

Santa Barbara Lawyer

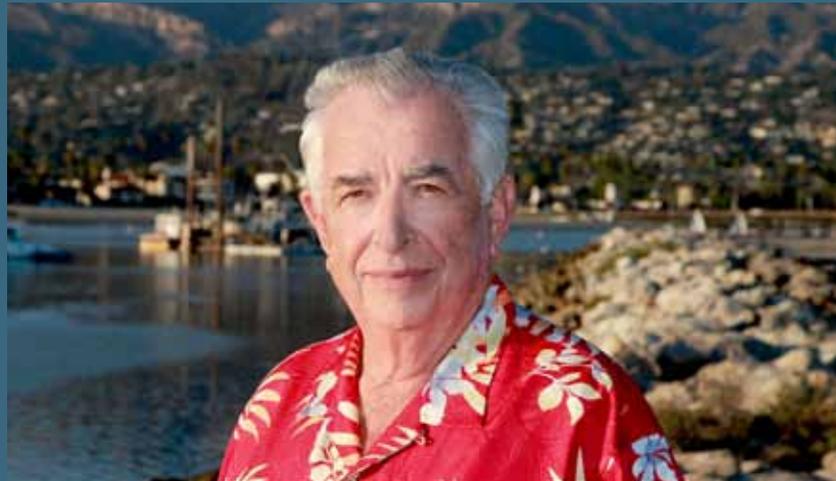
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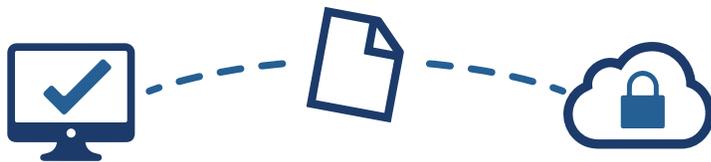
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The sun peeks out between rainshowers. Photo by Kathleen Baushke



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The mission of the Santa Barbara County Bar Association is to preserve the integrity of the legal profession and respect for the law, to advance the professional growth and education of its members, to encourage civility and collegiality among its members, to promote equal access to justice and protect the independence of the legal profession and the judiciary.

Santa Barbara's Newest Judge: Raimundo J. Montes De Oca

INTERVIEW BY JAMES P. GRIFFITH

On November 17, 2015, Governor Jerry Brown appointed former Santa Barbara County Public Defender Raimundo Montes de Oca to serve as a judge on the Santa Barbara Superior Court, filling the vacancy created by the retirement of the Honorable Frank Ochoa. Judge Montes de Oca recently sat down for an interview with *Santa Barbara Lawyer* Profile Editor James Griffith to discuss his background, his experiences as a public defender, and his appointment to the Bench.

James Griffith (JG): Judge Montes de Oca, thanks for meeting with *Santa Barbara Lawyer*. Let's start at the beginning -- where were you born and raised?

Raimundo J. Montes De Oca (RM): I was born in San Jose, California. My parents were migrant workers at the time. Most of the crops back then were cherries, row crops and the like. I have a younger brother who's a little over a year younger than I am. When he was born, we moved here to Carpinteria. I was around two years old at the time. We moved here because my grandmother lived here. At the time, there were rows and rows of orchards for my father to work in. Lemons were the big crop. He worked [in the orchards] for maybe a year, and then got a job at Cate School. He ended up working there for around ten years as the maintenance man, though actually he was a jack of all trades. There was nothing he could not do, from ditch digging to – he taught himself how to survey.

JG: Really?

RM: Yes, after Cate School, he went and worked for about five years at the San Ysidro Ranch. While he was there, the principal job they gave him was to connect the San Ysidro Ranch to the sewer line, which was about a mile away. He taught himself how to survey to lay that line. So there was really nothing that he couldn't do. After the San Ysidro Ranch, he went back to Cate School. At that time it was not – it was a renowned school, and it had people from all over the world coming to attend, but it didn't have a very healthy endowment, so my father's job was basically



Photo courtesy of Josh Molina

to do whatever had to be done to keep the school running.

JG: The physical plant, the fields, etc.?

RM: Everything. I would help him on occasion. We'd cut the playing fields on an old Toro riding lawnmower, and when he had something else to do, he'd let my brother and I take turns cutting the fields. We enjoyed it, just riding the lawnmower. For the first ten years we lived on the grounds at Cate School. He was on call 24 hours a day. For us it was a fun experience. We had cousins living with us, and at various times we had anywhere from 10 to 20 kids living there, all family, from infants to around eight years old. We'd play baseball, kickball. My brother and sister and I all went to elementary school locally, at Mt. Carmel. I went to high school at Queen of Angels, a Catholic school in the San Fernando Valley, on a scholarship. I graduated college at UCSB, and then went to the University of Arizona in Tucson for law school. After I graduated, I worked at the Public Defender's office in Pima County [Arizona] for a couple of years, then –

JG: Why law school? How did that come about? Did you have a lawyer in the family, or some other connection to the law?

RM: No – it was during the Vietnam War, and you tried to stay in school if you could. It just so happened that law school was an opportunity. I saw a flyer on campus that talked about applying to law school. I attended a pre-law program that was sponsored by the Council on Legal Educational Opportunity (CLEO). It was a four-week summer

course at the end of my senior year, at the Arizona State University College of Law in Phoenix. Law professors taught short introductory courses in various aspects of law and gave abbreviated exams so you got an idea of what law school might be like. You really didn't get a very good idea though, because law school was very different from the college experience, at least it was for me. In the course of that four-week program, representatives from various law schools in the Southwest came by and introduced themselves and passed out applications, and I applied to the U of A, principally because a couple of my friends were from Tucson and were applying there, so I decided to apply there too.

JG: Did something special happen at this course to make you want to go to law school? Some people talk about realizing that they were born to be a lawyer –

RM: No, nothing like that. One of the professors at ASU encouraged me to apply. There were professors [in the program] from both U of A and ASU. I ended up applying to both places, and decided to go to U of A.

JG: Did you know right away what you wanted to do after law school?

RM: I initially wanted to go into private practice, and I got hired by a small firm that was going to be opening an office in Nogales, Arizona. They sent me there, and I was going to open the office while I was waiting for the results of the bar exam. Then I went home one weekend, it must have been the Fourth of July, and when I got back to Nogales, I found out that the partners had had a fist fight, two of the partners had thrown the other one down the stairs, and they'd posted an armed guard at the door. The partnership broke up, obviously. At that point I had no job, but a friend of mine worked for the Pima County Public Defender's office. I applied there and got accepted, principally because I'd done well in law school and was bilingual. At the time they needed someone who was bilingual, since Pima County has a large Hispanic population. I worked there for two or three years, then I was offered a job in the Clinical Studies program at the Arizona State University College of Law. I did that for about two years.

