

SONOMA COUNTY BAR ASSOCIATION THE BAR JOURNAL

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Winter '21



*Vintage postcard of Montgomery Village, Santa Rosa, CA circa 1950s
Celebrating The Sonoma County Bar Association's 100th Anniversary: 1921-2021*

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Musings from the Bench: Update on the Pretrial Release Program in Sonoma County

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Karlene M. Navarro Appointed New Sonoma County Judge to Replace Judge Allan Hardcastle

Why You Should Use the Lawyer Referral Service Program • Craig R. Johnston Remembrance: A Man of Many Interests

Legal Tech-nicalities: 25 Years of Legal Tech—Where Have We Been? • Laura Passaglia Named New Court Commissioner

SCBA Participates in "Food from the Bar" • Developments in Immigration Law under the Biden Administration

Remembering Harrison Comstock, His Family, and the Early Days of the Sonoma County Legal Community



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By Stephanie Hess,
President, SCBA

President's Message: SCBA 2021—A Year of Strong Service and Steady Leadership

As 2021 comes to a close it would be easy to bemoan the ever-present shadow cast by the pandemic. We all long for the pre-2020 freedoms of shaking hands, hugging a friend, catching up with friends and colleagues at Bar

events, or attending court in-person and without a mask. Still, while we continue to battle COVID-19, 2021 has brought myriad successes.

With the steady leadership of Amy Jarvis (SCBA Executive Director), SCBA has continued to provide its members and the community support and educational opportunities over the last year. Having been thrust into the world of Zoom, Amy expertly pivoted to allow SCBA to continue presenting all of its 50 MCLE presentations virtually and has readied SCBA for hybrid virtual and in-

person presentations for 2022. The SCBA also successfully re-launched the Mentorship Program and has successfully matched approximately 20 lawyers with mentors with the aim of aiding our community's newest lawyers as they navigate the everchanging path to success in the legal profession.

SCBA's Lawyer Referral Service, with the expert guidance of Win Rogers (Legal Programs Manager), and Susan Demers (Community Relations Coordinator), helped over 720 individuals find an attorney. The approximately 42 local lawyers participating in the Lawyer Referral Service generated legal fees of over \$410,000 through referred cases. Similarly, SCBA continued its partnership with the Sonoma County Public Library and the Sonoma County Law Library in the Lawyers in the Library program providing monthly free one-on-one legal information to community members.

With the many successes SCBA has enjoyed this year, we all yearn to meet in-person again. SCBA is making plans for the safe return to in-person events in 2022. We look forward to bringing back Judges Jubilee and Careers of Distinction. And, look out for a few new events, including Food From the Bar (see article on page 26).

Finally, SCBA is moving in 2022! SCBA will be moving to the Empire College building in early 2022. Look out for our Grand Opening bash!

A huge thank you goes out to the entire SCBA staff: Amy Jarvis, Susan Demers, Ann Horn, and Win Rogers, who brought SCBA through another tumultuous year with grace, optimism, and enthusiasm. I also owe a debt of gratitude to the entire Executive Committee—Michelle Zyromski, David Berry, Kinna Crocker, and Mark Rubins. Their support, wisdom, and tenacity have been unwavering and will ensure SCBA's continued success. Finally, SCBA could not do all that it does without its members who volunteer time on committees, Sections, and as MCLE presenters. Thank you to each of you who aid in making Sonoma County such a wonderful legal community.

It has been a great honor to serve as your Board President. I look forward to seeing you all next year in SCBA's new space! ☺

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From the Editors: *The Bar Journal Reinvented*

As a new co-editor of our *Bar Journal* with my friend John Borba, I am honored to provide this update of the Journal's editorial policy in support of our Sonoma County

Bar Association and larger community. Serving the more than 1,400 lawyers and judges who live or work in Sonoma County, SCBA was established in 1921, and its current mission is "to serve the legal profession and enhance its professionalism, to serve its Sonoma County community, and to support and improve the justice system."

So what part does our *Bar Journal* play? What part should it play? Under the tab of Member Benefits on the SCBA website, the *Bar Journal* is described as our quarterly newsletter distributed free of charge to our members only, featuring coverage of local legal news, professional profiles, legal topics of current interest, updates on the activities of the various Sections of the Bar, self-study MCLE opportunities, and more. As the newest member of the *Bar Journal* team, I am particularly intrigued by what the "more" might mean—for example, what potential opportunities or limitations should shape the content of a dynamic professional journal with a regional focus?

As an indication of the sustained connections between SCBA members, John and I met in a bar exam review course in Santa Rosa at the onset of our legal careers. Our time as law students at Hastings and University of Oregon saw the dawn of environ-

mental law movements and the nascent Federalist Society, an overdue beginning of commitments to diversity in law schools and our profession, coupled with the onset of on-going cycles of political polarization at the state and federal level. While we have had different career trajectories over the past 30 years, like many of our colleagues, we have remained engaged in a variety of community leadership and SCBA affairs to support our collective SCBA mission. We are fortunate for the connections and engagement with our Empire College of Law that help maintain a vigorous learning community and source of new members of our legal profession.

As we move into a new year, we plan on transitioning from a regular editorial column to something more responsive to SCBA interests. We would like your input and assistance in crafting this evolving editorial policy and focus. One continuing challenge is recruiting authors for articles, and ensuring that the Journal remains balanced to include a wide range of content responsive to the broad interests and practice areas of SCBA; while including new and challenging issues and topics. Please let us know what you think and how you are willing to help. Thank you for the opportunity to be of service. ☸

By William Adams

William Adams is Of Counsel at Johnston Thomas Attorneys at Law; he serves as General Counsel for public agencies, corporations and home owner associations

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HVP's Thomas Haeuser Steps Up Community Service



Continuing a long-standing tradition of community service, HVP partner Thomas Hauser has been selected President, FISH Board of Directors and appointed Vice Chair, Sonoma County Library Commission. A Certified Specialist in Estate Planning, Trust & Probate Law, his incredible legacy spans 47 years supporting the local Sonoma community and his clients, continuing the firm's long-standing tradition which began with its founding in the 1800s.

"Given the continuing growth and challenges faced by Sonoma County as we emerge from the pandemic, supporting the people we serve is of critical importance," comments Thomas Haeuser. "These roles allow me to help our residents meet their basic needs and inspire their dreams and fuel opportunities for future growth—so that we can continue to thrive as a community."

Thomas is joined by partners Anthony R. Valluzzo and Mary Piasta, a legacy that spans more than 125 years. With an emphasis on lawyers and staff working together to offer a concierge service experience, the partners are supported by staffers Norma Athens, Olivia Clark, Penny Martin, and Lori Beth Merrill to meet diverse legal needs and support the ongoing need for succession planning that defines the legacies of individuals, families, and businesses.

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The Importance of Retaining Diverse Talent in Sonoma County

With the introduction of the Diversity, Equity, & Inclusion section this year, SCBA has invited the section to submit articles which address the relevant topics, issues and goals of their mission, as stated below:

The Diversity, Equity, & Inclusion section of the Sonoma County Bar Association works to create and support diverse leaders in our legal community, inclusive & equitable workplaces, and to develop a local pipeline of diverse legal professionals by providing relevant resources, training, and best practices for our members.

As we have recently learned, Sonoma County has a problem—it can neither attract nor keep people of color. While the general perception is that Sonoma County is “liberal” and therefore welcomes diversity, statistics and individual experiences reveal otherwise. Furthermore, this is a false assumption on two fronts—first, that Sonoma County is uniformly liberal, and second, that diversity, equity and inclusion is political, and depending on which “camp” you fall in, you are either “for” or “against” diversity, inclusion and equity. Unfortunately, these notions get in the way of addressing what we can agree on, as identified by our Declaration of Independence that there are “...certain unalienable rights, that among these are Life, Liberty and the pursuit of Happiness.” Ironically, according to the recent survey conducted by the Diversity Equity and Inclusion Section (DEI) of the Sonoma County Bar Association, the Declaration of Independence would rule out over half of California population (women) and 60% of Californians of color.

In 2018, the Sonoma County Bar Association created the Diversity + Inclusion Workgroup, predecessor to the DEI Section, to support the SCBA and develop new ways to increase the Bar Association’s diversity and inclusion efforts. After several successful programs raising awareness of bias, the Workgroup quickly identified the need for a baseline as a first step into measuring change and being accountable for growth.

In early fall, the DEI Section launched a the survey of the Sonoma County legal community. The purpose of the survey was twofold: one, to establish a base line for the Diversity, Equity and Inclusion section to use to increase diversity, and to measure change. The second purpose of the survey is to determine the composition of our legal community so the SCBA overall can provide services and support that meet the needs of our current members and to plan for future services to meet the needs of our future members.

Generally speaking, there were 275 responses by attorneys and other legal professionals to the survey, 35 short of a representative sample.

A comparison was made using the statistics from the 2020-2021 California State Bar Diversity Report (CalBar DEI Report)¹. The CalBar DEI Report only included attorneys.

Like the California Bar, the SCBA is significantly behind the California population in meeting diversity. However, the SCBA has more females than males in both the legal community and attorneys than in the overall population, which is higher than the California Bar in female/male ratio. Similarly, the SCBA has 9% LGBTQIA individuals in both the legal community and attorneys, whereas the California Bar is 7% compared to the overall population of 5% LGBTQIA individuals.

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1. Carolina Almarante et al., Report Card on the Diversity of California’s Legal Profession, <https://www.calbar.ca.gov/Portals/0/documents/reports/State-Bar-Annual-Diversity-Report.pdf>

The Importance of Retaining Diverse Talent (continued from page 6)

Category	California Population Age 18+ Years	Sonoma County Population ²	The Sonoma County Legal Community	California State Bar	SCBA Attorneys Only
Race	40% white; 60% people of color	62.9% white; 36.3% people of color ³	81% white; 18.3% people of color ⁴	68% white; 32% people of color	81% white; 19% people of color
Gender	50% F; 50% M	51% F; 49% M	61% F; 36.7% M	42% F; 57% M	55% F; 45% M
Sexual Orientation	5% LGBTQIA	Unknown	9% LGBTQIA	7% LGBTQIA	9% LGBTQIA
People with Disabilities	22%	8.0%	8.8%	5%	11%

The CalBar DEI Report did not break down other categories, although the SCBA survey did ask additional questions. Below is a summary:

Age ⁵	Our Legal Community	Attorneys
18-24	.6%	.6%
25-34	11%	7%
34-44	21%	17%
45-54	18%	23%
55-64	23%	24%
65-74	22%	21%
75+	5%	7%

Other statistics: 66% of our legal community and 62% of the attorneys had no children under the age of 18. 51% of our legal community has no religious affiliation. 6.3% served in the armed services.

2. <https://www.census.gov/quickfacts/sonomacountycalifornia>

3. Race Statistics: 62.9% White; 27.4% Hispanic or Latino; 2.1% Black; 2.2% Native American; 4.6% Asian.

4. Race Statistics: 81% White; 11% Hispanic or Latino; 1.5% Black; 2.9% Native American; 2.9% Asian.

5. According to the United States Census Bureau, Sonoma County comprises 55.2% ages 18 to 64 years and 20.7% persons over the age of 65.

Of the attorneys who responded, .7% of attorneys had practiced for less than 1 year, 9% of attorneys have practiced 2 to 5 years; 9.8% have practiced 5 to 10 years, and 25.3% have practiced 10 to 20 years. Over 50% of the attorneys who have responded have practiced 20 years or more: 18.6% have practiced 20 to 30 years and 36.6% have practiced more than 30 years. Of the attorneys who responded, 23% Solo Practice, 24.3% belong to small firm (2-10 attorneys), and 29.6% large firm (11 or more attorneys). 15.5% of the attorneys responding work in Government. The remaining 7.5% is comprised 4 of counsel, 1 general counsel, 2 non-profit attorneys and 1 arbitrator/mediator.

In short, the survey shows that the legal community in Sonoma County does not reflect the general population—either in Sonoma County or California. The markers from the DEI survey tell us who we are and who we are not, but does not provide us with the reasons behind becoming more inclusive, nor provide any clues to becoming more diverse in our legal community.

The statistics tell us that becoming more diverse makes good economic sense in expanding or changing your practice. The gaps in private sector and public sector employment tells us that investing in future qualified lawyers and staff is crucial to success. While many organizations focus on the first step of increasing efforts to recruit diverse talent (Continued on page 8)

The Importance of Retaining Diverse Talent (continued from page 7) —

within and outside of Sonoma County, they fail to address the second step of retaining talent. “New recruits who enter organizations with unwelcoming and discriminatory cultures often encounter microaggressions and face roadblocks to professional advancement.”⁶ It has been described as death from a thousand paper cuts. Microaggression is a new term (at least to one of the authors), but can be understood by analogy to most attorneys who have been approached at professional or social events by a person who tells multiple attorney jokes about how greedy and tricky attorneys are, and expects you to laugh along because, after all, they are only joking. Your new “friend” announces to you (with others within earshot) a story about his or her friend who was “ripped off” by their own attorney and wants to know if you have a Rolex, or a Mercedes. As Bob Dylan once sang it—it doesn’t take a weatherman to know which way the wind blows.

