

Santa Barbara Lawyer

Official Publication of the Santa Barbara County Bar Association
January 2025 • Issue 628



Inside: President's Message / Message from the Editors / Santa Barbara Barristers Elevate Legal Excellence in 2025 / Annual Dinner / Santa Barbara Implements the CARE Act / Building Organizational Firewalls Against Burnout



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On the Cover

Santa Barbara County Bar Association President Michelle Roberson and family

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SBCBA President's Message

BY MICHELLE E. ROBERSON

Over twenty years ago, I worked as a paralegal in Santa Barbara and recall standing in line at the court clerk's office listening to the hustle and bustle of the lawyers running into each other in line, finishing or starting conversations in the hallways, joking about the last case they may have shared or trying to resolve a contentious one.

I was inspired. I desperately wanted to be part of that club.

Now, well into my second decade of being a lawyer, I have taken it for granted. "It" being the career choice that is one of the top three professions people think of when the query of an ideal future comes up.

Instead, I have almost forgotten that I am a lawyer. I tend to be self-deprecating about my career choice. I laugh at the lawyer jokes and even retort with one of my own sometimes. There is no celebration. No shouting from the rooftops, "Look at me! I'm a lawyer! And, meet my lawyer-friends!"

Lawyer friends. Sigh. As technology streamlines the practice of law, it also made it quite convenient to not hang out with lawyers outside our immediate circle. The once spontaneous run-ins with our peers feels like the distant past and instead starts feeling a bit . . . awkward. We met via Zoom, did I really just say, "Nice to meet you" when I

saw you in person?

I have contemplated what I wanted to share as my first official President's Message and it ranged from praising our amazing board and Executive Director, Marietta Jablonka's leadership to, well, what you're getting here.

It's not only some observations our newer lawyers may not relate to, but it is a preamble to my vision for SBCBA's role for 2025. Yes, we fundraise for good causes. Yes, we put on great MCLEs. Yes, we continue to have a fantastic Lawyer Referral Service. But, after seeing happy faces at highly successful events in 2024 with immediate Past-President Erin Parks at the helm (who is phenomenal), I found myself inspired again. I had a vision that we need more of the casual "run-ins." We may just have to plan for them to gently nudge us into the same place and time.

We can't go back to bringing an original and two hard copies of pleadings to the courthouse, nor do we ever want to go back to a time before Zoom. But we can commit to bringing our legal community back together, which may be awkward for some of us at first.

I encourage you to not be shy and join us whether it is during a pickleball tournament, cocktail hour, or MCLE. We can inspire each other, catch up with old friends and make new ones.

In 2025, we hope to make more space to bring together our legal community, find joy with our colleagues, and hopefully, make lifelong lawyer friends. ■



Michelle E. Roberson

It is time to renew your
Santa Barbara County Bar Association membership.
You can find our 2025 membership form on page 30.

Message from the Editors

BY TAYLOR FULLER AND SCOTT JASKE

Welcome to the January 2025 issue of *Santa Barbara Lawyer*! It is a true privilege to step into the role of Co-Editor this year, alongside my colleague Scott Jaske. As we take on this responsibility, we celebrate the rich history of this publication and look forward to bringing a range of perspectives and ideas to its pages.

Before we look ahead, we would like to recognize Richard Lloyd for his outstanding leadership as the 2024 Editor. His efforts over the past year not only maintained but elevated the quality and relevance of *Santa Barbara Lawyer*, and we are grateful for the path he has paved.



Taylor Fuller



Scott Jaske

We also extend our appreciation to Marietta Jablonka, the Executive Director of the Santa Barbara County Bar Association, and Kathleen Baushke, whose steady guidance and behind-the-scenes dedication make each issue possible. Their efforts reflect the spirit of service that lies at the heart of the Santa Barbara legal community.

This year, we are particularly excited to work under the leadership of Michelle Roberson, the 2025 SBCBA President. Michelle's vision promises a year of meaningful progress, community engagement, and support for our members, and we look forward to featuring the accomplishments of our local attorneys and SBCBA initiatives throughout the year.

At its core, *Santa Barbara Lawyer* is about connection—connection to ideas, to developments in the law, and most importantly, to one another. This publication is a collective effort that relies on contributors willing to share their knowledge, experience, and thought-provoking commentary. Whether you are an experienced practitioner with a valuable perspective, a newly admitted attorney with fresh ideas, or simply someone eager to contribute to our professional dialogue, we invite you to get involved.

In 2025, Scott and I hope to build on the publication's tradition of excellence while introducing diverse and timely content that reflects the evolving nature of our profession and the issues that matter most to our readers. We look forward to sharing stories that not only inform but inspire, and we encourage you to reach out with your ideas for future articles.

Here's to a new year filled with collaboration, discovery, and growth. Thank you for reading, contributing, and for being part of this legal community.

Onward to 2025! ■

For guidelines on article submissions, please see page 16.

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The Santa Barbara Barristers Elevate Legal Excellence in 2025

BY ANDREW DICKERSON

Allow me to introduce myself, Andrew Dickerson, local attorney at Cappello & Noël, LLP, and the newly appointed President of the Santa Barbara Barristers. My legal journey, rooted in a Bachelor of Science degree in Business Administration from Bluefield University in Virginia, culminated in a J.D. from the Santa Barbara Colleges of Law in 2022. I passed the Bar exam and was sworn in by the esteemed Retired Judge Brian E. Hill in 2023. I joined Santa Barbara Barristers the same year, serving as board member, then as Treasurer in 2024, I now take the reins as President for 2025.

Introducing the 2025 Board: Leaders in Legal Excellence

Comprising the 2025 Board are distinguished colleagues who share a commitment to advancing the legal profession. Vice-President Victoria Diffenderfer (Herring Imming LLP), Treasurer Ruben Lopez (Santa Barbara County Counsel), and Secretary Mishelle Sotelo (Law Office of John B. Richards) bring a wealth of expertise. Directors include former President Scott Jaske (Mark T. Coffin, PC), Haley Lawson (Klein, DeNatale Goldner), and Marci Montoya (Mark T. Coffin, PC). Together, we form the Santa Barbara Barristers 2025 Board and Directors, united in our dedication to legal excellence.

