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Navigating Immigration Enforcement Actions: A Guide for Legal Practitioners

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Santa Barbara County Bar Association
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On the Cover

The Statue of Liberty, a symbol of America's tradition of welcoming immigrants. Photo provided courtesy of the Library of Congress.

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Navigating Immigration Enforcement Actions: A Guide for Legal Practitioners

By Tanya A. Ahlman and Annie Hayes

Tanya A. Ahlman

Annie Hayes

The possibility of facing an immigration enforcement action is a current reality for many businesses in the United States. On January 20, 2025, President Trump signed an executive order Declaring a National Emergency at the Southern Border of the United States. This executive order instructs the Department of Homeland Security to expand immigration detention through enforcement actions.

On January 21, 2025, the Acting Secretary of the DHS, Benjamine Huffman, issued a directive rescinding the Biden administration's policy which restricted immigration enforcement near sensitive locations (such as at churches, schools, and hospitals). Since then, a group of Quaker congregations have sued the Department of Homeland Security, resulting in a preliminary injunction issued by the U.S. District Court of Maryland. Santa Barbara's Congressmember Salud Carbajal is one of a dozen legislators, who introduced a new bill called "Protecting Sensitive Locations Act" that would restore and codify the restriction of immigration enforcement at sensitive locations, such as educational centers, places of worship, and healthcare facilities.

Given the current immigration climate, employers should be prepared to handle immigration enforcement actions by Immigration and Customs Enforcement (ICE) since these operations are not announced in advance. As legal practitioners, it is imperative to guide clients in understanding the various types of enforcement actions that can occur, and more importantly, how to prepare for these enforcement actions. This article gives both employers and employees some practical tools to develop policies aimed at protecting their constitutional rights in unanticipated enforcement actions.

TYPES OF WORKSITE ENFORCEMENT VISITS:

Immigration I-9 Audit ("ICE Audit")

A Form I-9 audit is conducted by Immigration and Customs Enforcement (ICE) to verify compliance with employment eligibility verification regulations. A Form I-9 audit occurs when ICE visits a business with a Notice of Inspection (NOI) and requests the Form(s) I-9s of the business for audit. Form I-9 confirms an employee's identity and authorization to work in the U.S. Employers normally receive at least three (3) business days to produce the Form(s) I-9 and any other business documentation requested in the NOI.

If ICE determines that some employees do not have employment authorization, ICE will issue a Notice of Suspect Documents to the employer. The employer will then have ten (10) days to provide evidence of the employee's identity and employment authorization.

All employers are required to complete a Form I-9 for each newly hired employee within three (3) days of starting employment. Employers may, but are not required to, keep copies of an employee's identification or work authorization documents. For foreign workers with temporary status, their Form I-9s must be updated to demonstrate continuing employment authorization. Employers should avoid asking employees to complete Form I-9 multiple times, unless legally justified.

Employers are required to retain Form I-9 for three years post-hiring or one year after the employee's last day of employment, whichever is later. Employers may face civil and criminal fines and penalties for non-compliance with Form I-9 requirements.

To prepare for an I-9 audit, employers should conduct an internal audit of all I-9 files to ensure that they have:

- a completed (and updated, if necessary) Form I-9 for all active employees;
- retained a completed Form I-9 for all employees for the mandatory retention period; and

- made appropriate corrections to Forms I-9, if an error is identified.

E-Verify employers should conduct an audit of its E-Verify cases, ensure it is using E-Verify as required by state law, implement any necessary corrections, and make sure the mandatory E-Verify poster is displayed at all worksites.

Employers should also:

- Keep personnel files separate from I-9 files;
- Ensure each I-9 file only contains the relevant documents for that file;
- Ensure I-9 files are readily accessible;
- Make sure that documents that may disclose an employee's personal or protected data are *not* included in their I-9 file, unless otherwise required; and
- Comply with state laws which dictate what must be maintained as part of a "personnel file" and ensure each personnel file is compliant.

For advice regarding I-9 compliance, please contact an immigration or employment attorney. More information is available at the *USCIS Handbook for Employers.*

Immigration Enforcement Actions ("ICE Enforcement Actions")

Immigration enforcement actions by ICE are intended to locate and detain individuals suspected of violating immigration laws, typically undocumented immigrants, by entering a workplace or residence to identify and apprehend those considered removable from the United States. ICE is known to conduct two types of interior enforcement operations: 1) small, targeted operations, and 2) larger-scale operations. These enforcement actions, which are sometimes referred to as "ICE raids," sometimes target specific individuals or businesses believed to be employing undocumented workers. Other times, these enforcement actions target specific industries that have a reputation for hiring undocumented workers, such as cleaning companies, restaurants, agricultural labor, and construction. ICE enforcement actions are normally unannounced visits, which can be part of larger investigations. While ICE enforcement actions may target specific individuals, other individuals who are present are often questioned and/or detained.

In Santa Barbara County, we have been observing small, targeted operations in which ICE agents are targeting a specific individual. ICE agents will attempt to determine where a specific individual lives, works, and/or shops, and then wait for this person at one of these locations. ICE agents in our community have been seen stopping people in public on their way to and from work.

During an ICE enforcement action, ICE agents may wear uniforms marked with "Police" or "Federal Agent", which may identify them as law enforcement, but do not necessarily identify them as ICE agents. ICE agents may or may not carry firearms and can even be wearing ordinary clothes.

EMPLOYER PREPARATION FOR ENFORCEMENT ACTIONS

The best way to prepare for a possible ICE enforcement action is for businesses, educational institutions, and other establishments to create and implement a written response plan in case of an enforcement action. The following steps should be taken to prepare:

- Identify employees, such as a receptionist or other employee, who will be the first likely individual an ICE officer would encounter at the premises. Ensure that this employee is informed of the employer's business response plan for managing an ICE enforcement action. Direct that employee to immediately contact a designated company representative to respond and manage the interaction with ICE officers. Educate any employees who may be the first contact to ensure that they do not consent to a search of private areas (any areas which are *not* open to the general public).
- Identify a designated company representative (such as senior executive, senior human resources administrator, or in-house legal counsel) to serve as the primary contact person for ICE officers during and/or after an ICE enforcement action and to handle any questions.
- Ensure that any designated company representative is trained on the employer's records and retention policy and receives training on how to handle and respond to an ICE enforcement action.

Educate the initial employer contact and the designated company representative about their constitutional rights. Train both the initial employer contact and the designated company representative on the employer's rights to limit access to private areas and instruct representatives not to consent to search.

Educate Employees on Their Constitutional Right to Remain Silent

To protect the constitutional rights of all employees, employers should provide education to employees (especially those that may be targeted due to marginalized identities) about their constitutional rights during an ICE enforcement action. All employees have the right to remain silent and are not required to answer any questions from ICE agents

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or law enforcement. Employees do not need to answer questions about their immigration status, where they were born, or how they entered the United States. Employees can refuse to show identifying documents that disclose their country of nationality or citizenship. They may exercise their right to remain silent and invoke their right to speak to an attorney. ICE agents may try to stop, question, or even arrest a worker without proper authority. The best way for employees to protect their rights is to **stay silent and ask for an attorney**. Any information provided by employees to immigration agents can be used against them later.

Educate Designated Company Representatives on Employer Rights

Employers have the right to deny entry to ICE agents and other law enforcement without a judicial warrant.

Public Areas

ICE agents can enter public areas of a business or school without permission, and without a warrant. Public areas generally include those areas that are open and accessible to the public. Public areas can include a lobby, reception, or waiting area accessible through an unlocked door, a parking lot open and accessible to the public, or a dining area in a restaurant. If a business or school has a public entrance and a lobby that is accessible to anyone, that is likely to be a public space. However, simply being in a public area does not give ICE the authority to stop, question, or arrest anyone it chooses.

Private Areas

ICE agents cannot enter a private area without the business's permission or a judicial warrant. Private areas are those areas that are not generally open to the public. Private areas normally include employee offices, classrooms, employee break areas, and private parking lots. If a member of the public cannot enter a space without being accompanied by someone from the business or school, that space is likely to be considered private.