JG: What did that involve?

RM: Well, it was their clinical law program. Students would go to the downtown office. We were representing people in misdemeanor cases in the municipal courts in downtown Phoenix. I was an employee of Arizona State University, representing clients in the municipal courts. Because of the [academic] cycle – you didn't have the same

students year round – we were backed up by the Maricopa County Public Defender's office. If for some reason we had fewer students in one semester than in another, we obviously couldn't take as many cases, so we were backed up by the Public Defender, but we were independent of [them]. I was the supervising attorney. It was a year-round job. We would appear, try cases, do appeals from municipal court to superior court, write motions. Everything involved in a criminal case. I did that for two years, then after that I returned to the Pima County Public Defender's office for another two years. Around that time I decided I wanted to come back to Santa Barbara. Part of my reason for going to the University of Arizona was that I had never really left Santa Barbara. I was commuting to UCSB and working there as a fireman –

JG: You worked as a fireman?

RM: Yes. UCSB had its own fire department. It was a state university, and had its own independent fire department. It had captains, engineers and so on who had prior experience at city and county fire departments, who then went to work for the university. And it also had students who worked as firemen. This was before OSHA [laughing]. Bob Sanger recalls this much better than I do, but it turns out that Bob was going to the University at the same time. I saw a posting on a [job board] at the University advertising for a fireman. Bob applied for the job, and I did as well. Then Bob got an offer to work as a golf pro or something like that, so he took that job and I got hired for the fireman job. He claims I should thank him for me getting that job.

JG: So what made you want to come back to SB?

RM: Well, I had lived here all my life, so I figured “anywhere's got to be better than home,” but then I went and lived in the desert, and I started thinking “hmmm, maybe the ocean wasn't that bad.” So after several years of working as an attorney in Arizona, I took the bar in California, and then I saw there was an opening at the Santa Barbara Public Defender's office. I applied and got accepted. That was in 1979. I had graduated from law school in 1973, and from UCSB in 1970.

JG: UCSB in the Sixties must have been interesting. Were you there for the bank burning?

RM: Well, the bank burning was in Isla Vista, and that was the jurisdiction of the county fire department. The University fire department was there as backup. So I was there at that time, but I wasn't fighting the fire, and in fact I wasn't working that day, so I wasn't part of the crew. I was part of the crew – I drove an ambulance – for the bombing

at the Faculty Club where Dover Sharp was killed, so I was involved on that call, but not for the bank burning.

JG: Did you enjoy working at the Public Defender's office, and eventually becoming the Public Defender?

RM: I loved every minute of it. I ended up doing everything one can do at the Public Defender's office. Although I had felony trial experience when I went in, I started off as a misdemeanor lawyer like everyone else, and did that for many years. One interesting thing is that a few years after I started at the PD's office, Jim Herman came in from Riverside. He ended up working there for around four or five years. We actually shared an office back then with a third guy named Jake Stoddard.

JG: So at this time you're basically moving up the – well, is there a ladder? I don't know how it works there.

RM: You know, I don't know either. Basically, I was just doing the work. You do the work, the people who are supervising you believe that you're doing good work, and so they give you more responsibility. I progressed through the assignments, and some of those assignments I did two or three times over the course of 30-some years. Eventually I was an Assistant Public Defender, and then when Greg Paraskou retired [in 2010], I was named the Public Defender.

JG: I think people understand generally what the Public Defender's office does – provide legal representation to indigent criminal defendants – but are there any misconceptions about it, or aspects of the office or the work that people don't realize?

RM: Well, every Public Defender's office offers its own unique experience. I don't know that I can generalize my experience much beyond Santa Barbara County, but in Santa Barbara County, and for me especially [because] I grew up here, [I found that] the people that you're representing aren't that different from either the people you grew up with or yourself. At least in a community like Santa Barbara, and I'm sure it's the same in Lompoc and Santa Maria, you see people with whom you have a lot in common, in times of difficulty. Over the course of the representation, you come to see them as people. They're

no longer just somebody with a problem, or who did something really stupid; they become a human being for whom you're trying to resolve their problem in the best way that you can for them. If you like that sort of work, and you're looking [mainly] for the reward of doing the best job you can for people, rather than for the accolades of winning a big case, or for recognition for some notable professional achievement, then you're going to enjoy the work.

JG: Public defenders work in an ecosystem, if you will, of police, prosecutors and judges, all of whom are perceived as having a lot more in the way of power and resources than the typical PD's office. In your experience, are Public Defenders sufficiently respected by the other players in this process, and are they (and by extension their clients) treated fairly and honestly?

RM: Again, it's going to be a very personal experience, even within a single office or a single county. Some of what you experience depends on what you come in with – the mindset, the prior experiences that you've had. That colors your perception. In a community like Santa Barbara, at any rate, you have a fairly established [situation] – the judges

don't change that often, the police supervisory staff doesn't change that often, the prosecutors don't change that often, and so over time you develop credibility with the legal and law enforcement community. You learn over time whose credibility might be a little suspect, and you deal with them as necessary, but you deal with them as individuals. I have encountered people [in the system] who in my opinion weren't telling the truth, but you keep it professional. You treat them respectfully and honestly as you're doing your job. You're going to see each other again, and eventually there's a mutual trust and respect that can develop. Unfortunately, that respect may not extend to the client. They may treat you one way, but they're going to treat the client another way. But at least to the extent they know that you're going to call them on what they're doing, you can, after the fact, mitigate some of the conduct that occurred before you got involved. In the case of judges, they know who they can trust and how far they can trust them, and

"I initially wanted to go into private practice [W]hen I got [to the small firm that hired me] ... I found out that the partners had had a fist fight, two of the partners had thrown the other one down the stairs, and they'd posted an armed guard at the door."

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Water Update

BY JAMES M. SWEENEY

Thirsty? 2015 was California's fourth consecutive drought year. A strong El Niño system has started to bring substantial precipitation throughout California and the West this winter, so the Editors of *SBL* thought an update would be useful, along with some information on the inter-related legal obligations that exist in the area's current water supply system.

The first series of significant storms has already hit, as of our mid-January publication date. The hope is that this winter's rainfall will exceed 100% of the historical average, so that groundwater stores will be sufficiently recharged and Lake Cachuma will begin to refill. Above average rainfall is required to begin filling Cachuma.

While we wait for local rain and Sierra snow, this quiz has been assembled from some of the information available through local water authorities such as Santa Barbara City and County, the Cachuma Operation and Maintenance Board ("COMB"), the Cooperating Partners (numbering close to 40) in the Integrated Regional Water Management Plan ("IRWMP"), and the Central Coast Water Authority ("CCWA"), which supplies water from the State Water Project ("SWP").

If you can answer all of the following questions correctly then, well, you've probably already installed your own catchment system. The answers are found beginning on page 12.