Farewell to the 2024 Board: Acknowledging a Legacy of Leadership

As we usher in the new, we extend heartfelt appreciation to the outgoing 2024 Board and Directors. President Scott Jaske, Alice Zajic (Clinkenbeard, Ramsey, Spackman & Clark, LLC), and Angela Greenspan (Fauver, Large, Archbald & Spray, LLP) have significantly shaped the Barristers' trajectory.

Their dedication was evident in initiatives such as swearing-in ceremonies, hosting the first ever Courthouse cleanup, and finalizing the publication of our bi-annual

Directory—a comprehensive resource connecting individuals with attorneys, judicial officers, government agencies, and legal services throughout the county.

Their leadership cultivated a culture of collegiality and professionalism that will undoubtedly endure.



Andrew Dickerson

Anticipating 2025: Initiatives with Impact

Looking ahead, the Santa Barbara Barristers have an array of initiatives lined up for 2025.

Instrumental to the Barristers' mission is the continued organization and hosting of Minimum Continuing Legal Education (MCLE) luncheons. Our focus on professional development is unwavering.

We remain committed to hosting swearing-in ceremonies for new Bar passers, celebrating their achievements and warmly welcoming them into our legal fraternity.

Additionally, a noteworthy undertaking will be the organization of a field trip for local high school students—an opportunity to tour the courthouse, meet esteemed judges, and explore potential legal career paths through a visit to the local law school.

In Conclusion: A Community of Legal Pioneers

As we eagerly anticipate an eventful year, the legal community can expect an enhanced presence and active participation from the Santa Barbara Barristers. We are not merely an organization; we are a community of dedicated legal professionals committed to making a lasting impact within both the legal and local spheres. Under the adept guidance of our new President, Board, and Directors the Santa Barbara Barristers are poised to embark on a journey of growth, collaboration, and service, leaving an indelible mark on the legal landscape in the coming year and beyond. We invite fellow attorneys, law students, judges, and the community to join us on this enriching endeavor. ■

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SBCBA Annual Dinner 2024



The Santa Barbara County Bar Association hosted its Annual Dinner on November 14, 2024, at the historic El Paseo Restaurant, bringing together members of the legal community for an evening of celebration and recognition. The John T. Rickard Judicial Service Award was presented to The Honorable Judge Pauline Maxwell for her exemplary service and dedication to justice, while the Jamie Forrest Raney Mentorship Award honored Russell Ghitterman for his commitment to guiding and supporting fellow attorneys.

The event celebrated the strength and camaraderie of the Santa Barbara legal community. Attendees enjoyed the warm and festive atmosphere while reflecting on the collective achievements of the year and looking ahead to continued progress and collaboration in 2025.





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For more information about how you can become a member of the Lawyer Referral Service panel of attorneys or to request an application, email Marietta Jablonka at sblawdirector@sblaw.org or call 805-569-5511.



Santa Barbara Lawyer – 2025 Submission Guidelines

The deadline for content, copy, and photographs is on the first **Monday of each month**.

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- Include a title or headline with your article. Include your name/title, and a short biography at the end of your article.
- Articles do not need to be laid out; plain text is easier for us to work with.
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- Microsoft Word, .rtf or .txt files are ideal. No PDFs, please.
- Please proof your material before you send it in! We cannot guarantee that we will catch every spelling, grammar, or punctuation error, and proofreading takes time away from our design and editing process.
- Please use the footnote format for references to authority.
- Please review and submit a signed Author Agreement with your article.

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- Send the largest file (highest resolution) of the best quality possible. Photographs must be minimum 300 dpi.
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[ARTICLE NAME] 2.jpg Attendees at the Legal Aid luncheon

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Santa Barbara Implements the CARE Act

BY ROBERT M. SANGER AND MICHAEL W. HANLEY



Robert M. Sanger



Michael W. Hanley

Introduction

In this *Criminal Justice* column, Michael Hanley and Robert Sanger look at the Community Assistance, Recovery, and Empowerment Act (CARE Act)¹, a state law which all counties were required to implement by December 1, 2024. The CARE Act follows upon the mercurial history of dealing with schizophrenia and other major psychotic disorders in California and other states. While there has been some controversy concerning the enactment and implementation of yet another new law relating to people with such disorders, it appears that the CARE Act may provide additional resources—or avenues to access those resources—for people who are otherwise in need of assistance.

In the November 2024 issue of *Santa Barbara Lawyer*, this column discussed a breakthrough in a new class of injectable medications to help alleviate symptoms of schizophrenia that may be more effective than the existing injectables or the more traditional oral antipsychotic medications. What was not discussed was the manner and means of connecting people with treatment. While the CARE Act does not provide for forced medication, it does provide for a means to help people with schizophrenia to get involved in a comprehensive treatment program.

Santa Barbara is now on board. Mental health professionals, police officers, social workers and lawyers need to become familiar with the potential benefits of the CARE Act, potential concerns, and its processes. In addition to criminal defense and conservatorship lawyers, anyone who may be called upon by clients, friends or family members for advice regarding people with schizophrenia or related psychotic disorders, would do well to know about this new procedure.

The CARE Act

In January 2024, the County of Santa Barbara reported a 12 percent annual increase in homelessness, with a Point-in-Time Count of 2,119 unhoused persons. Of those counted, 35 percent reported suffering from serious mental health concerns.² Now, Santa Barbara County residents who are

diagnosed with schizophrenia or other specified psychotic disorders may be eligible to establish a CARE Plan which includes mental health and social services, legal and social advocacy, and even housing. To qualify, a participant must be judicially determined to suffer from a qualifying disorder and be experiencing significant decline so that they are unlikely to safely live in the community without supervision.³ The CARE Act requires that all California Counties have commenced operation no later than December 1, 2024.⁴ Santa Barbara County CARE Court has officially launched in South County on time, with Judge Colleen Sterne presiding on Thursdays in Department 5 at 10:30 a.m.

