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An Intense, Passionate and Misunderstood Area of Law

Monday, April 01, 2019

Welcome
to the April edition of Contra Costa Lawyer Magazine! This edition will focus specifically on criminal law and mental health, an area of law that is perhaps the most misunderstood by the public. Despite -- or maybe because of -- the daily media, literary, and entertainment coverage that is given to the field, there are large misconceptions not only about the criminal law field itself, but about those who work in it.

As
a practitioner of criminal defense for the last 20 years and as the current head of the criminal law section of the Contra Costa County Bar Association, I can say that, while the criminal field is intense, passionate, and fiercely fought over, it is also honorable and chivalric, to the point of almost being anachronistic by today's standards.

How
do those who work in the field do what they do? What issues are important to them? What issues are important to their clients as life-changing decisions hang in the balance?

In
this month's edition, we are going to give you some insight, a glimpse into the answers to these questions and more. You'll read about what makes a good defense attorney versus a bad one and how to handle a client who is potentially dangerous. You'll hear an attorney's take on mediagenic cases such as Netflix's "Murder Mountain" and get brought up to speed on some of the many changes and reforms that have occurred in the criminal law field. Moreover, this issue will cover such important topics as public transparency and police accountability, and give specific, real life examples on how the criminal law field deals with fairness and disclosure between the prosecution and defense. Finally, it will

provide a heartfelt look into how mental health -- and how our lack of addressing that subject preventatively -- affects our criminal court system.

Ironically,
the one thing that everyone can agree on is how divided our society is right now. However, in what one would expect to be perhaps the most contentious and hostile of environments, the battlefield that is the criminal justice system, and among the warriors that tread upon that field, those of prosecutors and defense attorneys, as well as the collateral bystanders of the defendants, accusers, victims, and the public, all presided over by one lone judge, charged with ensuring a fair process, a workable and decent jurisprudence has emerged. We take front-line issues, the most heated, emotional, and life-affecting scenarios and deal with them, ideally move them from their starting point to a position closer to true justice. Of course it is an imperfect process carried out by imperfect humans, but at its best, the process approaches divinity. When we bring justice to victims or free the wrongfully accused or politically persecuted, we as a society become better. The more honorably we serve this process, the more honorable this process becomes.

Without
any further ado, I am so very proud to present to you the criminal law and mental health April edition of Contra Costa Lawyer. I am also so thankful to all of the guest contributors and the many people behind the scenes who not only made this issue possible but who do so month after month, year after year.

Here's
to opening the door to the daily grime and grit of the issues that affect the criminal courts on a daily basis. I hope this bit of insight serves to bring more light and understanding to issues that predominate our society so and yet are frequently misunderstood or swept under the rug.

Thank
you for your reading of this important issue.

Sex, Lies, and Video Tape: The Importance of Police Accountability

Monday, April 01, 2019

Background

Qiana Washington

In 1963, the United States Supreme Court announced its landmark decision *Brady v. Maryland.* [1] The case held that the prosecution has a duty to turn over exculpatory evidence to the defense provided it is material to the defense and favorable. The case itself involved the prosecution withholding a letter in which Brady's co-defendant confessed to being the shooter in a murder. Brady admitted to his involvement in the murder, but claimed the co-defendant did the shooting. Both men were sentenced to death. On re-trial, with the materials, Brady received a life sentence that ultimately led to his parole and a law-abiding life. The difference here was literally life and death.

Many states have adopted
their own "Brady" statutes that expand on the prosecution's duty to turn over
exculpatory materials. In California, Penal
Code section 1054.1(e) requires the prosecution to disclose *any* exculpatory evidence. The statutory provision is broader because
while something may not be material, it could still be favorable, nonetheless.

In a separate case, the California Supreme Court announced its 1974 decision in *Pitchess v. Superior Court,* [2] granting limited access to police personnel records for complaints of misconduct. While the case allows such access, the defense has to lay out a "plausible" factual scenario supporting their claim, the relevance of the materials, and how it would be admissible in court. There are also several limitations. The defense is not allowed to view the materials directly, but rather it is reviewed *in camera* by the judge in the presence of the police department. The defense can receive the names and contact information for witnesses, but then must interview them to hear their information. If the witnesses cannot be located or cannot remember what the complaint was about, the defense may then present a supplemental motion to access the complaint itself. Such access is generally limited to five years.

In many jurisdictions,
the prosecution uses the same "Pitchess" process to attempt to comply with
their "Brady" obligations with mixed results.
Some courts ruled the prosecution failed
to make a "plausible" factual showing and some courts ruled they were not administrative agencies of the prosecution and the prosecution should independently turn over

any material they were aware of without going through the “Pitchess” process.

Recent Legal Developments

Over the last few years, there has been a movement towards greater transparency regarding police misconduct. Lawmakers have enacted several provisions geared toward ensuring the defense an opportunity to learn of police misconduct. The California state legislature passed SB 411 clarifying that private individuals have a right to record the police in any place the individual has a right to be or in public. California Penal Code section 141(b) was enacted in 2017 to make it a felony for a police officer to “alter, modify, plant, manufacture, conceal, or move any physical matter, digital image, or video recording, with the specific intent that the action will result in a person being charged with a crime…” In July 2019, the public will have access to audio and video recordings of “critical incidents” such as police-involved shootings and use of force that result in death or great bodily injury.

Why is this Important?

Police unions have resisted many of these efforts but they have nonetheless been enacted to protect the public. While some police officers and their supporters argue police officers have a hard job and put their lives on the line to protect the public, other communities argue they have been unfairly treated and have no means of proving it without greater transparency in the system.

As a criminal defense attorney with fifteen years of experience, I have often defended clients who have told me officers have beat them, stole from them, and lied in their reports. Without video evidence, I have had to tell many clients we were out of luck when it came to proving their allegations because in court officers are usually presumed to be honest and law-abiding.

In 2011, I faced a similar problem when a client came to me with such a story. By the time the case came to me, the allegations were six months old. I told him I would see what I could find but that he should not expect much given the length of time that had passed. Fortunately, there was a video of the incident that we were able to locate and his case was thrown out in a suppression motion. Without that recording, we would likely not have had the same outcome because while judges are supposed to use the same standard to assess the credibility of all witnesses, there are very few judges that are comfortable finding a police officer not credible. Jurors believe an officer would not risk his/her career to lie in a criminal case. Judges see officers on a regular basis and view them as part of the criminal justice “team.”

