



The Marin Lawyer

An Official Publication of the Marin County Bar Association



(L to R, D. Maier, J. McNabb, C. Hoyt, H. Deixler, and L. Solanki)

FEBRUARY MEMBERS LUNCH

WED, FEB 24 | 11:45 – 1:30 pm

Fenix, San Rafael

\$45, MCBA members / \$55, nonmembers

[Details & Registration](#)

Top 5 Privacy Law Areas Lawyers Should Know

A Panel Discussion

Moderator

Diana Maier, Law Offices of Diana Maier, Employment & Privacy Attorney

Speakers

Joanne McNabb, California Department of Justice, Director of Privacy Education & Policy, Privacy Enforcement & Protection Unit

Courtney Hoyt, Uber, Marketing Privacy Attorney

Heather Deixler, Latham & Watkins LLP, Corporate, Healthcare Regulatory and Transactional Attorney

Lindsay Solanki, Cooley LLP, Emerging Companies & Business Attorney

All five presenters are privacy certified specialists by International Association of Privacy Professionals (IAPP)

Privacy law topics will include HIPAA, the Telephone Consumer Protection Act (TCPA), data breaches, an update on recently passed privacy laws from the State Attorney General’s Office, and special privacy considerations for lawyers and legal businesses. Attendees will walk away with an understanding of the most relevant privacy laws and the ability to spot privacy concerns that might arise for their clients. Panelists will address privacy best practices for lawyers given their particular ethical duties and the nature of their legal business.

WEDNESDAY, MARCH 23

Annual Pro Bono Appreciation Lunch

Co-Sponsored by MCBA & Legal Aid of Marin

See page 3

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Calendar of Events

Tue, February 16: 12:00 – 1:30 PM
 Family Law Section Meeting

Wed, February 17: 12:00 – 1:30 PM
 Probate & Estate Planning Section Meeting

Wed, Feb 17: 12:00 - 1:30 pm
 ADR Section Meeting

Wed, February 24: 12:00 – 1:30 PM
MCBA Membership Luncheon
 Top Five Issues in Privacy Law

RESCHEDULED:
Fri, February 26: 12:00 – 1:30 PM
 New! Business Development Workshop
 The Best Ways to Generate New Revenue
 and High Value Clients

Thu, March 3: 12:00 – 2:00 pm
 Real Estate Section Meeting

Wed, March 16: 12:00 – 1:30 PM
 Probate & Estate Planning Section Meeting

Wed, March 23: 12:00 – 1:30 PM
 Annual Pro Bono Appreciation Lunch

See page 10 for details & more events.

President's Message

By Larry Strick



I am excited to report MCBA is off to a fast start.

I suggest you all set aside time to attend the MCBA Monthly General Membership Meetings. This year, we are starting the meetings a bit earlier to build in more social and

networking time. I encourage you to reach out to folks in your office, professional and experts associated with your practice, and/or members of the community and bring them along. The February 24 Membership Meeting presents a panel discussion on Privacy Issues. The topic is new, the information fascinating, and the presenter's top-notch.

Our Practice Sections are off to a racing start. Each is planning social and educational events to be held throughout the year. I want to thank each of the Chairs: Sarah Burke (ADR), Jessica Pliner (Barristers), Kassra Nassiri (Business), Matt Haulk and Ralph Rhodes (Construction),

Charles Dresow (Criminal), Tossaint Bailey and Jeanne Grove (Diversity), Abby Lucha and John Brekhus (Family), Steve Nielsen (Intellectual Property), Patricia Prince and Sarah Wright (Labor & Employment), Anne Reilly and Dan Furhman (Probate & Estate) and Brian Pedersen (Real Property). From what I am hearing, meetings are going to be a great way to pick up those needed MCLE Credits.

We still need a Chair for the Tax Section. Let me know if you are interested.

