

 SONOMA COUNTY BAR ASSOCIATION

THE BAR JOURNAL



DAWN ROSS

RONIT RUBINOFF

MICHAEL MILLER

**SPECIAL 2023 DOUBLE ISSUE:
CAREERS OF DISTINCTION AWARDS
& FALL BAR JOURNAL**

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Dawn Ross



Michael Miller



Ronit Rubinoff

**2023 CAREERS OF DISTINCTION
AWARD RECIPIENTS**

**100 B Street, Suite 400
Santa Rosa, California 95401
707-526-4200**

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By Kinna Crocker,
President, SCBA

President’s Message: Remarkable Careers of Distinction

The Sonoma County Bar Association has a long-standing history of recognizing remarkable members of the legal profession through the Careers of Distinction Award. The tradition began in 1993 and celebrations were

held every year until the abrupt halt due to the pandemic. We have not been able to honor our colleagues for three years and are excited to bring the tradition back!

This year, please join us on October 13, 2023, to recognize Ronit Rubinoff, Dawn Ross, and Michael Miller as our distinguished honorees. Upon receiving nominations from the community at large, the award recipients are selected by a committee comprised of prior Careers of Distinction recipients, past SCBA presidents, and the current Executive Committee of the SCBA. The award recipients are selected based upon many facets of their exemplary legal careers serving as jurists, litigators, and practitioners, and is based in large part upon their demonstrated application of due diligence in the

practice of law throughout their careers. The committee highly values nominees who have inspired others and have actively participated in activities outside the practice of law, such as community involvement and volunteering. Each of this year’s honorees possesses the qualities and character worthy of this distinction.

Ronit Rubinoff is the Executive Director of Legal Aid of Sonoma County (LASC) and has served in this capacity since 2004. Colleagues describe her as an intrepid litigator, a person of unquestioned integrity and outstanding leadership, and one who epitomizes the finest attributes of our profession. Before law school, she worked on social justice issues in the public defender’s office in Oregon. In law school, she interned at Legal Services of Northern California and, upon graduating, worked at Legal Aid of Napa where she was instrumental in establishing the Napa County Superior Court Self-Help Center. In Sonoma County, Ronit has demonstrated a longstanding passion for serving the community. When she assumed the helm at LASC, she expanded services to include legal representation for victims of domestic violence, child abuse, and elder abuse, among many others. She transformed the organization into a powerhouse of advocacy, providing a strong voice for the underserved in our county and elevating the quality of services offered. Ronit is also a fierce advocate for her organization and has received recognition for the important work provided by her and her amazing team at LASC. In this capacity, she educates government and non-profit partners about the impact legal services have on issues of homelessness, community violence, health, and disaster recovery. Due to her tireless efforts and seemingly limitless energy, the community understands the crucial role lawyers play in social justice. Ronit is described by many as devoted, enthusiastic, passionate, and committed to making our world a better place. We are pleased to honor Ronit with the Careers of Distinction Award.

Dawn Ross recently retired from her role as founding partner and attorney at Carle, Mackie, Power & Ross LLP. Dawn is described as a smart, fierce, and professional advocate with an excellent reputation in the legal community. She began her career in Sacramento and moved to Sonoma County in 1994, where she practiced principally in labor and employment law both as a
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2023 *Careers of Distinction*

Friday
October 13, 2023

5:30 pm - Reception
6:30 pm - Dinner/Awards

Hyatt Regency
Sonoma Wine Country

An Event Celebrating the Distinguished Careers of

MICHAEL MILLER
DAWN ROSS
RONIT RUBINOFF

Introductory Remarks by:

President Kinna Patel Crocker (2023)

Kenneth Gack (2019 COD Recipient)
Gregory Spaulding (2017 Past President)

Leslie Perry (2014 COD Recipient)
Bonnie Hamilton (2014 Past President)

President's Message (continued from page 3)

business advisor and litigator. Dawn retired in February 2022, but agreed to complete her last two cases that were in final stages. She wrapped the last one in June 2022, winning a major arbitration award, including all attorneys' fees. During Dawn's career, she was the President of the SCBA and founded the Labor and Employment Law Section, which is now thriving as one of the larger sections of the organization. Although it is clear she has a passion for the law, Dawn is also dedicated to helping others through her volunteer work. Her law partners note she was regularly called on by several women lawyers in the county for advice, assistance, and mentorship. She served as president of Sonoma County Women in Law and was continually unselfish with her time, helping new women lawyers navigate their careers. In addition to serving on boards such as the Child Parent Institute, the Volunteer Center and Summit State Bank, she dedicates much of her time volunteering with Court Appointed Special Advocates (CASA), working with a family of five children in the foster care system. Dawn

is dedicated to the betterment of our community and is well deserving of the Careers of Distinction Award.

Michael Miller is a founding partner and attorney at Perry, Johnson, Anderson, Miller & Moskowitz LLP. Prior to his practice as an attorney, Michael was a police officer and president of the San Mateo Police Officers Association. While a police officer, he delivered three babies and was shot through the thigh by a superior court judge! Michael has maintained a diverse practice as a trial attorney in areas of personal injury, medical and dental malpractice, real estate, discrimination, contracts, criminal law, elder abuse and homeowner association disputes, just to name a few. In addition to his busy practice, he spent time volunteering as a small claims court judge, judicial arbitrator, fee arbitrator, and member of many SCBA committees. Michael was a regular participant in SCBA's Law Week program, educating high school students on interesting topics in the law and has been a frequent guest speaker at his alma mater Empire School of Law. He also works outside the legal profession to support children and various organizations. He has been a Big Brother to two youths over 10 years and another two through the CASA program. He is a member of 100 Black Men of Sonoma County, an organization focused on mentoring and developing young people into future leaders. He holds weekly meetings with colleagues for robust discussions regarding issues of diversity, race, history, education, and politics. Michael's exemplary career and devotion to his community makes him the perfect recipient of the Careers of Distinction Award.

The honorees are exceedingly deserving of this award due to their career achievements and each is deeply connected to our legal and larger community. We honor Ronit, Dawn, and Michael and thank them for all they have done and continue to do for our community. ☺

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Link to 2023 Schedule of Seminars & Events

Please view our seminar and event schedules online.

Visit <https://www.sonomacountybar.org>
and go to the Seminars/Events tab at the top
navigation bar for the list of events. Thank You.

Michael Miller: An Extraordinary Career of Service

Although since the inception of the Careers of Distinction Award in 1993, our Association has bestowed it upon seventy-two individuals, I strongly suspect that only one of them has been shot by a Superior Court Judge—that would be Michael G. Miller.¹ We'll come back to that later. Despite that experience, or perhaps because of it, Michael is approaching the end of a legal career in which he has accomplished feats that most lawyers never will. And he did so while making significant contributions to the leadership of the Bar Association and to the Sonoma County community. For these reasons, Michael is a worthy recipient of our Association's highest honor.

You'll forgive a little history: When Michael was serving on the governing board of the Bar Association thirty years ago, during a period when lawyers were on the receiving end of more bad press than usual, Board member Eric Koenigshofer proposed that the Bar combat this by publicly honoring the best and brightest among us at an annual signature event, and the Careers of Distinction Award and Dinner were born. That first year, it wasn't necessary to spend a lot of effort deciding who the initial honoree would be: the Honorable Joseph A. Rattigan, who served in the state Senate from 1959 to 1966, and on the Appellate Court from 1966 to 1984, was an obvious choice.

In 1994, however, the Bar was confronted with the question of how recipients of the award would be chosen going forward. A committee was drafted, composed of older practitioners who were thought to be likely candidates for the award in the future², and they were asked to make the selection. The committee pushed back, noting that they hadn't been given any criteria by which to make the selection. They were told that the criteria for selection of honorees was up to them.

Over the ensuing three decades, that ad hoc committee has evolved to one composed of recipients of the



award, members of the governing board, and past presidents of the Association. The committee receives nominations from the community and evaluates them based largely upon three criteria: (1) the practice of law in an exemplary fashion, (2) professional leadership, and (3) community service. As we'll explore, Michael has distinguished himself in all three areas.

Michael's family lived in Hayward, but he arrived earlier than expected in Houston in 1954 while his mother was visiting his dad, who was working on a construction job there. Michael's parents divorced when he was 8, and when he was 12, his mother acquired an abusive boyfriend. During a particularly violent assault by this man on his mother, Michael shot him. The man stumbled to his car and left. The next day, Michael and his mother were told that the man had died in a single-car drunk driving accident, with no mention of his having been shot. Michael and his mother spent years terrified that the police would come and arrest him, but it never happened. To this day, he has no idea whether the bullet wounds were ever discovered, or whether they played any role in the accident or the man's reported death.

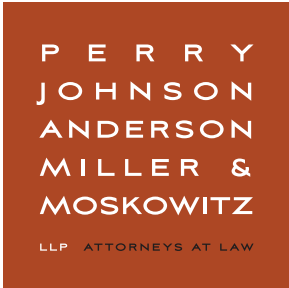
As a result of injuries she sustained in that assault, Michael's mom became severely disabled and they ended up living in a car in the East Bay for nearly a year. Their initial attempts to obtain government-subsidized housing failed as they were told they were not a "family" as defined in the law. Michael's mom reached out to then-Congressman Don Edwards who helped them qualify for that housing, which was a major factor in getting them back on their feet.