The CARE Act recognizes that thousands of Californians with untreated schizophrenia and psychotic disorders face serious health and safety risks, contributing to increased homelessness, incarceration, hospitalization, conservatorship, and premature death. The Act emphasizes the need for these individuals, families, and communities to have access to care and wellness. According to the California Health and Human Services Agency, the CARE Act establishes a new approach to provide mental health and substance use disorder services to persons who qualify. A comprehensive CARE Plan would, according to HHS, respect individual autonomy, and ensure that public systems are responsible for delivering the essential services and housing necessary for long-term stability and recovery.⁵ Santa Barbara County and our Superior Court assert that CARE Court is designed to help divert participants from more restrictive conservatorships or incarceration.⁶ They also state that the new program will prioritize “self-autonomy and civil liberties, and provide free legal representation to individuals subject to a petition.” Forced medication is not permitted, “nor does the program penalize individuals, either in a civil or criminal manner, for non-compliance” with medication.⁷

A petition for CARE Court eligibility must be filed in the civil court. It may be filed by a family member, first responder, provider/clinician, the Public Guardian, an authorized representative of a county mental health department, Adult Protective Services, or the potential participant. A judge would first assess the eligibility of the person for whom treatment is requested.⁸ The legislation requires the court to appoint counsel for participants, unless a participant has retained their own counsel.⁹ The Public Defender may be appointed to represent respondents in CARE proceedings.¹⁰ If accepted into CARE Court, Santa Barbara resident-participants would be assigned a representative to collaborate with Santa Barbara Behavioral Wellness to create a personalized CARE Plan. The plan would include community resources like peer support, counseling, stabilization medications, and housing. A judge may order the participant to follow the plan and access the specified resources for about one year, with periodic review hearings to evaluate progress and ensure accountability.¹¹ The Act requires that the Judicial Council, in consultation with the State Department of Health Care Services and others, provide training to judges regarding the CARE process. It also mandates that “proceedings are confidential and not open to the public.”¹²

The CARE Act also authorizes judges to refer misdemeanor defendants who are adjudged incompetent to stand trial (IST) to CARE Court. The United States Constitution prohibits criminal law proceedings against defendants who are not able to understand the nature of the proceedings or cannot rationally cooperate with their counsel in their own defense. *Dusky v. United States*, 362 U.S. 402 (1960). When a defendant is deemed to be IST, the court will suspend the criminal proceedings until the defendant is restored to competency. Under the CARE Act, IST defendants who complete their CARE Plan are eligible to have their misdemeanor charges dismissed.¹³

The Mercurial History of Dealing with Schizophrenia

Dealing with schizophrenia—or more to the point, dealing with people suffering from schizophrenia—has been perceived and handled in dramatically different ways in the last century or so. Traditionally, people with schizophrenia were isolated and committed to asylums. There was really no treatment, just confinement. Families, friends and society placed such people out of sight and out of mind. Following the Second World War, invoking “modern science,” the well-chronicled asylums that more resembled dungeons than medical facilities, began looking for a medical model. In the 1950s and 60s, before the use of

psychotropic medications, doctors came up with the idea that a frontal lobotomy would not cure but, at least, be a palliative treatment for schizophrenia. As a result, there were not only asylums but asylums where “patients” brains were being disabled.

This led to a counter-revolution—not coincidentally concurrent with the experimental and recreational use of mind-altering drugs—where the claim was made that schizophrenia is not an illness but a means of dealing with an irrational world. Thomas Szasz’s 1961 book, *The Myth of Mental Illness*, Alan Ginsberg’s poems and performances, and others led to a movement to do away with asylums and state mental institutions and to allow people to freely live in the community. Nationally, it took hold with Ethel Kennedy’s sway on John F. Kennedy leading to the Community Mental Health Act of 1963. In California, the Lanterman Petris Short Act of 1967 made it harder to lock people up but it was Ronald Reagan, as Governor of California, whose budget cuts closed state hospitals without any real community alternatives. The result, in California and nationwide, was an ever-increasing population of displaced people with schizophrenia (as well as other mental illnesses) living on the streets and not receiving basic living support let alone mental health treatment.

Therefore, what seems to be a benign effort of the CARE Act to provide mental health services to people who are not able to access them, has been perceived by some as a return to locking people up in a threat to individual autonomy. Constitutionally, the United States Supreme Court has held that the government cannot discriminate against people with mental disabilities by unnecessary confinement. In *Olmstead v. L. C.*, 527 U.S. 581 (1999), the Court held that the least restrictive means should be employed, which is echoed in the CARE Act itself. The Disabilities Rights of California (DRC) group filed an Original Petition for Writ of Mandate with the California Supreme Court¹⁴ claiming that,

Beginning October 1, 2023, thousands of unhoused Californians with mental illness will be threatened with court orders, forced into involuntary treatment and swept off the streets, not because they are a danger to themselves or others, but because a judge has speculated they are “likely” to become so in the future.

The DRC claimed that the CARE Act violates due process, equal protection and the rights to privacy, autonomy and liberty. The case was dismissed three months later.¹⁵

The CARE Act in Practice

The Care Act is a byzantine series of procedures, protections and requirements which necessitate the filing of

forms and reports. There are a number of ways in which a CARE Act petition can be dismissed and there are provisions to punish individuals who attempt to misuse the Act to manipulate participants. There is also a clear statement that a person cannot be punished in any way for failure to comply with a medication order.

In practice, the Act may be so cumbersome that it will deter the filing of petitions. During the first year of implementation there were only 787 petitions filed statewide among the initial counties participating at that time.¹⁶ It is not clear how many of those petitions resulted in CARE Plans, however, the number of petitions certainly represents a small percentage of the people who might benefit from the Act.

In addition, as with other well intentioned judicial interventions, it is an expensive means by which to distribute mental health services. An argument could be made to spend more resources on patient advocacy and early provision of community services rather than invoking a legislatively imposed bureaucracy and court supervision. However, it is a process that we now have and, hopefully, it can be put to good use in serving at least some of those in need.

The DRC's dire prediction that "thousands of unhoused Californians with mental illness" will be "forced into involuntary treatment and swept off the streets" does not appear to be coming true. Nevertheless, buried in the middle of the Act is a provision that, if a participant failed to successfully complete their court ordered CARE Plan, the court may consider that failure in a subsequent hearing under the Lanterman-Petris-Short Act. The failure to complete the plan, assuming all procedural matters are in order, "shall create a presumption at that hearing that the respondent needs

additional intervention beyond the supports and services provided by the CARE plan."¹⁷ In other words, the threat is that if a person does not comply with the "voluntary" plan, they can be civilly and involuntarily committed under Welfare and Institutions Code section 5150 and following, including, presumably, a conservatorship under 5350.