There are a number of high-profile cases in which disturbing events have played out that have led to serious criminal charges as well. Some officers have been accused of murder or manslaughter, sex with an underage prostitute, theft of nude photos, texting racist messages about potential suspects, and other crimes. And that's just locally within the last ten years. Since police witnesses are not, in practice, treated with the same level of skepticism as lay witnesses, suspects need opportunities to gather evidence to help judges and juries balance the scales of justice. Afterall, police officers are government officials and other types of government officials are not similarly shielded from public scrutiny. There is no reason police should be able to hide behind a cloak of secrecy while performing a public function in a democratic society. As Dr. Philip McGraw frequently says, "people who have nothing to hide, hide nothing."

Qiana Washington*is Managing Partner at Washington & Associates Law Firm located in Walnut Creek. She has practiced criminal law exclusively for the last fifteen years. Qiana was a public defender for ten years prior to opening her own firm. She also currently serves on the Contra Costa Bar Association Board of Directors and the Contra Costa Criminal Conflicts Program Committee.*

[1] 373 U.S. 83 (1963)

[2] 11 Cal.3d. 531 (1974)

The Forest for the Trees: Seeing the Criminal Shade of the Emerald ...

Monday, April 01, 2019

The formerly illegal cannabis industry brought in vagabonds and settled folks, alike, all in search of the fast cash (a lot of it) generated by the illegal cannabis trade.

If you have not yet watched the Netflix docuseries “Murder Mountain” you should immediately place it in your queue. This compelling docuseries follows the disappearance of 29-year-old, Garret Rodriguez, a San Diego kid who found his way to Humboldt County, specifically Alderpoint, California, seeking the green dream of the “budding” and booming California cannabis industry. Garret not only found the cannabis industry, he also found himself in criminal vigilantism thicker than the Humboldt County forests.

The Emerald Triangle, which consists of Humboldt, Mendocino and Trinity counties and supported by its three main cities Eureka, Arcata, and Ukiah, is the ultimate grow ground for this industry. Not because it has the best soil, climate, or infrastructure for the cultivation of marijuana, but because of sheer geography. This area sits on the north coast of California, cuddled on one side by the vast Pacific Ocean, and on the other by lush forest, providing a green curtain shielding the shenanigans beneath it. The landscape of this area allows for cannabis cultivators and businesses to go undetected. It also generates a breeding ground for greed and crime.

Cannabis cultivation started to bloom in the Emerald Triangle during the 1960s, also known as the Summer of Love in San Francisco. These live-off-the-land hippies fed and nourished their families with the actual fruits of their labor

and often lived in communal settings.
California's passage of Proposition 215, legalizing medicinal cannabis flipped this community of love and "herbal" living on its head, giving rise to the Green Rush.

The Green Rush also bred outlaw behavior and vigilante justice. More missing persons reports are filed in Humboldt County than anywhere else in California. Missing persons fliers are the wallpaper of the county, which include pictures of young, hopeful, aspirational faces smiling back. The geography and the common unwillingness of residents to get involved with law enforcement makes these cases nearly impossible to solve.
This is the tragic story portrayed in the six-part series.

We are introduced to Garret Rodriguez through his father, who endears us to Garret by talking about the father-son bonding he had with Garret while surfing and fishing in southern California. Rodriguez's father reminisces about the small plot of land he purchased for his son, with the expectation that Garret would one day make money and build a house on the land.
That day never came.

Exploitation is the common course for Humboldt newcomers, those without historical ties, and connections to the county. There is limited to no cellular service in the area, making it a challenge for families to stay in touch with loved ones who make it to the area. Calls come sporadically, and in the case of Garret Rodriguez, the calls to his father eventually stopped coming all together.

The Alderpoint area that Garret became entwined in was now a far cry from the communal and free-love hippie inhabited area it once was. The illegal operations, legalization of medical cannabis, and law enforcement regulations led to the underground criminal enterprises that Garret became caught up in, all easily shielded by the "redwood curtain" of Humboldt County.

Garret's father stopped receiving the intermittent phone calls from his son about a year after Garret found himself in Humboldt County. In the spring of 2013, his father reported him as missing. The response Garret's father received from the Humboldt County Sheriff's Office was less than encouraging. The Sheriff's Office responded to Garret's father's plight with comments that Garret must have been a drug dealer and a loser, and all that aside, there was no actual evidence that Garret had even arrived in Humboldt County.

The refusal and lackadaisical approach to Garret's disappearance forced Garret's father to contact a local private investigator to assist him with uncovering what happened to Garret. Investigator Chris Cook used her contacts in

the community and connections to the county to obtain and verify information that places Garret in Humboldt County. For example, a white pickup truck was located in Alderpoint and remained registered in Garret's name. Though, even with this lead, local law enforcement remained disinterested in pursuing an investigation.

The docuseries allowed local law enforcement, like former Humboldt County Sheriff Mike Downey and current Humboldt County Sheriff William Honsal, to explain their indifference about the disappearance of Garret Rodriguez. However, their interviews blaming their conduct on the influx of murder cases do little to justify their failure to act.

In the absence of law enforcement to protect and serve, the vigilante justice by the citizens of Alderpoint rises to the surface. On Thanksgiving night in 2013, a few local men, well-known within the community, take it upon themselves to confront the man suspected to be involved in Garret's disappearance. This group is now known as the Alderpoint
8. In their strong-armed confrontation, the locals confirm that the case of Garret Rodriguez is no longer a missing person's case but is now a case of murder.

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Brady

Monday, April 01, 2019

Daniel Horowitz

When I first passed the bar exam, I asked a legend of the Alameda County bench, Judge Stanley Golde (A.K.A. "The Maven"), to give me some advice on my future as a defense attorney. Over several hours, he regaled me with war stories of how Al Davis asked him to keep Raider wide receiver, Warren Wells, "in the game" after Warren was charged with rape. (The charges were reduced to aggravated assault.) He smiled slyly when he spoke about Raider defensive end, John Matuszak, staying out all night and playing a game without any sleep.

"He got pulled over lots of times," Stanley told me, "but I took care of it." He told me how he would spend an afternoon a week at the Bok Sen restaurant eating, drinking, and dealing dozens of criminal cases with Deputy District Attorney Gary Cummings. But his most important insight into the Oakland culture came as I was walking to the chamber's door. "Dan," he said, "don't ever lie to the DA unless it's the last case you do in this county." That statement was both the heart of Alameda County's unwritten "Jensen-Hooley" rule of ethics as well as the essence of how *Brady v. Maryland* used to be enforced.

It was a "fairness" concept. You fought hard in the courtroom, but you didn't cheat. Grace Slick once sang that, "a fair trial is no trial at all," but if you go to trial, the prosecution has an obligation to pursue genuine justice and avoid wrongful convictions.

