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Alameda-Contra Costa
TRIAL LAWYERS' ASSOCIATION
Spring 2024

Trial Judges of the Year



Hon. Jo-Lynne Lee
Alameda County

Hon. Joni Hiramoto
Contra Costa County



Alan Charles Dell'Ario

Certified Specialist, Appellate Law
State Bar of California, Board of Legal Specialization



Charles Dell'Ario has been representing individuals and small businesses in the California and federal courts since 1974. Beginning in 1997, Mr. Dell'Ario has specialized in appellate matters and has participated in over 250 appeals in the California Courts of Appeal, Supreme Court of California, Ninth U.S. Circuit Court of Appeals and the United States Supreme Court.

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Now in my 49th year, I continue to fight successfully for tort plaintiffs in the appellate courts. In connection with my trial lawyers, ACCTLA-member Todd Walburg and co-counsel Celine Cutter, I established the duty of public agencies to maintain their streets and roads free of dangerous conditions that would increase the risks of recreational cycling. Our client was grievously injured when her bike struck a large pothole, throwing her to the pavement. The defendant argued she had assumed the risk of its bad roads. (Williams v. County of Sonoma (2020) 55 Cal.App. 125.)

Former ACCTLA and CAOC president Micha Liberty and I have teamed to fight the cause of school children victimized on account of their disabilities. The Supreme Court of California granted our petition for review and will decide the issue of first impression whether the state Unruh Act applies to the 7 million public school children. The high court only grants about 55 of the 3,500+ petition it received each year.

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contents

departments

4 From the President
Casey Kaufman

6 From the Editors
Tiega-Noel Varlack & Laurel Halbany

7 Sustaining Members

34 Member News

35 Calendar of Events

features

8 Alameda County Trial Judge of the Year
Hon. Jo-Lynne Lee
Teresa Li

9 Contra Costa County Trial Judge of the Year
Hon. Joni Hiramoto
Andy Ross

12 Hon. Elizabeth Riles
Susan Kang Gordon

18 Judges' Night Photos
Oasii Lucero

20 Hon. Evelio Grillo
Jennifer Fiore & Susan Kang Gordon

26 Lilia Bulgucheva Performs at Judges' Night Gala
Ryan Vlasak

28 Who's Who

30 An Update from the Capitol:
CAOC is working to protect your practice!
Nancy Peverini & Saveena Takhar



Casey Kaufman

I am proud to draft this message as President of the Alameda-Contra Costa County Trial Lawyers' Association. When I started my firm in mid-2019 in Oakland, I was welcomed into this group with open arms and support. I have the utmost respect for my fellow board members and have gained colleagues and true friends. During that time, I also learned that the ACCTLA shares my views on how attorneys should present themselves in our community, including embracing concepts and principles of diversity, equity, and inclusion. For these, and many additional reasons, I am truly honored to serve as president of this fine organization this year.

Our 53rd annual Alameda-Contra Costa Trial Lawyers Judges Night occurred on January 18. Ex-president Cat Cabalo and Executive Director Mariana Harris organized this fabulous event held for the first time at the historic Oakland Scottish Rite Center near Lake Merritt. That evening, we recognized our Judges of the Year Hon. Jo-Lynne Lee from Alameda County and Hon. Joni Hiramoto from Contra Costa County. The event was the highest-attended Judges' Night in our history, and I want to send a heartfelt thank you to all who were able to join. The comments from our honorees and keynote speaker, Hon. Gabriel P. Sanchez, from the 9th Circuit Court of Appeals were emotional, sincere, and impactful.

The speakers' comments and the overall tone of the evening also meant a great deal to me personally. We are at a time of national and international uncertainty. There have been terrible wars in Eastern Europe for the last two years and the Middle East for the last six months. At home, our democracy has been in chronic existential crisis for almost a decade, that will only continue as we head into a contentious election cycle. Friends and colleagues may have different viewpoints on these important issues, but Judges' Night helped remind me of some very important concepts.

I was reminded that many in our community share ideas and beliefs that can be hard to hold onto in our current geopolitical climate. The jurists that were recognized and the dozens in attendance, reminded us of those who devote their careers to public service without seeking a spotlight. Ironically, these selfless people are among our community's most important and provide a stable foundation of security, consistency and equity. They are expected to set aside their personal opinions and apply the law in a fair and just manner. Last, and maybe most importantly, I was reminded of the strength of our local community and to avoid going down that rabbit hole of worry and concern, which can be so tempting to fall into.

This issue of *The Verdict* allows us again to highlight our Judges of the Year and also focus on jurists in our community who show up every day for us and our clients. ◆

— Casey Kaufman represents plaintiffs in the areas of personal injury, product liability, and actions against public entities. He is a member of the California, Arizona, Washington State, and Washington D.C. bars and can be reached at casey@caseykaufmanlaw.com.

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Tiega-Noel Varlack


Laurel Halbany

To our members and friends, as editors of the Verdict, we wish you a joyous spring as we move forward in 2024. Despite the tumults of the world, our community continues to grow and thrive just like the spring flowers you see sprouting because of your commitment to our community of trial lawyers, judges, students and professionals. We invite you to reflect on the importance of finding peace during turbulent times.

In recent months, we have encountered challenges within our judiciary system that have sparked discussions and concerns. While we recognize the gravity of these issues and the impact they have on our profession, we urge our community to approach them with a sense of resilience and determination to uphold the principles of justice and integrity.

Amidst uncertainty and adversity, it is crucial for us to seek solace and strength in our shared commitment to the rule of law and the pursuit of fairness. We must remember that our legal system is built upon the pillars of accountability, transparency, and the fundamental belief in the inherent dignity and rights of every individual.

In times like these, finding peace is not about ignoring or dismissing the challenges we face, but rather about embracing them with courage and conviction. It is about fostering a sense of unity and solidarity within our community as we navigate through complex legal landscapes and strive for positive change.

As we embark on this journey together, let us not lose sight of the values that bind us as legal professionals. Let us engage in constructive dialogue, support one another, and work tirelessly to uphold the principles of justice and equality for all.

In the midst of uncertainty, may we find clarity. In the face of adversity, may we find strength. And in the pursuit of justice, may we find peace.

Thank you for your unwavering dedication to the legal profession and for your commitment to upholding the highest standards of ethical conduct and professionalism. ◆

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ACCTLA's Mentoring Program

Take advantage of ACCTLA's Mentoring Program to improve the quality of litigation in our courts. Attorneys who call will be referred to a mentor attorney for a free consultation. The mentor will not prepare your case but will assist you in your approach to the case.

This program is not just for newer attorneys, but also is available for seasoned practitioners who run into problems or simply want to bounce ideas off another seasoned practitioner. The mentors — who are all ACCTLA members — have varied degrees of experience in varied areas of the law, and can address your concerns regarding Motions in Limine, jury selection, problems that arise during trial or issues relating to proposed instructions, or questions involving any of the earlier stages of litigation.

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Alameda County Trial Judge of the Year

— Hon. Jo-Lynne Lee —



by Teresa Li

Judge Jo-Lynne Lee is a trailblazer, serving as the first Asian American female Superior Court judge in Alameda County, appointed by Governor Gray Davis in 2002. She was born in Cleveland, Ohio and grew up in New York City. She went to Columbia University for law school in the '70s, when very few women were pursuing a legal career. After law school, she worked as an Assistant District Attorney in Bronx County, New York, probably one of the toughest counties in which to be a female prosecutor. Later she endeavored to join an 18-month special project in San Francisco, to study delays in trial courts. During that time, she traveled around the country and interviewed judges and lawyers to find ways to reduce delays in trial courts. After the project, she stayed here in the Bay Area. Following her stint on the bench for over 20 years, she recently began her assignment in the Mandatory Settlement Department in the Alameda County Superior Court. Below is an interview with Judge Jo-Lynne Lee about the current issues facing the court and her advice to practitioners.

So what did you learn back when you were doing the 18-month special research project, studying delays in trial courts in the country? It was interesting because, at the time, we were looking at different courts around the country as well as looking at the federal court. Although we didn't take data from the federal court, we just had sort of a comparison. And it was pretty clear that in those jurisdictions where the judges really took control over the cases, rather than having lawyers move cases along, there was less delay. So at the time, we were proponents of direct calendar, instead of master calendar.

