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Santa Barbara Women Lawyers

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Santa Barbara County Bar Association
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On the Cover

Santa Barbara Women Lawyers

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"Wow, that was easy!"

How to Impress the Trial Judge!

By Thomas P. Anderle, Judge

In October 2024, Judge Anderle delivered an engaging presentation to the Family Law Bar on the topic of "How to Impress the Trial Judge!" The handout from that presentation is reprinted here with the permission of Judge Anderle. While some of Judge Anderle's tips are specific to Family Law and/or Department 3 practices, Judge Anderle also provides insight and advice that will benefit lawyers appearing in any courtroom.

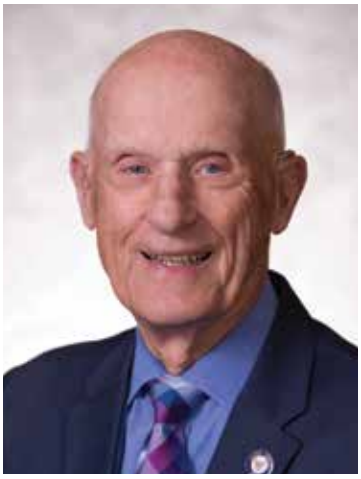
- Marisa K. Beuoy
Attorney, Griffith and Thornburg

* * *

1. **Courtroom Civility.** "Civility" in the practice of law is not what your mother taught you when she said: "Now play nice." Civility is synonymous with "politeness" or "courtesy." Fairness is synonymous with doing the "right or proper thing." Embracing fairness and civility does not mean you are less passionate about your cause. Winning is important but you DO NOT sacrifice fairness and civility to get there. You need to talk to the other side. Please do not impress your client about how strong you dislike the lawyer and the client on the other side during your time in front of me. That's time wasted.

2. **Zoom.** I use it all the time and am not distracted by you using it. I know it is here and is here to stay. But if you want to impress me, use it sparingly. Instead, come to the courtroom. Zoom is often distracting. Too often the Zoom audio is poor, the image freezes, the video fails to work, or the audio fails to work at just the opportune time. There are real advantages to coming to Court. For example, you get to talk to the lawyer on the other side. You may narrow the issues or even settle the case.

3. **RFO, Law and Motion Practice.** In any motion, be certain that you give me every issue you want addressed; make it succinct; put it all in one place, preferably at the end or the beginning. Don't make me "hunt" for what you really want; I simply do not have the time to do so. Draft your motion in a way that makes it easy for me to grant it. Be very clear and simple in setting forth both what you want, and why it is appropriate. It is NOT the time to try the entire case. Let me cut and paste from your document into my Order.



Judge Thomas P. Anderle

4. **Making additional requests at the Law and Motion Hearing.** The law and motion calendar is not a "workshop." Do not raise new issues at the hearing; do not ask me what you should do to solve a problem. If you have a "housekeeping" issue, talk to the other side before you address the issue to me. It is always perplexing to have counsel raise a housekeeping issue and then I learn you have not previously discussed the matter with the other side.

5. **Do not attempt to change the nature of your request in reply papers,** or supply evidence necessary to support the request for the first time in reply papers. Reply papers are used to respond to opposition evidence and new evidence cannot be used to plug holes that existed in the moving papers. I rarely grant a motion on any basis not clearly set forth in, and established by, the moving papers.

6. **Trial Briefs.** In all bench trials be certain you give me a trial brief, or at least a pocket brief, addressing all the issues. It is very difficult for me to properly address at trial any issue that you knew or should have known was an issue before trial if it is not clearly put in front of me from the start. It is very annoying to have you, for the first time, articulate new issues in your request for a Statement of a Decision when you argue that I have not addressed the principal controverted issues (see Rules of Court Rule 3.1590). It is hard for me to do it, weeks after the trial. I have been increasingly asking counsel, in an evidentiary hearing or trial, to give me their "Statement of Decision" before they close the evidence. Be prepared.

7. **Ex parte motions.** Remember it must be an emergency. They have become increasingly more common; I suspect because our operational style of living has become more instantaneous with the common use of emails, texts, social media, and cell phones. Always provide me with

a "stand-alone order." Make sure everything you need is in your moving papers. Keep it brief.

8. **Use the Overhead Projector at Trial or Screen Sharing on Zoom.** Some of you do not use the ELMO or overhead projector or screen sharing. Remember, judges are television and i-Phone trained. Fact finders have all become visual learners and are no longer solely audio learners. The entertainment industry and the communication industry have changed the way all people grasp what you are telling them. You want to grab my curiosity and establish your right for the decision. Keep it intellectual; on point; forget the animosity and contentiousness. Be a communicator.

9. **Side-by-side.** Whether you use the "Propertizer" or a "Balance Sheet" of your own, meet and confer before your case begins so it is all there for me to see from the beginning. It has been very annoying to get near the end of the case and for the first time see a side-by-side. A side-by-side is a document in which you have (1) numbered each issue you want a decision on, (2) using the same numbering and same language, and then (3) show what each side wants from me at trial.

10. **Contempt of Court's OSC.** What are "the contempts?" Too often the form submitted does not explicitly set out how many counts of contempt you are seeking and exactly what the wording is you want from me after the trial. You need to be very explicit and exact. Do not plan on amending it at trial.

11. **Using your computer, shared screen, and ELMO.** Practice it before the trial begins; it is very distracting to have to wait while counsel figures out how to make the system work during the trial.

13. **Partition Referee, Discovery Referee, Settlement Masters.** I am using them more now than before early on in complex cases to narrow the issues if not resolve them. Be prepared.

14. **Meet and confer means "meet and confer."** I often send out a tentative Order that says "Gentlepeople: Find enclosed the ruling for your case on calendar [date] at 1:30pm; appearances are mandatory unless both sides meet and confer and agree that no argument is requested; if argument is requested, it may be made in person in the courtroom or via Zoom; login instructions attached." I too often get an email that says, "the Petitioner [or the Respondent] will submit." What I am inviting is an email that says "we have met and conferred and we [or one side] want to argue," or "we have met and conferred and will submit on the tentative."

15. **Evidentiary Objections made to Declarations.** Lawyers must use some reasonable restraint in their submission of declarations that contain inadmissible statements and opposing counsel must use some reasonable restraint in making their objections. I ask counsel who are submitting the declarations to (1) read them before filing them and eliminate the inadmissible testimony, and (2) ask counsel who are objecting to the inadmissible testimony to resist exercising every conceivable objection, on the theory that in most cases there is virtually no harm done by the inadmissible statement and in every case I am inevitably asked to read and rule on each objection. Inserting inadmissible evidence in the declaration and responding by using unnecessary objections undermines your credibility. Read every declaration you submit as if you were the judge who had to both read it and rule on objections to it. Only object when the sustaining of the objection will advance your position in some material respect.

16. **CCP § 776 (calling the opposing party as a witness).** This is an overused procedure; the other side gets to tell the story at least twice; once on 776 and then cleans it all up on "direct." It interrupts the flow of your case. If you need to do it, call the other side last. Don't put the other side's case on before you put on your case.

17. **Examining a witness "free-style" rather than via a "script."** It vastly lengthens the trial and will annoy me. Make your point and move on.