Brady was decided by the U.S. Supreme Court in 1958. John Brady and Donald Boblit murdered an acquaintance. Brady's defense was that Boblit was the actual killer and the plan was only to steal a car and use it in a bank robbery. Boblit confessed to this fact but the prosecution never disclosed this fact to Brady's attorney. In separate trials, both men were convicted and both were given the death penalty. The Maryland Supreme Court reversed the death sentence and remanded for a new sentencing hearing. It upheld the conviction itself as the confession of Boblit would not exonerate Brady in terms of guilt or innocence. In a 7-2 decision, Justice William O. Douglas wrote the majority opinion affirming the state court's partial reversal. You can listen to the oral arguments on Brady here: https://www.oyez.org/cases/1962/490

The problem with *Brady* is that the requirement applies not to exculpatory evidence, but *only* to exculpatory evidence that is material. The court held that "the suppression by the prosecution of evidence favorable to an accused upon request violates due process where the evidence is material either to guilt or to punishment, irrespective of the good faith or bad faith of the prosecution." *Brady v. Maryland* (1963) 373 U.S. 83, 87.

Brady was a post-conviction case. Pretrial, the prosecution decides what is or is not "material" and if withheld evidence is later discovered, the prosecution determination is reviewed on appeal or habeas. Nothing in *Brady* established a formal, pretrial disclosure process.

California has remedied aspects of this problem by enacting Penal Code section 1054.1(e), which requires the production of *all* exculpatory evidence without regard to materiality. The distinction is quite important in the context of a pretrial remedy for delayed discovery.

In *People v. Gutierrez*, a Contra Costa County Superior Court judge made a tough call when he dismissed charges against accused child predator Baldomero Gutierrez. Gutierrez had been held to answer for committing lewd acts with his two foster daughters. In a post preliminary hearing, the defense attorney found evidence showing that one of the girls had made unfounded accusations of molestations against her mother's boyfriend in 1996 and 1999. If this evidence were merely Penal Code §1054.1(e) evidence, it might be a "no harm, no foul situation." However, the judge in *Gutierrez* found the evidence "material," hence elevating the violation from a statutory violation to a *Brady*-based constitutional violation. This warranted dismissal. The First District upheld the trial court judge's ruling stating that the, "denial of a substantial right at the preliminary examination renders the ensuing commitment illegal and entitles a defendant to dismissal of the information on timely motion." (Citation omitted.) *People v. Gutierrez* (2013) 214 Cal.App.4th 343, 348-349.

Brady can create conflicts between investigative agencies and prosecutors. For example, in *Kyles v. Whitley* (1995) 514 U.S. 419 the prosecutor was imputed with the knowledge of exculpatory evidence in the hands of the investigating agencies. The ruling in *U.S. v. Aviles* (1999) 170 F.3d 863 contained dicta indicating that a prosecutor might have an obligation to investigate whether an agency was withholding evidence. In practical terms, prosecutors rarely have the time or information to make such an inquiry. If there is wrongdoing by the investigative agency, the prosecutor is often the victim.

Recently, the Pittsburg, California police department was accused of covering up a criminal and internal affairs investigation of two police officers. In exchange for the officers' voluntary retirement, the criminal investigation vanished, and the Internal Affairs investigation was shelved just before a report with findings adverse to the officers was to be written. While the Internal Affairs investigation is protected by the *Pitchess* discovery process, criminal investigations are not protected, and the information should have been disclosed in the ordinary course of discovery. Instead, the criminal file evaporated, and the Internal Affairs file was allegedly hidden in the police chief's desk. A lieutenant of the

police department made this information public and even though the prosecutors learned about these files from the lieutenant's disclosures, the Contra Costa County Public Defender's Office had 15 criminal convictions set aside due to the *Brady* violations by the Pittsburg Police Department.

While the holding in *Brady* and §1054.1(e) seem obvious at first glance, there are endless disputes about how to apply them. Are revisions of an expert witness' report exculpatory since differences between them may be impeaching? Are juvenile convictions of a witness (which are usually sealed by the Juvenile Court) discoverable if the prosecutor happens to know what is in the sealed juvenile file? What about work product and attorney-client privilege? If an alleged victim is represented by an attorney are the communications between that attorney and the prosecutor at all protected? Some prosecutors believe "yes," as they feel they represent the victim (although technically they represent the State and not the victim). *Roland v. Superior Court* (2004) 124 Cal.App.4th 154 requires the disclosure of witness interviews, even if they are not documented in a formal report. Should the prosecutor and his/her investigators be required to produce all e-mails, summaries of all phone calls, and trial preparation meetings with an alleged victim?

I ensure *Brady* compliance by serving subpoena duces tecum to witnesses seeking a broad range of materials. I ask for e-mails and texts exchanged with prosecutors and their investigators, calendar records, or other documentation of meetings with prosecutors and victim-witness communications. With expert witnesses, I prepare a subpoena asking for drafts of reports, billing records, advertisements for the witness' services, board complaints, and e-mails/texts with the prosecution. In this way, I force the prosecution to consider a broad universe of potential evidence, and I bypass the prosecutor and invoke the review and discretion of the Court.

The key to *Brady* is to enforce it pretrial because post trial review is usually futile. *Brady* and 1054.1(e) should be a major focus of any complex case.

Daniel Horowitz *is a certified specialist in criminal law and has represented criminal and civil clients in over 200 jury trials. His clients have ranged from high-profile criminals like the founder of the "Family Affiliated Irish Mafia" and celebrity clients (in civil cases) such as author Terry McMillan and radio show host Michael Savage. Mr. Horowitz is regularly a legal commentator both locally on in the national television networks.*

You Might Be a Dump Truck, if...

Monday, April 01, 2019

You might be a dump truck if… the back of your business card is a mini version of a Tahl Form.

You might be a dump truck if… you've pled hundreds of clients and didn't know it was called a Tahl Form.

You might be a dump truck if… "Plead as charged" …sounds just fine to you.

You might be a dump truck if… "Plead as charged" …sounds just fine to you and you haven't even reviewed the police report yet.

You might be a dump truck if… you know all the court fines better than the evidence code.

Peter Johnson

In setting out to write this article and using the tag line I was very surprised that several attorneys I spoke to had not heard the term "dump truck attorney." Which had me thinking " *You might be a dump truck attorney if… you don't know what a dump truck attorney is,"* but I digress.