Are you still a proponent of direct calendar? Now, I'm not actually for it, only because I think it was never contemplated when

continued on page 10

Contra Costa County Trial Judge of the Year

— Hon. Joni Hiramoto —



by Andy Ross

I recently had the pleasure and privilege to interview Hon. Joni Hiramoto, Judge of the Superior Court, Contra Costa County, for this article. At the conclusion of the interview, I realized how extraordinary her life has been and how we can all learn from it during this period of racist backlash, which seems to be plaguing our country.

Judge Hiramoto grew up in Richmond, California, the product of public schools. After she graduated from Kennedy High School, she attended Harvard University, graduating in 1983.

Judge Hiramoto then participated in graduate programs in Kyoto University in Japan, studying economics and international politics. She attended Berkeley Law School, graduating in 1987.

In her first job out of law school, Judge Hiramoto worked as a corporate litigator at McCutchen Doyle in San Francisco, specializing in securities litigation for a period of five-and-a-half years. After this, she went to work for the SEC and ultimately became a Branch Chief in the Enforcement Division.

Judge Hiramoto is third generation American. She has three adult children and lives with her husband in El Cerrito.

Judge Hiramoto's parents were interned during the war in separate internment camps. Prior to the end of the war, Judge Hiramoto's father was drafted and served his active duty in Germany for a period of approximately three months. After he completed his service and was honorably discharged, he was returned to the internment camp. Though hard to believe, this was common practice. Judge Hiramoto's mother's family operated a florist shop in El Cerrito for more than one hundred years, from 1905 to 2012. She was fortunate that the business was not confiscated as was common practice. Her mother is one of three principal subjects of a 21-minute documentary, "Blossoms

continued on page 11

Judge Lee - *continued from page 8*

we talked about direct calendars, particularly those in federal court years ago, that we would be having judges with a caseload of 500 or more. Back then, we were looking at a caseload of 300, or something in that range. But having a caseload at 500-plus, it's very difficult to do a direct calendar.

Since COVID, do you notice a backlog of cases in the court system due to a shortage of (experienced) staff? What do you think the solution could be?

There is no question that there is a backlog as a result of COVID. I mean, there was a period of time when we didn't do any trials at all. Although I'll admit Alameda County did more trials during COVID than a lot of other counties. For example, at that time, I was in the asbestos department with all the preference cases. We had trials all during COVID, using Zoom. Nonetheless, there's only so much you can do. So our normal, non-preference, non-five-year cases got backlogged. That's why we're trying a lot of cases now, trying to get over that backlog.

But mostly what we were suffering from was getting support help, because we have enough judges to handle trials. And Zoom trials require more court help. We need somebody besides our clerk to watch the jury and that person has to be skilled in Zoom and technology. During jury selection, we have maybe 80 or over 100 potential jurors coming in. So we need a lot more eyes looking at the screen and taking notes. But Zoom has been great to allow us to do trials remotely — or at least some portions of them.

Another challenge we have is that after COVID, we lost a lot of staff — pretty experienced staff. People either retired or just didn't come back. We are now beginning to hire more people. But a lot of the new hires are inexperienced.

And then in civil, we went to a new computer system. When you put a new computer system in, there's always going to be hiccups.

What can practitioners like us do to help alleviate this?

I guess be patient with the court. And litigators just need to know — and I think most litigators do know this — that the judges are working really hard. You have to make life easier for the judges when you're doing your paperwork. It is not a good idea to bombard the court with a lot of paperwork that's unnecessary, a lot of exhibits that are unnecessary; get straight to the point of your case. In that regard, I think most lawyers are pretty cognizant of that issue. But I would say there are a lot of tips one could give in that regard.

Such as?

One of the things we see in motions for summary judgment: We are getting separate statements that are 50 pages long. There cannot be that many material facts. They cannot all be material; a lot of them are just background information. It's the easiest way for a judge to deny a summary judgment after finding just one fact that is disputed. So I would say, yeah, be really careful in that regard. You get a reputation pretty quickly among judges. It could be good or bad. And try not to include incorrect cites or mislead the court, because reputation sticks with you.

The other tip is that you really need to become friends with your court clerk. Listen to what they are requesting and be on good terms with your court clerk. It makes a huge difference!

You are the first female Asian American judge in the Alameda Superior Court. Do you have any advice for people of color or young women who are juggling work and life on how to become successful in law?

I feel very strongly about young women who have families and young children and also trying to practice. I think it's really difficult, particularly for litigators. When I had my first child, my daughter, I was working for the U.S. Attorney's Office at the time and I realized very quickly that there was no way I could continue prosecuting criminal cases and have a new born baby, because I had no control over my calendar.

At that time, Columbia University had a female dean who, according to her bio, had taken something like 10 years off to raise her children. So I said, "Well you know, if she took off 10 years from practicing law, I can take off one year." So I quit the U.S. Attorney's Office, stayed home for a year and then went to work for a law firm doing civil litigation.

I am not sure if one can really "balance" work and home. I think it is more "juggling" as you put it — it's a matter of deciding day by day which gets priority and that changes over time. My advice is to realize and accept that you are going to make mistakes, life will be rocky at times, and it's all okay.

Thank you for allowing me to interview you and for your great insight and advice.

Thank you. ◆



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Judge Hiramoto - *continued from page 9*

and Thorns," on the wartime experiences of Japanese Americans from the Richmond-El Cerrito area. You can watch a copy of it here: https://www.youtube.com/watch?v=qB8-g-8zr7E, or view it at the Rosie the Riveter National Park in Richmond. Judge Hiramoto's mother is 103 years old and lives in El Cerrito with the judge's sister.

In 1998, Republican Governor Pete Wilson appointed Judge Hiramoto to the Contra Costa County Court. She was the second Asian appointed in Contra Costa County. It is difficult to imagine in today's political climate that a Republican would appoint a Democrat. Judge Hiramoto had been endorsed and recommended by both of the political parties at the time.

Judge Hiramoto served for 21 years on the Criminal Bench; three years on the Family Law Bench; and two years on the Juvenile Court. Her favorite assignment was the juvenile assignment. It gave her the opportunity to see both sides and to see families periodically at regular intervals. Judge Hiramoto is most gratified when families have been able to resolve their differences and survive whatever crisis they were experiencing by virtue of her order.

For the last five months of 2023, Judge Hiramoto sat Pro Tem at the Court of Appeal, Division 4 with Justices Tracy Brown, Jon Streeter and Jeremy Goldman. As much as she enjoyed the intellectual challenge and the culture of the Court of Appeal, she will not submit her name for appointment to the Court of Appeal; rather she has been appointed the Associate Dean for the Judicial College for a period of two years and she is hopeful that after completing her service as Associate Dean, she will be appointed Dean of the Judicial College.

The Judicial College is a two-week residential live-in training program at which, among other things, new judges are given instruction about human behavior as well as course work involving substantive law study. Judge Hiramoto has been a member of the faculty for 12 years. She describes it as a sophisticated adult education program wherein judges are taught about how to be a judge.

Most relevant is trying to make judges aware of inherent bias and to teach them that they need to be fair to all people and not discriminate on the basis of race, religion, gender, gender identity, immigration status, physical disability or socioeconomic factors (among other factors). These are universal themes. The example given by Judge Hiramoto was conducting a criminal proceeding in which the defendant is an undocumented immigrant. When she mentioned this, it brought to mind the headline news concerning the Republican rebuttal to President Biden's State of the Union address and the emphasis given by the speaker on the non-citizenship status of a person accused of murder. One can only imagine the impact this would have on the public in general and jury pool in particular.

My impression is that Judge Hiramoto is on a mission to assure that litigants, particularly criminal defendants, receive a fair shake and they are not judged by their race, their citizenship status, their socioeconomic status, or by any factor other than the evidence submitted to prove their guilt or innocence.

Although she did not say this, I could not help but think that she is, in part, motivated by the treatment her parents received simply by virtue of their lineage and notwithstanding their good citizenship. Judge Hiramoto was in good humor during the entire interview and offered not a hint of bitterness or anger: just a desire to do her best to improve our judicial system. She feels that her good fortune in life, the sacrifices of her parents, and support from teachers and friends must all be paid forward for the betterment of her community. When presented with the Judge of the Year award by the ACCTLA, Judge Hiramoto shared a quotation by George Bernard Shaw that inspires her:

"This is the true joy in life, being used for a purpose recognized by yourself as a mighty one. Being a force of nature instead of a feverish, selfish little clod of ailments and grievances, complaining that the world will not devote itself to making you happy. I am of the opinion that my life belongs to the whole community and as long as I live, it is my privilege to do for it what I can. I want to be thoroughly used up when I die, for the harder I work, the more I live. I rejoice in life for its own sake. Life is no brief candle to me. It is a sort of splendid torch which I have got hold of for the moment and I want to make it burn as brightly as possible before handing it on to future generations."

