

The Practical (Home Contractors), the Theoretical (Drones) and the Surprisingly Political (Judicial Independence)

FEB 05, 2019

BY ROBERT ROSBOROUGH

Just a couple of weeks ago, I was taken aback when very late one night a drone started hovering nearby. I have a view of the bay and often see plane lights in the distance but these lights rapidly started getting closer and brighter. The drone didn't come all the way up to my windows but it was not far from my neighbor's. I have no idea whose it was or what it was doing but it could easily have taken photos through people's windows, including mine. So I was eager to read Jonathan Kathrein's article, *Railroad in the Sky*. He proposes using railroad rights-of-way as drone flight paths and in advocating this approach, he provides an interesting primer on the messy regulation of drones. I was distressed to read that California arguably does not have laws that even give it the ability to regulate drones. Presumably, those of us who have drones taking photos through their windows late at night might still have a few tort claims we could make—except that without regulation we are unlikely to know whose drone it is.

I would like to thank Dave Feingold for being guest editor this month and for writing about a subject that just a few years ago, I would have found hard to imagine was an urgent one: maintaining the independence of the judiciary. Charlie Dresow also address the subject in his President's Message. The photo accompanying Dave's article is a memorable one: a Pakistani lawyer fighting in the streets over an independent judiciary. Let's hope that we don't have to lob tear gas to preserve judicial independence. To keep things from getting that far, all of us, lawyers and non-lawyers, have an obligation to speak up, to educate the public about the importance of an independent judiciary and to take

whatever steps we can to counter forces that erode judicial independence. As a bedrock of our form of government, the independence of the judiciary should not be a political issue but with a president who attacks it as a political tool, it now is. Both Dave's and Charlie's articles contain a few quotes to help inspire you.

Dave also contributed a concise and handy article on what general practitioners should know about the regulation of home improvement contractors. Even if you're unlikely to ever have a client walk in with a contractor issue, the chances are good that you or one of your friends will have one someday and Dave's article is a helpful starting point.

Despite it being early 2019, the 2020 Presidential race is already underway. It was front-page news when Kamala Harris kicked off her campaign in Oakland last month. At this point, we don't know if any Republicans will be challenging Trump but the list of Democratic challengers is already long. Our political columnist, Greg Brockbank, takes an early look at four of the leading potential Democratic candidates, including Kamala Harris. And Ashley Hurd highlights the wonderful work of the Marin Foster Care Association.

Finally, if you did not attend MCBA's wonderful gala last weekend, I would like to remind you that the second part of the gala's name was, "scholarship fundraiser." Each year, MCBA gives several scholarships to law students from Marin. Three of the four spoke eloquently at the gala and I had a chance to speak with two of them before dinner--they are impressive and certainly deserving. At the gala, we raised nearly \$11,000 towards our goal of \$16,000, which is the amount we granted to this year's recipients. We need your help to close that gap. If you have yet to donate, please consider donating as much as you can towards this worthy cause. It's easy--just click the link below to make a tax-deductible contribution.

(<https://marincf.givecorps.com/causes/1167-mcba-legal-education-scholarship-fund>) DONATE HERE

Next month, we will celebrate Women's History Month in one of our quarterly magazine-style issues. Don't forget that you can still download a pdf with all the articles from other monthly issues to take with you or print out when you're not online.

The Independent Judiciary

FEB 04, 2019

BY CHARLES DRESOW

The protection and preservation of our independent judiciary is vital to our society and system of justice. The public must retain faith that their grievances can be resolved by a fair and independent judge. Fair and independent judges serve to check and balance the executive and legislative branches. Indeed, our revolutionary war was fought partly because of the denial of an independent judiciary to the 13 colonies. This specific grievance was so important that it was contained in the Declaration of Independence itself: <blockquote>[King George III] has obstructed the Administration of Justice, by refusing his Assent to Laws for establishing Judiciary Powers.

He has made Judges dependent on his Will alone, for the tenure of their offices, and the amount and payment of their salaries.</blockquote>

The King of England's erosion of the independent judiciary in the colonies was viewed as a direct threat to the individual liberty so important to our country's founders:

<blockquote>Controversies over the independence of the colonial judiciary raged in Pennsylvania and New York beginning in the 1750s, then 'exploded' in the next decade after an order of December 1761 from the King in Council permanently forbade the issuance of colonial judicial commissions for any term except 'the pleasure of the crown.' In England, judges had enjoyed tenure on good behavior since 1701, and in 1761 George III himself described the independence of the judiciary as 'one of the best securities of the rights and liberties of his subjects.' Fears that the Crown sought to control the judiciary increased after the Townshend Act of 1767 suggested that it would soon begin paying judges' salaries, as it did in Massachusetts six years later.</blockquote>

Maier, American Scripture (1997).

Our system of justice does not render verdicts based on fake facts, fake news, or untested assertions. Our Constitution, evidence codes, adversarial process, and rules of procedure prevent an assertion from becoming evidence prior to a testing of its truth and reliability. All of the powerful constitutional and evidentiary protections afforded to a litigant in our system are hollow words without an independent judiciary who can render judgments or rulings free from the direction of others, whether individuals or branches of government.

Our system of justice is a myth and our constitution but fading words on parchment unless we dedicate ourselves to protecting this independence. In his article featured in this issue, David Feingold points out that the public's faith in our system of justice is being eroded by unprecedented attacks on our judiciary, particularly by the leader of the executive branch. But the greatest risk to the continued independence of our judiciary is not in the attacks themselves but in the indifference of the citizenry to the importance of that independence. Indifference will lead to injustice, indifference is dangerous, "[i]ndifference, after all, is more dangerous than anger and hatred. Anger can at times be creative. One writes a great poem, a great symphony, has done something special for the sake of humanity because one is angry at the injustice that one witnesses. But indifference is never creative. Even hatred at times may elicit a response. You fight it. You denounce it. You disarm it. Indifference elicits no response. Indifference is not a response." (Elie Weisel, The Perils of Indifference, White House speech given as part of the Millennium Lecture Series, April 12, 1999.)

MCBA Past President David Feingold and I urge our members to be conscious of any attack directed against an independent judiciary and strive to defend it.

The Top Ten Things a General Practitioner Should Know About the Regulation of Home Improvement Contractors

FEB 03, 2019

BY DAVID F. FEINGOLD, ESQ.

Regardless of your practice area, many of your clients are homeowners. Most also have hired or will hire a contractor to work on their home. They might have the foresight to educate themselves about the legal issues involved when embarking on a home improvement project. They may even ask you to look at the contract.

