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INVESTIGATIVE
SERVICES

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by Michael R. Diliberto

Practice Tips

Lawyers and Judges in Harmony

Michael R. Diliberto is a mediator and arbitrator with ADR Services, Inc. Also, he is a member of the Los Angeles Lawyer Editorial Board. When not performing with the Los Angeles Lawyers Philharmonic, Diliberto plays drums and sings in an 11-piece classic rock and R&B band.

Lawyers have stressful jobs, juggling numerous client demands and court deadlines. Then there's that special opposing counsel who makes "civil litigation" somewhat less than civil. Judges have their own stress, presiding over full calendars that spill into the hallway—and decision-making is solitary work. The COVID-19 pandemic added more stress, with lockdowns that prevented lawyers from recharging mentally at collegial events. Data suggest that alcohol consumption increased during the stressful pandemic¹ and that the majority of people using cannabis medically reported starting or increasing substance use (most commonly alcohol) due to the COVID-19 pandemic.²

The California State Bar maintains a Lawyer Assistance Program (LAP) to help lawyers deal with stress, burnout, depression, and relationship issues. Their 2020 annual report indicates that 81 percent of the 265 lawyers enrolled in the program that year sought to address a substance use disorder.³ In addition to helping lawyers achieve or maintain sobriety, the Bar's assistance program may also help prospective lawyers in their quest to pass

the state bar moral character evaluation.

Corey Arzoumanian, an associate attorney at The Homampour Law Firm, a prominent Los Angeles personal injury firm, agreed to be interviewed for this article. His prior drug use as a young man left him with several arrests on his record and being homeless. He got clean before attending law school, and stays clean, with the help of 12-step fellowship programs with a focus on addiction to narcotics. However, after law school, Corey voluntarily joined LAP, as well as "The Other Bar" (a nonprofit corporation),⁴ for another reason—to pass the State Bar of California Moral Character review process, which is one of several requirements for admission to the practice of law in California. Through a series of back-and-forth information gathering with the committee, he had to prove

that his drug use and past indiscretion remained in the past. His diligent efforts with LAP and The Other Bar, which included passing random, last-minute drug tests, allowed him to pass the moral character evaluation and gain admittance to the California State Bar. He's been clean for just over 17 years. Currently, his only risk-taking involves an affinity for cryptocurrency.

Patrick R. Krill, the founder of Krill Strategies, LLC, is a leading authority on addiction, mental health, and well-being in the legal profession.⁵ In 2016, he and his colleagues issued a report titled *The Prevalence of Substance Use and Other Mental Health Concerns Among American Attorneys*.⁶ Their research found differences among attorneys at different stages of their careers. For example, contrary to prior research, it was not the battle-scarred senior lawyers who engaged



Author on drums. Photograph courtesy of Los Angeles Lawyers Philharmonic.

in most of the excessive drinking. Instead, attorneys in the first 10 years of their practice experienced the highest rates of problematic drinking, especially attorneys under the age of 30.

In May 2021, Patrick Krill and his colleague Dr. Justin Anker from the Department of Psychiatry and Behavioral Sciences at the University of Minnesota released new results of their groundbreaking study titled *Stress, Drink, Leave: An Examination of Gender-Specific Risk Factors for Mental Health Problems and Attrition Among Licensed Attorneys*. The results were published in the peer-reviewed, scientific journal PLOS ONE.⁷ Data were collected from 2,863 lawyers in collaboration with the California Lawyers Association, a non-profit bar association, and the D.C. Bar, the largest unified bar in the United States. The goal of the study was to generate data to enhance the legal profession's efforts to improve the health and well-being of its members.

The main findings from the study include:

- 1) Almost 50 percent of practicing attorneys are experiencing symptoms of depression and anxiety, with approximately 30 percent of those scoring in the mild range and nearly 20 percent scoring in the moderate to severe range.
- 2) More than half of the attorneys screened positive for risky drinking, and approximately 30 percent screened positive for high-risk hazardous drinking, which is interpreted as alcohol abuse or possible alcohol dependence.
- 3) A significantly greater proportion of women compared with men engaged in risky drinking (55.9 percent vs. 46.4 percent) and high-risk/hazardous drinking (34 percent vs. 25.4 percent).
- 4) Considering the higher rates of mental health distress experienced by female attorneys, an expected but troubling result is that more women than men (24.2 percent vs. 17.4 percent) contemplated leaving the legal profession due to mental health problems, burnout, or stress.
- 5) Overcommitment to work, an imbalance between effort and reward, work-family conflict, and workplace permissiveness toward alcohol were factors that contributed to lawyer attrition.