I sincerely hope Judge Hiramoto lives a long life and keeps her torch burning brightly in the interests of fair-mindedness, justice, and equality for all. She is, very quietly, a true inspiration for all of us. ◆



— Andrew Ross is the senior partner at Whiting, Ross, Abel & Campbell, LLP Matrimonial Attorneys with 52 years of experience. Mr. Ross' practice is focused on family law mediation and private dispute resolution. He is a Fellow of the American Academy of Matrimonial Lawyers, a member of ACCTLA, and has been certified as a specialist in the field of family law by the State Bar of California.

— Hon. Elizabeth Riles —



by Susan Kang Gordon

On January 29, 2024, Judge Elizabeth Riles was appointed to serve as a judge of the Superior Court of Alameda County by California's Governor Gavin Newsom. With the appointment, Judge Riles continues on her path of service to her community. She carries on the torch passed down to her by hard-working judges who came before her and for whom she has a great deal of respect. Judge Riles is committed to maintaining integrity and fairness for all attorneys and litigants who enter her courtroom. She wants to be remembered for upholding the law and exercising sound judgment.

Judge Riles is a native of the Bay Area. She was born in Berkeley and raised in Oakland. She attended Stanford University as an undergrad and went on to receive her J.D. from U.C. Berkeley School of Law in 1998. A founding member of a Piedmont-based firm, Bohbot and Riles, she and her partner specialized in employment discrimination and personal injury cases. From 2022 to 2023, Judge Riles served as an administrative law judge for the California Unemployment Insurance Appeals Board. Thereafter, she went on to serve as a Commission for the Alameda County Superior Court.

In between being a mother of two children and working as an attorney, Judge Riles has found time to volunteer in her community by serving as a chair of the Board of the California Employment Lawyers Association, a co-chair of the Board of SEEDS Community Resolution Center (2014-2017), the secretary of the Board of Oakland Youth Orchestra (2010-2012) and a board member of Legal Aid at Work.

I had the pleasure of meeting with Judge Riles on a sunny Saturday afternoon at Lake Merritt.

I understand that you are from the Bay Area. Do you have any favorite sports teams?
I am a die-hard A's fan, which is incredibly sad because they are leaving. I've been an A's fan since I was in high school and a season ticket holder since I was in college. They're definitely my favorite sports team.

When did you know you wanted to be a lawyer?
I can't remember when I *didn't* want to be a lawyer. I would say when I was like age five, "lawyer" was on a list of a bunch of other stuff that I also wanted to be — I also wanted to be a doctor, veterinarian and a hairdresser. I'm not quite sure how I thought that all those things were going to work, but you know, as time went on, some things fell off the list. I would say I realized really solidly a lawyer and not anything else, and that was probably in high school.

Was there a specific experience or something that happened that put you towards that direction?
Yes. My mother was a schoolteacher and she believed that your brain rots during the summer. So, she made me go to summer school every summer. All the way until my freshman year of high school, I was in some kind of summer school program. After my freshman year, I said "please do not make me go to summer school." She told me, "If you get a job, you don't have to go to summer school." So I found a job at a little tiny law firm in Berkeley that did employment discrimination work. I made $5/hour answering phones and doing filings. There are no lawyers in my family, and that's when I got to really see lawyers do their work on an everyday basis. They were doing plaintiff's work, so they are helping workers in race discrimination, age discrimination, sexual orientation, sexual harassment cases. I felt like they are really helping people and that's what I wanted to do.

I take it that your mother was a significant influence in your life?
Oh yes, certainly. I mean, both my parents. But, yes, my mother was definitely and still is, still living, a very significant influence for me.

Are there any other people that come to mind who have helped you along in your path whether it be in the area of education, law or otherwise?
There are a lot of different people. Nobody gets to be where I am without having strong support. My family has been a really strong support. My mother, my sister, my father — and my husband has been incredible support for me at this point because we have two kids. You know as a working mother, especially if you're going do law or something, that it takes a good amount of time. You can't do that without some help or support. For 20 years or more, I had a law partner, Karin Bohbot. We had our practice together. Of course I had close friends, someone I saw today, a very close friend — all these people are just incredible support. Encouraging me and helping me keep going. We need that push.

Have there been any judges who have been influential to you?
Yes, Judge Hernandez. I had a trial in his department many, many years ago and he's the one who got me thinking about being a judge. I had this trial in his department. The trial ended, and he called me into his chambers after and said, "You should really think about being a judge. Have you ever thought about being a judge?" And I was like "no." He said you should really think about it. So he talked to me about some of his experiences and what he did to become a judge, and encouraged me to become a pro tem so I could get a chance to see what it was all about. And that's really what set me on the path… had it not been for that conversation, I'm not sure that I would be where I am right now. He planted that seed for me, and I did become a pro tem and then when I tried it out, I was like, "This is really fun. I could do this. I can do this." You know, it's definitely a long process. It was for me but if it hadn't been for him, I wouldn't be here.

Judge Grillo is a judge who agreed to read my application the very first time I applied, which was like 14 years ago under Schwarzenegger. But he's read that ▶

first application for me so it's just funny that you mentioned them because they helped me.

Then I would say there are two other judges who are retired: Judge Lynn Duryee, who used to be a judge in Marin County. She is a mediator, and so I encounter her all the time as a mediator at JAMS. But she's been incredibly helpful and encouraging this whole process of becoming a Judge. Judge Robert Freedman as well.

Have there been any guiding principles or beliefs that you've held that have shaped your view on the justice system?

That's a difficult question. I will say that in some ways it's the same, but it's different in the different roles. I would say *guiding principle* when I was practicing law and working with clients, was that I was working for them and I was working to get the outcome that was going to be the best for them. It wasn't all about what's best for me. It's not about what's best for the case. It's what is best for this person. What do they need? What do they want? And I would say that was a guiding principle for my practice. We truly believed that because a trial isn't always what's best for your client depending on their circumstances. Even though, as a lawyer, you may think that this all is going to be such a great case. Whatever it is, but it's not always what your client wants or needs, and you have to really be responsible to that. As a judicial officer, I think my guiding principle is that I want the litigants to have their fair day in court. That means they get to be heard, they get to be heard without bias and rancor, and that they're going to get a fair judgment based on the law and the facts.

I read somewhere that you were giving talks on the elimination of bias and trauma-informed lawyering. What is trauma-based lawyering?

In the employment context, you sometimes have clients who have pretty severe trauma from various forms of harassment all the way up to sexual assault. I had several cases with clients who were raped at work and that kind of trauma creates a certain reaction in people and how they express themselves, how they deal with you, their levels of trust. There's just a lot that it does to a person and so coming at it as a lawyer and understanding what that means is what I would think is trauma-informed lawyering. It means understanding that a person with trauma may not be able to have that first session and sit down with you to tell you everything. They may need several times to do it. They may need to call you more about what's happening. You may need to think about how it is that you're reaching out to them when you're talking to give people updates, right? You've got to keep your client informed about what's going on. But for some people where it's trauma and every time that you're talking to them, it's triggering this horrible event. You're ruining their week by having this 20-minute conversation that you just want to give them an update. You're not even necessarily telling them good news or bad news. So just being aware and understanding that, and crafting the way that you're interacting with your client so that you can reduce that trauma as much as possible. Litigation is trauma inducing.

So that's really what it's about. Just understanding trauma, PTSD, anxiety -- all of those things affect how a person responds and reacts and affects all they testify. I think it's just understanding that, so that when you are dealing with your client, you're doing everything you can *not* to increase their trauma.

How about the issue of the elimination of bias? How did that come up for you in the practice of law?

I am a black woman. That's who I am as ▶

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I move around in this world, and I know that bias exists because you experience it. Whether it's through little micro-aggressions that happen because people think that you're the client or the court reporter when you show up for the deposition. I don't know many women lawyers — and particularly women of color — who have not had that experience. So knowing that is one thing, but also understanding how bias works — implicit bias versus explicit bias — and what kind of science there is out there about it? What kind of things can help you deal with it? We all have bias. You can't live in this world that we have and experience all the things that we just absorb and see without having some. The important part is trying to be aware of them so that you're not letting them affect your decision making.