For any project involving large dollar amounts or potentially dangerous work, the proposal or draft agreement should be reviewed by counsel. That page of small print on the back of the proposal for services typically includes a number of booby traps, such as hold harmless and indemnity clauses heavily favoring the contractor, limitations of liability, and other exculpatory language. The standard form AIA contracts also should be reviewed and modified as necessary to protect your client. But I digress—the purpose of this article is not to analyze all of the issues raised in a construction contract. The purpose is to acquaint you, the general practitioner, with the “top ten” laws and regulations I think you should know about when dealing with home improvement contractors.

1. License Required: Any contractor who does home improvement work must be licensed by the Contractor’s State License Board (“CSLB”). (Bus. & Prof. Code § 7159, subd. (b).) (There is an exception for what is considered “minor work,” which is work that does not involve more than \$500 in labor and materials.) “Home improvement work” is defined broadly and basically includes “the repairing, remodeling, altering, converting, or modernizing of, or adding to, residential

property.” (Bus. & Prof. Code § 7151.) Almost everything, from landscaping to windows to HVAC systems to carpeting, falls under the “home improvement” definition.

2. Put It in Writing: If the total cost of a home improvement project exceeds \$500, the contract must be in writing. (Bus. & Prof. Code § 7159.)

3. Spell It Out: Among other things, the contract must contain specific provisions, including when the work will start and end, a description of the work, how payments will be made, and cancellation rights. (Bus. & Prof. Code § 7159.)

4. Get a License Number: Every contractor must include his or her license number on all contracts and all forms of advertising. (Bus. & Prof. Code § 7030.5.)

5. Limitation on Deposits: It is unlawful for a home improvement contractor to require an advance payment of more than \$1000 or 10% of the contract price, whichever is less. (Bus. & Prof. Code § 7159, subd. (d).)

6. Honor the Contract Price: Failure to complete the job for the contract price constitutes a ground for disciplinary action against the contractor. (Bus. & Prof. Code § 7113.) Also consider whether a time and material contract for a home improvement project, with no guaranteed maximum price, is even legally permissible in California. The CSLB took the position in 2010 that it is not, and to my knowledge has not taken a different position to date. (See this <http://www.cslb.ca.gov/newsletter/2010-summer/page9.htm>) CSLB newsletter article.)

7. Beware the Lien: Assuming proper and timely notice was provided to the owner, or notice was not required, an unpaid licensed contractor can place a “mechanics lien” on the owner’s property. This permits the contractor to foreclose on the property in order to be paid, but he or she must file a lawsuit to do so. (Civ. Code § 3110.)

8. Ninety Days to Sue: To enforce a mechanics lien, the contractor must file a lawsuit to foreclose on the property within 90 days of the date the lien was recorded. (Civ. Code § 3144.)

9. No License – No Hope: An unlicensed contractor cannot sue to recover money for work requiring a license. (Bus. & Prof. Code § 7031, subd. (a).) An unlicensed contractor may also be required to disgorge any money he or she received from the owner. Let me repeat that: An unlicensed contractor can be sued and required to give back all the money he or she has been paid. (Bus. & Prof. Code § 7031, subd. (b).) The license requirement is strictly construed and can have draconian results, as illustrated in *Great West Contractors, Inc. v. WSS Construction, Inc.* (2008) 162 Cal. App. 4th 581. In *Great West*, the subcontractor that signed the contract was a recently formed corporation. The subcontractor's president, as an individual, held a valid contractor's license at all times. However, the corporate entity was not licensed at the time it submitted its bid and performed some preliminary tasks but it did obtain its corporate contractor's license shortly thereafter. Because the corporate entity was not licensed prior to beginning performance, it could not recover compensation because it was not licensed at all times. As if not being able to sue and being required to disgorge funds received was not enough pain, an unlicensed contractor causing injury or damage may be liable for three times the amount of damages (to a maximum of \$10,000), plus costs and attorneys' fees. (Code Civ. Proc. § 1029.8.) You can—and always should—check the status of a contractor's license by contacting the Contractors State License Board. The easiest way is (<http://www.cslb.ca.gov/>) on the web.

10. Prove the License: If you represent a contractor in a suit, you must prove license status by producing a verified certificate of licensure from the Contractors' State License Board showing that the contractor held all necessary licenses during performance of the work. (Bus. & Prof. Code § 7031, subd. (d).) If you are representing an owner or other contracting party, have your motion for non-suit ready when the contractor misses this crucial step.

Railroad of the Sky

FEB 02, 2019

BY JONATHAN KATHREIN

Introduction Amazon, Alphabet, FedEx, UPS, 7-Eleven—all are developing a system of drones to deliver packages. These drone delivery companies (referred to as “operators”) believe drone delivery can significantly reduce their shipping costs and increase the speed of their deliveries. In July 2016, 7-Eleven completed the first retail drone delivery in the United States. In December 2016, Amazon Prime Air, the Amazon drone delivery service, completed its first delivery in England. Now, Amazon is planning airborne warehouses.

Federal regulations, private property rights, state property laws, and local ordinances are a few of the hurdles these operators will have to overcome before they can provide a drone delivery service. At the federal level, drone travel at high altitude is currently restricted by the Federal Aviation Administration (FAA). At the state level, travel at low altitude over private property requires agreements from a patchwork of property owners.

There is a solution. Drone operators can use the low-altitude airspace above railway corridors. Operators can use railway corridors to escape federal regulation by traveling at low altitude over long stretches of private property. They gain efficiency by obtaining permission from one property owner to fly over vast amounts of private property. Railroads already have the rights to corridors in place. Furthermore, railroads have enough property that drone operators can use the railroad’s airspace for both movement and warehousing.

This shipping solution is especially close to home here in Marin County where the historic Northwestern Pacific Railroad Line runs the length of Highway 101, from Larkspur to Eureka, and is shared by the Sonoma-Marín Area Rail Transit District (SMART) and the Northwestern Pacific Company (NWPCo). Changes are coming to our local railroad line, making future planning for its use even more important. In 2018, Senator Mike McGuire sponsored Senate Bill 1029, which passed, taking the first step in turning the northern stretch of the historic line into the Great Redwood Trail for hiking, biking, and riding.

In addition, state and federal laws around cannabis are changing rapidly. The technology world is already heavily invested in drones for to-your-doorstep cannabis delivery (Eaze, cannabis delivery); innovators along the rail line are creating new products (Lagunitas Hi-Fi Hops, cannabis infused beverages) and doorstep delivery of local produce is popular (Farm Fresh to You, produce delivered to your doorstep.) These products are small and lightweight. Drone delivery over the railroad would give new meaning to farm-to-table.

Opportunities in Airspace

Consumers want products delivered directly and quickly. Drone operators are eager to take advantage of the savings in both cost and time. They should be just as excited to use railroad corridors to achieve their goals more efficiently, more safely, and in doing so, avoid some of the heavy regulation.

