

Contra Costa Lawyer Online



The Contra Costa Lawyer is the official publication of the Contra Costa County Bar Association (CCCBA) published 12 times a year - in six print and 12 online issues.

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A Look Back

Wednesday, August 01, 2018

Welcome to the first interactive issue of the Contra Costa County Lawyer! This edition will take our more seasoned attorneys down memory lane while sharing the history of our legal community with our newer attorneys. To prepare this issue, we researched previous editions of the **Contra Costa Lawyer** beginning around the 1970s, when the magazine was a newsletter, and found a treasure trove of fun pictures, articles, and advertisements. We even researched the CCCBA Bar Directory photos and are ready to test your ability to recognize colleagues. [Click here to take the test.](#)

Speaking about testing your knowledge, you can also take our interactive quiz about the namesakes of our courts. How much do you really know about the judges after which the court were named? [Click here to test that knowledge.](#)

If you want more information about Contra Costa County's court system, Donald Bastin provides an informative and thorough history of our courts in his article, *The Law in these Parts*.

You can also browse through the court filing fees throughout the years and then peruse advertisements for office space, copiers, computers, and West California Digest. What do you think an Osborne 1 Computer cost in October 1987? [Click here to see.](#)

We are excited about the first interactive issue of the Contra Costa Lawyer and hope you enjoy this edition as much as we enjoyed putting it together. Enjoy the rest of your summer!

Co Editors Samantha Sepehr and David Arietta collaborated on this issue. Both are members of the Contra Costa County Bar Association's Editorial Board.

Samantha

Catching Up with Lisa Reep

Wednesday, August 01, 2018



The CC Lawyer is taking a look back for this “Retro Issue.” No review of the Contra Costa County Bar Association would be complete without a focus upon our former long-time Executive Director, Lisa Reep. I had the opportunity to catch up with Lisa while she was on a trip in Colorado (home state to both of us), and again before a separate trip to Chicago. Per her modus operandi, Lisa graciously took the time to participate in this month’s President’s Message:

James Wu: Tell us about how/why you first joined the CCCBA staff.

Lisa Reep: I had been working as Director of Education for the American Arbitration Association in SF for ten years and was ready for a change. When I saw the job announcement in the Daily Journal in the fall of 1994, it sounded like a perfect fit. So I studied up on the CCCBA, asked my Contra Costa attorney contacts a lot of questions, and gave the interview my all. Marc Hallert called me with a job offer the next morning and I started two weeks later.

James Wu: What are the top five achievements you are most proud of accomplishing as Executive Director of the CCCBA?

Lisa Reep: This is a toughie! In collaboration with committed board and committee members, as well as my fabulous staff, I was fortunate to have accomplished so many good things during my 20-year tenure. Together, we transformed what started as a primarily social organization into a professional association that supported our members’ practices and provided valuable legal services to the community. Here are five of my top picks:

- We conceived and launched the annual “MCLE Spectacular” (now in its 24th year);
- We underwent a comprehensive operational review conducted by the ABA, which brought about major programmatic and corporate governance improvements, as well as the adoption of annual strategic planning sessions with the board (Dick Frankel deserves a shout-out for this one);
- We established “The BAR Fund” to support the provision of pro bono and related legal services through local agencies;
- We hired a Communications Coordinator, which resulted in a state-of-the-art redesign of our website (including a mobile-friendly version), a more professional Contra Costa Lawyer magazine (including an on-line version), the launch of our weekly e-mail broadcasts, and vastly improved general interactions with our members and the public;
- We received outstanding recognition by the State Bar for programs shepherded by our Diversity Committee.

James Wu: What were some of the challenges you faced as ED of the CCCBA?

Lisa Reep: Section integration was a big one, and a process that took the better part of my 20-year tenure there. But we ultimately managed to bring them (mostly) into the fold, in large part by providing them with good staff support. Another challenge was trying to persuade our more traditional members that switching to an on-line version of our magazine made sense. Another was when the board elected to boycott the Marriott Hotel at the State Bar conference due to their (the Marriott's) support of Proposition 8. That raised a lot of ire within a segment of our membership. But despite the ire, it felt like we did the right thing. There were also the occasional rogue presidents and staff members, as well as tricky challenges with our Criminal Conflict Program. And then there was the judicial induction when the Presiding Judge deemed our president "persona non-grata" after he insulted many of our judges while presenting the gavel to the inductee. Anyone who was there knows exactly what I'm referring to!