Businesses should have a written policy that visitors and the public may not enter private areas without permission, or without being accompanied by a representative from the business. Businesses should consider marking these areas as "private" with a sign and keeping doors closed or locked. However, keep in mind that simply designating an area as "private" will not automatically keep ICE out if they have a judicial warrant, or if they decide to enter without a warrant.

Employers have the right to deny entry to private areas without a judicial warrant. See the section below for a description of a judicial warrant compared to an administrative warrant.

DURING AN ENFORCEMENT ACTION

If ICE officers arrive at the premises, the receptionist or other first contact person should immediately contact the designated company representative, who should immediately contact legal counsel. The designated company representative should inform ICE officers that legal counsel has been contacted and ask ICE officers to wait for counsel before proceeding with their inspection.

It is important to ensure that all employees, including the receptionist or other first contact point, and all workers employed at the premises do NOT provide statements to the ICE officers. Communication with ICE officers should be limited to the designated company representative and legal counsel. If ICE officers have questions or requests, employees should say nothing or tell the ICE officers to talk to the designated company representative or legal counsel to address any questions.

The designated company representative should ask the supervising ICE agent for their officer identification, name, and badge number. They should also ask the supervising agent for the name of the U.S. Attorney assigned to the case. This information should be written down and provided to legal counsel.

The designated company representative should ask the ICE officer if they have a judicial warrant. If the ICE officer has a warrant, the designated company representative should check the details of the warrant. A judicial warrant **should be signed and dated by a judge**, include a time frame for a search, list and describe what is to be searched and seized (such as I-9 records, employee documents, payroll records etc.). The designated company representative should request a copy of the warrant and send it to legal counsel. The designated company representative can accept the warrant and inform the ICE officers that the employer does not consent to the search to preserve the company's right to contest the search at a later date.

If ICE officers have a judicial warrant, the designated company representative should advise employees to remain calm. The designated company representative should watch the ICE officers and make notes on the actions of the ICE officers, including whether they are complying with what

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is written in the warrant. If possible, have at least one employee follow each ICE officer onsite to take notes and/or videotape the ICE officer's actions. The designated company representative should provide access to any locked facilities, only if requested by the ICE officers. If a search is outside of the scope of the warrant, the designated company representative should object to that portion of the search and make a note of it. Do not debate or argue with the agent about the scope of the warrant. If ICE officers wish to examine documents designated as material with attorney-client privilege, the designated company representative should inform them that those materials are privileged and request that these documents not be inspected until they are reviewed by legal counsel. If ICE officers insist on seizing these documents, record which documents were taken, but do not attempt to physically prevent the agents from seizing them. If ICE officers attempt to search the business beyond the scope of the warrant, do not physically interfere with the search, but verbally state that you object to the search.

An administrative warrant (*i.e.*, Form I-200 or I-205) is not the same as a judicial warrant. It is not signed by a judge and does not give ICE officers authorization to enter any private areas of the business. The designated company representative may point out that the warrant is not a judicial warrant and may inform the ICE officers that they do not have consent to enter the company's private areas. Even if an administrative warrant has an employee's name on it, the designated company representative is NOT required to inform ICE officers whether the employee is currently working or not. The designated company representative does NOT have to take the agent to the employee named on the warrant, even if he or she is at work at the time.

The designated company representative should not give any statements to ICE officers or allow themselves to be interrogated by ICE officers without consulting an attorney. The designated company representative should not help ICE officers by sorting people by their immigration status or country of nationality. If ICE officers have questions or requests, employees can politely decline to answer and refer any questions to their employer. The designated company representative can remind employees that they may choose whether to talk with federal agents but should *not* direct them to refuse to speak to ICE officers.

If employees are being questioned by ICE officers, the designated company representative can ask the ICE officers if those employees are free to leave. If they are not free to leave, those employees have the right to an attorney. If the employees are free to leave, they should walk away.

Do not do any of the following during an ICE enforcement action:

- Do not physically interfere with the ICE officers' search of the premises;
- Do not lie or provide false information to law enforcement;
- Do not destroy or hide documents;
- Do not help employees hide from officers;
- Do not run from an ICE officer;
- Do not help or encourage employees to leave;
- Employees may decide whether they want to speak with ICE officers. Do not direct employees not to cooperate with ICE officers or to refuse to answer questions.

If ICE officers confiscate any documents or items during an enforcement action, the designated company representative should request a list of all items seized. If ICE officers arrest any employees, the designated company representative should ask where they are being taken. This information will help the employee's family and immigration attorney find them post-arrest. If employees are detained or taken into custody, the designated company representative should ensure that someone is assigned to contact the employee's family.

After the raid, the designated company representative should document all details of the enforcement action as soon as possible, including details about the number of agents present (inside and outside), how agents were dressed and armed, any seized documents, and/or arrested individuals, and a copy of the warrant (or information relating to its absence). If applicable, the designated company representative should inform any employee unions of the enforcement action.

CONCLUSION

Preparing for and understanding the legal framework surrounding immigration enforcement is crucial for businesses. As legal advisors, ensuring clients are well-informed and equipped to handle these situations not only safeguards their operations, but also upholds the rights and dignity of their workforce. By fostering a proactive approach, lawyers can help mitigate the adverse effects of enforcement actions on businesses and their employees. ■

***Note:* This article is current as of March 3, 2025 and is**

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Bar Exam Debacle: Local Law Graduates Speak Out

By Nicole Coulter

The February 2025 California Bar Exam was marred by technical failures, mismanagement, and poor communication, making it one of the most chaotic in State Bar history. A rushed rollout of a new cost-cutting exam platform led to crashes, unresponsive proctors, missing functionality, and unfamiliar question formats, leaving examinees, including several dozen from the Santa Barbara and Ventura communities, frustrated and unprepared.

Early Warnings Ignored

Issues surfaced as early as November when students taking a Mock Exam encountered severe technical glitches—many of the same that later disrupted the February exam. A January Practice Test exposed further problems, prompting the Bar to offer full refunds to examinees who withdrew two weeks before the Bar. However, this last-minute offer failed to compensate for the months of studying and financial sacrifices test-takers had already made.

"I felt completely betrayed," said a Santa Barbara College of Law graduate who withdrew after experiencing severe disruptions during the Mock Exam and Practice Test. She described technical failures, confusing interruptions from a remote proctor, and an interface that was difficult to navigate. She now plans to take the July exam, hoping the problems will be resolved.

A Ventura College of Law student faced similar issues. After taking the required Mock Exam, she received an email stating she had not completed it, forcing her to spend hours sorting out inconsistencies with the Bar. Unwilling to risk further complications, she opted for the refund and plans to retake the exam in July.

Registration Nightmares

Applicants struggled to select a test site using Meazure Learning's platform, with some assigned to locations hours away. The State Bar later admitted to scheduling failures and inconsistencies with Meazure Learning but offered solutions too late for many.

Becky Hoffman, a 2025 graduate of Santa Barbara College of Law, encountered an error when attempting to select a test site—her zip code wasn't recognized. Meazure Learning referred her to the Bar, but the phone number they provided led to an automated message—in French. Forced to take the exam at the Ontario Convention Center, three and a half hours away, she later learned that a closer site had been added, but by then, she had already booked a non-refundable hotel.

Exam Day Chaos

On exam day, Hoffman's test began over an hour late due to platform failures. The copy-and-paste function was disabled, forcing students to manually retype legal text during the Performance Test.

On the second day, the platform crashed mid-test, causing panic as the timer continued running on the multiple-choice section. Everyone was forced to reboot. With no on-site tech support, examinees were left scrambling while proctors stood by, unsure of what to do.

"People around me were yelling, demanding answers, and some were crying," Hoffman said. After three months of studying, writing over 50 essays, and answering more than 1,600 multiple-choice questions, she felt her efforts were undermined by the technical failures.

Ivan Hernandez, a Thomas Jefferson School of Law graduate and paralegal at Seige Law in Oxnard, noted grammatical errors in multiple-choice questions, making some difficult to understand. Like Hoffman, he also lost connectivity mid-exam on the second day, preventing him from saving answers for several minutes, which threw off his focus. Further, he added that "The copy-and-paste function not working made the entire process more time-consuming than necessary—I had to manually rewrite everything instead of quickly transferring key details."

