



WOMEN LAWYERS OF SACRAMENTO

April 2018 Newsletter

P.O. Box 936 • Sacramento, CA
95812 www.womenlawyers-sacramento.org

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SAVE THE DATE!

**Thursday,
May 24, 2018
WLS February
Luncheon at
Lucca Restaurant
1615 J St., Sacramento**



President's Corner

By: Kelly Pope



Women Lawyers of Sacramento works to advance its mission through mentoring, legislative and administrative advocacy, community service, networking, educational seminars, and by providing open forums of discussion focused on advancing and supporting women. This work is done by our dedicated volunteer Board of Directors, who are the backbone and driving force behind WLS. This month, I would like to highlight the WLS Board's work to advance our mission through legislative advocacy.

Thanks to the hard work of the Board's Legislation and Bar Delegation Committee, WLS sent letters in support of four bills that we are following in April 2018: SB 1284, SB 1038, AB 2366, and SB 982.

WLS's letter of support this month for SB 1284 was particularly apt given that Equal Pay Day fell on April 10 this year. Equal Pay Day represents roughly how far into the new calendar year women on average have to work to earn what men made the previous year. According to Census data released in September 2017, the average disparity between what women and men earn is approximately 80 cents on the dollar. This disparity is worse if broken down by race and

ethnicity.¹

SB 1284 is a pay transparency measure that seeks to help close the gender and race-based wage gaps in California by requiring California employers with 100 employees or more to submit a pay data report annually to the Department of Industrial Relations, outlining the aggregate data regarding compensation and hours worked of its employees by gender, race, ethnicity and job category.²

The other three bills that WLS sent letters to support this month are equally aligned with the WLS mission. SB 1038 is aimed at combatting harassment and discrimination in the workplace by clarifying that individuals may be held jointly and severally liable for retaliating against an individual, as prohibited under the Fair Employment and Housing Act.³

AB 2366 would amend sections 230 and 230.1 of the Labor Code to extend employment protections that are currently available to survivors of domestic violence, sexual assault, and/or stalking, to workers experiencing sexual harassment and to a survivor's family members who are providing support.⁴

(Continued on page 6)



WOMEN LAWYERS OF SACRAMENTO

Demystifying the Child Welfare System

Presented by Judge Laurie Earl and Michelle Callejas, Deputy Director of Sacramento County's Child Protective Services

May 24, 2018

12:00 – 1:15 pm

Lucca Restaurant and Bar, 1615 J Street, Sacramento, CA



Judge Laurie Earl will discuss the role of the Superior Court in handling child welfare cases. She was appointed as a Superior Court Judge in February of 2005 by Governor Arnold Schwarzenegger. In 2015 she began presiding in the court's Juvenile Dependency division, working to ensure the safety and protection of children in Sacramento County.



Michelle Callejas will discuss the role of Child Protective Services in our community, including the CPS referral and response process and the resources available to help families in Sacramento County. Ms. Callejas has been the CPS Deputy Director for over 6 years and is currently leading implementation of various initiatives and reform efforts intended to improve outcomes for children and families living in Sacramento County.

MENU: Patchwork Chicken Salad, Roast Beef Sandwich, or Penne Alfredo. **Each menu item comes with choice of soda or iced tea.**

COST: \$30.00 for current WLS members, past presidents of WLS, and judges; \$35.00 for all others, except law students, whose cost is \$25.00. Without advance reservation, it may not be possible to get the entrée of your choice.

RSVP at www.womenlawyers-sacramento.org or with confirmation of mailed check to Sara Abrate at sara.abrate@yolocounty.org. Please include lunch choice in email. Mail your check, payable to WLS, **for receipt by April 24, 2018** to WLS, Attn: Luncheon, P.O. Box 936, Sacramento, CA 95814. **Please indicate if you are a current WLS member, past president, or judge on the check.** *WLS is charged for cancellations. Payments must be received in advance and are not refundable; although you may send someone else in your place.* Seating at the door is subject to availability.

March 2018 WLS Luncheon Highlights

“Should Prosecutors Violate the Constitution to Ensure Low Public Defender Caseload?”

By: Sara Abrate, Co-Chair, Programs Committee

At the March Luncheon, Acting UC Davis Professor of Law Irene Oritseyeyinmi Joe spoke and led a discussion about her academic research focusing on public defender resource issues and the ethics of criminal justice. Professor Joe is specifically focused on the dynamic between prosecutorial charging discretion and public defender case load.