Michael attended Mt. Eden High School in Hayward. Amidst the societal tensions at the time surrounding civil rights, on Michael's first day, he was beaten unconscious by some of his fellow students who didn't even know him. He later met with each of the boys who had battered him and eventually made peace with them. A natural athlete, Michael played varsity quarterback for the Monarchs, and was offered a football scholarship to Washington State University which he declined, in part because of the need to help support his mother. Michael worked full-time at a liquor store in a tough

Continued on page 8

1. *Pickers of nits will be quick to point out that 2008 Honoree, Chris Andrian, was shot in the line of duty in 1989. Having been present at the time, however, I can say authoritatively that Chris was not shot by the Honorable William Bettinelli, who was presiding (himself a 2009 Honoree), or any other member of the bench.*

2. *Most of the members drafted for that initial selection committee have gone on to receive the award.*



Congratulates the
**2023 CAREERS OF
DISTINCTION
HONOREES:**
Michael Miller,
Dawn Ross & Ronit
Rubinoff, in recognition
of their exemplary &
outstanding careers.



Michael Miller

Mike, as one of the most successful trial attorneys in the North Bay, and as a dedicated servant to our community, you personify our values of civility, empathy, and first-rate advocacy every day.

**We join in celebrating your
impressive Career of Distinction.**

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Michael Miller (continued from page 6)

neighborhood through all four years of high school.

Michael was impressed by how safe the police made him feel when they would respond to his home for domestic issues. He decided early on that he wanted to be a police officer so he could provide that same feeling of security to others. He earned an Associate of Arts degree from the administration of justice program at Chabot Junior College while continuing to work full-time at the liquor store. He was hired by the San Mateo Police Department at age 21 in 1975 and worked there until 1984 as a patrolman, detective, and as an undercover narcotics officer assigned to the Tenderloin among other places. In 1979, he responded to an armed robbery of a drug store, and had no choice but to shoot the perpetrator. Michael was honored that year with the Peninsula Peace Officer Association's Heroism Award, not for taking on the in-progress robbery, but for administering first aid that contributed to saving the robber's life. As a patrolman, Michael delivered three babies, including two (not twins) from the same mother (the second of these is named Gregory, after him). As president of the San Mateo Police Officer's Association, Michael designed and led a creative "blue wave" strategy to obtain the highest percentage raise ever received for its members, along with unprecedented retroactive pay.

Michael married Judy Kenneally in 1981 and they moved to Santa Rosa in 1983. Michael supported Judy in finishing her masters degree at San Francisco State, and she reciprocated by getting Michael through Empire College School of Law, from which he graduated *cum laude* and first in his class in 1988. Both of them worked full-time while earning those degrees, including Michael holding a position as a research clerk for the Public Defender's Office, during which he had the privilege of working with many fascinating individuals including Virginia Marcoida, Jamie Thistlethwaite, Elliot Daum, Marteen Miller, and Bruce Kinnison. Michael and Judy welcomed their beautiful daughter, Kendra, in 1995. Like her dad, Kendra is a devout animal lover. Having worked as a veterinary technician, and now as a tour guide and supervisor at Safari West, her interest in and commitment to conservation continues to grow.

I first met Michael in 1987 when we both worked at the Senneff Bernheim Emery & Kelly firm. Michael was a partner there before becoming a founding partner of the Perry firm in 1997. As many already know, Les Perry,

John Johnson, and Michael decided to start their firm in 1997 while closing the Nutty Irishman one night after winning a championship softball game. What was intended to be a small, boutique firm surprisingly mushroomed to over 25 lawyers with over 65 employees.

During his career, Michael has taken over 70 jury trials to verdict in state courts throughout Northern California, covering subjects as diverse as personal injury (plaintiff and defense), medical and dental malpractice, real estate, discrimination, contract, specific performance, criminal law, excessive force, elder abuse, and homeowner disputes, with two reported appellate decisions. He has argued in the Ninth Circuit Court of Appeals, the California Court of Appeal, and litigated in the Court of Federal Claims. In addition, he has participated in many court trials, administrative hearings, and binding arbitrations. Throughout all of these, Michael has been a consistent example of civil behavior as a litigator.

During his over 35 years of practicing law, Michael has mentored and trained many young lawyers and paralegals. He has volunteered his time for the Court as a Pro Tem Judge for jury trials, small claims trials, and as a judicial arbitrator, fee arbitrator, settlement conference panelist, discovery and demurrer facilitator, member of the initial ADR Committee, member and chair of the Judicial Evaluation Committee, and a long-time member of the Superior Court/Bench-Bar Section, which he also chaired. He has been a member of the distinguished American Board of Trial Attorneys (ABOTA) for 18 years. He worked with the state legislature on revisions to the Davis-Stirling Act affecting homeowner associations, and has helped the superior court with revisions to its local rules on many occasions.

After becoming a lawyer, Michael was a "big brother" to two youths for 10 years. He was a Court Appointed Special Advocate (CASA) for two other youths for over eight years. He spends time weekly talking with an elderly shut-in. He participates in weekly meetings with a group of mixed-race colleagues focused on diversity, race, history, education, and politics. Michael and the Perry firm are valued participants, supporters, and contributors to many local charities and nonprofits, including Legal Aid, Redwood Empire Food Bank, Valley of the Moon Children's Center, 100 Black Men of Sonoma County (of which Michael is a proud member), Social Advocates for Youth and its Dream Center, CHOPS,

Michael Miller (continued from page 8)

Listening for A Change, Los Cien and many others. They have also been strong promoters of diversity, both in their hiring of lawyers and staff, but also in advocating for the appointment of judicial officers.

Michael has traveled extensively throughout the world, including in Europe, Asia, and Southeast Asia. He and I have visited every major league baseball park, some twice. Next year we plan to visit Tokyo to see Japanese baseball.

So then, why did the judge shoot him? An ill-considered courtroom comment? No. While working graveyard patrol in San Mateo, Michael and his colleagues were told that the judge’s daughter was going through an ugly divorce and that her ex had threatened to kill the whole family. Michael came upon the ex walking in the judge’s neighborhood in the wee hours of the morning and put him in the back of his patrol car. Worried that the judge and his family might be breathing their last breaths, Michael quietly approached the house and knocked on the front door, luckily standing to the side as he had

been trained. Three shots rang out through the closed door, one of which ricocheted through his right upper thigh. The door was flung open and there was the judge, naked, with a .38 revolver in his hand. He had been awakened by Michael’s knock and panicked. After Michael was treated and released, he met with his sergeant back at the station, who told him that there would be no report written of the incident and it was never to be discussed again.

Michael’s unique life history and experiences have provided him with the abilities to help sort out the problems of people from all walks of life, and to communicate meaningfully with clients, witnesses, counsel, judges and jurors. Please join our Association on October 13, 2023, in honoring Michael G. Miller with the Careers of Distinction Award. ☞

By Mark D. Peters

Mark Peters practices general civil trial and appellate law and was President of the SCBA in 1994.

— WINNERS' BOARD —

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[WORD SCORE: 64]

Dawn Ross: Sharp as a Tack, Tough as Nails... Heart of Gold —

Dawn Ross has been keeping a secret from her colleagues throughout the course of her 32-year law career. It's something she didn't want anyone to know and forbade all of her friends from divulging. Thank goodness she retired last year from the firm she led as managing partner, and she put the pen in my hand, so I can finally spill it. I can relieve all of her friends' consciences—and there are so many of us—of something we have been keeping mum about for far too long.

Everyone knows Dawn as a sharp, knowledgeable, articulate, tenacious, and hardworking attorney. She's litigated cases worth tens of millions of dollars, advised countless companies on the intricacies of employment law, and has been a leader in our legal community. Her reputation as a sharp as a tack, tough as nails attorney is well-known, but it would have shattered if everyone knew what I'm about to tell you.

The truth is that Dawn has a heart of gold. Not the kind you make into rings, but the kind that shines so brightly it lights up many lives.

Dawn's journey began in Orange County, where she and her sister Penny were raised by their single mom, Wanda. Fortunately, Wanda married Dawn's beloved stepfather Bill when Dawn was 10 years old, making her part of a large, conjoined family.

Growing up, Dawn loved books, board games, and softball. Her geekhood and leadership skills blossomed in middle school where she founded both the library club and the chess club.

The day she turned 16, Dawn took a job at Carl's Jr. She worked there all through high school and college, moving up the ranks to become assistant manager. After graduating from Cal State Fullerton in 1984, Carl's Jr. hired her to work in its main office as a POS systems trainer. Dawn finally left Carl's Jr. in 1986 when she headed to law school.

Dawn didn't plan on being a lawyer. She initially started in pre-med, hoping to become a pediatrician, but an internship in the terminally-ill children's ward put a quick end to that idea. She then decided to become a

speech therapist, but because she was directionally challenged (still is, even with a cell phone), she never made it to the freshman orientation in speech pathology. Instead, destiny misdirected her to the forensics team room, the land of speech and debate. Since one of Dawn's superpowers is making the best out of any situation, she joined the team and reveled in the thrill of argumentation.

At the debate coach's urging, Dawn first started thinking about law school, but not seriously. It had never been on her radar. She knew no lawyers, and had no attorney role models. She didn't even watch *Perry Mason*.



But fate saw Dawn's heart of gold and pointed her in the right direction. She was helping her boyfriend study for the LSAT—the testing gateway to law school—when she discovered she was better at the test questions than he (good for her, bad for the relationship). It was Karma that she took the LSAT, did well, and was accepted to UC Davis's Martin Luther King Jr. School of Law. When Dawn landed there, she knew she had found her tribe.

After graduating from King Hall in 1989, Dawn wisely decided to stay in Northern California and took an associate position with Kronick, Moskowitz, Tiedemann & Girard in Sacramento. While stuck in the real estate department (boring), she convinced a litigation partner to give her a race discrimination case representing Sacramento State University which had been sitting in a box gathering dust. She quickly concluded the case shouldn't go to trial, so she filed, then won, her first summary judgment motion. She then dove further into employment law, becoming the firm's expert, and liked it so much she stayed in the field for the rest of her career.