Law School Deans Sounded the Alarm

Law school deans had warned against implementing multiple changes too quickly, including replacing the NCBE's Multistate Bar Exam (MBE) with an untested system. In an April 2024 letter, deans from California Accredited Law Schools, including Jackie Gardina of Santa Barbara College of Law, cautioned that a six-month transition was far too short—especially compared to the three years the NCBE took to develop its NextGen exam.

They were also concerned about the State Bar's reliance on an untested technology platform, intended to cut costs by reducing the need for in-person test sites. The No-

vember 2024 Mock Exam confirmed their fears, revealing major problems such as crashes, submission failures, and untrained remote proctors. Despite these red flags, the State Bar moved forward. Following the February exam disaster, public backlash was swift, culminating in two hours of complaints from examinees at a March 5th Board of Trustees meeting.

The State Bar Board of Trustees directed the general counsel "to retain an independent investigator to conduct a private investigation into the issues relating to the exam."

Calls for Action

With the California Supreme Court weighing a return to traditional in-person methods no matter the cost, California Bar Accredited Law school deans demanded urgent corrective action. In a letter dated March 3, 2025, law school deans formally petitioned the California Supreme Court to implement provisional licensure for adversely affected examinees and an immediate return to the NCBE-administered Multistate Bar Examination (MBE).

Hoffman and others argue that offering a free retake in July is inadequate, as it fails to address financial hardships, professional setbacks, and the emotional toll on examinees—especially those with families and full-time jobs.

"The State Bar must take real accountability," Hoffman said. She and others are advocating for provisional licensure, weighted-score adjustments to account for technical failures, or even eliminating the Performance Test altogether to compensate for the chaos.

For now, test-takers await the State Bar's response, hoping for meaningful remedies. ■

Nicole Coulter is a J.D. candidate at Santa Barbara College of Law and a paralegal at Seige Law, PC.

In *C.C. v. R.B.*, the Court of Appeal Respects the Evolution of Non-traditional Families While Protecting the Integrity of *All* Adoptions

By Greg Herring

California provides multiple paths for persons with non-biological relationships to children to become parents and to gain parental-type custodial and visitation rights. The public policies supporting these promote non-disruptive initial "parentage" determinations. They also favor stability and continuity in a child's life if substantial parent-like relationships are developed. This century's liberalization of the pertinent laws has both *followed* and *facilitated* the evolution of societal perceptions and norms about "what constitutes a family."

In *C.C. v. R.B.* 2d Civ. No. B331558 (Cal. Ct. App. Nov. 26, 2024), our Second District of the Court of Appeal respected this[1] while addressing a San Luis Obispo County parentage case brought by a sperm donor who previously expressly waived all parental rights pursuant to a stipulated second parent adoption by the biological mother's wife. The factual complication was that, based on the donor's waiver, the married lesbian mothers for eleven years allowed the donor a parent-like relationship with their daughter.

But as she neared her twelfth birthday, the girl reported the donor was exhibiting concerning/abusive behavior toward her. The mothers jumped into "protective" mode, denying him further contact in a "time out" toward first evaluating the situation.

The donor aggressively responded, filing a parentage action requesting orders designating him a formal third parent—pushing his way "in" against the family's reasoned wishes. The mothers retained Herring Imming ("HI") in defense. Toward avoiding dragging the family through formal discovery and a trial based on the girl's allegations, HI brought a motion to quash the entire action.[2] It argued that, as a matter of law, the donor should not even get to the point of arguing for parentage of and reunification with the child because he lacked standing based on the undisputed fact of his original waiver of all rights.

Could a biological donor, who originally expressly waived all parental rights pursuant to a stipulated judgment of adoption, ten years later gain "parent" status under California's later liberalized[3] parentage laws?

HI said "no." It argued:

Greg Herring

- The donor's suit was an improper collateral attack on the original judgment of adoption. Under Family Code section 8617,[4] "the existing parent or parents of an adopted child are, from the time of adoption, relieved of all parental duties towards, and all responsibility for, the adopted child, and have no right over the child."
- He lacked a post-adoption contact agreement ("PACA") under section 8616.5.
- Even if he could show a PACA, such agreements are limited to subjects of visitation, contact, and the sharing of information – they do not include the creation of parental or custody rights. (See Fam. Code § 8618.5 subd. (b)(2)(A) – (C); Cal. Rules of Court, Rule 5.451 subd. (d) (1) - (9); *Adoption of S.S.* (2021) 72 Cal.App.5th 607, 624.)
- Section 7613 prevents biological donors from arguing parentage based on the biological connection.
- He could not establish he is a "presumed parent." No published decision has held a person who voluntarily consented to a final adoption of a child and terminated all parental rights may subsequently petition for presumed parentage pursuant to section 7611 subdivision (d) (an individual is a presumed parent if he or she "receives the child into their home and openly holds out the child as his or her natural child").

The donor argued, in the alternative, that the mothers should be equitably estopped from arguing the law since they allowed his historical access *in the first place*. This was the converse of *their* argument that they only allowed access because he waived his rights *in the first place*. *Chicken/egg.*

But asserting "equity" cannot succeed where a statutory scheme already exists:

> "Rules of equity cannot be intruded in matters that are plain and fully covered by positive statute. (Citations omitted). When the Legislature has addressed a specific situation, a court cannot wholly ignore the statutory mandate in favor of equitable considerations. Nor will a court of equity ever "lend its aid to accomplish by

indirection what the law or its clearly defined policy forbids to be done directly." (*Adoption of S.S.,* supra, 72 Cal.App.5th at 627.)

… and, the rights, duties, and obligations associated with adoption are entirely statutory. (See *Adoption of Kay C.* (1991) 228 Cal.App.3d 741, 750 (citations omitted).)

The Court, in its Opinion written by Justice Tari L. Cody (formerly "Judge Cody" of the Ventura County Superior Court), agreed:

> "California law does not allow [the donor] to attack the validity of an order he consented to more than a decade ago. (Citations omitted.) Permitting such an attack would 'trifle with the courts,' (citations omitted) and infringe on public policy favoring 'expediency and finality' in adoptions. (Citations omitted.)"

Thus, in this circumstance, *a permanent waiver is a permanent waiver*. Otherwise, any adoptive parents would be left in fear—even following *permanent* waivers as here – of hearing a knock on the door years later, accompanied by a biological donor's surprise claims of "parenthood." A finding that the donor had standing to proceed notwithstanding his express waiver would have had a chilling effect on "open" adoptions throughout the state. It would cause any adoptive parent to be reasonably reluctant to allow post-adoption access by a biological donor.

Especially since many "non-traditional" adoptive families plan on allowing future access by biological donors, they—as well as "traditional" adoptive parents—will therefore benefit. The greater institution of adoption, which is founded on "… the legal recognition and regulation of the closest conceivable counterpart of the relationship of parent and child," (*C.C. v. R.B.,* supra. (citations omitted)) will, too. ■

Greg Herring is a Certified Family Law Specialist ("CFLS"), and a Fellow of the American Academy of Matrimonial Lawyers and the International Academy of Family Lawyers. He is the managing partner of Herring Imming, LLP ("HI"), a family law firm primarily serving "the 805" with offices in Santa Barbara, Ventura, and San Luis Obispo Counties. His prior articles and blog entries are at www.herringimming.com. He and Ruston Imming, CFLS, served as trial counsel in this case. They were strongly supported by Claudia N. Ribet, with California Complex Appellate Litigation Group, LLP. HI led the successful trial court proceedings, and Ms. Ribet led the successful defense on appeal.

ENDNOTES

1 "Our laws have continued to evolve to allow for many types of legally recognized parents and families." *C.C. v. R.B.* 2d Civ. No. B331558 (Cal. Ct. App. Nov. 26, 2024).

2 The case had an extensive history prior to and following HI's entry. Not all is relevant or reported here.

3 Three years after the child's birth, California passed legislation allowing a court to find a child has more than two parents "if the court finds that recognizing only two parents would be detrimental to the child." (*C.C. v. R.B.,* supra.)