Conclusion

The authors of this article regard the CARE Act with cautious optimism. While it is cumbersome and there is a potential for abuse, there is also the potential to help people with schizophrenia and related psychoses. Hopefully, some participants will benefit from having a CARE Plan and having some structure. In addition, the very presence of the CARE Act process should help make community resources available. This is all dependent on adequate funding and a certain level of dedication on the part of the mental health system to make it happen.

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 Past President of California Attorneys for Criminal Justice (CACJ), the statewide criminal defense lawyers' organization.

Michael Hanley is a Senior Litigation Attorney with Sanger Law Firm, P.C. with 29 years of criminal litigation experience. He is qualified as a Death Penalty litigator by the Superior Court. Mr. Hanley has a Bachelor of Arts in Political Science from the University of San Diego, a Master of Arts in Political Theory from San Francisco State University and a Juris Doctorate from

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the University of San Francisco. He was an Adjunct Professor of Law at the Santa Barbara and Ventura Colleges of Law for 10 years, teaching classes in Evidence, Criminal Practice, Refugee Law, and Deportation Defense.

ENDNOTES

- 1 Welfare and Institutions Code § 5970. [Bill Text - SB-1338 Community Assistance, Recovery, and Empowerment \(CARE\) Court Program.](#)
- 2 Santa Barbara County Point in Time Count 2024. <https://santabarbaraca.gov/sites/default/files/2024-06/Point%20In%20Time%20Count%202024%20Report.pdf>
- 3 The CARE Act would authorize “specified persons to petition a civil court to create a voluntary CARE agreement or a court-ordered CARE plan and implement CARE services, to be provided by county behavioral health agencies, to provide behavioral health care, including stabilization medication, housing, and other enumerated services to adults who are currently experiencing a severe mental illness and have a diagnosis identified in the disorder class schizophrenia and other psychotic disorders, and who meet other specified criteria.” SB-1338 Community Assistance, Recovery, and Empowerment (CARE) Court Program. (2021-2022).
- 4 The Counties of Glenn, Orange, Riverside, San Diego, Stanislaus, and Tuolumne and the City and County of San Francisco were to implement the program commencing October 1, 2023. W&I § 5970.5(b).
- 5 California Health and Human Services CARE Act Overview [CARE Act Overview](#)
- 6 County of Santa Barbara/Superior Court of Santa Barbara CARE Court FAQs. [CARE Court Family FAQs](#)
- 7 County of Santa Barbara/Superior Court of Santa Barbara CARE Court FAQs. [CARE Court Family FAQs](#)
- 8 County of Santa Barbara/Superior Court of Santa Barbara CARE Court FAQs. [CARE Court Family FAQs](#)
- 9 W&I § 5977(a)(3)(A)(ii).
- 10 W&I § 5977(a)(3)(A)(ii).
- 11 County of Santa Barbara/Superior Court of Santa Barbara CARE Court FAQs. [CARE Court Family FAQs](#)
- 12 W&I §§ 5967.5(e), 5977(c)(5), 5977.4(a), 5981(e).
- 13 If the defendant is accepted into CARE, the charges shall be dismissed pursuant to Section 1385. (Penal Code section 1370.01(b)(1)(D)(iv))
- 14 *Disabilities Rights of California v. Newsom* (S278330) filed January 6, 2023.
- 15 Id. the Petition was denied April 19, 2023.
- 16 “Alameda County to open CARE Court just in time,” Daily Journal (Nov. 13, 2024). According to the Judicial Council only “787 petitions [were] filed from Oct. 2, 2023 to Sept. 30, 2024 [among] the first seven counties plus Los Angeles Superior Court, which implemented on Dec. 1, 2023, and San Mateo County Superior Court, which started on July 1, 2024.”
- 17 W&I § 5979(a)(3).

Building Organizational Firewalls Against Burnout

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

BY ROBIN OAKS

This final article in a three-part series highlights how legal culture, environments, and organizational leadership contribute to burnout. The World Health Organization defines burnout as a “syndrome resulting from chronic workplace stress that has not been effectively managed.” Although individuals might be encouraged to manage stress effects with self-care strategies (i.e., mind-body, growth mindset, healthy eating, exercise, and optimal sleep practices), occupational, environmental, and leadership dimensions also play a part in burnout prevention.

Although excessive workload or time demands are often cited as common organizational factors contributing to burnout, research carried out by Bakker et al. (2005) confirmed that other conditions create chronic work fatigue, distress, and strain. The following factors contribute to satisfaction—or stress, depending on the degree to which they are part of an employee’s work experience and perceptions: 1) opportunities for growth, accomplishments; 2) recognition, and meaningful, challenging work tasks; 3) clear, consistent, constructive, and skillful feedback; 4) consistent communications about roles, performance, and expectations; 5) relationship connections that feel safe, inclusive, collaborative, and authentic; 6) supportive supervisors that model conduct of fairness, civility, and respect; and 7) autonomy and flexibility with work hours and workload.

The business costs associated with burnout are high. Studies estimate that on average the organizational financial cost of an employee leaving their job might be up to or over a year’s worth of what that person’s salary equaled. There are visionary changes happening in law firms that reflect what is valued beyond profits. For instance, Morgan, Lewis & Bockius, LLP, ranked number four in Vault.com’s Best Law Firms for Employee Wellness survey, allows associates to count time attending the firm’s skills training sessions

towards their required totals for billable hours. These ongoing sessions by the firm’s well-being coordinator that promote performance and stress management (i.e., mindfulness, feedback literacy, resilience and leadership skills) are considered strategic investments in the firm’s and employees’ success and sustainability.

We are all impacted by our work environments and relationships with others, whether we work as a solo practitioner, in a law firm or corporate setting, or in the courthouse. In the largest national survey of judges on workplace stress and wellness conducted in 2019 by CoLAP, sources of stress and drain for judges included: long hours working without breaks, incivility and unprepared attorneys, hearing contentious family law or severe trauma cases, insufficient staff support (turnover), inadequate court facilities or security concerns, and isolation in judicial service.



Robin Oaks

The Importance of Supportive Leadership and Skillful Communications

So, what factors in legal work settings contribute to high demands and low resources that push legal professionals down the slippery slope of burnout—or perhaps out of legal practice altogether? The following are five themes of demands impacting employees’ physical and psychological energy reserves: 1) cultures that incent for neglecting needs and hostile competition, 2) ambiguity and lack of transparency about roles and expectations, 3) repetitive and relentlessly taxing work tasks with limited supportive resources or variation, 4) breakdowns in necessary communications to problem-solve solutions, and 5) perceived misalignment of work with goals, growth expectations, interests, and values. Cynicism and isolation become coping strategies for dealing with chronic demands—external or internal.