After five years with the Kronick firm, Dawn moved to Sonoma County in 1994 and joined the Santa Rosa office of Bronson, Bronson & McKinnon, where John Mackie and Richard Power were partners. After a year, Bronson closed that office and the three of them joined Bill Carle at the Santa Rosa office of Marron Reid. In 1998, the four of them left Marron Reid and started their own firm, Carle, Mackie, Power & Ross

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 SONOMA COUNTY BAR ASSOCIATION
LABOR & EMPLOYMENT SECTION

*Congratulates 2023 Careers of Distinction honorees
 and thanks them for their commitment to our community.*



DAWN ROSS



MICHAEL MILLER



RONIT RUBINOFF



congratulates
 DAWN ROSS
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 & MICHAEL MILLER

*on their well-deserved
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joins in congratulating

MICHAEL MILLER
 DAWN ROSS
 & RONIT RUBINOFF

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 ATTORNEYS AT LAW

50 OLD COURTHOUSE SQUARE, STE. 605, SANTA ROSA, CA 95404
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Dawn Ross (continued from page 10)

("CMPR"). Dawn had been in practice at the time for only nine years.

During her time with CMPR, Dawn was AV-rated by Martindale-Hubbell and selected as a Northern California Super Lawyer for three consecutive years. She received the Women in Business Award from the North Bay Business Journal in 2011 for her leadership. She authored numerous articles on employment law topics and was a presenter on them at the SCBA, Santa Rosa Junior College, Sonoma State University, PASCO, Santa Rosa Chamber of Commerce, and the Volunteer Center of Sonoma County.

Dawn's resumé shows she was president of three organizations: the Sonoma County Bar Association (2003), Sonoma County Women in Law (1997), and Sonoma County Young Lawyers' Association (1996). She was a founder and chairperson of the SCBA's Labor & Employment Law Section (2000). She's been on the boards of the Volunteer Center of Sonoma County (2010-2022), Summerfield Waldorf School (2014-2020), and the California Parenting Institute.

What Dawn's resumé doesn't disclose are the hundreds of hours of time, energy, and heart she has devoted to non-profits. It doesn't say she spent cherished time during Christmas seasons on Secret Santa shopping sprees (trying to figure out what Yu-Gi-Oh meant on the wish lists) and on numerous fundraising activities—including donation cold-calling for Sonoma County Legal Aid. Nor does it mention she volunteers with Court Appointed Special Advocates (CASA) and is currently a mentor to five siblings in the foster care system, dedicated to making a difference in their lives.

Dawn's resumé should give a hint of her superpower ability to make a wide variety of friends and keep them close. She belongs to the notorious women's poker group, book groups, luncheon groups, walking groups, and school groups. She's a people magnet because she is friendly and fun—but don't give her a juicy bit of news then clam up, because she will interrogate you mercilessly until she gets you to spit out all the details.

Put simply, Dawn is kind, thoughtful, and generous with her time and resources. Can you imagine what

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OUR ATTORNEYS AND STAFF ARE PLEASED TO JOIN IN
THE WELL-DESERVED RECOGNITION OF

MICHAEL MILLER + DAWN ROSS
& RONIT RUBINOFF
ON THEIR DISTINGUISHED CAREERS

Dawn Ross (continued from page 12)

would have happened to her tough litigator reputation if everyone had known?

Just envision what the California Department of Corrections would have said about it. The Department made her a go-to attorney for its employment litigation, in which she defended it against suits brought by correctional officers. Dawn won every case she tried for it and earned the title “summary judgment queen” for her successful pre-trial work.

Also consider what would have happened in Dawn’s biggest case, a plaintiff’s lawsuit in which she represented a retired doctor who had invented the heart valve stent. His former business partners took his invention and used it to form Medtronic AVE behind his back. It was the quintessential \$100 million shareholder derivative lawsuit against three of the biggest firms in the country. Dawn led her small team to win key pre-trial motions, defend an interlocutory appeal, and ultimately settle the case during jury selection, all to great client satisfaction.

Dawn is equally proud of her settlement of a large case in 1998 against Calistoga Mineral Water Company (she still won’t drink the stuff) which enabled the newly-formed CMPR to become loan-free before the end of its first year in business. Since those initial days with her three partners, and over the past twenty-five years, CMPR has grown to over twenty attorneys in three offices and is a recognized leader in the legal community.

Because Dawn is as good a manager as she is an attorney (a rarity), CMPR named her its managing partner in 2016. It’s fitting that Dawn is one of the first to receive the COD award after the pandemic break because she steered the CMPR ship through those turbulent waters, helping to keep everyone safe, clients happy, attorneys working and bills paid, until she sailed it back into safe waters.

Dawn has many accomplishments and has worn many hats, but she’s most proud of being a mom to her son, Joshua. She and partner-in-life Jim McLaughlin have raised a charming young man, now in his sophomore year of the engineering program at Colorado State University.

It’s possible Dawn’s tough-as-nails reputation wouldn’t have melted like butter if everyone had known the truth, but we’ll never know. Her heart of gold now

shines in retirement, which she spends traveling both in and out of the family RV (she loves RVing, a surprise to all), strolling the beach near her Dillon Beach house, reading lots of books, hiking with friends, volunteering at non-profits, and working on the Board of Summit State Bank.

Dawn earned the Careers of Distinction award through her hard work, legal acumen, and leadership, not to mention her heart of gold. It is also fitting she receives the award in this historically notable year for the COD. For the first time in its thirty-year history, two women are standing on the COD award podium at the same time. Dawn and her friend and book groupie, Ronit Rubinoff, share this distinction, overdue and welcome. Heartfelt congratulations to them both. ☺

By Anne Keck

Anne retired from the law, moved to Maui, and spends her time swimming in the ocean and writing science fiction & fantasy. You can find her at www.annekeck.com.



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DAWN ROSS
& RONIT RUBINOFF**

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Ronit Rubinoff: Social Justice Champion

Perhaps Ronit Rubinoff was born with it. Regardless, her potent and highly focused impulsion to defy, oppose, short-circuit, frustrate, halt and heal social injustice was already intact the moment she perceived the truth in the eyes of a terrified and trapped 13-year-old girl.

Ronit had just earned an undergraduate degree and taken work interviewing new clients of a public defender's office in Oregon. She'll never forget meeting with a teen drawn into the criminal justice system for alleged prostitution, and her mother.

Ronit recalls, "The girl looks at me. We all look at each other. It hit me: The mom took her to the streets. The underlying problem was not prostitution. It was the dysfunction in the family."

That instant helped to confirm for Ronit that she would become an attorney. And she'd dedicate herself to a certain utilization of law: the kind that does not react 911-like to human crises borne of dark forces such as family chaos, economic predation or acts of discrimination, but that works upstream to resolve—or better—prevent the agony.

For nearly two decades, Ronit has led, grown, and hugely broadened the social justice mission of the nonprofit Legal Aid of Sonoma County.

Greg Spaulding, co-founder of Spaulding McCullough & Tansil LLP, drafted the nomination of Ronit for the Sonoma County Bar Association's Careers of Distinction honor. In it he wrote, "When Ronit began, Legal Aid of Sonoma County had four staff, no attorney, and a budget of less than \$400,000. Today, LASC has 40 staff, including 17 lawyers, and a budget of over \$4 million."

Ronit, Spaulding's nomination declared, "has transformed LASC into a powerhouse of advocacy and a voice for the under-served in Sonoma County."

Among the more than 5,000 low-income people assisted annually are vulnerable children, seniors, tenants, veterans, immigrants, people experiencing homelessness, people who live with disabilities, people distressed by fires and other disasters, and BIPOC owners of small businesses.

Ronit grew up in a Jewish family in Berkeley, coming early to the awareness that people too commonly suffer from unfair, prejudicial, or exploitative treatment by others. She heard her parents' accounts of antisemitism. Their daughter was a child repulsed by injustice.

It was prior to enrolling at the University of the Pacific's McGeorge School of Law that Ronit worked for a time with the public defender's office in Oregon. While at McGeorge, she interned with the Sacramento-based Legal Services of Northern California—and sensed that she'd met her tribe.

"It was the people who made me know I was in the right spot," she said. She remembers well "feeling the synergy, feeling like I was working with people who share my values and passions."

Ronit earned her law degree in 1992 and was hired by Legal Aid of Napa as a staff attorney. She worked six years for the nonprofit, becoming its managing attorney. She then spent two years helping the Napa County Superior Court develop a self-help center.

"She was the only legal aid attorney in the whole county," Spaulding wrote in his COD nomination. "Ronit was instrumental in changing the way the Court handled eviction and guardianship cases."

Ronit had found her life's work.

In 2004, she joined Legal Aid of Sonoma County as its executive director.

The organization dates to 1958 and counts as part of its heritage late President Lyndon B. Johnson's "War on Poverty" and the creation of the federal Office of Economic Opportunity in 1964 and of the Legal Services Corporation in 1974. The thrust of the initiatives was that equal opportunity and fair treatment are just words if vulnerable people are denied access to quality legal representation and advocacy because of limited financial means.

When Ronit came on board at LASC nearly twenty years ago, the nonprofit possessed the desire to serve in a profound way, but not the necessary staffing, resources, and public support.

Continued on page 16





IS PROUD TO CONGRATULATE ITS EXECUTIVE DIRECTOR

RONIT RUBINOFF

2023 CAREERS OF DISTINCTION HONOREE

From the Legal Aid of Sonoma County Board, staff and thousands of clients, we wish to add our deepest appreciation for Ronit's recognition.



Ronit's unending passion for justice, boundless enthusiasm and gifted leadership makes her the Heart and Soul of Legal Aid of Sonoma County.

Thank you for being you,

Ronit!

LEGAL AID OF SONOMA COUNTY
ALSO CONGRATULATES

MICHAEL MILLER & DAWN ROSS

HER FELLOW 2023 CAREERS OF DISTINCTION HONOREES

Ronit Rubinoff (continued from page 14)

"We were smaller than the organizations in Marin and Napa," Ronit said. "We had virtually nothing here. No representation. There were no lawyers on the staff."