Santa Barbara Lawyer

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New Technology in Pattern Comparisons

By Robert M. Sanger

Robert M. Sanger

Introduction

As we all know by now, forensic science has been scrutinized over the last few decades.[1] The opinion by an expert that, "I know it when I see it" ("trust me") or "based on my training and experience" ("BOMTE") are no longer acceptable foundations for forensic conclusions or testimony. The report by the National Academy of Sciences in 2009[2] and the President's PCAST Report of 2018[3] have been rightfully critical of the "trust me" or BOMTE justifications particularly in comparison testimony where an evidentiary sample is compared to a test sample.[4]

Among the areas of concern in the NAS and PCAST reports, as well as extensive literature in peer reviewed journals, is testimony comparing handwriting where a suspect document is compared to handwriting exemplars.[5] Similarly, shoe print comparison testimony has been criticized and, in some cases, discredited even after the wrong person was condemned to death on false testimony.[6] In addition, traditional subjective firearms and tool marks comparisons have been significantly undermined as non-scientific.

An expert places an *imprimatur* by way of an opinion that may unduly sway a jury to trust the person not necessarily the evidence.[7] Because forensic comparisons have historically been based on subjective opinions of examiners, the undue influence of the expert is hard to avoid. However, in this *Criminal Justice* column will review the new—and amazing—scientific advances in employing two-dimensional and three-dimensional pattern comparisons, using forensic algorithms, probabilities, and statistics expressed in digital results. The article will touch on handwriting and shoeprint comparisons but, to explain the power of this new applied science, this article will explore in depth the new three-dimensional techniques available in firearms comparisons using bullet striations.

The Scientific Community's Response

The scientific community has risen to the occasion by researching, imposing actual scientific methods and developing standards and best practices. The National Institute of Standards and Technology (NIST) took the lead for the federal government and the American Academy of Forensic Sciences (AAFS) has been the leading non-governmental scientific organization working to achieve a more scientific basis for reporting comparison conclusions. Until recently, the focus has been on devising ways to make the comparison testimony conform to the more modest abilities of the experts to make subjective but meaningful comparisons. For instance, there have been restrictions on claims that a comparison is a match, or worse, a match to the exclusion of all others or a match to a scientific certainty.[8] Proficiency testing of laboratories and of individual examiners has been instituted, although not universally, to give some idea of the likelihood of false positives and false negatives.

Concurrently, and with little fanfare, there has been actual progress in minimizing the human subjective aspect of evidence comparison. Among the academic institutions at the forefront of the effort is the Center for Statistics and Applications in Forensic Evidence (CSAFE) located at Iowa State University. CSAFE has received funding from NIST and the National Institute of Justice (NIJ)[9] and has worked in collaboration with AAFS and other institutions. In the words of CSAFE, their mission is to build "a statistically sound and scientifically solid foundation for the analysis and interpretation of forensic evidence, as well as improving quantitative literacy among forensic practitioners, legal professionals and other stakeholders through educational opportunities."[10] The author had the opportunity to attend CSAFE workshops at the annual AAFS Scientific Meetings over the last few years and, this year, at the 77th Annual Meeting in Baltimore. Alicia L. Carriquiry, PhD., and Michael J. Salyards, PhD., presented their current findings on the advances in comparison forensics. While their research and the programs developed are remarkable, they have not yet been tested in the courts. When this technology is more widely published and, inevitably, commercially marketed, the nature of pattern comparison evidence will be transformed.[11]

CSAFE, in conjunction with NIST, NIJ, AAFS, government laboratories like the Houston Forensic Science Center and some private developers, has come up with algorithmic

comparison systems that purports to take the subjective element (the examiner's opinion—the trust me or BOMTE) out of the process. For instance, the program for handwriting analysis creates digital "graphs" of individual characters that do not look like the cursive or handprinted characters at all. These digital graphs are then compared to graphs and groups of graphs similarly generated from exemplar samples. The similarity or dissimilarity is quantified through an algorithmic process and the results are numerically reported. In the case of shoeprints, the shoe print and the exemplar are digitally compared to determine if class characteristic are similar—size, make, model and sides. If so, the shoeprints are first digitally aligned and then points of comparison, albeit selected by the examiner, are compared point by point using a proprietary algorithm and the results are numerically reported. Firearms and toolmarks will be discussed in more detail below.

As to all of these algorithmic comparison programs, initial blind proficiency testing—that is, comparing samples where the ground truth is known—shows a remarkably small error rate of false positives and false negatives compared to subjective expert opinions. In addition, the testing shows that there is a significant decrease in the number of inconclusive results using the algorithmic as opposed to subjective processes. In other words, during proficiency testing, it appears that subjective examiners are more likely to default to "inconclusive" to avoid criticism for false positives and false negatives. The computer results would not be different where the ground truth is known in proficiency testing as compared with an actual case in which the ground truth is not known. To the contrary, subjective analyzes in actual cases where ground truth is not known are more likely to be called as either a match or not—or might employ a multi-level reporting system, such as utilizing various degrees of inconclusive—rather than safely "defaulting" to simply inconclusive in proficiency testing where the expert might be called out for an error.

Firearms and Toolmarks

The progress in firearms and tool marks is a good example of what CSAFE and their partners are accomplishing. Quite frankly—although reserving the right to object at the proper time in court—it appears that the new technology coupled with the new algorithmic processes are going to render a lot of comparison evidence bullet-proof, so to speak. CSAFE is run by academics, computer specialists and statisticians, not by firearms and tool marks examiners. In the area of firearms, they have looked at breech face markings, cartridge

case comparisons, and other subjects. For the purpose of demonstrating the potential power of their work, this article will focus on the comparison of bullet striations from which the strength of the techniques, technology and processes over subjective comparisons in other areas will be apparent.

In a given case, a expert would examine a bullet from the scene of a crime to bullets test fired from a suspect weapon.[12] They would first identify the class characteristic, for instance, the nominal caliber, and the number and direction of twist of the lands and groves and their specific dimensions as imprinted on the bullet.[13] Those class characteristics would allow the examiner to determine the class of weapon that fired the bullet. For instance, a nominal .38 caliber could have been fired from a .38 special, a .357 magnum, a 9mm luger, a 9mm short or other weapons that could chamber a cartridge with a bullet that diameter.[14] Also, while an expended bullet might show, for instance, a "6-right" pattern of lands and groves, the exact width of the lands and groves might reduce the number of potential weapons in the class.

In the traditional, subjective comparison, if the class characteristics were similar between the bullet from the scene and a test-fire from a suspect weapon, the examiner would then place the two bullets side by side under a comparison microscope and rotate them to see if any of the striations seemed to line up. In this process, the shoulders of the lands would appear as the most pronounced striations on the bullets since weapons with the same class characteristics would have matching shoulders on the lands. When shown to a jury, those shoulder striations seem persuasive if not explained on direct or cross-examination, however, they actually show no more that that the weapons firing both bullets came from the same class.

In this traditional comparison microscopy approach, it is the individual striations between the shoulders that should have evidentiary value. The analysis is entirely two-dimensional. The expert's analysis is based on the extent that the individual microscopic lines observed seem to be lined up consistently between the bullet from the scene to the test fired bullet. This is where the expert will offer an opinion that the "same gun" likely fired both bullets or, overreaching, that "the same gun to the exclusion of all others and to a scientific certainty" fired both. This is traditionally bolstered by the "trust me" or BOMTE *imprimatur* of the witness. Of course, during proficiency testing, false positives and false negatives are minimized by cautious overuse of the "inconclusive" category which, for testing is not counted as an error. On the stand, where the ground truth is not known—and is often the point of the trial—experts may take more liberty to offer a more conclusive opinion. Hence, bullet identifications have been flawed at trial and some courts have refused to allow comparison experts to give any significant opinion.