The courts have recognized the phrase "dump truck attorney" in several decisions and observed that while it's not clear of the original source of the term it likely came from a reference to an overworked public defender who was being accused of trying to dump a defendant by having him plead guilty rather than afford him a vigorous defense. While there may be some instances of truth to that suggestion the court's further observation is something we witness everyday when retained defense attorneys who have done little to no investigation into the merits of any defense line up anxiously to enter a plea on behalf of their client. The Court observed, "It is an odd phenomenon familiar to all trial judges… that some criminal defendants have a deep distrust for the public defender. It is almost a truism that a criminal defendant would rather have the most inept private counsel than the most skilled and capable public defender. Often the judge will appoint a public defender only to watch in silent horror as the defendant's family, having hocked the family jewels, hire a lawyer for him, sometimes a marginal misfit who is allowed to represent him only because of some ghastly mistake on the part of the Bar Examiners and the ruling of the Supreme Court in *Smith v. Superior Court*, 68 C2d 547" (Smith is read as limiting the Court's discretion to interfere with the defendant's choice of a private attorney) *People v. Huffman,* 71 CA3d 63 fn2.

Certainly if a court considers that you are a "marginal misfit" only licensed due to a "ghastly mistake," "You might be a dump truck."

Under prevailing law a defendant is entitled to not just
"bare" assistance of counsel, but rather "effective" assistance. *Strickland v. Washington* (1984) 466 US
668, 686. That means a defendant is entitled to "reasonably competent
assistance of an attorney acting as his diligent conscientious advocate. *People v. Ledesma*, (1987) 43 C3d 171, 215.
Effective assistance of counsel applies not only to the trial stage of the
proceedings but pre-trial stage as well, including plea-bargaining. *Hill v. Lockart*, 474 US 52; *In re Alvernaz*,
2 Cal. 4th 924.

In *Missouri v. Frye*, 566 US 134 the Supreme Court held counsel's failure to notify his client of a potential plea bargain offer was ineffective; In *Lafler v. Cooper 566 US 156* the Supreme Court held an attorney could be found ineffective in advising his client not to accept a plea bargain and go to trial. So is that saying sometimes, "You should be a dump truck…?"

The Court in *Strickland* explained, "the overarching duty is to advocate the defendant's cause and the more particular duties to consult with the defendant on important decisions and to keep the defendant informed of important developments in the course of the prosecution."

One has to question how this standard can be met when an attorney pleads a client without discussing the information in the police report with the client, without conducting any independent investigation, and without researching the current law regarding any potential motions. This is clearly going on in courtrooms everyday, right in front of our eyes. How is it that so many lawyers are able to get away with this type of conduct?

The reality seems to be that people find their situations hopeless and are uninformed regarding potential defenses or important means of mitigating their circumstances. As a result they are complacent and undemanding of their attorneys. Because people are uninformed and ignorant, attorneys will take advantage of their complacency to affirm the hopelessness. Many dump truck attorneys might not even be aware they are reinforcing the sense of hopelessness. Those attorneys may have failed to educate themselves or have submitted to the pressures and difficulty of rising to the challenge time after time, as is necessary in order to be a diligent and conscientious advocate in criminal defense. Still other dump truck attorneys may be well aware of the sense of hopelessness and ignorance on the part of their clients and consciously take advantage of that fact to attain a quick plea and unfortunately a quick buck. Those attorneys have lost sight of what it means to be a criminal defense attorney in this country. Many likely have never understood the privilege we are afforded by virtue of our license to protect and help our fellow citizens and the principles our country was founded on. It is difficult for most attorneys to understand and probably controversial to state that monetary earnings will never drive zealous representation, but are a bi-product of consistently providing that level of service.

Amongst the types of conduct the courts have considered ineffective assistance of counsel are:

- Failure to investigate any significant issues/witnesses
- Failure to consult with or call an expert witness
- Failure to file timely motions

- Failure to convey a plea offer
- Advising against a plea bargain in favor of a more severe plea “plea to the sheet” in order to preserve a non-meritorious issue on appeal
- Representation despite a conflict with the client
- Inattention (nodding off during a court proceeding)
- Failure to make warranted objections to prejudicial evidence
- General incompetency

It is doubtful many people enter law school with aspirations of becoming a dump truck lawyer, but it happens nonetheless. We see it everyday. We are privileged to have the opportunity to affect lives of everyday people now and in the future. We owe it to ourselves, our clients and our profession to be zealous and effective advocates. If it was easy we’d only need a dump truck license.

Peter Johnson
practices criminal defense and civil rights law in partnership with his wife, Carin Johnson. Mr. Johnson is the past president of the criminal law section of the CCCBA, current board member of the California DUI Lawyers Association and author of California DUI Defense (Thomson Reuters). Mr. Johnson regularly lectures to attorneys throughout the country. He has conducted well over 100 jury trials as a criminal defense attorney.

Elder Abuse by the Mentally Ill

Monday, April 01, 2019

Jill Henderson

Sadly, it's an all too common scenario. Aging parents are the most common caretakers for their mentally ill children. Many report inadequate medical services for the mentally ill. When a crisis erupts, whether it be from a medication change or introduction of street drugs, violence ensues frequently. The violence can range from pushing to a single strike to full-blown torture. When the victim feels unsafe, the police will likely be summoned to intervene. This results in the introduction of the mentally ill to the criminal justice system. While, generally speaking, the criminal justice system is a crude tool for solving medical issues and family dysfunction, there are many options for good outcomes.

For reasons of financial necessity and self-preservation, at some point many parents will evict a mentally ill loved one from the home. Sometimes a restraining order is needed to enforce their wishes. Because of the di minimis nature of a single restraining order violation, coupled with poor trial equities (such as the protected party allowing the restrained person back home "just for one night") criminal charges are usually declined. However, if the violations are repetitive and involve stalking or violence, criminal charges can sometimes succeed in being "the stick" that an offender needs as an incentive to obey the court order, if capable. An initial sentence would always involve probation and very little, if any, jail time and could prove successful in deterring future violations and violence; so long as the protected party continues to enforce it scrupulously.

Turning to more serious events, a mentally ill person may act violently without provocation and little warning. In one tragic case, a severely developmentally disabled 68-year-old defendant attacked his sister who had been his caretaker for years. Upset over his meal, he beat her with his hands and fists in the kitchen until she escaped under the guise of needing her glasses to prepare different food. She was able to call 911 but soon fell into a coma and subsequently died of a brain hemorrhage. Criminal charges were brought and the case was expedited through the system. A doubt was declared as to the defendant's competency and he was committed to the Department of State Hospitals for restoration. The Department of State Hospitals quickly ascertained that he suffered from a grave mental illness and was unlikely to ever regain competency. He had no ability to care for himself and

nobody left to take care of him. That finding by the hospital allowed the Court to refer the matter to the Office of the Public Guardian who initiated conservatorship proceedings. Soon, he will be conserved and placed into a safe, appropriate setting.