Several studies have shown that supportive leadership is highly associated with lower levels of burnout. The perception that supervisors in the workplace will and can effectively address demands and provide needed resources creates a buffering effect against chronic stress. Supportive supervisors directly monitor and address work conditions by problem-solving ways to ameliorate tension experienced around work-family conflict and modeling effective stress

management, self-care, and change management strategies.

In one recent study,¹ researchers discovered that expressing gratitude to employees *before* they are expected to engage in distressing tasks helped counteract some of the negative emotions associated with demanding undertakings. The research revealed that expressing gratitude early – not later, makes employees 1) more likely to *persist* when faced with emotionally and physically taxing demands, and 2) become *more resilient* after setbacks. “Anticipatory gratitude expressions—compared to hope and no emotional expression—prior to completing a distressing task increased persistence, all via the mechanism of social worth.”

This research underscores why legal leaders need to anticipate how certain work changes and demands will impact employees to better mitigate the stressors and uncertainty distress that may arise. Also, supervisors set the tone for what constitutes work culture. For instance, in a recent study about leadership styles and values, it was found that dominant managers (those using coercive managing methods based on fear and control) lead to higher levels of unethical employee conduct.²

“While a dominant leader might not actively promote unethical behavior, their style can create an atmosphere where subordinates feel compelled to engage in unethical actions to meet expectations or avoid conflict.” Leaders who display emotional volatility, unpredictability, or rule by command and control create work cultures in which pressure to conform, fear of repercussions or making mistakes, and unethical, competitive behaviors become the norm. These conditions further create stress, tension, and low morale.

Through my legal work for several decades investigating “toxic” workplace conduct and evaluating work climate issues, I’ve seen how supervisors, work environment, changing conditions and cultures can detrimentally impact employees physically, mentally, emotionally, and occupationally. The following are characteristics of supportive supervision and high performing, healthy work environments:

- Ongoing transparent and candid communications about workload management, resources and expectations that also address employees’ strengths, goals, experiences, and interests.
- Respectful and positive interactions, conflict resolution and collaboration skills, and rewards and recognition for accomplishments with constructive feedback and fairness.
- Well-being self-care practices modeled and encouraged (including taking breaks and vacations), recognizing individual concerns for work-family balance,

cultivating authentic connections, and ongoing assessments of what helps employees strive and thrive.

- Psychologically safe work environments and leadership decisions aligned with values and expressed missions (i.e., belief that it is safe to speak up, learn from mistakes, and grow).

Job Crafting: Hope for Creating a Better Work Fit

A work demand by itself does not create burnout. What matters is what individually is experienced as stressful, whether one perceives they have the inner and outer resources and support to address work demands, and whether pressures creating distress or fatigue are episodic - not chronic. Job crafting is a systemic, intentional “work design process” by which leaders and individual employees work together to make features of environmental realities, values and visions align with employees’ personal and professional needs, goals, and skills.

Jane Dutton and Amy Wrzesniewski first introduced the idea of “job crafting” in 2001 in a seminal article on the subject.³ Dutton then founded the Center for Positive Organizations at the University of Michigan as a resource and training hub for supporting change-makers, managers, leaders, and employees to take evidence-based action and make organizational changes that yield positive and profitable outcomes.⁴

Job crafting is more than a one-time event; it involves ongoing assessments, creative problem-solving, and skillful communications through three avenues of focus: cognitive reframing, work tasks, and relationship boundaries. “These altered task and relational configurations change the design and social environment of the job which in turn alter” in a constructive way the following: a) work meaning, b) work identity, c) job performance, and d) well-being. “Employees can and do exercise agency to redesign their own jobs ... so it is an influential factor in how employees conduct and experience their work.”⁵

Consciously crafting work conditions involves: 1) ongoing assessing and restructuring of the nature or amount of work; 2) cognitive reframing focused on meaning, motivation, and interest in doing certain work; 3) adjusting physical environments and relationships; 4) assessing what new skills, training, and resources are needed; 5) addressing negative stressors and promoting job energizers; and 6) identifying what employees want and seek from their work experience and job-life goals.

Many legal environments may support the autonomy of legal professionals to do their work well and include sufficient support staff and physically safe work conditions.

Small Steps for Positive Change

1. Spark a discussion with colleagues or employees you supervise about what energizes them or is something that feels draining or distressing about work. Create a list of topics to explore that everyone agrees would be of interest to pursue. Discuss ways to follow through.
2. Identify one thing that you love and one thing that is tedious about your work. Think of one way to reframe what you perceive as a pain and see it somehow as a gain. Each day reflect upon something you enjoy about your work - and take a moment to savor it mindfully.
3. When you anticipate a demanding work project will happen, reach out beforehand to the attorney or staff member who will be involved somehow and say something you appreciate about them. Give your full attention when you talk, make eye contact, and mention the value and positive traits they bring to the upcoming, challenging new task or matter they'll be handling. Be authentic.
4. Start a meeting by reviewing some recent research about burnout in law and conduct an anonymous survey asking about ways to prevent and address burnout in your current work environment. Encourage candid feedback about concrete actions that can be taken to address what the survey results revealed. Follow up at the next meeting with ideas for further discussion.
5. Consider one small and simple step you can take or support you might solicit to help modify a frustrating routine task, adjust something about a challenging relationship, or address an ongoing pressure related to your work. Then, do it.

However, leaders need to strategically manage legal work stressors and value competencies (beyond those proficiencies needed to do legal work) that contribute to successful and thriving work environments. Current highly valued leadership skills for successfully dealing with change and navigating the demands of the future include: communicating effectively, managing work demands and resources, cultivating collaboration, demonstrating emotional intelligence, fostering well-being, and addressing employees' needs.

Hope for Prospering and Preventing Burnout in Law

Throughout this series of articles about burnout in law, I've highlighted numerous individual and institutional causes and cures. The experience of burnout is varied. A salient feature of extreme burnout in law is feeling hopeless and cynical that nothing can or will change—and that chronic stress and drain are permanent features of legal practice. Burnout can be prevented with awareness of its causes and a more hopeful perspective that includes fostering well-being competencies as part of our legal work cultures. The Latin word for hope is “sper,” which has various meanings, including “to prosper, and prosperous.”