What is your new assignment?
Right now, I'm in the same assignment that I've been doing for the last year, which is doing small claims and civil harassment. So civil harassment, restraining orders, elder abuse restraining orders and small claims.

How have your first few months been?
It's been good. I say to the staff, it's never dull, it's interesting every day and you just get like a slice of life coming into the department every day. It is the real world. They're coming in every day with the varied issues.

Let's say there were lawyers appearing before you in a courtroom one day. What would your expectations of those lawyers be? What are some things that are no-no's in your courtroom or things that you appreciate?
I appreciate people who are prepared. I appreciate people who have an understanding of what the procedures are and what it is they are supposed to do. I appreciate respect to each other and to me, but I kind of feel like that's a given. Those are my expectations about attorneys who appear in my courtroom, and I will say for the most part, I feel like that is what I've experienced. Like I said, for civil harassment, there are a lot of lawyers who appear because most people are self-represented. But there still are some and some that I see fairly regularly. For the most part, I would say that that is what I'm experiencing.

Do you think there are some features about the Bay Area that make the practice of law unique?
I think the Alameda County bench is the best bench in the state. I am incredibly proud to practice with those judicial officers every day, to be there with them in the trenches. It is a deep bench and they are hardworking and smart and just fantastic, and it is just a supreme-level bench.

What do you want to be remembered for during your time on the bench?
I want to be remembered for having integrity, being fair and having good judgment. That's what I want to be remembered for.

What are some of your favorite musicians?
I'm really kind of old school. Prince. Luther Vandross. These are these are the people who I would go see. New Edition … I love musicals. I've listened to a lot of musicals like Hamilton. We took our family to go see Six. It is a fantastic musical. I love that, my kids are into it. ◆



— Susan is a personal injury attorney based in Orinda, which specializes in the handling of elder and dependent adult abuse and neglect cases. She is a local and national speaker on the issues affecting the elderly. She can be reached at susan@skg-law.com.

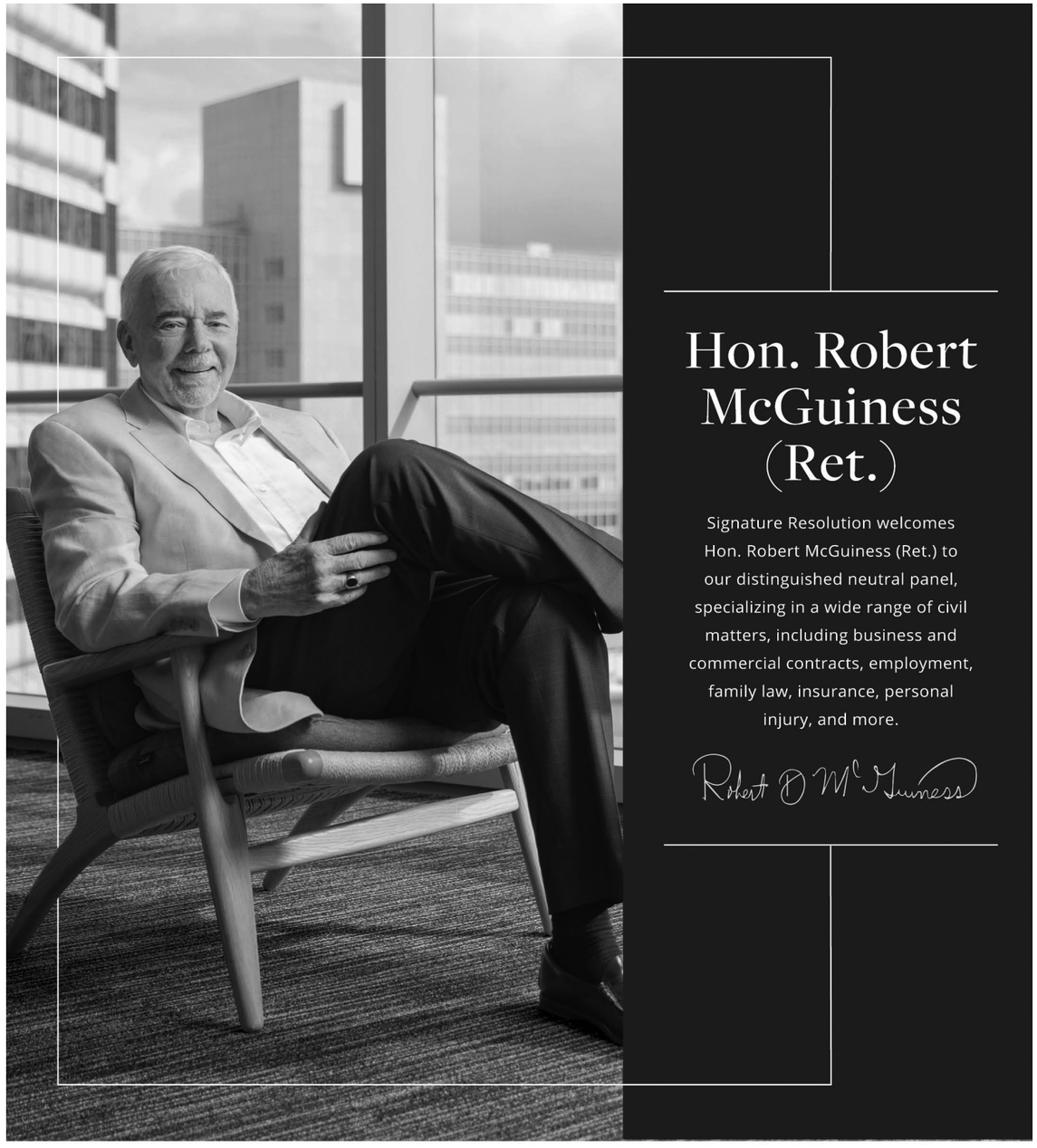
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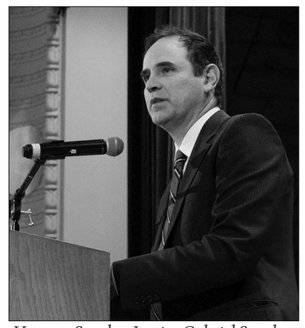


Judge Joni Hiramoto proudly shows off her award

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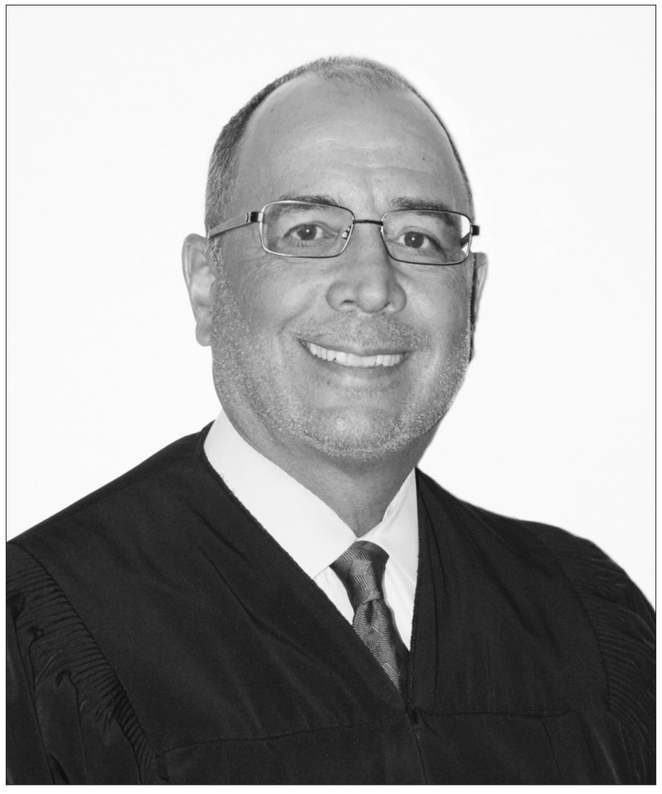


Teresa Li & Jennifer Fiore



Suizi Lin & Mariana Harris

— Hon. Evelio Grillo —



by Jennifer Fiore and Susan Kang Gordon

Jennifer Fiore and Susan Kang Gordon had the pleasure of speaking with Judge Grillo. Their interview follows…

What got you interested in the practice of law and did anyone inspire you?
I got interested in the practice of law when I was working for (what was then the first African-American mayor in Oakland) Lionel Wilson. I was his aide and I noticed that every time we tried to do anything or anyone tried to do anything it would have to be going through the lawyers and after looking at what the lawyers did with some of these things for a while. I came to two conclusions. One, is there are a lot of lawyers out there that were more interested in obstructing things than making things happen and second, conclusion was these guys aren't any smarter than me and I can do this. So that got me interested in it because there were a lot of initiatives that we were undertaking at the time that just had to be lawyered, and so I figured why not me.

