2017 SCCBA Board of Directors: (L to R) Nathan Benjamin (Past President), Laura Walther (President), Eric John Nelson, Jake Eschen (Treasurer), Angela Hoyt, Ashley Wheelock, Burleigh Cooper (President-Elect), Nancy de la Pena (Secretary). Not pictured: Andrew Janecki
TABLE OF CONTENTS

Calendar ................................................................. 3
President’s Message .................................................. 4
Articles
  Santa Cruz County Veteran Court .................. 16-17
  Legal Hammer Against Unlicensed Contractors .... 14-15
  CRLA Open House ............................................... 18
Awards
  Roland K. Hall Award ........................................ 6-7
Bench Bar Liaison .................................................... 12
Events/Photos
  Annual Meeting .................................................. 10-11
  January 19 MCLE ............................................... 8
  February 16 MCLE ............................................. 13
  March 16 MCLE ................................................ 19
Pulse Line ............................................................... 20
**SCCBA Real Property Section**

“Overview of City of Santa Cruz Accessory Dwelling Unit Development Program.” Alex Khoury Assistant Director, City of Santa Cruz Planning Department. 7:15 a.m. Back Nine Restaurant. Cost: $29.00 (whether or not you eat) plus an additional $10.00 for MCLE credit. **RSVP by April 6** to Rochelle Mulder at rmulder@pcg-llp.com. Checks payable to Penrose Chun & Gorman LLP must be mailed no later than April 6 to Penrose Chun & Gorman LLP, Attn: Rochelle Mulder, 1200 Pacific Avenue, Suite 260, Santa Cruz, CA 95060.

**SCCBA Estate Planning Section**

“Meet the Local Experts.” Probate Attorney Amy Henderson will answer all of your probate court questions and review some common misunderstandings. Claudia Cunha and Becky Barrett from the Assessor’s Office will answer all of your property transfer questions and review change in ownership rules. **PLEASE SUBMIT QUESTIONS IN ADVANCE** (emily@buchbinderlaw.com). Back Nine Restaurant. 7:15 a.m. $29.00. An additional $10 if you want MCLE credit. Questions, call or email Emily Buchbinder, 831-426-8484, emily@buchbinderlaw.com.

**SCCBA**

Annual Awards and State of the Courts. Program 12:00–1:15 p.m. at the Back Nine Restaurant, 555 Hwy 17, Santa Cruz. One unit MCLE credit. Cost is $35 for members; $40 for non-member attorneys, $30 for judges & non-attorneys. **RSVP by April 13** at www.santacruzbar.org, or contact SCCBA, 831-423-5031 or sccbar@sbcglobal.net.

**SCCBA Real Property Section**

Topic and Speaker: TBA 7:15 a.m. at the Back Nine Restaurant. Cost: $29.00 (whether or not you eat breakfast) plus an additional $10.00 for MCLE credit. **RSVP by May 4** to Rochelle Mulder at rmulder@pcg-llp.com. Checks made payable to Penrose Chun & Gorman LLP must be mailed no later than May 4 to Penrose Chun & Gorman LLP, Attn: Rochelle Mulder, 1200 Pacific Avenue, Suite 260, Santa Cruz, CA 95060.

**SCCTLA Elbow Rub**

The Santa Cruz County Trial Lawyers host the annual Elbow Rub. 5:00 p.m. at Chaminade. Tickets for non-members $25 in advance; $30 at the door. Purchase online at http://scctla.com/programs.htm.

**SCCBA Estate Planning Section**

“Medi-Cal News for 2017 – The Recovery Revolution.” Attorney Peter S. Stern will review the new Medi-Cal recovery laws and will also deal with recent updates from Social Security impacting Special Needs Trusts. Back Nine Restaurant. 7:15 a.m. $29.00. An additional $10 if you want MCLE credit. Questions, call or email Emily Buchbinder, 831-426-8484, emily@buchbinderlaw.com.