1. How much water does Santa Barbara County use annually?

- Around 3,100 acre feet per year ("AFY")
- Around 31,000 AFY
- Around 310,000 AFY
- Around 3,100,000 AFY

2. How much water is an acre foot?

- Enough to cover one acre of ground one foot deep
- 325,851 gallons
- Enough to fill up the Mural Room, maybe about half way
- All of the above



Bradbury Dam in December 2015. Lake Cachuma is about 80 feet below the dam's spill level, and the lake is about 85% empty. Photo ©2015 by John Wiley, Edhat.

3. How many major reservoirs directly supply Santa Barbara County's water consumption?

- One
- Two
- Three
- Four

4. By about how much has the original capacity of Gibraltar Reservoir decreased due to siltation?

- 1/5
- 1/4
- 1/2
- 2/3

5. By about how much has the original capacity of Lake Cachuma decreased due to siltation?

- 1/17
- 1/7
- 7/20
- 7/10

6. What source supplies the majority of water in Santa Barbara County?

- Groundwater basins
- Surface reservoirs
- Allocations from the State Water Project ("SWP")
- Recycled water

7. What is approximately the maximum amount of water the South Coast can potentially obtain from the SWP, through the Central Coast Water Authority ("CCWA") in a given year?

- a. 500,000 AF
- b. 50,000 AF
- c. 5,000 AF
- d. As much as local water authorities can afford to buy

8. How much SWP / CCWA water was Santa Barbara County actually allocated for 2015?

- a. No allocation
- b. The maximum possible allocation
- c. Less than half of the maximum possible allocation
- d. More than half of the maximum possible allocation

9. Under the City of Santa Barbara’s Long Term Water Supply Plan, what frequency and duration of droughts is planned for?

- a. Continuous, permanent drought
- b. 5 year drought every 40 years
- c. 6 year drought every 30 years
- d. 7 year drought every 15 years

10. Are you sure the South Coast can’t just buy more water from the SWP if Lake Cachuma and the ground-water reservoirs are drained?

- a. Yep

11. How much water is the Meyer Desalinization Plant expected to be able to produce after it comes on line?

- a. About 10% of the annual water use of the City of Santa Barbara
- b. About 30% of the annual water use of the City of Santa Barbara
- c. About 50% of the annual water use of the City of Santa Barbara
- d. Nearly 100% of the annual water use of the City of Santa Barbara

12. Can the Montecito Water District participate in the Meyer Desalinization Plant under the Plant’s existing permits?

- a. Answer according to the City of Santa Barbara
- b. Answer according to the Montecito Water District
- c. Answer according to the Coastal Commission
- d. None of the above

Bonus question: True or false, desalinization only works with sea water.

Continued on page 12



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Water Update, *continued from page 11*

ANSWERS:

1. How much water does Santa Barbara County use annually?

c. Around 310,000 AFY

According to the Integrated Regional Water Management Plan ("IRWMP"), "The current average annual water supplies for Santa Barbara County total about 223,000 AFY, plus about 90,000 AFY in return flows to usable groundwater basins." If that 90,000 AFY of groundwater was first used and then replenished, then perhaps the real answer is 223,000 net. Either way, compare the amount of water used annually to the total capacity of the surface reservoirs in the answers below.

2. How much water is an acre foot?

- a. Enough to cover one acre of ground one foot deep
- b. 325,851 gallons
- c. Enough to fill up the Mural Room, maybe about half way
- d. All of the above**

Comparison to an Olympic swimming pool is inevitable. Yes, an acre foot is nearly enough to fill one.

3. How many major reservoirs supply Santa Barbara County's water consumption?

c. Three.

Cachuma, Gibraltar and Jameson reservoirs supply the majority of South Coast water (with Gibraltar supplying mainly the City of Santa Barbara, and Jameson primarily supplying the Montecito Water District). Twitchell Reservoir near Santa Maria actually has a greater theoretical capacity than Lake Cachuma, but it is used primarily for flood control and recharging groundwater basins.

Why was Twitchell Reservoir constructed (by the Army Corps of Engineers) if it wasn't going to be used for water storage? For an overview of the historical dam building rivalry between the Corps and the Bureau of Reclamation (which built Bradbury Dam), one seminal work on the subject is Marc Reisner's Cadillac Desert.

4. How much has the original capacity of Gibraltar Reservoir decreased due to siltation?

d. About 2/3

When originally constructed, Gibraltar Reservoir had a capacity of close to 15,000 AF. It lost about half of that capacity to siltation, however, so the height of the dam was increased by 23 feet to restore the original capacity. That was in 1948. Silt has since continued to accumulate, and the reservoir's capacity is now down to around 5,000 AF. Siltation from the 2007 Zaca fire was a significant contributor, reducing Gibraltar's capacity by more than 1,000 AF.

5. How much has the original capacity of Lake Cachuma decreased due to siltation?

a. About 1/17

The original capacity was about 205,000 AF, and is now down to around 193,000 AF, for a decrease of just over 6%. Evaporation may be a bigger issue than siltation. Due to arid conditions, the reservoir loses about 16,000 AFY to evaporation.

6. What source supplies the majority of water in Santa Barbara County?

a. Groundwater basins.

Per the IRWMP, "Groundwater basins are the major source of water in the County, supplying about 77 percent of Santa Barbara County's domestic, commercial, industrial and agricultural water."

7. What is the maximum amount of water that the South Coast can obtain from the State Water Project (SWP) in a given year?

b. 50,000 AFY

The Central Coast's SWP water starts with the Feather River Project in Northern California, and includes the Sacramento/San Joaquin Delta.

8. How much SWP water has the South Coast actually obtained during the last few drought years?

c. Less than half of the maximum possible allocation.

Fortunately, the CCWA has continued to receive some SWP allocation. But that allocation has only been about 1/10th of the maximum amount that might be available during a wet year.

9. Under the City of Santa Barbara's Long Term Water Supply Plan, what frequency and duration of droughts is planned for?

c. 6 year drought every 30 years

Prior versions of the City's plan anticipated a 5 year critical drought every 40 years. Under guidance from State planning agencies, the City has revised these numbers by roughly 20%.

10. Are you sure the South Coast can't just buy more water from the SWP if Lake Cachuma and the groundwater reservoirs are drained?

a. Yep

During a drought, if the Central Coast is trying to buy more water, then everyone else in California is probably doing the same thing. Bonus points if you can detail how "banked" water affects the equation, but the bottom line is there is only so much water to go around.

11. How much water is the Meyer Desalination Plant expected to be able to produce after it comes

on line?

b. About 30% of the total annual water use of the City of Santa Barbara.