Ideally, in victim-centered prosecution, the victim's wishes are always honored. Cases of elder abuse present some difficulty in that regard. The cycle of abuse in any family situation, whether it be domestic violence or elder abuse, results in reluctant victims at times. No matter how many violent incidents have transpired, parents hold on to faith that each time will be the last and an arrest or 48 hour psychiatric hold has succeeded in abating the problem. That is rarely the case and such victims are sometimes protected with a criminal protective order (CPO) against their will for a period of time necessary to break the cycle of violence. CPOs are efficiently executed and served at an arraignment making it effective immediately without the necessity of the victim taking any action. For some, this will be the first time being apart in their lives, thereby initiating a major adjustment. However, for many victims they realize just how out-of-control their life has become and develop the strength to start protecting themselves.

Whenever possible, the negotiated disposition for a mentally ill offender will involve mental health treatment. The available options continue to grow. Presently, there is Behavioral Health Court and Forensic Mental Services. People with private health insurance can avail themselves of covered benefits. The Office of the Public Defender effectively utilizes social service workers skilled at assessing resources and finding accommodations to suit the need. Standard addiction locked facilities are presently more available than facilities that can address dual diagnosis issues. These types of probation orders focus on treatment and prevention; the type of solution desired by all victims. Finally, there is a new Mental Health Diversion program available to some offenders where mental illness played a significant role in the commission of the crime. This program allows for treatment then dismissal of the charges.

On the extreme end of the spectrum, criminal acts committed by the mentally ill can result in a life term. In one case, a long-time sufferer of schizophrenia trapped his elderly father in the garage and tortured him for hours causing great bodily injury. The victim wanted his son "locked up for life." The defendant clearly meant to hurt his father and knew what he was doing and was unlikely to be found not guilty by reason of insanity by a jury. However, one court-appointed expert opined that he was insane at the time of the offense. Faced with the choice of sentencing the defendant to life in prison for the torture, which would make him eligible for

parole in seven years, or allowing him to be found not guilty by reason of insanity and committing him the Department of State Hospitals indefinitely, the victim and the defendant chose the life commitment to the hospital. The defendant is entitled to demonstrate restoration of insanity and petition for release every two years.

Our elderly population swells by the day. It is incumbent upon the government to protect those vulnerable members of society. When the offender is a loved one plagued with mental illness, special challenges arise in the criminal justice system. However, so long as we continue to evolve and cater the method to the individual as much as possible, we can continue to serve the entire population by treating people with dignity and respect.

Jill Henderson *joined the Office the District Attorney in 1998. Over the past 21 years, she has rotated through every position in the office, conducted over 100 jury trials including numerous murder and gang cases and presently serves as the supervisor of the Elder Abuse Unit prosecuting both physical and financial elder and dependent adult abuse.*

Henderson is a member of the Multi-Disciplinary Team on Elder Abuse, Elder Abuse Death Review Team and the Financial Strike Team. She teaches criminal prosecution to other prosecutors and trains law enforcement. In her spare time, she enjoys travelling with her husband and three kids, especially to good SCUBA diving destinations.

My Client has Threatened to Injure Somebody

Monday, April 01, 2019

You have the discretion, but not a mandatory duty, to report the threat, so as to prevent the crime.

1.
SUMMARY

New Rule 1.6(b) of the
Rules of Professional Conduct continues former Rule 3-100(B),
giving an attorney the discretion to reveal otherwise confidential information
when the attorney reasonably believes that disclosure is necessary to prevent a
criminal act likely to result in death or substantial bodily harm. Once the attorney does so, the attorney can
be required to testify at a trial against the client.

2. APPLICABLE LEGAL PRINCIPLES

A basic
precept of attorney client law is that we do not reveal confidential client information
to anyone. As stated in the official discussion
of former Rule 3-100 in the first paragraph, and repeated in the first
paragraph of Comment [1] to present Rule 1.6:

“A member’s duty to preserve
the confidentiality of client information involves public policies of paramount
importance. (*In Re Jordan* (1974) 12 Cal.3d 575, 580 [116
Cal.Rptr. 371].)”

Prior to the
promulgation of Rule 3-100, in *People v.*
Clark (1990) 50 Cal.3d 583, the California
Supreme Court held that a threat of future harm was protected by the attorney

client privilege. In *Clark*, the defendant communicated the threat to his psychologist, who was also a consultant to his attorney. The threat was to harm two third parties.

That holding was abrogated as to the attorney client privilege by Evidence Code section 956.5, effective July 1, 2004. That section now reads:

"There is no privilege under this article if the lawyer reasonably believes that disclosure of any confidential communication relating to representation of a client is necessary to prevent a criminal act that the lawyer reasonably believes is likely to result in the death of, or substantial bodily harm to, an individual."

Evid. Code section 956.5 was intended to overrule *Clark* with respect to the attorney client privilege. *People v. Michaels* (2002) 28 Cal 4 th 486, 538. There is no attorney client privilege when the client tells the attorney that the client intends to kill somebody or seriously injure them. *People v. Dang* (2001) 93 Cal App 4 th 1293, 1298. *Dang* then permits the prosecutor to elicit the attorney's testimony at a trial against the now former client. The attorney in *Dang* actually made the report to the district attorney. In *Dang*, the threat was to a witness in the case, not his own attorney. The rule does not limit its applicability to who the intended victim is, or to whom the disclosure is made.

Also effective July 1, 2004, Business & Professions section 6068 was amended to read, as relevant:

Bus. & Prof. 6068(e)(2)
"…an attorney may, but is not required to, reveal confidential information relating to the representation of a client to the extent that the attorney reasonably believes the disclosure is necessary to prevent a criminal act that the attorney reasonably believes is likely to result in death of, or substantial bodily harm to, an individual."

The legislative intent was that Evid. Code section 956.5 and Bus. & Prof. section 6068(e)(2) should act in tandem. *Elijah W. v. Superior Court* (2013) 216 Cal App 4 th 140, footnotes 3 & 15. Thus, if the attorney discloses the threat, the attorney can be called as a witness to the making of the threat. However, if the attorney does not disclose the threat, the attorney apparently cannot be called as a witness.

