

Across_{the} Bar

San Joaquin County Bar Association

SPRING 2023



TRINA CERVANTES, ESQ.
Outstanding New Lawyer Recipient



HOW TO REACH ACROSS THE BAR:

ATB@sjcbar.org

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MESSAGE FROM THE **President**

Dear Members of the San Joaquin County Bar Association:

I want to thank all the previous Board of Governors and the most recent presidents of the board. Those presidents were Jon Garzoli, Anna Maples, Armando Villapudua, and Heather Rubino. All of them led the Board of Governors and SJCBA through some trying times, including the changes in the Bar Association's leadership, and of course the worst and deadliest pandemic since the flu pandemic of 1919 – Covid 19. You all did your jobs with dignity and for the benefit of the association that you volunteered to serve. On behalf of San Joaquin County Bar Association and the legal community, I THANK YOU!

You are a tough act to follow, and I will do my best.

When I was thinking of what to say in my first message to the Bar Association, I was pondering what exactly is the purpose of this association. So, I dug up the mission statement.

“The San Joaquin County Bar Association is a membership organization focused on serving, promoting and celebrating the rule of law in San Joaquin County and its legal community.”

Then I asked, “What does that mean?”

Therefore, I broke it down.

1. This is a “membership organization”. This means the organization belongs to its members. Members are the following who have paid their dues:
 - Attorney Members, including inactive and retired.
 - Associate Members, which includes judges and commissioners, legal assistants, paralegals, clerks, and other legal professionals, private investigators and last but not least law students.
2. “... focused on serving, promoting and celebrating the rule of law ...” I found myself asking what's the rule of law? I looked it up on the internet and found out that I was not the only confused individual regarding this concept. In simple terms, it is the concepts by which our nation was founded. Laws govern society. They are the rules that we all follow in all aspects of life to help ensure a peaceful pursuit of individual happiness. No individual or organization is above the law or below it.

There are laws governing all aspects of an individual's life. For example, while driving a car we all stop at a red light. If someone says something that we don't like, we all know

that we don't hit that person with our fist. If an individual or an organization makes an agreement with another, they perform the promises in the agreement. If you find yourself splitting up with your spouse, you don't take all the property you acquired together for your own personal use. These are just some examples of laws that govern our lives so we can live in a peaceful and civil society.

So how does that figure into the mission statement of the Bar Association?

As members, we are professionals. We serve the rule of law by participating in activities in the community. Activities like – The First Impressions Civics Program, Small Claims Advisory and Free Clinic, and the Mediation Program. These are just a few programs offered with the help of the Bar Association.

We promote the rule of law by performing the services outlined above and by being respectful and professional to everyone we meet. Also, being competent in our jobs. How does the Bar Association help with that? By providing MCLE programs in a wide range of topics at a fair and decent price. As a matter of fact, the 2023 MCLE Masters Series in January was free to all members who had paid their 2023 dues.

How do we “celebrate” the rule of law? Participate in, and attend, SJCBA events.

The first event of the year is the New Lawyers Reception where we welcome and celebrate newly admitted attorneys, attorneys new to the area, and honor the SJCBA's Outstanding New Lawyer which was Trina Cervantes. Every May, we hold the annual Law Day Luncheon and recognize the Law Day Award recipient. This year, Jose Rodriguez, President/CEO of El Concilio, received the award. Every November, we host the SJCBA Annual Meeting and State of the Court.

We also have SJCBA Member Appreciation Night with the Stockton Ports. Last year, I brought my baseball glove to the game. No, I did not catch a home run ball because no one went yard (hit a home run). Yes, I will bring one again to this year's Member Appreciation Night on July 28, 2023, because as Kruk and Kuip always say, “Bring a glove, get a ball!” (I just hope I don't drop one because I will end up being the laughing stock of the Bar Association.)

Not much of a baseball fan? Join us at mixers, hosted by

SJCBA Sections and Affinity Groups. This is another great way to network and socialize with other members and the legal community.

In closing, my message is to ask you to get involved with the Bar Association to help fulfill our mission.

As always, if you have comments, concerns, questions, or suggestions regarding the Bar Association, please do not hesitate to contact someone at the Bar Association.

Thank you and be well!

Sean Geddes

President of the SJCBA Board of Governors

SAVE THE DATE

83rd ANNUAL MEETING & STATE OF THE COURT

11.15.2023

san joaquin county bar association

MESSAGE FROM THE
Executive Director



Welcome to our new members and thank you to our returning members for renewing your memberships!

The benefits of joining and renewing go far beyond what you may see on the surface. The San Joaquin County Bar Association (SJCBA) provides a variety of benefits to our members including:

- Free or low fee MCLE programs
- Quarterly Across the Bar Magazine
- Weekly In Brief, SJCBA's e-newsletter
- Free access to FastCase
- Member Appreciation Events
- Listservs for Sections
- Discounted Translation Services
- Notary Services
- Conference Rooms
- Advertising opportunities (including classified ads)
- National Purchasing Partners (NPP) Discounts on business essentials
- ... and more!

Additionally, we provide services to our local community including in and out of court mediators, mediation training, small claims advising, court assigned counsel, lawyer referral services, civics education for elementary students, and scholarships for law students.

Looking ahead, we are reinvigorating several of our sections and committees. We hope to have our first annual Solo and Small Firm Summit in a few months. This program will include continuing legal education, technical demonstrations and a forum to exchange ideas on running a small practice.

In April we celebrated Linda Mussat's 40th Anniversary with the San Joaquin County Bar Association. She has brought years of experience and historical knowledge to the Bar. Please join us in celebrating this achievement!