Has your impression of lawyering and lawyers changed since you began as a judge?
Yes. It's changed in a couple of ways. One, since I've been a judge, I have a lot more respect for the process. I have a lot more respect for the lawyers. When you're a practicing attorney, you're looking at other lawyers as your adversary and it's really a game of win or lose. As a judge, you're looking at it as a process and your job is to facilitate that process. I've grown to respect lawyers and what lawyers do a lot more since I've been a judge.

Believe it or not, lawyers are much more civil now than when I first became a judge. Before I was a judge and before I was a lawyer, I think there was a period where lawyers were much more civil. With the explosion and the growth in law firms in the '70s and '80s, there's certain anonymity that was injected into the practice of law that allow, certainly, civil lawyers to become uncivil lawyers. That was a pretty rough period in the '90s, but I think that there's been some self-correction by the Bar in that regard. And I think most lawyers understand that civility, if not a requirement, is something that should be a value.

So what advice do you have for attorneys who might get burned out from the office?
You do have to give yourself some recovery time if you are doing trials or complicated arbitrations, or you are working on matters that are occurring over a period of weeks as opposed to days. You just have to program in the recovery time because you're exhausted. You are mentally exhausted, you are physically exhausted and you have to do that. I say that as someone who used to try cases and I say that as a judge is exhausted after trying a long case, we have to do that. The second thing is I think you need to bring some perspective into what you're doing. Nothing is worth compromising your health, nothing is worth compromising your familiar relationships and their relationships with those who you love and care about or are important to you in your personal life. The third thing is just because someone dangles a worm in front of you, doesn't mean that you have to bite. So if you have an opponent who is not being civil or is making things difficult, the best way to handle that, so you don't get burned out, is to figure out how to handle them asymmetrically. And what I mean by that is you have someone that's overwhelming you with discovery and a lot of it is pointless or clearly not something that's going to contribute to the resolution of the case. It's propounded to harass you and that can be either written or questions in a deposition. Well, how do you want to respond to it? The way you respond to it that's going to burn you out when you respond in kind and you're writing multiple page meet-and-confer-letters that the judge isn't going to read because it's not contributing to the resolution of the dispute. Or you can sit down, take a look at it and figure out what are the two or three things that I can do in response to this that's just going to be a killer… that's going to make the other side, my opponent, exhaust themselves trying to figure out how to avoid it and then you do that and that does two things. One, it removes you from the immediate tit for tat. Two, is it allows you to try to exercise your brain in a creative way. Three, it kind of throws your opponent back on their heels and it gives you a little bit of breathing room.

I'll give you an example. Let's say you have a case in which notice is an issue. What's going to cause you less stress and get you more results — either propounding multiple kinds of pointless interrogatories and noticing three or four depositions or sending one request for admission that says "admit that this document here is the only notice it was provided to the plaintiff." Then send the back-up interrogatory that says "if you didn't admit this, tell me all the facts on which it's based." You just shift the burden of explaining all the issues about notice to your opponent and they're either going to admit it or they're going to give you the information. If that discovery dispute goes up before a judge, any judge, that's a really easy one to decide.

Personally, how were you able to maintain work life balance at home all these years? ▶

I'd like to say that I had a perfect record in that regard, but as all lawyers and most judges, I didn't always, but I kind of did the best I could. I made sure that I spent time with my family, went on vacation. I tried not to let my work interfere with that although I will confess sometimes there were attorneys or cases which warranted me responding to something that happened in court while I was on vacation, but that was OK. I never let it get out of control. Having an interest that you block out time for and you know keeping what you're doing in perspective. I mean our time on Earth is short. You do the best you can, and you can't fix everything.

If you have two or three memories that stand out for you while serving on the bench, could you share with us those experiences?

One of the ones that really stands out for me is I had a case in which a man's home that had been taken into foreclosure. He was fighting and fighting it pro se. He was running out of money and his attorneys had abandoned him and he had a very good, very seasoned, very ethical attorney conducting the UD for the bank after foreclosure. The case went on for a long time. He was a pro per. There were a lot of grounds on which he could have been thrown out for technicalities. He didn't follow this procedure exactly right. When the case finally wrapped up, he asked for permission to address the court, and I said "sure, what did you want to say?" He stood up to address the court (he was a veteran and I knew he was a veteran — he fought in Iraq and Afghanistan also and he was retired) and said, "Your Honor, I think you're probably gonna rule against me. I know that. But I wanna thank you and I wanna thank the court for giving me a chance to put my case on because that's really important to me and that's what I thought for this country for — so I can have this opportunity and opportunities like this. So even if I lose my house, this process has been fair and I thank you for that." That was a tearjerker. I was stunned because how you have someone thank you for allowing their house to be taken from them and that's kind of what I realized the majesty of the process and I also realized how committed some lawyers are to the process, because in this defensive lawyer's credit, she never complained about the time it was taking. He respected the rulings, even when you deny a summary judgment, which it is easy to grant against a pro per because they don't know to appeal it. She respected that, so that was a big one.

I can think of another one where this is actually in family law. A women's child was being taken away from her and she was defending herself pro per. She had a couple of child advocacy groups that were trying to support removing this child from home. She had social workers trying to take this child from her and I looked at the case as it was going on from what I could tell. The only thing that they had on her was that she was a little bit quirky. She'd been a student who dropped out of school a number of times and then gone back into school, and she moved a lot. She had a kid who was brilliant, who was bilingual at age 11. She put on her case as best she could. Well I ruled for the woman. What stands out was the shock of all these institutional actors who were in the court when their jaws dropped because they thought they could go in there with the weight of their affiliation, and take a child away from a mother who's obviously very loving and caring but they didn't approve of her lifestyle. I always kind of remember that one. In fact, sometimes I go back and that was one that was going to be vulnerable on appeal. I wrote a very long detailed order on it and that's one, even as a judge over 20 years, I'd go back and read that order every two or three years to remind me what judges have to do sometimes, which is make the right call, even if the powers that be are aligned against you.

Do you have any thoughts on the impact that Alameda County judges or just the Alameda County system has played in the greater California space?

Yes. Take a look at your Supreme Court now. You have three Alameda County judges on the Supreme Court. Justice Jenkins, Justice Evans, and Justice Corrigan. That's almost half the California's Supreme Court. If you had two other practice petitioners with roots in Alameda County: Justice Leandro Kruger and Gordon Luke. That is five justices who have roots with Alameda County, three of whom are judges. If you look back historically on how many judges from Alameda County are on the California Supreme Court, historically the proportion to come from Alameda County is vastly higher.

Why do you think that is?

I think it's a combination of things. One, I think that in terms of the law schools in this state, you've got two great laws of national stature — Stanford and Berkeley Law, which used to be Bolt. And you've got a number of other law schools. You've got Davis, for example, which I think feeds to Alameda County. And you've got ▶

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USF and you have Hastings, which feed a high number of attorneys to Alameda County as it does Santa Clara. I think that combination plus the fact that you have a number of government agencies that are situated as such that are located in Alameda County. It's just contributed to the particularly heavy legal culture that just adds a lot to it. A County of this size, think Bernard Witkin Alameda County. Miller Star Regalia that was an Oakland Law firm that's the leading real estate "treatus" that's used by attorneys all up and down the state, and I'm sure there's others that I haven't thought of. But Alameda has a presence far out of significance to the proportion of attorneys that it has in the state.

What, if anything, do you hope to accomplish in your time with ADR?