During the year, I will be using this column to update you on the programs and developments of MCBA. One exciting development will take place in this Newsletter. Beginning in March, we will feature a Judge's Column. Presiding Judge Kelly Simmons will write the first in the series. Throughout the year we will have a column from the Civil, Criminal, Family Law, and Probate Departments. I would like to thank Judge Simmons for the enthusiasm she instantly expressed when she was approached with the idea.

Keep your eyes right here, there is more to come in 2016!

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Discounts to Marin County Bar Members

WED, MAR 23, 2016 | 12-1:30 PM

Annual Pro Bono Appreciation Luncheon

Co-sponsored by MCBA and Legal Aid of Marin

McInnis Club Restaurant

– Buffet Lunch –

\$45 MCBA members / \$50 nonmembers

[Details & Registration](#)



Barbara Monty David Baer

KEYNOTE SPEAKERS: Barbara Monty & David Baer

Featured keynote speakers, attorneys Barbara Monty (Monty White LLP) and David Baer (Hartog Baer Hand P.C.), donated a significant amount of Pro Bono hours to Legal Aid of Marin in 2015.

For more than a year and half, Barbara Monty co-counseled with LAM to help secure a major victory for a group of older adults facing severe elder abuse from the management of their subsidized senior housing project.

At a Marin Probate Court in May of 2015, David Baer represented a LAM client who had been living in her car. Baer negotiated a settlement that awarded her fair

share of the family trust. David and his legal assistant Cynthia Tallent invested upwards of 90 collective hours to assist LAM on the case.

The luncheon will also honor more than 200 attorneys and volunteers with special recognition given to recipients of the Wiley W. Manuel Award. Issued by the State Bar of California to those with 50 or more hours of pro bono service, the award is named in honor of Wiley W. Manuel, an associate justice of the Supreme Court of California from 1977-1981. Judge Manuel was the first African American to serve on the high court.

Proposed Revisions and Additions: Civil Jury Instructions

Deadline for Comments FRI March 4, 2016 at 5:00 pm

The Advisory Committee on Civil Jury Instructions has approved and posted proposed revisions and additions to the civil instructions (CACI) for public comment. This release includes proposed new and revised instructions and verdict forms in response to developments in the law over the last six months.

The proposed changes and additions are available for viewing at www.courts.ca.gov/policyadmin-invitationsto-comment

Only these currently proposed changes and additions are being submitted for comment at this time. We will gladly accept other comments, but the committee will not be able to consider them until the next release cycle.

Send comments in a Word file attached to an e-mail to civiljuryinstructions@jud.ca.gov or respond online.

Mr. Bruce Greenlee, Attorney
Judicial Council of California
Advisory Committee on Civil Jury Instructions
455 Golden Gate Avenue
San Francisco, CA 94102
Fax 415-865-7664

All comments will be reviewed by the advisory committee, which will make recommendations to the Judicial Council's Rules and Projects Committee and then to the full council. Comments received will become part of the public record of the council's action.

When submitting comments, please:

- Indicate whether you agree with the proposal, would agree with the proposal if it is modified, or do not agree with the proposal.
- Clearly identify the specific language in the instruction that you are commenting on.
- Suggest alternative language, if appropriate.
- Provide any applicable authority for your position.

Contact: Camilla Kieliger, Analyst Legal Services | Leadership Services Division, Judicial Council of California
455 Golden Gate Avenue, San Francisco, CA 94102-3688
415-865-7681 | camilla.kieliger@jud.ca.gov | www.courts.ca.gov



Sold-Out 2016 Installation Dinner: A Huge Success!

By Caroline Joachim

A fun and entertaining night was had by everyone who attended the 2016 MCBA Board of Directors and Officers Installation Dinner “A Mediterranean Evening,” January 23 at The Key Room at Hamilton. The event was by any measure a tremendous success. Guests were treated to wine & appetizer pairings followed by a family-style dinner featuring delicious food from Morocco, Italy, Spain and Greece. New Board President Larry Strick, Executive Director Mee Mee Wong, and Membership Manager Kathie Gaines did an amazing job organizing the gala and making sure that the 120 guests enjoyed their evening.