Also effective July 1, 2004, former Rules of Professional Conduct Rule 3-100(B) was promulgated in language nearly identical to Bus. & Prof. section 6068(e)(2). The rule was promulgated to avoid inconsistency between the statutes and the

Rules of Professional Conduct. The discussion to Rule 3-100 refers to this disclosure exception as “narrow.”

Effective November 1, 2018,
Rule 3-100 has been replaced by Rule 1.6, which reads:

(b) A
lawyer may, but is not required to, reveal information protected by Business and Professions Code section 6068, subdivision (e)(1) to the

extent
that the lawyer reasonably believes* the disclosure is necessary to prevent a criminal act that the lawyer reasonably believes* is likely to result in death of, or substantial* bodily harm to, an individual, as provided in paragraph (c).

There is no absolute requirement that the violent act be
“imminent.” The official discussion to Rule 1.6 recites:

A lawyer may also consider
whether the prospective harm to the victim or victims is imminent in deciding whether to disclose the information protected by section 6068, subdivision (e)(1). However, the imminence of the harm is not a prerequisite to disclosure and a lawyer may disclose the information protected by section 6068, subdivision (e)(1) without waiting until immediately before the harm is likely to occur.

Under *Clark*, client threats
are treated as privileged. However, the
code sections are written in a way that the source of the information does not have to be the client, nor do the acts have to carried out by the client.

The law does
not specify to whom disclosure can be made.
The case law discusses disclosure to the police authorities. Comment [4], recites that the exception in
Rule 1.6 “reflects a balancing between
the interests of preserving client confidentiality and of preventing a criminal act that a member reasonably believes is likely to result in death or substantial bodily harm to an individual.” Thus, the rationale would support a report to the potential victim, police authorities, or anyone the lawyer believes will be able to help prevent the criminal act.

Jerome Fishkin specialized in ethics advice to
attorneys until his retirement earlier this year. Attorneys who specialize in ethics advice can
be located at

http://disciplinedefensecounsel.org/

Criminal Justice Reform: The Long & Winding Road

Monday, April 01, 2019

Joseph Tully

The moral arc of the universe may bend towards
justice, but it sometimes takes much longer than expected and it twists and turns along the way. California has had significant criminal justice reform within recent times. Were it not for these reforms, our state would have collapsed
under the weight of our lust for vengeance as opposed to a virtuous adherence
to fairness. If you are unfamiliar with the major reforms that our state has implemented, below are short summaries of the more notable propositions and statutes.

Proposition 36 (2000)

Also known as “The Substance Abuse and Crime
Prevention Act of 2000,” Proposition 36 allows eligible defendants to have
their criminal charges or conviction dismissed if they successfully complete a court-approved drug treatment program. Such
programs include, drug education outpatient services or residential treatment,
detoxification services or narcotic replacement therapy or aftercare services. However, it does not include rehabilitation programs offered in prisons and jail
facilities.

Proposition 36 requires that first- and second-time defendants convicted of nonviolent drug possession offenses receive probation rather
than be sent to prison.

AB 109 (Realignment) 2011

AB 109 was a response to the Supreme Court decision that held the
California Department of Corrections and Rehabilitation had violated inmates’
Eighth Amendment rights protecting them from cruel and unusual punishment. California needed to reduce its prison
population from 190 percent to 137.5 percent of design capacity, the minimum
level believed necessary for the prison system to provide adequate mental
health and medical care.

According to the Public Policy Institute of California’s

website, “two features of the reform were aimed at quickly reducing the prison population. First, most parolees who violate the terms of their release but have not been convicted of a new felony are no longer sent to prison. Instead, they serve a short time in county jails or custody alternatives. Second, most lower-level offenders with no record of sexual, violent, or serious crimes now serve sentences in county jail or under county probation supervision.”

https://www.ppic.org/publication/public-safety-realignment-impacts-so-far/).

Realignment did reduce the prison population, but almost all of the decline took place during the first year and was not enough to meet the judicial target. It took California passing Proposition 47 to meet that goal.

Proposition 36 (Three Strikes) 2012

Proposition 36 was an amendment to Proposition 184, which was the “Three Strikes” law. Our three strikes sentencing law was amended to put someone away for life for three strikes, three serious or violent crimes, not two strikes and a foul tip as the previous law did. Proposition 36 revised the three strikes law to impose a life sentence only when a new felony conviction is serious or violent.

The initiative also authorized re-sentencing offenders currently serving life sentences if their third strike conviction was not serious or violent and a judge determined that their sentence did not pose unreasonable risk to public safety.

But you shouldn’t think of the 2012 Proposition 36 as making things easier for bad criminals because it maintained life sentences for felons with nonserious, non-violent third strikes if their prior convictions were for rape, murder, or child molestation.

This amendment saved our state approximately $90 million a year.

(https://ballotpedia.org/California_Proposition_36,_Changes_in_the_%22Three_Strikes%22_Law_(2012)).

Proposition 47 (Reduced Penalties) 2014

Proposition 47 reduced the classification of most “nonserious and nonviolent property and drug crimes” from felonies to misdemeanors. In general, it downgraded “nonserious, nonviolent crimes” to misdemeanors unless the defendant had prior convictions for murder, rape, certain sex offenses or certain gun crimes.

It also permitted re-sentencing for those currently serving a prison sentence for any of the offenses that the initiative reduced to misdemeanors. According to Lenore Anderson of Californians for Safety and Justice, under Proposition 47, ten thousand inmates were

eligible for resentencing. But this proposition also required a review of criminal history and a risk assessment of any individual before re-sentencing to ensure that he/she do not pose a risk to the public.

Following Proposition 47's approval, inmate populations in prisons began to fall across California. It was estimated that state savings would range from $100 million to $200 million beginning in the 2016-17 fiscal year.

(https://ballotpedia.org/California_Proposition_47,_Reduced_Penalties_for_Some_Crimes_Initiative_(2014).

Proposition 57 (Revolving Door) 2016

The goal of Proposition 57 was to enhance public safety and stop the "revolving door of crime" by emphasizing rehabilitation and preventing federal courts from releasing inmates.

Under Proposition 57, inmates were incentivized to take responsibility for their own rehabilitation with credit-earning opportunities for sustained good behavior, as well as participation in prison programs and activities. According to the California Department of Corrections & Rehabilitation's website, Proposition 57 "also moved up parole consideration of nonviolent offenders who have served the full-term of the sentence for their primary offense and who demonstrate that their release to the community would not pose an unreasonable risk of violence to the community." These changes encourage "improved inmate behavior, a safer prison environment for inmates and staff alike, and give inmates skills and tools to be more productive members of society once they complete their incarceration and transition to supervision."