Professor Joe posits: 1) that prosecutors should take public defenders' caseloads into consideration at the time of charging and 2) that a prosecutor should support any motion brought by a public defender to continue a case based on overload. She bases this argument on the fact that as attorneys, we are all ethical tasked with taking no action that will harm another member of the bar. Professor Joe argues that prosecutors are violating this rule when charging cases knowing that a public defender will become overloaded and thus, not be able to represent their client effectively.



I have been a prosecutor for nearly 12 years and find Professor Joe's research flawed in numerous ways. For a prosecutor to consider whether the charging of a case will affect a public defender's caseload violates the Equal Protection Clause of the United States Constitution. Professor Joe's first argument is essentially saying that a prosecutor should not charge a person who cannot afford an attorney *if* charging that case will cause a public defender to have too many cases. Taking into consideration a person's wealth as a determining factor to charge or not charge violates the Equal Protection Clause. Furthermore, Professor Joe assumes that determination can be made on the face of a police report. It cannot. Questions of public safety and victim's rights also come into play. What if charging a sexual assault case would cause a public defender to become overloaded? Should a prosecutor not charge? Obviously, the answer must be no.

Professor Joe's second argument, that a prosecutor should never object to a continuance based on overload ignores other ethical and constitutional duties tasked to a prosecutor. Section 28 of the California Constitution commonly known as, "The Victim's Bill of Rights" confers numerous constitutional rights upon victims. Section 28 (b)(2)(9) states victims are entitled "[t]o a speedy trial and prompt and final conclusion of the case..." Requiring a prosecutor to agree to a continuance is in direct conflict with this section. A rule cannot be enacted that would force a prosecutor to violate the CA Constitution.

Professor Joe puts forth an interesting proposition and calls attention to a problem within the criminal justice system. However, her fixes are not only unworkable but in my opinion are unconstitutional.

April 2018 WLS Luncheon Highlights

“Are You More Ethical Than a 2L?”

By: Heather Johnson, Co-Chair, Programs Committee

WLS is grateful to have distinguished speaker Dean Michael Hunter Schwartz present for our April luncheon. Dean Schwartz provided a fun, lively and highly interactive presentation on the important topic of ethics in the legal profession. The format of the presentation was engaging, as Dean Hunter Schwartz led attendees through numerous hypothetical ethical scenarios with multiple choice answers. His use of buzzers for audience participation was entertaining and engaging. The highlight for many of the attendees was the active participation by the judiciary in buzzing in their answers to the tricky ethical dilemmas posed by Dean Hunter Schwartz in his hypotheticals.



If you missed it, a few hypotheticals presented at the Luncheon are copied at the end of this article for you to see whether or not you are more ethical than a 2L.

WLS thanks Dean Hunter Schwartz for providing an educational and entertaining luncheon topic. Please join us next month's luncheon with speakers Judge Laurie Earl and Michelle Callejas presenting on the topic of Demystifying the Child Welfare System. May's Luncheon will be the last luncheon before we take a summer break. You can register online at: <https://womenlawyers-sacramento.org/events/may-luncheon-dependency-with-sacramento-superior-court-judge-laurie-earl/>.

1. Janet Lawyer has been sued, wrongly, for malpractice on multiple occasions, and she has had enough. She has decided to always ask her clients to sign, when she first takes their cases, a waiver of any claim for malpractice. Which of the following statements most accurately describes Lawyer's ability to obtain such a waiver?

- A. She may do so if the client is represented by independent counsel.
- B. She may do so if she provides sufficient information to ensure the client's consent is fully informed.
- C. She cannot do so.
- D. She may do so if she explains why the client should secure advice regarding the waiver from independent counsel and the client reasonably can do so.

9. Arnie Attorney tried a case to a bench trial. After closing arguments, the judge informed the lawyers she would render her decision in two weeks. Three days later, Arnie heard from a friend who works in the courthouse that the judge was struggling to resolve a factual issue in the case. Arnie therefore emailed the judge and suggested that the judge reopen the case and allow both parties to present additional evidence and brief the issue. The judge decided to reopen the case, and both parties presented additional evidence and supplementary briefs. May Arnie be sanctioned for emailing the judge?

- A. Yes, because Arnie communicated with the judge on a pending matter without advising opposing counsel.
- B. Yes, because Arnie convinced the judge to reopen the case after both parties had rested.
- C. No, because both parties were given equal opportunity to present additional evidence and arguments.
- D. No, because Arnie's email did not address the merits of the case.