Acts that are micro-aggressive were recently noted in the Press Democrat and other news sources. Sonoma County lost three highly qualified officials this year because of subtle racism. Their departure strongly shows the legal community that in order to be successful, finding and hiring qualified people must be followed by strategies in onboarding and ensuring that our organizational cultures are supportive of people with diverse backgrounds. Their stories bear repeating to illustrate microaggression from their perspective.

Barbie Robinson, a Black woman, became the Director of the Department of Health Services in 2018, having served as the Interim Director since 2016 and previously as the Assistant Director.⁷ Sheba Person-Whitley,

a Black woman, was appointed as Executive Director of the Economic Development Board in May 2019.

In July 2020, a virtual meeting with the leadership council of Home Sonoma County was interrupted with multiple racist statements and messages, including a depiction of a Black man being hanged. Whenever Ms. Robinson attempted to speak, one of the interrupters repeatedly said the N-word. After five minutes, the meeting ended.⁸ There was little post commentary regarding the audience outburst, nor show of support from Sonoma County leaders including Department Heads, to those affected by the racial attacks, leaving these Black women, along with Tina Rivera, Assistant Director of the County’s Department of Health Services and Community Development Commission and Arlene Junior, Chief Executive Officer of the Sonoma County Superior Court to hold their own zoom.⁹

Ms. Pearson-Whitley disclosed in a subsequent article that she “experiences microaggressions from peers and is often marginalized in ways her heralded predecessor wasn’t.” She said, “[w]ith racism, there’s implicit and explicit. In the South, you pretty much know where you stand. But in this part of the country, unless they’re using a racial slur, they minimize the extent to which and degree to which racism exists.”¹⁰

In March 2021, Ms. Robinson abruptly resigned from her position¹¹ suggesting that Sonoma County did not do enough to keep her. In September, Ms. Person-Whitley spoke about the tendency for people in Sonoma County to deny that racism and bias exist locally. She has been told “at least it’s not Texas.” She cautioned that we must acknowledge that we have those

6. Sabri Ben-Achour et al., Diversity Recruitment is Booming, but Retention Remains a “Huge Issue” (July 17, 2020) <https://www.marketplace.org/2020/07/17/diversity-recruitment-retention-workplace-discrimination/>

7. Press Release, County of Sonoma, Sonoma County Board of Supervisors Appoints Barbie Robinson as Department of Health Services Director (Feb. 7, 2017) <https://sonomacounty.ca.gov/Health/Press-Releases/Barbie-Robinson-appointed-as-Director-of-Department-of-Health-Services/>

8. Will Schmitt, Racist Zoom Bomb Ends Sonoma County Meeting on Homeless Solutions (Jul. 11, 2020) <https://www.pressdemocrat.com/article/news/racist-zoom-bomb-stalls-sonoma-county-meeting-on-homeless-solutions/>

9. Yousef Baig, Black Women in Sonoma County Public Sector Lean on Each Other to Deal with Racism, Bias (Nov. 17, 2020)

<https://www.pressdemocrat.com/article/news/black-women-in-sonoma-county-public-sector-lean-on-each-other-to-deal-with/?ref=related>

10. Id.

11. Martin Espinoza, et al., Top Sonoma County Health Official Barbie Robinson to Become Public Health Director for Texas County (Mar. 10, 2021) <https://www.pressdemocrat.com/article/news/top-sonoma-county-health-official-barbie-robinson-to-become-public-health-d/>

The Importance of Retaining Diverse Talent (continued from page 8) —

challenges in Sonoma County before we can make lasting change.¹² She resigned a month later citing racial bias and microaggression.”¹³ In November, Derrick Neal, who is also Black, withdrew from his successful appointment with Sonoma County’s Health Department, citing concerns about the treatment of department heads of color.¹⁴

Kevin Nadal, Ph.D., an expert on microaggressions, defines microaggressions as “the everyday, subtle, intentional—and oftentimes unintentional—interactions or behaviors that communicate some sort of bias towards historically marginalized groups.” Microaggressions differ from overt discrimination or macroaggressions, in that people who commit microaggressions might not even be aware of the impact. For example, someone commenting on how well an Asian American speaks English, presumes that the Asian American was not born here. Another example is a common experience of Black people, especially Black men, of being followed in a store because it is presumed that Black people are dangerous.¹⁵

The next steps are the most challenging—to increase the strength and vitality of the legal community and to fill the gaps for sorely needed employees. To that end, the Sonoma County Bar Association’s Labor & Employment Law Section and Diversity, Equity and Inclusion Section presented a webinar on November 2 on “Best Practices in Recruiting and Retaining Diverse Talent for your Practice” with panelists from the greater Bay Area, Komal Chokshi, principal counsel and UC Legal Chief Diversity, Equity & Inclusion officer; Monique Jewett-Brewster, shareholder, Hopkins & Carley; Jennifer Martinez, Chief Diversity, Equity and Inclusion Officer,

Hanson Bridgett, LLP, along with Brian Purtill, civil attorney and mediator and dean of Empire College School of Law. The panelists made the case for increasing diversity from many perspectives—including a better community, a business model for growth, good public relations, and personal satisfaction. They provided practical ideas to assist organizations with retaining diverse talent. Some of their points were: targeted advertising, interviewing differently, diversity training and bias education for those managers who hire, conducting performance evaluations and considering promotions and partnerships. Also discussed was mentoring, and how, left only to the diverse members of the team, it created a “second shift” for diverse lawyers. Cross mentoring was raised, as was the UC’s “report card” on diversity, where progress was measured by the efforts being made, rather than the numbers. In the words of Ms. Chokshi, “you could be a firm of 20 white guys” who would be considered diverse on the UC’s report card because of the efforts the firm was making. Another concept was reviewing practices that “allow unconscious bias creep” with diverse employees as well as researching the details around the loss of diverse employees. Mr. Purtill noted that lawyers with mediation training understood the need to listen deeply, and that skill was important in addressing unconscious bias. A recording of the presentation will soon be available through the SCBA and should not be missed.

On a final note, an important point in the presentation reflects the next step that the DEI section is already undertaking, which is creating a “pipeline” of high school and college age diverse students to increase interest in, and skills for, the next generation of our legal community. For more information on ways to participate, please contact Nicole Jaffee at jaffee@perrylaw.net or Catherine Conner at conner@clrob.com. ¶¶¶

12. <https://www.ksro.com/episode/community-conversations-on-race-sheba-person-whitley-sonoma-county-edb/>

13. Emma Murphy, Sonoma County Losing Two Top Officials Who Cite Frustrations Over Microaggressions, Racial Bias (Oct. 28, 2021)

<https://www.pressdemocrat.com/article/news/sonoma-county-official-quits-citing-frustrations-over-microaggressions-ra/>

14. Id.

15. Andrew Limbong, Microaggressions Are a Big Deal: How to Talk Them Out and When to Walk Away (Jun. 9, 2020) <https://www.npr.org/2020/06/08/872371063/microaggressions-are-a-big-deal-how-to-talk-them-out-and-when-to-walk-away>

By Valorie Bader & Nicole Jaffee

Valorie Bader practices employment law as an of counsel with Welty Weaver & Currie PC, and is Chair for the Labor and Employment Section of the Sonoma County Bar Association.

Nicole Jaffee is a general civil litigator with Perry Johnson Anderson Miller & Moskowitz, LLP and Chair for the Diversity, Equity, & Inclusion Section of the Sonoma County Bar Association.



Musings from the Bench: Update on the Pretrial Release Program in Sonoma County

"Musings from the Bench" is an ongoing feature on the Judiciary by members of the Sonoma County Superior Court.

On August 9, 2019, the Judicial Council awarded Sonoma County Superior Court a grant for \$5.7 million dollars as part of a statewide initiative to pilot expanded and enhanced criminal pretrial release services. Sonoma County Superior Court was awarded this grant along with 15 other counties. The aims of the Pilot are to increase the safe and efficient release of arrestees before trial, use the least restrictive monitoring practices possible while protecting public safety and ensuring court appearances validate and expand the use of risk assessment tools, and assess any bias in pretrial release decisions. At the time of the grant, the Pilot was to conclude in June 2021. Due to unforeseen events, e.g. COVID-19 pandemic, the Pilot projects were extended to June 30, 2022.

Pretrial release is a hot topic not only in California, but throughout the country. In many ways Sonoma County has been ahead of the curve on developing and implementing pretrial supervision models and procedures. As many of you are no doubt aware, pretrial release has been a long standing feature here in Sonoma County. The process and features of pretrial release has undergone many changes over the years. Suffice it to say, however, that Sonoma County has successfully navigated the pretrial space. One only needs to look at the development and implementation of the Sonoma County Pretrial Assessment Tool (SPRAT). This tool was developed by the Pretrial Justice Institute using data from bookings in 2011. The goal of the objective tool was to use empirical data to help assist decision makers with assessments of an arrestee's likelihood to reoffend or fail to appear.

A SPRAT was conducted on any individual that had pending new charges; however no SPRAT would be conducted on individuals booked on murder charges, warrant only, held on no-bail charges, or a Post Release Community Supervision violations. The majority of SPRATs were conducted by Sherriff's Office personnel at the time of booking. The analysis and recommenda-

tion in the report, would assess various factors in calculating the likelihood of a pretrial failure. At the end of the SPRAT report, it recommended a release level, or alternatively a recommendation that the individual remain in custody.

Under the new pretrial release regime implemented in the Pilot, the SPRAT has been supplanted by the Public Safety Assessment (PSA). While SPRAT served its purpose, under new legislation, it could not be validated as an assessment tool.¹ Unlike the SPRAT program, under the Pilot project, everyone booked into the Sonoma County jail is evaluated with the PSA, and a pretrial release report generated. This change is significant because it underlies one of the main focuses of the Pilot project, namely pre-arraignment release. With a pretrial release report, coupled with significant investment in IT infrastructure, the court is able to review and make pretrial release decisions prior to a defendant stepping foot in court. Under the SPRAT program, pretrial release was only possible at arraignment. Pre-arraignment release, however, is not available to all defendants. The Judicial Council has developed a violent offense list that enumerates arrest charges that would make a defendant ineligible. Locally, the court, in conjunction with Probation and our Justice Partners, have local guidance that recommends against pre-arraignment release, e.g. defendants on formal probation, defendants that score a "6" on the PSA for either failure to appear or new criminal activity, and defendants that are on a current grant of pretrial release.

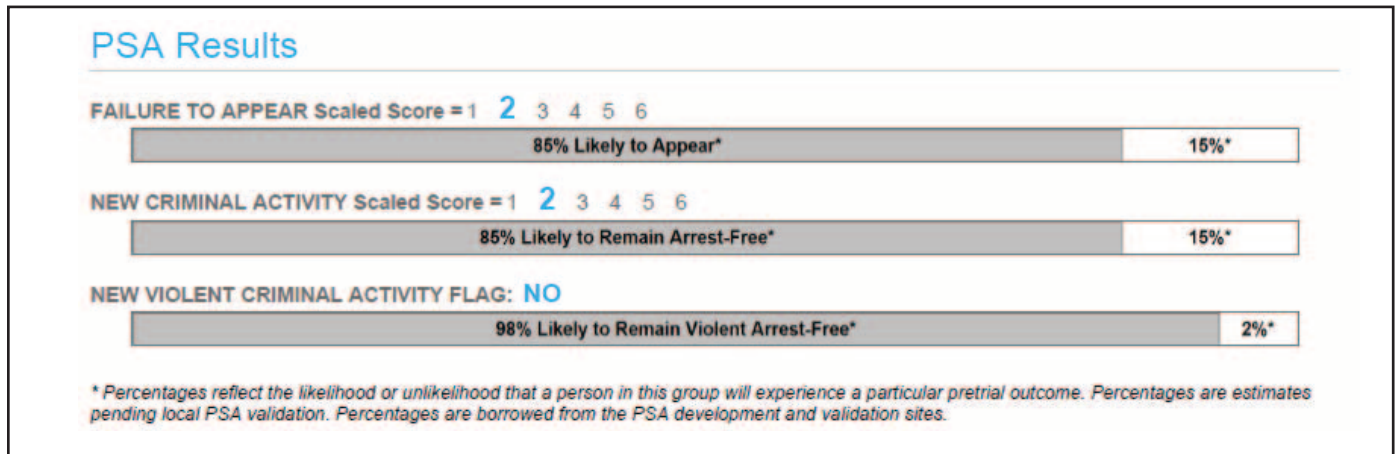
The PSA is an assessment tool that was developed by Arnold Ventures in 2011. The PSA was developed using national level records from nearly 300 jurisdictions. The PSA evaluates nine factors in assessing an individual's likelihood to fail to appear, commit a new crime, or commit a new violent crime. The nine PSA factors are: (1) Age at current arrest; (2) Whether the Current offense was a violent offense and, if yes, whether individual was