18. **Trial Objections.** Grossly too many trial objections with no meaningful point; for example, "leading," or "lack of foundation," or "compound," etc. Before you object, ask yourself: "What's the point?" "Will they get this evidence in anyway simply by rewording it?" "Am I just annoying the judge?" "Will my objection have any impact other than providing additional emphasis for my opposing party's evidence?" Object only when it is important to your case; remember, if your objection is successful and the lawyer must ask the question "again," the consequence is that if I didn't get it the first time, I surely will get it the second time.

19. **Expert Witness Designation; Expert Witness Depositions; Expert Witness Testimony.** Too often lawyers do

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Anderle, *continued from page 8*

not do their homework in preparing their expert witnesses for their deposition, and then must "backfill" at trial to fill in the gaps. This is challenging for me because I must monitor the introduction of that evidence; it may result in the exclusion of key evidence you otherwise might get in. Be sure you have rehearsed the deposition testimony and the trial testimony before it is elicited.

20. **Cross-Examination of Expert Witnesses.** It is a "sprint," not a "marathon." Make your points and sit down. Targeted and scripted cross examination is invited. Freestyle and unorganized questioning is sloppy practice. If you have a point, make it; if not, move on to something more productive. Keep it simple.

21. **Written Discovery.** Generates motions to compel. You want to avoid that. They are costly and can be problematical. Is there an easier way to get your information [a deposition?]. If you elect to send written discovery don't just use the form you have on your computer; tailor it. A word to all responding parties, "answer" the question directly and avoid the cut and paste objections.

22. **Don't introduce into evidence the pretrial written discovery.** If it is an exhibit, it is incumbent on me to read it and consider it in reaching a decision. If you have gone overboard in your written discovery, it does not impress me. Stick to relevant evidence.

23. **Closing Arguments.** Many of you know that I very often have my tentative decision ready when you finish your case. Typically, I will ask if you want to see it before you argue. Don't be surprised. Sometimes I am asked how you can decide the case if you haven't heard closing arguments. That's an easy answer. You told me in your Trial Brief what you intended to prove and why I should decide the case in your favor. I listen to the testimony and if you proved your point, I don't need an argument. ■

Introducing Ourselves: 2025 Presidents of SBWL and SBWLF

By Olivia Young and Taylor Fuller

As the incoming Presidents of Santa Barbara Women Lawyers (SBWL) and Santa Barbara Women Lawyers Foundation (SBWLF), we are excited to share our passion for these organizations and their collective mission.

Olivia Young: President of Santa Barbara Women Lawyers

Hello! I'm Olivia Young, and I am honored to serve as the 2025 President of SBWL. Since joining the SBWL Board of Directors in 2022, I have been deeply inspired by the work SBWL does to advance gender equality and support women in the legal profession. SBWL fosters community and professional development within the Santa Barbara legal community. Its network of incredible attorneys, and the mentorship I have received while a part of this organization, has been instrumental in launching my career.

I grew up in Santa Barbara, and have centered my career around counseling and providing legal guidance to small businesses in our community. Practicing this type of law has allowed me to gain a better understanding of the important role of community, collaboration and strategic thinking in the success of any organization. I hope to bring these values to my role as 2025 President of SBWL. Working together with Taylor, we will ensure that SBWL continues to empower women and serve the broader Santa Barbara community. I am looking forward to another productive year!

Taylor Fuller: President of Santa Barbara Women Lawyers Foundation

Hi, I'm Taylor Fuller, and I am incredibly excited to lead the SBWLF in 2025. Having served on the SBWL Board of Directors since 2019, I have seen firsthand how our organizations make a difference through scholarships, educational initiatives, and community programs in the Santa Barbara legal community. These efforts not only support aspiring legal professionals but also promote gender equality and provide critical resources to those in need.

Taylor Fuller and Olivia Young

As someone born and raised in Santa Barbara County, my connection to this community runs deep. My work as a family law attorney has shown me the importance of advocacy and service, both of which are at the heart of SBWLF's mission. I am grateful for the opportunity to lead the Foundation as we continue to uplift and inspire women in the legal profession.

What We Do: The Mission of SBWL

Founded in 1999, SBWL is committed to promoting gender equality and empowering women in the legal profession. We do it by: (1) keeping members informed about mission-oriented events, legal issues impacting women, and opportunities to network and engage; (2) fostering community through mentorship programs, discounted MCLE opportunities, and unique networking events; (3) serving Santa Barbara by educating and providing role models for young people, facilitating pro-bono services for women in crisis, and promoting gender equality; and (4) advocating for gender equality by supporting amicus briefs, monitoring legislation, hosting educational programs, and working with local organizations to promote women in the judiciary.

Judge Maxwell swearing-in the new 2025 Board of the Santa Barbara Women Lawyers

Olivia Young, Diana Lytel and Natalie Mutz

SBWL offers numerous opportunities for members to actively participate in advancing our mission. If you are interested in supporting SBWL and getting involved in this incredible organization, please consider:

- **Joining a Committee.** Our committees include: (a) Legal Education & Programs; (b) Nominating; (c) Membership; (d) Advocacy; (e) Annual Dinner; (f) Pro Bono & Community Outreach; (g) Scholarship; and (h) Fundraising. More information on the respective roles of each committee can be found on our website: sbwl.org.

- **Sponsoring our Organization.** You can financially sponsor our organization and support our impactful initiatives and events.

- **Joining a Mentoring Circle.** You can join a mentoring circle with attorneys of all experience levels to build connections and foster growth.

- **Participate in Pro Bono Opportunities.** SBWL can help you identify opportunities to provide pro bono legal services, allowing you to make a tangible difference in the lives of women in our community.

The first step is to renew your membership (or sign-up if you are not already a member). By getting involved, you can help shape the future of SBWL while advancing your own professional development and contributing to our vibrant community.

Together, SBWL and SBWLF are dedicated to creating a more equitable and inclusive legal profession. We look forward to an impactful year ahead and invite you to join us in advancing this vital mission.

With gratitude and enthusiasm,

Olivia Young, SBWL President and
Taylor Fuller, SBWLF President

New Year, New Laws: Key Legislative Updates for California Attorneys

By Scott A. Jaske

Scott Jaske

Disclaimer: *This article provides an overview of recent legal changes in California that may interest attorneys. It is not exhaustive and should not be considered a comprehensive analysis of all applicable laws.*

Landlord-Tenant Law

The eviction process has seen a significant change under AB 2347, which extends the time tenants have to respond to an unlawful detainer summons and complaint from 5 court days to 10 court days. This extension gives tenants more time to seek legal representation and prepare a defense, with the intent to reduce default judgments that often result from tenants being unable to respond in time. This additional time aims to balance the scales between landlords and tenants, ensuring that tenants have a fair opportunity to participate in the legal process while still maintaining the overall efficiency of eviction proceedings.

Court Rules

Revisions to Code of Civil Procedure Section 1170 are designed to streamline court proceedings, especially in cases involving demurrers and motions to strike. Courts are now required to hold hearings on these motions within 5 to 7 court days of their filing, unless good cause is shown for a delay. This tighter timeline is complemented by rules allowing plaintiffs to orally oppose motions at the hearing, with defendants given the opportunity to respond orally. Written oppositions must generally be filed at least one court day before the hearing, though courts retain discretion to consider late submissions. These changes aim to reduce procedural delays and expedite resolutions, especially in time-sensitive cases like unlawful detainers.