Well, that is about to change.[15] The first development is the ability to acquire three dimensional (3D) images of cartridges and bullets. In addition to using the 3D images for comparison of bullets at the scene to test fired bullets, this has allowed NIST to create a 3D database similar to the 2D National Integrated Ballistic Information Network (NIBIN) database maintained for years by the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) under the Department of Justice (DOJ). The NIBIN database functioned much like AFIS for fingerprints or CODIS for DNA. Submissions for individual cases were also 2D and that limited bullet comparisons to the traditional comparison of 2D striations. Now, with the NIST 3D database, the depth of marks, including the variations of depth and other 3D measurements of the striations, can be compared in much more detail.

The second development has been the use of 3D images to compare bullets from the scene to test-fired bullets.[16] Initially, experts still employed the traditional subjective comparison techniques. In proficiency testing, examiners would look at the scanned 3D images of fired bullets comparing bullets from known same source and bullets from known different source. This resulted in increased proficiency in reducing the number of false positives and false negatives over 2D evaluations but still relied on the subjective opinion of the forensic expert.

The third development has been the use of algorithmic computer programs to compare striations between bullets. This is the game changer. The computer program basically analyzes the data and, through the algorithmic process, assigns a metric value to the results. Having now seen this process demonstrated (even though it has not been used in actual cases according to CSAFE), it is truly impressive. Essentially, for bullet striations, the program first captures a microscopic longitudinal 3D view of the curved bullet surface. The large striations, which are simply the shoulders of the lands and not informative, are eliminated. The curved space between the shoulders on each land is flattened and the dimensions of the peaks and valleys of the striations are digitized and analyzed through the algorithmic process, e.g., six lands on a 6-right or 6-left bullet. The numeric values for the 3D striation configuration can then be distributed on a chart. The chart compares each land on the bullet from the scene to each land of the test fired bullet.

Not only is the science impressive but the optics of the chart are remarkable. If the metrics line up on a particular land on one bullet to a land of another, if the ground truth

is that it is from the same source, the other lands will also line up in the same sequence. If it is not from the same source, even if one land is numerically close, the other lands are unlikely to have similarity. Although it has not been used actual case wor—where the ground truth is not known—if the results look similar to the proficiency tests and all lands match up in sequence, the computer "opinion" will be hard to impeach. Similarly, if they do not match up, it will be obvious.

Of course, real bullets recovered from real scenes are often deformed and the surface data is compromised and there are other bases for challenges in actual cases. Gun barrels of weapons that have been fired extensively since the original subject bullet was fired can develop other artifacts that can change the configuration of the striations. CSAFE did testing with unfired sequentially manufactured firearms and claims that the programs can make distinctions between those weapons. Also, according to CSAFE, the Glock polygonal barrels are not as conducive to this kind of analysis. So, this new technology is a game changer but not necessarily game over.

Conclusion

The algorithmic analysis of striation on bullets is just one example of this burgeoning field of comparison. Handwriting, shoeprints, fingerprints, toolmarks, and anything else that can be compared subjectively is either now or will soon be subject to algorithmic computerized analysis. The analysis will result in a computerized "opinion" that will be more likely to support same source or different source and less likely to come back as inconclusive. If the refinement of the technology continues to progress and if it is used responsibly, comparison testimony is moving into a new era. ■

Robert Sanger has been practicing as a litigation attorney, now as Senior Partner in Sanger Hanley Sanger & Avila, 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 has been the Chair of the Firearms and Toolmarks Consensus Body for AAFS and remains an active member of that body. Mr. Sanger is an Associate Member of the Council of Forensic Science Educators (COFSE) and is Past President of California Attorneys for Criminal Justice (CACJ), the statewide criminal defense lawyers' organization. The opinions herein do not necessarily reflect any of the organizations with which he is associated.

Endnotes

1 See, e.g., Peter W. Huber, Galileo's Revenge: Junk Science in the Courtroom, (1991).
2 National Research Council of the National Academies, Strengthening Forensic Science in the United States: A Path Forward (2009).
3 Executive Office of the President President's Council of Advisors on Science and Technology, Forensic Science in Criminal Courts: Ensuring Scientific Validity of Feature-Comparison Methods, (September 2016).
4 See, also, U.S. Department of Justice, *Uniform Language for Testimony and Reports for the Forensic Firearms/Toolmarks Discipline Pattern Examination*, (Revision approved June 8, 2020).
5 For a scathing analysis of purported expert handwriting analysis, see, Judge Jed Rakoff's order in *Almeciga et al v. Center for Investigative Reporting, Inc. et al*, No. 1:2015cv04319 - Document 99 (S.D.N.Y. 2016).
6 See the case of Roland Cruz who was wrongfully convicted based, in part, on bogus shoeprint identification: Thomas Frisbie, Randy Garrett, Victims of Justice, (1998).
7 There is a great deal of literature on this. Matthew Bennett, in "*Judging Expert Trustworthiness: The Difference Between Believing and Following the Science*," 36 Social Epistemology 550 (2022), explores the distinction between epistemic trust and recommendation trust—the later would include non-expert jurors being asked to trust *and* follow the recommendation of the testifying expert.
8 For a review of the extensive literature, see, Jean-Alexandre Patteet, Christophe Champod, "*Striated toolmarks comparison and reporting methods: Review and perspectives*," Forensic Science International, (March 2024).
9 Regrettably, CSAFE is in danger of losing its NIST and NIJ funding this Spring.
10 CSAFE, "*Our Mission*," at https://forensicstats.org/.
11 While the remainder of the article draws on materials that have been developing over the years, the most recent iteration was presented in the Workshop, Alicia L. Carriquiry, PhD., and Michael J. Salyards, PhD., "*Expanding the Forensic Professional's Toolbox: New Technological Resources for the Evaluation of Evidence*," AAFS Annual Scientific Meeting, (February 18, 2025, Baltimore, MD.).
12 This is one area of firearms analysis. It involves having a usable projectile (the bullet) that has been recovered at the scene or from the person of a shooting victim. It also involves having a suspect weapon, for instance, one found at or near the scene or subsequently found in a search, often connected with a suspect.
13 The barrels of modern weapons, with the notable exception of the polygonal Glock barrels, have groves which twist to the right or to the left (rifling) imparting spin. The imprint of this rifling leaves "lands and groves" impressions on the expended bullet. Hence, certain classes of weapons will, say, have six lands (and six groves) with a right twist and would be known as a "6-right," with other combinations designated accordingly, e.g., 6-left or 5-right, etc..
14 All of this is oversimplified since, for instance, there are ways to modify barrels and rounds can be forced into or shot out of weapons with slightly different diameter bores.
15 This is not a surprise to NIST or AAFS where standards and best practices have been in development for a number of years regarding this new technology. However, the rapid progress in the last two years in algorithmic comparisons is now just surfacing with the broader firearms community and remains essentially unheard of among judges and lawyers.
16 There are several commercial vendors working with CSAFE on this project, including Cadre (TopMatch), Leeds (Evofinder), and LeadsOnline/ Ultra FT (Quantum).

Wealth and Well-being

(Article One, in a Two-part Series Exploring Money, Finances, and Lawyer Well-being)

By Robin Oaks

During the first class of the course that I teach at the Colleges of Law, Lawyer Well-being and Professional Identity, I always ask the law students to share "why" they want to become a lawyer. Inevitability, a few students candidly state that making money is a strong, if not primary, motivating factor. Using the Socratic method, and asking probing questions, we investigate what Socrates believed was the first step to true wisdom—"Know Thyself." One of the books about money that we use to understand the relationship between finances, wealth, success, and well-being in law is *The Soul of Money, Transforming Your Relationship with Money and Life*, by Lynne Twist.

In this two-part article series, I've invited two finance professionals and coaches in money matters to share their stories and strategies about wealth and well-being. In article two, we'll hear from Spencer Sherman, a financial wealth advisor, trainer, founder and CEO of Abacus Wealth Partners, LLC, and author of *The Cure for Money Madness: Break Your Bad Money Habits, Live Without Financial Stress—and Make More Money*.

In this first article, Jennifer Love will provide sage advice about what creates financial and work success. Jennifer is a money therapist, coach, and popular presenter on the subject of well-being and money management. If you visit Jennifer's website, www.Jenniferlove.com, you see on the first page that at the heart of successful money management is your answer to the seminal question: *How are you defining wealth*? The layers of answers to that question reveal a truth (I like to call *life laws*) about money and human nature.