10. Nice Non-Profit has been in existence for 50 years. Recently, however, Nice has had some financial setbacks, and it is behind on paying its mortgage. Nice asks Lucinda Lawyer to negotiate with the bank so that Nice can get through the crisis. Lucinda reasonably determines that the representation will cost \$15,000. Because of Nice's financial challenges, Lucinda insists that she will not take on the representation unless Nice pays Lucinda \$10,000 of the fee in advance. Nice doesn't want to pay up front because it does not have much cash. Has Lucinda violated any ethical rules?

- A. No, but only if Nice is a new client.
- B. No, because Lucinda may choose to require payment in advance.
- C. Yes, because she refused to take on the matter unless she received the advance.
- D. Yes, because the requested advance was exorbitant-- more than 50% of the anticipated fee.

President's Corner Continued

By: Kelly Pope

Finally, SB 982 would endeavor to end extreme poverty for children in the Cal WORKs program.⁵ I encourage you to read the proposed legislation.

I look forward to seeing you at our upcoming May 24th luncheon featuring Michelle Callejas, Deputy Director of Sacramento County's Child Protective Services.

References:

¹ <https://www.census.gov/content/dam/Census/library/publications/2017/demo/P60-259.pdf>

² https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201720180SB1284

³ https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201720180SB1038

⁴ https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201720180AB2366

⁵ https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201720180SB982

"Path to Appointments" Event Highlights

By: Jackie Sueyres, Co-Chair, Judicial and Other Appointments Committee

Women Lawyers of Sacramento hosted "The Path to Appointments," panel on March 14, 2018, at the Grand Saloon in the McGeorge Library. The theme of the event was to educate women on how the appointments process works and where women can go to learn more about appointments to various boards and commissions at the State, County and City level to encourage female participation.

Secretary for Department of Food and Agriculture as our panelists.

Rachel O'Brien and Jia Wang – Connelly, both shared their experiences with getting appointed to their respective positions, while Mona and Florence shared with the attendees' resources on where to look and how to apply for various appointments. The panel then took questions from the audience.

Jia Wang-Connelly's story was particularly compelling. Jia grew up in a small farm town in China and through determination, education and a lot of hard work has become a very well respected architect handling multi million dollar projects and member of the planning commission.

The event was well attended and received. We hope to do more during this year to help promote more female engagement in the government.

California Women Lead, Women Lawyers of Sacramento & McGeorge School of Law
present

The Path to Appointments:

Legislative, County & City Commissions



Wednesday, March 14 | 5:00 - 6:30 PM
McGeorge School of Law | Grand Salon
RSVP: kim@kbestatelaw.com

We were honored to have Mona Pasquil, Appointment Secretary for Governor Brown, Jia Wang-Connelly, Commissioner at the City of Sacramento Planning and Design Commission, Florence Evans, Clerk for the Sacramento County Board of Supervisors, and Rachel O'Brien, Assistant

Announcements & Other News



WOMEN LAWYERS
OF
SACRAMENTO

THE CAREER ADVANCEMENT AND RETENTION COMMITTEE
PRESENTS A COMPLIMENTARY BROWN BAG LUNCH EVENT

SELF-CARE 101 FOR PROFESSIONAL WOMEN

Presented by
Tami Hackbarth



May 16, 2018

12 p.m. - 1 p.m.

Hosted at the offices of
Lewis Brisbois:

2020 W. El Camino Ave., St. 700
Sacramento
Free Parking

Please RSVP by May 11th to:
kristine.scribner@lewisbrisbois.com

Announcements Continued...

McLaren Coaching Communication Training

June 19, 2018 1:30—4:30pm

Sierra 2 Center

2791 24th St.