In family law, AB 81 introduces new requirements for child custody cases involving Native American children. Courts must now conduct inquiries during the first court appearance to determine whether a child has Native American heritage and whether they are eligible for tribal membership. This aligns with the California Indian Child Welfare Act, emphasizing the importance of protecting the cultural heritage and rights of Native American children and families.

Criminal Law

Several updates have reshaped the criminal law landscape:

Proposition 36: Passed with strong voter support, this measure reclassifies certain crimes and enhances penalties. For example, repeat shoplifting offenses (under $950 in value) can now be charged as felonies if the offender has two prior convictions. Additionally, crimes involving groups of three or more people or certain drug offenses, such as methamphetamine or fentanyl possession, carry stricter penalties. For eligible drug offenses, treatment-mandated felonies allow charges to be dismissed upon successful completion of a program, offering an alternative to incarceration.

SB 905 addresses vehicle burglaries by removing the "locked door loophole," which required proof that the car door was locked. Now, evidence of forced entry, such as broken windows, suffices to establish a burglary.

AB 3029, the "Retail Restraining Order" law, allows retailers to obtain restraining orders against individuals convicted of theft, vandalism, or violence against employees. These restraining orders can prohibit offenders from entering the retailer's locations and parking lots, and violations may result in misdemeanor charges.

AB 1779 expands jurisdiction for district attorneys to prosecute organized retail theft cases across county lines, ensuring cohesive enforcement against coordinated theft operations.

Banking and Consumer Credit

In consumer finance, AB 2017 prohibits state-chartered banks from charging overdraft fees. While federally chartered banks remain unaffected, this law reflects California's commitment to consumer protection in the financial sector. Similarly, SB 1061 bars medical debt from being used to impact credit scores, shielding individuals from further financial hardship caused by medical emergencies.

Employment Law

For employment practitioners, several laws address workplace fairness:

SB 1100 ensures that employers cannot require a driver's license as a condition of employment unless the job explicitly involves driving. This law reduces barriers to employment for individuals without licenses, such as those who rely on public transportation.

AB 2011 makes permanent a pilot mediation program through the California Civil Rights Department for small employers. This program addresses disputes involving family leave, bereavement leave, and reproductive loss leave, offering a no-cost mediation option to resolve conflicts efficiently.

SB 399 prohibits employers from holding mandatory "captive audience meetings" on topics unrelated to work, such as politics or religion. Employees who refuse to attend these meetings are protected from retaliation.

Business Law

AB 1775 introduces Amsterdam-style cannabis cafes to California, allowing licensed dispensaries to serve non-psychoactive food and drinks while hosting live music and entertainment. This legislation is expected to spur significant growth in the cannabis industry, creating new opportunities for business owners and attorneys advising them on compliance, licensing, and operational regulations.

Educational Law

AB 1858, the Safe and Prepared Schools Act, requires K-12 schools to include detailed active shooter drill procedures in their comprehensive safety plans. Charter schools must adhere to the same standards, and the Department of Education will release best practices by 2025 to guide schools in implementing effective and trauma-informed drills.

AB 1955, the Support Academic Futures and Educators for Today's Youth Act, strengthens resources for LGBTQ students and their families. Schools cannot require staff to disclose a student's sexual orientation or gender identity without the student's consent. Additionally, retaliation against staff who support LGBTQ students is prohibited, fostering a safer and more inclusive environment for all students.

AB 1825 protects intellectual freedom in public libraries by prohibiting the banning of books based on race, religion, gender identity, or political affiliation. This measure ensures that libraries remain spaces of diverse thought and learning.

Housing Law

California's housing crisis has spurred several key legislative changes:

SB 1037 imposes penalties of $10,000 to $50,000 per month on cities and counties that fail to comply with housing element requirements or zoning obligations. Funds collected from penalties will support affordable housing development in the offending jurisdiction.

AB 2835 enables cities to repurpose hotel and motel spaces as temporary housing for the homeless, providing a flexible and immediate solution to shelter shortages.

AB 3039 expands housing plans to include "acutely low" and "extremely low" income households. By 2026, the Department of Housing and Community Development will issue guidelines to help local governments better serve these underserved groups.

AB 3057 streamlines the approval of Junior Accessory Dwelling Units (JADUs) by exempting them from California Environmental Quality Act (CEQA) requirements, making it easier for homeowners to add affordable housing options.

Artificial Intelligence Regulation

California is taking steps to regulate artificial intelligence:

SB 942, the CA Transparency Act, requires all AI-generated content to be labeled as such by 2026. Attorneys should begin advising clients in tech, marketing, and other industries to prepare for compliance with this future regulation.

Public Safety and Environmental Laws

Vehicle Impoundment for Sideshows: Law enforcement can now impound vehicles involved in illegal sideshows and street racing, a measure aimed at deterring reckless driving and enhancing public safety.

Ban on PFAS in Clothing: California has banned clothing containing harmful per- and polyfluoroalkyl substances (PFAS), also known as "forever chemicals," to protect public health and the environment.

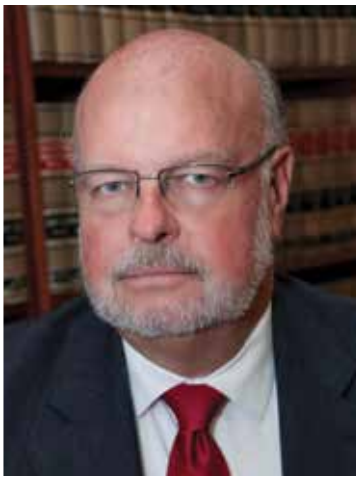
Conclusion

These legislative updates reflect California's focus on balancing the needs of its diverse population with emerging issues in housing, workplace rights, public safety, and environmental protection. Attorneys practicing in the state should stay informed to help their clients navigate these new laws effectively. ■

Scott A. Jaske, a native of Bakersfield, attended the Santa Barbara Colleges of Law. Scott is a Past President of the Santa Barbara Barristers and currently serves on the Board of the Santa Barbara County Bar Association, where he co-edits the Santa Barbara Lawyer magazine. He is an associate attorney at Mark T. Coffin, PC, focusing on civil litigation and construction defect law.

Lying and the Law

By Robert M. Sanger



Robert M. Sanger

Introduction

The concept of lying seems pretty simple. Actually, there are many facets to the subject of lying and books have been written on the subject. This *Criminal Justice* column will focus on lying in a legal context, particularly lies that are made during the matters leading up to litigation as well as in the course of litigation itself. This may then seem too simple to justify an article but, even within this limited topic of lying in the legal context, there is much to think about.

This article will start with a very general overview of lying but then move quickly to the specifics of lying directly or indirectly in the context of pre-litigation and litigation. Hopefully, both civil and criminal lawyers will find something to think about by the end of this piece.