Who is in Charge?

Airspace can be broken into two categories: federally regulated airspace and private property. Federal regulation has traditionally focused on navigability of manned aircraft. Conceptually, the federal airspace, sometimes called the public domain, must have an upper and lower limit. Yet those limits are hard to define. The lower limit, which is important for moving goods by drone, is unclear. Aviation cases relating to private property are usually about the property owner's desire to exclude air travel, especially at low-altitude over property, not a desire to allow it.

Who has jurisdiction over low-altitude airspace is complex and unsettled. The statutes, regulations, and court decisions have historically focused on manned aircraft and come from a time when drones did not exist. Recreational drone use fits within the FAA's Special Rule for Model Aircraft. Commercial drone use does not fit that rule and the FAA is developing new ones.

A. Federal Authority

The United States Government has exclusive sovereignty of airspace of the United States and a citizen of the United States has a public right of transit through the navigable airspace. (49 U.S.C. § 40103.) Congress has delegated the administration and regulation of "navigable airspace" to the FAA, part

of the Department of Transportation. (49 U.S.C. § 40103(b).) The regulations address efficient use of the airspace and protecting people and property on the ground. This leaves open the question: What is airspace and is it the same as navigable airspace?

The statutes do not define “airspace,” but do define “navigable airspace” as the “airspace above the ‘minimum altitudes’ of flight prescribed by regulations ... including airspace needed to ensure safety in the takeoff and landing of aircraft.” (49 U.S.C. § 40102(a)(32).)

The federal regulations set out a “minimum safe altitude” for flight over various areas. (14 C.F.R. § 91.119.) While these regulations do not limit the federal government’s jurisdiction, they do limit the minimum safe altitude for an “aircraft.” And an “aircraft” is defined any device “invented, used, or designed to navigate, or fly in, the air.” (14 C.F.R. § 1.1.)

The minimum safe altitude over a congested area is 1,000 feet above the highest obstacle. The minimum safe altitude over a non-congested area is 500 feet above the surface. There is an exception, and no minimum, over water, over sparsely populated areas, and for takeoff and landing. (14 C.F.R. § 91.119.)

In summary, the situation is complex because the limit for navigable airspace varies depending on the situation. Currently, the FAA regulations begin at 500 feet and move upward. But 500 feet is not a jurisdictional limit. The FAA simply has not exercised its jurisdiction below that level, except to tell drones and model aircraft to stay below the minimum safe altitude of navigable airspace, specifically to stay below 400 feet.

The grey area is somewhere between the property rights of those on the ground and the minimum safe altitude. There are also exceptions to the lower limit of navigable airspace, such as the airspace needed for takeoff and landing, and airspace used for emergencies. Both are considered part of the federal airspace, but elude exact definition. Somewhere near the ground seems to fall within state jurisdiction. (Though not precisely defined, “navigable airspace” has until recently been thought of as generally describing airspace beginning at a point higher than 400 feet above ground level, as demonstrated in part by a 1981 FAA Advisory (AC 91-57). Senate Judiciary Committee Summary of SB142, 4/6/15. While the FAA does not set 500 feet as a limit to their jurisdiction, in the Small Unmanned Aircraft Systems

(UAS) Notice of Proposed Rulemaking Summary, the FAA proposes to restrict Small UAS to a maximum of 500 feet.) And there may be a space in the middle that could be regulated by both the state and federal government, either, or neither.

B. State Authority

Because of the federal jurisdiction over air travel, the states' roles have been limited to either not regulating at all or preventing drone use in public spaces and over private property when they are unwanted. Logically, this leaves drones traveling at low altitudes in private airspace, with the property owner's permission. Companies like Amazon and 7-Eleven are testing their service in locations where they have permission to fly. But they seem unable to expand beyond a few neighboring properties. With the regulations in place, they can't make a longer distance delivery.

But California's authority to regulate low-flying aircraft is unsettled. California's Aeronautics Act starts by recognizing federal authority:

<blockquote>This state recognizes the authority of the federal government to regulate the operation of aircraft and to control the use of the airways, and nothing in this act shall be construed to give the department the power to so regulate and control safety factors in the operation of aircraft or to control use of the airways. This section does not affect the state's power to regulate the intrastate rates of common carriers by air, and such power is hereby reserved to the state. (Pub. Util. Code § 21240.)</blockquote>

The Act provides the state with jurisdiction over airspace and aircraft operation that is not within federal jurisdiction. (Pub. Util. Code § 21401.) It gives the state permission only to establish regulations which are essential and clearly within the scope of the authority granted by the Legislature. (Pub. Util. Code § 21001.) It allows for flight in aircraft over the land and water, unless it is at altitudes below those prescribed by federal authority, or unless conducted so as to be imminently dangerous to persons or property lawfully on the land or water beneath. (Pub. Util. Code § 21403(a).)

But unlike the federal law, the state law definition of "aircraft" includes only manned vehicles. (Pub. Util. Code § 21012.) California law does not address flight of unmanned aircraft, a large hole in the

regulatory scheme. Arguably, if a drone is in California airspace, it is unrestricted.

C. Airspace Rights of Property Owners

States have jurisdiction over property and some portion of the airspace above it. Relevant property law includes the right to possess, the right to exclude, and the right to transfer. Property comes in all shapes and sizes, each with many types of owners, including individuals, companies, and the government. There are small plots of residential and commercial land in cities. There are city parks. And there are state and federal forests and wilderness preserves. There are local roads, state roads, and interstate highways. And there are railroads.

In the 1946 Supreme Court decision, *United States v. Causby*, Justice William Douglas stated that while navigable airspace is in the public domain, a landowner does own “at least as much of the space above the ground as he can occupy or use in connection with the land.” (*Airspace in an Age of Drones*, Boston University Law Review, Troy A. Rule, page 168, 2015.) This decision established that landowners do hold a right to exclude others from the low-altitude non-navigable airspace over their property. (Id.) If landowners have a right to exclude others from airspace, it also suggests the inverse of the right to exclude, the landowner has a right to possession. That right to possession of the airspace exists so long as it is “in connection with the land.”

Drone delivery, especially over a railway corridor used for moving freight, should be enough to meet the *Causby* criteria of being a use “in connection with the land,” since both the drone and the railroad operate to deliver freight. In the case of a railway corridor, what might otherwise be non-navigable may be navigable for a limited use, such as unmanned drones, also delivering freight, over predictably-sized rail cars.