1. For more information on the validation of the PSA see: <http://sonoma.courts.ca.gov/sites/all/assets/pdfs/general-info/Sonoma%20-%20UPDATED%20County%20Validation%20-%20FINAL%207-1-21.pdf>

Update on Pretrial Release Program (continued from page 10)

20 years old or younger; (3) Pending charge at the time of arrest; (4) Prior misdemeanor conviction; (5) Prior felony conviction; (6) Prior violent conviction; (7) Prior failure to appear pretrial in past 2 years; (8) Prior failure to appear pretrial older than 2 years; and (9) Prior sentence to incarceration. The PSA takes this data, and

based on its algorithm, provides the decision-makers and interested parties three scores, assessing the likelihood of each to occur: (1) Failure to Appear; (2) New Criminal Activity; and (3) New Violent Criminal Activity. Within the report the PSA scores are presented to the judicial officers and parties like this:



The scoring levels are 1 to 6 and for the New Violent Criminal Activity “Yes or No” is used—1 being least likely, 6 being most likely. These results are used to provide a Scored Release Level that corresponds with a level of

supervision, 1 to 3—1 being the lowest level of supervision, and 3 being the highest level of supervision. This is the matrix used by Sonoma County that generates the “Scored Release Level”:

	New Criminal Activity (NCA) Scaled Score					
Failure to Appear (FTA) Scaled Score	1 91% Likely Arrest-Free	2 85% Likely Arrest-Free	3 78% Likely Arrest-Free	4 68% Likely Arrest-Free	5 55% Likely Arrest-Free	6 47% Likely Arrest-Free
1 89% Likely to Appear	Release Level 1	Release Level 1				
2 85% Likely to Appear	Release Level 1	Release Level 1	Release Level 1	Release Level 2	Release Level 3	
3 81% Likely to Appear		Release Level 1	Release Level 1	Release Level 2	Release Level 3	Release Level 3*
4 73% Likely to Appear		Release Level 2	Release Level 2	Release Level 2	Release Level 3	Release Level 3*
5 69% Likely to Appear		Release Level 2	Release Level 2	Release Level 2	Release Level 3	Release Level 3*
6 65% Likely to Appear				Release Level 2	Release Level 3	Release Level 3*

(Continued on page 12)

Update on Pretrial Release Program (continued from page 11)

It should be stressed that the Scored Release Level, based on the matrix is not controlling—it is only a factor that is considered when deciding whether to release, and if released, at what level of supervision. Whether a defendant is released and at what level of supervision is at the discretion of the court.

Under the Pilot, there are three levels of release—1-3. These levels of supervision correspond with increasing levels of monitoring of the pretrial defendant. At the lowest level, Level 1, the pretrial defendant is provided court reminders about upcoming court dates. This leverages text message technology to provide defendants reminders about upcoming court dates.

Research has demonstrated that this simple but effective tool has a significant and positive impact on reducing failures to appear. At Level 2, local criminal histories are conducted monthly. At a Level 3, criminal histories are checked through state and federal databases monthly. Check-in frequencies are also different depending on the level of monitoring—Level 2 pretrial defendants check in telephonically or over video once a month; Level 3 has the monthly telephone check-in and a monthly in-person check in. Also, with Levels 2 and 3, the judicial officers can craft specific terms and conditions for the pretrial defendant. Here is an example of some of the conditions that may be attached:

Conditions that may accompany Level 2 or Level 3
<ul style="list-style-type: none"> • Do not possess or use alcohol. • Do not possess or use controlled substances or associated paraphernalia without valid prescription. • Submit to warrantless search and seizure of person, property, personal effects, or vehicle at any time of the day or night by any probation department or law enforcement officer. • Submit to warrantless search and seizure of residence at any time of the day or reasonable hour of the night by any Probation or law enforcement officer. • Do not own, possess, or use any firearms, weapons, or ammunition. • Do not drive under the influence of any alcohol or other substances. • No marijuana use, even with a 215 card. • Do not be in a place where alcohol is the primary item of sale (no bars or liquor stores). • Do not contact victim directly or indirectly. • May have peaceful contact with the victim. Do not molest, attack, strike, threaten, harass, stalk, sexually assault, or batter victim, & do not disturb victim's peace. • Do not congregate/frequent locations that you know, or a Pretrial Service officer informs you, are associated with gang members or wear gang attire/colors or possess gang paraphernalia. Do not associate with any person that you know, or a Pretrial Service officer informs you, is a member of a criminal street/prison gang. • Do not contact co-defendant(s) either directly or indirectly.
Conditions that require Level 3
<ul style="list-style-type: none"> • Submit to random chemical tests as directed by Pretrial Services. • Do not leave Sonoma County without notifying Pretrial Services. • Wear GPS monitor for ____ days - contact within 2 business days. Notify Pretrial Services of any violations. • Wear CAM monitor for ____ days - contact within 2 business days. Notify Pretrial Services of any violations. • Reside with/at: _____ Or other address approved by Pretrial Services.

While that covers some of the nuts and bolts of pretrial release, the real star of the Pilot has been the turn toward automation. Praise cannot be expressed highly enough for the IT departments within Probation, the County, and the Court. As I write this article, PTR release reports, decisions, orders, and calendaring are all completely paperless and automated. What does that mean? It means that once Probation sends a report to the Court for a pre-arraignment decision, it is seamlessly and electronically moved throughout the entire process,

and at the end is automatically filed into the court's Odyssey case management system. In the future, the improved IT infrastructure will bring near-real time dashboards that will inform judicial officers about the performance of pretrial release. This IT infrastructure also has improved data reporting to the Judicial Council.

This all begs the question: How has the Pilot performed? In a word: Awesome! The collaboration between the Court and probation has produced extremely positive results. Looking at the objective numbers, in our last

Update on Pretrial Release Program (continued from page 12)

quarterly report with data from April – June 2021 the FTA rate for defendants who ended pretrial monitoring during that quarter was 22%. The quarter prior (Jan – March 2021) was similar but a couple of percentage points higher, at 24%. Pre-Pilot and pre-COVID, FTA rates were modestly lower. For the period from July 2019 – January 2020, for example, there was an FTA rate of 18%. However, if we look at just the month of June 2020 right before the pilot, but still during the pandemic, there was an FTA rate of 22%, comparable to today. These numbers demonstrate that despite the increased availability of pretrial release in the Pilot, e.g. pre-arraignment, the overall FTA rates are generally stable across the board.

With the passing of SB129 the future of pretrial release in Sonoma County (and California) is bright. Senate Bill 129 (Stats. 2021, ch. 69), amending the Budget Act of 2021, provides funding for “the implementation and operation of ongoing court programs and practices that promote the safe, efficient, fair, and timely pretrial release of individuals booked into jail.” SB 129 appropriates funding of \$140 million in fiscal year 2021–22, and \$70 million in

ongoing funding to the Judicial Council of California for distribution to the courts for these purposes.

The purpose of the funding, as specified in SB 129, is to provide every superior court with information and resources to support judicial officers in making pretrial release decisions that impose the least restrictive conditions to address public safety and return to court, and to implement appropriate monitoring practices and provision of services for released individuals. If you are not plugged into the pretrial world, SB129 provides both seed funding for courts that were not part of the pilot project, and ongoing pretrial funding for all 58 counties.

As I alluded to at the beginning of this article Sonoma County has been ahead of the curve on pretrial programs, and the participation in the pilot program has positioned Sonoma County to implement the requirements of SB129 and to continue the long tradition of effective pretrial release options in Sonoma County. ¶¶¶

By Hon. Kenneth G. English

Hon. Kenneth G. English is a commissioner for the Sonoma County Superior Court of California.

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Gone Solo: Setting Up a Home Office

This is the first installment of a 4-part series directed at the business side of having a solo law practice. First up, ditching the

traditional (and expensive) office space.

In 2016 I closed my fledgling solo law practice and moved out of state with my son. In the 18 months that followed, I worked as an employee in my first career (accounting). But I grew bored and longed to go back to practicing law. However, I wasn't able to move back to California at that time, nor did I have any desire to take another state's bar exam. But how could I practice in Sonoma County when I lived 500 miles away?

"[O]urs is an increasingly mobile society." (*In re Marriage of Burgess* (1996) 13 Cal.4th 25 at p. 35.)

This line has always stuck with me, so I knew there had to be some way I could practice remotely and fly into town for court hearings. For weeks I created a business plan for how I would be able to operate a law practice from another state: How I would attract clients, easily get their documents/get documents to them, receive mail, get paid, file and serve documents, and every other detail you could think of.

By the end of August 2018, I had officially launched my website and started running a Google ad. By November, I had my first few clients and none of them cared that I did phone consultations or that they wouldn't meet me in person until the day of our hearing.

In setting up a remote practice, I had unknowingly set my business up to survive a global pandemic.

How did I do it?

I did a lot of research on software for lawyers, secure document sharing, and taking electronic payments.

First, I knew I needed a physical address in Sonoma County. Fortunately, there's actually a business that does this! I contracted with a company called Regus, and that provided me not only with a mailing address in Santa Rosa, but a place where documents could be served, and even better? I had the ability to rent an office when needed, and a conference room in case I needed to do a deposition. When I lived out of state, any mail or documents that were delivered would be scanned and emailed to me immediately, with originals placed in the mail to my home address. Since I moved

back to Sonoma County, I get an email from the front desk to alert me when I have mail. Pre-pandemic, when a potential client would call for a consultation, I would give them the option of a phone consultation or an in person consultation.

This was such a great solution because I was able to establish a legitimate office/ mailing address, but it also provided a way to keep my overhead lower, since I didn't have to pay for an office or conference room unless I reserved the space.

Secondly, I needed a case management program. I found (and love) MyCase. It's been so long that I don't even remember any other programs that I looked at. But I used MyCase for the 30 day free trial and have been using them ever since. It was everything I was expecting and more. This program has the ability to share documents with clients. You can manage your calendar and bill clients. You can track leads and convert them to cases if you get hired. Your clients have a "client portal" and they can upload documents and send messages. You can see when a client has logged on and you can see if they've viewed that document you uploaded for them.

This was such a great solution because I knew it was a secure way to get documents to clients, and there is no file size limit. The pricing is very affordable.

Finally, I established and built my own website and paid for the monthly subscription to Microsoft Office, including Outlook.

The total monthly cost of these tools were under \$150.00.

Since the pandemic hit, the only thing I've added is Adobe DocuSign, which runs about \$300.00 per year.

How did potential clients respond?

When I first re-opened my practice, I relied heavily on a Google advertisement. I spent a lot of time writing content for my website, so that my website would have a better chance of being visible on search engines.

When people started calling, the majority of calls (at first) did not want to do a phone consultation, and weren't on board with the idea of having a lawyer who operated remotely. In the interest of not wasting anyone's time, I would always tell people that I worked remotely and could offer them a phone consultation, or

Gone Solo: Setting Up a Home Office (continued from page 14)

an in person consultation the next time I was in town. (I always scheduled a few extra days around court hearings to allow for in-person consultations when I lived out of state.)

But I'm stubborn and I didn't give up. A colleague referred a few clients to me, and I had my first couple of cases.

I set up business social media accounts on Facebook and Instagram. I posted a few photos of myself in front of the courthouse. The Instagram photos were simultaneously shared on my website. I learned about hashtags to try to and increase the visibility of my social media accounts.

Then I had a few calls where the client had a case in Sonoma County, but they didn't live in Sonoma County either. They loved the idea of a phone consultation because it was easier for them. Within 6 months, I had more cases than I had expected according to my business goals. My persistence paid off!

Keeping a business afloat during a global pandemic

I get asked a lot about how the pandemic affected my business. Other than the first initial six weeks when the courts were closed in March 2020, the pandemic hasn't affected my business negatively at all.

There has been a stark contrast to the reaction I received when I started my remote practice to now. Since the pandemic, people almost sound relieved when I tell them I only do phone consultations. Since my practice was established for electronic exchange of documents, it has been easy for me to explain the process to a potential client. And I still have that physical office location for those less than tech savvy people who want to hand deliver documents.

When all the shutdowns happened, I did not have to spend any time adapting my business to meet the statewide mandates or my clients. In all my work to re-establish my family law clientele while having a remote practice, I had unwittingly set my business up to survive a global pandemic.

Working from home

When I first opened my practice, I would answer emails as soon as they came in, no matter what time it was. I tried to ignore email notifications that came in after 5:00pm, but I had simply no willpower to do so. I felt like I was always working.

When your office is in your home, and your smart phone is used both personally and for work, you learn very quickly that it is imperative to set boundaries, or you are going to suffer from getting burned out pretty quickly.

My first step in ensuring that my home life wasn't overrun by my law practice was to remove my work email from my phone completely.