Sacramento, CA 95818

Enrollment is the Art of Collaborative Communication

Enrollment is a specific communication skill that is effective everywhere. Using this skill will vastly improve all your results - in business and elsewhere throughout your life. When you **master this skill of communication**, you will be able to enroll:

- **potential clients and customers** in hiring you, buying your product or service
- **people** in referring business to you
- **your staff** into doing their jobs and doing them well
- **supervisors** in supporting you in doing your job
- **team-members** in working together
- **clients** in paying you on time
- **your children** in cooperating with you

In this workshop, you will learn **the R.E.A.L.I.T.Y.™ model of enrollment** - a specific communication tool that will afford you the results above and more. **Participants will learn how to:**

- quickly and easily create rapport and trust with others
- ask the right questions to generate a high degree of ownership and follow through
- listen so others feel heard
- speak in a way that others are inspired to take committed action
- create win-win agreements
- help people overcome perceived obstacles in order to create tangible outcomes

****\$149/person or \$140/person for 2 or more from same company****

Register now: <https://www.eventbrite.com/e/enrollment-the-art-of-collaborative-communication-tickets-43781560827>

Testimonial

“Cami has taught me that effective communication and enrollment is NOT about getting someone else to see things your way. Effective communication, and the concept of enrollment, is about truly listening and understanding the other person or the other side. With this understanding, you can communicate more effectively and advance your objective with someone else in a way that causes them to be really committed, because they really believe it for themselves. It is a way to find common ground and value that often leads to a better result than just convincing someone to do it your way. Cami is an incredible teacher of these subtle nuances in communication and learning just a small fraction of these skills has made a world of difference in both my personal and professional life.”

--Heather Johnston

Sapphire Law Group

WOMEN LAWYERS OF SACRAMENTO

Mission Statement: Women Lawyers of Sacramento supports and encourages every woman lawyer in her career aspirations and helps promote a society that places no limits on where a woman's skills and talent can take her. Women Lawyers of Sacramento dedicates itself to (1) promoting the full and equal participation of women lawyers and judges in the legal profession, (2) maintaining the integrity of our legal system by advocating principles of fairness and equal access to justice, (3) improving the status of women in our society and (4) advocating for equal rights, reproductive choice, equal opportunity and pay for women, and current social, political, economic, or legal issues of concern to the members of Women Lawyers of Sacramento.

Foundation Mission Statement: Women Lawyers of Sacramento Foundation is the charitable arm of Women Lawyers of Sacramento. This charitable organization seeks to address the unmet needs of women and children and raises funds to support legal educational opportunities and community programs that satisfy these needs.

Principles: Women Lawyers of Sacramento is premised on the belief that women deserve equal rights, respect and opportunities in the workplace and in society at large. Women Lawyers of Sacramento endeavors to support and enhance the participation and representation of women in significant leadership and management positions in the legal profession. Women Lawyers of Sacramento also strives to eliminate all forms of bias, discrimination, and harassment, including all forms of violence against women and children, and supports diversity in the legal profession, in legal education, and in society in general. We work toward these goals through mentoring, legislative and administrative advocacy, community service, networking, educational seminars, and open forums of discussion focused on advancing and supporting women.

2018 WLS BOARD

PRESIDENT

Kelly Pope
Downey Brand
kpope@downeybrand.com

VICE PRESIDENT

Kim Garner
Duggan Law Corporation
kkakavas@gmail.com

SECRETARY

Elizabeth Dietzen Olsen
Senate Office of Research
Elizabeth.dietzenolsen@sen.ca.gov

TREASURER

Kelly Babineau
The Law Office of Kelly Babineau
kbbabineau@klblawoffice.net

CAREER ADVANCEMENT AND

RETENTION

Kim Buchholz
Law Offices of Kimberly Buchholz
kim@kbestatelaw.com

Monica Espejo
Wolfe & Wyman

mmespejo@wolfewyman.com

Melissa Borrelli

Western Health Advantage
borrellimelissa@gmail.com

Kristine Scribner

Lewis, Brisbois, Bisgaard & Smith, LLP
kmscribner@hotmail.com

DEVELOPMENT

Kathleen Gallagher
Gallagher Jones LLP
kat@gjlaw.org

Katherine Underwood
Sacramento City Attorney
keunderwood235@gmail.com

Stephanie Ogren
Gov's Office, Emergency Services
stephanieogren4@gmail.com

Lauren Jones
Gallagher Jones LLP
lauren@gjlaw.org

Tiffany Monroe
Galaxy Desserts
tdaniel15@gmail.com

Wendy Green
Flesher Schaff & Schroeder, Inc.
wag@fsslawfirm.com

GRANTS & AWARDS

Allison Callaghan
Nossaman LLP
acallaghan@nossaman.com

Vanessa Raven
Pollara Law Group
Vanessa.n.raven@gmail.com

Tara Rojas
Rojas Family Law
tara@rojasfamilylaw.com

Jessica Walker
Law Offices of Jessica Walker
Walker.jessica.m@gmail.com

JUDICIAL & OTHER APPOINTMENTS

Kristin Blocher
Law Office of Kristin Blocher
kablocher@gmail.com

Jackie Limbo Sueyres
Tiza Serrano Thompson & Associates
jackie.sueyres.tr9t@statefarm.com