When a drone flies at an altitude below 400 or 500 feet, it encounters private property. Flying over a series of residential parcels can lead to noise complaints and more catastrophic crashes. Flying over parks causes similar problems. Flying over a highway can lead to interference with cars and traffic, both as a distraction to drivers and catastrophic crashes. But flying over large trains, which move predictably along major corridors of private property, has few of these problems. There is little problem with distraction, few pedestrians, and nearly no noise problem. As with the large drone test sites, like the rural

farms and airports that Amazon is using, railroads have one landowner for a major stretch of land, making a single agreement enough to cover many miles of travel.

Can the Airspace Right Be Transferred?

The state private property right to exclude others from one's property is well settled, but the ownership and transferability of airspace over private property is less clear. Can airspace above property be owned and conveyed?

California statutes state that the ownership of a thing is the right of one or more persons to possess and use it to the exclusion of others. (Civ. Code § 654.) The thing of which there may be ownership is called property. (Civ. Code § 654.) Property includes real property, and real property includes land. (Civ. Code §§ 657 and 658.) Land is the material of the earth, and includes free or occupied space for an indefinite distance upwards as well as downwards, subject to limitations upon the use of airspace imposed, and rights in the use of airspace granted, by law. (Civ. Code § 659.)

The Miller and Starr California Real Estate treatise describes a surface landowner's rights to airspace as the following: The owner of land has rights in all free or occupied space above and below the land, but a landowner's airspace rights are subject to regulation and rights granted to others. "In other words, the geometric space above and below the surface belongs to the owner of the land, unless its ownership has been separately transferred or conveyed." The upper limit of this right being the airspace above the land capable of use in relation to the beneficial and convenient enjoyment of the land itself. (Miller and Starr California Real Estate 4th Edition, § 9:33; Civ. Code §§ 659 and 829.)

Ownership of airspace can be separated from the ownership of the land. (Miller and Starr, § 9:33.) It is possible to subdivide land vertically and transfer airspace with no interest in underlying land, although the airspace may need easements for support. (Civ. Code §§ 4125(b) and 6542(b).) For example, the California Department of Transportation can lease airspace above highways and a property owner may grant open-space easements over private land for preservation. (Miller and Starr, § 9:33; Sts. & Hy. Code § 104.12; Gov. Code §§ 51050 to 5165.) The creation of high-rise condominiums is another example of this phenomenon.

The American Jurisprudence 2d treatise, similarly, explains the following: "The owner of land in fee holds all the complex elements of a single right, which include not only the right to use the surface, but

so much of the superjacent airspace as he or she can use.” (American Jurisprudence 2nd, State and Federal, § 2.) “The landowner’s property interest in the land extends to the airspace directly over the property, to the extent that the airspace can be used to benefit the underlying land.” (American Jurisprudence 2nd, State and Federal, § 2; *Swetland v. Curtiss Airports Corp.*, 55 F.2d 201.) (“[The surface owner] has a dominant right of occupancy for purposes incident to his use and enjoyment of the surface, and there may be such a continuous and permanent use of the lower stratum which he may reasonably expect to use or occupy himself as to impose a servitude upon his use and enjoyment of the surface. See *Portsmouth Co. v. United States*, 260 U.S. 327, 43 S. Ct. 135, 67 L. Ed. 287. As to the upper stratum which he may not reasonably expect to occupy, he has no right, it seems to us, except to prevent the use of it by others to the extent of an unreasonable interference with his complete enjoyment of the surface. His remedy for this latter use, we think, is an action for nuisance and not trespass. We cannot fix a definite and unvarying height below which the surface owner may reasonably expect to occupy the air space for himself. That height is to be determined upon the particular facts of each case. It is sufficient for this case that the flying of the defendants over the plaintiff’s property was not within the zone of such expected use. We think the question is unaffected by the regulation promulgated by the Department of Commerce, under the Air Commerce Act of 1926 (49 USCA § 171 et seq.), and adopted by the state of Ohio, requiring aeronauts to fly in rural sections at a height not less than 500 feet above the surface, for in our view that regulation does not determine the rights of the surface owner, either as to trespass or nuisance.” *Swetland v. Curtiss Airports Corp.*, 55 F.2d 201, 203.) The property interest of the surface owner in airspace above the land is limited to airspace which is below navigable limits. (*Id.*) The height limit of the airspace the surface owner may reasonably expect to occupy is not a definite one. (*Id.*) (“The airspace, apart from the immediate reaches above the land, is part of the public domain. We need not determine at this time what those precise limits are.” *United States v. Causby*, 328 U.S. 256, 266.)

The concept of transferring airspace in the form of an easement, lease, or license is a logical one. These forms of property ownership exist for other purposes. Nothing in California law prohibits such a transfer, yet a search of statutes, cases, and secondary sources suggests no one has tried it yet. Railroads and drone operators should develop a freight easement for airspace above the height needed for trains and below the federal navigable airspace.

<h4>Railroad Corridors Generally</h4>Railroads, long contiguous corridors of private property, are the

ideal solution for drone corridors. The rail network connects most major cities, both to each other, and to ports throughout the United States. The two major railroads that operate in California, the Burlington Northern Santa Fe and the Union Pacific, alone cover 5,412 miles within the state. The short-line railroads, small railroads that connect to the major lines, add additional mileage. The following image shows the rail network within California.<center><a>The complete independence of the courts of justice is particularly essential in a limited constitution. By a limited constitution I understand one which contains certain specified exceptions to the legislative authority ... Limitations of this kind can be preserved in practice no other way than through the medium of courts of justice; whose duty it must be to declare all acts contrary to the manifest tenor of the constitution void. Without this, all the reservations of particular rights or privileges would amount to nothing. — Alexander Hamilton, The Federalist No. 78, 1778</blockquote>

<blockquote>The accumulation of all powers, legislative, executive, and judiciary in the same hands ... may justly be pronounced the very definition of tyranny. — James Madison, The Federalist No. 47, 1778</blockquote>

<blockquote>The recall of judges and their decisions would necessarily destroy the keystone of our liberties by taking away judicial independence, and by exposing to the chance of one popular vote, questions of the continuance of our constitutional guarantees of life, liberty and property and the pursuit of happiness. — William Howard Taft, 1912</blockquote>

<blockquote>The independence of the courts is, to all of us, the guarantee of freedom and the equal rule of law....It must, therefore, be the first concern of the citizens of a free country to preserve and maintain the independence of the courts of justice, however inconvenient that independence may be, on occasion, to the government of the day. — Winston Churchill, 1950</blockquote>

<blockquote>It is not our place to be “knee-jerk” defenders of individual judges who are criticized. But we can and must be “knee-jerk” defenders of an independent judiciary and the rule of law, of civility in the courtroom, and of due process. — Marin County Bar Association, 2003</blockquote>

<blockquote>There's a disturbing trend, both in strident language and in the bills introduced by legislators, away from judicial independence. We have to seize the opportunity when somebody says something stupid to explain the role of judicial independence in a democratic society. We, as a bar, have to try and calm things down. — New York State Bar Association, 2005</blockquote>