As Lynn Twist explains in her book, "Money is not a product of nature…it's an invention, a distinctly human invention." "From the very beginning, money was invented to facilitate the *sharing and exchanging* of goods and services among individuals and groups of people."

So how does money define our sense of success and particularly—our worth? Money and behavior—and the power and meaning we assign to it—are intertwined.

One aspect of exploring our relationship with money and wealth is whether we view life through a lens of scarcity or sufficiency. What is *enough* in our lives – and about life? A *scarcity* mindset is a chronic sense of inadequacy – a not-enoughness. Twist contends *scarcity* is "a lie." "When we unpack the mindset of scarcity, we find myths that have come to define our relationship with money and that block our access to a more honest and fulfilling interaction with it."

Robin Oaks

"When your attention is on what is lacking and scarce in your life, in your work…then that becomes what you're about." "If your attention is on the problems and breakdowns with money, or scarcity thinking that says *there isn't enough, more is better, or that's just the way it is*, then that is where your consciousness resides." How we view life and our relationship to others shapes our behaviors and thinking about money, wealth, and success.

Twist beautifully illustrates the "three truths of sufficiency" through stories about her work as a philanthropist and fundraiser for global initiatives: to end world hunger, protect the Amazon rainforest, and other endeavors to improve health, economic, and political conditions for people around the world. "Just as blood in the body must flow to all parts of the body for health to be maintained, money is useful when it is moving and flowing, contributed and shared, directed and invested in that which is life affirming." That's a *Truth*.

With conscious attention and intention, we can transform our money matters into an open space for growth, wealth, and meaningful interconnections. So, let's bring some deliberate attention and blood flow to enliven what aligns us with true wealth - and our worth, especially surrounding money and our relationship with it. I now turn to Jennifer for some thought-provoking ideas and tips about lawyers, money management, mindsets, and financial well-being.

Jennifer, what have you learned about lawyers and financial well-being through your work as a Money Therapist and Wholistic Wealth Coach?

Jennifer Love: Approximately 89% of lawyers at the start of their careers worry about money almost every day, 48% of lawyers report turning to credit because they have run out of money regularly, and 34% of lawyers admit their per-

formance is directly affected by money worries. The very people who negotiate high-stakes deals, protect wealth, and advocate fiercely for their clients, often struggle with their own financial well-being.

One lawyer confided in me: "It becomes a kind of mantra— I just have to keep going. I can't stop. My time is money, and if I'm not working, I'm not making money to support my family. It gets to a point where I cannot take any time off without feeling extreme guilt." Sound familiar?

Many lawyers are trained to fight for others, to advocate for their clients' best interests, and to push for maximum compensation in negotiations. And yet—when it comes to their own financial well-being—many fall into a scarcity-driven cycle of overwork, stress, and avoidance. Here's the reality: the way you negotiate for others should reflect how you advocate for yourself.

What motivated you to help others explore their mindsets about money and raise awareness about what wealth and success mean individually, and collectively/culturally?

Jennifer Love: My earliest money memory is etched into my being. I was three years old, standing beside my mother as she sat on the bed, crying. My father had just walked out, and next to her lay a pile of cut-up credit cards. She looked down at me and said, *"We don't have any money. Your father is leaving, and he's not coming back."* That moment changed everything.

I watched my mother—who once lived a rich life—never fully recover, emotionally or financially. I witnessed, in real time, the devastating impact of sudden financial loss, not just on material stability but on self-worth, security, and even identity. That experience planted a deep curiosity in me: *What happens to us—psychologically, emotionally, and physically—when our relationship with money is rooted in fear, scarcity, or survival?*

That question followed me into adulthood, even as I became a high-achieving entrepreneur, navigating the world of finance, investment, and wealth creation. I saw the same struggles playing out in professionals at every level—lawyers, business leaders, high-net-worth individuals—people who were incredibly competent at handling money *for others* yet struggled with it in their personal lives. I saw how deeply financial decisions were entangled with self-worth, how money became a mirror for our beliefs about value, security, and power.

More than 90% of financial decisions are driven by emotion, not logic. Yet, we rarely explore the conditioning and experiences shaping those emotions. And the consequences aren't just financial—they're physical. Chronic stress, anxiety, burnout, and even heart disease is linked to financial worry. Our money stories don't just shape our bank accounts; they shape our health, our relationships, and our ability to live well. That's why I chose to do this work.

Through my own journey of unwinding inherited patterns, building multiple businesses, and guiding others through high-stakes negotiations and wealth-building, I saw that money was never *just* about money. It was about the way we treat ourselves, the way we exchange value, and ultimately, the way we build our lives.

So, I committed. I deepened my expertise, integrating financial planning with psychology, entrepreneurship, and emotional intelligence to create a *Wholistic Wealth* approach—one that considers not just financial success but energetic, mental, emotional, interpersonal, and somatic well-being. Because financial security means nothing if it costs us our health, our joy, or our sense of self. To live well, we must *live whole.* And that starts with understanding the unconscious patterns driving our financial decisions—so we can choose something better.

What is a story you can share that illustrates how scarcity "thinking" contributes to our "limiting" behaviors around money and our sense of worth?

Jennifer Love: Years ago, one of my clients, a powerhouse entrepreneur named Theresa, was preparing to negotiate a sponsorship deal for her 8,000-person entrepreneur conference. The most she had ever secured before was $35,000—a significant sum, but nowhere near what her event was truly worth.

She had a meeting lined up with one of the biggest financial brands in the world. It had taken her six months to nurture this relationship. She had proof that her conference was the largest startup entrepreneur event in Canada. She had credibility—Forbes, major media features, a massive audience. She's the successful producer of the book and documentary titled "The Miracle Morning". But when I asked her, "How much are you asking for?" she immediately said, "$35,000." That was her baseline. That's what she believed she could ask for.

So, I challenged her: "Theresa, the effort and energy it takes to ask for $100,000 is the same effort and energy it takes to ask for $35,000. The difference is in how you hold yourself in the ask." She thought I was crazy. She had never asked for six figures in one meeting. But she decided to try. She walked into a boardroom filled with high-level executives—presidents, vice presidents—the suits, questioning who this "gal" was. She sat across from them, exuding quiet confidence, and when they asked, "How much does it cost

to work with you?", she slid the proposal across the table and said: "$100,000." Then, she held the silence. Power in the pause!

The executives exchanged glances and said, "Great, we'll take it." She walked out of that room with the largest sponsorship deal of her career. Thirty days later, she did it again. Theresa's story isn't just about entrepreneurs—it's about anyone who undervalues themselves, negotiates powerfully for others but hesitates for themselves, and lives in a cycle of financial limitation.

Many lawyers negotiate multi-million-dollar deals, settlements, and contracts daily. Yet, when it comes to their own compensation, wealth-building, and financial well-being, they often fall into:

- Accepting less than their worth
- Overworking to exhaustion
- Feeling guilty about taking breaks
- Avoiding personal wealth management

Why do you believe "A Wholistic Wealth Approach" is integral to financial success and money management?

Jennifer Love: Because wealth isn't just about how much you earn—it's about how well you live. When financial stress is left unchecked, it doesn't just affect your bank account; it seeps into your health, relationships, decision-making, and overall sense of fulfillment. True wealth is integrated — it ensures that your financial gains don't come at the cost of your mental, emotional, and physical well-being. If you advocate fiercely for your clients, it's time to apply that same strategy, confidence, and clarity to your own financial life. The way you advocate for others should mirror how you advocate for yourself.

Most lawyers don't pause to check in on their own wealth beyond money. But the reality is, imbalances in one area create stress in all areas. A Wholistic Wealth Assessment is a free tool I've created that gives you a personalized breakdown of where your wealth is thriving and where it needs attention across all six zones of wealth. Want to know where your wealth gaps are? Take the Wholistic Wealth Assessment (Free) https://jenniferlove.com/assessment/.

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.