Larry Strick provided opening remarks for the evening with an overview of his perspective of the MCBA, emphasizing that its members should continue to take an active role in making our organization more vibrant. Larry thanked outgoing MCBA President Randy Wallace, presenting him with an official proclamation from the State Assembly and a plaque from MCBA. Randy spoke from the heart and thanked everyone who made his turn as president so rewarding and, with a nod to the past and an eye to the future, Randy performed a time-honored tradition of passing the President’s Gavel to Larry.

The 2016 MCBA Board of Directors was sworn in by The Honorable Roy Chernus. Congratulations to our new Directors and Board Members!

The 2016 Installation Gala was a great way to kick off the year! Many thanks to the Gala Sponsors who contributed to an enjoyable and successful event.

To see photos, visit our [event website](#).

Photo left to right: Larry Strick, Al Brayton, Jessica Stuart Pliner, Damon Connolly, Sue Feder, Nicole Cabalette, Dorothy C. Proudfoot, Tom Brown, Larry Baskin & Christian Martinez.

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Past President: Randy Wallace
5 Year Past President: Lawrence Baskin

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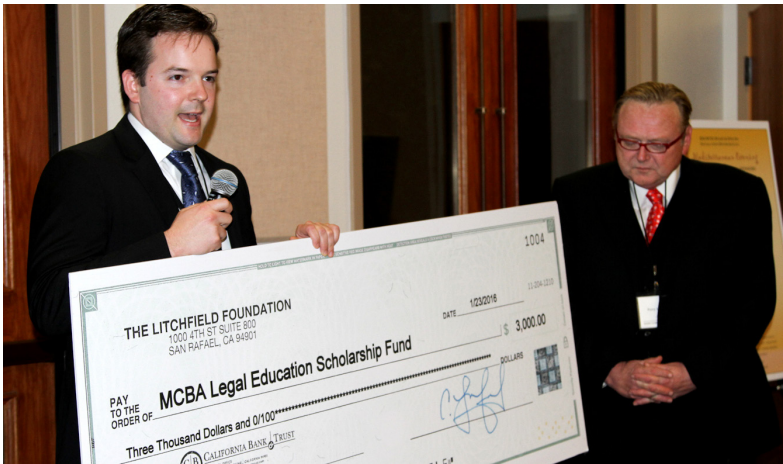
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Rodrigo Dias

KUDOS to our Donors: Successful 2016 MCBA Scholarship Fund

By Mee Mee Wong

Guests at the MCBA 2016 Installation Dinner generously pledged to the MCBA Legal Scholarship. The Fund is administered by Marin Community Foundation and 10,000 degrees. Randy Wallace, 2015 MCBA President, led the donation effort and emphasized the importance of contributions. The evening was highlighted with sizeable donation pledges from Perry Litchfield representing Resolution Remedies and Charles Litchfield of Litchfield Law Group. They pledged to match 2 scholarships in 2015. The generosity continued with numerous MCBA members and guests adding to the fund totaling **\$17,200**.

In 2015, MCBA provided 3 scholarships to Christine Fathi (3L USF), Janeene Iles (1L UC Hastings), and Janice Stillman (2L UC Hastings). Ms. Fathi thanked the attendees for providing a scholarship supporting her goal to pursue a law degree while volunteering at Legal Aid of Marin.

Thank you to all who donated in support of the MCBA Legal Scholarship. The campaign continues.