My staff and I continue to look for new and interesting ways to provide member benefits to you. Call or email me any time.

Susan M. Bartman

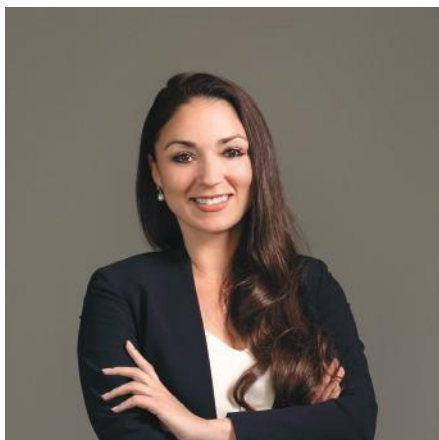
2023 SJCBA MEMBERSHIP BENEFITS

2023 MCLE Masters Series - FREE (up to a \$450 value; does not include food for in-person events)

MCLE Programs - Free or discounted for members	Across the Bar (ATB) Magazine Subscription	In Brief (SJCBA's weekly e-newsletter) + Free Classified Ads	
Lawyer Referral Service program - Civil and Criminal Case Referrals	Court Assigned Counsel (CAC) - Alternate defender program for indigent criminal matters	Free Notary Services - for Members and their clients	Fastcase: Free, online legal research platform
Conference Rooms - Free use of SJCBA's two conference rooms (as available)	National Purchasing Partners (NPP) - Helps members reduce costs with exclusive pricing on many brands. Check out discounts and sign up at mynpp.com/sjcbar/ .	SJCBA Career Center (jobs.sjcbar.org): \$50 discount on job postings	

sjcbar.org/members/join/#benefits

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Trina Cervantes, Esq.

2022 OUTSTANDING NEW LAWYER AWARD RECIPIENT

Each year the Young Lawyers Section of the San Joaquin County Bar Association honors a new attorney who has provided outstanding service to the community and legal profession. The Outstanding New Lawyer award recognizes an attorney who has practiced for seven years or less and has a distinguished record of service to the legal profession, San Joaquin County Bar Association, and/or the greater community.

At this year's New Lawyers Reception in March, we honored Trina Cervantes as the 2022 Outstanding New Lawyer Award recipient.

Trina Cervantes started out in the legal profession as a legal assistant in 2004. Her empathy and passion for helping clients grew and she realized that to truly be the best advocate for those in need she had to become a lawyer.

As a single mom, she juggled a full-time job while attending night school until she earned her Juris Doctorate in 2015. She took and passed the California Bar Exam and was admitted to practice law in May 2015. Trina is now a proud partner at Villapudua & Somera, where she works tirelessly to fight for clients' rights in a variety of practice areas.

In addition to being a current SJCBA member, Trina is an active member of numerous SJCBA sections and committees. She is a vital part of the Women Lawyers Executive Committee and helped to raise funds for a \$5K scholarship for a deserving local law student. She also helped put together the 2022 Master Series Program so that SJCBA members can obtain their much-needed MCLE credits!

Her participation and membership in local organizations and committees, which are dedicated to contributing to society, have helped her reach a level of humility that she believes to be a crucial compliment to the aggressive and zealous advocate

that her community and clients need.

Trina serves her professional community by also being kind, professional, humble, easily approachable, and being more than competent in the work she does as an attorney.

A local Stockton attorney said, "When I was beginning my legal career, I had little to no contacts within the SJC legal community. When I was introduced to Trina, as a potential person to connect to, she welcomed me with open arms and met with me to talk about her path, the legal community, work, among other things.

"Today, she's a trusted friend, fellow attorney, and a phenomenal human being. I appreciate her genuine interest to help people and connect to others. ... Trina takes great pride in the level of dedication and commitment she gives, not only to her clients in terms of demanding the best possible results for them in court, but also shares her expertise and experience with new attorneys and the San Joaquin County community at large."

Please join us in congratulating Trina Cervantes as the Outstanding New Lawyer Award recipient!



Trina Cervantes, 2022 Outstanding New Lawyer Recipient (left) & Becky Diel, 2021 Outstanding New Lawyer Recipient (right)

Trina Cervantes
Outstanding New Lawyer Recipient



NEW LAWYERS RECEPTION

Presented & hosted by
Bank of Stockton

March 7, 2023

Keynote speaker, Betty Williams,
Vice President California Lawyers Association



Congratulations and welcome new attorneys!



Celebrating 10 years of Outstanding New Lawyers past & present!



SAVE THE DATE



SAVE FRIDAY – JULY 28, 2023



SJCBA MEMBER APPRECIATION NIGHT

Details coming soon!

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Practice Tips for New Attorneys... and Reminders for the Experienced

BY COMMISSIONER CHERYL McCANN
SJC Superior Court



If you signed it, you said it. Do not say that you did not understand it or did not read it.... And do not blame your staff. Otherwise, you lose all credibility with the court.

Your briefs are important. They give judges their first impression of your case. State your request clearly and concisely. If you are asking for relief, remember you have burden of proving your case. Provide the court with the authority to grant your request. Don't rely on the court to do your research for you. And know who has the burden of proof.

Do not tell the court that another judge always does it a certain way. Reference to authority "down the hallway" is not persuasive.

When you bring the heat, you lose the light. Don't be overly aggressive when making your argument. If your demeanor is distracting, the judge might not be able to understand the point you're trying to make.

Know your audience. Judges do not require the same degree of theatrics as do jurors.

Always be respectful of the clerk, the bailiff, the court reporter, interpreter, the law, the court process, and yourself.