Ronit went to work. She attracted grants from the private and government sectors, expanded the Legal Aid board of directors and staff, and identified the people and issues most in need of assistance.

Under her leadership, the organization greatly deepened its commitment to serve vulnerable individuals and families in the areas of child abuse prevention, domestic violence, elder law, veterans services, immigration services, housing stability, homelessness prevention, advocacy for people with disabilities, disaster relief, and challenges to employment and health.

Also on Ronit's watch, the nonprofit scored a victory essential to its future vitality; it purchased the building on South E Street that it had long rented.

Sheila Miller counts herself fortunate to be both a Legal Aid of Sonoma County attorney, concentrating on domestic violence, and a friend of Ronit.

"Ronit is unique," Miller said. "She has a brain for policy and development, and a heart for clients and staff."

"Her salient feature: she connects with people, applying intelligence, sincere interest, and emotional investment," Miller added. "She's there with you."

Ronit is nothing if not passionate, perhaps never more so than when she shares stories of the people whose lives have been changed by legal access and advocacy. She spoke of the mother who sought protection from her ex-husband, a former Denver Bronco player who assaulted and terrorized her.

"She shook like a leaf," Ronit said.

She made certain that the mom and her young daughter would never again have to be in the abuser's presence. Ronit hadn't seen the woman for about six months when she returned for a visit.

"I straight up didn't recognize her," Ronit said. Most noticeably: "She didn't shake."

"Show me another profession in which you can have that kind of impact on somebody," the attorney said.

The agency she directs relies on government contracts, private grants, gifts, and fundraising. One benefactor is

the Bigglesworth Family Foundation of San Francisco. The foundation's website declares one of its guiding principles:

"We believe quite simply that funding civil legal aid should be a core anti-poverty strategy. While we have been passionate about supporting this area for several years, as the amount of government funding in this area continues to dwindle, we are even more committed to our goal of helping to provide access to justice to everyone, not just to those who can afford it."

Claire M. Solot, managing director of the Bigglesworth Family Foundation, said, "It's clear to the foundation that Rubinoff understands that it is important to run LASC with the same oversight and attention to detail as a private law firm. Ronit's approach to marketing, operations and strategic planning, including the purchase of the organization's headquarters, are examples."

Solot added, "The work she's done to build relationships with other nonprofits in the county and electeds is exemplary." Solot also cited the extensive mentoring Ronit does with less experienced legal aid directors in the region.

"It's terrific that she's being honored," Solot said.

Something Ronit treasures about LASC is that it's an active incubator for people drawn to utilizing the law to make vulnerable lives safer, healthier, happier, and better defended from injustice. Interns and assistants at the organization have gone on to earn, then make noble use of, law degrees.

One such person is Rosendo Padilla, Jr.

A son of migrant farmworkers, Padilla was a senior at Sonoma State University in 2005 when he noticed that Legal Aid was seeking volunteers to help with domestic violence and family law clinics. He signed on.

Padilla took to working for LASC, and Ronit and the staff took to him. Soon Ronit offered him paid, part-time work as an interpreter and caseworker.

Padilla had been with Legal Aid for a year when he earned his undergraduate degree from SSU in 2006 and then left Sonoma County to work for the San Mateo County Probation Department. He was sorry to say goodbye to Ronit.

Continued on page 18

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as the 2023
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ZYROMSKI KONICEK

Ronit Rubinoff (continued from page 16)

“She guided me,” he said. “She really pushed me to want to attend law school and become an attorney. She holds a special place in my heart because of the way she treated me—and because of her passion for those who, for any number of reasons, cannot help themselves.”

Padilla had been away for seven years when he phoned Ronit in 2013 to say he was in the area and would like to stop by LASC to see her. The happy reunion included an office tour that blew Padilla away.

“Legal Aid had ballooned!” he said.

At one point during their reunion, Padilla told Ronit he had something to show her. He pulled from his wallet his membership card from the California State Bar Association. Rubinoff cried tears of joy and pride.

While working full-time, Padilla had studied law at night. As an attorney, he worked in private practice and then as a deputy county attorney for San Mateo County.

In 2022, he was appointed a commissioner of the San Mateo County Superior Court. He presides over cases involving family law and domestic violence.

Commissioner Padilla noted that he has worked with a number of legal aid agencies. “I haven’t seen any of the caliber of the one Ronit directs up there,” he said.

He’s thrilled Ronit will receive a Careers of Distinction Award.

“To me,” Padilla said, “there couldn’t be a better person to receive such recognition.” ☞

By Chris Smith

Chris Smith is a member of the Legal Aid of Sonoma County Board of Directors. He is retired from a career of more than 40 years as a reporter and columnist with The Press Democrat.

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From the Editors: Agree to Disagree Talking About “Legal Stuff” and “Real Stuff” with Our Neighbors

This is a fun issue to celebrate the reprise of our SCBA Careers of Distinction event. Kudos to COD honorees Dawn, Mike, and Ronit, whom you will get to know better from their feature articles. This issue provides interesting insights and perspectives from the piece penned by a Maria Carrillo High School recent graduate/current Santa Rosa JC student writer, as well as the “Cornerstones of Democracy” article that Andrew Spaulding developed from the 2023 Law Week curriculum.

At a recent summer BBQ, a long-time neighbor asked me for advice about how to talk about “legal stuff” and “real stuff,” like politics and new ideas, in these contentious and complicated times. Her concern was not only polarized politics and litigation, including very public attorney discipline and disbarment proceedings; but also, on the flip side, the challenge when the collective view of our communities can become homogeneous and our sources of information on topics big and small can devolve into an echo chamber with only like-minded people. In this era of escalating partisan division in which algorithms feed many a diet of only information they want to hear, my friend shared that we in the legal profession are generally seen as being able to address and navigate (to hopefully resolve) diverse complex issues through clarity of language, effective listening, leadership, and persuasion.

“It’s important to consider *how* you present alternative ideas and *how* you disagree with other’s ideas,” says Stephen McGarvey, the founder of the consulting firm, Solutions In Mind. McGarvey has a professional focus on persuasion and influence and is the author of the recently-published book, *Ignite a Shift: Engaging Minds, Guiding Emotions and Driving Behavior*. “A simple method is to *agree in principle* and *restate your purpose*,” says McGarvey. “Agreeing in principle is very different than agreeing *with* the person, and it enables us to, in essence, disagree with them while still acknowledging their stance.”

Effective and empathetic listening is essential to conversations about “legal” and “real” stuff—and is part and parcel of our professional obligation to be a good

example. The State Bar of California has adopted Attorney Guidelines for Civility and Professionalism guidelines, which provide, in part, that the responsibilities of a California attorney include “civility, professional integrity, personal dignity, candor, diligence, respect, courtesy, and cooperation.” In 2018, the California Rules of Court were amended to add the following language at the end of the attorney’s oath required by Business and Professions Code section 6067: “As an officer of the court, I will strive to conduct myself at all times with dignity, courtesy, and integrity.”¹ While binding on attorneys sworn-in since 2018, this language should also serve as an aspiration for those of us with bar numbers less than 300,000 to deliberately improve our craft.

In this challenging third decade of the 21st century, let’s commit to help our neighbors and each other keep talking by practicing the principle of agree to disagree—without becoming disagreeable. Be patient and open-minded. Walk the talk. “It doesn’t matter what you say you believe—it only matters what you do.”² ¶¶

1. California Rules of Court, Rule 9.7.

2. Robert Fulghum, *All I Really Need to Know I Learned in Kindergarten*.

By William Adams

Bill Adams is principal counsel at William L. Adams, P.C., was SCBA President in 2004, and serves as co-editor of *The Bar Journal*.

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MCLE: Cornerstones of Democracy

Note: The following article is based on the curriculum for Law Week 2023 (held in March and April and summarized in the Summer issue of the Bar Journal). Law Week is a collaborative program presented by the SCBA and the Sonoma County Office of Education to bring information and education about the law to local high school students. This year's curriculum was prepared by Law Week co-chairs Andrew Spaulding and Carmen Sinigiani, and committee members Dale Miller, Beki Berrey, Regan Masi, Jack Sanford, Walter Rubenstein, Gina Fortino Dickson, Bryan Coryell, Monica Lehre, Orchid Vaghti, and William LaBarge.

Introduction

Law Day (or Law Week, as we call it in Sonoma County) first came into existence in 1957 when the American Bar Association declared there should be a national day to celebrate America's dedication to the rule of law. The following year, President Eisenhower proclaimed May 1, 1958 to be Law Day. Law Day is now codified in 36 U.S.C. § 113 as "a special day of celebration by the people of the United States:

(1) in appreciation of their liberties and the reaffirmation of their loyalty to the United States and of their rededication to the ideals of equality and justice under law in their relations with each other and with other countries; and

(2) for the cultivation of the respect for law that is so vital to the democratic way of life."¹

Civics, Civility, and Collaboration

The ABA refers to civics, civility, and collaboration as three cornerstones of democracy. According to the Institute for Civility in Government², "civility is about more than just politeness, although politeness is a necessary first step. It is about disagreeing without disrespect, seeking common ground as a starting point for dialogue about differences, listening past one's preconceptions, and teaching others to do the same." An important related concept is civil discourse—the engagement in discourse (conversation) intended to enhance understanding. Civil discourse exists as a function of freedom of speech. Other themes integral to civility are consensus (a general agreement reached by a group), diversity (the practice or quality of including or involving people from a range of different social and ethnic backgrounds and of different genders, sexual orientations, etc.), equity (the quality of being fair and impartial), and inclusion (the practice or policy of pro-

viding equal access to opportunities and resources for people who might otherwise be excluded or marginalized).