In the spirit of new resolutions and creating positive habits in this new year, I'm offering a short list of strategic and simple behaviors that you might consider trying. Any of these evidence-based actions can contribute to creating

healthy work cultures, buffering organizational and individual stressors, and building a firewall against burnout to help you and those with whom you work prosper. Happy and Hopeful New Year! ■

Robin Oaks has been an attorney for nearly four decades, and for twenty-five years has provided legal services focused on independent workplace investigations and mediations. For over two decades she has studied and become certified in a wide range of emotional intelligence, cognitive fitness, and mind-body healing practices especially useful for legal professionals and the stressors they face. She offers MCLE presentations, PROS training programs, witness well-being support, and individualized coaching sessions empowering legal professionals to thrive in livelihood and life. Contact: Robin@RobinOaks.com or 805-685-6773.

ENDNOTES

- 1 [Hooria Jazaieri](#) and [Olivia A. O'Neill](#), *Thanks in Advance: The Social Function of Gratitude Expressions to Employees in Distress*, *Academy of Management Journal* (2024).
- 2 Garrett L. Brady and Niro Sivanathan, *More Than Meets the Eye: The Unintended Consequence of Leader Dominance Orientation on Subordinate Ethicality*, *Organization Science* (2023).
- 3 https://positiveorgs.bus.umich.edu/wp-content/uploads/Crafting-a-Job_Revisioning-Employees.pdf
- 4 Center for Positive Organizations; <https://positiveorgs.bus.umich.edu/>
- 5 <https://positiveorgs.bus.umich.edu/wp-content/uploads/What-is-Job-Crafting-and-Why-Does-it-Matter1.pdf>

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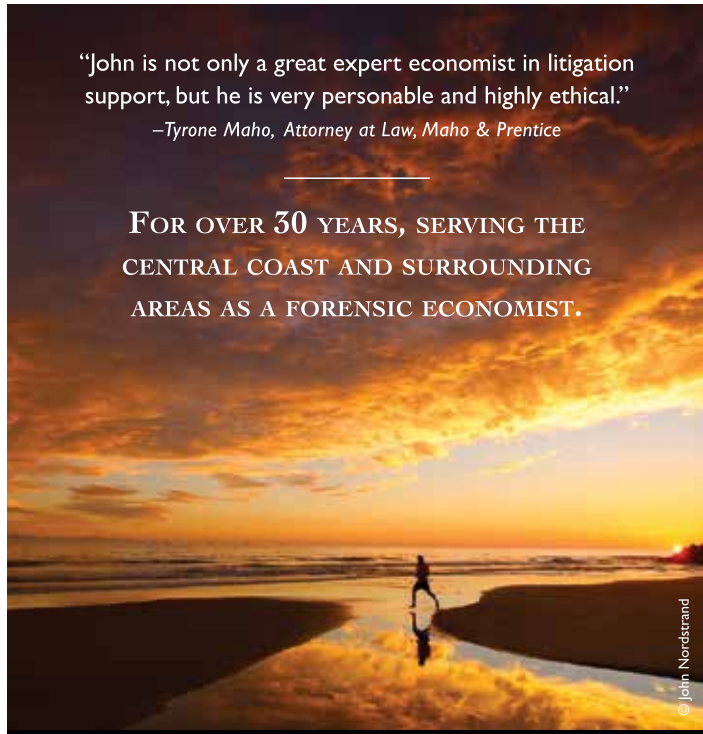
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Verdicts & Decisions

Leslie Lannan v Don Francis Williams, Jr.

Santa Barbara Superior Court, Division 5

Case Number:	21CV02083
Type of case:	MVA
Type of proceeding:	Jury trial
Judge:	Colleen Sterne
Length of trial:	2 1/2 weeks
Length of deliberations:	Six hours
Date of Verdict or Decision:	November 15, 2024
Plaintiff:	Leslie Lannan
Plaintiff's Counsel:	Michael Alder, Alder Law and Tyrone Maho, Maho & Prentice
Defendant:	Don Francis Williams, Jr.
Defendant's Counsel:	Laura Flynn, Murchison & Cumming
Insurance Carrier, if any:	Auto Club
Plaintiff's Experts:	Alvin Lowi (accident reconstruction); Thomas Zweber, MD (physiatrist/rehabilitation); Sheldon Jordan (neurologist); Aaron Filler, MD, PhD (neurosurgeon); David Fractor, PhD (economist).
Defense Experts:	Osita Onugha, MD (thoracic surgeon); Matthew Lotysch, MD (neuro-radiologist); Carey Alberstone, MD (neurosurgeon). [Not sure if you want to add that they called two Pueblo Radiologists to testify about their finding on their MRI scans.]

FACTS AND CONTENTIONS: Plaintiff alleged that on June 17, 2019, defendant ran a red light on Cathedral Oaks Rd at Patterson, causing a collision when she entered the intersection. The defendant claimed he entered on a yellow light and that plaintiff was comparatively at fault for not making sure the intersection was clear before entering. The plaintiff claimed that she suffered a nerve injury in her brachial plexus, called thoracic outlet syndrome, as a result of the accident. Defendant claims that plaintiff had complained of similar symptoms before the subject accident, and that the objective findings did not match up to her subjective complaints, and that she did not have Thoracic Outlet Syndrome.

SUMMARY OF CLAIMED DAMAGES AND MEDICAL TREATMENT: Plaintiff claimed neck, shoulder, and back injury and treated with chiropractic care, primary care, orthopedic surgery consultations, physical therapy, and acupuncture before being evaluated by Dr. Tom Jones, neurosurgeon, who noticed a developing Thoracic Outlet Syndrome and recommended she have an EMG with Dr. Thomas Zweber. Dr. Zweber confirmed this diagnosis, along with her other treaters seen after: Dr. Philip Delio (neurologist), Dr. Jeffrey Benson (pain management), Dr. Sheldon Jordan and Dr. Aaron Filler, both Thoracic Outlet Syndrome specialists. She has been treating with multiple Botox and PRP injections for this since 2020. Dr. Jordan testified that this will likely be a lifetime of injections and Dr. Filler opined that there may be other options, including surgery.