This proposition is continuing to create changes. For example, on December 11, 2018, the California Department of Corrections filed emergency regulations with the Office of Administrative Law to expand nonviolent offender parole consideration under Proposition 57 to nonviolent third strikers.

(https://www.cdcr.ca.gov/proposition57/).

Proposition 64 (Marijuana Legalization) 2016

Proposition 64 allows adults aged 21 years or older to possess and use marijuana for recreational purposes. It also changed marijuana crimes from felonies to misdemeanors. The measure created two new taxes: one levied on cultivation and the other on retail price. Prop. 64 was designed to allocate revenue from the taxes to be spent on drug research, treatment, enforcement, health and safety grants addressing marijuana, youth programs, and preventing environmental damage resulting from illegal marijuana production. In reality, the taxes are choking the legal marijuana industry before it can get started.

Proposition 64 also allowed individuals serving criminal sentences for activities made legal under the measure to be eligible for re-sentencing and people with past convictions

to reduce or dismiss their charges.

Joseph Tully *is a criminal defense attorney, certified specialist in criminal law by the California State Bar. He has been in private practice since 2001, co-founding Tully & Weiss with law partner, Jack Weiss, after getting his experience at the Fresno County Public Defender's office starting in 1999. Tully is the Section Leader of the CCCBA Criminal Section.*

The Wrong Turn

Monday, April 01, 2019

Another Legal Fiction Story from the Bray Building Series by Justice James Marchiano, (Ret.)

In this most recent addition to "Stories from the Bray Building," Judge Carlton struggles with a mandatory sentencing statute which challenges the principle of proportional justice.

Twenty-six year old Billy Campbell made several wrong turns in his life. But the fateful one he took in 1998 redirected him onto a life-altering path into Judge Raymond Carlton's court room in the Bray Building. Campbell suffered from Raynaud's disease, a vascular disorder that left the tips of his fingers with loss of touch and in severe pain. A high school dropout, he worked sporadically and lived in a low-income area of Tracy with his nineteen-year old girlfriend Anita, who was then eight months pregnant. Campbell had previously encountered the justice system through shop-lifting from a Walmart store, temper flare-ups, and public intoxication on a sidewalk in front of a Tracy bar. Each time he received a suspended sentence with short probation time.

On a hot summer afternoon in 1998, Anita complained of feeling uncomfortable and bored, so Billy offered to take her for a relaxing ride in his 1990 red Toyota pickup. As they drove down the Altamont Pass out of San Joaquin County on Highway 580 toward an East Bay park in Dublin, Campbell noticed the gas gauge on his truck registered almost on empty, but he had little cash to buy gas. When he passed Pleasanton in Alameda County, he concocted a plan to get some easy money for gas. He recalled seeing newspaper recycling bins at the back of a San Ramon strip mall. It would be easy to steal enough newspapers in the bed of the truck to take to a nearby recycling center for gas money. Billy Campbell made an ill-conceived right turn onto Highway 680, heading north across the Contra Costa County line, toward the recycling bins. It would turn out to be yet another wrong turn in his life.

He backed up his truck alongside the bins and filled the bed with enormous piles of stacked newspapers and magazines and prepared to drive away. Suddenly a large semi-truck and trailer pulled up and blocked his pickup from leaving. Sadhu Singh placed his truck immediately in front of Billy's Toyota pickup so that it was wedged in, and unable to move forward or backwards.
Singh looked down from his cab, told Campbell he owned the recycling bin, and ordered him to put the papers back.
He called Campbell a thief. An angry Campbell reached into his glove compartment, pulled out an unloaded revolver, and yelled at Singh to get out of the way or he would "blow his fuckin head off." Frightened, Singh backed his rig away, allowing Campbell to speed off with Anita and the load of papers to the nearby recycling center.

Singh scribbled down a partial license number for the Toyota and called the San Ramon police, who took a report about the incident. In the meantime, Campbell received $8.40 for the papers, enough for five gallons of gasoline for the return trip to Tracy. A week later Billy Campbell was arrested for robbery, after a detective doggedly used a DMV computer base to ascertain the owner of the red Toyota pickup.
Campbell was transported to Martinez and booked into the Contra Costa County detention facility and asked for the assistance of a public defender.

Campbell told his public defender he was remorseful, needed medical treatment for his Raynaud's, would pay restitution, and expected to receive probation or short county jail time.
Anita recently had given birth to a baby son. Like a bearer of bad news, his public defender explained that Campbell did not commit the crime in Tracy or Dublin, but in Contra Costa County where the District Attorney did not plea bargain on any robbery when a gun was used.
Campbell made the wrong turn into Contra Costa County where the D.A. invariably followed the penal code for robbery using a gun, which carried a two to four year state prison sentence term.
And the use of a gun, even if unloaded, under the penal code at that time, mandated an additional ten years of state prison time. A different turn into Alameda County or San Joaquin County might have resulted in a different outcome.

Judge Raymond Carlton attended the Judicial College to study Criminal Trials Case Management in preparation for his reassignment to criminal trials. Sentencing was at times a byzantine morass of inconsistent punishments driven by the legislature's *ad hoc* response to crime.

Penal Code section 1385 gives a judge broad discretion in the interest of justice to strike some charging allegations involving enhancements and otherwise make an ineligible accused eligible for supervised probation. In response to complaints about the use of section 1385, the legislature enacted laws specifically preventing its use for certain crimes. Penal Code section 1203.06, involving the use of a gun to commit a robbery, was such a section, which prevented a judge from overriding the prosecutor's charging allegations. In 1979, in a contentious, deeply divided, 4 to 3 California Supreme Court decision, *People v. Tanner* held the trial court must impose the enhancement and could

not strike the gun use allegations in the interest of justice. In 1997, the legislature added Penal Code section 12022.53, mandating an additional ten years in state prison for the use of a gun in the commission of a robbery and prevented the trial court from striking the enhancement.

However, if brandishing a firearm were charged without any enhancement, the crime could be treated as a misdemeanor with county jail time and supervised probation imposed. The prosecutor argued the actions amounted to more than merely brandishing a firearm, rather the use of a gun to take the newspapers by fear. Despite extensive efforts by the pretrial disposition judge, the case, spinning out of control, was not resolved and headed for a jury trial before Judge Carlton.

In law school Judge Carlton studied legal history, which included a discussion of the influential work by criminologist Cesare Beccaria, *Crimes and Punishments*. Beccaria espoused a utilitarian model of making the punishment fit the crime, by looking at all aspects of the charged offense, the background of the defendant, the nature of the crime, effects on the victim and society, and the promotion of deterrence. Judge Carlton noted Beccaria's emphasis on proportional justice that reconciles retribution, restitution, and punishment to achieve a just sentence. This case challenged those fundamental principles.