James Wu: In your experience, how does the CCCBA differ (if it does) from other voluntary member Bar Associations?

Lisa Reep: I was always secretly proud of our bar association when attending the ABA's annual bar leadership institutes and my fellow California bar association executive director retreats. I'd listen to the laments and dysfunctions of our counterparts and feel so good about how healthy our bar was in comparison to so many others. We managed to do so much with our limited resources, and had such healthy relationships within our board, with our sections, the staff, and with the bench. My ABA colleagues often commented on how the CCCBA was a poster child for bar associations of our size.

James Wu: What advice to you have for CCCBA members in order for them to get the most out of their CCCBA membership?

Lisa Reep: Get involved and take advantage of everything the CCCBA as to offer! You'll get out of it what you put into it.

Editor: (After Lisa left the CCCBA, she created her own successful business)

James Wu: What inspired you to found your own business after leaving the CCCBA?

Lisa Reep: I wanted to do something completely different, and something that would be gratifying and helpful to others. I've always loved fashion and organizing spaces, and my Closet Concierge business incorporates both.

James Wu: Any other interesting topics/old CCCBA secrets/surprises that you'd like to reveal?!

Lisa Reep: It's no surprise to most, but I met my wonderful husband, Scott, when he was president of the Barristers in 1994. I have the CCCBA to thank for that, as well as the many amazing and longstanding friends I met while working there. I was extremely fortunate to have enjoyed such a rewarding career there, and am so pleased to know what a fabulous successor I have in Theresa Hurley. She is owning the position and taking the CCCBA to the next level!

James Wu: Thank you Lisa! You were a wonderful Executive Director and asset to the CCCBA. For more information about Lisa, check out her bio article in the September 2017 issue of Benicia Magazine.

James Wu has happily served on the Board with Lisa Reep and Theresa Hurley. For over 21 years, James has practiced employment law. He is a defense litigator for employers, and he also provides advice and counsel to reduce the risks of employment-related claims and lawsuits. To find out more, see www.linkedin.com/in/jamesywu

Articles Over the Years

Wednesday, August 01, 2018

The following articles were flagged by Guest Editors Samantha Sepehr and David Arietta as interesting. Take a few minutes and see if they spur any new ideas for you!

Are they Employees or Independent Contractors, by J. Virginia Peiser, December 1984

Computers for Very Small Offices, by Joshua Genser, July 1985

Malpractice Corner by Stanley M. Pedder, November 1987

MCLE is Here by Jeff Huffaker, April 1992

Of Law and Sex: Harassment in the 90s, by Diane O. Palumbo and Kimberly J. Williams, June 1992

Women on the Bench, by Karen Matchke Crosby, June 1992

Tax Relief for the Innocent Spouse by J. Virginia Peiser, July 1993

Law Office Design & Layout for the 90s, by Matthew R. Mills AIA, September 1993

Discovery of Electronic Data by John H. Jessen and Lawrence P. Ebiner, January 1994

Notes from an Information Highway Hitchhiker, Technology Corner, by Harry Styron, May 1994

Technology Corner, by Harry Styron, August 1994

Notes from an Internet Hitchhiker, Technology Corner, by Harry Styron, October 1994

Notes from an Internet Hitchhiker, Technology Corner, by Harry Styron, July 1995

Contra Costa County Bar – the 50's and Beyond, by Douglas Cowan, November 1995

Guess Who!

Wednesday, August 01, 2018

Take a look at this slideshow and try to guess who's in each photo. Work quickly! Click on the photo and the answer will appear after 8 seconds.

See more photos below! Scroll down.

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Ads from the Past

Wednesday, August 01, 2018

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Court Fees - Then & Now

Wednesday, August 01, 2018

Wondering how fees at the court have changed over the years? Check out these samples from 1978 through today. Click on the thumbnail and a larger pdf will open. Enjoy the good old days!

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Courthouse Quiz

Wednesday, August 01, 2018

Can you chose the namesakes of the Contra Costa County courthouses?

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CCCBA Then and Now

Wednesday, August 01, 2018

If you thought the bar exam was tough, test yourself on the history of the CCCBA and the legal community in Contra Costa County. Good Luck!