Constitutional Democracy

A constitutional democracy is a system in which (1) representatives elected to govern can be removed from office at the will of a majority of voters participating in regularly scheduled and periodic elections; and (2) individuals are guaranteed certain rights equal to all other individuals. With respect to maintaining a constitutional democracy, the U.S. Constitution guarantees, among many other things: freedom of speech, press assembly, and religion; the right to vote through a regulated election process; the right to petition the Government; and due process.

Election Integrity and the Role of the Courts

The Elections Clause (U.S. Const., art I, § 4) is the primary source of constitutional authority to regulate elections for Congress. The Elections Clause directs and empowers states to determine the "Times, Places, and Manner" of congressional elections, subject to Congress's authority to "make or alter" state regulations.³ It grants each level of government the authority to enact a complete code for such elections, including rules concerning public notices, voter registration, voter protection, fraud prevention, vote counting, and determination of election results. A cornerstone of democracy for election integrity is for each branch of government to be independent. When there are disputes over election results, the recourse is to seek resolution in the judicial branch.

Cases Addressing the Electoral Process:

In *Rucho v. Common Cause*⁴, the U.S. Supreme Court held that partisan gerrymandering claims are beyond the reach of federal courts. Gerrymandering occurs

1. 36 U.S.C. § 113

2. <https://www.instituteforcivility.org/>

3. Article I, Section 4, Clause 1 of the U.S. Constitution

4. *Rucho v. Common Cause* (2019) ___ U.S. ___ [139 S.Ct. 2484, 204 L.Ed.2d 931].

MCLE: Cornerstones of Democracy (continued from page 20)

when a state legislature or special commission draws electoral maps. Often, the maps are drawn to disempower certain groups.

On June 27, 2023, in the case of *Moore v. Harper*⁵, the U.S. Supreme Court rejected the “independent state legislature theory.” In that case, the Court was asked to decide whether the North Carolina Supreme Court had the power to strike down the state legislature’s gerrymandered congressional map for violating the North Carolina Constitution. In 2021, North Carolina’s Republican-dominated state legislature passed, on a party-line vote, an extreme partisan gerrymander to lock in a supermajority of the state’s fourteen congressional seats. The gerrymander was so extreme that an evenly divided popular vote would have awarded ten seats to the Republicans and only four to the Democrats. The map was a radical statistical outlier more favorable to Republicans than 99.9999% of all possible maps⁶. The Court held that the federal Elections Clause does not vest exclusive authority in state legislatures to set federal election rules, and therefore it did not bar the North Carolina Supreme Court from reviewing the districting plans for compliance with state law.

Freedom of the Press and an Informed Public

The freedom of the press, protected by the First Amendment, is critical to a democracy in which the government is accountable to the people. A free media functions as a watchdog that can report on government wrongdoing. It is also a vibrant marketplace of ideas that allows citizens to freely express themselves and discover a wide range of information and opinions.⁷

The First Amendment states that Congress shall make no law... abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances. Free press means the right of individuals to express themselves through publication and dissemination of information, ideas, and opinions without interference, constraint, or prosecution by the government. Specifically, the Constitution prevents the government

from abridging freedom of the press. The Constitution does not prevent non-government actors (businesses, private citizens, etc.) from restraining or censoring information. For example, social media companies like Twitter and Facebook can freely decide to censor certain material from its platform. Likewise, a newspaper like the Press Democrat can freely decide to not publish opinion articles or letters to the editor. However, the freedom for U.S. citizens to publish information is not absolute. The government has been allowed to regulate the press under circumstances. Federal courts review laws that implicate the First Amendment freedom of the press.

Cases Addressing Freedom of the Press:

In *Schenck v. United States*⁸, a military draft was imposed during World War I. Schenck was a member of the Socialist Party that distributed fliers encouraging men to ignore draft notices. Schenck was arrested for distributing the fliers on the grounds he was attempting to obstruct the military draft, which was prohibited under the Espionage Act. The law made it a crime to publish “...disloyal, profane, scurrilous or abusive language about the form of government of the United States or the constitution of the United States or the military or naval forces of the United States or the flag.” The U.S. Supreme Court ruled unanimously that the law was constitutional and justified under the circumstances of the war effort. The court said, “the words used [in the fliers] are used in such circumstances and are of such a nature as to create a clear and present danger that they will bring about the substantive evils that Congress has a right to prevent.” The *Schenck* case established the clear and present danger standard to determine if free press and speech could be limited by the government under the constitution.

In *Brandenburg v. Ohio*⁹, a 1969 case in which a member of the Ku Klux Klan made anti-Semitic and racist statements in violation of Ohio’s Criminal Syndicalism law, the U.S. Supreme Court established that speech advocating illegal conduct is protected under the First (Continued on page 22)

5. *Moore v. Harper* (2022) ___U.S.___ [142 S.Ct. 1089, 212 L.Ed.2d 247].

6. Sweren-Becker & Herenstein, *Moore v. Harper, Explained*, Brennan Center for Justice (August 4, 2022) <https://www.brennancenter.org/our-work/research-reports/moore-v-harper-explained>

7. American Civil Liberties Union

8. *Schenck v. United States* (1919) 249 U.S. 47 [39 S.Ct. 247, 63 L.Ed. 470].

9. *Brandenburg v. Ohio* (1969) 395 U.S. 444 [89 S.Ct. 1827, 23 L.Ed.2d 430].

MCLE: Cornerstones of Democracy (continued from page 21)

Amendment unless the speech is likely to incite “imminent lawless action.”

In *New York Times Co. v. United States*¹⁰, as the nation heatedly debated its involvement in the Vietnam War, The New York Times obtained a confidential copy of an internal Defense Department report that detailed government discussions about the war. These documents were called “the Pentagon Papers.” The U.S. government attempted to prevent The New York Times from publishing the documents, on grounds that publication of the documents would endanger national security. The Times brought suit, arguing that the prior restraint (preventing publication) violated the First Amendment. The Supreme Court ruled 6-3 in favor of the Times. This case is extremely important to journalists, as the court recognized the need to find a balance between the right to a free press and the need for the government to protect national security.

Peaceful Assembly

Freedom of peaceful assembly is the individual right for people to come together and express, promote, pursue, and defend their ideas. Time, place, and manner restrictions are content-neutral limitations imposed by the government on expressive activity. Such restrictions come in many forms, such as imposing limits on the noise level of speech, capping the number of protesters who can occupy a given area, barring early-morning or late-evening demonstrations, and restricting the size or placement of signs on government property. Different levels of scrutiny apply depending on the nature of the restriction. In general, the government must show that a law limiting the right to peaceably assemble serves an important objective (not involving the suppression of speech), that the law is narrowly tailored, and that there remain ample alternative means of communication.

Cases Addressing the Right to Peaceful Assembly:

In *Edwards v. South Carolina*¹¹, 187 black students were arrested and convicted of breach of the peace

after peacefully marching to the South Carolina state house to protest segregation. The U.S. Supreme Court ruled the students were exercising basic First Amendment rights and that the state violated their rights. In overturning the students’ convictions, the Court emphasized that the First and Fourteenth Amendments do not permit a state to criminalize the peaceful expression of unpopular views.

In *Schenck v. Pro-Choice Network of Western NY*¹², the Pro-Choice Network, on behalf of health care providers, sought to enjoin individuals from staging blockades and other disruptive illegal activities in front of abortion clinics. The U.S. Supreme Court held that “fixed buffer zones” – which prohibited demonstrations within fifteen feet of entrances to abortion clinics, parking lots, or driveways – were constitutional; while “floating buffer zones” – prohibiting demonstrators from coming within fifteen feet of people or vehicles seeking access to the clinics – were not. The Supreme Court supported the “fixed buffer zones” because they protected the government’s interest in public safety, by preventing protesters from engaging in unlawful conduct (i.e. spitting on and shouting in clinic user’s faces, blocking doorways, etc.), while still allowing them to be heard from a short distance. By contrast, “floating buffer zones” were struck down as imposing a greater burden on free speech/assembly than was required to protect the government’s interest in public safety and free traffic flow. ©III

By Andrew J. Spaulding

Andrew Spaulding is an attorney with Spaulding McCullough & Tansil LLP. His practice is focused on business law, intellectual property, and other transactional matters. He also serves on the SCBA Education and Law Week committees.

SCBA Welcomes Our New Fall 2023 Members!

Prova Ahmed, Sonoma County Superior Court
Michael Bluto, CJH & Associates, P.C.
Michelle Diaz, Law Student
Nicole Grae Smith, Terre Family Law
Erik Humphreys, Law Student
Alexa Pagonas, Attorney

10. *New York Times Co. v. United States* (1971) 403 U.S. 713 [91 S.Ct. 2140, 29 L.Ed.2d 822].

11. *Edwards v. South Carolina* (1963) 372 U.S. 229 [83 S.Ct. 680, 9 L.Ed.2d 697].

12. *Schenck v. Pro-Choice Network of W. N.Y.* (1997) 519 U.S. 357 [117 S.Ct. 855, 137 L.Ed.2d 1].

MCLE: Cornerstones of Democracy (continued from page 22)

Self-Study MCLE Credit

HOW TO RECEIVE ONE HOUR OF SELF-STUDY MCLE (GENERAL LAW) CREDIT

The Sonoma County Bar Association has been approved as a Multiple Activity Provider (Provider #130) for Minimum Continuing Legal Education credits by the State Bar of California. Below is the true/false quiz showing the questions for credit for this article. If you wish to receive MCLE credit, go to the link below to access the SCBA web page with instructions for purchasing a self-study packet for \$25. You will have a choice of this article as well as our archive of previously published articles. Please access the archive at <https://sonomacountybar.org/self-study-articles>.