**SCCBA**

“Cannabis-Business Formation & Taxation Issues” by attorneys Aaron Johnson, and Peter Brazil. Program 12:00–1:15 p.m. at the Back Nine Restaurant, 555 Hwy 17, Santa Cruz. One unit MCLE credit. Cost is $35 for members; $40 for non-member attorneys, $30 for judges & non-attorneys. **RSVP by May 24** at www.santacruzbar.org, or contact SCCBA, 831-423-5031 or sccbar@sbcglobal.net.

**June**

No Estate Planning or Real Property meetings in June.

**SCCBA - Co-Sponsored by the Women Lawyers of Santa Cruz County**

Legal Writing Workshop by Senior Appellate Attorney Syda Cogliati. 12:00–1:00 p.m. Brown Bag Lunch, Santa Cruz Courthouse, Dept. 5. Cost: Free; $10 for MCLE credit. Contact SCCBA, 831-423-5031 or sccbar@sbcglobal.net
President’s Message
by Lawyer Walther, Esq.
Cartwright, Scruggs, Fulton & Walther

Increase Access to Justice for All

The mission of the Santa Cruz County Bar Association is to ensure access to justice for all. Intent on that mission, we support many programs that increase access to justice in our community. Our Santa Cruz County Bar Association’s Lawyer Referral Service (LRS) program provides attorney referrals to anyone in need of legal advice in a specific area of the law. Currently, LRS has thirty-three attorneys available to provide low cost legal consultations; eleven of those LRS attorneys are Spanish-speaking. Five of our Spanish-speaking attorneys are new to our program, and we are grateful for their help in filling a strong demand for Spanish-speaking legal advice. In addition to our attorneys, we have four Spanish-speaking interns who answer and return phone calls regarding LRS inquiries. We are determined to increase our ability to provide access to bilingual legal counsel, as this area of demand continues to grow.

Due to fears about deportation for many undocumented immigrants in our Santa Cruz community, our Association has experienced a heart-wrenching demand for legal assistance in the area of Guardianships. Non-citizens residing in this country with minor children are increasingly seeking the legal means to ensure that their children are well cared for should they be deported. Our Association intends to provide education and training to our members in the area of Guardianships in the months to come, so that we can attempt to fill a growing need for legal guidance.

The Santa Cruz County Bar Association collaborates with many smaller legal associations within Santa Cruz, such as the Santa Cruz County Trial Lawyers Association (SCCTLA) whose participation in our legal community increases access to justice in our county. The SCCTLA sponsors both the High School Mock Trial Program and the Elementary Mock Trial Programs every year, ensuring that our Santa Cruz county students are exposed to our legal system with challenging and educational programs that instill respect and understanding of our legal system, and hopefully, reduce the intimidation that children often associate with the legal process. As the Director of the Elementary Law Program for the past two decades, I can proudly confirm that we have exposed thousands of our elementary students to our legal system in meaningful and educationally challenging ways. The SCCTLA also sponsors the impressive High School Mock Trial competition yearly, where our local high-school students compete by presenting sophisticated legal argument and analysis in a courtroom setting. Watching these smart, hardworking students perform with such intellect and skill instills hope that our future will be in good hands. By the way, if you haven’t participated in the High School Mock Trial competition, I highly recommend it. We are always in need of scoring attorneys.

A Note About the Pro Bono Award

The dedication of our membership to ensure access to justice for all is reflected in our recent attempt to bestow our annual Pro Bono award upon a long time member of our Bar Association, attorney Art Dudley, for his significant contributions to our legal community. Instead of personally accepting the Pro Bono Award, Art has humbly asked that this honor be bestowed upon every member of our Bar Association who regularly provides pro bono assistance in our community. Well done, Art—and well done to all of our members who honor our mission every day by offering access to justice to those in need.
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The Rollie Hall Award is given annually to an attorney in the Santa Cruz legal community who exemplifies the hard work and playful spirit of Judge Hall. This year’s recipient of the Rollie Hall Award is David Fulton, whose thirty year career using his legal acumen documents his many contributions not just to the legal community, but to the community at large. David’s career has been nothing less than brilliant. Many of David’s cases have not only benefitted his clients but have also enacted changes which have benefitted society, making us all safer.

