correlation with the onset of schizophrenia. Researchers are not able to conclude that marijuana use causes schizophrenia, however, it appears that chronic use may exacerbate the condition or hasten the onset of symptoms.

Criminal justice professionals should be sensitive to observing the concurrence of schizophrenic (or schizoaffective) symptoms and chronic drug use, particularly marijuana. Whether or not the comorbidity indicates a causative relationship if there is a dual diagnosis, simply sending such a person to a drug rehabilitation program or, alternatively, for psychological and psychiatric treatment may not be effective. It may be possible to achieve short term progress, treating the psychiatric condition without treating substance dependence—or the other way around—is not likely to result in a long-term solution.

Antipsychotic medications can be helpful in a dual diagnosis treatment modality. However, as lawyers and judges know, keeping the clients “on their meds” is a threshold requirement for managing the extremes of psychotic behavior. Recreational drug use is often a more pleasant thought temporary replacement for the prescribed antipsychotic

medications, but predictably, the likelihood is that the individual will decompensate and risk adverse law enforcement contact if the medication levels are not maintained.

One of the advances in recent years has been the approval of injectable medications that maintain adequate blood levels to be effective for a month. Having monthly injectables makes it less likely that the individual will simply get off their meds on a whim. Monitoring by a psychotherapist or psychologist can keep an eye on behavior that might suggest decompensation and a psychiatrist can keep an eye on blood levels. For patients who can tolerate the medications, it is easier to detect variations, to make adjustments and to identify behavior that is clinically suspect.

Latest Medical Breakthrough

The traditional hypothesis guiding the treatment of schizophrenia is that dopamine levels in the brain are not properly regulated. If the dopamine levels are not properly regulated in the two major pathways of the brain, the behavior and thought processes manifested by people with schizophrenia can occur. While there have been atypical medications, the typical medications involve blocking the dopamine receptors. Given the diverse nature of the disorder, there are under study other means of treatment,

including genetic interventions, but those have not been FDA approved and are still in clinical studies.

The breakthrough at the moment seems to be a drug that has just been approved by the FDA called Cobenfy, or generically, xanomeline and trospium chloride. This is heralded as a breakthrough.⁴ It selectively targets the M1 and M4 receptors without blocking the D2 receptor. Clinical trials suggest that it has fewer side effects and suggests that patient outcomes will improve. It is the first new medication in 30 years with a novel mechanism of action to address schizophrenia. Mental health practitioners believe it may “revolutionize” schizophrenia treatment.⁵ Cobenfy and other yet approved antipsychotic medications of this new class may make effective treatment of schizophrenia available to more people and may improve outcomes across the board.

Conclusion

Lawyers reading this journal, for the most part, are not also psychiatrists. Nevertheless, being aware of this new breakthrough in medication—and others still subject to FDA

Now we have a new class of drugs that clinical studies suggest may be superior for those who tolerate them. In the end, having people better control their symptoms keeps them out of the criminal justice system and, if they are already in it, such control may hasten their departure from that system entirely.

approval—may be quite helpful to their clients. Cobenfy and the class of drugs may not yet be on the radar of dual diagnosis facilities, counsellors, and psychologists. Practitioners on the ground are often overwhelmed with day-to-day management of their patients and their symptoms and may be late to implement novel therapies.

When injectables became available, there was a lag in implementation simply because busy practitioners were not getting the word. The transition to injectables, where tolerated by the patient, took a while to occur in widespread practice. In addition, not all programs are really set up to deal with a client who is schizophrenic. If making referrals to programs for Mental Health Diversion, for instance, the lawyer can make enquiries as to the medication options and other treatment modalities. Ultimately, a psychiatrist will have to make the determination if the treatment is appropriate for the individual client, but a little homework on best practices cannot hurt.

Now we have a new class of drugs that clinical studies suggest may be superior for those who tolerate them. In the end, having people better control their symptoms keeps them out of the criminal justice system and, if they

are already in it, such control may hasten their departure from that system entirely. ■

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 has been a Certified Criminal Law Specialist for over 40 years. Mr. Sanger is a Fellow of the American Academy of Forensic Sciences (AAFS) and has been an Adjunct Professor of Law and Forensics 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).

ENDNOTES

- 1 <https://www.countyofsb.org/274/Behavioral-Wellness>.
- 2 See the local NAMI webpage at: <https://namisantabarbara.org/about-nami-santa-barbara-county/who-we-are/>.
- 3 See, National Center for Biotechnology Information, Manassa Hany, Baryiah Rehman, Abid Rizvi, Jennifer Chapman, “Schizophrenia,” <https://www.ncbi.nlm.nih.gov/books/NBK539864/>.
- 4 See, e.g. John H. Krystal, “The FDA Approval of Cobenfy: A Historic Moment in Schizophrenia,” *Psychiatric Times* (October 1, 2024).
- 5 Jelena Kunovac, Heidi Anne Duerr, “Cobenfy’s Role in Revolutionizing Schizophrenia Treatment: An Insider Perspective,” *Psychiatric Times* (October 4, 2024).

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Jordan Turk, Attorney and Legal Technology Advisor at Smokeball

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Presents:

A Discussion of the Racial Justice Act

When:

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Where:

Santa Barbara Superior Court, Anacapa Division, Dept. 2 (Zoom option also available)

MCLE:

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Speaker(s):

The Honorable Pauline Maxwell, Presiding Judge Santa Barbara County Superior Court; **Tracy Macuga**, Public Defender of Santa Barbara County; and **John Savrnoch**, District Attorney of Santa Barbara County.