The Charles E. Meyer Desalinization Plant is expected to produce up to about 3,100 AFY of water after it comes on line later this year. Total 2016 anticipated water use for the City of Santa Barbara is about 11,000 AF. The Desalinization Plant is actually permitted for expanded production of up to 10,000 AFY.

12. Can the Montecito Water District participate in the Meyer Desalinization Plant under the Plant's existing permitting?

- Answer according to the City of Santa Barbara
- Answer according to the Montecito Water District
- Answer according to the Coastal Commission
- None of the above

The range of options available to MWD may need to be established by a judgment.

Bonus question: True or false, desalinization only works with sea water.

False. The salt in sea water is not the only impurity that can be removed through the reverse osmosis process. R/O



"Lake" Cachuma – December 2015. ©2015 by John Wiley, Edhat

can also remove the impurities in "recycled" water. Readers can draw their own conclusions.

Thanks for taking the quiz. *Santa Barbara Lawyer* hopes you learned something, and that the rains continue throughout this winter. ■

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The Americans with Disabilities Act: Common Myths that Could Hurt Businesses

BY STEVEN T. KNUPPEL

Whether your client owns a restaurant, a wine-tasting room, a retail store, a law office or any other business open to the public, they need to be aware of the impact of the Americans with Disabilities Act (ADA)¹ and related California statutes.²

With stringent technical requirements, minimum statutory penalties (at the state level), attorney's fees provisions and injunctive relief available to compel costly remediation, the pressure to settle can be enormous, even while the settlements seem expensive. Adding to this danger, many business owners are operating under a false sense of security due to some common ADA myths.

The ADA was passed in 1990 and requires, among other things, that all "public accommodations" be accessible to individuals with disabilities.³ The ADA allows states to pass legislation that provide equal or greater protections for the disabled.⁴ California has incorporated the ADA requirements into its Unruh Civil Rights Act, making a violation of the former a *per se* violation of the latter.⁵

One significant distinction between the state and federal disability laws is that federal law provides for injunctive relief, but not monetary damages,⁶ whereas under the state law, a plaintiff may recover actual damages and "in no case less than four thousand dollars (\$4,000)" per visit.⁷ Attorney's fees are available to a prevailing plaintiff under both state and federal law.⁸ Availability of attorney's fees to a prevailing defendant is a more complex question.⁹ Implementing regulations are found at 28 CFR Part 36.

ADA Myth 1.: "I'm okay, because my building was built before 1991."

While the build date is relevant, it is not the end of the analysis. All new construction must meet the relevant ADA requirements. However, removal of barriers in pre-existing buildings might be required by subsequent alterations.¹⁰

Also, even when a pre-existing building has not undergone any alterations, a barrier still must be removed if it is "readily achievable."¹¹ Readily achievable is difficult to define; akin to "reasonable" in a tort action. Thus, seeking such a determination can be risky for a defendant, given the potential for a sizable award of attorney's fees to the plaintiff.

Another drawback of the defense is that it may place the defendant's finances into issue because one factor to be considered in the "readily achievable analysis" is the resources available. Many business owners are not comfortable with this disclosure and choose not to pursue this defense.

ADA Myth 2.: "I'm okay because the local authorities gave me a building permit."

Generally speaking, the requirements of the ADA and the requirements of local building codes are two separate matters. Compliance with the local building code is not a defense to ADA claims.

ADA Myth 3.: "I'm okay because I don't own the building; I'm the tenant."

It doesn't matter. A landlord and tenant can agree in their lease who will bear financial responsibility for ADA *as between each other*, but both are jointly and severally liable to the ADA plaintiff.¹² Neither landlord nor tenant may contract away their obligations to a disability plaintiff.

ADA Myth 4.: "I'm okay because the plaintiff did not even go into that part of my business."

That might not matter. As long as the area where the violation exists is open to the public, it does not necessarily matter that the plaintiff did not encounter the violation. In the recent 9th Circuit case of *Chapman v. Pier One*, the court held that so long as an ADA plaintiff can establish standing as to a single ADA violation, he or she also has standing as to all violations that relate to his or her disability; even if the plaintiff did not actually encounter those violations.¹³ Because of the stringent nature of the requirements, it is not difficult for a would-be plaintiff to find a single violation.

Until recently, business owners would learn of ADA claims by receiving a letter alleging violations and demanding money. Due to the perception of abuse, in 2012, the California General Assembly passed legislation prohibiting a monetary demand in such letters.¹⁴ In response, some ADA plaintiff counsel have stopped sending such letters. Now, the first notice that business owners receive of alleged violations is typically a summons and complaint, thus compressing the time for defendants to react.

Proactive pre-litigation compliance is the best defense. Under a new program in California, business owners may

retain a “Certified Access Specialist” (CASp).¹⁵ The CASp is able to not only identify compliance issues, but by returning the CASp the defendant might qualify for reduced statutory damages if he or she follows through on improvements based upon the inspection.

As an attorney representing an ADA defendant, the first step is to dispel the foregoing misperceptions and impress upon the client the seriousness of the claim, even where the allegations appear frivolous. Second, immediately tender the claim to the client’s insurance carrier and press for a decision (carriers increasingly are not defending ADA claims). Review the lease to determine whether or not it allocates ADA responsibility between landlord and tenant.

Next, immediately retain an ADA expert. These cases are expert driven and you should wait only long enough to see if the carrier will pay for it or whether your landlord or tenant will split the cost. A good expert can evaluate all compliance issues, both alleged and not yet alleged. Identified violations should be remedied as quickly and fully as feasible. While such action may not eliminate liability entirely, it may reduce the client’s damages exposure. ■

Steven T. Knuppel practices civil litigation, including business, real estate and debtor/creditor litigation in state and federal courts throughout the Bay Area. He is a past board member of the Bankruptcy Law Section of the Contra Costa County Bar Association (CCCBA).

This article was reprinted with permission from the CCCBA. It was originally published in the October 2015 Contra Costa Lawyer magazine,

Continued on page 22



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Electronic Discovery in Criminal Cases: Federal Ideas for State Cases

BY ROBERT SANGER¹

There are many cases litigated over electronic discovery. In the civil arena, as all federal civil litigators know, there were fundamental changes to the federal Rules of Civil Procedure effective December 1, 2015 which pertain to discovery in general and electronic discovery in particular. There have also been some recent developments in federal criminal discovery.

While state and federal criminal discovery is statutory or rule based, it is also affected by Constitutional provisions, including the right to a fair trial and due process, the right against self-incrimination and the right against unreasonable searches and seizures. In this *Criminal Justice* column, we will take a look at some of the issues coming up in electronic discovery and how they are being handled.