Know your boundaries. Do not become embroiled in your client's issues. Being an effective advocate includes being objective about the strengths of your client's case.

Meet and confer in good faith. It is important to settle matters that don't require litigation. More important, your arguments in court will be more focused and refined when litigation is required. And the result will be much better.

Protect your integrity with your clients, colleagues, and judges.

Don't interrupt.

Do not allow yourself to be baited by opposing counsel. It doesn't matter if "He did it first." It's still not okay.

Do not address opposing counsel in court. Always address the judge. You're not there to argue with one another. You're there to convince the judge to rule in your favor.

Do not take things personally. Sometimes you just have bad facts.

Do not be afraid to ask your colleagues questions. You're smart. If you don't know the answer, it might be a pretty good question.

When asking a witness a 'yes' or 'no' question, always be careful not to phrase your question as a double negative. Otherwise, the record may not reflect what you intended.

And most importantly, do not lie. Ever. Elephants and judges never forget!



CASE OF THE MISSING OXFORD COMMA



* The following has been adapted from various sources and updated for length and clarity.

(This case was on appeal from the U.S. District Court for the District of Maine.)

Thanks to the absence of a comma in the wording of a state law laying out what activities qualify a worker for overtime pay, more than 120 drivers for the Oakhurst Dairy in Portland, Maine, were eligible to share in a \$5 million legal settlement.

In 2014, several drivers for the milk and cream company (Oakhurst Dairy) filed a lawsuit claiming that they had not been paid for overtime for which they were eligible. The District Court ruled that the drivers were not entitled to overtime pay because the pertinent state law exempted those who perform these duties: "The canning, processing, preserving, freezing, drying, marketing, storing, packing for shipment or distribution of: (1) Agricultural produce; (2) Meat and fish products; and (3) Perishable foods."

The Court concluded that, despite the absent comma, the Maine legislature unambiguously intended for the last term in the exemption's list of activities to identify an exempt activity in its own right. The District Court thus granted summary judgment to the dairy company, as there was no dispute that the drivers do perform that activity. However, the U.S. Court of Appeals concluded that

the exemption's scope is actually not so clear in this regard. And because, under Maine law, ambiguities in the state's wage and hour laws must be construed liberally in order to accomplish their remedial purpose, they adopted the drivers' narrower reading of the exemption and reversed the grant of summary judgment and remanded the case for further proceedings.

In this case, the trouble rests with 'or.' The presence of that tiny conjunction without a comma as a companion makes for some muddled meanings: Is 'packing for shipment or distribution' exempt from overtime regulations? Or are both 'packing for shipment' and 'distribution' exempt?

In this case, the drivers do distribute, but do not pack, the perishable food. In other words, one interpretation of the law's list would make the drivers eligible for overtime pay; the other would mean they won't get those extra dollars for extra time on the job. A three-judge appeals panel heard the case. Judge David Barron, of the 1st Circuit, opened his 29-page ruling saying, "For want of a comma, we have this case." As the Portland Press-Herald puts it:

"Barron said the lack of a comma between 'shipment' and 'or distribution of' meant both phrases referred back to

YOU CAN HAVE MY OXFORD COMMA WHEN YOU PRY IT FROM MY COLD, DEAD, AND LIFELESS HANDS.

"packing" and, because the drivers deliver the products, but don't pack them, they weren't covered by the Maine exemption to overtime pay."

A sentence that said "packing for shipment, or distribution of" might have made it clear that employees don't have to be paid overtime if they either pack the food items or distribute them.

Barron concluded that the lack of a comma made the legal language ambiguous — and that the ambiguity "must be construed liberally." So the judges were unanimous in taking the side of the drivers, and reversed the lower court ruling. That ruling sent the case back to the lower court, resulting in a settlement of \$5 million. *O'Connor vs. Oakhurst*

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MIKE DUNNE

Acclaimed Writer & Wine Judge



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~ and ~

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San Francisco Chronicle Wine Competition



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Upcoming Court Holidays

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Monday, June 19, 2023

INDEPENDENCE DAY
Tuesday, July 4, 2023

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The ADVOCACY Moment

BY OYANGO A. SNELL, ESQ.
Chief Executive Officer & Executive Director
California Lawyers Association



The moment.

Sometimes it comes quietly, and sometimes it hits you straight in the middle of your face! No matter the power, the impact is the same. What is that feeling? One of validation when the universe reminds you that you are exactly where you need to be at that very moment.

Each Spring, California Lawyers Association (CLA) brings together attorneys from across the state, representing a variety of practice areas to attend our Annual Legislative Day. Like most events, speakers are strategically chosen to deliver a message that resonates with the issues of the day. But at our 2023 Legislative Day, something was different. An unscripted moment amongst all speakers resulted in a challenge being issued. Perhaps the speakers knew that attorneys like to be challenged; or maybe they knew the secret to making a difference in the world is elevated as an attorney. I'd like to think that as attorney influencers, (defined by CLA as attorneys who are empowered to advocate, champion, and design the future of law in California), our speakers knew we were up to the challenge. Who were these insightful and dedicated speakers? To name a few, Attorney General Rob Bonta, Senator Tom Umberg, Assemblymember Gomez Reyes, Assemblymember Maienschein, Assemblymember Pacheco, and Cory Jaspersen, the California Judicial Council's Director of Governmental Affairs. Of course they were not wrong. The speakers knew that attorneys are ALWAYS up for a challenge to use their power for good.