David’s experiences handling difficult and often emotionally charged cases have given him a humanistic and altruistic outlook which has led him to contribute his talents to many local organizations such as the Santa Cruz chapter of CASA (Court Appointed Special Advocates) where David volunteered as an advocate for many years before joining the board. (David will become the President of the CASA Board later this year.) David has also served many years as a director on the board of Big Brother/Big Sisters of Santa Cruz, as well as The Santa Cruz Trial Lawyers Association.

David was born and raised in southern California, but fell in love with Santa Cruz while visiting his father, an artist, who lived and worked in nearby San Juan Bautista. David’s attraction to Santa Cruz led him to study Political Science at UCSC, where he played competitive volleyball, surfed regularly and graduated with honors in 1983. David began studying law at Southwestern Law School right after college, where he wrote for the Law Review, and managed a perfect score on a Criminal Law exam, which led to a job working with his criminal law professor’s husband defending public entities—while still a law student. Not surprisingly to anyone who knew David, he did so well on the California Bar Exam that he ended up grading Bar exams for many years. From this experience David recognized a quality consistently present on the best exams: organization—not just organization in writing style, but in the legal analysis.

As a new lawyer, David worked as an aviation defense lawyer on the 80th floor of a high-rise in downtown Los Angeles. David still chuckles as he recalls the hours he spent drafting Summary Judgement Motions under the stern gaze emanating from the framed portraits of the founders of that storied firm, which lined the walls of the library. After six months working under those stern gazes, David switched sides and started a new job doing Plaintiff’s personal injury law at Angew and Brusavich in Torrance, California.

Although happy with Plaintiff’s work, David longed to return to Santa Cruz, and managed to seek out a copy of the 1987 Santa Cruz County Bar Association Directory. David wrote a letter to every attorney listed in the Santa Cruz Bar Association Directory, asking if any of them were hiring. David received only one reply from that effort, but that was all he needed. David began working for Bob Yonts in Santa Cruz in May of 1988. The paralegal that Bob hired for David was a smart, hard working law student whom Bob had taught at Monterey College of Law. That law student, Denine Guy, worked with David until she too became an attorney, and is now the Honorable Judge Guy. The two remain close friends to this day. David and Bob soon became partners, and remained so until Bob was appointed to the bench. David appreciated learning the art of being direct from Bob, and was often teased for his mastery of working hard, and cutting through the chafe by being referred to as “Short Form David.”

An example of the thoroughness and hard work with which David advocates for his clients is shown in a case he had against General Motors for their neg-
ligent design of a “side-saddle” fuel tank, where the fuel tank was located outside the mainframe of the vehicle, making it much less expensive to manufacture, but much prone to exploding in an accident. David managed to locate a memo written by General Motors where General Motors documented their cold, calculated consideration of the loss of life when evaluating the expense of this new “side-saddle” design. The discovery of this memo led to a well deserved large settlement for the family of the deceased driver.

Shortly after Bob Yonts became Judge Yonts, David met another local attorney, Harold Cartwright, at a legal conference in San Francisco. Bored with the seminar, the two went to the hotel bar and by their third drink they had drafted a Partnership Agreement on a cocktail napkin. The two continue to practice law together and remain good friends to this day. Harold recalls that very soon after he and David began working together, Harold received some bad news about his health (thankfully, a misdiagnosis) and had to undergo surgery right before a trial on one of his cases. With no time to settle in with his new partner, David had to take over that case (a case he knew nothing about) and prepare it for trial. David got right to work, and did a great job. Harold remains grateful for Dave’s attention to detail. Harold describes David as a “control freak” and was happy to hand over all the responsibilities of managing the law office, and all the finances, to David. Harold smiles gratefully as he confirms that he and David have never, ever had a disagreement about money in all the years that they have worked together.