<blockquote>The organized bar has to talk about what judges do and defend to the death what the Third Branch of government does. Every organized bar should have a committee of lawyers prepared to write or speak on behalf of the need for an independent judiciary. — Pennsylvania State Bar Association, 2005</blockquote>

<blockquote>Let's get one thing straight: the ABA will not compromise or negotiate the independence of America's judiciary. We must address the current atmosphere in which our courts operate—whether state or federal—and what can only be called a decline in civility and respect toward our justice system. Our worsening atmosphere is as deadly a weapon against an independent judiciary as is any individual assailant, and carries with it the potential to do greater harm because it uses stealth, not blunt force, to achieve its goals. It eats away at and alters the public's perception of judges and the justice system until the judiciary is neither understood nor respected. — American Bar Association Past President Robert Grey, 2017</blockquote>

<blockquote>To maintain the fair and independent administration of justice, lawyers should defend Judges and courts unjustly criticized. Lawyers also are obligated to maintain the respect due to the courts of justice and judicial officers. (See Bus. & Prof. Code, § 6068, subd.(b).) — California Rules of Professional Responsibility, Comment to Rule 8.2</blockquote>

A First Look at the Democrats' Leading 2020 Presidential Candidates

FEB 01, 2019

BY GREG BROCKBANK

OVERVIEW

Disclaimer: The views below of that of the author and do not necessarily reflect that of MCBA and its members.

I often feel that it's unfortunate that so many voters get obsessed with the presidential candidates, often very early (I'm guilty as charged), to the exclusion of all other races at all levels (I'm equally obsessed with them as well). But here we are, one year before the presidential primaries begin, a year which will almost certainly serve to weed out most of the currently speculated-about and actual candidates (a few have already announced, and many more will in February and shortly thereafter) before we even get to the primaries and caucuses early next year. The first televised debate is in June.

The sheer number of candidates may feel overwhelming to many of us, and we wonder how we'll get to know them all well enough to choose, although we'll get more than enough media about at least the serious ones this year and next. For many people, the primary criterion is who is most likely to beat Trump, so virtually all candidates will presumably explain why they think they are the one who can. Trump may in fact not even make it through this year, given House Democrats' and Special Counsel Robert Mueller's investigations, so he may not even be the Republican nominee.

Unlike Republicans, who had more than a dozen serious presidential candidates in both 2012 and 2016,

Democrats haven't had a huge field of presidential candidates in recent decades, perhaps because there was always a strong frontrunner even when Bill Clinton and Barack Obama weren't running for re-election in '96 and '12: Al Gore in '00, John Kerry in '04, and Hillary Clinton in '08 and '16. Now there are candidates aplenty, but no strong frontrunner.

DC political commentator Bill Press (a part-time Inverness resident and former Chair of the California Democratic Party) writes a weekly column, and on January 4th of this year he listed 32 potential Democratic presidential candidates: 10 U.S. senators (listed below); five House members and two former members (House members and former house members rarely get their party's nomination—James Garfield was the last—much less win the general election); five governors and two former governors (even though they more often win the nomination and general election, none of the current crop stands out to me as being a first-tier candidate); a former vice president and a former attorney general (both under Obama); three mayors; and four businessmen.

It's commonly said that every morning, every U.S. senator looks in the mirror and sees a president, but they rarely win (JFK and Obama being two of only three), perhaps because they have an extensive federal voting record which can be attacked by opponents. The five best-known senators—and most likely to win the nomination—are, in alphabetical order: Cory Booker (NJ), Kirsten Gillibrand (NY); Kamala Harris (CA); Bernie Sanders (VT), and Elizabeth Warren (MA). The other five are Richard Blumenthal (CT), Sherrod Brown (OH), Amy Klobuchar (MN), Jeff Merkley (OR), and Chris Murphy (CT).

Not all of the 32 candidates will run (although most show every sign of doing so, including visiting or planning to visit Iowa and other early-voting states), and most will not last long before they run out of money (closely related to gaining insufficient traction in the polls). And even if they make it until the first few primaries and caucuses in February of next year, most of those remaining will drop out shortly thereafter unless they place in the top few in at least two of those early states. How they do in fundraising, polling, and ultimately the early-state primaries and caucuses has a lot to do with whether or not there are already too many (or at least one stronger) candidate or candidates in their "lane" (appealing to similar demographics and ideologies).

With President Trump being elected in what many think of as an unexpected fluke, and starting with a lower approval rating than any other recent president (mid-40s), and falling substantially from there

(recently about 37, having fallen a few points because of the government shutdown, widely blamed primarily on Trump), many Democrats are understandably eager to run against such an obviously vulnerable incumbent. Even if their chances of winning the nomination are slim (betting odds of perhaps the leading four candidates winning the nomination are included in their profiles below), they may feel that the national exposure to be gained is worth the grueling schedule for the next year (and into 2020, if they are one of the top half dozen or so) even if only to add “former presidential candidate” to their resume or tag line.

Many commentators have opined that the Democrats can win in either of two ways: 1) win back the disaffected blue-collar Midwest men that may have voted for Obama with “hope,” but then went for Trump and his populist rhetoric, and most have, surprisingly, stuck with him so far, despite his, in many peoples’ opinion (including mine), obnoxious behavior and presentation, his many broken and at least as-yet-unfulfilled promises, and his record-breaking number of blatant lies, among other problems; or 2) reassemble the Obama coalition, featuring a heavier than usual turnout and vote for the Democrat by people of color, which may mean a person of color as the presidential candidate (several of the announced candidates are in that category, and most of them are progressives, and most of them are women).

Polls have been surprisingly few thus far, although some have shown Kamala Harris in the lead, and others have her trailing only Joe Biden and/or Bernie Sanders. A much publicized (at least among us political junkies) straw poll by MoveOn.org in December showed former Congressman Beto O’Rourke with a surprising lead, but many attributed that to his almost beating Texas Senator Ted Cruz in November, exciting people about his possibly running for President, but he may merely be a flash-in-the-pan flavor-of-the-month.

In profiling the candidates in this article, I have to give major credit to the articles and poll aggregations of (<http://electoral-vote.com/>) electoral-vote.com, the daily blog I never miss, for years now, which on top of my (probably excessive) newspaper reading and involvement in numerous political groups and activities, makes me feel like I’m at the very high end of being politically informed. Much of their content has been absorbed into my consciousness in a way that makes me unaware that I’m reciting information I got from them, perhaps months or years ago. But I also want to thank and acknowledge (<http://electoral-vote.com/>) electoral-vote.com for allowing liberal use of their content because at other

times I'm taking information—notably the “Three Biggest Pros and Cons”—almost verbatim from their two-page profiles (regularly updated) of a couple dozen of the candidates.