The challenge in itself was simple—to define how each attorney as an individual, and as a unified profession, can use their powers to do big things in this world—correcting the wrongs of civil and criminal injustices and speaking up for those who have endured systemic inequities for decades and centuries. We are the trusted advisors for all, including diverse, underrepresented communities. We help clients in their best of times, and in their worst of times. We have established a reputation as those that will fight for what is right, for what is just.

But oftentimes, we stop when things get uncomfortable. We take the easy path when we get comfortable. We become shy to challenge the status quo. At the 2023 CLA Legislative Day, we heard why this trend cannot and must not continue.

To start, there are few attorneys that currently serve as elected officials in the California Legislature, and there are always opportunities to serve on the California Bench. It seems counterintuitive for laws to be passed that don't include an attorney's perspective, but that is our current reality. Many of the elected officials we heard from did more with their power—they went outside of their comfort zone because they knew they could do and needed to do more. I'd

like to think that we all know that we can do much more.

Our attendees at this year's Legislative Day left knowing that they hold the key to doing more with their knowledge of the law. Societal ills won't change if we stand idly by—in fact, they will get worse. Recognizing that public service may not be a reality for all, we identified the multiple paths to engage in the lawmaking process. Either by getting involved with professional associations like the California Lawyers Association who advocate on behalf of all attorneys, attending local and state policy meetings, applying to serve on a public commission, or even supporting attorneys in their quest to become the next public official within your community.

So yes, we were challenged to do more. And we will stop at nothing less.

The only question that remains, is if you are willing to do what it takes to make your mark in history as an attorney? But you do not have to go at it alone. Join us! Let's do this together!



Pictured (back row L-R): Cynthia DeOliver, Olga Diaz, Tricia Horan, Erika Frank, Saul Bercovitch, Sabrina Green; (front row L-R): Jennifer Navarro, Jeremy Evans, Oyango A. Snell, Sheila Johnston.

About Oyango A. Snell, Esq.

Oyango A. Snell is the Chief Executive Officer (CEO) and Executive Director of California Lawyers Association.

Snell earned his Juris Doctor from The Ohio State University, Moritz College of Law, and a Master's in Business Administration from Franklin University. He attained his Bachelor's Degree in Political Science from Central State University. Snell exercises a servant leadership mentality through volunteer service on various boards, including United Way California Capitol Region, where he serves as Chair of the Board of Directors, and CalSAE, where he served as the inaugural Co-Chair of the Diversity, Equity, and Inclusion Task Force.



CALIFORNIA
LAWYERS
ASSOCIATION

Meet the
California Lawyers Association

CLA empowers California's diverse legal community. We advocate on behalf of the legal profession and provide resources for lawyers to succeed in their careers.

We support our members with an exceptional line-up of benefits:

- **Advocacy.** Our advocacy team serves legal professionals like you, improving laws that impact the legal profession and advancing the fair administration of justice.
- **Educational and Practice Support.** Access to Fastcase (valued at \$995/year) and our educational programs.
- **Networking and Connection.** Events to build your connections and develop client relationships, and access to our conferences, the Annual Meeting and the Solo and Small Firm Summit.
- **Leadership and Visibility.** Volunteer, public speaking, and writing opportunities for statewide audiences.
- **Exclusive Discounts.** Save on services such as SoFi, Lawyaw, and Kenect to streamline your practice operations.

We invite you to join our powerful network to grow your connections and upgrade your career.
Membership plans start at \$110.



CALAWYERS.ORG/SJCBA

ETHICS: Attorney Responsibility for Actions of Paralegals/Legal Assistants

BY SUSAN BARTMAN
Executive Director
SJCBA



Business & Professions Code Section 6452(b) states: “An attorney who uses the services of a paralegal is liable for any harm caused as the result of the paralegal’s negligence, misconduct, or violation of this chapter.

1. The terms paralegal and legal assistant are synonymous. If you hold out a staff person as a “paralegal” or a “legal assistant”, this applies equally.

All California lawyers should be aware of the expectations and limitations when using paralegals. It is the attorney who is responsible for the work coming out of their office. All paralegals are directly regulated by Chapter 5.6 of the California Business & Professions Code (Cal. Bus. & Prof. Code § 6450, et seq.). Of particular importance, section 6453 obligates paralegals, like attorneys, “to maintain inviolate the confidentiality” of any client for whom the paralegal has performed services, and “at every peril to himself or herself to preserve the attorney-client privilege” of those clients. These requirements apply to all paralegals. Section 6452(b) makes clear that an attorney who uses the services of a paralegal is liable for any breach of these requirements by the paralegal, or any other misconduct or negligence by the paralegal. No showing of misconduct or negligence by the attorney is necessary for the imposition of liability on the attorney. These provisions are in addition to Rule 5.3 of the Rules of Professional Conduct for Lawyers, which also provides that a lawyer may be responsible for a nonlawyer’s misconduct under certain circumstances.



A paralegal may not:

- (1) Provide legal advice.
- (2) Represent a client in court.
- (3) Select, explain, draft, or recommend the use of any legal document to or for any person other than the attorney who directs and supervises the paralegal.
- (4) Act as a runner or capper, as defined in Sections 6151 and 6152.
- (5) Engage in conduct that constitutes the unlawful practice of law.
- (6) Contract with, or be employed by, a natural person other than an attorney to perform paralegal services.
- (7) In connection with providing paralegal services, induce a person to make an investment, purchase a financial product or service, or enter a transaction from which income or profit, or both, purportedly may be derived.
- (8) Establish the fees to charge a client for the services the paralegal performs, which shall be established by the attorney who supervises the paralegal’s work. This paragraph does not apply to fees charged by a paralegal in a contract to provide paralegal services to an attorney, law firm, corporation, governmental agency, or other entity.