In 2007, David and Harold added David’s long time surf buddy Dana Scruggs and myself to the firm, and Cartwright, Scruggs, Fulton and Walther began the practice of law in the very same building that David began his practice with Bob Yonts years before. CSFW Law later moved to beautiful accommodations directly across from the Santa Cruz courthouse, where they continue to thrive, and have just added their newest Associate, Samuel Forbes-Roberts.

David met his wife Natalie Grant when their sons played Little League baseball on the same team. Natalie, a third grade elementary school teacher in Los Lomas, uses her Master’s Degree in music to introduce her students to music in wonderful ways; she has a piano in her classroom, and plays the works of a different composer for her students every month. Natalie and David are regular patrons of the Santa Cruz Symphony and the Kuumbwa Jazz Center, and travel the world as much as they can (they just hiked their way through Norway for a month last summer).

David and Natalie are avid Dodger fans and often see them play the Giants at AT&T Park. David admits it has been difficult to be a Dodger fan in Northern California in recent years while the Giants have won three World Series championships. David is confident that this is the year the Dodgers take down the Giants.…..

David’s eldest son Taylor is 27 years old, and lives in Manhattan where he works as an architect. David’s son Colin lives in Santa Cruz with plans to begin earning his Master’s Degree in Education this summer. Natalie’s son Willie lives in Portland, where he works as a barista.

When not advocating on behalf of his clients in the courtroom, or volunteering his time in a non-profit boardroom, David can be found knee-boarding in the ocean, snowboarding in the mountains (often with good friend and fellow attorney Hank Niles) or boarding a plane with his beloved wife Natalie to explore some new region in the world. David has managed to carve out a life that is far from boring. Rollie Hall would certainly approve.
January 19, 2017

SCCBA MCLE

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Special thanks also go to Ashley Wheelock, Laura Walther, John Walther, Jevon Gegg-Mitchell, Emily DuBois and Bridget Brown
Bench Bar Report

by Andrew C. Janecki, Esq
Of the Law Office of Andrew C. Janecki,

The last Bench Bar Meeting was held on January 25, 2017. The next Bench Bar meeting is scheduled for April 19, 2017, and will be incorporated into the Annual State of the Court presentation and Annual Awards presentation. Judge Guy will preside at the April 19th joint meeting, which will be held the Back Nine restaurant at Pasatiempo. The next regular Bench Bar Meeting is scheduled for July 12, 2017. Questions about these events or topics to include for the upcoming meetings can be submitted to the Bar Office at sccbar@sbcglobal.net.

Please be aware that the Superior Court has released the new set of Proposed Local Rules and Forms, with the final edition going into effect by July 1, 2017. The new rules will contain numerous substantive and format changes, so please review the proposed list soon. Sasha Morgan and the court staff welcome your input, suggestions, and comments on the proposed rules and forms. A link to the proposed rules can be found at: http://www.santacruzcourt.org/forms-filing/local-rules.

Tim Newman, Director of Criminal and Traffic Operations, has announced that permissive e-filings of “trial documents” in criminal cases has begun as of March 6, 2017. E-filing of these documents—which include motions in limine, witness list, exhibit list and jury instructions—will become mandatory on July 5, 2017. Additional permissive and mandatory e-filing dates will be announced in the near future for other categories of filings, such as motions and petitions. An initial “how-to” orientation was given by Tim on March 15, 2017. A step by step e-filing instruction guide is now available on the Electronic Filing page of the Santa Cruz Superior Court website.

You can also request a copy by emailing Tim.Newman@SantaCruzCourt.org.

Additional e-filing seminars may be possible depending on interest as July 5, 2017 approaches. Tim encourages everyone to access the e-filing website and navigate the registration/e-filing process soon to orient themselves well before the July 5, 2017 deadline.