Tips for Wealth and Well-being for Lawyers

By Jennifer Love

Jennifer Love

1. *Know Your Value—Define "Paint Done"*

- Brene Brown calls this "Paint Done"—a clear vision of success.
- What does financial security truly look like for you?
- Define your financial baseline and stretch goal before entering any negotiation.

2. *Master the Power Pause*

- The silence after you state your number is where the real negotiation happens.
- Whether in salary talks, client negotiations, or personal wealth planning, practice the pause.

3. *Time Your Asks Strategically*

- Just as timing impacts settlements and legal strategies, it impacts financial negotiations.
- Are you making asks at the right moment? Are you preparing your financial future with the same precision you prepare cases?

4. *Integrate Your Professional & Personal Wealth*

- Your financial well-being isn't separate from your work—it's an extension of it.
- The stress, scarcity, and overwork you feel in your career bleeds into your mental, emotional, and energetic wealth.
- Where is your wealth lacking balance?
- Wealth is not just about money. It includes:
- Financial Stability
- Emotional Peace
- Energetic Vitality
- Interpersonal Strength
- Mental Clarity
- Somatic Well-Being

The Other Bar NOTICE

Meets at noon on the first and third Tuesdays of the month at 330 E. Carrillo St. We are a statewide 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.

Motions

Fennemore is pleased to announce that **Lisa Faye Petak** has joined the firm as Of Counsel. After nearly seven years with Mullen & Henzell L.L.P., Lisa now brings her valuable legal knowledge and deep community ties to Fennemore's growing Santa Barbara office, which includes directors **Gamble Parks** and **Kevin Rodriguez** and associate **Aniesa Rice Ballinger**. With a focus on people, innovation, and collaboration, Fennemore offers cutting-edge legal services in a range of sophisticated trust, estate, litigation, business, and tax matters.

Lisa's practice primarily focuses on trust and estate litigation. From investigation to mediation or trial, she guides beneficiaries, trustees, and professional fiduciaries through every phase of the trust and probate litigation process. In addition to her trusts and estates work, Lisa's practice also includes real estate litigation and, in particular, residential and commercial landlord-tenant advising and dispute resolution. She also serves as the Chair of the Civil Litigation Section of the Santa Barbara County Bar Association. You may contact Lisa at lpetak@fennemorelaw.com or by phone at 805-420-6007.

Lisa Faye Petak

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.*

Ahlman and Hayes, *continued from page 12*

based upon applicable laws for Santa Barbara County at the local, state, and federal level.

Tanya Ahlman is a Partner at Kingston, Martinez & Hogan LLP. She is a Certified Immigration and Nationality Law Specialist recognized by the State Bar of California. Tanya practices immigration law, specializing in representing employers and employees in employment-based immigrant and non-immigrant visa petitions. Tanya is a first-generation German-American. She is a graduate of Georgetown Law and is admitted to practice law in California, New Jersey, New York, and the U.S. Virgin Islands. Tanya is a member of the American Immigration Lawyers Association. She can be contacted at tanya@kmhimmigration.com.

Annie Hayes is a Partner at Hayes Law Offices where she works alongside her father, Doug Hayes. She is a criminal defense attorney with over 12 years of experience. Annie is a former Deputy District Attorney for Fresno County and Santa Barbara County. She has represented clients accused of everything from murder to disturbing the peace. In addition to her private practice, Annie is on the local conflict defense panel (Santa Barbara Conflict Advocates) where a significant portion of her work focuses on clients struggling with issues related to mental health and substance abuse. She is a graduate of the University of California, Hastings College of Law. Annie is admitted to practice in the State of California. She can be contacted at Annie@HayesLawOffices.com.

Santa Barbara County Bar Association Family Law Section Presents:

BROWN BAG LUNCH WITH COMMISSIONER DIAZ

When:
Tuesday April 22, 2025 from 12:15 P.M. – 1:15 P.M.

Where:
SBSC Dept. 1

MCLE:
No MCLE Credit Offered

Speaker:
Comm. Elizabeth Diaz
This will be an opportunity for Comm. Diaz to provide an overview of her courtroom practices and field general questions from attendees.

Commissioner Elizabeth Diaz earned her Juris Doctorate from the Santa Barbara College of Law in 1998 after completing her undergraduate studies in Law and Society at UC Santa Barbara. Commissioner Diaz was selected as Santa Barbara Superior Court Commissioner in 2024, and currently presides over Dept. 1 in the Santa Barbara Anacapa Division and Dept. 2 in Lompoc.

Price:
Free – Brown Bag Lunch

Contact Information:
No RSVP needed. Email Marisa Beuoy beuoy@g-tlaw.com with questions about the event, or to submit questions for Comm. Diaz.

Annual Summer BBQ Soiree

The Santa Barbara County Bar Association Invites Members, Guests & Families to honor our Judges at our Annual BBQ!