Then I decided what my normal office hours would be. (As most attorneys know, normal office hours go out the window when you are in trial prep.) I updated my voicemail greeting to reflect my office hours, and set my work number to automatically go to voicemail except during those office hours. I also close my email program at that set time (for me it is 5:00pm). Once 5:00pm hits, I close my laptop and "leave work" until the next day.

Up next: In the next installment, I will discuss the importance of a solo practitioner having an end-of-life plan in place for their practice, and some best practices on creating this plan. ☺

By Beki Berrey

Beki Berrey is a solo practicing attorney at Beki Berrey Family Law, who practices exclusively family law in Sonoma and Mendocino Counties.

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Hon. Jamie Thistlethwaite Retirement: 40 Years of Service —

Judge Jamie Thistlethwaite was raised by a single mother who was keenly aware of social justice issues and prophetically told her that some day she was going to be a Public Defender, a profession where she could help people who needed it the most. How right she was. She just didn't know her daughter would also have a stellar career as a private criminal defense lawyer and would complete her working years as a Superior Court Judge.

Since before her graduation from Boalt Hall in 1981, and for more than forty years, The Honorable Jamie Thistlethwaite made the Sonoma County Courthouse her home away from home. When she started her rapid rise to become one of the most respected and successful criminal defense lawyers in the county, Marteen Miller was the Public Defender and Gene Tunney the DA. Mr. Miller hired Judge Thistlethwaite, initially as a law clerk in 1979, and later as an attorney, in 1982. On October 7, this year, she began her well-deserved retirement from the bench with plans to spend more time with her four beloved granddaughters and other family, to travel, and to simply relax with her husband and explore and enjoy the world around her.

Judge Thistlethwaite's first assignment as a young lawyer in the Sonoma County Public Defender's office, was to the Juvenile Court at Los Guillicos. There, she distinguished herself before The Honorable Joe Murphy and Commissioner Chick Hall for her energy, her work ethic, her compassion for and dedication to her clients, and her ability to work with the Court and court staff and her counterparts in the District Attorney's office. Then Deputy DA Larry Scoufos described her tenure at the juvenile court this way: "The juvenile justice system focuses on the best interests of the minor and requires a cooperative effort from all participants. I learned quickly that Jamie easily fulfilled that role, while providing the best possible representation for her clients. She established a work ethic that would follow her throughout her career and make her one of the most indomitable attorneys in the courthouse."

After a year in the Juvenile Court, Jamie moved to the Public Defenders offices at the courthouse. Like most young lawyers in the Public Defenders main office at that time, she was assigned to a misdemeanor courtroom

with a large caseload. Her efforts there were notable for trying many of her cases and winning more than her share. Her counterpart at the time from the DA's office was Cynthia Denenholz, who had this to say about regularly opposing Jamie in court, "While I might have been disappointed in the outcome of the trials Jamie and I had together in Muni Court in 1983-84, because she won all but one of them—I always looked forward to having her as my opposing counsel. Jamie was direct, honest...and extraordinarily well-prepared. Jamie was also unrivalled at evaluating cases, a skill that she once characteristically used to try to save us both a trial. She urged me to recognize that the defendant, who lived on the streets, would not conceivably have spoken as the officer wrote that he had—basically in the words of the statute he was

accused of violating. Despite her reasonable cautions, I stuck by "my" officer and Jamie—as usual—won the trial."

Jamie's Municipal Court successes led, in short order, to her matriculation to Superior Court, where she brought her burgeoning skills to bear on more substantial and complex cases. Judge John Gallagher heard her first felony trial (another win) and was heard to say afterwards that he had never seen such energy in his courtroom.



Judge Thistlethwaite's extraordinary time in the Public Defenders Office included a difficult one-year stint as the attorney handling all of the office's felony child sexual assaults, several successful homicide trials and numerous other triumphs and achievements. Somehow, through it all, she maintained the good humor and other personal and professional traits that gained her the admiration, respect and friendship of colleagues, opponents, judges, law enforcement and clerical and court staff, alike. By the time she left for private practice in 1991 she was one of the most highly regarded criminal defense lawyers in Sonoma County. In the eyes of the judges she appeared in front of, she was a lawyer who could be counted on to precisely state her case, truthfully describe her clients and accurately and honestly relate the law in her arguments. These attributes gave her complete credibility with the judges and an edge in representing her clients. As Judge Raima Ballinger expressed this quality, "She would give us her view on the rehabilitation

Hon. Jamie Thistlethwaite Retirement (continued from page 16)

prospects of an individual. (Her) take on her clients was refreshingly honest. Sure made it easier for me to grant probation if I had an unvarnished take on the individual."

Upon leaving the Public Defender's office for private practice, Judge Thistlethwaite immediately was retained in two high profile criminal cases. She took on the defense of a deputy sheriff serving as a coroner and accused of stealing money and property from decedents in cases he was investigating. The case against the deputy was a very strong circumstantial case and a swift conviction was widely expected. The case was closely followed by the local press and she tried it twice, achieving hung juries in both trials and, eventually, dismissal of all charges, effectively jumpstarting her private practice. She also represented a young man accused of the homicide of a prominent ranching couple living in Jenner. This case was described in detail in the Sonoma Business magazine April 1993, where she appeared, along with prominent defense attorneys Chris Andrian and Harry Allen, on the cover. The accompanying article described how she used the skills that were already on display in the juvenile court over 10 years earlier to negotiate a life without parole sentence in the Jenner homicide death penalty case.

Her private practice included involvement with the county conflicts panel administered by the Judge's good friend, Harry Allen, who wisely employed her in a felony department for the entire time she was in private practice, thus assuring she would represent indigent defendants for her entire legal career.

By the time she was overwhelmingly elected to the Superior Court Bench in 2010 her practice included two additional attorneys. Meanwhile, she had achieved the positive resolution of several death penalty cases, successfully tried a number of homicides and other serious felonies and was widely regarded, even beyond the borders of Sonoma County, as one of the very top criminal defense attorneys in the region, public or private. She was elected to serve on the Board of Directors for the California Attorneys for Criminal Justice and in 2009 Jamie was invited to join the prestigious American College of Trial Lawyers, the preeminent

organization of trial lawyers in North America, and rare honor for a criminal defense lawyer.

Judge Thistlethwaite's judicial career in Sonoma County started, as most do, with assignment to a crowded misdemeanor courtroom, where sometimes it can seem that justice takes a back seat to the need to move the calendar. To nobody's surprise, Judge Thistlethwaite, taking a no-nonsense yet cordial and affable approach, managed to accomplish justice and efficiency while somehow simultaneously making most defendants, and attorneys on both sides feel that their case was fairly heard and duly considered.

From misdemeanors she moved quickly to a felony trial department where she handled felony cases while serving for three years as Supervising Criminal Judge. For the first eight years of her Judicial career, Judge Thistlethwaite practiced in the Criminal Division. She closed out her judicial career by stepping outside of her criminal law comfort zone to oversee the complex and emotionally laden dependency court, an assignment that many judges do not relish, but that she recently described to me as, "The most rewarding work of her entire career." Her career was marked by the traits she had already revealed as a criminal defense lawyer: Preparation (supported by an immense work ethic) common sense, good humor, an uncommon ability to find consensus, and great compassion and respect for everyone who appeared in her courtroom from the public to defendants, victims, witnesses, parents, children, and even the lawyers.

Her presence at the courthouse will be sorely missed by everyone, but especially her colleagues on the bench, who looked to her not only for counsel based on her knowledge and experience around criminal law, but also for her wisdom and common-sense solutions to difficult issues.

When asked what she will miss most by retiring, Jamie said that she will miss the daily contact with people who need help and the feeling that she could and actually was, helping people who needed it desperately. Her mother was right all along. ☞

By Steve Weiss

Steve Weiss is a former Chief Deputy Public Defender, having retired from the office in 2009. He met Jamie in 1982 and joined her office after his retirement. They were married in 2002.

Karlene M. Navarro Appointed New Sonoma County Judge to Replace Judge Allan Hardcastle



Karlene M. Navarro, 45, of Petaluma, has been appointed by Governor Newsom to serve as a judge in the Sonoma County Superior Court. Navarro fills the vacancy created by the retirement of Judge Allan Hardcastle. She will serve out the remainder of his term, which

ends in 2022, when she will be up for election. She was among 11 new superior court judges whose appointments were announced on November 10, 2021 by the governor's office.

Navarro was appointed director of the county's Independent Office of Law Enforcement Review and Outreach, or IOLERO, by the Sonoma County Board of Supervisors in 2019. Created in 2016, the agency was created to promote greater transparency within county law enforcement.

Navarro was a local defense attorney from 2014 to 2019, serving as an appellate attorney for the Sixth District Appellate Program and the First District Appellate Project from 2016 to 2019 and as an attorney for the Sonoma County Conflicts Panel. She was a professor at the University of San Francisco School of Law in 2018.

She served as a deputy public defender at the Solano County Public Defender's Office from 2010 to 2013, at the San Francisco Public Defender's Office from 2009 to 2010 and at the Fresno County Public Defender's Office from 2007 to 2009. Navarro earned a Juris Doctor degree from the University of San Francisco School of Law.☐

Article excerpted from Governor's press release (<https://www.gov.ca.gov/2021/11/10/governor-newsom-announces-judicial-appointments-11-10-21/>) as well as Press Democrat article written November 10th, 2021 by Emily Wilder.

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Why You Should Use the Lawyer Referral Service Program —

Are you tired of the advertising games and antics that these so-called marketing professionals pressure you into thinking are necessary for client acquisition? I know I am! The good news is there are other, more organic, ways to meet and retain potential clients. For over 48 years, the Sonoma County Bar Association has been operating the Lawyer Referral Service ("LRS") with great success. In fact, LRS panel attorneys from 2000 to 2020 have received over \$9,402,391.00 in legal fees. More importantly, that number is growing every year. We are a non-profit service established in 1973 (Certificate No. 0056).

The LRS allows local attorneys to be included in panels that are specific to their legal area(s) of expertise. Potential clients call the local bar association ("SCBA") and are vetted by an intake staff member. Once the intake staff member has determined the type of legal matter, and the type of attorney the potential client needs, she contacts the next attorney up on the applicable panel. The intake staff member explains the matter to the attorney (or attorney's staff) and you decide if it is a consultation you would like to perform. Often times the vetting process also considers if the person can afford to pay professional fees, and if not, other avenues for help such as Legal Aid or the Modest Means program are shared with those individuals. If it is a matter you would like to consult about, then a half-hour consultation with that person is scheduled. After the consultation, you decide if it is a legal matter you would like to take on.

The Lawyer Referral Service numbers speak for themselves. For instance, in 2020 a total of 3,402 individuals contacted the Lawyer Referral Service. After the vetting process, 646 cases were referred to panel attorneys. That is a significant number of potential cases, and, by the way, this is not a lead generation gimmick where you pay per lead.

We all know that not every consultation turns into a client, but every person you meet with and take the time to show compassion towards builds that ever-so-important good will! After all we are in the people helping business. Ralph Waldo Emerson (in my opinion) said it best: "The purpose of life is not to be happy. It is to be useful, to be honorable, to be compassionate, to have it make some difference that you have lived and lived well."

I had the pleasure of interviewing attorney Michelle Neumann, Esq., who has been a long-time panelist with the Lawyer Referral Service. Ms. Neumann's legal career began after she graduated from Duke University in Durham, North Carolina. She has been admitted to five separate state bars and has practiced in Florida, Alabama, Missouri, Minnesota, and now for the past six years, in California. The majority of her legal career has been focused on labor and employment law, exclusively representing employees. Over the course of her career, she has worked as a solo practitioner, and in law firms of various sizes, and upon becoming admitted to practice in California in 2015, has been a sole practitioner.

(Continued on bottom of page 21)

SCBA Winter '21 "Movers & Shakers"

If you have new information 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.

John MacLeod is no longer with Friedemann Goldberg Wargo Hess LLP . . . **Laura Passaglia** is now Commissioner Laura Passaglia . . . **Deborah Reece** is now with Perry, Johnson, Anderson, Miller & Moskowitz LLP in Santa Rosa . . . **Brian Rondon** has moved his office to 713 Spring Street in Santa Rosa . . . **Kathe Dorman** with Law Offices of Freeman & Freeman moved their office to 1000 Apollo Way, Ste. 130 in Santa Rosa. **Kathy Jalilie**

and **Debra Robertson** are now with Abbey, Weitzenberg, Warren & Emery in Santa Rosa . . . **John Kelly** and **Erin Carlstrom** are now with Clement, Fitzpatrick & Kenworthy in Santa Rosa . . . **Beverly Bartels** is moving her office to 422 Larkfield Ctr., Ste. 262 in Santa Rosa . . . **Blevans & Blevans, LLP** has moved their office to 412 Aviation Blvd., 1st Floor in Santa Rosa.

Craig R. Johnston Remembrance: A Man of Many Interests —

“Unbelievable!” “That’s Super!” Those were the invariable responses of Craig Johnston to most any statement or situation, along with a warm and welcoming smile. Craig was a successful lawyer but, mostly, he was a man who enjoyed people and life’s experiences to the utmost. We lost Craig in September of 2021 at the age of 78 after battles with several health issues.