Myrlys Stockdale
CA Dept. of Consumer Affairs
Myrlys.Stockdale@dca.ca.gov

LEGISLATION & BAR DELEGATION

Lauren Foust Sorokolit
Molina HealthCare
Lauren.Foust@MolinaHealthCare.com

Amy O'Neill
King & Spalding
Aoneill@kslaw.com

Carmen-Nicole Cox
Gov's Office, Legal Affairs
carmennicolecox@gmail.com

Roxanne Strohmeier
Student, UC Davis School of Law
rstrohmeier@ucdavis.edu

MEMBERSHIP

Corrie Manning
California League of Cities
cmanning@cacities.org

Alanna Lungren
Hartman King PC
alungren@hartmankinglaw.com

Kresta Daly
Barth Daly LLP
kdaly@barth-daly.com

Ariana Van Alstine
Kennaday Leavitt Owensby
avanalstine@kennadayleavitt.com

NEWSLETTER

Aminah Famili
Hartman King PC
AFamili@hartmankinglaw.com

Lissa Oshei
Boutin Jones, Inc.
loshei@boutinjones.com

Julia Blair
CA Commission on State Mandates
julia.blair@csm.ca.gov

PROGRAMS

Heather Johnston
Trainer Fairbrook
hjohnston@trainerfairbrook.com

Sara Abrate
Yolo County District Attorney
Sara.abrate@yolocounty.org

Alexandra Kamel
California Air Resources Board
Alexandra.kamel@arb.ca.gov

PUBLICITY & COMMUNITY RELATIONS

Aparna Agnihotri
Law Office of George Jones
Aparnaagnihotri1@gmail.com

Katie Konz
Downey Brand
kkonz@DowneyBrand.com

Avalon Fitzgerald
Downey Brand
afitzgerald@downeybrand.com

2018 WLS Board Liaisons

Judicial Liaison

Justice Elena Duarte, Third
District Court of Appeals
Elena.duarte@jud.ca.gov

Past-President Liaison

Christine Jacob, Hansen Kohls
Summer & Jacob
cjacob@hansenkohls.com



WOMEN LAWYERS
OF
SACRAMENTO

2018 Membership Application

January 1, 2018- December 31, 2018

(If you join on or after October 1, 2017, you will receive membership for the remainder of 2017 and all of 2018)

APPLICANT INFORMATION

- Please do not include my information in the membership directory
 New Member (Referred by: _____)
 Renewal

Name _____ CA Bar Number _____ Year Admitted _____

Firm/Office _____

Address _____

City _____

State _____ Zip _____

Phone _____ Fax _____ Email _____

Area(s) of Practice _____

APPLICANT STATUS

Active Member: (Member of the CA/Other State Bar, including retired attorneys and law school faculty)

- \$55: 0-5 years in practice/ gross income under \$50,000
 \$65: 6-10 years in practice
 \$75: Over 10 years in practice
 \$100 or more: sustaining donor
 \$1500 or more: lifetime membership

Associate Member:

- \$25: Law school graduate not yet admitted to Bar
 FREE Law school student (Specify year: _____)

Honorary Member: (Justices, Judges, WLS Past Presidents)

- Dues Waived

Add-ons:

- \$85 : California Women Lawyers dues (WLS Affiliate price) or sign-up at <http://www.cwl.org/Membership/>
 CWL Law School Student Complimentary
 \$____: Foundation donor (tax deductible)
 \$____ TOTAL enclosed by check payable to WLS.

**Please return WLS Applications and Payment to:
 WLS Membership, P.O. Box 936, Sacramento, CA 95812**

COMMITTEE PARTICIPATION

Check those WLS committees in which you are interested in participating or receiving more information:

- | | | |
|---|---|--|
| <input type="checkbox"/> Career Advancement & Retention | <input type="checkbox"/> Legislation & Bar Delegation | <input type="checkbox"/> Publicity/Community Relations |
| <input type="checkbox"/> Grants & Awards | <input type="checkbox"/> Membership | <input type="checkbox"/> Programs |
| <input type="checkbox"/> Development (WLS Foundation) | <input type="checkbox"/> Newsletter | <input type="checkbox"/> Judicial & Other Appointments |