A Healthy Alternative

"Music can change the world because it can change people."⁸ Enter stage right, music maestro, Gary S. Greene. By day, Gary is a busy trial lawyer; however, by night, he transforms into a conductor for



Gary S. Greene, founder and conductor of Los Angeles Lawyers Philharmonic, Legal Voices, and Big Band of Barristers. Photograph by Steve Eichner.

symphony orchestras. His first love was the violin, which he started playing at age 11. He began honing his conducting chops in 1963, as the concertmaster of the Jr. Philharmonic, an acclaimed youth symphony founded by his late uncle, Dr. Ernst Katz, in 1937. Fast-forward years later, Gary used music to soothe his soul and recharge his spirit after a tough day in trial or encountering sharp tactics by opposing counsel. He was inspired to share that music prescription with his fellow lawyers. A chance meeting with a judge who played trumpet led Gary to found the Los Angeles Lawyers Philharmonic ("LA's Only Legal Orchestra") in 2009.

The orchestra boasts 75 musicians who are lawyers and judges, many of whom attended prestigious music schools and conservatories. The orchestra keeps a busy schedule, regularly performing each season all over town, with a grand annual concert at Walt Disney Concert Hall. Word of their talent even reached the President of the Republic of Croatia, who traveled to Disney Hall to

hear the Lawyers Philharmonic perform music he wrote.

Gary sees the healing power of music firsthand with his lawyer orchestra members. They tell him the music—even a simple rehearsal—offers a break from the grind that leaves them feeling refreshed and better at their jobs. While leaving a venue after performing, some simply tell him, "Thanks, I needed that." Gary smiles because he understands. He says the feeling is a natural high on another level—no drugs or alcohol needed. In other words, Gary is putting into practice Bob Marley's soothing lyrics: "One good thing about music, when it hits you, you feel no pain."⁹

Moving to his own "tempo allegro," Gary's vision grew to include Legal Voices (circa 2011), comprised of 100 lawyers and judges who can really sing. Moreover, they tackle substantial works. I will never forget singing with Legal Voices as we performed Carl Orff's epic work *Carmina Burana*, in the original libretto (mostly Latin, mixed with Middle High German and Old French).



Los Angeles Lawyers Philharmonic and Legal Voices. Photograph by Bob Young.

We performed the complete 25 movements lasting more than an hour to a capacity house at Disney Hall. It was a labor of love to prepare for that performance, and we were rewarded with a lengthy standing ovation.

Jazzing It Up

“Don’t play what’s there, play what’s not there.”¹⁰ From those “legit music” beginnings, Gary picked up the pace “andantino,” expanding yet again in 2012 by forming “Gary Greene, Esq. & His Big Band of Barristers,” a 17-piece jazz big band that plays music from the Great American Songbook. In its first year, the big band won a Battle of the Lawyer Bands at a nationwide competition sponsored by the America Bar Association at the Chicago Art Institute. The proceeds from donations and ticket sales received by the groups’ nonprofit corporation help fund Los Angeles County Bar Association and Beverly Hills Bar Association legal services programs.

I have the honor of having performed with all three groups, playing drums and percussion with the Los Angeles Lawyers Philharmonic, drums and vocals with

Gary’s Big Band of Barristers, and singing tenor with the Legal Voices. At one Disney Hall performance, I had to run from my vintage circa 1970s Gretsch drums on stage (after performing music from *Chicago the Musical*) and scramble upstairs to take my place with the Legal Voices perched high above the orchestra. I also played drums for singer Paul Anka when he and his music conductor on piano joined the Los Angeles Lawyers Philharmonic for a concert in Monterrey, California. Did that Paul Anka gig create some Kevin Bacon degrees of separation between our orchestra and Frank Sinatra (who embodied Paul Anka’s song “My Way”)?¹¹ As a past-president of the Italian American Lawyers Association, I’d like to think so.

Los Angeles Lawyers Philharmonic concerts have included performances by Dick Van Dyke singing songs from *Mary Poppins*, Richard Chamberlain performing songs from *My Fair Lady*, Hal Linden, and the famous songwriter Richard M. Sherman, who, with his brother Robert, were responsible for more motion picture musical song scores than any other songwriting team in film

history, such as *Mary Poppins*, *Chitty Chitty Bang Bang*, and *Charlotte’s Web*, to mention a few.