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Some Things Don't Change

Wednesday, August 01, 2018

In this Retro Issue of the Contra Costa Lawyer magazine, we couldn't help but notice that some things never change! Check out these "vintage" articles and see if you agree! (*Hint: Click on the image and a pdf of the old article will appear.*)

[table id=6 /]

The Law in these Parts

Wednesday, August 01, 2018

The legal system in Contra Costa County has undergone many changes over the years. California's original constitution, enacted in 1850, created a fairly complex system consisting of several courts. At the top (as far as the county was concerned) was the District Court. The first judge in the district which included Contra Costa County was John Watson (above); his district included Santa Cruz County, and he gave his name to the town of Watsonville. The District Court Judge heard major criminal and civil cases, and appeals from lower courts.



Below the District Court were the County Court and the Court of Sessions. The County Court was assigned one judge, and the court handled civil cases and acted as a probate court. F.M. Warmcastle (left) was Contra Costa's first County Judge. This court also took appeals from the Justice's Court. The Court of Sessions acted in concert with the County Court, handling only criminal matters and criminal appeals from the Justice's Court. Its composition was unique, consisting of the County Judge and two justices of the peace, acting as associate judges. The associate judges were elected by all the justices in the county.

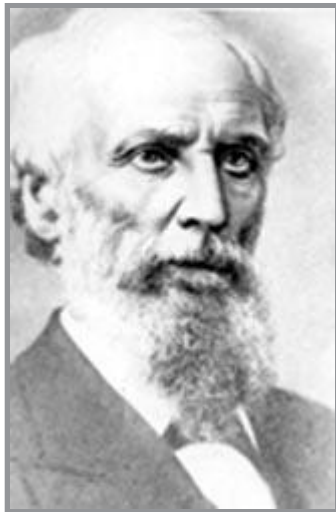
At the bottom were the Justice's Courts. The history of this court system dates back to 13th century England, when the office of justice of the peace was created. These were community judges and handled local matters. There was a similar office in Mexican California, "the Alcalde," who was a respected community member. His job was to resolve neighbor's disputes and to render swift justice to miscreants. The Americans who flooded into California during the Gold Rush adapted to the alcalde system without a problem, seeing the office as similar to their own justice of the peace. Many Americans served as alcaldes during the first years of the California Republic and statehood. The Justice's Court was local, easy to understand, and dealt with most of the issues that concern any community. Until late in the 20th century, the local justice of the peace was known by everyone and knew everyone in turn. It was a system that worked well and helped to foster a familiarity with the law and a respect for its processes. Sadly, it is long gone.

OTHER COURTS

RECORDERS' COURT: The State Constitution of 1850 also established this court, which could be set up in any incorporated city. Martinez was the first city to incorporate, in 1876, and in that year established the first Recorders' Court in the county. This court was a variation of the Justice's Court, and was concerned primarily with the violation of city ordinances. It later became known as the City Court.

MAYORS' COURT: This was a variation of the Recorders' Court, but was presided over by the mayor of an incorporated city.

JUDGE OF THE PLAINS: Probably the most unique of the judicial officers of the county, the "Judge of the Plains" was appointed for a term of one year by the Court of Sessions to attend rodeos and decide all disputes over ownership of cattle or other farm animals. In the early days of California statehood, it was a felony to alter or deface any mark or brand on most farm animals; such offence was punishable by imprisonment for 1 to 5 years.



The California Constitution was completely revised in 1880. Amended hundreds of times, it is still the constitution in use today. The County Court and the Court of Sessions were abolished and the Superior Court system was created. When the County Court was eliminated, the last judge was Thomas Brown (above), who then became Contra Costa County's first Superior Court Judge. Until 1914, there was only one Superior Court judge. In that year, Department 2 was created, and Judge Alfred McKenzie became the first judge in that department. As the population has increased, new departments were created and the number of judges has increased accordingly.

MUNICIPAL COURT

The first Municipal Court in Contra Costa County was formed in 1953, in the city of Richmond. The city had grown tremendously during World War II, as had the entire county, and the need was felt for the broader jurisdiction of the Municipal Courts, and judges trained in the law (as the justices frequently were not). By 1969, five Municipal Courts had been created, and were located in Richmond, San Pablo, Concord, Walnut Creek and the Delta (River Court). They assumed the functions of the old Justice's Court, and by 1972 this venerable institution had passed into history. By 1991 the number of

Municipal Courts had been reduced to four, as the San Pablo Court had been joined with the Bay Municipal Court (formerly Richmond). On June 8, 1998 (in the words of former Judge Wayne Westover) “. . . the Contra Costa Municipal Courts went the way of the County’s justice courts when, by unanimous consent of all the judges of both courts, only the Superior court would remain.”