Lying in General

Students of moral philosophy have spent a lot of time discussing lying. Augustine and Aquinas dealt with lying from a moral/religious standpoint. Hugo Grotius had many practical observations. Immanuel Kant examined lying from the perspective of a categorical imperative. In 1978, Sissela Bok, a Harvard scholar, wrote a provocative and broad-based book titled *"Lying: Moral Choice in Private and Public Life."*[1] Much literature has followed questioning everything we think we know about lying.[2]

Lying is generally characterized as knowingly making an untrue statement with the intent to deceive another.[3] Thus, it is not enough that a person makes an untrue statement. It may be unknowing or unintentional. It is also not enough that a person knowingly and intentionally makes an untrue statement. It may be a joke, hyperbole, sarcasm, a metaphor, or a fictional account. Lying generally requires an intent to deceive.[4]

This then leads to questions of epistemology and whether a person can know the truth. And, if a person can reasonably be expected to know the truth, is it possible for a person to know the whole truth? What passes for knowledge is really an individual assessment of sense data, heuristics and other mechanisms. Having a good faith belief that something is true, in a world in which ground truth cannot be determined with certainty, is what passes for knowledge. Tautologically, knowledge is "justified true belief." That is, a justified belief that something is true that is in fact true.[5]

However, even if someone cannot have knowledge of the truth—maybe they just believe that they know the truth—it is still possible to have a working idea of lying. As proposed, the working idea would involve knowingly making an untrue statement (a statement the person reasonably believes to be untrue which turns out to be untrue) with the intent to deceive another. Philosophers have explored whether, *pace* Kant, lying can be excused or justified in particular circumstances. Situations where the lives of the villagers depend on lying about harboring a target of persecution, lying to liars, lying to enemies in general, "white" lies, lies for the public good, lying to the sick and dying all may (or may not) provide excuses or justifications for lying.[6] Lying by public figures to aspire to public office or to consolidate power is also nothing new and finds support in Plato's *Republic* and Adolf Hitler's *Mein Kampf* but, only the most cynical would find it excused or justified.[7]

Purely utilitarian justifications for lying probably leave a lot to be desired. It is also important to recognize that "half-truths," ambiguous deceptions and omissions qualify as lies. Professor Bok posits that trust and moral integrity are important values and must be weighed in the balance when deciding if lies are excused or justified. According to Professor Bok, lying under any circumstance should be minimized. Most types of lies are not either excused or justified when evaluated in light of the cost to individual and societal trust and integrity. Therefore, lying to save the village and protect the target of persecution may be justifiable whereas lying to seek office or consolidate power may not.[8]

Lying in the Legal Context

There is much there to think about and this is just the tip of this iceberg. For the purposes of this article, dealing with lying in the investigation, pre-litigation and litigation context, we can gloss over the epistemological and philosophical limitations on knowledge and truth. We can settle on the general definition above (knowingly making an untrue

statement with the intent to deceive another). Using that definition and looking at particular legal contexts, it turns out that the philosophical excuses and justifications for lying are unlikely to apply.

The general defenses to legal accountability for lying rest on lack of proof of knowledge of falsity (knew or reasonably should have known), materiality, or detrimental reliance. Of course, "gun to the head" coercion or life and death necessity could be excuses or justifications in outlier cases. But, for the most part, lying—knowingly making an untrue statement with the intent to deceive another—is proscribed. There are few excuses or justifications in the legal context. Several examples follow.

Lying by Litigants: Pre-Litigation and in Litigation

Fundamentally, lying in a declaration, affidavit, or sworn testimony is perjury under 18 U.S.C. section 1621 stating: "Whoever . . . having taken an oath before a competent tribunal, officer, or person, . . . willfully and contrary to such oath states or subscribes any material matter which he does not believe to be true [is guilty of perjury]." The intent to present false testimony as to a material matter is the crime and, therefore, it is not perjury if the statement is a result of confusion, mistake, or faulty memory.[9] California Penal Code sections 118, *et seq.*, are in accord. Absent extremely unusual circumstances, if the elements are proven, there is no excuse or justification. Lying under oath is a crime. And, in California, lying under oath (or suborning a lie) in a death penalty case may be punished by the death penalty.[10]

It is also a crime to lie to a federal official, and the lie does not have to be under oath. It is a violation of 18 U.S.C section 1001 to make a materially false, fictitious, or fraudulent statement in any matter within the jurisdiction of the federal government. There is no direct analogue to section 1001 under California law but there are specific instances of lying that are criminal, such as Penal Code section 148.5, making a false report of a crime; or Penal Code section 148.9, giving a false identification to a police officer.

There is little in the way of excuse or justification available under the law unless the false statement was compelled by overwhelming necessity. Interrogation tactics by agents or officers might lead to false statements made by a person in custody who is feeling threatened. Cases of coerced confessions have been well publicized. The Central Park Five travesty has captured a good deal of public attention. At some point, a person can be broken down by time, intensity of interrogation, deprivation of sleep and food to the point that they say what they believe the interrogator wants to hear. Of course, these incidents are not prosecuted as false statements, the false statements are used to prosecute the person for some underlying crime like rape or murder.

There was an interesting excuse recognized in federal court as a defense to lying to a federal official. The exception was based on the Fifth Amendment to the United States Constitution. It was recognized for many years that a person confronted by a federal agent might give an "exculpatory no" answer to an accusatory question. The idea was that the Fifth Amendment right against self-incrimination excused a person from giving a negative response to an abrupt accusation by law enforcement. However, the Supreme Court in 1998 held that this excuse does not apply.[11]

Another form of liability for making false statements is fraud. Generally, civil liability for fraud requires that a statement be made that was knowingly false, regarding a material fact or omission, and that there was detrimental reliance on that false statement. In the case of securities fraud, it is not necessary to prove detrimental reliance but, instead, to prove that a reasonable investor would want to know the correct information before investing. In essence, lying to someone, or a generic group of investors, regarding a material matter can result in a civil judgment.

Criminal fraud takes on numerous shapes and sizes. Under federal law, a popular means of prosecution is 18 U.S.C. sections 1341, 1343, 1344, 1346, 1347, and 1348 for mail fraud, wire fraud, bank fraud, honest services fraud, health care fraud and securities fraud. All of these federal penal statutes require a federal jurisdictional element. The United States mail or interstate wire transactions triggered mail and wire fraud. However, in recent years, just about anything will qualify since the use of the internet to send email, even if it is to a person next door, invokes interstate jurisdiction. In addition to the defense on the elements, the excuse of entrapment might apply. To the extent that a scheme was prompted by a government agent and the defendant did not have a predisposition to commit the crime, otherwise fraudulent conduct might be excused.

In California, a multitude of crimes, including theft by false pretenses under Penal Code section 484(a) and state securities fraud under Corporations Code section 25401 are based on lying. The lie can be by way of a materially false statement or an omission to state a material fact necessary to make the statement not misleading. The defenses to these sections relate to the failure to prove the elements and generally not to excuses or justifications.

Lying by Lawyers

So, if lying is taken so seriously by the substantive law and exposes people to criminal or civil liability, why is it that some lawyers believe that they are excused or justified

in their role as attorneys to lie to opposing counsel or to the court? Don't say it doesn't happen. The adversary process gives rise to the conscious or subconscious belief that it is part of an advocate's duty to their clients—or just a part of their competitive desire to win—to lie or stretch the truth. They see it as part of the "sporting theory of justice."

However, winning is generally not considered a philosophical justification for lying even, or especially, in a sporting context. A zealous advocate is expected to be aggressive on behalf of a client. But, just as in sports, aggressiveness is bounded by the rules, one of which is that lying is not legitimate. In civil cases, including, notoriously, family law, there is a tendency for some lawyers to enable their clients by making assertions in correspondence or even in pleadings with the intent to misdirect or mislead opposing counsel or even the court.