Well, I mean there's always the financial part to it, which is nice, but I was a settlement judge in this county, almost exclusively for five years, when we had a settlement assignment halftime that they had and then I was two years of the settlement department when we founded it. It was a full time settlement department with three judges and I always liked settling cases. I felt like I could be helpful to the parties in a way that you can't be as a trial judge, and it keeps you engaged. I liked the work of attorneys. I think attorneys are sometimes at their best when they're working to settle a case, and it's just fun work.

Do you have anything you want to do or accomplish outside of your work in ADR now that you're retired?

I'm teaching a trial practice class at Berkeley Law. I am helping to edit the judges' practice book, the green book, that judges use. I hope to keep doing that sort of stuff out. I'll probably time out on. I think you have to be somewhat current with what's happening in the courts in order to stay in a teaching role or a consulting role. But, for example, Alameda County was a leader statewide in holding remote trials during the pandemic. We learned a lot from that and I'd like to impart that knowledge, share that knowledge the first couple of years of retirement. But heck, in two years, the technology will probably change. There will be protocols and proper ways in how we do it. You know, my dinosaurism will start in a couple of years.

What brings you joy in life?

I think there's a hierarchy. There's my family — my wife, my daughters, my grandsons. That's great, there's no taking away from that. I like to do a lot of outdoor sorts of things. I kind of find that invigorating. I will say over the last 20 or so years that as a judge, not always towards the last half of my career, watching this great exercise in democracy that we call our courts and our jury trials specifically kind of play out and how it really plays a helping role to people and how it really keeps our democracy strong. I can't really say that brings me joy, but it sure makes me feel good about what I've been doing for the last 20 years.

What would you like to tell us that people don't know about you?

I like to cook and I think my true calling is that I should have been a restaurant critic.

So what's your favorite cuisine you like to cook?

Italian. ◆



— Jennifer Fiore is a trial attorney and shareholder with Fiore Achermann, where she focuses on catastrophic personal injury, wrongful death, public entity liability, sexual abuse, maritime and other torts. She can be reached at Jennifer@theFAfirm.com.



— Susan Kang Gordon is a personal injury attorney based in Orinda, which specializes in the handling of elder and dependent adult abuse and neglect cases. She is a local and national speaker on the issues affecting the elderly. She can be reached at susan@skg-law.com.

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Lilia Bulgucheva
Performs at Judges' Night Gala



by ACCTLA board member Ryan Vlasak

Everyone who attended Judges' Night this year was stunned by the performance of Danville attorney Lilia Bulgucheva. Ryan Vlasak had the privilege of getting some insights into her world...

Thank you for singing for us and thank you for being here. Can you tell us about the piece you sang and how you chose it?
Thank you for having me. Choosing the aria I would perform at the Gala was surprisingly challenging. I wanted to choose an elegant, moving, yet brief piece, so I decided on "Chi il bel sogno di Doretta" from La Rondine by Giacomo Puccini. In fact, up until that morning, I was planning on singing "Il bacio" by Luigi Arditi, but once I came to rehearse at the Scottish Rite Center, I decided I needed to sing a more majestic piece of music to match the building. So, I changed the aria at the last minute, which ultimately was a good call.

What is La Rondine about? What is the aria about? When was it first performed?
Puccini's La Rondine debuted in Monte-Carlo in 1917. It was basically Puccini's take on Verdi's La Traviata from the 1850s. "La Rondine" means "The Swallow." The aria is performed by Magda, who is a courtesan in high society in Paris and mistress of wealthy Rambaldo, but she dreams of true love. At the beginning of the opera, the poet, Prunier, reads her palm and predicts that she will travel south looking for happiness. Prunier improvises a story about a girl named Doretta, for which he has no ending.

In "Chi il bel sogno di Doretta," which means something like "Doretta's glorious dream." Magda suggests an ending where Doretta finds happiness in a student's love for her. She sings: "What do riches matter if true happiness blossoms?" Eventually, Magda falls in love with a young stranger in town, Ruggero, and together they travel to the South of France. Unfortunately, she is compelled to reveal her past to him, leaving him to return to her old life, like a swallow returning to its nest.

Where does the aria fit in the opera exactly?
In the beginning, Act I. It's Magda completing the story of Doretta's future, and perhaps expressing her own feelings about true love.

What's your vocal range, and who are your favorite composers? What music do you feel most comfortable performing?
I feel most comfortable singing *bel canto* repertoire, which means "beautiful singing" in Italian. My favorite compositions are by Puccini, Verdi, Bellini, Offenbach, Mozart and Beethoven. Being a coloratura soprano, I love singing the high notes.

What's a "coloratura soprano"?
It's a soprano with the flexibility to reach the higher notes, like the F, G or A, two octaves above middle C.

How did you start singing and how did you find your voice? Do you play any instruments?
I'm a classically trained pianist and started taking lessons at five years old. When my parents and I immigrated to the U.S. in 1999, their first purchase was a standup piano for me. I still play the piano and love it, but it has never been as natural to me as singing. I have to work at the piano. But once I sing a song, I always remember it.

When I was 14, I remember asking for a voice lesson and singing Mariah Carey's "Hero." Honestly, I didn't know my voice could go that high. When I was 15, my parents purchased a book about Maria Callas with a CD of some of her memorable recordings. Every day, I would turn on the CD and sing along with Maria Callas in my bedroom, pushing my voice to new levels and not fearing the high notes. So, by the time I got any real opera training, I knew a lot of the words.

How do your musical and legal pursuits complement each other, or not?
I find it comical that, in every major city, the opera house is in close vicinity to the court house. It's a constant reminder that this is my life, and my two passions can coexist. I've wanted to be an attorney for as long as I can remember, but I discovered that I could sing opera when I was in high school. Singing is something that I do for my own gratification, while my law practice is in the service of others.

What does your current law practice look like?
Currently, I'm enjoying being a solo practitioner, focusing my practice on representing individuals in civil rights, medical malpractice and employment cases. I hope to grow my practice and hire associates, but for now, I prefer to associate with attorneys for whom I have tremendous respect on some of the more complex matters I handle.

Do you see any similarities in your jury trials and your musical performances?
Both are always a team effort, and both always require my total presence.

Last question, Lilia: Who has been your greatest role model in music, and is there a quote or thought from them that has guided you?
I go back to Maria Callas. With her CD, she was indeed my first teacher and the one who introduced me to the beautiful world of opera. There is a quote by Maria Callas that has always stuck with me: "When the curtain rises, the only thing that speaks is courage."

Really the last question: do you have any other performances coming up?
My next performance will be a tribute concert at the Piedmont Center for the Arts (date to be determined) for my voice teacher, Maestro Cesare Curzi, who always encouraged me to continue singing. He passed away last year at 96, but he continued teaching his students until the very end. Maestro Curzi was a shining light in my life, and my biggest supporter outside my family. ◆

—Lilia Bulgucheva is an ACCTLA member and practices plaintiff's litigation throughout the Bay Area. Her office is in Danville (www.bulguchevalaw.com).



Who's Who?

— Brian Caruth —



• Newly appointed judge for 2024.
• Background and experience prior to appointment: *not specified.*
• No prior judicial experience.
• Underwent a thorough vetting and selection process before appointment.
• Expected to bring fresh perspective and legal expertise to the bench.
• Favorite Quote: "Justice is a never-ending project, requiring constant vigilance. It is like maintaining your home. It takes no special effort for a home to become a mess, the lack of effort will serve that purpose just fine. Injustice only requires us to stop striving for justice."

Department Details
Dept. 102 (Wiley Manuel)
(510) 627-4709
dept102@alameda.courts.ca.gov

— Elizabeth Riles —

• Served as an Administrative Law Judge since 2022.
• Possesses extensive experience in administrative law.
• Prior experience includes work in a woman owned law firm.
• Demonstrated competence in adjudicating administrative disputes.
• Appointed based on demonstrated knowledge and experience in administrative law.
• Favorite quote: *"Justice, justice, you shall pursue."* - Deuteronomy 16:20



Department Details
Dept. 519 (Hayward Hall of Justice)
(510) 690-2728
dept519@alameda.courts.ca.gov
Civil Harassment/Small Claims

— Bentrish Satazardeh —



• Served as a Commissioner since 2018.
• Has a background in law as a Commissioner.
• Demonstrated capability in resolving disputes and making decisions as a Commissioner.