Friday, June 20th at 5:00PM

Tucker's Grove Park Area 2

4800 Cathedral Oaks Road

Member $50 Non-Member $60

Public Interest/Student $30 Kids $5

Tickets may be purchased online at: https://sblaw.org/annual-summer-bbq-soiree/

Make checks payable to SBCBA, 15 W. Carrillo, Ste.106

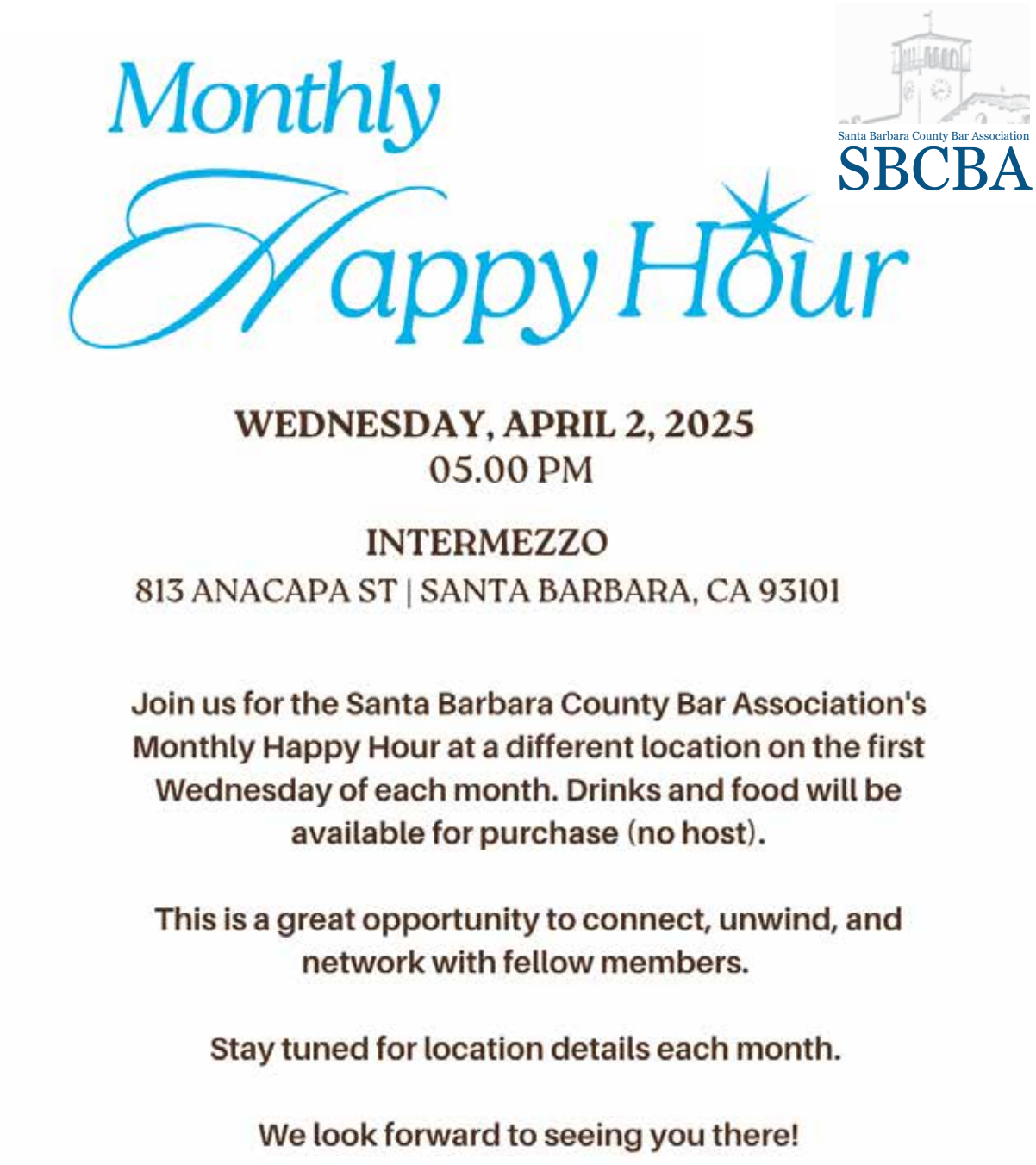
Sponsorship Opportunities available

Contact: sblawdirector@sblaw.org

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

SAVE THE DATE
Past Presidents' Luncheon

A call to Judges and Past Presidents of the Santa Barbara County Bar Association to save the date for the Past Presidents Luncheon on June 5th at the University Club of Santa Barbara. Invitations will go out in May. If you are interested in being a sponsor, please contact Marietta Jablonka at sblawdirector@sblaw.org or call (805) 569-5511. Also, if anyone has a new associate working for them that was admitted to the bar in 2024, please forward their names so they may be invited to the luncheon. The event is for new bar admittees and is a prime opportunity to meet and mingle with distinguished members of the bench and bar.



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Salary Range: $129,789 -$173,536

HEALTH BENEFITS

Court Pays 100 % of Employee Health premium and 100% of Employee+Family. Court pays 100% of employee Dental premiums and 85% of Employee+Family. Employees pay a small premium for vision

PAID TIME OFF

15 paid holidays, along with paid vacation and sick leave. Prior public sector experience is credited towards vacation accrual rate.

RETIREMENT BENEFITS

All Court employees are enrolled in the Santa Barbara County Retirement System. Eligible public service can receive retirement reciprocity. Employees also have the option to participate in 457(b) Deferred Compensation plans.

Employment Standards

The ideal candidate must be an active member of the California State Bar, possess one year experience as a legal research attorney or law clerk for a California trial or appellate court; OR five years practicing law in California.

805-882-4739

HR@sbcourts.org

santabarbara.courts.ca.gov

Apply by 4/8/25

Scan for more information!

2025 AWARDS

Santa Barbara County Bar Association

SBCBA

The Santa Barbara County Bar Association calls for nominations for 2025 awards for recognition of outstanding attorneys, law firms, and judges in our community.

Richard Abbe Humanitarian Award

This special award, which is not given every year, honors a judge or attorney who evinces exceptional qualifications reflecting the highest humanitarian principles as exemplified by the late Justice Richard Abbe.

John T. Rickard Judicial Service Award

This award honors one of our judges for excellence on the bench and outstanding contributions to the judiciary and/or the local court system.

Pro Bono Award

This award recognizes an individual attorney who has donated at least 50 hours of direct legal services to low income persons during the previous calendar year.

Jamie Forrest Raney Mentorship Award

This award honors an attorney or judicial officer who has made a significant difference in the careers of other legal professionals through ongoing mentorship regarding professional growth, principals of professionalism, ethics, and law practice management, as did the late Jamie Forrest Raney.

Frank Crandall Community Service Award

This award honors a local law firm's best efforts in providing pro bono services to community non-profit organizations. Factors considered in bestowing the award include:

- Existence of a firm policy encouraging pro bono services;
- Percentage of firm attorneys performing pro bono work;
- Nature and quality of pro bono work and hours per attorney;
- Leadership of community projects; and
- Services benefiting low income persons.

Please submit your nominations to Cassandra Glanville at cassandra@apexfamilylaw.com by July 31, 2025. Include specific facts to support the award's criteria for each nomination.

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Apply by 4/1/25

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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
Lisa Petak (805) 420-6007
lpetak@fennemorelaw.com

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

April 2025

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
		1 April Fool's Day	2	3	4	5
6	7	8	9	10	11	12
13	14	15 Tax Day	16	17	18	19
20 Easter Sunday	21	22 Brown Bag Lunch with Commissioner Diaz Earth Day	23	24	25	26
27	28	29	30			

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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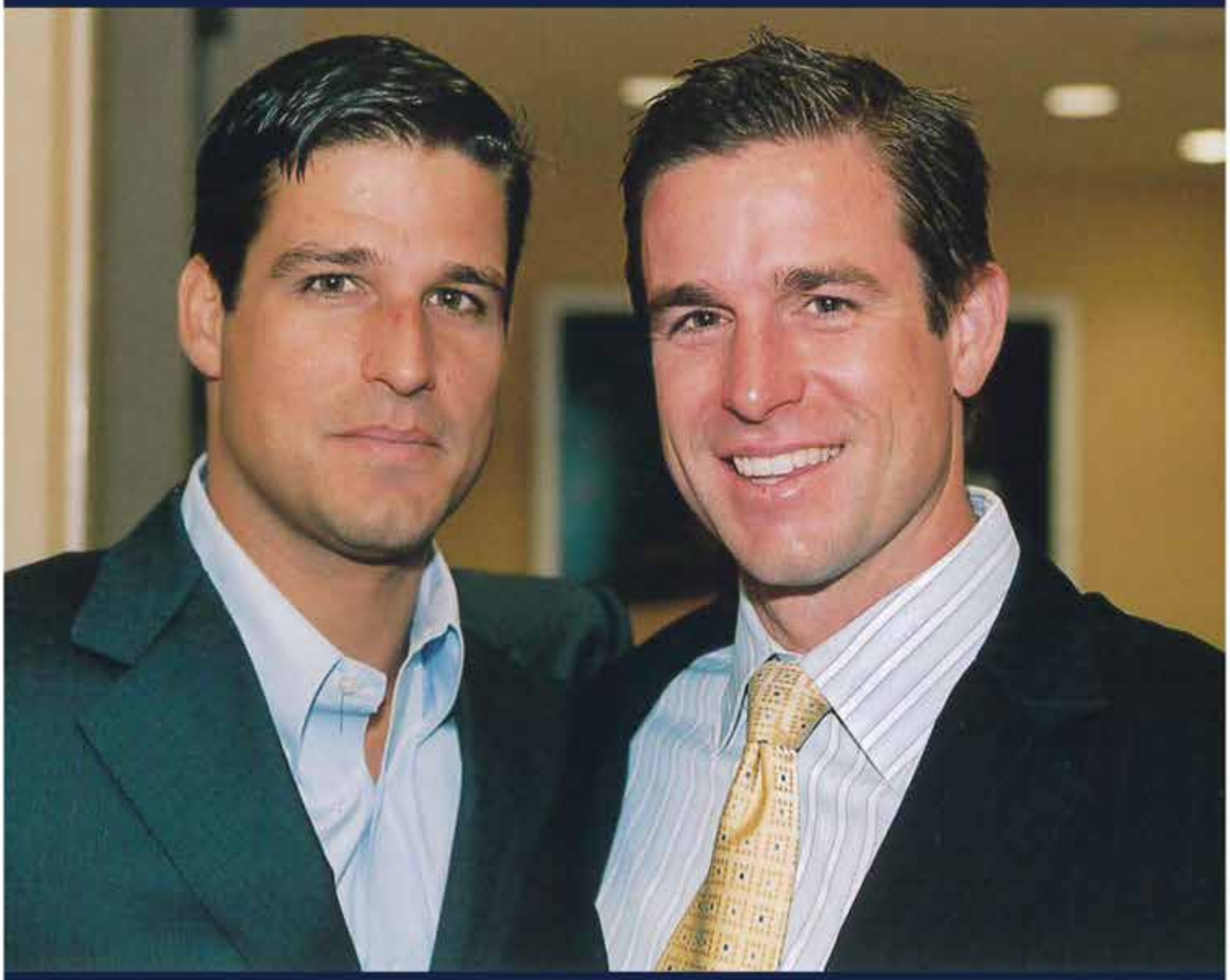

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