During COVID-19, Gary led members of his orchestra and chorus in a virtual performance of *Schlof Main Kind* (A Yiddish lullaby meaning “Sleep My Child”), composed by Allan E. Naplan with text by David Einhorn. Members performed from their homes as part of the Violins of Hope project dedicated to Holocaust remembrance, performing on refurbished string instruments recovered from the Holocaust.¹²

“Where words leave off, music begins.”¹³ The musicians and vocalists in Gary’s philharmonic orchestra, choral ensemble, and jazz big band, show that lawyers and judges with diverse backgrounds, life experiences, and personalities, can blend together, breathe to the same rhythm, and produce a harmony of notes and spirit, to create beautiful music that touches the soul. We’re all looking for ways to express ourselves and connect with people. If you play an instrument or sing, reach out to Gary for an audition.¹⁴ Or if you just love music, be good to yourself and come hear

Gary's groups. Please support live music and the musicians who give their time to make each performance a special event to remember, while also helping a good cause. Enjoy a healthy "legal" escape, with the accent on fun. You'll have a great night, with no hangover the next day. (Contact at www.LALawyersPhil.org). ■

¹ Elyse R. Grosman et al., *Alcohol Consumption during the COVID-19 Pandemic: A Cross-Sectional Survey of US Adults*, 17 INT'L J. ENVTL. RES. PUB. HEALTH (24):9189 (2020), available at <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC7763183>.

² Kevin F. Boehnke et al., *Medication and substance use increases among people using cannabis medically during the COVID-19 pandemic*, INT'L J. DRUG POLICY (Nov. 24, 2020), available at <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC7685061/>.

³ STATE BAR OF CALIFORNIA, LAWYER ASSISTANCE PROGRAM 2020 ANNUAL REPORT, <http://www.calbar.ca.gov/Portals/0/documents/reports/2021/2020-Lawyer-Assistance-Program-Annual-Report.pdf>

⁴ The Other Bar, About, <https://www.theotherbar.org>. The Other Bar's website provides in part: "The Other Bar is a network of recovering lawyers, law students and judges throughout the state, dedicated to assisting others within the legal profession who are suffering from alcohol and substance abuse problems. We are a private, non-profit corporation. Our organization is founded on the principle of anonymity and provides services in strict confidentiality. The program is voluntary and open to all California lawyers, judges and law students." The 24-hours a day hotline is (800) 222-0767.

⁵ Krill Strategies, LLC, about, <https://www.prkrill.com/about>. "By working in concert with various key stakeholders as appropriate—including law firms, bar associations, lawyer assistance programs, legal malpractice carriers, mental health professionals and others," their goal is to "reduce the prevalence and impact of mental health and substance use problems in the legal profession, and improve the personal well-being of its members."

⁶ Patrick R. Krill et al., *The Prevalence of Substance Use and Other Mental Health Concerns Among American Attorneys*, 10 J. ADDICTION MED. (1) (Feb. 2016), available at <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4736291/>.

⁷ Justin Anker & Patrick Krill, *Stress, drink, leave: An examination of gender-specific risk factors for mental health problems and attrition among licensed attorneys*, PLOS ONE (May 12, 2021), available at <https://doi.org/10.1371/journal.pone.0250563>.

⁸ Attributed to vocalist/entertainer Bono.

⁹ BOB MARLEY & THE WAILERS, TRENCHTOWN ROCK, on AFRICAN HERBSMAN (Trojan Records 1973).

¹⁰ See PAUL TINGEN, MILES BEYOND (2001), available at <https://miles-beyond.com/ch1.htm>.

¹¹ The song was Anka's rearrangement of the 1967 French popular song, "Comme d'habitude," written by songwriters Claude Francois and Jacques Revaux. Anka negotiated rights to adapt, record, and publish it in return for the original authors' retaining royalty rights to his version. Frank Sinatra recorded it on Reprise Records in 1969.

¹² The virtual Violins of Hope performance may be viewed at <https://www.youtube.com/watch?v=N179ESjyeVQ>.

¹³ Attributed to Heinrich Heine.

¹⁴ Los Angeles Lawyers Philharmonic, Audition, <https://www.lalawyersphil.org/audition/>.

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The graphic features three blue Twitter bird silhouettes of varying sizes against a white background. The text is centered and uses a mix of red and black colors.



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