Department Details
Dept. 507
(510) 690-2716
dept507@alameda.courts.ca.gov
Family Law RFO Calendar

— Nichelle Holmes —

• Start date: April 15, 2024
• Has prior experience in prosecution, judicial clerkships and family law.
• Underwent a thorough vetting and selection process before appointment.
• Expected to bring a diverse perspective and legal expertise to the bench.

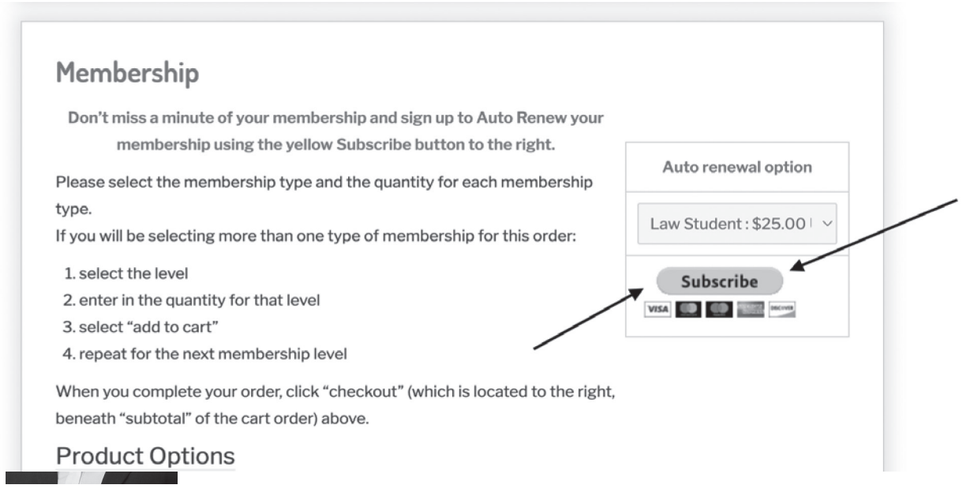


• Possesses a commitment to upholding the law and administering justice fairly.
• Has demonstrated leadership in the legal field prior to appointment.
• Words of wisdom: Encourage people to apply even if you think you're not ready; diversity of skin tone and thought goes a long way.

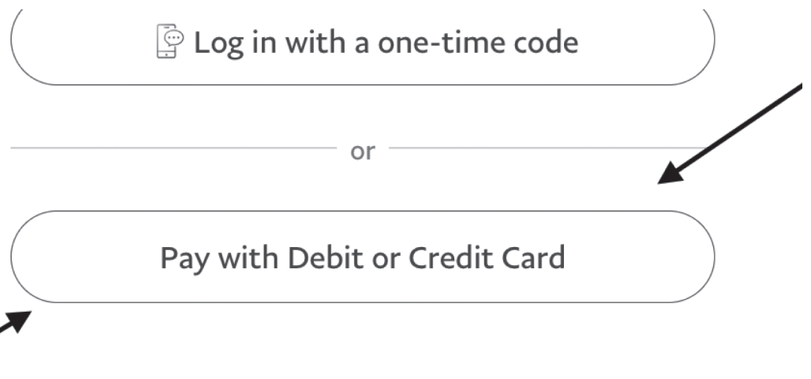
Department Details
Dept 24 (Pittsburg)
Criminal Law/Family

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Mariana Harris
Executive Director

An Update from the Capitol

CAOC is working to protect your practice!

by Nancy Peverini
Consumer Attorneys of California Legislative Director
and Saveena Takhar
Consumer Attorneys of California Senior Legislative Counsel

We finally thought consumer legal rights were safe (for now!) when CAOC-led efforts stopped a contingency fee initiative from being placed on the November 2024 ballot. Although the threat still exists for the 2026 ballot, we have clear and present dangers of serious tort reform this year in California.

Case in point: We recently learned that the city attorney of Los Angeles was sponsoring a proposal to limit all non-economic damages in any case against a public entity to three times actual damages or $1 million, whichever is less. And there were legislators willing to take this proposal, as we had reports that the city attorney has mentioned that Los Angeles will declare bankruptcy if "excessive lawsuits" are not addressed. One legislator told us that there was a public entity payout in his district that killed a project for a low-income-area park.

CAOC's advocacy team (Nancy Drabble, Nancy Peverini, Lea-Ann Tratten, Jacquie Serna and Saveena Takhar) went into 24/7 crisis and survival mode to stop this bill from being introduced. All members of legislative leadership were contacted. We spoke to every single democrat or their top staff from the Los Angeles area, as well as the Senate and Assembly Judiciary Committee members. With help from CAOC members, we compiled a compelling document of real-life examples of cases where victims' justice in the civil courts would have been totally gutted.

CAOC will remain vigilant as rumors are that the city attorney remains committed to this terrible proposal.

Some of the other "oppose" legislation this year so far include:

- AB 1897 (Flora), which creates a "loser pays" attorney fee law in all California cases.
- SB 1470 (Glazer), which limits homeowner's rights in construction defect litigation.
- AB 2049 (Pacheco), which is a defense counsel bill to change summary judgment rules.
- SB 1296 (Niello), sponsored by Liberty Mutual and American Property Casualty Insurance Association, which overturns longstanding judicial interpretation law by prohibiting the use of secondary sources in insurance cases.
- AB 2743 (Pacheco), which limits insurance requirements on peer-to-peer car sharing entities, such as Turo.
- SB 1141 (Niello), which requires mandatory mediation of cases under $150,000.
- AB 2972 (Mathis), which changes employment law related to overtime.
- SB 1479 (Alvarado-Gil) and AB 2635 (Irwin), which immunize "agritourism" businesses such as pumpkin patches or u-pic farms from civil liability.
- AB 1928 (Sanchez), which overturns the Dynamex case related to independent contractors.
- SB 1149 (Niello), which immunizes the state for specific bridge collapses.

We are also carefully monitoring legislation regarding new technologies that seemed unthinkable just a few years ago. For your CAOC advocates in Sacramento, our goal is to make sure that the law, as much as it can, keeps pace with these new technologies and protects California consumers. Here are a few issues CAOC will be working on in 2024 to ensure that your clients' rights are protected.

AUTO INSURANCE

In 2022, CAOC successfully sponsored a bill to increase the minimum insurance limits a driver must carry to ensure fair recovery for those injured in auto accidents (SB 1107-Dodd, effective 2025). However, as a precursor, CAOC's activism (led by CAOC past President Chris Dolan in 2014) ▶

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created the enactment of the first-in-the-nation mandatory insurance requirements for Transportation Network Companies (TNCs)/ridesharing (AB 2293-Bonilla).

As a result of CAOC's efforts, the existing $1 million insurance minimums have been tailored to apply from the time a TNC driver accepts a trip to the time they drop off their passenger(s). Not only were we first in the nation, but some of the other states were unsuccessful in obtaining uninsured/underinsured motorist coverage like we did here. There has been a push in some of the other states to reduce coverage or to eliminate coverage for UM/UIM, so CAOC is staying vigilant to ensure that doesn't happen here in California.

Similarly, a 2011 law required peer-to-peer carsharing companies such as Turo to have adequate insurance so that injured Californians can be made whole when they are injured through no fault of their own (AB 1871-Jones). Turo, Getaround, and other app-based rental car alternatives have begun to expand the market for peer-to-peer carsharing (P2P, also known as person-to-person carsharing). Existing car owners ("hosts") make their vehicles available for others ("guests") to rent for short periods of time over a technology platform run by one of these companies. Guests are connected with hosts by and through the P2P service providers. While P2P providers represent this as a one-to-one transaction between a single host and guest, some services such as Turo, with its "Power Host" model, encourage hosts to start their own, scalable, carsharing business. This has led to hosts with their own fleet of vehicles, dedicated full time to P2P use, much like Airbnb hosts who have purchased multiple properties and operate them as full-time rentals.

The biggest consumer protection policy issue surrounding these services is liability and insurance coverage. Many personal auto insurers in the U.S. exclude coverage for commercial use of insured vehicles, either through a livery and public transportation exclusion or a specific "personal vehicle sharing program" exclusion. Current California law requires that P2P programs provide a minimum of three times the liability coverage carried by the vehicle owner. Minimum liability limits were set to advance the public policy of planning for loss and damage suffered by parties in collisions but rarely reflect the full costs incurred. Turo is sponsoring legislation in 2024 to reduce these limits. CAOC will continue our work to make sure your clients are protected.