In this column, I'm starting with what I think are the strongest four candidates at present, all senators or in Biden's case, a long-serving former senator as well as vice-president: Kamala Harris, Elizabeth Warren, Bernie Sanders, and Joe Biden, listing their odds of winning the nomination (where such betting is legal), and their age on Inauguration Day 2021, even though many people now consider age not to be as important as previously thought, given how much better than expected both Donald Trump and Bernie Sanders did in 2016, despite both being septuagenarians. My future articles will have updates, and probably profiles of other candidates, especially if they increase their polling and/or betting numbers.

KAMALA HARRIS (CA) — Odds of winning the nomination (as of 9/18): 18% — Age on Inauguration Day: 56

Although she's only been in the Senate two years (so had Obama when he announced in '07), she's long been considered one of the frontrunners because of her charisma, being from the largest state, and other reasons listed below under “Three Biggest Pros.” Note that those sections refer to the general election, not the primary, and often a pro for one is a con for the other, and vice versa. Many people see her as Obama 2.0, and her fortunate position on the Senate Judiciary Committee, even as a freshman, gave her national exposure during last year's Brett Kavanaugh confirmation hearings, where her sharp questioning was just her usual prosecutorial style—impressing some and turning off others.

Background: Born to immigrant parent activists (from India and Jamaica) who met at UC Berkeley during the 60s, Harris' professional career before she came to the Senate was almost exclusively as a prosecutor, including 13 years total as San Francisco district attorney and California attorney general, so law enforcement is her major issue. Like many presidential candidates before her, especially in recent years, she's just put out a memoir, “The Truths We Hold: An American Journey,” and her book tour not only introduces her to the country, but also conveniently leads into her campaign.

Three Biggest Pros: 1) Harris is a skilled user of social media and “big data,” which was so useful in

Bernie Sanders' campaign in '16, and she may well lead all other current candidates in this area; 2) her "law and order" background is likely to appeal to many centrist voters, although it could give pause to progressives who may be distrustful of a career prosecutor, even though Harris walks and talks like a progressive; and 3) she will be able to attract minority voters more than old, white guys like Joe Biden or Bernie Sanders.

Three Biggest Cons: 1) If any Democratic candidate will light a fire under Trump's base, it's a child of immigrants from California who is also a woman and black; 2) her ambition may be just a little too obvious, which is generally a turnoff to voters; and 3) while she will undoubtedly attract minority voters, the effect may not be as strong as one might think, given her past support for things like "three strikes" laws, and her professional defense of death sentences, so she may well be somewhat out of step with Black Lives Matter and other minority activists.

Bottom Line: Although comparing her to Obama is obvious and probably helpful, Obama had a near-monopoly on the progressive end of the political spectrum in '08, and Harris will be vigorously challenged in that "lane" by other candidates, including Bernie Sanders, Elizabeth Warren, and others, and for the black vote by Cory Booker. Surprisingly, we don't really know how good a public speaker and debater she really is.

ELIZABETH WARREN — Odds of winning the nomination (as of 9/18): 12-18% — Age on Inauguration Day: 71

Many people hoped she'd run four years ago, and tried to draft her as the progressive champion, but she demurred (she'd only been in the Senate two years at that point), and Bernie Sanders jumped into that role after waiting a while to see if Warren would run. She's best known as a ferocious champion for consumers, and as a bankruptcy expert; in fact, as a Harvard law professor, she chaired a congressionally appointed committee overseeing the TARP bailout, and she conceived and championed the Consumer Financial Protection Bureau, even though she knew even then that she was already too controversial to be named as the first head of it, although that would have been logical. She, too, came out with a memoir a couple years ago. I heard her speak on it at Dominican University, where she told stories of her impoverished childhood and struggles as a single mother.

Background: After Senator Ted Kennedy died in 2010, Republican Scott Brown surprisingly won a special election to fill that seat. Warren took him on when he ran for a full term in 2012, and she won, and she won re-election easily last year. Unfortunately, her casual comment about her family lore indicating she had a tiny percentage of Native American blood (not uncommon in Oklahoma, where she was born and grew up), caused her problems both with people who were turned off by that, as well as people who may have thought she used that inappropriately for political benefit. After hoping the controversy would go away, and it didn't, she eventually got a DNA test confirming her expected tiny percentage of Native American ancestry, which she duly reported, opening her up to further criticism. Trump has condescendingly and repeatedly referred to her with a racial slur—Pocahontas—which is true to form for him.

Three Biggest Pros: 1) Voters often like poorhouse-to-penthouse candidates (in this case, impoverished childhood to Harvard law professor), and being seen as a consumer champion is always a plus; 2) while she is unquestionably progressive, she's also pragmatic and actually gotten things done (rare for a freshman senator, apparently, especially a woman (which sadly says a lot about the Senate), and most especially one seen as "pushy" by Republicans.) Mitch McConnell justified having her removed from a Senate debate when she refused to stop her questioning, by saying "Still, she persisted," which became a meme and turned her into a feminist icon of sorts, and she might just be the one who can unify the Hillary and Bernie wings of the party; and 3) the suburban women who went for Trump and then for Democrats last year might find it easier to vote for her than for, say, Bernie Sanders or Joe Biden.

Three Biggest Cons: 1) If the Democratic nominee is a feminist, pointy-headed academic from liberal Massachusetts, the white, working class men aren't coming back; 2) Trump may well think she's going to be the nominee, so he's already spent a lot of time poisoning the well against her, even above and beyond his regular "Pocahontas" taunts; and 3) when Democratic voters learn she used to be a Republican, that may surprise and upset some of them.

Bottom Line: (<http://electoral-vote.com>) Electoral-vote.com says Warren may have a better chance than her odds indicate, as her liabilities seem minor compared to those of, say, Bernie Sanders and Kamala Harris, who seem to have greater ones. But I fear she doesn't fit as the reassemble-the-Obama-coalition or the "win-back-the-Midwest" standard bearer.

BERNIE SANDERS — Odds of winning the nomination (as of 10/18): 11-15% — Age on Inauguration Day: 79

As even casual political observers recall, Sanders was seen as too old, too grumpy, too socialist, and too Jewish (with a Brooklyn accent, even), none of which turned out to be enough to stop him from being a serious candidate against overwhelming frontrunner Hillary Clinton in 2016. He surprised everyone (including probably, himself) by coming very close to beating her and getting the nomination, establishing him as the progressive standard bearer by being a well-spoken, unapologetically liberal gentleman. He made relatively mainstream what progressives had been long hoping to get in the distant future, e.g., \$15 per hour minimum wage, free college, and Medicare for All (AKA single-payer health care). It's even more surprising that he remains among the top contenders now, given his (even older) age, but as mentioned, it didn't hurt him in '16, and may not this time, either, given that Trump is also in his 70s; the same is true for Joe Biden.