It is not limited to civil lawyers. A group of otherwise dedicated criminal defense lawyers were discussing whether it was not only excusable but justified to misdirect a key prosecution witness. The witness asked one of them in the hallway after court to confirm the date he was to return. The date was incorrect and a day late. The proper answer was to either give the correct date or tell the witness to talk to the prosecutor. However, there were lawyers in the group who claimed it was the duty of the lawyer to confirm the misinformation because it was in their client's interest that the witness not show up.

A lawyer cannot lie or misdirect even if it would help the client anymore than the lawyer could give the witness the plague to make him unavailable.[12] A zealous and aggressive advocate—and most of the most successful advocates—win without lying. The best lawyers—not necessarily the ones who brag about being the best—practice in a way that engenders trust and promotes integrity of themselves and the law.

Attorneys are held to an ethical standard of candor to the court under Rule of Professional Conduct 3.3. Even the most vigorous advocates are officers of the court. In addition, as an answer to the example above, lawyers have a duty not to obstruct another party's access to evidence or witnesses. Lying is not within the bounds of proper professional conduct. It is not an excuse or justification that lying—even a little bit—will help win the case.

Violation of the ethical standard can lead to discipline but do not establish a basis for criminal prosecution or civil liability. Statements made by counsel in litigation or related to pending or potential litigation are shielded from defamation by Civil Code section 47. A court can impose Code of Civil Procedure section 128.5 sanctions as a result of actions or tactics of the party or party's attorney that are made in bad faith. Lying would be bad faith, but 128.5 sanctions are rarely imposed.

Federal law provides more protection against false statements, including outright lying, in federal pleadings. Federal Rule of Civil Procedure 11 provides for sanctions when an attorney files a pleading or advocates for its content and it was presented for an improper purpose, makes claims that are not supported by the law (or an argument to change the law), or makes contentions or denials that are not warranted by the evidence. Regrettably, there is no analogue to Rule 11 under the California Code of Civil Procedure.

Lawyers, of course, are prohibited from suborning perjury under Penal Code section 127. In other words, a lawyer cannot indirectly lie by knowingly putting up a witness on the stand to lie. In addition, prosecutors have special duties to do justice and not simply to try to win.[13] Prosecutors

can be subject to sanctions for knowingly putting on false testimony under *Napue v. Illinois*, 360 U.S. 264 (1959) as a violation of the Due Process Clause of the Fourteenth Amendment which can result in reversal of a conviction or other remedies. Prosecutors who knowing withhold exculpatory evidence can be subject to sanctions under *Brady v. Maryland*, 373 U.S. 83 (1963)[14] and even prosecuted for a felony under Penal Code section 141(c).

Criminal defense lawyers are in a different situation with regard to communications with their clients. They are not permitted to disclose confidential communications and defendants also have the constitutional right to testify even if the defense lawyer does not agree.[15] Defense lawyers may be faced with the challenge of putting their client on to testify without specifically eliciting perjured testimony. The remedy fashioned by the courts is for the defense lawyer to call the defendant to the stand and let him testify in a narrative fashion.[16]

Courts have pointed out that defendants are entitled to have a jury decide if they are lying, not one lawyer. Therefore, before a defense lawyer concludes that a defendant is going to lie on the stand, the lawyer would have to be quite certain, as in a situation where the evidence is clearly to the contrary and the client says that they intend to lie. Nevertheless, even there, the courts say that the defendant has the right to testify. Of course, the defendant could still be prosecuted for perjury later if the prosecution can prove it. Notwithstanding all of this, the defense lawyer cannot lie in argument to the jury.

In civil litigation, neither side should have an excuse or justification for lying or for enabling their clients, witnesses, or expert witnesses to lie about the facts or circumstances of the case. The same applies to statements of the law to the court or opposing counsel. Advocacy can include making the best explanation and interpretation of the facts and law. But lying is simply not acceptable.[17] In criminal litigation there are duties on the part of the defense to put the prosecution to its proof. In civil cases, there may be strongly held beliefs. However, winning does not excuse or justify lying.

Conclusion

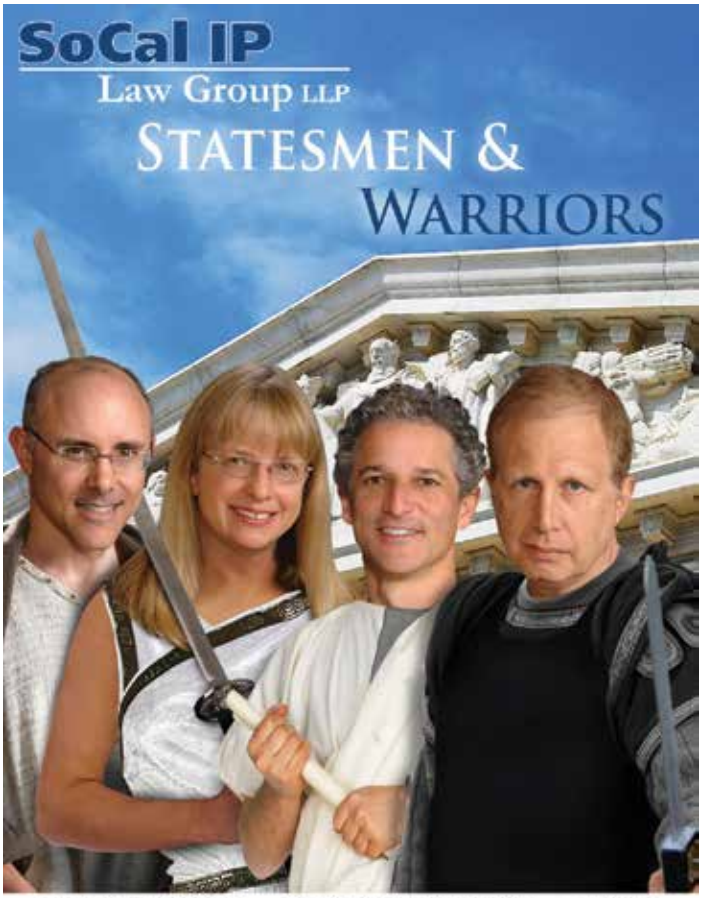
Just as Professor Bok made the case for trust and integrity in society in general, an even greater case can be made for trust and integrity within the legal system. This is particularly true of civil litigation. Lawyers can fight hard for their clients but do so with integrity and while instilling trust in themselves and promoting the integrity of the justice system. There is work to be done, for instance, California needs an analogue to Rule 11 to impose sanctions on counsel who knowingly make false statements. But, of course,

rules only go so far. The legal profession and all of the members thereof need to step up and insist on the values of trust and integrity. ■

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), the statewide criminal defense lawyers' organization.