California Criminal Discovery Rules

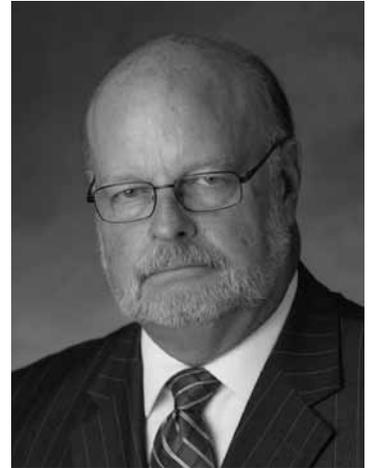
California reciprocal discovery by the government of information from the defense is governed by statute. Penal Code § 1054.3 requires the defense to turn over names, addresses and statements of witnesses the defense intends to call at trial, including expert reports and evidence it intends to introduce at trial. In *Verdin v. Superior Court of Riverside County*, 43 Cal. 4th 1096 (2008), the California Supreme Court held that Penal Code § 1054 was the sole source of authority for reciprocal discovery from the defendant. Compelled psychiatric examinations sought by the prosecution of a defendant who put his mental state in issue were not covered by Section 1054. Therefore, there was no legal authority for such exams. Subsequently, however, Penal Code § 1054.3(b) was enacted to provide for such compelled examinations.

However, outside of statutory discovery are the more powerful tools available to the prosecutor of the grand jury subpoena and the search warrant. These are unilateral but are still governed by the Fourth and Fifth Amendments. The Fourth Amendment requires a warrant based on probable cause and requires that the warrant specify the items to be searched for and the area to be searched. The Fifth Amendment prohibits compelling a person to incriminate

him or herself.

For the defense, discovery from the government is compelled by Penal Code § 1054.1, which provides for disclosure of all names and addresses of people the prosecution intends to call as a witness at trial, statements of all defendants, all relevant real evidence, felony records of witnesses, exculpatory evidence, and expert reports of people intended to be called at trial.

While referred to in Section 1054.1, the defendant's right to discovery extends to exculpatory evidence by virtue of the constitutional right to due process under the Fourteenth Amendment, as held in *Brady v. Maryland*, 373 U.S. 83 (1963).



Robert Sanger

Fourth Amendment Issues for Electronic Discovery

Applying some of these rules to electronic discovery can be tricky. For instance, looking at the Fourth Amendment right against an unreasonable search and seizure, the items to be searched and the area to be searched both have to be described with particularity. It is true that once an officer is conducting a proper search pursuant to a warrant, items of evidence or contraband in plain view can also be seized even if not described. However, a general search is not permitted. Therefore, it would not be proper to authorize a warrant for the seizure of all the file cabinets in a business if probable cause only existed for certain documents or types of documents.

The Fourth Amendment right against unreasonable search has interesting implications when the object, like a cell phone, is properly seized but that object contains electronic information. The recent case of *Riley v. California*, 134 S.Ct. 2473 (2014), involved just such a situation. The Court decided that a warrant was required to search a cell phone for stored electronic data. Therefore, having lawful possession of a data storage device does not obviate the need for a warrant to go into the data itself.

Then, what if the data is being generated by a device? For that, the Court considered the attaching of an electronic data sending device to property. In *United States v. Jones*, 132 S.Ct. 945 (2012), the Court disapproved the attachment of a GPS device to an automobile for surveillance purposes

without a warrant. In other words, even though the data is not protected in and of itself, the fact of putting a device in a position where it accumulates and transmits that data violates the Fourth Amendment.

However, even if there is a valid warrant based on probable cause to search a computer for specific evidence or contraband, does that allow a complete search and seizure of all material on the computer? A com-

puter can have business documents and data related to an investigation, but also contain other documents and data pertaining to other businesses or personal matters. Furthermore, one computer can be linked to another or a network. The Ninth Circuit addressed the issue in *Hurst v. Comprehensive Drug Testing, Inc.*, 621 F.3d 1162 (9th Cir. 2010), in an *en banc* opinion that relied to an extent on the Federal Rules of Criminal Procedure and, therefore, can only be instructive to California courts. The Ninth Circuit held that the government has a duty to cull down the evidence to that which is relevant to the investigation and called for in the search warrant. This may require a third party forensic expert. It then held, pursuant to Federal Rule of Criminal Procedure 41(g), that the government had a duty to return any evidence that falls outside the scope of the Fourth Amendment authorization.

More significantly, the Ninth Circuit held that the “plain view” doctrine did not apply in the same way as it might on the physical examination of premises. The court allowed that an initial examination of a computer to cull through to the relevant evidence might expose any number of things. However, the Court held that an initial blanket examination cannot eviscerate the particularity requirement. Therefore, evidence discovered inadvertently while looking for the information particularly described must be suppressed and returned. There is a split of authority on this, and the issue has not been determined by the Supreme Court, but there is a compelling logic to this approach.

Fifth Amendment Issues for Electronic Discovery

The Court has also placed limitations on discovery that would involve compelled testimony in violation of the Fifth Amendment. The compelled

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production of fingerprints or even a handwriting exemplar are not deemed testimonial and therefore not subject to Fifth Amendment protection. Furthermore, there is no Fifth Amendment protection for existing documents, such as business records.

Nevertheless, the compelled production of documents and electronically stored materials pursuant to a grand jury subpoena, for instance, could violate the Fifth Amendment based on the mere act of production. See, *Hubbell v. United States*, 530 U.S. 27 (2000). In other words, the compelled production of business documents is not prohibited by the Fifth Amendment but the use of the act of production to incriminate the person producing them is prohibited.

But, what about compelling a password that is used for access to a computer? In *United States v. Kirschner*, 823 F.Supp.2d 665 (E.D.Mich.2010), the district court held that compelling a person to provide a password is testimonial communication. It is something in the head and not a physical attribute. The court said, "forcing the Defendant to reveal the password ... requires Defendant to communicate 'knowledge,'

unlike the production of a handwriting sample or a voice exemplar." *Id.* at 669.

Then what if the entry into the computer is not a password but a fingerprint? A state court in Virginia held that a password is protected for the reasons set forth in *Kirchner*, but that a fingerprint can be compelled even though it is being used to open the computer, in this case a cell phone. The court said that the passcode was more like a combination to a safe and the fingerprint was more like a key. See *Commonwealth of Virginia v. Baust* 2014 WL 10355635 (not reported, Circuit Ct. of Virginia 2014).