Craig considered himself a local boy, having moved to Santa Rosa at the age of three. He attended Montgomery High School, graduating in 1959, and it was there that he met Cheryl who would later become his bride. Growing up, Craig enjoyed all of the outdoor pursuits that Sonoma County had to offer; hunting, fishing and, especially, playing golf. He became an expert in all of those endeavors.

After graduating from Montgomery, he attended the University of Oregon where he played on the golf team all four years. In his senior year at U of O, he and Cheryl were wed and they remained married for 58 years until Craig’s death. They raised two daughters who gave them six grandchildren. After college in Oregon, Craig moved on to law school at Hastings, graduating in 1967, and upon passing the Bar, ultimately returned to Santa Rosa where he took an associate position with an established law firm. After a while, Craig went out on his own and joined the association of legal legends at Foster, Waner, Boone, Monroe, Thurrell, Johnston and Flitner. Eventually he relocated to offices on Mendocino Avenue where he practiced Estate Planning and mentored many a young lawyer. Those that knew him best all agreed that he was a fine practitioner who was more concerned that the client got the best result as opposed to the size of the fee.

According to lifelong friend Bill Reinking, Craig was not at all driven by material things. Reinking recalls that “he was always more interested in people, experiences and doing things than in acquiring things. Relationships and family were his primary focus. The very notable exceptions to the materiality rule were his golf clubs, fly rods and shotguns. VERY important. Not because they had monetary value but because they were the tools involved in doing the things he loved to do.”

Craig was able to maintain a balance between an active practice, civic pursuits and just having a good time. He

was active in the Sonoma County Bar Association, becoming president in 1981. In addition to being president of the Bar, he was president of the Active 20-30 Club. Perhaps the thing that he was most proud of was that he was a founder of, and driving force behind, the building of the fly casting facility in Galvin Park by the Russian River Fly Fishers. Most of all, he loved golf and, especially, his games with his buddies at Santa Rosa Country Club and road trips to Edgewood at Tahoe. Bill Reinking remembers that Craig was clearly the best golfer among the group of regulars, having won the Club championship, “but he never took it too seriously and was always pretty laid back. Some of the guys could get pretty intense from time to time, but not Craig. He was so good and he just enjoyed it so much that you never really appreciated how badly he had beaten you.” The question as to whether there may have been a wager or two involved in those games remained unanswered.



Those who encountered Craig in his practice all have a similar memory of him being organized, even-tempered and reasonable. Even in situations that were hotly contested, he rarely lost his composure. I never practiced with Craig but I did have matters with him and even represented him a time or two in some of his business pursuits. In each instance, I was impressed with his sense of calm, analytical reasonableness. On one such matter which was a partnership dispute, the trial judge gave the parties the task of resolving a number of accounting issues by agreement, “or else”. Such disputes usually carry with them some pretty high emotions but as each proposal or counter proposal came to him and frustrations grew, Craig’s approach was always the same. He would carefully review the numbers and after considering things a bit he would reply “okay, that seems reasonable” or “no, that is not reasonable because...” Calm, reasoned and even-tempered. Craig, that is; the lawyer, not so much! That level of fact-based and nonconfrontational reasonableness is what made Craig so successful and well-liked in his practice. You might disagree with him on a position that he took but you always respected and liked him, even in disagreement.

Don Black worked for, and with, Craig for a number of years. He recalls fondly that “he simply was the nicest

Craig R. Johnston Remembrance (continued from page 20)

guy that I have ever met in the practice of law. I was interviewing for an associate position with Craig after having worked for eight years in Los Angeles and inquired as to whether I would be expected to work weekends. Craig laughed and stated 'of course not, that's why you moved here.'" Don remembers occasions where Craig would take a matter that looked difficult and perhaps not very lucrative because he found the client to be such an interesting person that Craig "just wanted to get to know the person better."

Black, while chuckling, makes the point that among Craig's many talents, was that he was the consummate raconteur. He never met a good story that he did not want to hear or, better yet, tell. Don recalls sitting around the Mendocino office and listening to Craig hold forth on subjects from opera and literature to the finer points of how to present a fly to a reluctant steelhead, all with equal enthusiasm.

Craig and Cheryl raised a family in the century-old farm-

house in Bennett Valley that they moved into shortly after they were married and where they continued to live until Craig's death. There, Craig would gather the family and regale them with stories of his many travels and adventures and interesting people he had met along the way. He always encouraged great discussion and when one of the grandkids would recount an experience, he would invariably smile and respond "unbelievable; that's phenomenal!"

Craig was a pretty special guy who exemplified the proposition that you can have a successful law practice and still have plenty of time to enjoy life along the way. He is greatly missed. ❧

By Richard W. Abbey

Richard W. Abbey is a retired partner at Abbey, Weitzenberg, Warren & Emery P.C. He was a corporate attorney and mediator and recipient of the SCBA COD Award.

The Lawyer Referral Service Program (continued from page 19)

Ms. Neumann acknowledges that becoming a panelist with the LRS greatly helped her build her practice in California. She has not only acquired meaningful and profitable cases from the LRS, but over the years she has received referrals from other attorneys who were opposing counsel in the cases she received from the LRS. Being part of the Lawyer Referral Service has helped build her "network." In fact, the first federal case she handled in California came from the Lawyer Referral Service. She has had multiple cases from LRS which resulted in excellent fees. For example, in 2019 a case she received from the LRS resulted in a \$100,000.00 settlement. In addition, she has received multiple other cases that resulted in meaningful settlements, as well as hourly-paying clients. Lastly, Ms. Neumann decided to become a member of the LRS governing committee because she appreciates what the LRS is offering the legal community and felt compelled to participate in its operations.

The Lawyer Referral Service offers panels in the following areas: Family Law; Personal Injury; Criminal/DUI; Real Estate; Government Benefits; Landlord/Tenant; Estate Planning; Employment; Workers Compensation;

Business; Bankruptcy; Restraining Orders; Collections; Elder Abuse; Juvenile; Medical Malpractice; Mediation; Insurance; Immigration; Collaborative Family Law; Intellectual Property; Trusts and Estates Administration; and Tax. If any of these areas appeal to you, please submit an application to the LRS. You may contact Win Rogers, Legal Program Manager of the LRS, at win@sonomacountybar.org for an application. Also, if there is an area of law you practice that you do not see on the list above, please feel free to contact the LRS and inquire about getting referrals for that area of law. One measure of success for the LRS program is the fact that local attorneys sign up to be panelists and they stay panelists thereafter for many, many years. The Lawyer Referral Service would be happy to consider you for admission to this very successful non-profit Lawyer Referral Service. ❧

By Brian Barboza

Brian Barboza is a solo practitioner, practicing Bankruptcy Law in Sonoma County. He has served on the SCBA Board of Directors since 2010 and on SCBA's Lawyer Referral Service Advisory Committee since 2011.



Legal Tech-nicalities: 25 Years of Legal Tech—Where Have We Been?

Legal Tech-nicalities is an ongoing column written by Eric G. Young, Esq.¹ The column's aim is to provide you with useful tips for using technology more effectively in your life and practice.

Welcome to “Legal Tech-nicalities,” the Sonoma County Bar Association’s new legal technology column. Beginning with the Winter 2021 issue, the Bar Journal will regularly feature “Legal Tech-nicalities.” The column will offer discussion and insight on a variety of topics where law and technology intersect. I am honored the Bar asked me to author the column.

Although this column will be forward-looking, this inaugural article looks back over the past twenty-five years at how technology has come to play such a vital role in today’s law firms. Since 1996, a sea change has occurred in the world of technology, particularly legal technology.

Law Practice Circa 1996

In 1996, the Internet and the World Wide Web were still largely unknown quantities to many lawyers. In the U.S., 77% of online users sent or received emails only about once every few weeks, and only about 3% of all online users had ever visited the Web. Amazon, eBay, Craigslist, and Internet Explorer were all just one-year-old ventures.²

In those days, the Internet was called the “Information Superhighway,” sometimes with disdain. In 1995, for example, Newsweek ran an article entitled, “Why the Web Won’t be Nirvana,” that discounted the influence of the Internet and prophesied that it would never replace traditional technologies or ways of life.³ To paraphrase Yoda, a prophecy misread, perhaps?

Law firms were not without technology. The computer revolution in law actually started in 1979 when Lexis introduced the red, “UBIQ” dial-up terminal. Westlaw soon followed with its own mainframe version. By 1989, both companies were providing law firms with local,

dial-up access on personal computers. Personal computers had only been on the market since IBM first introduced them in 1981. Lexis offered access to the Web by 1996; Westlaw followed in 1998.

Computerized case management systems also existed before 1996. AbacusLaw was founded in 1983, followed by AmicusAttorney in 1993. Unlike today where there are dozens of case management providers, in 1996, Abacus and Amicus were the two, primary systems available. Back then, both operated as “on-premises software,” meaning the software resided on a device. Nothing “synced.” Neither worked in “the cloud.” Another ten years would pass before Google CEO Eric Schmidt introduced the world to the concept of “the cloud.”⁴

Litigation support software had also been around since the late 1980s when Summation and Concordance were first introduced. Both remain on the market today as on-premises and web-based products. Unlike in the 80s and 90s, however, they now have many competitors.

1996-2006: The Rise of Google, Social Media & the E-Discovery Revolution

Between 1996 and 2006, cloud-based technologies quickly proliferated across all industries, including law. In fact, no modern technology has ever been adopted as rapidly as computer technology. Consider that most fundamental technology—the flush toilet. Invented in 1596, U.S. households would not see a modern equivalent until the 1850s. Almost 80 more years would go by before the flush toilet became a feature of even one-half of U.S. households. In stark contrast, it has taken only about 40 years for the personal computer to reach nearly 90% of all U.S. households. The use of Internet-capable cell phones has risen even more sharply, taking only 25 years to reach 96% of all U.S. households.⁵

On September 4, 1998, Google was founded. Arguably, Google has had the most profound impact on the world of any Internet company. Over the past twenty-five

1. Mr. Young is the principal legal tech geek at Young Law Group, a personal injury law firm in Santa Rosa. Questions or comments about the column, or suggestions for an upcoming article, may be directed to Mr. Young at admin@younglawca.com.

2. “World Wide Web Timeline,” Pew Research Center (March 11, 2014), <https://pewrsr.ch/303SO7f>.

3. Stoll, Clifford, “Why the Web Won’t be Nirvana,” Newsweek (February 26, 1995), <https://bit.ly/3BR9rrr>.

4. Regalado, Antonio, “Who Coined Cloud Computing?” MIT Technology Review (2011), <https://bit.ly/3bSk1Uu>.

5. Ritchie, Hanna and Roser, Max, “Technology Adoption.” OurWorldInData.org 2017, <https://bit.ly/3012NIO>.

Legal Tech-nicalities: 25 Years of Legal Tech (continued from page 22) —

years, through the use of sophisticated algorithms, Google has not only revolutionized access to information, but it has also changed the way we think about that information, and not always for the better.

Blogging began around the same time, a new form of writing that was enthusiastically undertaken by lawyers and paralegals as a new way of marketing and networking. Social networking became a buzz phrase during this period. The launch of the first recognizable social networking platform, SixDegrees.com, occurred in 1997. At its peak, the service boasted one million members, a paltry membership compared to today's social media behemoths, nearly all of which first introduced their platforms between 1996 and 2006.⁶

The CM/ECF—the federal court's e-filing system—began implementation in the bankruptcy courts in early 2001. The district court system began its national rollout in May 2002, followed by implementation for the appellate courts beginning in 2005. Today, over 41 million cases and 500 million documents are on CM/ECF, and more than 700,000 attorneys file documents electronically across the country.⁷ Many states courts would follow

suit, albeit more slowly.

By 2006, e-discovery had also appeared on the legal tech landscape after the Zubulake I,⁸ III,⁹ IV,¹⁰ and V¹¹ decisions from 2003 to 2004. Few could have predicted in 2006 that e-discovery would grow to become a nearly \$11 billion, worldwide market by 2020.¹²

In December 2006, the Federal Rules of Civil Procedure were amended to introduce a new phrase into the legal lexicon—"electronically stored information" or "ESI" for short.¹³ The amendments clarified for the first time that information stored on computers was just as discoverable as paper documents. At the time, this was not a given. The 2006 amendments also codified key aspects of the Zubulake opinions.¹⁴

Although initially resistant to cloud-based technologies, often for legitimate reasons such as client confidentiality and information security, forward-looking law firms were already embracing the Cloud by 2006. This metamorphosis was driven in large part by growing client expectations that lawyers understand and utilize technology to (Continued on page 24)

6. LinkedIn, 2003; Facebook, 2004; YouTube, 2004; Twitter, 2006. Fairley, Stephen, "Social Media Marketing for Attorneys: The History of Social Media," *The Rainmaker Institute* (February 18, 2012), <https://bit.ly/3H3lrZu>.