1. In 1958, President Eisenhower proclaimed May 1 to be Law Day, and Law Day was later codified as a day to celebrate the role of law in our society and to cultivate a deeper understanding of the legal profession.
2. Civil discourse is an attempt to undermine freedom of speech.
3. Diversity, equity, and inclusion are important elements of civility.
4. The United States is a direct or pure democracy.
5. The Elections Clause of the United States Constitution directs and empowers states to determine the "Times, Places, and Manner" of congressional elections.
6. The Legislative Branch is responsible for resolving disputes over election results.
7. The U.S. Constitution guarantees the right of citizens to petition the government.
8. Gerrymandering occurs when a state legislature or special commission, set up by the legislature or governor, draws electoral maps in a manner that provides for the fair representation of the people.
9. In the U.S. Supreme Court case of *Moore v. Harper*, the U.S. Supreme Court held that the Elections Clause found in Article I, Section 4 of the U.S. Constitution vests exclusive and independent authority in state legislatures to set the rules regarding federal elections.
10. The U.S. Constitution prevents private citizens from abridging freedom of the press.
11. The "clear and present danger" test formulated by the U.S. Supreme Court in *Schenk v. United States* allows the government to punish speech likely to bring about evils that Congress has a right to prevent.
12. In *Rucho v. Common Cause*, the U.S. Supreme Court held that that partisan gerrymandering claims are beyond the reach of federal courts.
13. The right to a free press is absolute.
14. In *Brandenburg v. Ohio*, the U.S. Supreme Court held that speech advocating illegal conduct is protected under the First Amendment unless the speech is likely to incite imminent lawless action.
15. *The New York Times Co. v. United States* case is significant because it established the government has executive authority to prevent the publication of classified information.
16. Time, place, and manner restrictions are content-neutral limitations imposed by the government on expressive activity.
17. The government may restrict the size or placement of signs on government property without violating an individual's First Amendment rights.
18. In *Schenck v. Pro-Choice Network of Western NY*, the U.S. Supreme Court found that floating buffer zones were constitutional, while fixed buffer zones were not.
19. Generally, the government must show that a law limiting the right to peaceably assemble serves an important objective, is narrowly tailored, and there remain ample alternative means of communication.
20. The U.S. Supreme Court ruled in *Edwards v. South Carolina* that states may not criminalize the peaceful expression of unpopular views.

Recent Court Decision: You're Actually NOT Judged by the Company You Keep

From the "Aren't there some real criminals to arrest in Las Vegas?" department, see the recent 9th Circuit US Court of Appeal decision, *Michele Santopietro vs. [Las Vegas Police Officer] Clayborn Howell, et al* (Filed May 24, 2017, amended July 18, 2023; case no. 14-16424). Plaintiff Michele Santopietro and her friend Lea Patrick were both street performers on the Las Vegas Strip dressed as "sexy cops," posing for photographs in exchange for tips. They were both arrested for doing business without a license. Prior case law (*Berger v City of Seattle, 569 F.3d 1029* (9th Cir. 2009)) and Las Vegas' current ordinances formed the basis for the officer's understanding that street performing without a license was only protected conduct under the First Amendment as long as no demands for compensation were made.

The charges against Ms. Santopietro were eventually dropped and she sued the officers for wrongful arrest. It was unclear as to which of the women said what, but it was assumed at trial that plaintiff had not said anything about a tip being required or demanded, and that Ms. Patrick possibly had. The trial court granted the officers' motion for summary judgment and denied plaintiff's, ruling that the arrest was proper because the officers had probable cause to arrest Ms. Patrick, and "by association," plaintiff. Plaintiff appealed.

The Holding: This court reversed the summary judgment in the officers' favor and remanded plaintiff's case, finding there were disputed facts to be resolved, likely in her favor. It held: 1) Individuals and small groups engaged in non-commercial street performances may not be subjected to government's requirement of notice or permitting, and 2) *solicitation* for tips is constitutionally protected as is traditional speech. Plaintiff is not subject to the "guilt by association" practice carried out here. The opinion is a good read for constitutional protections for "Expressive Association" and for providing guidance for anyone who wants to advise friends, family or clients on the use of potentially money-making street corners. ¶¶

FINAL PRACTICE NOTE: For those interested in Santa Rosa's rules, see *Santa Rosa City Code, Chapter 6-50 Street Performers, especially section 6-50.030*, which requires a permit if the performer "intends to receive," or "actually receives," compensation for the performance.

By Brian Purtill

Brian Purtill is the Dean of Empire College of Law and a member of The Bar Journal committee.

SCBA Fall '23 "Movers & Shakers"

If you have news about yourself or any other SCBA member, please send to SCBA "Movers & Shakers" at info@sonomacountybar.org. Include position changes, awards, recognitions, promotions, appointments, office moves, or anything else newsworthy. If your firm sends out notices to the media, please add info@sonomacountybar.org to the distribution list.

Philip Williams is with his own firm, Law Offices of Philip A. Williams in Ukiah...**Morgan Cahill-Marsland** and **Jeanne Grove** are now with Nixon Peabody, LLP in San Francisco...**Greg Spaulding** is now with JAMS...**Matthew Schondel** has moved his office to 1160 North Dutton Ave, Ste 255 in Santa Rosa...**Robin M. Estes** has moved to 3558 Round Barn Blvd, Suite 200 in Santa Rosa...**Meredith McGuire** is now with the Marin County Public Defender's Office in San Rafael...**Erik Pede** is now with BLEVANS & BLEVANS LLP in Santa Rosa...**Eddie Sussman** moved her office to 144 South E Street., Ste. 206 in Santa Rosa...**Dan Rowan Cortright** has a new mailing address: The Rowan Firm, P.O. Box 2061, Sebastopol, CA 95473...**Vanessa Wills** has moved her office to 1340

4th St. in Napa...**SCWiL** awarded their 2023 Community Advocacy Scholarship in June to Empire College School of Law Student **Daniel Snell**. **Shawn Loring** has joined Spaulding McCullough & Tansil LLP in Santa Rosa...**Richard O'Hare** is now with Anderson Zeigler, A Professional Corporation in Santa Rosa...**Valerie (Perdue) Berg** is now with the Office of County Counsel-County of Marin in San Rafael...**Dominic Rosales** is now with Dependency Legal Services in Santa Rosa...**Sarah Hirschfeld-Sussman** is now with Carle, Mackie, Power & Ross, LLP in Santa Rosa...**Jennifer Nix** is now with Fagen Friedman & Fulfrost in Oakland...Empire Law School Dean **Brian J. Purtill** has been appointed to the Sonoma County Workforce Investment Board.

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Legal Tech-nicalities: Smartphone Video Evidence—Ubiquity Does Not Equal Authenticity

Legal Tech-nicalities is an ongoing column written by Eric G. Young, Esq. The column's aim is to provide you with useful tips for using technology more effectively in your life and practice.

Today, smartphones have become ubiquitous, and they serve as powerful tools for capturing important events. As more individuals rely on smartphones to record events, questions necessarily arise about the admissibility of these videos as evidence in legal proceedings. In 2021, the country witnessed just how powerful smartphone video evidence can be with the trial of Derek Chauvin, a former Minnesota police officer who was convicted of murdering George Floyd. A 17-year-old teenager, Darnella Frazier, captured Floyd's murder on her smartphone and uploaded it to Facebook, igniting nationwide protests and calls for police reform. Frazier's smartphone video shaped the outcome of Chauvin's trial, which resulted in a guilty verdict.¹

Some may assume that because smartphone video evidence is electronic, special evidentiary rules must apply to admitting it in court. Certainly, some jurisdictions have caselaw suggesting a heightened burden, but California is not one of them. Over the years, the statutory definition of a "writing" has expanded considerably to include both traditional documents as well as many forms of digital and electronic evidence.² Moreover, the California Supreme Court has made it clear that it has no interest in creating new or special rules for digital or electronic evidence.³ Given the Court's position, it is worthwhile to consider some evidentiary basics before exploring how one of the most important evidentiary rules—authentication—applies to admitting smartphone video evidence.

An Evidence Primer

Generally, the four types of evidence include:

1. *Demonstrative*: Evidence that establishes a fact. For example, video evidence might depict someone assaulting another person. The video demonstrates that a crime has occurred as well as the circumstances surrounding it.⁴
2. *Testimonial*: A witness recalls the events of an incident that has taken place, provides lay or expert opinion, or is used to admit other evidence in court.
3. *Documentary*: Any type of document (or electronically stored information [ESI]) that is relevant to a case.
4. *Real*: An object relevant to the case. The most obvious example is a murder weapon.

Smartphone video evidence falls into the demonstrative category of evidence because it re-tells the story of what happened, frame by frame. When it is relevant, smartphone video can be used to establish a fact at issue in both criminal and civil cases, thus making it powerfully persuasive in many situations. However, even relevant smartphone video evidence can be excluded if it lacks authenticity.

The Path to Authenticity

The essence of truth lies in the authenticity of evidence. Authenticity means that the evidence being proffered is what the proponent of the evidence says it is.⁵ In finding the path to authenticity of evidence, whether video or otherwise, five important rules guide the way.

1. *No Objection; No Need to Authenticate*
Preliminarily, one should not forget that there is no need to authenticate evidence unless opposing counsel objects on this basis.⁶ This article assumes opposing counsel will object to your smartphone video evidence.
2. *The Degree of Proof Varies with Purpose*
Consider authentication early in your case. Why do

1. Bogel-Burroughs, Nicolas. "Darnella Frazier captured George Floyd's death on her cellphone. The teenager's video shaped the Chauvin trial." *New York Times*: April 21, 2021. <https://bit.ly/3WwxXKr>, accessed May 21, 2023.

2. Evid. Code, § 250.

3. *People v. Goldsmith* (2014) 59 Cal.4th 258 [no greater showing of authentication required for digital evidence merely because the evidence is capable of manipulation].

4. For an interesting discussion of when "demonstrative" video recordings become "assertive" and the hearsay implications in the context of body cam video recordings, see Pike, Natalie P., "When Discretion to Record Becomes Assertive: Body Camera Footage as Hearsay," 20 *Vand. J. Ent. & Tech. L.* (Issue 4) 1259 (2018).