Background: Sanders was, even as a youth, a liberal rabble-rouser in Vermont, running for office after office unsuccessfully, until he somehow narrowly won a race for Mayor of Burlington, where he immediately became very popular. He then was elected to the House of Representatives and then the Senate, so he has served in Congress for quite a few years now. His approval rating in Vermont is an astounding 77 percent, higher than any other member of the Senate in their home state, and some say he is currently the most popular politician in the country.

Three Biggest Pros: 1) Progressives would be thrilled to have him be the nominee this time, and the rest of the Democrats would fall in line, since he's a known quantity, was impressive last time, and could well beat Trump handily (which is all most Democrats care about); 2) he may be able to turn out millennial voters who might otherwise stay home; and 3) he could well be stronger in his second consecutive run, building on his existing network and good reputation (notwithstanding the small number of Hillary supporters who blame him for her loss to Trump).

Three Biggest Cons: 1) Despite his past civil rights activism, Sanders sees all problems through the lens of class, not race, so he has some problems connecting with non-white voters; 2) many people consider many of Sanders' goals to be as unachievable as Trump's, which may give many of them,

especially independents, pause; and 3) we've seen in the last two years that anti-Semitism is stronger than many of us may have thought, and they could come out in force to vote against a Jewish candidate in the general election, despite the fact that Sanders no longer practices the religion.

Bottom Line: Perhaps because he is well-known enough, and has a strong fundraising network (especially for small donations—the best kind), he could afford to wait a while before declaring. But rumors are currently indicating that he will declare in early February. Some say he did as well as he did last time because no one expected him to win, or even get close, so the Republican meat-grinder was not focused on him, as it would be if he were the nominee. And most importantly, like Obama eight years earlier, he had the entire progressive lane to himself last time, and that won't be true this time. Finally, like Warren, he may not fit neatly enough into either the Obama coalition strategy, or the win back the Midwest strategy.

JOE BIDEN — Odds of winning the nomination (as of 10/18): 10-20% — Age on Inauguration Day: 78

Joe Biden was a logical VP pick for Barack Obama in '08, representing the long-time Senate experience, especially in legal matters and foreign affairs, that Obama lacked, and he has remained extremely popular during and since that service. He especially appeals to white working-class men—his own background in PA and DE—although he can also talk a pretty good progressive game, perhaps even more so than Obama.

Background: Biden had impressive successes in college (sports and class office) and thereafter, fulfilling his boast to be elected to the Senate by age 30, and compiling a record unmatched by all but a handful of people in our nation's history (as chair of the Judiciary Committee, and then of the Foreign Affairs Committee) in his 36 years there before becoming VP ten years ago and helping get Obamacare passed. He's had more than his share of family tragedies (losing his first wife and infant daughter in a car accident shortly after being elected to the Senate, and then losing his rising star son Beau to brain cancer in 2015, delaying what might otherwise have been an entry into the last presidential race, until it was too late (he had, however, run twice before, and not done all that well).

Three Biggest Pros: 1) As mentioned, if the Democratic voters and pooh-bahs want to go in the direction of trying to win back disaffected white working class men in the Midwest, there's no one better to do

that than Uncle Joe; 2) on the other hand, if the GOP “goes low,” Biden can be quite the political brawler, and can go that route as well; and 3) unless Hillary runs again (which she’s shown no sign of doing, and many Dems feel strongly that she should not), no candidate is more of a well-connected Democratic insider than Biden, and he knows where the levers of power are.

Three Biggest Cons: 1) As mentioned, Biden has run for president twice before, and obviously struggles to get anyone outside his base excited; 2) progressives will not be too happy about a septuagenarian white man who is as “establishment” as it gets; and 3) he’s got some baggage from his decades in the Senate and his two prior runs for president, including political foot-in-mouth disease, and plagiarism scandals both in college and from his Senate career.

Bottom Line: Although Biden is among the best-known and best-liked candidates, he does have some liabilities, and if he runs, and steps in it (again), he could lose support to one or more of the many other candidates, at least one of whom (Sherrod Brown, also liked by progressives) is in his lane. But right now, one poll showed Biden as the Dems’ top choice, with up to 33%, easily outpacing Sanders’ 15%, in large part because his lane has fewer candidates in it than most others.

SUMMARY

If Democrats want to choose a winning candidate, they should not worry about the 25 or so states the Republicans will surely win, regardless of who their nominee is, nor the 20 or so the Democrats will surely win, regardless of nominee, and focus on the five states Trump unexpectedly won in ‘16: the three Midwestern states—Wisconsin, Michigan, and Pennsylvania—despite Democratic presidential candidates having won those states for 2-3 decades, and the two southern states—North Carolina and Florida—which have gone back and forth in recent years. One could argue that since Trump’s approval rating has dropped more than enough that he will lose the Midwestern states, which he won in ‘16 by 1% each, maybe they should focus on the two southern states, although winning those states may require a different kind of candidate than one who would appeal to the Midwest voters. Also, how badly do Democrats want a progressive candidate, versus a moderate? As mentioned above, despite their many advantages, Elizabeth Warren and Bernie Sanders don’t fit neatly into either strategy, and Kamala Harris and Joe Biden, although they do, have significant liabilities. That’s enough reason for me to look at some of the other candidates in my next column, wondering if one or more of them will

catch fire and catch the top four in polling and fundraising.

The Marin Foster Care Association

FEB 01, 2019

BY ASHLEY HURD

"You were born with the ability to change someone's life — don't ever waste it."

A person can do many different things to help others, but very few match the impact a loving, caring foster family has on a child in need. About 60,000 children under the age of 18 are in foster care at any one time in California. Typically, these children are removed from their parents by child welfare agencies that have determined that the children can no longer live safely with their birth parents. For most of these children, the foster care experience is temporary and they are returned to their birth parents or other concerned relatives within a year or less.