7. United States Courts, "FAQs: Case Management/ Electronic Case Files," <https://bit.ly/3o0A5sU>.

8. *Zubulake v. UBS Warburg*, 217 F.R.D. 309 (S.D.N.Y. May 13, 2003).

9. *Zubulake v. UBS Warburg*, 216 F.R.D. 280 (S.D.N.Y. July 24, 2003).

10. *Zubulake v. UBS Warburg*, 220 F.R.D. 212 (S.D.N.Y. October 22, 2003).

11. *Zubulake v. UBS Warburg*, 229 F.R.D. 422 (S.D.N.Y. July 20, 2004).

12. Robinson, Rob, "An E-Discovery Market Size Mashup," *Complex Discovery* (2020), <https://bit.ly/3kbu8bC>. E-discovery is anticipated to exceed \$15 billion by 2025.

13. See, FRCP Rules 26(a)(1), 33, and 34.

14. Van Veen, Casey, "Overcoming E-Discovery Trepidation – Part I," *JDSupra* (August 19, 2021), <https://bit.ly/3mSLuf0>.

SCBA Welcomes Our New Winter 2021 Members!

Caroline Badalnejad, Law Offices of Caroline Badalnejad

John Borba Jr., Law Student

Vanessa Carreno Alvarez, Law Student

Christopher Cook, Sonoma County Public Defender's Office

Kathleen Cushman, Law Student

Alexandra Dido, Law Student

Andrea Dominguez, Meehan, Rosenthal & Karpilow PC

Karen Donovan, City of Santa Rosa – City Attorney's Office

Bonnie Esperanca, O'Brien, Watters & Davis, LLP

Craig Guydan, Armorous

Morgan E. Hansen, Friedemann Goldberg Wargo Hess LLP

Jessyca Hoagland, Fiumara & Milligan Law, PC

John Mangiafridda, Zimmerman Pavone LLP

C. Logan McKechnie, C. Logan McKechnie, Inc.

Michael Melton, Perry, Johnson, Anderson Miller & Moskowitz

Brian Morris, Sonoma County Public Defender's Office

Kate Muller, Abbey, Weitzenberg, Warren & Emery

Kathleen Nava-Lifter, Law Student

Jeffrey D. Pierce, Friedemann Goldberg Wargo Hess LLP

Alison Ronald, The Law Offices of Alison Ronald

Daniel Rowan Cortright, The Rowan Firm

Dustin Seesemann, Sonoma County Public Defender's Office

Eric Smith, Sonoma County Public Defender's Office

Lindsay Sotomayor, University of Davis School of Law

Cassidy Wallace, Kaufman Dolowich & Voluck

Kaitlyn D. Wright, Abbey, Weitzenberg, Warren & Emery

Legal Tech-nicalities: 25 Years of Legal Tech (continued from page 23) —

deliver legal services, expectations that reflected the widespread use of cloud-based technology by 2006.

2006-2016: California Gets in the Game; Ethics Takes Center Stage

Legal technology continued unabated during the decade from 2006-2016, particularly in the area of e-discovery. In 2009, California enacted its own Electronic Discovery Act, which established a mechanism for e-discovery in California's courts. This enactment mirrored the 2006 amendments to the FRCP. The Federal Rules were, themselves, amended again in 2015 to clarify questions left unanswered in 2006; most notably, when a party can obtain sanctions for spoliation of ESI.

During this period, the legal profession focused sharply on ethics. Many asked whether lawyers have an ethical "duty" to be competent in technology. Others questioned what a duty of "technology competence" even meant. Were lawyers also required to be technologists?

In 2012, The ABA House of Delegates amended Comment 8 to the Model Rules of Professional Conduct, Rule 1.1. A lawyer's duty of competence now included "...keep[ing] abreast of changes in the law and its practice, including the benefits and risks associated with relevant technology..."¹⁵ With this amendment came sweeping changes to the legal profession. Between January 2013 and September 2016, 26 states had adopted language either identical or similar to the amended Model Rule 1.1. Today, the number stands at 39.¹⁶

California has always had its own professional conduct rules that differ in significant ways from the Model Rules, so in 2012, many California lawyers barely took notice of the amendment to Model Rule 1.1 or its aftermath. In 2015, however, the State Bar promulgated Ethics Opinion 2015-193, requiring attorneys who represent clients in litigation to (1) be competent in e-discovery, (2) associate with someone who is competent, or (3) decline the representation.¹⁷ Today, this opinion stands as one of the nation's toughest ethics rules in the field of legal technology.

2016-2021: Legal Tech to the Rescue

Over the past five years, nothing has more profoundly affected humankind than the global COVID-19 pandemic. The world seemingly flipped upside down overnight. Lawyers quickly discovered that our industry was not immune to the pandemic's consequences.

Amid all the disruption and uncertainty, law firms responded with remarkable efficiency. The transition to

remote work was almost instantaneous. Technology, which had moved slowly into many law firms, exploded as firms upgraded computer hardware, implemented cloud-based software, reinforced cybersecurity, and linked mobile apps to office databases to accommodate attorneys and staff working remotely. One might argue that lawyers had no choice. In reality, the speed with which this transformation occurred was remarkable for an industry that can be, well, stodgy.

As the pandemic unfolded, no technology became as necessary as videoconferencing. In a world of "stay-at-home" orders, videoconferencing became the only way to "see" others, whether for a client meeting, deposition, mediation, or court appearance.

Today, even as shutdown orders are relaxed, Zoom remains the mainstay of legal technology at most law firms.¹⁸ According to one study, 67% of all attorneys prefer remote work, at least some of the time.¹⁹ In addition, California has codified remote appearances for depositions²⁰ and electronic service,²¹ and permitted courts to utilize videoconferencing. Most of us have learned our clients really do not care how we run our firms or where we work as long as their matters move along.

Under these circumstances, legal technology became nothing short of a rescue plan. Many law firms would not have weathered the pandemic without it. To be sure, questions remain. How long will this new remote work paradigm last? What are its long-term implications for the profession? Where will this new legal technology revival take law firms in the next twenty-five years? Questions such as these will be the focus of the next article in the Spring 2022 issue, so stay tuned. ¶¶¶

15. Model Rule 1.1, comment 8.

16. Ambrogi, Robert J., "39 States Have Adopted the Duty of Technology Competence," *LawSites*, <https://bit.ly/3qhOS5y>.

17. For a PDF of this ethics opinion, go to <https://bit.ly/3kb3tMb>.

18. Occasionally, the way we lawyers interact with others using videoconferencing has produced laughable results, such as the viral video of the attorney who turned himself into a cat during a Zoom court appearance. See, <https://bit.ly/3GVGkqR>.

19. "The Legal Industry's Handling of the Disruption Caused by COVID-19: The Findings Report," Loeb Leadership (May 2020). A copy of the full report can be found at: <https://bit.ly/304muZf>.

20. CCP § 2025.310.

21. CCP § 1010.6.

Laura Passaglia Named New Court Commissioner



On September 30, 2021, Presiding Judge Brad DeMeo announced the appointment of Laura Passaglia as a Sonoma County Superior Court Commissioner.

Commissioner Passaglia was a Sonoma County prosecutor since 2017. Passaglia, 42, fills a seat vacated by former Commissioner Troye Shaffer, another former prosecutor, who was appointed as a Superior Court judge.

"Commissioner Passaglia will be a tremendous asset to the public and legal community in general. She was most deserving of the appointment," DeMeo said in a written statement.

For five years, Passaglia was a Sonoma County deputy district attorney, and was responsible for a complex caseload including domestic violence, sexual assault and murder cases.

Before coming to Sonoma County, Passaglia was a deputy district attorney in Alameda County, where

she began working in 2007 after passing the California bar exam.

A San Francisco native and a graduate of UCLA and USF School of Law, Passaglia lives in Sonoma County with her husband, Ryan McCarthy, and their daughter, Stella. ❧

Article excerpted from Sonoma County Superior Court press release and Press Democrat article written September 30th, 2021 by Lori A. Carter.

Fall 2021 Bar Journal Errata

In the Fall 2021 issue of the Bar Journal, a factual error was made in the article "Hon. Nancy Shaffer Retires from Bench." On page 15, first paragraph of the second column, it was stated that Judge Shaffer became a Superior Court Judge in January, 2011 after a contested election. Her election was not contested.

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SCBA Participates in “Food from the Bar”



The pandemic as well as the wild fires have greatly increased food insecurity in Sonoma County. Prior to the pandemic the Redwood Empire Food Bank (REFB) was serving an estimated 82,000 people. Now that number has increased to over 100,000. One in six of our residents need food assistance. For the first time in its history, the Sonoma County Bar Association (SCBA) with the support of REFB is participating in “Food From The Bar.”

Food From The Bar is a month-long competition between law firms, law schools and legal services organizations to acquire donated food, volunteer hours and monetary donations for the benefit of the hungry in our community. Many bar associations in California and other states sponsor this competition annually during the month of May. Our campaign will start May 1, 2022.

This is more fun than most fundraisers. Your firm can challenge another firm to a basketball game, a hula-hoop contest, or perhaps a filibuster fest. All staff can participate and clients are encouraged to assist. The key to success of the campaign is recruiting creative team leaders that have a strong desire to outwit their rivals. Already several firms have accepted the challenge:

Suzanne Babb, Byers, Costin and Simon
 John Dawson, Carle, Mackie, Powers & Ross
 Chad Dorr, Perry, Johnson, Anderson, Miller and Moskowitz
 Jennifer Douglas, Dickenson, Peatman & Fogarty
 Brendan Kunkle, Abbey, Weitzenberg, Warren & Emery
 Adrienne Moran, Shapiro, Galvin, Shapiro & Moran
 Brian Purtill, Empire Law School
 Carla Rodriguez, Sonoma County Attorney's Office
 Glenn Smith and Jennifer Dollard, Smith Dollar PC
 Viviann Stapp, Jackson Family Wines



SCBA President Stephanie Hess and Amy Jarvis, Executive Director of SCBA, recognize the importance of forging this relationship with the food bank. Last year REFB provided 26.8 million meals. This is an 80% increase from the year before. David Goodman, the CEO of the Redwood Empire Food Bank likes to create this visual: “To better understand the volume of food we gave away in a year since the pandemic began, I tell peo-

ple it would be enough to serve breakfast, lunch and dinner to a sellout crowd (41,915 people) at San Francisco Giants’ Stadium for an entire season and through the playoff and World Series.” (He was a little optimistic about the Giants being in the World Series.) It is the largest food bank in Northern California serving individuals from Sonoma County to the Oregon border.

The SCBA and the food bank hope to institutionalize this program as an annual event. The competition does not have to be between sparring law firms. The Barristers can join as a team, as well as bar committees, county legal departments, Women in Law, mediators and in-house lawyers.

The public often has an inaccurate understanding of the people served by a food bank. They are the senior citizens living on Social Security in a high cost of living community; they are families with two minimum wage earners and one parent who has lost his or her job; college students with part time jobs; the ill; and the underemployed. A recent brochure from Social Advocates for Youth reports “Young adults in Sonoma County need to hold an average of three part-time jobs just to make the cost of rent.” According to Goodman, “People would rather be hungry and housed than well-fed and homeless. In deciding where they have flexibility, people realize they can’t negotiate the price at the gas station, but they cut back on buying food and eat less. Then eventually they come to us.”

While there are 300 monthly direct distribution sites, REFB is a major source of food for over 170 nonprofits. Up to 26 Schools in Sonoma County have School


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SCBA Participates in “Food From The Bar” (continued from page 26) —

Pantry, a program where families can obtain food at their children’s schools. During Covid school closures this summer, the most lunches were served in the history of the food bank. Children didn’t have to be present or eat on-site; instead, foods were bundled for pickup. For the Summer of 2021, 152,299 meals were provided through school distributions.

REFB learned after the wild fires that once a new food recipient became aware of the availability of free food they became permanent users of the food bank. REFB is continuing to provide food to this pre-existing group while taking on the responsibility of those economically

impaired by the pandemic. Now there are more households with reduced incomes, unpaid rents, general high debt and no foreseeable relief. Add to that the escalating fuel costs and supply chain issues and the REFB has an unenviable task of serving this continually growing need.

Our community has been generous in their financial contributions, allowing REFB to keep pace with the need. From previous crises we have learned that those contributions are transitory. Consequently, over the last few years, REFB is feeding 40,000 more people and anticipates a significant decline in their revenues. This is (Continued on page 28)

Game On!

Teams are awarded points for financial contributions made to and volunteer hours served at the Redwood Empire Food Bank during the campaign. Each contribution is assigned a point value:

\$1 = 1 point

1 volunteer hour = 5 points

Refer another firm or organization to participate = 500 points

Your firm or organization agrees to match donations = 1000 points

Also, remember to encourage your colleagues to reach out to family members and friends to donate and participate in volunteer shifts.