2. There are specific guidelines for who can call themselves a paralegal. See B&P Code Section 6450.

• Required education:

Certificate of completion in paralegal program in ABA program or a non-ABA program but must have a minimum of 24 semester units in law-related courses, OR Baccalaureate or advance degree and a minimum of one year of law-related experience under attorney practicing for at least the preceding three years and a written declaration from this attorney stating the person is qualified, OR A high school diploma or equivalent and three years of law-related experience (experience and training must have been before December 2003).

A paralegal must complete 4 Hours of Legal Ethics and 4 Hours of General Education every 2 years. A paralegal shall always disclose his/her status as a non-Lawyer. All signature blocks for emails/letters shall specifically spell out such status. The paralegal should be clear in all conversations about their status as a non-lawyer.

Tips and Best Practices

Some firms have multiple ways of communicating with clients and not all are clear as to who is communicating. Any time

information is relayed from an attorney your staff should make it clear that they are just relaying information. A paralegal may not go further and interpret the information relayed.

A paralegal shall not establish an attorney-client relationship, set fees, sign documents which require an attorney’s signature, or appear in court on behalf of a client unless authorized by law. This means that you should not use rubber or electronic signature stamps and staff should not Docusign on behalf of the attorney.

A paralegal shall protect as privileged all communication of the attorney and the client which have been disclosed to them. Make sure staff is overly protective of client information.

Best practice is to regularly review confidentiality and have every new staff member acknowledge that they have been advised about confidentiality and privileged communications. ****Reading this article is a great start.****

Paralegals and other staff frequently find themselves privy to confidential information and they should be reminded of the confidentiality issues as well as conflicts of interest and how your office handles them.

Best practice is to have any conflicts of interest regardless of how small brought to the attention of the attorney who can then determine if it rises to the level of requiring disclosure to the

client or opposing counsel.

The #1 complaint that we read about when looking into B&P Code Section 6450 et seq was regarding Trust Accounts. We read State Bar case after case, where the attorney allowed a staff member to handle various (or all) aspects of their trust accounting and ended up being disciplined or worse because errors were made. See also the ABA *Guidelines for the Utilization of Paralegal Services* available on the ABA website.

Even where an attorney is the victim of duplicitous staff, the attorney may be held responsible for employee misconduct. For example, in June 2014, a paralegal was sentenced to 27 months after admitting to stealing \$327,000 from an attorney's law firm and its clients. The attorney who employed the paralegal was disbarred after stipulating to charges including failing to perform with competence and moral turpitude through gross negligence, related to his failure discover his employee's misdeeds. Attorneys can delegate authority, but not responsibility. Courts have repeatedly found attorneys culpable of misconduct because of their staff's activities. For example, in *In the Matter of Rubens*, the Review Department of California's State Bar Court held that an attorney was culpable of moral turpitude for his failure to exercise proper control and supervision over non-attorney staff and abdicating responsibility for client matters to support staff. In the *Matter of Rubens* (Review Dept. 1995) 3 Cal.State Bar Ct. Rptr. 468, 476-479.




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Why Are Lawyers at Greater Risk of Suicide?

They are stressed, depressed, overcommitted, and lonely.

BY SIMON SHERRY PH.D.
Psychology Professor
Dalhousie University



Most research on the link between occupation and suicide focuses on health professions. However, many of the highest rates of suicides occur in other occupations, such as construction workers and lawyers (Peterson et al., 2018).

Many lawyers who contemplate suicide report their work is detrimental to their mental health and drives increases in their substance and/or alcohol use. Some report they have considered leaving their profession because of the burnout and mental health problems it has caused (Krill et al., 2023).

Among the general population, an average of 4.3 percent of American adults have contemplated suicide (Ivey-Stephenson et al., 2022). That means they have reported thinking that they would be better off dead or hurting themselves either “several days,” “more than half the days,” or “nearly every day” of the week. For lawyers, that statistic is more than double.

An estimated 8.5 percent of lawyers have contemplated suicide (Krill et al., 2023).

Why is there a jump in suicidal thinking among lawyers, and what can we do about it? Well, science has some answers.

They Are Stressed

Lawyers face high expectations. They lead vulnerable clients through difficult times, often juggling emotional or aggressive outbursts from clients. They handle cases involving divorce, child custody, robbery, assault, injury, rape, murder, crisis, accidents, bankruptcy, property loss, immigration, deportation, and injustice. They must work long hours to tackle complex legal cases within tight deadlines, all while remaining professional and satisfying their clients.

With stressors like these, it is perhaps no surprise that suicides by lawyers are 91 percent more likely to be attributed to job stress than other suicides (Stack & Bowman, 2023).

Stress, the perception that one’s life or work is unpredictable, uncontrollable, and overwhelming, is a known predictor of



suicide risk (Cole et al., 2015). Lawyers with high stress levels are 22 times more likely to contemplate suicide than those with low perceived stress, and lawyers with intermediate stress levels are 5.5 times more likely to contemplate suicide (Krill et al., 2023).

They Are Depressed

Lawyers are prone to mental health issues strongly linked with an increased risk of suicide, including depression, anxiety, stress, and substance abuse (Krill et al., 2023). In a nationwide study of lawyers in the United States, 28 percent reported experiencing depression, 19 percent reported experiencing anxiety, 23 percent reported stress, 21 percent reported experiencing alcohol abuse, and 11 percent reported experiencing drug abuse (Krill et al., 2016).

Lawyers with mental health conditions and/or current substance disorders are significantly more likely to have suicidal thoughts and more severe suicidality (Krill et al., 2023). Lawyers with at least one diagnosed mental illness are 1.8 times more likely to contemplate suicide than those with no history of mental illness (Krill et al., 2023).