Endnotes

1 Sissela Bok, *Moral Choice in Public and Private Life*, (Pantheon Books, 1978.)
2 For an overview of the subtleties of the subject and a review of literature, see, *The Definition of Lying and Deception*, Stanford Encyclopedia of Philosophy, (revised, 2015).
3 Even this is controversial. See, James Edwin Mahon, *Two Definitions of Lying*, 22 International Journal of Applied Philosophy (2008) 211-230.
4 Of course, linguistic philosophers warn against definitions since language and the use of language is complex. See, e.g., Ludwig Wittgenstein, Philosophical Investigations G.E.M. Anscombe, trans., Blackwell, (1058).
5 Much fun can be had with this in light of the Gettier problem based on an article by Edmund Gettier, *Is Justified True Belief Knowledge?*, 23 ANALYSIS 121, 121–23 (1963). See, Robert Sanger, *Gettier in a Court of Law*, 42 Southern Illinois University Law Journal 409 (2018).
6 While utilitarians may be more liberal in finding excuse or justification, Professor Bok, *supra*, argues that trust and integrity should override many forms of lying that might otherwise be excused or justified.
7 The extreme breakdown of trust and integrity in society could lead to counter measures, see, Hanna Arendt, Crises of the Republic: lying in politics civil disobedience on violence, thoughts on politics, and revolution, (Harcourt Brace, 1972).
8 The frequency and intensity of lying by politicians and their supporters has reached epic proportions recently. However, the publishing of lies for political purposes has reached fever pitch in the past as well. For instance, Carl Sandburg captured the incredible propagation of lies during the elections of 1860 and 1864 by amassing source documents in his six-volume work. Carl Sandburg, Abraham Lincoln (Scribner's, 1926-1939).
9 *United States v. Debrow*, 346 U.S. 374, 376 (1953); *United States v. Norris*, 300 U.S. 564, 574, 576 (1937); *United States v. Dunnigan* 507 U.S. 87, 95 (1993).
10 Under Penal Code section 128, anyone who "by willful perjury or subornation of perjury procures the conviction and execution of any innocent person, is punishable by death or life imprisonment without the possibility of parole."
11 *Brogan v. United States*, 522 U.S. 398 (1998).
12 See Rule of Professional Conduct 3.4.
13 Government Code section 26500; Rules of Professional Conduct 3.8.
14 See also, Penal Code section 1424.5.
15 *Rock v. Arkansas*, 483 U.S. 44 (1987).
16 *People v. Johnson*, 62 Cal.App.4th 608 (1998).
17 Of course, there is the exception for settlement negotiations regarding the client's authority to settle. Neither side has to show all of their cards as to a settlement amount. However, misrepresentations of fact or law in settlement negotiations are still unethical and could be grounds for sanctions in civil litigation.



Making Positive Changes in the New Year

By Robin Oaks

I'm writing this article a few days after January 1, 2025, and by the time you read this I'm wondering how many of your New Year's resolutions have fizzled out? A New Year's resolution is a goal or promise to make a change in behavior, an environment, or way of relating. It often involves aspiring to make a change because something is negatively affecting one's professional or personal life. The reality is that navigating change, including shifting bad habits to good ones, doesn't always feel easy. I'll share with you some evidence-based strategies that can help.

Some of the behaviors related to our lives that we want to improve might involve those competencies for lawyering well that contribute to well-being, wellness and thriving at work. Competencies integral to our sustainability and success involve **p**rofessional proficiencies, **r**elationships, **o**rganizational environments and culture, and **s**elf-skills (physical, cognitive/mental, emotional, and spiritual needs). These competencies involve the vital skill sets that are represented by my ***PROS*** domains diagram, which reflects a well-being roadmap for fostering thriving as legal practitioners—and in life.

Lawyers are often characterized as risk averse, strong in command-and-control approaches, and eschewing the relevance of emotions, relying more on analysis of information to address problems. We focus on redressing past behaviors and preventing future harm, but rarely are we trained in ways that promote resilience and positive habits for change management and performing at our best. In a study carried out by Dr. Larry Richard, he found that attorneys actually scored lower than the general public in resiliency skills. How might learning about successfully changing our habits affect our resiliency and sustainability as legal practitioners?

Paula Davis-Laack, a former attorney, and founder and CEO of the Stress & Resilience Institute, has studied how positive psychology strategies promote resilience. I met Paula when I asked her to speak to the law students in my Lawyer Well-being and Professional Identity course at the Colleges of Law. I knew her work would underline what I teach about building mind-body-emotional skills that support academic and professional performance. Paula, who experienced severe burnout herself as a legal practitioner, now holds degrees in positive psychology and provides training in legal, corporate, and military settings about promoting optimal functioning, cognitive fitness, and stress management.

Robin Oaks

The titles of her books reflect the importance of learning how to deal with and make positive changes: *Beating Burnout at Work, Why Teams Hold the Secret to Well-Being,* and *From Army Strong to Lawyer Strong: What the Legal Profession Can Learn from the Army's Experience Cultivating a Culture of Resilience*. If you look through Paula's other e-book, *Addicted to Busy: Your Blueprint for Burnout Prevention,* I'm betting that what she highlighted about addictive conduct and dysfunctional habits might be just what many of us want to change for our New Year's resolutions. But we need to address not just the what and why—but the how.

Good intentions, strong motivation—even willpower—aren't enough to create new good habits or erase old bad ones. Most individuals, including those in legal cultures, often feel overwhelmed by change. We may unconsciously perpetuate ineffective habitual behaviors or avoid making needed changes completely. This is where behavioral scientists provide useful strategies that can help us consciously design our environments to achieve our goals.

I'll highlight some evidence-based steps that are explained in more depth by the authors of two great books about creating "good" habits: *Tiny Habits: The Small Changes that Change Everything* by BJ Fogg, Founder of Stanford's Behavior Design Lab, and *Atomic Habits: An Easy & Proven Way to Build Good Habits & Break Bad Ones* by James Clear.

The Science Behind Creating Positive Habits

According to James Clear in his book *Atomic Habits*, the basic "laws of behavior change" are: 1) Make it obvious, 2) Make it attractive, 3) Make it easy, and 4) Make it satisfying. BJ Fogg in *Tiny Habits* emphasizes the importance of understanding how our brain, emotions and behaviors work together to form habits. He guides us with the following phrase: "I change best by feeling *good*, not by feeling

bad." It's not a lack of willpower that causes many of our resolutions to fail; it's more often our lack of an effective evidence-based approach. Both Fogg's and Clear's books cite extensive research to support the many simple but powerful strategies they present. I highly recommend either of these books to support your change journey.

James Clear states, "A habit must become *established* before it can be improved." With the clients I coach who seek positive changes in their lives, I establish an environment conducive to change through meaningful connection, fostering self-compassion and empathy, and cognitive reframing away from over-focusing on the problem to envisioning future possibilities.

This is why one step that's effective for habit formation involves visualization and emotional self-regulation practices. Visualization helps the brain imagine a future

The PROS for Creating "Good" Habits

Step One: GOAL

Consider choosing a goal for changing conduct from the domains of well-being competencies reflected by the PROS domains diagram. What change do you *feel* will be beneficial and create hope for future possibilities? Visualize yourself doing the new behaviors and feeling the effects. Consider developing a **P**rofessional proficiency, creating a **R**elationship support connection, addressing your **O**rganizational environment and culture, or learning a new **S**elf skill (physical, emotional, mental/cognitive, spiritual/meaning).

Step Two: TINY STEPS

Brainstorm specific conduct that contributes to your goal, and then identify small actions that directly relate to achieving it. Tiny behavioral steps are obvious, simple, concrete, and can be done in two minutes or less. As you decide what behaviors to do, evaluate the impact of your actions along with the degree of effort involved. For instance, if you want to improve your physical wellness and decide to exercise more, take one tiny step by putting your running shoes next to the door, or walk briskly outside for five minutes immediately after lunch each day. "Tiny is easy, tiny is short. Tiny is a place to *start* building bigger, beneficial habits."