Awards

The FFTB campaign offers multiple awards to engage firms of all sizes. The following bragging rights and prizes are up for grabs:

- Most Creative Award:** The team with the most creative fundraising ideas
- Kick-off Award:** The team that raises the most money on the first day of the campaign
- Small Dollar Donation Award:** The team with the most \$100 and under donations
- Top Fundraiser Award:** The team that raises the most money
- Top Volunteer Award:** The team that contributes the most volunteer hours
- Per Capita Prize:** The team that raises the most money per individual participant

Additionally, a **Grand Prize, Second Prize, and Third Prize** will be awarded based on total points earned per team.

Weekly Winner

The Weekly Winner prize recognizes the firm that raises the most funds in a given week during Food From The Bar.

PRIZES FOR EACH AWARD WILL BE ANNOUNCED BEFORE CAMPAIGN LAUNCH.

.....

*Thank you from everyone here at the Redwood Empire Food Bank.
Your support is helping to ensure all of our neighbors have enough to eat.*

Happy Food From The Bar 2022!

SCBA Participates in “Food From The Bar” (continued from page 27)

SCBA’s chance to help. The Marin-San Francisco bar raised over \$645,000 in their competition this year.

The success of the food bank since its establishment in 1987 is largely credited to community volunteers. In recent years the number of volunteers has grown to 10,000 people who donate up to 150,000 hours of unpaid work. Due to concerns related to the Covid virus the volunteer force is not as robust as previously enjoyed. Food From The Bar encourages volunteerism and for the competition monetizes each hour of donated time.

This inaugural campaign gives the legal community an important role in meeting the needs of our community. Accept the challenge and add your firm to the roster. ☰

By Hon. Gayle Guynup

Hon. Gayle Guynup is an active member of SCBA, an assigned judge and the Chairperson of the Redwood Empire Food Bank.

CAMPAIGN CONTACT:

Shana Davis
(707) 523-7900 ext. 143
sdavis@refb.org



Host a Happy Hour



Host a happy hour at your office! Sell drinks with proceeds going towards the Redwood Empire Food Bank while you have some after-hours fun.

LET'S GET CREATIVE!

Here are some fundraising ideas to help get your creative juices flowing.

Theme Fridays



You can select days when colleagues make a donation to “dress down” in jeans. Or try the opposite. Formal Friday is a crowd favorite.

Bidding Wars



Start a bidding war for a range of opportunities – from getting the chance to pie a manager to scheduling your boss to do a task for you. Got some envelopes to stuff? Now you have help!

Match Your Gifts



Double your impact by checking if your company matches employees' charitable donations!

Bake Sale



So easy a child can do it!
And don't limit it to baked goods; your teams have all kinds of cooking skills!

Challenge Your Neighbors



Email other teams in your building that are up for a fundraising challenge!

Or, have an office in another city? Challenge them to see who can give most to their local charity!

Trivial Pursuit



Create teams of 3 or 4 with an entry fee per team; sell “get out of jail” passes that teams can use when they don't know an answer.

Raffle/Silent Auction



A simple way to donate. Raffle/auction parking spots, tickets to a sporting event, bottles of wine, a weekend at a vacation home and “Trade Offices for a Day.”

Developments in Immigration Law under the Biden Administration

Biden Team Quietly Implements Dramatic Changes in Immigration Policy and Procedure

When he took office in 2017, Donald Trump's stated priority with respect to immigration was to protect U.S.-born Americans from those immigrants who would, in their eyes, take Americans' jobs and make them less safe. For the next four years, Donald Trump and his immigration policy-makers changed hundreds of laws and policies in order to make immigration—both legal and illegal—more difficult.

In his first 10 months in office, President Joe Biden and his team are acting quickly to reverse this. They are remaking the Department of Homeland Security ("DHS") into an agency which recognizes and celebrates the positive role immigrants play in the country's economy and society. The Biden Administration has openly changed the DHS' stated role to providing "service" to its "customers"—immigrants and U.S. citizens alike.

The pendulum swing at the federal level is coming about because of the people Biden put in charge—seasoned leaders with deep experience in immigration policy, knowledge of what reforms they feel are needed and a determination to bring them about. The result is that, while comprehensive immigration reform legislation is so far blocked in Congress, these federal officials are effecting reform through regulation, executive order and administrative policy.

This article reviews a few of the most significant changes that have been implemented to date.

Asylum and Deportation Policy

Priorities for Deportation and Prosecutorial Discretion. The Trump Administration completely reversed the policy of the Obama Administration to prioritize certain undocumented immigrants for deportation. A badge-of-honor for the Trump DHS was that they would deport anyone here illegally—regardless of whether they had a clean record, good moral character or a U.S. citizen spouse or children. To do less for them was to "encourage illegal immigration."

Biden has reinstated the Obama-era policy that targets serious criminals and recent border-crossers for removal and effectively implements a pause on

deportations for virtually everyone else.¹ Immigration and Customs Enforcement ("ICE") officials now apply this discretion to a variety of case determinations, including: Deciding who to arrest; who to put into deportation proceedings; whether to agree to continuances of hearings; stipulate to bond, and even to dismiss cases. They have established a procedure whereby immigrants may ask ICE to close or terminate their deportation matters.

Immigration courts under the Biden Department of Justice are working in cooperation with these new policies, applying considerably more leniency toward non-citizens in deportation cases. An Administrative Order by Trump Attorney General William Barr limiting that discretion of immigration judges has been voided by the new A.G., Merrick Garland.

Remain in Mexico Program. Under a Trump policy known as MPP or Remain in Mexico, Central American asylum applicants were required to remain in Mexico while they awaited their hearings. This left people fleeing persecution at risk of further harm from cartels and other border criminals.

Within hours of taking office, the Biden Administration announced an end to this policy. While the cancellation of that policy has been stayed by a Texas federal judge, the Biden Administration has recently announced a second administrative order to end MPP.²

Application of Asylum Law. Attorney General Garland vacated *Matter of A-B-*, 27 I&N Dec. 316 (A.G. 2018) (A-B- I),³ and *Matter of L-E-A-*, 27 I&N Dec. 581 (A.G. 2019)⁴. These decisions issued by administrative fiat by prior A.G. William Barr removed the ability of adjudicators to grant asylum to individuals fleeing gender and family-based persecution. Revoking these admin orders has restored decades of asylum law providing a pathway to victims of domestic violence or persecution by gangs or cartels in their home countries. (Continued on page 30)

1. <https://www.ice.gov/about-ice/opla/prosecutorial-discretion>

2. <https://www.cnn.com/2021/10/29/biden-administration-makes-second-attempt-to-end-trump-era-remain-in-mexico-asylum-policy.html>

3. *Matter of A-B- III*, 28 I&N Dec. 307 (AG 2021)

4. *Matter of L-E-A- III*, 28 I&N Dec. 304 (AG 2021)

Developments In Immigration Law (continued from page 29)

Quota System for Immigration Judges Eliminated. As of October 19, 2021, the Biden Administration has repealed the Trump era metric system for evaluating Immigration Judge's performance, based on how many cases the judge adjudicated per year—a policy that many criticized as resulting in many asylum applicants being denied due process.⁵

No More Building Walls. On Inauguration Day, President Biden announced that a halt to construction of the symbol of Trump immigration policy: the \$15 billion+ in new border walls. Biden's executive order paused work on each construction project on the southern border wall and he also rescinded former President Trump's national declaration of emergency at the southern border from February 2019.⁶

Making Immigration Laws More Humane

Deferred Action for Childhood Arrivals. DACA offers eligible persons relief from deportation and an employment permit that allows the bearer to work for any U.S. employer and to obtain a valid social security number.⁷ The program was created in 2012 during the Obama administration and helped hundreds of thousands immigrants. Donald Trump tried to repeal DACA but was stopped by a series of court rulings. But he did manage to close off DACA to many thousands of teenagers who became DACA-age-eligible and wished to apply for the first time. One of President Biden's first actions was an order calling for immediate reimplementing of DACA, including for new applicants.⁸

Although a federal judge has temporarily blocked new

applicants from applying,⁹ the Biden Administration is appealing the ruling and re-issuing new DACA regulations to address the judge's stated grounds for partially invalidating the law. And for now, DACA is preserved for the more than 640,000 people already enrolled in the program.¹⁰

Biden also reversed the Trump policy denying the right to travel ("advance parole") to DACA recipients. Advance parole is important not only for travel but because it makes some DACA recipients eligible for permanent residence.¹¹

Temporary Protected Status. Likewise, Temporary Protective Status ("TPS") is back and expanded.¹² TPS is a temporary immigration status granted to eligible nationals of a country designated for TPS under the Immigration and Nationality Act (INA). During the TPS designation period, TPS beneficiaries are eligible to remain in the United States, may not be removed, and are authorized to obtain EADs so long as they continue to meet the requirements of TPS.

Trump tried to make 320,000 Salvadorans, Hondurans and Nicaraguans subject to deportation by ending the decades-old TPS program. Litigation ensued and there is currently an injunction against elimination of TPS status for these Central Americans.¹³ On Sept. 10, 2021, DHS published a Federal Register notice announcing that beneficiaries under the TPS designations for El Salvador, Haiti, Honduras, Nepal, Nicaragua and Sudan will retain their TPS while the preliminary injunction remains in effect. The program was also extended to nationals of Venezuela.¹⁴

5. Bur, Jessie. "Immigration judges no longer evaluated on case quotas." *Federal Times*, October 25, 2021, <https://www.federaltimes.com/management/2021/10/25/immigration-judges-no-longer-evaluated-on-case-quotas/>

6. "Proclamation on the Termination Of Emergency With Respect To The Southern Border Of The United States And Redirection Of Funds Diverted To Border Wall Construction, January 20, 2021"

7. Deferred Action for Childhood Arrivals: Who Can Be Considered? <https://obamawhitehouse.archives.gov/blog/2012/08/15/deferred-action-childhood-arrivals-who-can-be-considered>

8. Preserving and Fortifying Deferred Action for Childhood Arrivals, Presidential Action, January 20, 2021. <https://www.whitehouse.gov/briefing-room/presidential-actions/2021/01/20/preserving-and-fortifying-deferred-action-for-childhood-arrivals-daca/>

9. DACA Decision in *State of Texas, et al., v. United States of America, et al.*, 1:18-CV-00068, (S.D. Texas July 16, 2021) ("Texas II")

10. <https://www.uscis.gov/sites/default/files/document/data/Approximate%20Active%20DACA%20Receipts%20-%20March%2031%2C%202020.pdf>

11. <https://www.uscis.gov/i-131>

12. To qualify for TPS, beneficiaries must meet the eligibility standards at INA section 244(c)(1)-(2), 8 U.S.C. 1254a(c)(1)-(2)

13. <https://www.uscis.gov/sites/default/files/document/injunctions/9th-Circuit-TPS-Opinion-09-14-2020.pdf>

14. Federal Register. The Daily Journal of the United States Government. A Notice by the U.S. Citizenship and Immigration Services on 09/10/2021. <https://www.federalregister.gov/documents/2021/09/10/2021-19617/continuation-of-documentation-for-beneficiaries-of-temporary-protected-status-designations-for-el>

Developments In Immigration Law (continued from page 30)

Victims of Crimes (U Visa Policy). USCIS has decided to exercise its discretion under INA 214(p)(6) to provide work permits and a form of legal status called "deferred action" to noncitizens with pending, bona fide U visa petitions who meet certain discretionary standards. This is a huge benefit to persons otherwise waiting up to 10 years for the processing of their application.

Public Charge Rules. Under INA section 212(a)(4), a foreign national seeking permanent residence is inadmissible if the alien, "at the time of application for admission or adjustment of status, is likely at any time to become a public charge." Trump announced rules that gave immigration officers wide discretion to deny otherwise eligible applicants for permanent residence if they reached the subjective conclusion that the immigrant families might become dependent on the government. Under this rubric, U.S. officials denied green cards to families after years of waiting and thousands of dollars spent on immigration fees. Food stamps, Medicaid, and Section 8 housing were

added to the list of public benefits that could lead to someone being deemed a public charge. It also removed the requirement that someone become "primarily dependent" on benefits. Instead, someone would be found to be a public charge if they used any of those benefits for 12 months out of a 36-month period.

Biden has restored the public charge rules that existed pre-Trump. In contrast to finding ineligibility for *any* receipt of services or benefits paid for in whole or in part from public funds, the current Biden policy has reverted to looking for evidence of (i) the receipt of public cash assistance for income maintenance, or (ii) institutionalization for long-term care at government expense. For instance, attending public schools, taking advantage of school lunch or other supplemental nutrition programs, or receiving emergency medical care would not make an alien inadmissible as a public charge, despite the use of public funds.