They Overcommit

Overcommitment involves a desire to control and an inability to disconnect from work. It is a coping mechanism for high-stress environments that rely on approval, esteem, and attention to detail (Volanti et al., 2018). Signs include constantly thinking about work and being unable to relax from work, which can lead to burnout, exhaustion, cynicism, and psychological distress (Krill et al., 2023).

Overcommitment is often valued and rewarded in law, starting with grades in law school and ending in financial rewards and honors. However, while motivating, external validation does not add to psychological well-being or happiness (Krill et al., 2023), and overcommitment to work can distract lawyers from fulfilling activities and relationships that improve well-being. In other words, stress, depression, over-commitment, and loneliness all contribute to each other.

Lawyers with a high level of work overcommitment are 2.2 times more likely to contemplate suicide compared to those who are not overcommitted to their work. Lawyers with an intermediate level of work overcommitment are 1.6 times more likely to contemplate suicide (Krill et al., 2023).

They Are Lonely

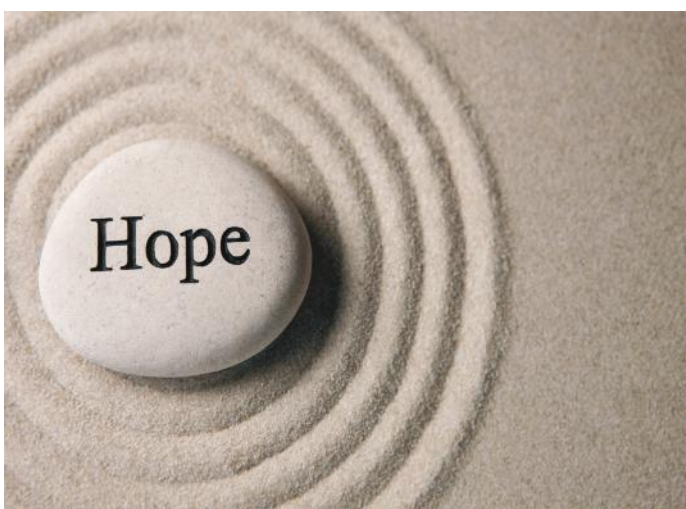
Loneliness, the perception that one’s social needs are not being met, is a known suicide risk factor (Motillon-Toudic et al., 2022). Lawyers also often report feeling lonely or socially isolated (Ash & Huang, 2022). This may seem counterintuitive for a profession that requires daily communication and interactions, but lawyers

hold positions of authority.

As authority figures, lawyers' communications are often one-way: They provide support and knowledge to someone else, often making them feel seen and heard in times of crisis, but they do not get the luxury of support in return. That is the nature of the job. However, when there is no work-life balance, lawyers do not have the time to develop and maintain meaningful connections and relationships that would buffer them from loneliness.

Law is also a highly competitive profession, so that might impede lawyers' opportunities to form meaningful connections with their peers (Achor et al., 2018).

Lawyers who are lonely are 2.8 times more likely to contemplate suicide than lawyers who are not (Krill et al., 2023).



But They Are Hopeful

While stress, loneliness, overcommitment, and a history of mental health issues increase lawyers' risk of suicide, we can do things to improve their lives and well-being.

On the systemic level, changing the atmosphere of the legal profession might help eliminate some of the causes of stress, overcommitment, anxiety, and depression. Providing realistic timelines, clarifying expectations, and monitoring workload

would be good places to start. However, these changes must be adopted by both companies and employees to be effective. It is easy to say, "I deserve family time," but it is harder to say, "I won't be able to get to that until Monday," when clients, court dates, or bosses are looming.

Taking that time is important though because work-life conflict and working 60-plus hours per week are risk factors for depression. Individuals must reinforce their boundaries just as much as law practices must respect and encourage them. This might require a cultural shift within the law to include competition and collaboration.

It might also require reducing the stigma surrounding mental health issues. Many lawyers fear that admitting they are mentally struggling will have professional repercussions. This prevents them from seeking needed help. Seminars and policies that increase awareness of the risks of being overcommitted to work and overvaluing extrinsic rewards and that promote healthy coping mechanisms and intrinsic markers of success can help shift lawyers' workplace culture.

On the individual level, providing lawyers with the tools they need to enhance their stress tolerance might help them manage the inevitable stresses of a demanding profession. Mindfulness training, for example, is an evidence-based practice for improving mood, reducing stress, and alleviating anxiety (Neilson & Minda, 2021).

Lawyers can also implement healthy practices such as participating in hobbies outside work, leaving work at work, and setting time aside for connection. All these habits can foster a sense of identity and self-worth outside of work. Regular social interactions with peers and loved ones are needed to feel belonging, which is associated with improved well-being (Kreiger & Sheldon, 2015).

About Simon Sherry, Ph.D.

Simon Sherry, Ph.D., is a psychology professor at Dalhousie University. He is also a clinical psychologist at CRUX Psychology, a Canadian-based psychology practice offering online and in person services.

For a list of article references, visit <https://tinyurl.com/5e9t8v86>.

The California State Bar's Lawyer Assistance Program (LAP) helps attorneys (active, inactive, or disbarred), State Bar applicants, and law students who are struggling with stress, anxiety, depression, substance use issues, or personal and career concerns. Find out more by calling 877-LAP-4HELP/877-527-4435, or email LAP@calbar.ca.gov.

Your call or email is confidential.

If you or someone you love is contemplating suicide, seek help immediately. For help 24/7, you can reach the National Suicide Prevention Lifeline by phone, text, or chat by dialing 988 and you will be connected to trained counselors that are part of the existing Lifeline network.