Note: e-filings in criminal cases using Odyssey eFile CA are free. Access the web-site at: http://www.santacruzcourt.org/node/80.
February 16, 2017
SCCBA MCLE
“Scams, Frauds, Pitfalls & Ploys in the Digital Age”

SCCBA President Nathan Benjamin with speakers Bill Atkinson and Edward Browne

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ccottle@aol.com
PO Box 2349
Aptos, CA 95001

Tanya Miraglia and Lisa McMillan

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Legal Hammer Against Unlicensed Contractors

Whether it is building a new house or remodeling an existing one, the American dream is expensive, particularly in California. For most people, their home is their biggest investment and a source of comfort, security, and pride. California requires all contractors to be licensed, and all work that requires a contractor’s license for over $500 must be performed by a licensed contractor. All contractors are required to carry workers’ compensation insurance covering all of their employees to protect the workers and to ensure that homeowners are not burdened with negligence claims when a contractor’s employee is injured on their property.

In cooperation with the State Contractors’ Licensing Board, the State Attorney General occasionally runs sweeps, or “stings,” that net people doing work as unlicensed contractors. Doing contractor’s work without a contractor’s license, or using someone else’s license, are misdemeanors.

Despite all of this, there is still a proliferation of unlicensed contracting work. To protect homeowners, contractors, and to discourage unlicensed work, the legislature enacted laws that impose severe financial penalties against unlicensed contractors.

Business and Professions Code (“B&PC”) Section 7031 bars unlicensed contractors from suing to recover for labor, materials, services, or otherwise, under any theory, even if the homeowner knows the contractor is unlicensed. Unlicensed contractors cannot enforce a mechanic’s lien or sue for breach of contract. B&PC § 7031(b) makes it clear that this provision applies if the contractor is unlicensed at any time during the work.

This issue does not only come up with contractors who never had a license. B&PC §7125.2 states that a contractor’s license is deemed suspended if workers’ compensation insurance covering the entire workforce is not in place while work is being performed. Because it takes time to get coverage when a new job starts and a crew is hired, contractors have a 30-day grace period to get coverage that is retroactive. Despite that, some contractors either do not obtain workers’ compensation coverage, or, more frequently, under-report the number of employees to keep their workers’ compensation premiums down. Some even attempt to claim their workers are independent contractors (which only works if the employee is a licensed contractor him/herself) and so they are violating the Labor Code, as well as the B&PC.

B&PC § 7031(b) makes that extremely costly: it states that if a contractor is unlicensed at any time during the project, he/she must return all sums received from the homeowner. There are no exceptions. This includes labor, materials, and overhead – not just profit. No matter how good the work is, the unlicensed contractor essentially donates their time and money.

The leading case in California on this subject is from Santa Cruz County, Wright v. Isaak (2007) 149 Cal. App.4th 1116. In that case, the contractor, Wright, had a dispute with the homeowners on a remodeling project that was not completed. Wright sued for breach of contract and other causes of action for $11,000. He came to regret his decision. The homeowners countersued, alleging that not only was the work defective, but Wright’s contractor’s license was deemed suspended during the job because he had grossly underreported his workforce to state compensation insurance. Thus, under B&PC §§ 7125.2 and 7031(b), he was required to return all of the money the homeowners gave him. Judge Yonts agreed with the homeowners and ruled that Wright’s case could not proceed, the homeowners were entitled to a refund of all monies paid to him, and Wright was not entitled to an offset. The Court of Appeal affirmed. It said that the legislative intent was clear and that the law was constitutional despite its perceived unfairness to the contractor.
Several cases have followed Wright. In *Goldstein v. Barak Construction* (2008) 164 Cal.App.4th 845, the Goldsteins and Barak got into a dispute over a remodel and Barak abandoned the project after getting paid about $360,000. The Goldsteins filed a writ of attachment per B&PC §§ 7125.2 and 7031, because Barak obtained his contractor’s license three months after starting the job. The trial court granted the writ and the Court of Appeal affirmed, rejecting Barak’s contention that he could keep the money earned after he became licensed. It also did not matter that the Goldsteins knew that Barak did not have a license when he started the project.