The defense doctors testified that the plaintiff had the same symptoms prior to the accident; that they did not believe she had Thoracic Outlet Syndrome as it was not evident on the MRIs, and their own exams of the plaintiff were unremarkable.

SUMMARY OF SETTLEMENT DISCUSSIONS: Plaintiff demanded policy limits of \$1.5m in March 2021 and served a CCP 998 Offer to Compromise for \$1.5m in May 2023. The defendant served a CCP 998 Offer to Compromise for \$150,000 in August 2024.

RESULT: By a vote of 12-0 the jury found the defendant negligent, and 10-2 to award a total of \$3.29m to plaintiff (with 2 jurors wanting to award more). The jury found no comparative fault on the part of the plaintiff. With pre-judgment interest of \$480,000 and costs and expert fees, the total will exceed \$4m.

John Andrew Podlesni v County of Santa Barbara

Santa Barbara Superior Court, Cook Division

CASE NUMBER:	23CV02311
TYPE OF CASE:	Premise Liability
TYPE OF PROCEEDING:	Jury Trial
JUDGE:	James F. Rigali
LENGTH OF TRIAL:	11 days
LENGTH OF DELIBERATIONS:	1 day
DATE OF VERDICT OR DECISION:	
PLAINTIFF:	John Andrew Podlesni
PLAINTIFF'S COUNSEL:	Daniel S. DeSantis
DEFENDANT:	County of Santa Barbara
DEFENDANT'S COUNSEL:	Heather Smith
INSURANCE CARRIER, IF ANY:	N/A
EXPERTS:	Brad P. Avrit, P.E., Marc John Kayem, M.D., Eugene Pahk M.D., Michael Rozenfeld, D.O., Chris Ann Scaglione, Ph.D. are plaintiff's retained experts. Philip R. Delio, MD., Rebecca Goodman Ph.D., Adam D. Goodworth Ph.D., P.E., Lindsay Knutson, are defendant's retained experts.

FACTS AND CONTENTIONS: On June 28 2022 plaintiff was walking on Burton Mesa Blvd. in Lompoc when he fell on a sidewalk uplift. The plaintiff claims the uplift was a dangerous condition that caused plaintiff to fall and be injured. Defendant argues that the condition is not dangerous and that plaintiff failed to watch where he was walking.

SUMMARY OF CLAIMED DAMAGES AND MEDICAL TREATMENT: Traumatic brain and orthopedic injuries.

SUMMARY OF SETTLEMENT DISCUSSIONS: Defendant made a \$250,000 CCP 998 offer on August 26, 2024. Plaintiff asked the jury for \$4,000,000.

RESULT: The jury determined that the subject property was in a dangerous condition and created a reasonably foreseeable risk that the incident would occur, but that the defendant did not have notice of the condition long enough before the incident to protect against it. Verdict for Defendant.

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Motions

Berg Law Group is pleased to announce that Founding Partner and Santa Barbara County Bar Association Past President **Eric Berg** has been elected President of the California Central Coast Chapter of the American Board of Trial Advocates (ABOTA).



Eric Berg

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* * *

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Your member dues include a subscription to *Santa Barbara Lawyer* and the e-Newsletter.

SCHEDULE OF DUES FOR 2025

Active Members	\$175
Active Members 1-4 years experience	\$130
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New Admittees (First Year Attorneys Only)	\$30
Affiliate Members (non-Attorney members only)	\$75
Non-Profit	\$65
Judges/Inactive/Retired	\$100
Total amount enclosed	\$_____.

AREAS OF INTEREST OR PRACTICE (check box as applicable)

- | | |
|---|---|
| <input type="checkbox"/> ADR | <input type="checkbox"/> Estate Planning/Probate |
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| <input type="checkbox"/> Criminal | <input type="checkbox"/> In-House Counsel & Corporate Law |
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| <input type="checkbox"/> Elder Law | <input type="checkbox"/> Real Property/Land Use |
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To join or renew membership mail completed form along with check to:
Santa Barbara County Bar Association, 15 West Carrillo Street, Santa Barbara, Ca 93101 Tel: (805)569-5511
Or pay online at sblaw.org/membership-page



SAVE THE DATE



2025

SANTA BARBARA COUNTY HIGH SCHOOL

Mock Trial Competition

on

Saturday, February 22 & Saturday, March 1, 2025

Request for attorney volunteers to score the competition

Every year, judges, commissioners, and attorneys, volunteer their time to make the Santa Barbara Mock Trial competition an exciting educational experience for our students.

Please support our local high school students by volunteering your time as a scorer on

Saturday, February 22, 2025

and/or

Saturday, March 1, 2025

An online scorers training will be provided.



To sign up or for more details, please contact
Pat Noronha, Santa Barbara County Education Office
pnoronha@sbceo.org • (805) 964-4711 x5289

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TWO ATTORNEY POSITIONS AT ENVIRONMENTAL DEFENSE CENTER

The Environmental Defense Center, a non-profit environmental law firm is currently hiring for two attorney positions in its Santa Barbara office:

- 1) Senior OR Staff Attorney & Environmental Justice Program Outreach Coordinator
- 2) Senior OR Staff Attorney

Join a fast-paced practice in environmental, natural resources, and land use law representing community organization in state and federal courts and before local, state, and federal agencies. In addition to EDC's litigation efforts, the Senior or Staff Attorney & EJ Program Outreach Coordinator will work to enhance and develop EDC's relationships with communities impacted by environmental injustice and will help identify new opportunities to address this work. Both positions are F/T +benefits with a salary range of \$90,000-\$135,000.

Info & application instructions: www.EnvironmentalDefenseCenter.org/join-our-team

For information on classified advertising rates, or to submit a classified ad, contact Marietta Jablonka, SBCBA Executive Director, at (805) 569-5511 or sblawdirector@gmail.com.

OFFICE AVAILABLE

High quality, executive office space available for sublease in a historic building in downtown Santa Barbara, two blocks from the Court House. First floor individual offices available beginning at \$500. This building offers shared use of all amenities including receptionist, three conference rooms, kitchenette, elevator, and copy room featuring a high-speed color copier with fax and scan capabilities. inquiries contact Jeanette Hudgens (805) 962-9495.