To contribute: please donate [online](#) or send a checks made to **MCBA Legal Scholarship Fund** to the MCBA office 101 Lucas Valley Road, Suite 326, San Rafael, CA 94903

2016 SCHOLARSHIP DONATION PLEDGES

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 Gary Raghianti
 Barrett Schaefer
 Nestor Schnasse
 James Sell
 Chris Skelton
 Larry Strick
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 Wanden Treanor
 Randy Wallace



El Niño Needs A Lawyer

By Edward McGill

How many times do you hear people remark on the extraordinary occurrence of weather, the temperature outside, ice, snow, wind and rain just being so different from the expected average? If the average rainfall for January in San Francisco is 4.5 inches, shouldn't San Franciscans expect 4.5 inches of rain this year? Well, really it might be more reasonable to expect rainfall between 24 and 0 inches this year which is the range for January over the last 175 years – a period with extreme annual variability from which the average is drawn.

Nature Follows her Own Rules.

Averages are not reality. Nature follows her own rules no matter how humans measure and cipher. Modern meteorologists do have some predictive abilities, however, and this year 2015–2016, January rainfall might well be much higher than the average 4.5 inches. That's because, they say, El Niño is coming. El Niño is a periodic weather pattern that brings raging storms, great winds, huge snow packs in the mountains that will fill water reserves to overflowing in the Spring and lots and lots of cold rain, much more rain than in any "average year".

El Niño may break the terrible drought suffered by Californians these last few years but it will not break it with warm and gentle Mayday showers. Gales and torrents, raging downpours with flooding waterways are the stuff of El Niño and, as happy as Californians may be with the end of the terrible drought, they are well advised to batten down their hatches and prepare for the hammer blows of a wet and windy winter.

Lawyers Should Dig their Storm Boots out of the Garage

Mud slides, flooding, storm damages and automobile accidents all come with the big storms of an El Niño winter. We lawyers should stand ready to offer its services to clients whose houses or other property is injured or destroyed as a result of flooding or mud slides. Sometimes, these damages are the result of the negligence of developers or nearby property owners who changed watercourses directing surface and subterranean water onto or under the client's property. Sometimes the damage occurs because government agencies improperly constructed or failed to maintain water drainage systems. Insurance, inverse condemnation, negligence, trespass, nuisance, and even bad faith are the bywords for redressing wet and muddy harm and damage. The damages can be very substantial indeed. Ask an ap-

2016 CIVIC CENTER PARKING PASSES

One of MCBA membership's perks: limited free parking passes at Civic Center when you have a brief errand. Parking is limited to 30 minute time zones in these time periods:

- 8:30 to 10:00 am & 1:00 to 3:00 pm

Please contact the MCBA office by email if you would like a parking pass and we will issue you an application. You will be required to provide:

- Your name and signature
- Phone number, CA license plate number
- Make, model, color & year of your vehicle

For parking passes: kgaines@marinbar.org

Passes issued before 2016 are no longer valid.

Parking restrictions are strictly enforced.

praiser or real estate broker about the market value of a house that is slipping down the hill.

Clients may have claims against other property owners, against the government or against their own insurance companies for thousands or hundreds of thousands of dollars and more. Some lawyers, and I am one of these, remember the land movement, mud slide and storm damage cases that were common in California in the early 1980's. There was confusion and insurance policy evolution in those days and a good number of these cases gave rise to insurance bad faith as well as third party claims against other property owners and the government. Good lawyers obtained good recoveries and clients were able to restore and stabilize their houses. Those of us who litigated these cases in the 1980's might want to dig out the rubber boots from the garage and get ready to slog through mud slide site inspections again.

Content adapted from the November 23rd article originally published in *The Legal Pulse*, the monthly newsletter of the McGill Law Office. To see other articles or to subscribe to The Legal Pulse go to <http://mccgill-lawoffice.com/blog/> © Edmond McGill, 2015.

Ed McGill's practice includes business law, plaintiffs personal injury, property and insurance claims. Ed has been practicing for more than 40 years in Marin County He can be reached at edmondmcgill@mccgill-lawoffice.com.



MEMBER PROFILE: Greg Brockbank

What is your practice area?

I've done landlord/tenant law and civil litigation for 30 years, and fifteen years ago I added family law and living trust packages to my list.