Another “didn’t get the memo” case is *White v. Cridlebaugh* (2009) 178 Cal.App.4th 506. There plaintiffs hired a contractor whose license was held by a Responsible Managing Operator (“RMO”). That is perfectly legal and very common. However, the law also requires that the RMO actually manages the operations. The Whites did not like the work and dismissed the contractor, who filed a mechanic’s lien. Again, bad decision. It turned out that the RMO had moved to Peru and all of the work had been overseen by a man who did not have a contractor’s license. The Court of Appeal affirmed the trial court’s determination that the contractor could not enforce its mechanic’s lien and that it had to repay all money received from the Whites.

Thus, statutes and case law give homeowners powerful weapons and provide harsh penalties to contractors who are unlicensed, even for a day, even unintentionally. There are no exceptions or excuses. To date, there is no authority even precluding homeowners from suing for damages for defective work that causes damage in addition to having all monies returned.

If you’re representing a contractor, make sure they are fully familiar with these laws and keep their workers’ compensation payments full and current. But while homeowners have these remedies, collection can be difficult. First, the disgorgement (which can also include attorneys’ fees and penalties) is dischargeable in bankruptcy. Second, contractors’ insurance policies do not cover breaches of contract or warranty that have not caused physical damage to the property, so the money will come out of the contractor’s pocket. Usually the contractor has paid employee wages and materials so it is a net loss. Homeowners may have to resort to writs of attachment and complaints to the State Contractors’ Licensing Board, which can suspend a contractor’s license while a judgment is outstanding.

**Written by J. Kenneth Gorman, Esq. Penrose Chun & Gorman LLP**

The Women Lawyers of Santa Cruz County were among the thousands of participants at the Women’s March in Santa Cruz on January 21.

Pictured from left: Lauren Corman, Ashley Wheelock, Susan Tomley, Amy Kapp, Courtney Leibrock, Creighton Mendivil, Barbara Choi, Kate Collins, and Lindsay Corman.
Santa Cruz County Veteran Court:  
A Collaborative Approach in Criminal Justice  
for Those Who Served Our Country

HISTORY

In 2008, the Honorable Robert Russell of Buffalo, NY, instituted what has become known nationwide as Veterans’ Treatment Court. Using Judge Russell’s model, several other states have followed with variations of this program.

A 2000 Bureau of Justice Statistics study suggested that 84% of justice-involved veterans had substance abuse problems prior to incarceration. Over 35% suffered from alcohol dependency; 23% were homeless, and 25% were identified as mentally ill. The 2000 study has particular significance, as this is roughly 30 years after the peak of the Vietnam War (1955-75), where over 2.5 million troops served in South Vietnam. It was also just before the attack of 9/11 that caused us to invade Iraq just three years later. We can estimate the aging Vietnam War veterans, often treated with scorn and receiving little mental health care, created a major impact on the criminal justice system. Now, as we passed the 10 year point of combat in Iraq and Afghanistan, we were again experiencing a spike in justice-involved veterans presenting with substance and mental health symptoms.

In August, 2014, Santa Cruz Superior Court Judge John Salazar evaluated the concept of developing a similar local Veteran Court and approved a collaborative effort for implementation. With the assistance and support of Public Defenders Larry Biggam and Jerry Christensen, District Attorney Jeff Rosell, Chief Probation Officer Fernando Giraldo, and Veteran Advocate Dean Kaufman, the framework was developed.