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know needs support now,
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- › Two free career counseling sessions for career dilemmas/decisions
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- › Support of a qualified mental health professional
- › Fee for group participation



Monitoring

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Pictured from L-R: Dean Hicks, Andre Vanatta,
Cameron Sheron



**1ST PLACE: ANDRE VANATTA
2ND PLACE: CAMERON SHERON
3RD PLACE: DEAN HICKS**



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BY SUSAN BARTMAN
Executive Director
SJCBA



My staff and I put in a latte time on this review. We knew we needed empirical evidence to substantiate our opinions of our favorites coffee spots so we set out to drink as much caffeine as we could handle. Performance in the office increased 200% until about 2 p.m. when performance dropped like a lead balloon. All in the name of science and a good ATB article.



TRAIL COFFEE ROASTERS

Trail Coffee Roasters is a boutique coffee roaster and café. We reviewed the Downtown location at 501 E. Main Street. There are two other Trail locations at 870 Dave Brubeck Way (Pacific), and 217 N. School Street (Lodi). They roast their own beans, make their own syrups and sell gluten free bakery items from GFAF Bakery. There is



plenty of seating in their downtown store and it is bright and airy. Gypsy the Trail dog wanders around and frequently sits in on meetings.

Pros: Friendly staff, unique drinks, tasty fresh bakery items including some great gluten free options, room for gatherings of 2-20 people, usually ample street parking, digital rewards

Cons: Downtown location slightly off beaten path, small menu of lunch items

DUTCH BROS

If you just want a cup of coffee, this isn't your place. However, if you love to try new and inventive drinks, Dutch Bros is the place for you. We ordered a Lemonade Dragon Slayer, a Golden Eagle and a Mocha. I have no idea what those are but my staff loved them and we had a very productive morning.



Photo Credit: Dutch Bros

Pros: Funky and Fun, add in a little Rebel to get you through your afternoon of legal research

Cons: Drive thru only, very limited selection of food

EMPRESSO COFFEE

Empresso Coffee is another locally owned café. They roast their own beans. They have two downtown locations (by theater on N. El Dorado and next to the County building at N. San Joaquin street). We had a Carmella, Iced Oatmilk Hazelnut Coffee, Iced Twisted Mocha, Vanilla Latte, and a Blended Nutty Irishman. Here are some of the staff reviews:



Photo Credit: Empresso Coffee

"I had an Iced Twisted Mocha and it was great! There were equal amounts of white and dark chocolate in my coffee and it wasn't too sweet. Would order again!"

"I ordered Hazelnut oat milk iced latte it has a bold taste with the nutty hint of hazelnut size medium is a good choice to keep your day going"

"I ordered the Nutty Irishman (blended) - This drink is very sweet, but not bad. It's like a white mocha from Starbucks but with extra sweetener. I probably wouldn't get this on the daily since I do like my coffee a bit stronger. If you're not a big fan of coffee and have a sweet tooth, I would recommend this drink. Empresso is good, but not my go to for a wake-me-up coffee in the morning."

Pros: Great Downtown locations, coffee rewards, breakfast and lunch items (salads, paninis)

Cons: No drive thru, limited parking, "they ran out of my favorite breakfast item"

GRINDING GROUNDS

This is a coffee truck that regularly parks in Lodi and twice a month in downtown Stockton. Wednesdays are buy one get one free day! We took advantage of this and ordered coffee for the whole office.

Here are some of the reviews:

"I ordered the iced Hazelnut oak milk latte with vanilla cold foam, they have good, crushed pebble ice with a sweet hazelnut taste along with their crafted coffee grounds. Also add an extra espresso shot for that good morning energy you need!"

"I had a blended white and chocolate mocha. This was probably one of the best coffees I've ever had. It tasted like heaven in a cup. Very impressed and would order again."

Pros: Great coffee at a good price, lots of items on the menu

Cons: Location changes, only 2x/month in Downtown Stockton



Photo Credit: Grinding Grounds



ANNOUNCEMENTS & UPDATES

Welcome the new SJC Court Judge and Commissioner!

Esmeralda Zendejas



The Superior Court of California, County of San Joaquin announced in a press release March 7, 2023, the appointment of Esmeralda Zendejas to the position of Superior Court Judge. Ms. Zendejas was appointed to the bench on February 17, 2023, by Governor Newsom to fill a new position created on July 1, 2022.

Ms. Zendejas has served as an Attorney at the Department of Industrial Relations since 2022. She served as a Deputy Attorney General at the California Attorney General's Office from 2020 to 2022. She was Agricultural Worker Program Director at California Rural Legal Assistance Inc. in 2020 and held several positions there from 2006 to 2020, including Staff Attorney and Agricultural Worker Program Regional Director.

Ms. Zendejas is an active member of the legal committee. She has been a member of the Executive Committee for the Labor and Employment Law Section of the California Lawyers Association since 2019 and a member of the Cruz Reynoso Bar Association since 2021. At the local level, she has been a Mock Trial volunteer since 2019 and served in a number of roles with the San Joaquin County Bar Association, including on the Executive Committee of the Women's Lawyers Section and a First Impressions volunteer.

Ms. Zendejas was admitted to the California State Bar in December 2008. She earned a Juris Doctor degree from the University of California, Davis School of Law and a Bachelor of Arts degree in Political Science and Spanish from University of California, Davis.

"I am privileged to have been appointed to serve on the bench in the County of San Joaquin and, as a native of Stockton, I commit to help carry forward justice on behalf of all members of this community," said Ms. Zendejas.