An Evolving Court

For over 100 years, the judges in our county comprised an exclusive white men’s club (unless you count Henry Alvarado who, as a “native Californian,” may have occupied a special niche in California history). The doors began to open to other groups in the 1950s.



The first female judge in Contra Costa County was Betsy Rahn, who was elected to the Walnut Creek Justice Court in November, 1958. On December 24, 1959, the Walnut Creek Municipal Court was established, by judicial order, and she was automatically elevated to the Municipal Court. She continued to serve as a judge until the mid-1970s.



George D. Carroll was our first African-American judge. He was appointed to the Bay Municipal Court, by Governor Edmund G. Brown, in 1965. He also served as the city of Richmond’s first African American Mayor.



Patricia McKinley was the first African American woman to serve as a judge in Contra Costa County. She was appointed to the Bay Municipal Court by Governor Jerry Brown in 1982, at the young age of 33. Tragically, she died just four years later of cancer.



Irene Takahashi was our first Asian American judge. She was appointed by Governor Deukmejian in 1989 to the Bay Municipal Court in Richmond (the Richmond Court was the site of many legal firsts)

Joni Hiramoto is the first Asian American judge on the Superior Court bench. Appointed to the Bay Muni Court by Governor Pete Wilson in 1998, she was elevated to the Superior Court three weeks later when the Municipal Courts were abolished. As of the date of this article, she is still an active Superior Court judge.



Barbara Zuñiga was the first Hispanic judge in the county (unless you count Henry Alvarado, 1923-1932), and the first Hispanic judge on the Superior Court. Ms. Zuñiga served as a Municipal Court Judge in the Walnut Creek-Danville Court from 1985 to 1994. She was then elected to the Superior Court, where she served until her retirement in 2014.



E. Patricia Herron was the first woman to serve on the Superior Court. Appointed by Governor Jerry Brown in 1977, she served for ten years and left to enter private practice. Women now outnumber men on the Superior Court bench.



Diana Becton is the first African American judge on the Superior Court bench. Ms. Becton began her career in 1995, when she was appointed to the Bay Municipal Court, by



Governor Pete Wilson. She was automatically elevated to the Superior Court in June of 1998 when the Municipal and Superior Courts were consolidated. Recently elected to the office of Contra Costa County District Attorney, she now captures two new firsts as the first woman and the first African American to hold that office.

Today, only the Superior Court remains in our county. The name “Superior Court” has lost its core meaning, as it is now superior to nothing. All civil and criminal cases, from small claims, to traffic court, to divorce proceedings, to the most serious criminal offences, are now carried on in one of the Superior Court buildings in the county (most of them in Martinez). But the job of the judge remains the same as it has always been—to mete out justice in as fair and impartial manner as possible.

*Note: Much of the material for this article was taken from **The Bench and Bar of Contra Costa County**, by Wayne Westover Jr, Judge of the Superior Court, printed in 2002. This article is an abridged version of an exhibit, curated by the author Donald Bastin, 1st VP of the Contra Costa County Historical Society and Clementina Diaz , about the legal history of our county, on view at the History Center of the Contra Costa County Historical Society, 724 Escobar Street, Martinez. More info at cocohistory.org.*

Bar Soap

Wednesday, August 01, 2018



Hard to believe summer is upon us already.

I did receive my annual jury summons. I reported dutifully to Pittsburg. What a beautiful courthouse. Did confirm the Family Law cases are all directed back to Martinez, so plenty of available courtrooms.

I have received an overwhelming response to my last Civil Jury Verdicts mention of needing trial reports. That response has come from the court, judges and trial attorneys. Thanks to all. Looks like we will have a Civil Jury Verdicts column long into the future. I certainly know there are lots of trials taking place in our civil courtrooms.

Very pleased to see my former colleague Virginia George appointed to our Superior Court Bench. I enjoyed her official swearing-in ceremony in the Board of Supervisors chambers. However, I must confess I didn't recognize half the judges seated in front of us. And I don't think it is my failing memory. I simply do not know many of our judges. The good news is we have a diverse bench peopled by many with varied legal backgrounds.