The jury trial commenced before Judge Carlton. The prosecutor presented a strong witness in Sadhu Singh, who vividly described what happened, and gave a description of the pickup truck and its driver, which closely matched the accused. A detective obtained a receipt for $8.40 for newspapers from a nearby recycling center, recorded around the time of Campbell's flight from the scene. The attendant at the recycling center remembered a nervous, perspiring driver of a red pickup with newspapers piled high in the bin, anxious to conclude the transaction and leave quickly. When arrested, Campbell was wearing a black Raiders cap backwards on his head, a cap described by Singh. The case fit neatly like a hand in a glove.

The public defender tried to raise a cloud of reasonable doubt by vigorous cross-examination, first of Singh, who was under stress and fear during the confrontation and may have been mistaken in his identification. His view of Campbell's head was partially blocked by a sports cap. Then, the detective conceded he stopped looking for other possible Toyota pickup truck licenses as soon as the partial matched Campbell's truck. He agreed there might be other older Toyota pickups with the same beginning sequence of letters and numbers. In his cross-examination, defense counsel revealed through a police officer that Campbell was booked into jail with Raynaud's, an illness which would make his picking up piles of newspapers difficult and painful. The gun found in Campbell's truck was unloaded, somewhat contradicting Campbell's alleged statement to Singh about threatening to shoot him.

The defendant did not testify. His lawyer could not knowingly put him on the stand to give false testimony. Campbell, moreover, was angry about the trial, and under rigorous cross-examination would be a belligerent, obviously hostile witness, and lacked the mental acumen to parry an experienced prosecutor's questions. He was likely to make another wrong turn on the witness stand.

Closing arguments went as expected. The jury returned a guilty verdict after three hours of deliberations. Judge Carlton ordered a sentencing report and set the matter for sentencing.

California Rule of Court 4.410 sets forth the objectives of sentencing, embodies much of Beccaria's model, and highlights community based correction programs. Judge Carlton also reviewed Penal Code section 1170(a) (1,) which calls for sentences that are "proportionate to the seriousness of the offense," when the sentence involves incarceration. But the statute requiring a state prison sentence under the circumstances was unequivocal. Torn by competing objectives, the judge struggled with imposing the sentence. So after an emotional sentencing hearing that covered Billy Campbell's background, including his debilitating illness, the reasons for the crime, and a host of other mitigating factors, Judge Carlton was compelled to sentence Billy Campbell to the lower term of two years for robbery and an additional ten years in state prison for use of a gun, with credits for pretrial jail time. Campbell cursed everyone under his breath as he was led away in handcuffs to be delivered to state prison.

For nearly forty years, the rigid, mandatory prison sentence for use of a gun remained in effect, as the number of state prisoners increased from 50,000 to 130,000. The enhancement punishment for use of a gun was increased to ten years in state prison, just before ill-fated Billy Campbell stole the newspapers. After Judge Carlton retired, he strongly supported a 2017 legislative amendment, which finally gave trial judges the discretion to strike the enhancement in the interest of justice in appropriate cases. He never could forget the Campbell case and the futile quest for proportional justice.

Justice James Marchiano (Ret.) *was a trial lawyer until appointed to the Superior Court of Contra Costa County in 1988, where he served for ten years, primarily as a civil and criminal trial judge. In 1998, he was appointed to the California Court of Appeal, First District, Division One, where he served as a Presiding Justice, for 15 years. This story is another part of* ***Stories from the Bray Building*** *series of fictionalized court cases based on real cases that can be found at* www.cccba.org/attorney/cclawyer-articles*/.*

Coffee Talk

Monday, April 01, 2019

April COFFEE TALK TOPIC: THE CRIMINAL LAW & MENTAL HEALTH ISSUE

Coffee Talk is a regular feature of the *Contra Costa Lawyer* magazine. We ask a short question related to an upcoming theme and responses are then published in the *Contra Costa Lawyer* magazine. This month we asked:

What is the most frightening issue you've experienced as a result of a case?

I am an ethics lawyer, so I have seen a lot of bad acts by attorneys and other professionals in my day. I once had a client who was disturbed, and could be violent. One day I came into my office and he had convinced the attorney in the next office to let him into my office when I was not there to wait for me. I found him there after lunch quietly waiting in the dark. Too quietly; it was strange. Later, I discovered he had rifled through my top drawer. I did, however, get him an excellent result, but I am not extremely proud of that.

Carol M. Langford

I had a very contentious case. Every time I obtained a positive result for my client something strange would happen. The first time I defeated a motion brought by the Plaintiff and the next day 10 dead birds (all Robins) were strategically placed in front of my office. The next time I won a motion (a few weeks later) a decapitated Robin was placed on my home doorstep. Coincidence or was someone trying to send me a message? Either way I continued to prosecute the case.

Robin M. Pearson, Partner, Pearson & Schachter

The most frightening issue I experienced in a case happened at a deposition I was defending in downtown Oakland. My opposing counsel was abusive towards my client so I ended the deposition. I was outside his office waiting for the signal light to turn green to walk to the parking lot when he came up behind me and starting yelling and demanding that I come back inside. I ignored his threats and did not respond. Luckily the light turned green and he did not follow me across the street.

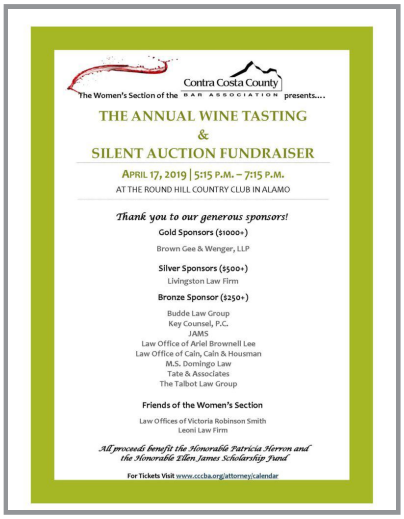
Lorraine M. Walsh

I was a young associate and was asked to cover a family law hearing with zero knowledge of family law and almost no explanation as to what would happen at the hearing. I showed up to represent the husband and learned that the divorcing parties were both police officers. They had gotten into a fight at home that turned physical and the wife gave as good as she got. I don't remember anything else about the hearing other than the pictures they both brought to court. Totally made me never want to handle a family law matter again and I can successfully say I have stayed true to that promise.

David S. Pearson

Women's Wine Tasting Fundraiser 2019

Monday, April 01, 2019



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