The job of foster parents, also called "resource parents," is to provide love and support at a critical time in the child's life. The nurturing they offer can change a child's life forever. The stories are countless — this is from a young woman named Sabrina:

<blockquote>Being a Foster Child taught me love. My biological mother was 15 years old when she had me, and I was her second child. Sadly, she suffered from mental illness and addiction, as did my biological father. When I entered my first foster home, I thought that the family's love and kindness towards one another was unusual, because I was never exposed to such behavior. Foster care gave me a second chance, a chance to live the life that God intended for me. I was placed with several different foster families, and although each one of my foster homes was completely different from the one before, they all shared one thing in common. Love. Every new home that I walked into looked different. Each family had different values, interests, and traditions; however, they all were overflowing with and radiating love. They contributed to unstitching the lies that had been woven into my identity. They

showed me that I am worth a home. They showed me that I am not abandoned. They taught me that I am valued. The foster families I've been in, the family I was adopted into, and the people I have encountered have made me realize that I was not a mistake.</blockquote>

In Marin County, we are lucky to have a nonprofit that helps children in crisis and the resource parents who care for them: The Marin Foster Care Association (MFCA). MFCA runs several programs that put it at the forefront of support and advocacy. One is the (<http://marinfostercare.org/opportunity-fund/>) Opportunity Fund, which provides grants for foster children to access tutoring and enrichment activities in our resource-rich community — these activities are often the first steps toward a sense of normalcy for foster children. In 2018, the fund allowed 38 foster children to participate in a range of activities — piano lessons, horseback riding, English and math tutoring, driver's training, gymnastics, hip-hop dance classes, martial arts, tennis and cheerleading teams, and many more.

MFCA also maintains a (<http://marinfostercare.org/community-resource-center-crc/>) Community Resource Center that is filled with every item that a child needs to find comfort in a new home, from clothing to school supplies to toys, all generously donated by corporate donors and the rest of the Marin community.

MFCA offers one-on-one (<http://marinfostercare.org/teen-coaching/>) Coaching of teens and parents together and it sponsors (<http://marinfostercare.org/events/>) Community Events that bond Marin's foster parents and offer opportunities to just have fun and enjoy each other while celebrating their valuable work and the resiliency of the children they have welcomed into their homes.

If you'd like to support MFCA, visit (<http://marinfostercare.org/ten-things-you-can-do/>) Top Ten for the top ten things you can do. And, of course, you can offer the greatest gift of all — looking into being a foster parent yourself. You may be surprised at what you discover in the process.

Cool Under Fire

FEB 01, 2019

BY MEE MEE WONG

MCBA's January general membership luncheon introduced members to a new theme with a program designed to hone leadership skills by improving our public speaking abilities. Marianne Fleischer, a former TV newscaster and current speechwriter and presentations skills coach, delivered an abbreviated version of her workshop, "Cool Under Fire." Whether it is pitching legal services to a client or presenting a case to a judge or a jury, attendees learned do's and don'ts of a polished and eloquent presentation.

Fleischer delivered an entertaining interactive program, enlisting attendees in a few improv scenarios. She addressed managing performance anxiety, profiling your audience, creating influence, and building a memorable narrative. Other topics included when to deliver bad news in a presentation, winning back resistant or distracted peers, and building executive presence. Here is a small sample of the takeaways from two of those topics for those who missed an informative workshop:

Building a compelling narrative:

- Describe hero(s) on a quest
- Build tension
- Throw in a twist
- Resolve the key issue to be the new normal
- Celebrate lesson learned

Handling stage fright:

- Take deep "belly" breaths

- Slow down
- Anticipate brain freezes and stash props to give yourself something to do while unfreezing, such as walking to a glass of water on another table and sipping it
- Use “Power Poses”
- Use Jin Shin Jyutsu
- Use “Clench Technique”
- Consider beta blocker pills

For those interested in contacting Fleisher about upcoming programs or private coaching, her website is (<http://fleischercomm.com>) fleischercomm.com.

2019 Installation Dinner & Scholarship Fundraiser

FEB 03, 2019

BY THE MARIN LAWYER

MCBA held its 2019 Installation Dinner & Scholarship Fundraiser on February 3rd at the Marin Country Club in Novato. Over 150 MCBA members and friends attended the sold-out event, helping to celebrate the incoming Officers and Board of Directors and support a future generation of lawyers through MCBA's legal scholarship fund.

Past President Thomas Brown passed the gavel to incoming President Charles Dresow. The Honorable Kelly V. Simmons swore in the 2019 Officers and Board of Directors: President Charles Dresow, President Elect Susan Feder, Treasurer J. Timothy Nardell, Secretary Robert Rosborough, Past President Thomas Brown, Five Year Past President David Feingold and Directors Marie Barnes, Habib Bentaleb, Gregory Brockbank, Scott Buell, Michael Chaput, Ahtossa Fullerton, Sarah Léger, Andres Perez, Anna Pletcher, Kelley Reid, and Nestor Schnasse.

Three of our (<https://marinbar.org/news/article/?type=news&id=412>) 2018 Legal Scholarship recipients, Christine Chong, Nadim Houssain, and Vanessa Sibrian, spoke passionately about their families and their plans after law school. MCBA Director Anna Pletcher led the fundraising portion of the evening and guests generously pledged nearly \$11,000 to the MCBA Legal Scholarship Fund.

Attendees enjoyed a lively cocktail hour and a delicious plated dinner with a tasty dessert. Following the swearing-in ceremony was a Bourbon Tasting in the library where guests continued to mingle and socialize.

A special thank you to our Table Sponsors: Ragghianti Freitas LLP, Hanson Bridgett LLP, Marin County

District Attorneys, Marin County Public Defenders, Marin County Counsel, and Alternate Defenders Inc. We also want to thank our Premier Wine Sponsor Thirty-Seven Wines, donated by Brayton Purcell, and our Wine Sponsors: Buell Law and Mediation, Foley & Lardner LLP, Greene Taubman Dias & Chernus LLP, Law Offices of Barrett RP Schaefer, Law Offices of Jonathan Pickett, Marie Barnes/MB Law, Resolution Remedies LLC, and Strick Schnasse Lawyers. We are truly grateful for your support of this event and the Marin County Bar Association.

Please visit the

(https://www.facebook.com/pg/marincountybar/photos/?tab=album&album_id=1984779915161470)
MCBA Facebook page for event pictures.

Meet the MCBA Legal Scholars

FEB 01, 2019

BY THE MARIN LAWYER

The MCBA Legal Education Scholarship program provides scholarships up to \$5,000 to financially disadvantaged students from Marin pursuing a law school degree. Funded with contributions from the MCBA, it is a collaboration with 10,000 Degrees and the Marin Community Foundation, which administer the fund. Established in 2010 with a \$50,000 contribution, through your generous annual donations, we awarded scholarships to four deserving law students for the 2018 to 2019 academic year.

Help us reach our 2019 fundraising goal of \$16,000 and support financially disadvantaged students pursuing a law school degree. Please make your tax-deductible donation today.

(<https://marincf.givecorps.com/causes/1167-mcba-legal-education-scholarship-fund>) **DONATE HERE**

<hr>CHRISTINE CHONG

<a>NADIM HOUSSAIN

<a>Help us reach our 2019 fundraising goal of \$16,000 and support financially disadvantaged students pursuing a law school degree. Please make your tax-deductible donation today.</h4>