ARTIFICIAL INTELLIGENCE (AI)

We expect no less than 10 pieces of legislation to be introduced this year on the subject of AI, its regulation, and its legal impact on our future. One significant bill is authored by Sen. Scott Wiener (D-San Francisco). Senate Bill 1047, the Safe and Secure Innovation for Frontier Artificial Intelligence Systems Act, would, among other things, require a developer of a covered model to determine whether it can make a positive safety determination with respect to that model before initiating training of that model, as specified. The bill would define "positive safety determination" to mean a determination with respect to a covered model, that is not a derivative model, that a developer can reasonably exclude the possibility that the covered model has a hazardous capability, as defined, or may come close to possessing a hazardous capability when accounting for a reasonable margin for safety and the possibility of post-training modifications. As AI expands in our daily lives, CAOC will monitor all legislation in this area to ensure it does not limit existing liability laws.

AUTONOMOUS VEHICLES

If you practice in the auto area, you must know that your practice will change dramatically in the future with the automation of vehicles. These will not just be routine auto cases anymore. The Department of Motor Vehicles has authorized permits for more than 40 companies to test autonomous robotaxis in San Francisco and has recently also authorized deployment of robotaxis in Los Angeles and other southern California cities.

There is a strong public interest in transparency. Driverless vehicles have made headlines for injuring pedestrians, shutting down and blocking intersections, causing gridlock and obstructing emergency vehicles. For example, in October 2023 a Cruise robotaxi ran over a pedestrian who had just been hit by another vehicle driven by a human, and then pinned the pedestrian under one of its tires and dragged her 20 feet before finally stopping. CAOC is co-sponsoring, along with Consumer Federation of California and the California Teamsters Public Affairs Council, Assembly Bill 3061, authored by San Francisco Asm. Matt Haney, to set statutory minimums for autonomous vehicle testing and deployment data collection.

CAOC is here for you, and we thank you for your support of our legislative team. Please remember to register for this year's Justice Day May 13-14 in Sacramento, when we will advocate for the civil justice system and your clients at the Capitol. To learn more, go to https://www.caoc.org/24JusticeDay. ◆

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MEMBER *news*

Phillips v. Doe Concrete Company
Settlement $6,275,000

On January 24, 2020, the plaintiff was operating his 2019 Freightliner tractor trailer truck on State Route 152 eastbound on his way to Tulare to deliver bread. At 8:02 am, the defendant truck driver was operating his 2003 Kenworth concrete mixer truck fully loaded with 10 cubic yards of wet concrete. The intersection of Flanagan Road at State Route 152 was covered with dense fog. The concrete truck driver stopped at the stop sign before attempting to cross the highway. He testified he could only see about 20 feet in the fog, but he started to cross the highway anyway. As plaintiff approached the intersection, the concrete truck completely blocked both eastbound lanes of State Route 152, causing a violent collision between the plaintiff and the defendant. The plaintiff contended the concrete driver was negligent and caused the collision.

The defendants contended that the plaintiff was over 50% comparatively at fault for driving at 55 mph in the dense fog with very limited visibility. The defendants' accident reconstruction expert claimed that if the plaintiff were traveling at the safe recommended speed for the fog conditions, the collision would not have occurred.

The plaintiff contended the concrete company was independently liable for negligent hiring, training and dispatching of the driver. Plaintiff attorneys deposed several employees and former employees of the concrete company to prove that concrete truck drivers should avoid making left turns to cross major highways and that there was a safe route to give to the concrete driver that would have crossed the highway safely over an overpass.

The plaintiff suffered a traumatic brain injury, causing permanent cognitive deficits. He received multiple fractures, including facial fractures, clavical and fibula fractions. He has permanent visual impairment of his left eye and cannot work as a truck driver. The plaintiff's is 64 and has an approximate 17-year life expectancy. The defendant contended that the plaintiff had made an excellent recovery from his severe injuries and his TBI was moderate, and that he does not require any further treatment.

Trial was set for January 30, 2024 in Merced County Superior Court.

Plaintiff's Attorneys
R. Lewis Van Blois
Darren Van Blois

Meng v. Bhathal
Case No. 22CV014414
Alameda County Superior Court
Settlement: $500,000
Hon. Rebekah Evenson

On February 6, 2021, a family of four (mother, father, daughter and son) was hit by a vehicle at a crosswalk in Fremont. The collision caused fracture to the left hip of the nine-year-old son, which required open reduction and internal fixation surgery. The boy luckily was able to recover without residual. After mediation, the plaintiff issued a CCP 998 for $500,000 to the defendant, to which the defendant subsequently accepted. The court approved the minor's compensation on February 15, 2024. The remaining three plaintiffs' case is proceeding against the defendant in court.

Plaintiff's Attorney
Teresa Li
Law Offices of Teresa Li, PC

Yu v. Kelly
Settlement: $500,000 - policy limit
Pre-litigation - February 21, 2024

On October 6, 2022, a vehicle insured by Mid-Century Insurance made an unsafe lane change and rear ended Mr. and Mrs. Yu's vehicle in the Caldecott tunnel. The collision caused Mr. Yu's vehicle to slam into the center median. Both 58-year-old Mr. Yu and 57-year-old Mrs. Yu sustained mild traumatic brain injury. Mr. Yu also sustained a herniation at C3-4, and a herniation at C6-7, and a right shoulder SLAP tear. Mrs. Yu had a left ankle joint effusion, and a hair-line fracture to her fifth toe on her right foot, which did not require any surgery. The case reached a policy limit settlement before litigation.

Plaintiffs' Attorney
Teresa Li
Law Offices of Teresa Li, PC

Gee v. Big Dog City Corp
(DBA Yellow Cab of San Francisco)
Case No. RG21100143
Alameda County Superior Court
Settlement $597,778.50 - July 24, 2023
Hon. Richard Seabolt

On July 30, 2019, a 21-year-old female was rear ended in a hit-and-run on I-580 on her way home from the gym. The vehicle that hit her was never found. The collision disabled her vehicle in the middle of the freeway. While she was waiting for the CHP to arrive, a Yellow Cab rear ended her vehicle again. The plaintiff sustained mild traumatic brain injury, and some minor injuries to her neck, which resolved shortly thereafter. She first represented herself and demanded $30,000 to Yellow Cab, and Yellow Cab offered her $5,800 about a year after the incident.

She then retained Teresa Li to handle her case. On May 25, 2021, the plaintiff filed a lawsuit against her auto insurance company, CSAA Insurance Exchange, for uninsured motorist claim and the cab company. CSAA demurred, arguing that the uninsured motorist claim should be moved to arbitration.

The plaintiff successfully argued against it, pursuant to Code of Civil Procedure Section 1281.2(c) and *Prudential Property & Casualty Insurance Company* (1995) 36 Cal.App.4th 275. Judge Richard Seabolt overruled the demurrer. Shortly thereafter, CSAA Insurance Company tendered the uninsured motorist policy limit of $100,000 and the remainder of the medical payment coverage.

The case proceeded against Yellow Cab. Yellow Cab contended the plaintiff did not sustain the mild traumatic brain injury, because no doctor diagnosed the plaintiff with this injury for over a year and the plaintiff did not complain of ongoing traumatic brain injury symptoms for over a year.

On the other hand, the plaintiff was able to prove mild traumatic brain injury by a positive brain MRI, correlated with neuropsychological testing data. In addition, due to her cognitive impairments, plaintiff had to terminate her job as a prominent Hollywood agent's assistant, abandoning her dream of ever becoming a Hollywood agent. The case settled at mediation with Yellow Cab for $495,000.

Plaintiff's Attorney
Teresa Li
Law Offices of Teresa Li, PC

Tiega-Noel Varlack was honored to be installed as the Recording Secretary of the California Association of Black Lawyers (CABL) at the 47th Annual CABL Conference in April. She also won Affiliate Chapter of the Year for Black Women Lawyers of Northern California!



Congratulations Tiega!

Alameda-Contra Costa
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— Calendar of Events —

Thursday, May 16 | Spring Social
Trader Vic's • 5:30pm

Tuesday, July 9 | Diversity Mixer
Kon-Tiki • 5:30pm

Sunday, July 21 | Annual BBQ
Roberts Regional Park • 11:00am

Friday, August 2 | Baseball game w/CAOC
More details to come

Thursday, October 3 | Fall Social
Lafayette Park Hotel • 5:30pm

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For further information on any of the above, please contact:
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