Conclusion

These are just some of the interesting issues that are arising in the area of electronic discovery in criminal cases. Federal and California law will continue to address these issues with more regularity as the issues present themselves. In the federal system, the Joint Electronic Technology Working Group was formed. It involves federal prosecutors, federal Public Defenders and CJA attorneys working together to determine how to handle post-indictment electronic discovery

matters. The Group has issued some recommendations. It would seem appropriate for state prosecutors, public defenders and private lawyers to get together as well to arrive at efficient but meaningful protocols to deal with difficult electronic discovery matters. ■

Robert Sanger is a Certified Criminal Law Specialist and has been practicing as a criminal defense lawyer in Santa Barbara for over 40 years. He is a partner in the firm of Sanger Swysen & Dunkle. Mr. Sanger is Past President of California Attorneys for Criminal Justice (CACJ), the statewide criminal defense lawyers' organization. He is a Director of Death Penalty Focus. Mr. Sanger is a Member of the ABA Criminal Justice Sentencing Committee and the NACDL Death Penalty Committee. He is a Member of the American Association for the Advancement of Science (AAAS). Mr. Sanger is also a member of the Jurisprudence Section of the American Academy of Forensic Sciences (AAFS) and an Adjunct Professor at the Santa Barbara College of Law.

ENDNOTES

- 1 ©Robert M. Sanger.

THE OTHER BAR:

Meets every Tuesday at noon at 330 E. Carrillo St. We are a state-wide network of recovering lawyers and judges dedicated to assisting others within the profession who have problems with alcohol or substance abuse. We protect anonymity. To contact a local member go to <http://www.otherbar.org/> Link: Santa Barbara in 'Meetings' menu.

Griffith, *continued from page 9*

again, that's something that can be helpful.

JG: Based on your background and your long experience as a public defender, what special qualities do you think you will bring, or hope to bring, to your judgeship?

RM: The most immediate thing, at least in the criminal field, is that I have a fairly broad range of experience. I've done trial work, appellate work, juvenile cases, I've

Knuppel, *continued from page 17*

a publication of the CCCBA. You can view the original online here: <http://cclawyer.cccba.org/?p=11024>.

ENDNOTES

- 1 42 U.S.C. § 12101 *et seq.*, hereafter cited as "ADA" followed by the section number.
- 2 Unruh Civil Rights Act and the Disabled Persons Act (California Civil Code § 51 *et seq.* and § 54 *et seq.*, respectively), hereafter cited as "Civil Code" followed by the section number.
- 3 ADA § 12182.
- 4 ADA § 12201(b).
- 5 Civil Code § 51(f).
- 6 ADA § 12188(a).
- 7 Civil Code, § 52(a).
- 8 ADA §12205; California Civil Code, § 55.
- 9 In 2012, the California Supreme Court held that prevailing ADA defendants are entitled to attorney's fees under Civil Code Section 55 in cases that include state claims, even where plaintiff's case was not frivolous. *Jankey v. Lee* (2012) 55 Cal.4th 1038. Federal courts have expressed disapproval of *Jankey* and only allow attorney's fees to prevailing defendants, in the court's discretion, where the claim was frivolous. *Kohler v. Presidio International, Inc.*, Case Nos. 13-55808/13-56217 (9th Cir. Mar. 20, 2015).
- 10 ADA § 12183(a)(2).
- 11 ADA § 12182(b)(2)(A)(iv).
- 12 *Botosan v. Paul McNally Realty* (9th Cir. 2000) 216 F.3d 827, 833-834.
- 13 *Chapman v. Pier One (U.S.) Inc.*, (9th Cir. 2011) 631 F.3d 939.
- 14 Civil Code § 55.31.
- 15 See https://www.apps.dgs.ca.gov/casp/casp_certified_list.aspx.

represented folks in conservatorships and dependency cases. I've done most of the things that one can do in the criminal law, so I can bring that perspective to the bench. I've done two or three tours [at the Public Defender's office]. In addition, as the head of the office, I was involved in what is called the Community Corrections Partnership (CCP), which predated AB 109 [the 2011 realignment of the criminal justice system]. CCP was set up by the Legislature to gather community resources from schools, mental health, law enforcement, the Public Defender, community agencies and others. What CCP [has shown] is that what happens in one sphere may affect others. Especially after realignment came into play, you could see how actions taken by the courts affected not just the courts, but also community agencies, alcohol, drugs and mental health – practically the entire community. In addition, you realize that some people who are sentenced to prison are eventually going to need services in the community once they are released. You have to be attuned to that and do your best to craft your sentence to meet their needs and the needs of the community. I guess to summarize, my experience as part of CCP has given me a broader perspective on how criminal law affects the community.

JG: *What is your first assignment?*

RM: For the near future, I'll be doing arraignments in Department 8. This will minimize conflicts arising out of my prior representation of defendants as Public Defender, and it's a good place to start. Being a judge is a craft like any other that you have to learn. For example, as an attorney, I was mainly interested in the result, and after that [my attitude was] "thank you, now have the clerk give me the paperwork." As a judge, you have to be attentive to the details that are behind that piece of paper. You have to make sure that the order says what you mean it to say and does what you mean it to do. Those are details that, for the most part, you're not attuned to [as a lawyer]. You're more attuned to the end result, and less attuned to what it takes to get there. It's a learning experience, which I'm enjoying and looking forward to.

JG: *Do you have any hobbies?*

RM: Not so much at the moment. I have two teenage daughters and another who's 20, and one of them is still in high school, so right now the focus is on family activities. Plus my wife's extended family and mine are both local, and we spend a lot of time on family events.

JG: *Sounds good. Thank you very much for visiting with Santa Barbara Lawyer, and best of luck in your new position.* ■

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Verdicts & Decisions (... & Deals*)

***Editor's Note:** This column is not just for litigators. Below, you will find a description of a joint venture deal that was recently closed by local counsel. *Santa Barbara Lawyer* encourages transactional attorneys to continue submitting their accomplishments. Litigators may also consider submitting significant settlement agreements – we know that even in the legal system, most results are not zero sum.

Carter v. City of Santa Barbara et al.

SANTA BARBARA SUPERIOR COURT, ANACAPA DIVISION

CASE NUMBER:	1438672
TYPE OF CASE:	Personal injury, dangerous condition of public property
TYPE OF PROCEEDING:	Jury trial
JUDGE:	Hon. Colleen K. Sterne
LENGTH OF TRIAL:	7 Days
LENGTH OF DELIBERATIONS:	4.5 Hours
DATE OF VERDICT OR DECISION:	October 16, 2015
PLAINTIFF:	Camille Carter
PLAINTIFF'S COUNSEL:	Sevy W. Fisher and Thomas S. Feher of the Simon Law Firm
DEFENDANTS:	City of Santa Barbara; 1922 De La Vina, LLC
DEFENDANTS' COUNSEL:	<i>For the City</i> - Tom R. Shapiro of the Santa Barbara City Attorney's Office; <i>For the property owner</i> - James N. Procter II of Procter & Shyer
OVERVIEW OF CASE:	On January 9, 2013, Plaintiff, age 67, was walking to her hair salon when she tripped and fell head first onto her head causing a subdural hematoma.