5. Evid. Code, § 1400.

6. Evid. Code, § 353(a).

Legal Technicalities (continued from page 26)

you want to use smartphone video evidence? What is its purpose? The requisite degree of proof needed to authenticate a writing “varies with the nature of the evidence that the [smartphone video] is being offered to prove and with the degree of possibility of error.”⁷

3. Evidence Can be Conditionally Admitted

The trial court has broad discretion when ruling on the admissibility of evidence.⁸ If opposing counsel objects to your use of smartphone video evidence, argue for its conditional admission subject to further proof or a motion to strike.⁹

4. Conflicting Inferences Does not Defeat Authenticity

Smartphone video evidence may give rise to conflicting inferences, but this fact, standing alone, does not mean the evidence lacks authenticity. The fact that evidence gives rise to conflicting inferences goes to the weight of the evidence, not its admissibility.¹⁰

If you are faced with an objection to smartphone video evidence, authentication can be accomplished through testimony from the person who recorded the video, witnesses who were present during the recording, or through metadata and other digital traces within the video file.¹¹

5. Content is the Key

In the case of video evidence, courts typically require the proponent of the video evidence to establish that the video depicts the events it purports to depict truly and accurately.¹² Ideally, the proponent can establish a foundation through the testimony of the person who recorded the smartphone video, but this is not the only method.¹³ The proponent can also establish a foundation for smart-

phone video evidence by testimony of a witness who was present at the time the smartphone video was made who can testify that the video accurately depicts what it purports to show.¹⁴ Alternatively, the proponent can elicit testimony from someone who has “personal knowledge of the matters and circumstances depicted on the [video].”¹⁵ In fact, authenticity can be demonstrated by testimony, circumstantial evidence, location, or “any other means provided by law,” including the testimony of a qualified expert.¹⁶

Some common issues can affect authenticity and, hence, the admissibility of smartphone videos that one would not necessarily encounter with traffic camera evidence as in *Goldsmith*. Not all smartphone users are born videographers. Is the lighting so poor that it is difficult to tell what is happening or the identity of persons depicted in the video? Are there issues related to the timing of the recording? Is the clip so short that it really is not helpful? Has the metadata been corrupted or changed (which can happen inadvertently)? Would the jury be left to guess where the video was filmed? Consider such questions with any smartphone video evidence early in a case to establish authenticity. These considerations may also implicate other arguments, such as undue prejudice.¹⁷

Smartphone Video & Social Media

What about smartphone video evidence that has been uploaded to social media? This situation commonly occurs. Indeed, this was the situation with the smartphone video evidence used in Derek Chauvin’s trial. The mere fact video has been uploaded to social media should not alter the authentication process in a (Continued on page 28)

7. *Goldsmith, supra*, 59 Cal.4th at p. 267.

8. *Cottle v. Superior Court* (1992) 3 Cal.App.4th 1367.

9. *Gribaldo, Jacobs, Jones & Associates v. Agrippina Versicherungen A.G.* (1970) 3 Cal.3d 443, 446.

10. *Jazayeri v. Mao* (2009) 174 Cal.App.4th 301, 321.

11. *People v. Mayfield* (1997) 14 Cal.4th 668, 747 (overruled on other grounds).

12. *Jones v. City of Los Angeles* (1993) 20 Cal.App.4th 436, 440, fn. 5.

13. *People v. Cheary* (1957) 48 Cal.2d 301, 312.

14. *People v. Bowley* (1963) 59 Cal.2d 855, 859.

15. *Ashford v. Culver City Unified School District* (2005) 130 Cal.App.4th 344, 349 (disapproved on other grounds).

16. *Goldsmith, supra*, 59 Cal.4th at p. 268; *People v. Dawkins* (2014) 230 Cal.App.4th 991, 1002.

17. Evid. Code, § 352.

Legal Technicalities (continued from page 27)

jurisdiction like California that follows ordinary rules of evidence. You will need a qualified digital forensic expert to download and preserve the video, take screenshots to document how the video appeared on the social media site, and be prepared to describe each step the expert took in finding, downloading, and preserving the video. For an excellent discussion about how to tackle social media video, see *Lamb v. State of Florida*.¹⁸

Cutting Edge Issue: Video-Tracking Evidence

One of the first things people do when they whip out their smartphones to record an event is zoom in for closer shot. This function is but one of many that modern smartphones are equipped with, allowing users to “enhance” video recordings. Because accuracy of content is key to establishing authenticity, it might seem logical to assume that video that has been manipulated in any way automatically lacks authenticity. Not so fast.

A recent Court of Appeal opinion signaled that California courts take a rather relaxed view of authenticity, even in cases where video evidence has, admittedly, been manipulated so long as the evidence is credible and reliable in other respects. In *People v. Tran*,¹⁹ the defendant was convicted of being involved with assaulting and paralyzing a man after body slamming him headfirst onto pavement. No eyewitness could positively identify the defendant as a participant. To prove its case, the prosecution introduced “video-tracking” evidence that depicted the assault along with the testimony of a forensic video expert. The expert explained that video-tracking evidence combines more than one video image from different cameras (which can include smartphones, surveillance cameras, webcams, etc.) set at different vantage points. The video is then enhanced and combined into one chronological and comprehensive video of an event. By the expert’s admission, the proffered video evidence had been manipulated, which the defendant argued rendered the evidence inadmissible for lack of authenticity.

The Court of Appeal disagreed, writing that the video-tracking evidence was a form of computer animation

“analogous to ‘charts or diagrams’ used in other ‘classic forms of demonstrative evidence’.”²⁰ According to the Court, any enhancement the prosecution’s witness may have performed did not alter the video; rather, the enhancements (which the Court agreed had occurred) “aimed to preserve the integrity of the videos.”²¹ In dicta, the Court reaffirmed California’s commitment to relying on traditional evidentiary rules, not newly minted versions for electronic evidence, citing *Goldsmith*.²²

Conclusion

Video evidence may be only one piece of evidence in a case, but it can be extremely powerful. Handled properly, video evidence can be used in opening statements and closing arguments, as substantive evidence of the commission of an act or crime, as a means of identifying a culprit, to corroborate eyewitness testimony, or impeach an adverse witness. Coupled with the ubiquity of smartphones, the opportunities presented by this type of evidence are boundless.

Although video technology continues to advance in ways that will certainly challenge both practitioners and courts, for now, California steadfastly adheres to traditional rules of evidence on the issue of authenticity. Failing to establish authenticity can sink a case.²³ However, the bar is not insurmountable. Attorneys relying on smartphone video evidence should consider authenticity issues early on in their case, navigate this legal landscape carefully, and be technically skilled enough to present the evidence in a manner that reinforces accuracy and bolsters credibility. ¶¶¶

By Eric Young

Eric Young is the principal attorney and legal tech geek at Young Law Group, a personal injury law firm in Santa Rosa.

Questions about tech issues, comments about the column, or suggestions for an upcoming article, may be directed to Mr. Young at admin@younglawca.com or by calling (707) 343-0556.

18. *Lamb v. State of Florida* 246 So.3d 400 (2018).

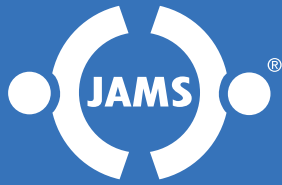
19. *People v. Tran* (2020) 50 Cal.App.5th 171.

20. *People v. Tran*, *supra*, 50 Cal.App.5th at p. 187.

21. *Id.* at pp. 187-188.

22. *Id.* at pp. 191.

23. See, e.g., *McGarry v. Sax* (2008) 158 Cal.App.4th 983, 990.



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Judge Nadler spent 20 years on the Sonoma County Superior Court, where he served two terms as presiding judge and focused on resolving complex civil matters and case management prior to trial. He was appointed as a pro tem justice to the First District Court of Appeal in 2023. He is known for having a clear and focused understanding of both the factual and legal issues and the personal dynamics of the parties.

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Gregory G. Spaulding, Esq.



Mr. Spaulding has over 40 years of experience as a trial lawyer handling and supervising thousands of cases in diverse litigation practice areas, including high-profile matters. He has served as lead counsel in multi-party jury trials, multi-million-dollar estate disputes and catastrophic birth injury cases. He also has served as a mediator, settlement conference panelist, and discovery and demurrer facilitator for the Sonoma County Superior Court for decades.

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State of Affairs: Anti-LGBTQ+ Laws Across America

More than half of transgender and nonbinary kids have considered suicide, according to a 2021 survey by the Trevor Project, and 93 percent say they worry about state laws denying transgender people access to gender-affirming medical care.¹

Currently, there is a large wave of legislation targeting our LGBTQ+ youth and population—specifically, transgender youth—that is contributing to this statistic, which started with a legislator in South Dakota in 2019 attempting to strip transgender rights by passing a law that “would make it a felony for doctors to give transgender children under 16 gender-affirming medical care.”²

The American Civil Liberties Union (“ACLU”), Human Rights Campaign (“HRC”) and Lambda Legal all have published documents to help educate and combat the violation of rights for LGBTQ+ people and the current onslaught of anti-transgender legislation. According to HRC, there are over 340 anti-LGBTQ+ bills at the state level already, 150 of which target transgender people, which is the highest number on record.³ Additionally, all Americans’ constitutional rights are being put into question as we are seeing attacks on First Amendment rights and content-based censorship. Florida’s “Don’t Say Gay” law, described more fully later in this article, uses the terms “sexual orientation” and “gender identity” to target LGBTQ+ people and issues. Predictably, all of the actions that have been taken to implement the law so far—including the removal of books and anti-bullying guidance from schools—have been limited to LGBTQ+ materials.⁴

With 540 pieces of anti-transgender legislation being proposed across 49 states in 2023 alone, including one in California⁵; with Zoey Zephyr, a trans legislator in

the state of Montana, being censured during a debate over one of these pieces of legislation⁶; and with many books banned from schools across states, the upheaval surrounding transgender individuals’ rights is at an all-time high. This action has been a coordinated effort between state legislators and activists to target the freedoms of 0.5% of adults and 0.3% of young people in the nation.