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This presentation will provide an overview of the Racial Justice Act of 2020, which prohibits the State from seeking a criminal conviction or sentence on the basis of race, ethnicity, or national origin. Speakers will also discuss steps the Santa Barbara County District Attorney's Office and Public Defender's Office are taking in response to the Racial Justice Act.

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November

2024

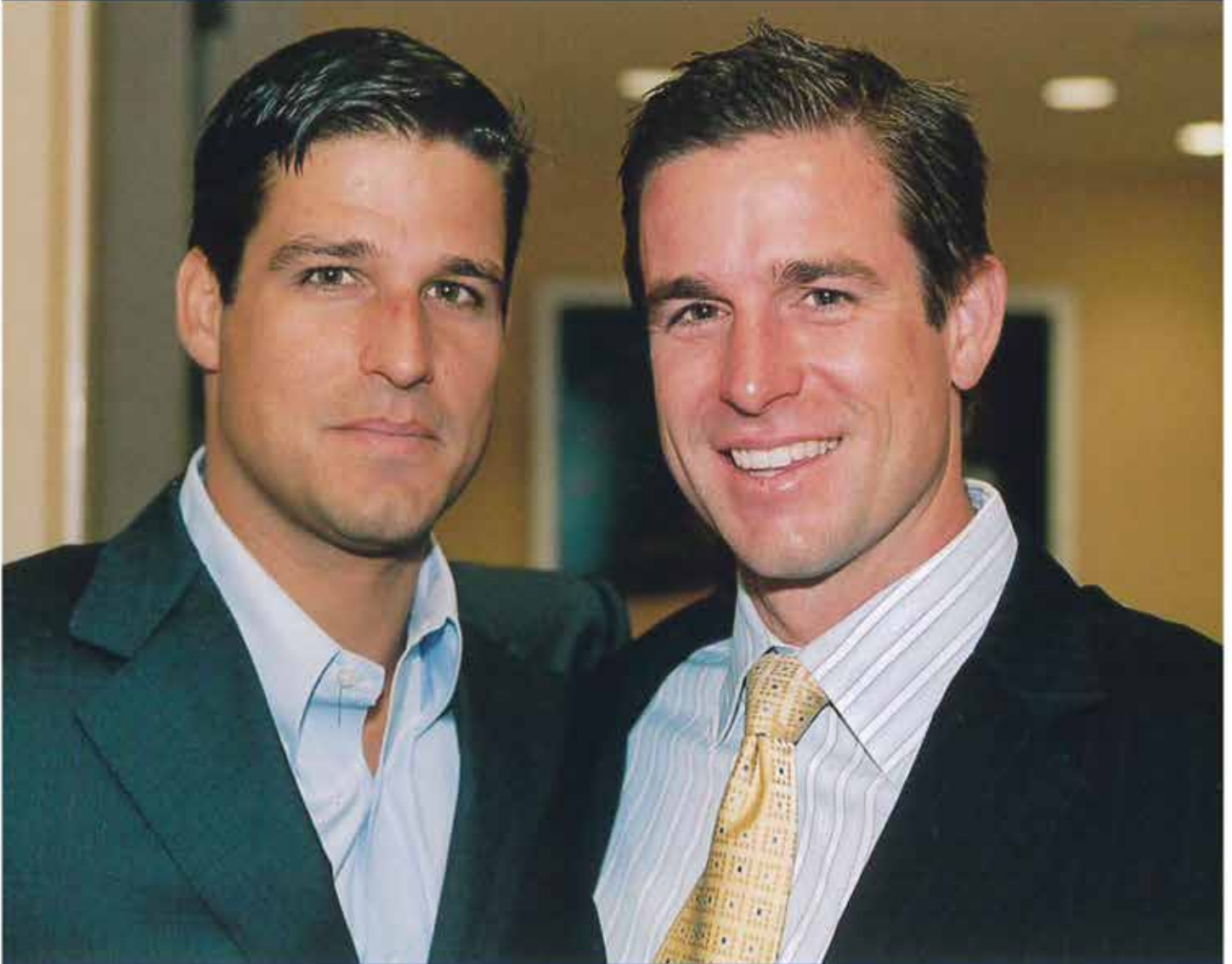


Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
					1	2
3 Daylight Savings Time Ends	4	5 Election Day	6	7	8	9
10	11 Veteran's Day	12	13	14 SBCBA Annual Dinner	15	16
17 National Hiking Day	18	19	20	21	22	23
24	25	26	27	28 Thanksgiving Day	29 Black Friday	30

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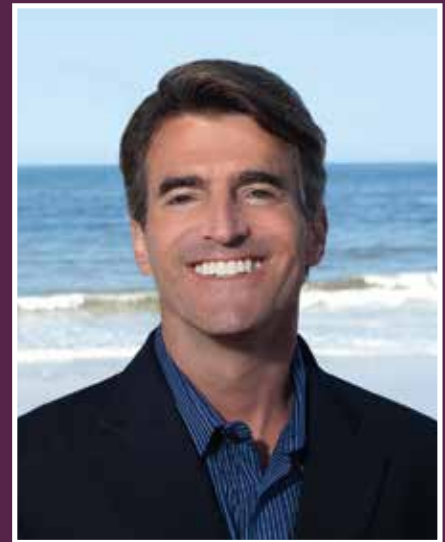
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