(Continued on page 32)

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Developments In Immigration Law (continued from page 31)

Reforming the Bureaucracy

Fairer Treatment of Applications. The Trump Administration imposed a policy of “extreme vetting” of all noncitizen applicants and beneficiaries; this had the effect of slowing and reducing legal immigration. Biden terminated the extreme vetting requirement with an executive order in February 2021.¹⁵

Long-time immigration procedure dictated that officers give applicants a chance to correct minor errors in their applications before denying them. The Trump DHS did away with this simple courtesy, resulting in thousands of applications being denied based solely on technical mistakes in the filings. The Trump policy was that if one question on the voluminous application forms was left blank, a denial was issued by DHS and applicants had to refile and repay the substantial filing fees. Biden has reversed this Trump rule too.¹⁶

No Person is Illegal Anymore. The Biden administration is ordering U.S. immigration enforcement agencies to change how they talk about immigrants.¹⁷ It has taken a simple but symbolic step: Federal government officials can no longer use the terms “aliens” or “illegal immigrants.”

The new policy was set forth in several memos from the heads of all 3 branches of DHS earlier this spring: ICE, CIS and CBP.

“We set a tone and example for our country and partners across the world,” Troy Miller, the top official at CBP, said in his memo. “We enforce our

nation’s laws while also maintaining the dignity of every individual with whom we interact. The words we use matter and will serve to further confer that dignity to those in our custody.”¹⁸

Conclusion

There appears to be more changes in immigration policy on the way. A New York Times article recently revealed that the Biden Administration has prepared a plan that would bring revolutionary change in immigration policy.¹⁹

While legislative immigration reform is still elusive due to the Senate filibuster and other Congressional impediments, the new administration is implementing its own policy transformation with all deliberate speed. These legal reforms are life-changing for many thousands of immigrants and offer hope for many more. ¶¶¶

15. https://www.americanimmigrationcouncil.org/sites/default/files/research/tracking_biden_agenda_legal_immigration_first_100_days_0.pdf

16. *Ibid.*

17. <https://www.npr.org/2021/04/19/988789487/immigration-agencies-ordered-not-to-use-term-illegal-alien-under-new-biden-policy>

18. *Ibid.*

19. <https://www.nytimes.com/2021/05/31/us/politics/biden-immigration.html?smid=url-share>

By Christopher Kerosky, Esq.
& Liliana Gallelli, Esq.

Christopher A. Kerosky is an attorney with over 25 years of experience representing immigrants. Liliana Gallelli has been an immigration lawyer for over 15 years. They are partners in the firm of Kerosky & Gallelli, with 9 offices in California and Nevada. Kerosky also teaches immigration law at Empire College School of Law. He was an appointed member of the Sonoma County Human Rights Commission from 2013-2020. Gallelli writes a regular column on immigration subjects in several newspapers and has advised several foreign governments on U.S. immigration law.

2022 Upcoming Schedule of Seminars & Events

Due to the fluid nature of the SCBA event plans and schedule during Covid-19, we are directing our newsletter readers to view our seminar and event schedules online.

Please visit <https://www.sonomacountybar.org>

and go to the Seminars/Events tab at the top navigation bar for the list of events. Thank You.

Remembering Harrison Comstock, His Family, and the Early Days of the Sonoma County Legal Community



The Winter Bar Journal wraps up the SCBA's celebration of its 100th anniversary year. With the newsletter having published profiles of several storied legal figures from Sonoma County's past this year, it seemed fitting to remember Harrison "Bunny" Comstock, who passed on September 13th at age 95, in this final issue reflecting on SCBA's colorful by-gone days. We are lucky to have an oral history of Harrison conducted by Judge Nadler in 2012. This article will be part remembrance of his and his family's contribution to Sonoma County's history, and part his own remembrance of life and legal practice here, over the course of his 60+ years of involvement in the county's legal community.

A man of folksy charm and good humor, Harrison Finley Comstock, affectionately known as "Bunny," was born July 17, 1926 in Santa Rosa, one of 5 children to Hilliard and Helen Comstock. He was a fourth-generation Santa Rosan—his family having settled locally before California was admitted as a state. While his father left large shoes to fill as one of the foundational figures in early Sonoma County law, Harrison left his own legacy, as a decorated war veteran, civic leader and closer to home, a dedicated Bar Association member: Harrison was a two-time SCBA President in 1969 and 1970, maintained his Bar membership until his death, and continued to attend SCBA functions many years after he officially retired from his practice in 1994.

Harrison graduated from Santa Rosa High school in 1943, but his higher education was carried out in a series of fits and starts that straddled the end of WWII through the Korean War.

While he always felt he was destined to follow in his father's footsteps and study the law, he was also eager to serve in WWII, so he enlisted in the Army Air Corp. at the end of 1943, having learned to fly at Santa Rosa's airport. While he qualified for aviation cadet training, they delayed inducting him, so he began at Santa Rosa Junior College and worked as a baggage boy at the local Greyhound Bus Company, biding his time. He finished

one year at the JC then went down to Berkeley to start Cal Extension classes.

He finally got called up mid-semester in 1945, being sent to Mississippi as an aviation cadet and "on the line" trainee, but by then the war had ended. And while the Army offered him flight school for a three year "hitch" he decided against it, not wanting to make that long a commitment. But he did join the reserves, because, as he put it, "the world was still in a turmoil."



Pvt. Harrison Finley Comstock, son of Judge and Mrs. Hilliard Comstock, has reported to Keesler Field, Biloxi, Miss., for examinations as a preaviation cadet. He will be "processed" and undergo a series of tests to determine the type of air-crew training for which he is best suited, as a prospective officer in the air forces.

Harrison did two more years at Berkeley until 1948, and was able to enter Hastings for graduate school before finishing Berkeley, since, he explained, "they let veterans go to graduate school without a college degree."

After two years at Hastings, the Korean War broke out, and as Harrison colorfully put it "Mr. Truman sent me a telegram to say 'Private Comstock, come on home.' So there I was, back in the Air Corp., a 23-year-old Buck Private, but I wanted to fly, so I reapplied for the cadet program and was admitted—and about 13 months later I was a jet fighter pilot."

Harrison was trained on F80s and F84s, learning air and air to ground tactics. He described Korea as the first real jet war.

Harrison flew 100 missions in the end, mostly in an F-84 Thunderjet, dropping



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Remembering Harrison Comstock (continued from page 33)

bombs and strafing in close support of U.S. ground troops in Korea. He earned the Distinguished Flying Cross and Air Medal and remained in the Air Force Reserves for 36 years, retiring as a major.

Harrison came back to finish his third year of law school after five and a half years away. He failed the bar the first time out, but was finally sworn in on June 12, 1957.

He recalled his first job was writing a Will for Ernie and Grace Rothert. Ernie was a coach at Santa Rosa High School and a dear friend of his parents. Harrison remarked that “they waited to write the Will ‘till I got to be a lawyer—I got \$15 bucks.”

Harrison first started his law practice with his brother, Marshall, which lasted for three years. But he ended up in a practice with Jack Ryerson, his old high school classmate, war veteran and eventually a two-term Santa Rosa mayor. They would practice together for 35 years, until Harrison retired in 1994. While the firm was a general practice, Harrison’s specialty was tax matters. Harrison noted that he was one of the first certified tax specialists recognized by the State Bar in its first year certifying specialties in 1973.

Harrison was very involved in the community. He served on the boards of numerous local organizations, including the former Santa Rosa Foundation, Santa Rosa Symphony, Rotary Club, Sonoma County Trail Blazers and the Redwood Empire Chapter of the Military Officers Association of America. And of course he had a long association with the Sonoma County Bar.

Harrison was an amazingly active person up to the end of his life. His son mentioned he soloed in a glider just before his 90th birthday. He had a series of beloved mules over the years—the most recent named Annie—and was a long-time Trail Blazer member. His final Trail Blazer Trek was in June of 2019 when he was almost 93. He enjoyed family trips water and snow skiing, and had a life-long love of camping, boating, fishing, and duck and deer hunting. His haven was his little ranch in Occidental where he had raised sheep and his mules since moving there in 1976. His motto in life was “Never let work get in the way of fun!”

During the course of his interview with Judge Nadler,

Harrison provided some interesting history of his family, particularly his father Hilliard, and a number of memories of his childhood.

Harrison was raised in the home now known as The Comstock House, designed by renowned Sonoma County architect Brainerd Jones in 1905. The Shingle Style home (listed on the National Register of Historic Places) was originally built for James Wyatt Oates, a respected lawyer and local land speculator. Wyatt took a young Hilliard Comstock under his wing and brought him into his Santa Rosa law firm to mentor him in the law. Hilliard never attended law school. Harrison recalled that “my dad studied under Colonel Oates and passed the bar when he was 21 years old.”

Before Wyatt’s death in 1915, he granted Hilliard and his mother, Nellie Comstock, the right to move into the home after his death. Nellie purchased the home for \$10,000 upon the home going into probate. So began the association of the Comstocks with the home, where the family would live for the next 74 years.



Nellie Comstock was herself a scion of a prominent lawyer’s family from Illinois. She was the daughter of Harvey B. Hurd, a lawyer best known for revising and rewriting the entire statute law for the state of Illinois after the Civil War. She came west with her seven children because she became friends with Luther Burbank. She got 15-

year-old Hilliard a job as a gardener working for Burbank in 1907, and Harrison related that his first house “was built by Mrs. Burbank in the original gardens. My Dad had owned it for years and years and had it as a rental. When I came back to town I bought it from him.”

Harrison relayed that his dad never went to school: “My grandmother didn’t approve of public schools—they were beneath the Comstocks,” he laughed. As an artist and writer, Nellie educated all seven children herself with the aid of private tutors.

With Oates’ help, Hilliard passed the bar and became a



Remembering Harrison Comstock (continued from page 34)



partner in Oates' firm in 1912. He took over the practice after Oates' death, but not before serving in the National Guard infantry and U.S. Army, where he rose to the rank of Lt. Colonel after commanding troops in the 1918 Second Battle of the Somme in WWI. Harrison noted that his father stayed in the army reserves for years. He found

an old photo "with a whole heck of a lot of Santa Rosans who were in WWI and my dad and Judge Geary are in that. You'd be surprised at how many lawyers were in the photo, like L. B. Hitchcock and Clarendon Anderson—there are probably 20 lawyers in there. All in the national guard outfit, and my Dad was commander. He went to Europe and he also served down on the Mexican border in that company, chasing Pancho Villa around. I can remember Dad going down to Fort Ord for his reserve duty. My aunt and uncle lived in Carmel, and we'd take the whole family down there and then Dad would go off and play soldier."

Hilliard became a key civic leader with a keen interest in children's issues. He was president of the Santa Rosa Board of Education from 1920-1929, a period of reorganization and rapid expansion that included construction of Santa Rosa High School, four elementary schools, and launching the building program for the junior college. And of course Hilliard was best known as a Superior Court judge for 35 years, always re-elected without opposition. Hilliard was a leader in the creation of Howarth Park and the drive to build Memorial Hospital. He was president of the NRA in 1942 and 1943. The downtown city transit mall and a pedestrian corridor are named in his honor, as is a middle school not far from Comstock House.

Harrison recalled with fondness observing his dad at his job first-hand. "I used to sit in my dad's courtroom a lot when I was a kid. The old county courthouse was wonderful—a beautiful courthouse—marble staircases and that big rotunda in the middle. My Dad enjoyed presiding—and he was always the presiding judge. He lived just a mile down the street, so he was able to stroll down Mendocino Avenue and cross 4th Street to go to work, and say hello to every person on the street—everybody knew him, he knew everybody."

When asked who the top lawyers were when he started



his practice, Harrison named Leroy Lounibos, Carl Spridgen, John Moskowitz and Nick DeMeo. He recalled the rather contentious contested judicial election when Nick DeMeo ran against Hilliard's good friend Judge Geary, but Judge Geary won handily.

Harrison recounted an experience of his own with Nick DeMeo: "I recall one day, when I hadn't been in practice for a year, I ran into Nick outside the old Wells Fargo Building where my office was, and Nick was giving me a lecture about 'charging adequately and collecting your money.' And while he is lecturing me, some guy walks up to him and says 'hey Nick, how are you' and he hands him a check, and walks away. And Nick says 'See?' And I said 'You hired that guy! That's got to be a shill!'"

Harrison was asked about the fee schedules when he was Bar President in '69 and '70. He recalled that there were only 185 members at that point, and that one of the functions of the Bar was to create a recommended fee schedule. "We were getting \$15 for Wills—and a routine divorce was like \$150."

Harrison had one other funny story. He described that shortly after he started practicing law they swore in a third judge: Charles J. McGoldrick. "I hadn't been in practice very long and I remember the swearing in ceremony of Judge McGoldrick. After receiving the honor, the thing that stuck in my mind is that he remarked: 'The courtroom is a place where justice is dispensed with'."

Harrison Comstock gifted us with a lifetime of service and the legacy of his memories. We are all the richer for it. 🏛️

*By Caren Parnes,
Bar Journal writer, editor & graphic designer*

This article relies upon the 2012 Oral History Interview with Harrison Comstock, along with excerpts from the October 7, 2021 Press Democrat article by Guy Kovner.

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