Do you have a particular emphasis?

I really try to keep costs down for clients and make the legal business as hassle-free as possible. I think it rarely serves litigants to drag things out in order to "win." Fairly often, I can settle a case with one or a few phone calls to the other side.

Why did you decide to become a lawyer?

There's some truth to the old joke about arguing so much as a kid that my parents said I ought to become a lawyer. But actually, my first "career," albeit brief, was in theatre, in which I got a B.A., did graduate work, and spent an awful year in New York City. I finally realized that it was unlikely that I could make a living from the stage, so I then, as I often say, took a tragic career turn and went to law school.

What is the best thing about being a lawyer?

Increasingly, I really enjoy talking to people during the first consultation, trying to be as efficient as I can in sharing information from my 30 years of practice, and sometimes even being able to help them in more than one area. It's tremendously satisfying.

Why do you live in Marin?

I moved here with my family when I was 11, and was smart enough to stay. There's no place I'd rather be, not just for the sheer beauty but for the culture and politics of this place. Of course, there's always room for improvement. This month I'm moving my practice, which is Marin Law Center, back to downtown San Rafael, where I started thirty years ago.

What do you love to do when you're not busy practicing law?

I've always been active in Democratic politics. I'm the senior member and immediate past chair on the Democratic Central Committee, was on the College of Marin Board for 18 years and on the San Rafael City Council for four years. I've always served on way too many boards – boards that advocate for the environment, for low-income housing, and for neighborhoods. Last year, I brutally cut back so

I'm down to four now, mostly environmental. And now I'm spending more time doing what I did in my 20's – singing in choruses and performing in musical comedies. I played George Banks in *Mary Poppins* last year, and I'm performing the title role in *Willy Wonka* next month at the San Rafael Community Center.

Tell us about your family?

I have two children, ages 29 and 30, who both became teachers, and who both live about an hour away, in opposite directions. My daughter gave birth last September to my first grandchild, which is truly as wonderful as everyone says. I live happily in San Rafael with my wife, Esther Wanning, who is a psychotherapist and, like me, a political activist. For twenty years, she led the charge in Marin for a single-payer health care system.

If you could pursue any other career besides law, what would it be and why?

The logical answer would be a singer and/or actor, which I do truly love. But those, and perhaps other artistic professions, lack some of the intellectual stimulation I need. Sometimes I think I would have enjoyed a career in public administration.

Why did you join MCBA?

Truthfully, it never occurred to me NOT to join the MCBA, which I did as soon as I started my practice, especially since I went solo immediately upon passing the Bar.

If you had to pick a single highlight of your career, what would it be?

Several years ago, I did a jury trial, representing a tenant facing eviction, up against one of the very top landlord attorneys in Marin. Jury trials are extremely rare in eviction cases, which is why I've rarely done them, and it was fairly complex, but after the landlord's case was presented, I moved for and won a directed verdict for my client.

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**MARIN COUNTY WOMEN LAWYERS
& MCBA Diversity Section**
present

Amy Everitt
State Director, NARAL Pro-Choice America

For a discussion regarding:
**THE STATUS OF REPRODUCTIVE RIGHTS
IN CALIFORNIA & BEYOND**

WHEN: Tuesday, March 1, 2016
WHERE: Piatti Restaurant, Upstairs
625 Redwood Highway, Mill Valley
TIME: 12:00-1:30
COST: \$35.00 (includes lunch) before February 20th
\$40.00 thereafter or at the door

1 HOUR MCLE CREDIT

Please RSVP by February 27, 2016
Pay at the door or send check payable to
Marin County Women Lawyers to:
Nicole Cabalette
Keegin Harrison
1000 Fourth Street, Suite 600
San Rafael, CA 94901
Questions/RSVP: ahtossa@whfsf.com