My partner Erika Portillo and I gave presentations on "Immigration" to the Rotary Club of Walnut Creek and to Leadership Contra Costa. Leadership Contra Costa is the annual Walnut Creek Chamber of Commerce sponsored program. For the past ten years or so Erika has focused her law practice on immigration law. The main title of our talk was: "A non-political look at immigration." One of the important themes of our presentations was the "Myths" surrounding immigration law. At any rate we were well received at both events.

The Bar Association's annual Bench Bar program took place May 15 at noon in Department 39. That is Judge Weil's department. He is now our civil complex litigation judge. I will say I must be out of the loop as I did not know Judge Goode was retiring until I heard at Virginia George's swearing in ceremony. And I am supposed to be in the loop as that Bar Soap guy.

The Bench Bar lunch meeting is simply not to be missed by civil practitioners. Lot's happening of interest and of note. Of course we always hear about the "new computer system" coming on line soon. I recall I first heard about the new computer system when I was a Deputy DA back in the 80's. Hope springs eternal!

I like to see what starting salaries are for "elite law students" each year. How many of you started at \$190,000? How many of you have a base salary of \$190,000? I thought so! Latest published information reflects starting salaries for the most elite students with several national law firms at \$190,000. But, fewer firms have rushed to match that number this year. Well, that's a relief!

Coffee Talk: Share a Memory

Wednesday, August 01, 2018

Share a Memory: What was practicing law like when you started as an attorney in Contra Costa County?

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.

I started practicing law in Walnut Creek around 27 years ago. It was a quiet little town. I told my friends I liked it because it reminded me of the small town I grew up in; Montgomery Alabama. They told me I was crazy to take a job in a “cow town.”

It ended up being the best move I ever made, and it is certainly not a “cow town” any longer, assuming it ever was.

Carol Langford

When I started out as a lawyer in Contra Costa County, I represented an uncle in a small claims appeal in Napa County. It was a neighbor dispute where the plaintiff sued my uncle for overhanging tree limbs that encroached on the neighbor’s property. The original small claims judge issued an injunction against my uncle (never mind the jurisdictional issue), and I appealed with the requisite trial de novo.

The neighbor was an idiot and, in closing argument, I said, “Plaintiff comes into court with unclean hands.” At which point, the in pro per neighbor-plaintiff rises from his seat and says: “Your Honor, Your Honor, I washed my hands this morning.” I had to bite my cheek to prevent laughing. The judge had a big smile across his face, too.

I won the appeal and the tree and the associated limbs stayed.

True story.

Harry C. Gilbert
Attorney at Law

Planting a Seed

When I gave my first QDRO seminar in 1987 in a conference room at the Hilltop Mall in Richmond, Judge Jim Libbey was there. After hearing about QDRO law, he asked the question - “Isn’t there an order that will suffice for every plan?” It was a somewhat exasperated utterance but a brilliant and concrete question. It took 20 years to develop but in 2007, a QDRO team working to update Family Code section 2337 came up with FL-348 - a one size fits all provisional QDRO meant to be used when you are severing marital status and the QDRO is not done. FL-348 when sent to the Plan will trigger a QDRO review by the Plan - keeping your client’s claim on hold and first in line while giving you time to outsource the permanent QDRO. California is the only state that has implemented this brilliant idea. Thanks, Judge Libbey for your common sense and for not being afraid to ask what someone else might have been afraid was a “stupid question.”

Ann Fallon, Esq.
WHITING, FALLON, ROSS & ABEL, LLP

No emails from the CCCBA. All section newsletters were faxed out and no one knew what it meant to be paperless. I was a unicorn at the time.

David S. Pearson
Law Offices of David S. Pearson

When I started practicing in Contra Costa County, I was a member and former President of the young lawyers association, the Barristers. Fellow members included my sister Catherine Walsh, Larry Cook, Bob Famulener, Tom McKenna, Mary Ann McNett Mason, Bill Waterman, Scott Reep and Karen Crosby. It was a great social and networking outlet. We met at each others homes for a home cooked meal and sponsored an Annual Christmas Party at Heather Farms which was catered and featured carved ice sculptures! Most of us still practice in the County and some of us have recently attended the roundtable meetings to establish a "Senior" section. We have now come "full circle".

Lorraine Walsh
Law Office of Lorraine M. Walsh



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You thought the work was over and you had time, but you realize that your game has...

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The California Constitution contains no explicit provisions about social media...

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News & Updates

Get Some
Having the business system to assist an already 100% loaded my annual July calendar.

Business Update