FACTS AND CONTENTIONS: On January 9, 2013, around noon, Plaintiff Camille Carter, a 67 year old retired nurse and part-time Santa Barbara resident, was walking south on De La Vina Street towards her beauty salon when she tripped and fell on a cracked and unlevel piece of sidewalk at or near 1922 De La Vina Street. The height differential of the sidewalk where Plaintiff tripped was less than three quarters of an inch, though experts disagreed on the precise measurement. The weather was warm, clear and dry. Ms. Carter reported that there were no visual obstructions to the sidewalk, and that she had a general familiarity with the area as she would regularly walk on that stretch of sidewalk to visit her beauty salon. Ms. Carter sued the City and the adjacent property owner of 1922 De La Vina Street for personal injuries she suffered as a result of the accident.

Ms. Carter claimed that the deteriorated sidewalk was a “dangerous condition of public property” within the meaning of Government Code § 835. She contended that the City had constructive notice of this dangerous condition due to its size and allegedly longstanding nature. She also asserted that since the City had performed a number of street repairs in the vicinity of this particular defect, they knew or should have known about this specific defect.

The City and the adjacent landowner denied liability, contending that the sidewalk at the time of the accident was not a dangerous condition of public property as the defect was trivial. The City denied it had notice of any prior claims or accidents at the location of Ms. Carter's fall. There were no records of prior accidents or repairs at the location of the ac-

cident. The adjacent landowner, 1922 De La Vina, LLC, argued that the missing piece of concrete was on City's sidewalk and that it did nothing to cause the sidewalk to deteriorate.

SUMMARY OF CLAIMED DAMAGES: As a result of the accident, Ms. Carter suffered significant injuries, including a closed head injury, resulting in two separate hospitalizations and a "burr hole" surgery to her head to relieve intra-cranial bleeding. Medical records showed that Ms. Carter received more than \$150,000 of medical bills; of this amount, more than \$35,000 of past medical bills were submitted to the jury as paid. Ms. Carter claims that she continues to suffer from memory difficulty, sleep problems, anxiety and permanent use of a cane.

RESULT: 10-2 no dangerous condition of public property

The Inn at Mattei's Tavern

Reicker, Pfau, Pyle & McRoy, LLP with a team led by Partner Robert Forouzandeh and assisted by Partner Fernando Velez and Associate Russell Terry represented Santa Barbara's Mesa Lane Partners in a Joint Venture with Terroir Capital for the development of the Inn at Mattei's Tavern in Los Olivos, CA. Santa Rosa's Carle Mackie Power & Ross, with a team led by Jeremy Little, represented Terroir Capital. The transaction included the negotiation of the eight figure joint venture agreement, real property and corporate due diligence, the formation of various holding companies, debt restructuring and the negotiation of a development agreement with a third party developer.

Mesa Lane Partners is a full-service real estate investment, development and hospitality firm. They are committed to designing projects that enhance communities and protect the environment. Terroir Capital is a real estate private equity firm based in Healdsburg, California with an impressive portfolio of wine brands and hospitality properties located in some of the most sought after wine regions in the world. The duo will develop a full-service boutique wine country resort at the site of the historic Mattei's Tavern in Los Olivos, CA.

The resort will introduce 64 luxury bungalow-style suites, spread over nearly 7 acres, to the site of the existing Mattei's Tavern Restaurant on Railway Avenue in Los Olivos, CA. With existing entitlements and local governmental approvals, the project will feature a world-class restaurant, full-service spa, an outdoor pool with a bar, a community-driven retail boutique selling local craft foods and artisan wares, a gym facility, on-site parking and valet, and 3,000 square feet of indoor and outdoor special event and meeting space.

Originally built in 1886, Mattei's Tavern is a prominent and historic remnant of the Old West in Santa Barbara County. Over the years, the property has served as a stagecoach stop, restaurant, bar, and hotel, as well as the terminus of the Pacific Coast Railway. In 2010, Mattei's Tavern was designated Historic Landmark status by the County of Santa Barbara Historic Landmarks Advisory Commission.

The project is fully entitled, which may allow construction to begin before the end of 2016 and lasting approximately 16 months in total. As planned, the existing Mattei's Tavern Restaurant will close temporarily during construction and will re-open concurrently with the new resort in Spring 2018.



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I am interested in receiving information about the SBCBA Lawyer Referral Service

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Donations to the Legal Aid Foundation are tax deductible to the full extent provided by law to a 501(c)(3) non-profit organization.

Motions



Lauren B. Wideman and Russell D. Terry

Reicker, Pfau, Pyle & McRoy LLP, Santa Barbara's Business Law Firm, is pleased to announce that **Russell D. Terry** and **Lauren B. Wideman** have joined the firm as Associate Attorneys.

Russell joined the firm in 2015 from the Portland, Oregon office of the international law firm Perkins Coie, LLP. Russell's practice is focused on mergers and acquisitions, emerging companies, debt and equity financing, corporate restructuring, business ventures, and general contract and corporate matters. Russell has served as counsel to businesses ranging from startups to Fortune 100 companies. Russell is currently admitted to the Washington and Oregon state bars and will be sitting for the California Bar Examination in February 2016. He grew up in Santa Barbara County and received his J.D. from the University of Washington School of Law and B.A. from the University of California at Santa Barbara.

Lauren joined the firm in 2016 having previously practiced with Santa Barbara's Price, Postel & Parma and in the Los Angeles and Washington D.C. offices of the international law firm Bingham McCutchen. Lauren's practice is focused on mergers and acquisitions, tax, corporate restructuring, corporate regulatory compliance, data privacy and security, having previously represented large institutional clients such as Google. In addition to being a member of the

Virginia, District of Columbia and California state bars, Lauren is admitted to the United States Tax Court and the United States Court of Federal Claims. In addition to her transactional background, Lauren has also practiced commercial and real estate litigation for a variety of clients and will provide assistance to the firm's litigation department. She received her J.D. from George Washington University Law School and B.S. from University of Florida.

If you have news to report - e.g. 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. If you submit an accompanying photograph, please ensure that the JPEG or TIFF file has a minimum resolution of 300 dpi. Please note that the Santa Barbara Lawyer editorial board retains discretion to publish or not publish any submission as well as to edit submissions for content, length, and/or clarity.



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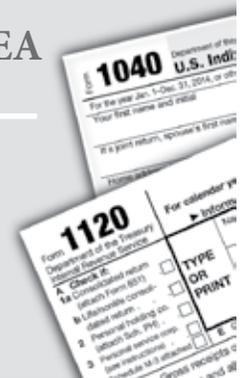
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Santa Barbara Women Lawyers Foundation

is pleased to invite you to our

*ANNUAL SCHOLARSHIP AWARDS
LUNCHEON AND MCLE*

Date: February 16, 2016

Location: University Club, 1332 Santa Barbara Street

Time: Noon to 2 p.m.