Amy Everitt is the State Director of NARAL Pro-Choice California and NARAL Pro-Choice California Foundation. Previously, she was the Political Director at EdVoice, a statewide education advocacy organization which works to make schools better for kids. Amy has worked on campaigns and elections for over 17 years working initially in the San Francisco Bay Area on state Assembly, SF Board of Supervisors and governor's campaigns. While based in Washington, DC, Amy was the West/Midwest Regional Political Director at the Democratic National Committee responsible for coordinating national efforts and providing direct support to campaigns throughout the region including the successful campaigns of Kathleen Sebelious in Kansas and Dave Freudenthal in Wyoming, both pro-choice Governors. While at the DNC, Amy championed the Rural Outreach Project which led to the establishment of a Rural Caucus. As the Regional Political Director for the DNC's Redistricting Project, she was responsible for advising and supporting redistricting efforts in the Northeast in 2001.



NEW MEMBERS

Beth Arnese
Law Offices of Diana Maier
770 Tamalpais Drive
Corte Madera, CA 94925
415-283-8970
beth@dianamaierlaw.com

Tina Baker
Williams & Gumbiner LLP
100 Drakes Landing Road
Greenbrae, CA 94904
415-755-1880
tbaker@williamsgumbiner.com
Affiliate Legal Personnel

Marie Barnes
1005 Northgate Dr. No. 229
San Rafael, CA 94903
415-226-9624
mariebarnes@outlook.com

Siobhan Friedgood
Keegin | Harrison LLP
1000 Fourth Street
San Rafael, CA 94901
415-456-4000
sfriedgood@keeginharrison.com

Janeene Iles
30 North Ave #30, Apt 2C
San Rafael, CA 94903
415-717-3585
janeenedesare@gmail.com
Student Member

Melanie Morgan
20 Altamont Ave
Mill Valley, CA 94941
415-250-9083
melanie@mjmorgan-mv.com

Nicole Neubert
Clark Neubert LLP
201 Spear Street, Suite 1100
San Francisco, CA 94105
415-779-0977
nhn@clarkneubert.com

Homa Rassouli
Retirement Funding Solutions
7250 Redwood Blvd. Suite 300
Novato, CA 94945
415-717-4618
hrassouli@rfslends.com
Affiliate Non-Attorney Member

Lynde Selden III
Keegin Harrison LLP
1000 Fourth St
San Rafael, CA 94901
415-456-4000
lselden@keeginharrison.com

Janice Stillman
1083 Lombard Street Unit 5
San Francisco, CA 94109
415-515-1303
janicestillman@yahoo.com
Student Member

Gilda Turitz
Sideman & Bancroft LLP
One Embarcadero Center
San Francisco, CA 94111
415-733-3920
gturitz@sideman.com

Megan Yip
Law Office of Megan Yip
175 N Redwood Dr, Ste 140
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CALENDAR DETAILS

Tue, February 16: 12:00 – 1:30 PM

Family Law Section Meeting
A View from the Court: Judicial Discussion & Update
Speakers: Hon. Verna Adams & Hon. Beverly K. Wood
Location: Courtroom H
1 hr. CLE, general
Brown Bag Lunch, \$10 Non-section members
[Registration & Info](#)
Contact: Abbey Lucha, alucha@facfc.org or
John Brekhus, jbrekhus@marinattorney.net

Wed, February 17: 12:00 – 1:30 PM

Probate & Estate Planning Section Meeting
Asset Protection
Speaker Jacob Glickman
Location: Town Center Community Room
770 Tamalpais Drive, Suite 201
Brown Bag Lunch
1 hr. CLE, general
[Registration & Info](#)
Contact: Anne Reilly at areilly@keeginharrison.com or
Dan Furfman at daniel.furfman@wellsfargoadvisors.com