Much of this legislation has initially been directed towards youth, the rationale being that children aren’t mature enough to be exposed to topics such as homosexuality and transgender people. Books that discuss the subjects have been banned from school libraries across the country, with 41% of books banned including LGBTQ+ themes and characters, 9% of which include trans characters or themes, according to PEN America.⁷

One of the earliest and most prominent examples of this kind of legislation was Florida’s House Bill 1557, the “Don’t Say Gay” bill. This law initially prohibited discussion of LGBTQ+ topics and themes up to grade 3, and it allowed any parent at any time to file a complaint with their school board to remove reading materials from the classroom that they viewed as not being “developmentally appropriate.” This standard is set by the Florida Department of Education.

As many commentators accurately predicted, the legislation has not stopped with young children. The “Don’t Say Gay” bill has since been expanded to entirely remove these topics from schools at any grade level. Tennessee has attempted an outright ban on public performances of drag. That law, however, was struck down in June as an unconstitutional limit on the freedom of speech.

1. Pauly, *Inside the Secret Working Group that Helped Push Anti-Trans Laws Across the Country*, Mother Jones, (Mar. 8, 2023), <https://shorturl.at/gRZ46>

2. *Ibid.*

3. *Human Rights Campaign Working to Defeat 340 Anti-LGBTQ+ Bills at State Level Already, 150 of Which Target Transgender People – Highest Number on Record*, Human Rights Campaign (Feb. 15, 2023), <https://shorturl.at/abfVW>

4. *FAQ: Florida’s “Don’t Say Gay or Trans Bill”: What LGBTQ+ People Should Know*, Lambda Legal (Sept. 27, 2022) <https://shorturl.at/cqt15>

5. *2023 Anti-Trans Bills Tracker*, <https://translegislation.com>

6. Brown, Hanson & Metz, *Silenced transgender lawmaker Zoey Zephyr: What to know* (May 3, 2023) <https://apnews.com/article/montana-trans-lawmaker-silenced-zoey-zephyr-d398d442537a595bf96d90be90862772>

7. Friedman & Farid Johnson, *Banned in the USA: The Growing Movement to Censor Books in Schools*, PEN America (Sept. 19, 2022), <https://pen.org/report/banned-usa-growing-movement-to-censor-books-in-schools/>

State of Affairs (continued from page 24)

In early March, Maria Carrillo High School's Encore Arts program performed a rendition of *Spamalot*, a musical based on Monty Python and the Holy Grail. In this play there is an openly gay couple, in which one of the men cross-dresses. The characters marry, and during the wedding scene the character of Sir Lancelot quips "Just think, Herbert, in a thousand years' time this will still be controversial!" Indeed, it is, and given some of the restrictive bans and laws passed in places such as Tennessee, in many states the performance of this play by high school students would be illegal. It was a public performance of drag, and one in which there were minors in the audience.

These laws have spawned many protests. Legislatures in Texas, Tennessee, and Kentucky were filled with protestors while these bills were debated. Board of Education meetings across the nation have seen parents and community members asking for bills to be struck down and for youth sports to continue without legislation and regulations that would ostracize trans youth.

Zephyr, the trans Montana state legislator, was banned from the House floor, gallery, and antechamber in April 2023. She was forced to vote remotely for the remainder of the 2023 session, watching from a bench in a hallway outside of the House chambers. She documented her fight against the legislature on Twitter for several days, based at her makeshift desk in the hallway. Before leaving the chambers after being censured in an act of protest, Zephyr turned on her desk light, indicating her desire to speak next.⁸

The fight over the basic rights of transgender people has turned into a central theater of the culture wars being waged between factions in the news media, legal system, and on Capitol Hill. The ax has fallen most heavily upon transgender youth, as Gen Z and Millennials are far less likely to have financial freedom, and therefore cannot afford to leave situations that may be dangerous to them. Many transgender youth end up

homeless as a result of fleeing dangerous family situations, domestic violence, or other forms of abuse and harassment.

41% of transgender people report having attempted suicide within their lifetime. The odds of this happening decrease by 98% when they have a single supporting friend, teacher, family member, coach, or person within their life. The toxic political climate in America only worsens the odds that these young people live to become adults, and it ought to be our duty to support and aid them. Utah governor Spencer Cox (R) put it best when he said "Rarely has so much fear and anger been directed at so few. I don't understand what they are going through or why they feel the way they do. But I want them to live."⁹


By Rosemary Cromwell & Sunny Dawn Shiner

Rosemary Cromwell is a staff writer for The Oak Leaf newspaper at Santa Rosa Junior College, and graduated from Maria Carrillo High School in 2023.

Sunny Dawn Shiner, M.EdL, MLS, NBCT is a continuous improvement specialist with the Mendocino County Office of Education, supporting students and educators to solve problems and improve outcomes in an ever-changing educational climate.

8. Rep. Zoey Zephyr, @ZoAndBehold, on Twitter (Apr. 26, 2023) <https://shorturl.at/cjOR1>

9. For more information about the current experiences of young trans people in academic settings, check out this podcast episode hosted by Rosemary Cromwell: *2023 Episode 2: Trans Issues on Campus with Winter Cline*, The Pawd by Puma Prensa Podcast, <https://shorturl.at/hjwMQ>




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Dean's List: Report from Empire College of Law

Dean's List

In this space, Brian Purtill, the Dean of Empire College of Law, will report on the state of the school, students, staff, and faculty, as well as update readers on various developments in the law he finds entertaining.

School News—Our newest cohort of students has started here on campus. The First-Year students of the new branch of Monterey College of Law, which is named Empire College of Law, started their semester on August 14, 2023. They have the benefit of taking classes from our experienced First-Year professors, Kathleen Pozzi and Lynne Stark-Slater (Criminal Law and Procedure), Tadd Aiona (Contracts), Joseph Stogner (Torts), Monica Lehre (Legal Skills), and Laura Rosenthal (Legal Writing). We are excited to welcome them here and to begin in earnest the transition with this new residential group. We continue to teach-out the remaining Empire College School of Law students in their 2nd, 3rd, and 4th year through Spring 2026.

Student News—Our most recent report to the State Bar on our cumulative Bar Exam pass rate showed

record bar pass levels, at least since I've been here. The State Bar requires that California Accredited Law Schools maintain a cumulative Minimum Pass Rate (MPR) of 40% of their graduates over a five-year period. This July, our five-year Cumulative MPR exceeded 65%, a nearly 20-point increase over the last five years. This speaks highly not only of the caliber of our graduates, but also of the quality of our professors.

Faculty News: Professor Monica Lehre, who specializes in legal research courses, has also taken on Real Property. We hired and welcome a new professor, Ryan Griffith, who will teach Remedies this year.

Another Shout Out for Pipeline Pod Project: The SCBA DEI section's Pipeline Committee is kicking off its "Pipeline Pods" project this Fall, with regularly scheduled meetings to be held at the Empire College campus. If you haven't received an email blast about this program, please contact the Sonoma County Bar Association for more details if you'd like to participate. The program is creating groups of legal professionals, law students, college students and high school students, with the goal of having each level of experience and education act as mentors for the others.

Happy Fall! ☀️

Three New Judges on the Superior Court of Sonoma County

On May 19, 2023, Governor Gavin Newsom announced a raft of new judicial appointments across the state. Among them were three appointments to the Superior Court of Sonoma County to fill recent vacancies due to retirements.

Lynnette Brown

Lynnette Brown served as a Deputy Public Defender at the Sonoma County Public Defender's Office since 2010. She served as a senior law clerk at the Sonoma County Public Defender's Office from 2009 to 2010 and as a law clerk there from 2008 to 2009. Brown earned a Juris Doctor degree from Empire College School of Law. She fills the vacancy created by the retirement of Judge Barbara Phelan.

Jane Gaskell

Jane Gaskell has been a partner at Andrian, Gallenson & Gaskell since 2020. She was an associate at the Law

Offices of Andrian & Gallenson from 2011 to 2019 and a law clerk at the Sonoma County Office of the Public Defender from 2010 to 2011. She earned a Juris Doctor degree from Empire College School of Law. She fills the vacancy created by the retirement of Judge Jamie Thistlethwaite.

Paige Hein

Paige Hein served as a deputy public defender at the Sonoma County Public Defender's Office since 2015. She served as an assistant public defender at the Sacramento County Public Defender's Office from 2006 to 2015. Hein earned a Juris Doctor degree from University of Wisconsin Law School. She fills the vacancy created by the retirement of Judge Nancy Shaffer. ☀️

<https://www.gov.ca.gov/2023/05/19/governor-newsom-announces-judicial-appointments-5-19-23/>

SCBA Bar Journal

The Bar Journal is published quarterly by the Sonoma County Bar Association.

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Submissions for the Bar Journal

The *Bar Journal* editorial staff welcomes articles submitted by its members. All submitted articles should be educational in nature, and can be tailored for the new practitioner or experienced lawyers. Feature articles should be between 750 to 1,500 words in length. Citations should be footnoted. A byline must be included and articles must be submitted electronically, as a .txt readable file. Photographs are welcome at editors' discretion. The editorial staff reserves the right to edit material submitted. For further information contact Susan Demers at 707-542-1190 x180. Submit all editorial materials by email to: susan@sonomacountybar.org. To place an ad contact Caren Parnes at 707-758-5090 or caren@enterprisingraphics.com. All advertisements are included as a service to members of the Sonoma County Bar Association. The advertisements have not been endorsed or verified by the SCBA.

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Fall vineyard view from Shiloh Ranch Regional Park, Windsor, Sonoma County

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