The veteran court concept operates similarly to drug and mental health treatment courts but follows CA Penal Code §§1001.80 and/or 1170.9 that specifically address the needs, process and desired outcomes for veterans who have been charged with certain criminal offenses. The operational standards include:

- Identifying eligible participants early and promptly placing them in the Veteran Court Program;
- Integration of appropriate alcohol, drug treatment and mental health services;
- Using a case management approach wherein prosecution and defense counsel promote public safety while protecting the veteran participants’ due process rights and assist in their recovery;
- Providing access to a continuum of alcohol, drug, mental health and other treatment and rehabilitation services specific to the veteran’s needs;
- Monitoring progress and achievement, responding to the veteran’s compliance through a coordinated strategy;
- Maintaining on-going judicial interaction with each veteran participant;
- Forging and maintaining collaborative partnerships among veteran treatment programs, the US Department of Veteran Affairs [VA], and state, county and community-based veterans services.

STRUCTURE

Our local court has several unique aspects not found in the other 24 California Veteran Treatment Courts:

First, we removed ‘treatment’ from the description because of the perceived negative connotation that the veteran is flawed. We do not offer ‘treatment’ but rather focus on identifying individual needs, linking the veteran to appropriate service providers, and—most importantly—following the veteran throughout the process to emphasize success.

Second, we implemented a team of peer support veterans who meet with and encourage the justice-involved veteran on their journey. The title Peer Support was deliberate, rather than ‘mentor,’ which has a hierarchal connotation. These peers do not advocate, or offer legal advice, mental health counseling or therapy, but primarily serve as a stable community contact and act as role models for success. Many
of the Peer Support staff are combat veterans and active in substance recovery and/or PTSD therapy programs.

Each Peer Support team member undergoes a background check and receives 20 hours of training.

Third, our public defender, district attorney, and probation officer are military veterans. This lends a sense of confidence to the justice-involved veterans that the ‘system’ isn’t rigged against them.

In our local program, now fully functional since late 2015, we have operated at virtually zero additional expense to the County of Santa Cruz. By directly partnering with the VA, county probation and legal services, VA psychiatric support, CalVet, and veteran-related NGOs, we have been able to refer the veterans to appropriate services and have expenses for treatment, counseling, therapy, housing, and training transferred to federal and other funding sources.

CRITERIA
While we initially proposed to use the Penal Code as our guideline, Judge Salazar quickly identified the need for flexibility in assessing applicants. We now evaluate based on the totality of the veteran’s service and, in some instances, their prior history. Veterans who do not have combat service, visible injury, or even other-than-honorable [OTH] discharges are not precluded from the veteran court. Generally, defendants charged with violent crimes are not accepted to Veteran Court.

We know that many veterans entered the service with pre-existing conditions that were, perhaps, exacerbated by combat or even non-combatant duties. When exposed to stress, sexual abuse, verbal and physical harassment, line-of-duty injuries, moral injury or other factors, undiagnosed symptoms may appear. Upon release from active duty, often with multiple overseas deployments, veterans commonly find themselves unable to re-engage in civilian society. This leads to isolation, depression and destructive behaviors which may manifest as criminal acts, like DUI, domestic violence, weapons violations, assaults and thefts.

By engaging the veteran with individualized services, alternative therapies, and peer support, we encourage the veteran to return to their home community. With their cooperation and participation they can earn reduction of sentence or, in some cases, dismissal of charges, reduced fines and penalties through supervised community service and other options. Each case is evaluated on an individual basis, with no assurances implied based solely on the offense or nature of military service.

STATISTICS
Since late 2015 we have received 92 referrals and ‘declined for cause’ 49 of those applicants. It is important to note that being declined is based on many factors, such as a determination the applicant was not a ‘qualified veteran’, the applicant was deemed unwilling to participate, the underlying offense was inappropriate, or public safety was at risk. Presently, we have 22 veterans active in the Veteran Court with 12 more pending case reviews. We have graduated 9 veterans, with zero recidivism to date.

PROCEDURE
Claiming or being a U.S. military veteran does not automatically place the applicant in Veteran Court.