Presentation of 2015 Scholarships

Followed by Competence MCLE

by

Kate McGuinness, Certified career coach

Empowered Women Coaching

*“COMPETENCE: LESS STRESS - MORE
SATISFACTION”*

Santa Barbara Women Lawyers and State Bar Members \$40.

Non-Members \$35

Students: \$25

Please RSVP by February 5, 2016 to Lauren Joyce, (805) 688-6711 lejoyce@hbsb.com

The SBCBA Employment Law Section
Presents:

“2016: What Employers
Should Know About Changes in
Employment Law”

When:

February 25, 2016, 12:00 - 1:00 p.m.

Where:

Santa Barbara College of Law Room 1, 20 E. Victoria
Street

MCLE:

1 hour General

Speaker(s):

Melissa Fassett, Price, Postel & Parma, LLP

About the Event:

2015 was a very productive year for employment law in the California legislature and courts. Significant changes are taking effect in 2016 in the areas of wage & hour, hiring laws, discrimination and retaliation, leaves, benefits and workers' compensation. Join Melissa Fassett, an employment specialist with Price, Postel & Parma, LLP, as she walks us through each of these changes.

Price:

\$30/\$35 members/nonmembers – includes lunch

**R.S.V.P. by February 15th to Alex Craigie
(Alex@Craigielawfirm.com):**

Mail Checks, payable to SBCBA, to Alex Craigie, at: The Law Offices of Alex W. Craigie, 791 Via Manana, Santa Barbara, CA 93108.



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The Litigation Section of the Santa Barbara
County Bar Association presents:

NAKED DISCOVERY:
How to Strip Down the Purpose
and Essentials

Most discovery follows a familiar, predictable yet mindless path. What is the purpose? What should be accomplished? How is discovery used effectively at trial? How do you “set up” your opponent? What is the best method for expert discovery? This presentation will reveal key discovery tactics, how to both propound and respond most effectively, as well as the utilization of discovery during trial.

Speaker:

Matthew Haffner of HAFFNER LAW GROUP
Mr. Haffner, with twenty-six years civil litigation experience, has over thirty-five jury trials. His extensive experience revealed not only how to use discovery at trial, but how to more effectively conduct discovery during litigation.

Date:

February 19, 2016

Time:

Noon to 1:00 pm

Location:

Santa Barbara College of Law, Room 1, 20 East Victoria
Street, Santa Barbara

Reservations:

Reserve via email to Mark Coffin,
Chair of Litigation Section, by Friday, February 12, 2016,
mtc@markcoffinlaw.com

Cost and Payment:

\$35.00 to members, \$40 to non-members – includes lunch

Mail checks by February 12, 2016, payable to:

Santa Barbara Bar Association, c/o Mark Coffin
LAW OFFICE OF MARK T. COFFIN, 21 E. Carrillo Street,
Suite 240, Santa Barbara, CA 93101

MCLE Credit:

One hour credit applied for.



2016

SANTA BARBARA COUNTY HIGH SCHOOL



Mock Trial Competition

Saturday, February 20 & Saturday, February 27, 2016



Request for volunteers to score the competition

Please support our local high school students

by volunteering your time as a scorer

on Saturday, February 20 and Saturday, February 27, 2016

The Mock Trial Program is organized through the Constitutional Rights Foundation (CRF) with 36 counties in California currently participating in the competition. The program was created to help students acquire a working knowledge of our judicial system, develop analytical abilities and communication skills. The winners of the county competitions go on to the State Finals in March. In May, the winner of the state competition represents California at the annual National High School Mock Trial Competition, involving teams from 54 states and territories.

The Santa Barbara County Education Office oversees the County Competition which is held in the Superior Court of Santa Barbara County. The Preliminary rounds take place in the Historic Courthouse, as well as the Figueroa Courthouse.

Each year Judges, Commissioners, attorneys as well as others, volunteer their time to make Mock Trial an educational and exciting experience for students. Attorneys serve in a variety of roles-acting as team coaches, scoring, and presiding over trials.



Photo courtesy Elliott Lee

**SAVE THE DATES
AND
SIGN UP NOW**



SATURDAY, FEBRUARY 20, 2016

Preliminary Rounds

Morning Session - 8 am to 12 pm

(Check in by 7.30 am, breakfast provided)

Afternoon session - 1 pm to 4 pm

(check in by 12.30 pm, lunch provided)

Minimum of 80 scorers needed for both sessions

SATURDAY, FEBRUARY 27, 2016

Semi-Final and Final Rounds

Morning Session - 8 am to 12 pm

(Check in by 7.30 am, breakfast provided)

Minimum of 20 scorers needed

Afternoon session - 1 pm to 4 pm

(check in by 12.30 pm, lunch provided)

Minimum of 10 scorers needed



To sign up or for more details contact:
Ammon Hoenigman, Mock Trial Coordinator
santabarbaramocktrials@yahoo.com

2016 SBCBA SECTION HEADS

Alternative Dispute Resolution

David C. Peterson 772-2198
davidcpeterson@starband.net

Bench & Bar Relations:

Stephen Dunkle 962-4887
sdunkle@sangerswysen.com

Civil Litigation

Mark Coffin 248-7118
mtc@markcoffinlaw.com

Mandatory Fee Arbitration

Tom Hinshaw 882-4558
thinsb@gmail.com
Saji Gunawardane 845-4000
Saji@calitigator.com
Scott Campbell 963-9721
scampbell@rogerssheffield.com

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cswysen@sangerswysen.com

Debtor/Creditor

Carissa Horowitz 708-6653
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Estate Planning/Probate

Tim Deakyne 963-8611
tdeakyne@aklaw.net

Family Law

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mgrattan@rogerssheffield.com

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bstone@paladinlaw.com

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pmuzinich@rppmh.com
Cindy Brittain 695-7315
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Allen & Kimbell, LLP

provides personalized real estate, estate planning, business counseling, and litigation legal services. The firm currently seeks applicants for:

Associate Attorney: Candidates must be members of the California State Bar with one to four years of transactional or litigation experience. Superior writing ability, academic credentials and work ethic are essential.

Paralegal / Legal Assistant: Candidates must have a college degree and paralegal certificate. Prior experience is useful, but we seek someone who can learn to work effectively within the structure of our firm's practice.

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Office for rent across the street from the Courthouse. Large view office including reception, use of conference rooms, access to copier, high speed scanner, coffee, post-age meter, etc. Contact Claude Dorais at cdorais@dorais.com or 965-2288 x 101.

ASSOCIATES SOUGHT

Price, Postel & Parma, a long-standing law firm in Santa Barbara, is seeking both a litigation associate and a transactional associate with superior credentials from major law schools and 2-5 years of significant experience. Compensation is commensurate with skills, education and experience. Please submit a cover letter and resume via email to Craig A. Parton at cap@ppplaw.com.

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