Step Three: ANCHORS AWAY & PROMPTS

Help anchor your attention for what you want to achieve and what you're *actually* doing in the present by promoting awareness through linking with other behaviors you do already. If you habitually open the refrigerator door when taking a computer break, then decide that this will be a prompt do five push-ups against the counter. Or, if you aspire to create a consistent gratitude practice that supports your mental health, think of one thing you are grateful for and write it down in a special journal you selected just before you routinely grab your phone in the morning.

Step Four: POSITIVE EMOTIONS, REWARD & CELEBRATE

After doing your tiny step – celebrate what you did AND also what you're aspiring to do. Remember, success and accomplishment feel *good*, and that's what creates habits. Even a comment of "good job!" to yourself, or sharing with someone that is a support ally, creates positive feelings of reward and recognition. There are many ways to craft what feels like a celebration for you. At the heart of all meaningful change is cultivating positive feelings in the present and envisioning possibilities for the future.

of possibilities. Nervous system and emotional self-regulation practices harness positive mind-body connections that create the right inner environments (calm, unstressed, receptive) conducive for promoting behavioral change, motivation, and learning.

Consider a change you want to make and put aside one minute each day to *imagine* yourself taking tiny steps towards your intended goals. Be creative and in your mind's eye experience the feelings, sounds, and environmental conditions coming to life as you *imagine* your goals happening. Visualization strategies have been successfully applied in sports, managing phobias, stress reduction, public speaking, business and healthcare - and healing.

Pleasant, enjoyable, and safe feelings allow the brain to create positive connections with what we *want* or *need* to act - and re-act. Making our actions small, obvious steps translates as less stressful and more challenging in a good way instead of conflicting. Achieving something we feel we have the ability to do fuels our reward circuits. Our brain's main function is to be a good prediction machine. Habits are in part "dopamine driven feedback loops." So, positive emotions create new habits. When you take action that supports your aspiration, find a way to celebrate.

Also, creating prompts in our environment provides a linking mechanism helping us remember what we're doing or want to do – in the NOW. As part of Fogg's Tiny Habits Program, he created a formula that anchors the formation of nearly any habit. To promote what's termed habit stacking we need to link our new tiny habit behavior to something we already do routinely and consistently each day, i.e., "After I ___ [established habit], I will ___ [new habit]."

If you want to stop a bad habit, Fogg's book explores in depth what to do. In essence, it involves several steps to optimize removing, avoiding, or ignoring a cue. When you try to stop a bad habit, you're reverse engineering to make those behaviors less attractive, less available, or more effortful to do. You may need to honestly identify those specific behaviors and associations that contributed to *how* your habitual reaction pattern was created and then re-design specific and simple changes in your environment to alter it accordingly.

So, when creating positive new habits I use the word "*SPA*" to remember the foundation of what changes behavior in a lasting way: "Small Steps," "Positive Possibilities," and "Anchoring Associations." Like the healing that happens in a spa's mineral waters, these core concepts if applied can help revitalize and bathe you in new neural pathways, creating behavioral changes that are enduring. Use the steps summarized in the practice box reflecting Fogg's and other researchers' strategies for making tiny changes that hopefully will reap big benefits for your professional and personal life. ■

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.

Cybersecurity Checklist for Lawyers: Protecting Client Data in the New Year

By Karine Wegrzynowicz

As we usher in a new year, it's an opportune time to revisit a crucial yet often overlooked aspect of legal practice: cybersecurity. Lawyers handle some of the most sensitive data imaginable, and protecting that information is both a professional responsibility and an ethical obligation. Cyber threats are ever evolving, and complacency can lead to devastating consequences for your clients and your practice. Below is a comprehensive checklist to help ensure your firm is well-protected in 2025 and beyond.

1. Assess and Update Your Security Policies

- Review Your Firm's Cybersecurity Policy: Ensure your policies reflect the latest best practices and comply with applicable laws and regulations. This includes your office practice, email, document storage and your website.
- Incident Response Plan: Confirm that your firm has a detailed plan to respond to data breaches or other cyber incidents. Test and update it regularly with your IT provider.

2. Secure Access to Systems and Data

- Use Multi-Factor Authentication (MFA): Require MFA for accessing email, case management systems, and any cloud-based services.
- Strong Passwords: Implement policies requiring complex passwords and periodic updates. Encourage the use of password managers, there are many tools out there, Dashlane and 1Password are two that I've used.
- Access Controls: Limit data access to only those employees who need it. Use role-based permissions to minimize risk.

3. Encrypt Sensitive Communications

- Email Encryption: Use end-to-end encryption for all client communications.
- File Encryption: Encrypt documents and backups both in transit and at rest.

Karine Wegrzynowicz

4. Regularly Update Software and Systems

- Apply Updates and Patches: Ensure all operating systems, software, web browsers and applications are updated regularly to address security vulnerabilities. Updates should be either automatic or at least reviewed weekly.
- Legacy Systems: Replace outdated systems that no longer receive security updates.

5. Conduct Regular Training and Awareness Programs

- Educate Employees: Train all staff on recognizing phishing attempts, avoiding ransomware, and following cybersecurity best practices. Phishing attempts are getting so creative, keep up on the latest trends.
- Simulated Phishing Campaigns: Test your team's ability to identify suspicious emails and provide targeted training for improvement. If your email provider can identify internal vs. external communications turn this feature on as a first step.

6. Invest in Secure Technology

- Firewall and Antivirus Software: Use robust firewall protections and antivirus tools to safeguard your network.
- Virtual Private Network (VPN): Require VPN usage for remote work to secure connections.
- Secure Cloud Solutions: Ensure your cloud provider complies with legal industry standards for data protection. If your third party cloud provider is compromised, you still owe a duty to your client.

7. Backup Data Regularly

- Automated Backups: Schedule automatic backups of all critical data.
- Offsite Storage: Store backups in a secure, offsite location, and encrypt them for added protection.
- Disaster Recovery Plan: Regularly test your ability to restore data from backups.

8. Vet Third-Party Vendors

- Vendor Risk Assessment: Evaluate the cybersecurity practices of any third-party vendors with access to your data.
- Contracts: Include specific provisions in contracts requiring vendors to adhere to cybersecurity standards.

9. Comply with Legal and Ethical Obligations

- State Bar of California Rules of Professional Conduct: mandates that attorneys uphold their ethical duties of competence and confidentiality, which encompass the protection of client information from unauthorized access, particularly in the digital realm. Key requirements include:
- Duty of Competence (Rule 1.1): Attorneys must perform legal services with competence, which now explicitly includes understanding the benefits and risks associated with relevant technology. This obligation requires lawyers to stay informed about technological advancements and cybersecurity threats pertinent to their practice.
- Duty of Confidentiality (Rule 1.6): Lawyers are obligated to protect client information from unauthorized disclosure. This duty extends to electronic communications and data storage, necessitating reasonable precautions such as encryption, secure passwords, and access controls to safeguard client data.
- Formal Ethics Opinion No. 2020-203: This opinion emphasizes that attorneys should implement and maintain reasonable cybersecurity protocols, including encryption, strong passwords, secure data storage, and limiting access to authorized personnel only. It also advises that firms regularly review and update their security practices to address evolving cybersecurity threats.
- Minimum Continuing Legal Education (MCLE) Requirements: Effective for the compliance period ending January 31, 2025, attorneys are required to complete 25 hours of MCLE every three years, which now includes:
- At least one credit hour addressing technology in the practice of law: This addition underscores the importance of technological competence in modern legal practice.