Each local courtroom has a four-page packet that includes basic instructions, a Release of Information form, and application to obtain military records. A completed packet must be submitted to the Veteran Service Office (attn.: Dean Kaufman - 842 Front Street – Santa Cruz 95060) prior to being accepted into Veteran Court. The military records can usually be obtained within 5 working days, reviewed to verify veteran status and the case evaluated by the DA within 10 days.

We highly recommend asking the initial court for a 30 day continuance; do not simply reschedule the defendant to appear on the Veteran Court calendar prior to the case being reviewed and approved. We ask each case be accompanied by a brief Motion, which the DA can respond to and make the file complete, and allows the court to rule if the client is acceptable for evaluation.

We work closely with several support services, thus the need for a Release of Information. However, we are very conscious of the defendant’s privacy and client confidentiality. We do not, for example, discuss the facts or merits of the case. Our focus is on connecting the veteran with services as rapidly as possible.

Written by Stoney Brook, one of the founders of the Veteran Court

For further information on our local Veteran Court process, please contact Stoney Brook, Peer Support Coordinator. 831-345-6465; vcpssantacruz@gmail.com
On February 9, 2017, California Rural Legal Assistance, Inc. (CRLA) opened the doors of its Watsonville office, located at 21 Carr Street, to local advocates, attorneys, court personnel, and long-time supporters. Attendees included: Brian Murtha, Vice Chair of CRLA’s statewide Board of Directors; Santa Cruz County Superior Court Judge Rebecca Connolly, who was an attorney with the CRLA Migrant Farmworker Project in Fresno; Keith Lesar, a former CRLA attorney in Madera, and current member of the Board of Directors of the Santa Cruz Chapter of the ACLU; and retired attorney Sara Clarenbach, who is a former CRLA Board member and local legal historian.

CRLA staff, including Gretchen Regenhardt, Regional Director and Directing Attorney of the Watsonville office, and Giselle Sanchez, Receptionist and Legal Secretary, greeted guests as they walked in the door. Liliana Garcia, one of CRLA’s newly-licensed attorneys and former judicial extern for local Superior Court Judge John Salazar, enthusiastically provided office tours and joined in conversations. CRLA’s statewide LGBT Program Director, attorney Lisa Cisneros, also connected with guests throughout the evening, accompanied by her daughters, honorary CRLA members: 4-year-old Carmela and 1-year-old Esperanza.

For some guests, like the wonderful staff from the Superior Court’s Self-Help Center in Watsonville, it was their first time visiting the office, but for others, it sparked a trip to the past, as memories from their days as young and pioneering legal services advocates found their way into the evening’s lively conversation. In the end, the open house not only showcased the office’s recent renovations, but also the inviting and cheerful spirit of local legal champions who day in and day out live up to their motto: “Fighting for justice, changing lives.”

If readers would like to learn more about CRLA’s services and volunteering opportunities, please contact their Watsonville office at 831-724-2253.
March 16, 2017
SCCBA MCLE
“Basic Principals of Evidentiary Hearings”

Speaker Kevin R. Nowak, Esq.
The results from the California State Bar’s most recent Bar Exam will be mailed out on May 12, which means a new group of men and women will be facing the challenges of starting a career in the legal profession.

Looking back at your own first year of practice, what was your most memorable experience?

My most memorable experience was being lead counsel, representing a consumer, in a breach of warranty case that went to trial against (then) Chrysler Corporation. Chrysler was represented by Reminger & Reminger (an international firm) and had unlimited resources it seemed.

The feelings involved with giving a closing argument for the first time to a jury cannot be replaced. Just awesome. And we won!
- Terry L. Baker

Astonished by the news that I had passed the Bar Exam on my first attempt, I scrambled to leave my “real day job” behind and find work in the legal field. I landed in a Legal Aid office, starting as trial counsel, and within six months was managing attorney in one if its branch offices.
- Jeff Bosshard

In my first year, I was the Research Attorney for the Superior Court judges. Harry Brauer still owes me $1.85 that he lost playing dominoes over a lunch hour.
- Gordon Salisbury