Ms. Zendejas's formal and public swearing-in ceremony has yet to be scheduled.

Commissioner Katy Jacot



On January 3, 2023, Commissioner Katy Jacot filled the vacancy created by the appointment of Jonathan Fattarsi to a judgeship.

Ms. Jacot comes to the bench with extensive criminal law experience. She began her work for the San Joaquin County Public Defender's Office in 2007, including as a deputy public defender

and a supervisor. In her sixteen years of practice at the Public

Defender's Office, she has handled a wide variety of cases from misdemeanors to complex criminal cases. She also has six years of prior civil litigation experience, which included construction defect, asbestos defense, medical malpractice, and insurance defense.

Ms. Jacot was admitted to the California State Bar in December 2000. She earned a Juris Doctorate degree from Santa Clara University School of Law in 2000 and a Bachelor of Arts degree in political science from California State University, Chico in 1997.

Welcome the Interim Court Executive!

Stephanie Bohrer

The Superior Court of California, County of San Joaquin announced the appointment of Mrs. Stephanie Bohrer as interim Court Executive Officer effective Monday, May 15, 2023.

Mrs. Bohrer's appointment fills the position of former SJC Court Executive Officer, Brandon E. Riley, who left to become the Court Executive Officer of the San Francisco Superior Court.

Mrs. Bohrer has been the Assistant Court Executive Officer (ACEO) for three years. She directs court operations, including the clerk's offices, courtroom operations, interpreter and jury services, and self-help. She is also the Court's chief labor negotiator and the public information officer.

Bohrer has served the San Joaquin Superior Court for 18 years. Before becoming ACEO, she was the Human Resources Manager, responsible for the human resource needs of 340 employees and subordinate judicial officers. Her work resulted in technological innovations, policy development, successive collective bargaining agreements, and various court services.

From 2005 to 2015, Ms. Bohrer worked as a Management Analyst for the Court. She served as the Court's Public Information Officer, supervised jury operations, managed the civil mediation program, and was the case coordinator for the Unified Family Court.

Mrs. Bohrer holds Bachelor of Arts degrees in Psychology and Sociology from the University of California, Davis. She also earned a certificate in Judicial Administration from California State University, Sacramento.

In a press release, Presiding Judge Coughlan had this to say, "Brandon was an outstanding CEO. I wish him continued success in his new role as CEO of the San Francisco Superior Court. There is no one more capable or qualified than Stephanie, and I am confident she will do an excellent job."

The outgoing CEO, Mr. Riley, said "I am confident in Ms. Bohrer's abilities. She is revered positively among her peers and subordinates, and I'm sure she will continue to be a valued resource to the Court."

(Photos courtesy of Superior Court of California, County of San Joaquin)



“ —

Who received a call for a judicial appointment at midnight from Governor Jerry Brown? Who graduated from Humphreys Law School in a class with Barbara Fass (who became first female mayor of Stockton), Sandra Butler Smith, and Margie Johnston? All legends. Who stood up for bussing in Stockton Unified? Who remained friends for years with Maya Angelou's mother? Who paved the way for countless women lawyers and judges by her choices and examples set? Who hung out in the coffee room at 222 E. Weber with Hammer, Bernie, Van Oss, et al?

Rolleen ... was a great Mom to Mike, Kevin and Molly. She was a wife to Jim. She was a force for the Women's Center. She was fun, funny and had a dry wit. ... This is my feeble attempt to describe just a portion of the footprint she leaves.
Hon. Linda L. Loffhus

Judge McIlwrath was truly a "Pioneer" in our profession. God rest her soul.
Hon. Barbara A. Kronlund

Rolleen was a great mentor and friend. I shall miss her more than words can express.
Hon. Richard Mallett

She recognized the transformative power of collaborative courts early on and established San Joaquin's first drug court. Only one of the ways she changed my life. May she rest in peace.
Hon. Kristine Eagle

— ”



IN MEMORIAM



Rolleen McIlwrath, beloved mother, grandmother, and a former judge for San Joaquin County, passed away peacefully on April 16, 2023, at the age of 86. She passed at the Oakmont of Brookside Senior Living Community, surrounded by the love of family and friends.

She is survived by her husband James McIlwrath; sons Michael and Kevin, and daughter, Molly, and five grandchildren.

Born in Scottsbluff, Nebraska and raised in Sterling, Colorado, she moved to Stockton in 1966 with her husband and two small boys in 1971. She enrolled at Humphreys College School of Law and in her first year gave birth to daughter Molly.

At the end of 1983, after eight years of practicing law with the first all-woman law firm in the county, she was appointed by Gov. Jerry Brown to the bench of the San Joaquin County Courts. In more than 20 years as a judge, her proudest achievement was helping to create Stockton's Drug Court and the residential treatment program, New Directions Alcohol & Drug Awareness Program. She loved attending the drug court graduation ceremonies and seeing people better themselves and the community around them.

Her legacy will live on forever through her past contributions to Stockton and the greater San Joaquin County area. She will be missed by many.

A Celebration and Remembrance of Life will be held in August. The family is requesting that, in lieu of flowers, donations be made to:

*New Directions Drug Rehabilitation Center
P.O. Box 5070, Stockton, California 95205
<http://www.newdirectionsstockton.org/Donate>*

Alternatively, the family asks anyone who wishes to remember Rolleen to simply go out of their way to do something for the benefit of others. She would really have liked that.



Warm summer sun,
Shine kindly here,
Warm southern wind,
Blow softly here.
Green sod above,
Lie light, lie light.
Good night, dear heart,
Good night, good night.



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