In summary, California attorneys are required to implement reasonable cybersecurity measures to protect client data, stay informed about technological advancements and threats, and fulfill specific educational requirements related to technology in legal practice.

10. Obtain Cyber Liability Insurance as part of your E&O policy

- Policy Review: Ensure your policy covers a range of cyber incidents, including data breaches, ransomware, and cyber extortion.
- Adequate Coverage: Confirm that the coverage limits align with the potential risks to your practice.

Closing Thoughts

Protecting client data is no longer optional; it's an integral part of legal practice in the digital age. By implementing these cybersecurity measures, you can safeguard your clients' sensitive information and uphold your ethical responsibilities. As technology evolves, so must our strategies to defend against cyber threats. Make this the year your firm prioritizes cybersecurity and stays one step ahead of potential risks. ■

Karine Wegrzynowicz is a Santa Barbara attorney with a practice focused on Estate Planning, Probate, and supporting Startups and Entrepreneurs. With a strong technology background, she also serves as an adjunct professor, teaching courses on Data Privacy, Data Breach and Information Security in the Master of Business, Law, and Technology program at The Colleges of Law.

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Motions

Griffith & Thornburgh, LLP had much to celebrate at the close of 2024. **Lauren A. Rode** was promoted to partner this year. Her expertise in family law, bankruptcy law, and education law has been instrumental to the firm's success, and we are proud to recognize her leadership.

Olivia Wilson became our newest member this fall. A graduate of USC and the Pepperdine Caruso School of Law, the firm celebrated her bar passage and swearing-in ceremony in December. She is poised to make significant contributions to the firm.

Griffith & Thornburgh marked a historic occasion with its 100th anniversary. Founded in 1924, the firm is the oldest law partnership in Santa Barbara operating under its original name. In November, we gathered to honor a century of service and dedication to our clients and community.

With these milestones, Griffith & Thornburgh celebrates its history while looking forward to a bright and promising future.

* * *

If you have news to report such as a new practice, a new hire or promotion, an appointment, upcoming projects/initiatives by local associations, an upcoming event, engagement, marriage, a birth in the family, etc., the Santa Barbara Lawyer *editorial board invites you to "Make a Motion!" Send one to two paragraphs for consideration by the editorial deadline to our Motions editor, Mike Pasternak at pasterna@gmail.com.*

Lauren A. Rode

Olivia Wilson

Griffith & Thornburgh celebrates its 100th anniversary

— Bench and Bar Relations Meeting —

As Assistant Presiding Judge, the Honorable Von Deroian has scheduled a Bench & Bar Relations meeting to take place on:

Thursday, March 13, 2025 at 12:15 PM.

The meeting will be held IN-PERSON in the Figueroa Street conference room and via Zoom video conference. Please contact the SBCBA for Zoom link at sblawdirector@sblaw.org.

These Bench & Bar Relations meetings provide a forum for local members of the Bar to engage in an informal dialogue with the Assistant Presiding Judge as a means of raising issues and concerns that may not be otherwise addressed. All attorneys and paralegals are welcome to attend.

If you have a question you would like the Court to address, please send them to Bench & Bar Relations Chair, Tom Foley at tfoley@foleybezek.com

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SANTA BARBARA COUNTY BAR ASSOCIATION
2025 Membership Application

Santa Barbara County Bar Association
SBCBA

Member Name: _____

☐ Check here if you do not want your name and office address disclosed to any buyer of Bar Assoc. mailing labels.

☐ Check here if membership information is the same as last year. If so, the rest of the form may be left blank.

☐ Check here if you do not want your e-mail address disclosed to SBCBA sponsors.

☐ Check here to opt out of receiving the monthly publication in hard copy. You'll receive a pdf version instead.

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City: _____ State: _____ Zip: _____

E-Mail Address: _____

Phone Number: _____ Fax Number: _____

Home Address: _____

City: _____ State: _____ Zip: _____

State Bar #: _____ Year Admitted to Bar: _____

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
Student Members	$30
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)

☐ ADR
☐ Civil Litigation
☐ Criminal
☐ Debtor/Creditor
☐ Elder Law
☐ Employment Law
☐ Estate Planning/Probate
☐ Family Law
☐ In-House Counsel & Corporate Law
☐ Intellectual Property/Tech. Business
☐ Real Property/Land Use
☐ Taxation
☐ Well-Being

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

CONTRACT ATTORNEY AVAILABLE FOR LEGAL RESEARCH/WRITING

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* * *

ATTORNEY SOUGHT

The busy law firm of Herring Imming LLP is looking for an attorney who has 3+ year's experience in Family Law. Join this multi-office team of top attorneys currently serving the counties of Santa Barbara, Ventura, San Luis Obispo -- and beyond. We are looking for a "hit the ground running" type of person with family law/civil litigation experience. We provide generous compensation and benefits. Please send your CV and cover letter to Legal Administrator, Kristiné Kirschke, at kkirschke@herringimming.com.

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

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* * *

LITIGATION ASSOCIATE SOUGHT

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.

* * *

SUPERIOR COURT of SANTA BARBARA
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Judicial Outreach and Mentor Program

Join us for a Panel Presentation
Thursday, February 6, 2025, 4:30 – 5:45 pm
Santa Maria Superior Court, Department 8
312 E. Cook Street, Building G, Santa Maria, CA

Featured Speakers: Judicial Appointments Secretary Luis Céspedes,
Justice Hernaldo Baltodano, Assistant Presiding Judge Von Deroian,
Judge Karen O'Neil, and Judge Stephen Dunkle
Moderated by: Deputy Judicial Appointments Secretary Adam Hofmann

Reception to follow hosted by SLOCL, Santa Barbara County Unity Bar, Northern Santa Barbara County Women Lawyers Association, San Luis Obispo County Bar Association

SBCBA SECTION CHAIRS

Alternative Dispute Resolution
Judge Frank Ochoa (805) 451-1240
frankochoa@destinationadr.com
John Derrick (805) 284-1660
jd@johnderrickADR.com

Bench & Bar Relations
Tom Foley (805) 962-9495
tfoley@foleybezek.com

Civil Litigation
AVAILABLE

Criminal
Doug Ridley (805) 208-1866
doug@ridleydefense.com

Diversity & Inclusion
Teresa Martinez (805) 568-2950
tmartinez@co.santa-barbara.ca.us

Employment Law
Alex Craigie (805) 845-1752
alex@craigielawfirm.com

Estate Planning/Probate
Lori Lewis (805) 966-1501 x267
Llewis@mullenlaw.com

Family Law
Renee Fairbanks (805) 845-1604
renee@reneemfairbanks.com
Marisa Beuoy (805) 965-5131
beuoy@g-tlaw.com

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

In House Counsel/Corporate Law
Betty L. Jeppesen (805) 450-1789
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
AVAILABLE

Well-Being
Robin Oaks (805) 685-6773
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 sblawdirector@sblaw.org

February

2025

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
						1 First Day of Black History Month
2 Groundhog Day	3	4	5	6	7	8
9	10	11	12	13	14 Valentine's Day	15
16	17 President's Day	18	19	20	21	22
23	24	25	26	27	28 First Day of Ramadan	

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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www.CarrilloOfficeSuites.com

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