Wed, Feb 17: 12:00 - 1:30 pm

ADR Section Meeting
New Technology for Every Mediator
Speaker: Shahrads Milanfar, Cinch Enterprises &
SettlementAptitude.com
Location: Resolution Remedies
1000 Fourth St, Suite 800, San Rafael
Lunch provided
Cost: \$25 Section Members; \$35 Non-section members
1 hr. CLE, general
[Registration & Info](#)
Contact: susan@susanfedermediation.com or
Sarah@BurkeADR.com

Wed, February 24: 12:00 – 1:30 PM

MCBA Membership Luncheon
Top Five Issues in Privacy Law
Panel Discussion moderated by Diana Maier
Speakers: Joanne McNabb, California Department of
Justice; Courtney Hoyt, Uber; Heather Deixler, Latham
& Watkins; Lindsay Solanki, Cooley LLP
Fenix, San Rafael
1 hr. CLE, general
\$45 Members / \$55 Non-members
[Registration & Info](#)
Contact: kgaines@marinbar.org

RESCHEDULED:

Fri, February 26: 12:00 – 1:30 PM
New! Business Development Workshop
The Best Ways to Generate New Revenue and
High Value Clients
Speaker: David Adams, Revenue Wise
Location: Town Center Community Room
770 Tamalpais Drive, Suite 201
Free: Members Only, brown bag lunch
[Registration & Info](#)
Contact: mwong@marinbar.org

Thu, March 3: 12:00 – 2:00 pm

Real Estate Section Meeting
2016 Significant Developments in California Real
Property Law
Speakers: Tim Galusha, Thompson, Welch, Soroko &
Gilbert; Riley Hurd, Ragghianti | Freitas & Len Rifkind,
Rifkind Law Group; Spencer Scheer & Joshua Scheer,
Scheer & Law Group; Wanden Treanor; Scott Williams,
Williams & Gumbiner & Derek Weller
2 hr. CLE, general
Location: Piatti Restaurant, Mill Valley
Late breaking event price change:
Cost*: \$45 Section Members / \$35 Members 5 years or
less in practice / \$55 Non-Section Members
*Pricing for this extended program is slightly higher to
cover the cost of materials, AV, and speakers.
[Registration & Info](#)
Contact: Liset Alvarado lalvarado@flynnriley.com

Wed, March 16: 12:00 – 1:30 PM

Probate & Estate Planning Section Meeting
TBA
Location: Town Center Community Room
770 Tamalpais Drive, Suite 201
Brown Bag Lunch
1 hr. CLE, general
[Registration & Info](#)
Contact: Anne Reilly areilly@keeginharrison.com or
Dan Furfman daniel.furfman@wellsfargoadvisors.com

Wed, March 23: 12:00 – 1:30 PM

Annual Pro Bono Appreciation Lunch
Co-Sponsored by MCBA & Legal Aid of Marin
McInnis Club Restaurant, San Rafael
\$45 Members / \$50 Non-members
[Registration & Info](#)
Contact: kgaines@marinbar.org

THE MARKETPLACE

Fee to advertise in Marketplace: \$40/month for up to 25 words, each additional word at \$1/word. Please email your text ad to kgaines@marinbar.org. Make payment to MCBA, 101 Lucas Valley Rd., San Rafael CA 94903. Deadline: 15th of each month.



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Author: *Calif. Drunk Driving Law*
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In Memorium:

Judith Cohen, Former Commissioner,
Marin County Superior Court
George R. Dirkes
Edwin Caldwell



Mission Statement of the Marin County Bar Association

To involve, encourage, and support
bar association members,
to serve as a liaison to the Marin County courts,
and to educate the community and
enhance access to legal services.

Marin County Bar Association

101 Lucas Valley Road, Suite 326, San Rafael, CA 94903

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Published by The Marin County Bar Association

2016 MCBA Officers

| | |
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MCBA encourages submission of articles that may interest the legal community. Letters to the Editor are also welcome and may be published if space permits. Submissions will not be returned. The Editor reserves the right to publish, decline to publish, edit or otherwise modify any submission. Editorial material should be sent to the Marin County Bar Association at the above address.