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Price, Postel & Parma, a long-standing law firm in Santa Barbara, is seeking a litigation associate with superior credentials, at least 3-4 years of significant litigation experience and a current license to practice in the State of California. This is an outstanding and unusual opportunity to practice law with experienced trial attorneys and swiftly move into position of significant responsibility in the Firm. Compensation is commensurate with skills, education and experience. A current license to practice in California is required. Salary range for qualified candidates is \$115,000 to \$225,000. Please submit a cover letter and resume detailing your experience to Craig Parton at cparton@ppplaw.com.

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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Bench & Bar Relations
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tfoley@foleybezek.com

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doug@ridleydefense.com

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tmartinez@co.santa-barbara.ca.us

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alex@craigielawfirm.com

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Marisa Beuoy (805) 965-5131
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Mandatory Fee Arbitration
Eric Berg (805) 708-0748
eric@berglawgroup.com

In House Counsel/Corporate Law
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jeppesenlaw@gmail.com

Intellectual Property
Christine Kopitzke (805) 845-3434
ckopitzke@socalip.com

Real Property/Land Use
Jake J. Glicker (805) 966-2440
jglicker@rppmh.com

Taxation
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Well-Being
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robin@robinoaks.com

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

January

2025

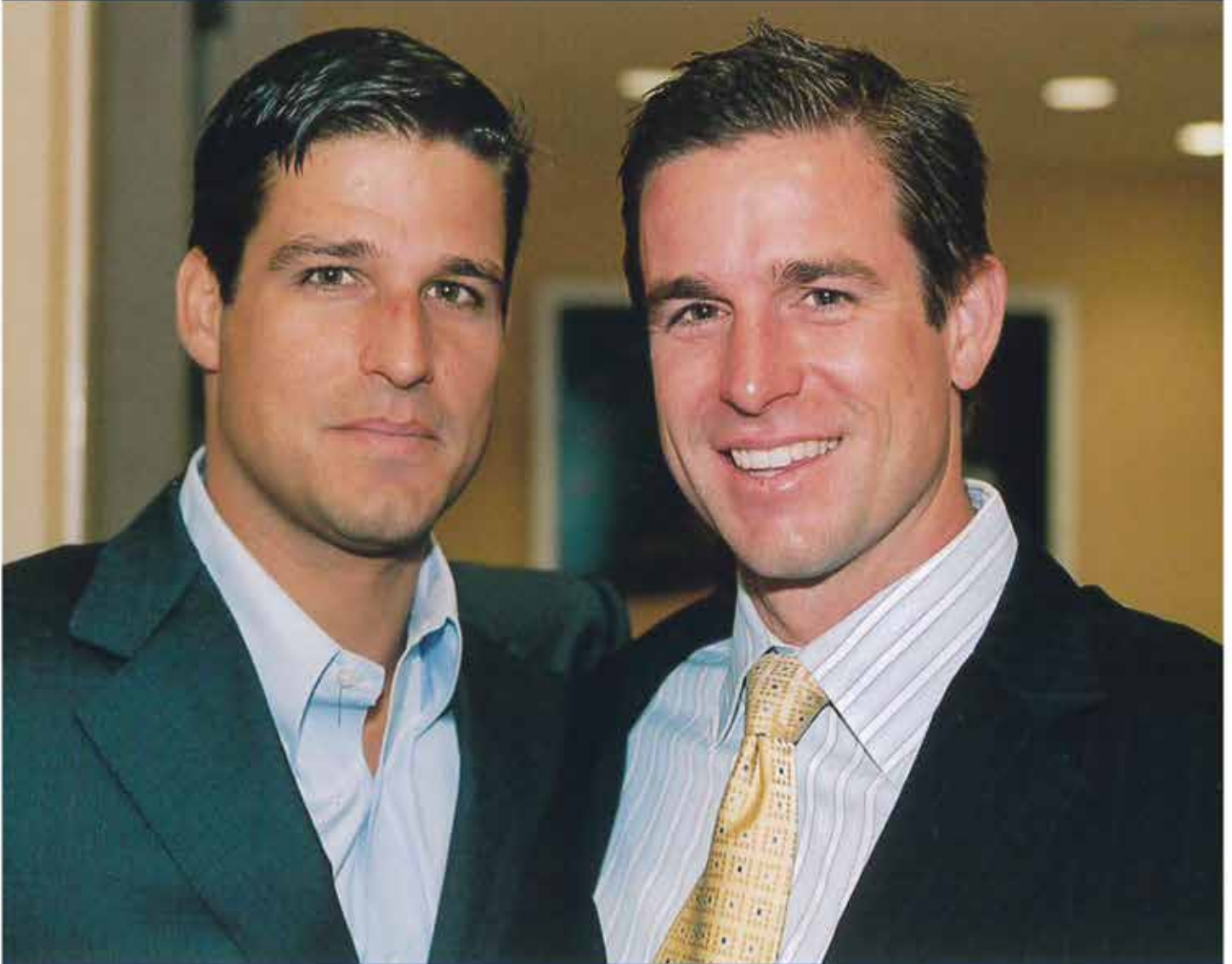


Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
			1 New Year's Day	2	3 International Mind-Body Wellness Day	4
5	6	7 CA Secretary of State Presents: Apostille Pop- Up Shop	8	9	10	11 National Clean Off Your Desk Day
12	13	14	15	16	17	18
19	20 Martin Luther King Jr. Day	21	22	23	24	25 SBCBA 2025 Bench & Bar Conference
26	27	28	29 Lunar New Year	30	31	

The Santa Barbara Bar Association is a State Bar of California MCLE approved provider. Please visit www.sblaw.org to view SBCBA event details. Pricing discounted for current SBCBA members.

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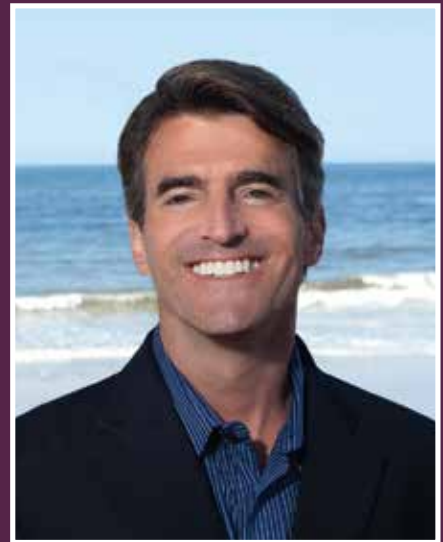
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