

# RIVERSIDE LAWYER

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MAGAZINE



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Let the Stress Snowball**

**Common Mental Health Issues Affecting  
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**Expanding Veterans Treatment Court  
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**Mental Health Parity Under  
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**Lawyer Suicide**

**Stress, Depression, and Substance Abuse  
in the Legal Profession**

**Incurable Insanity as Grounds  
for Dissolution of Marriage**

**The Art of Non-Procrastination**  
*(Do as I say not as I do and stories  
of waiting until the last minute)*



The official publication of the Riverside County Bar Association

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# RIVERSIDE LAWYER

MAGAZINE

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# MISSION STATEMENT

## Established in 1894

The Riverside County Bar Association, established in 1894 to foster social interaction between the bench and bar, is a professional organization that provides continuing education and offers an arena to resolve various problems that face the justice system and attorneys practicing in Riverside County.

## RCBA Mission Statement

The mission of the Riverside County Bar Association is:  
To serve our members, our communities, and our legal system.

## Membership Benefits

Involvement in a variety of legal entities: Lawyer Referral Service (LRS), Public Service Law Corporation (PSLC), Fee Arbitration, Client Relations, Dispute Resolution Service (DRS), Barristers, Leo A. Deegan Inn of Court, Inland Empire Chapter of the Federal Bar Association, Mock Trial, State Bar Conference of Delegates, and Bridging the Gap.

Membership meetings monthly (except July and August) with keynote speakers, and participation in the many committees and sections.

Eleven issues of Riverside Lawyer published each year to update you on State Bar matters, ABA issues, local court rules, open forum for communication and timely business matters.

Social gatherings throughout the year: Installation of RCBA and Barristers Officers dinner, Annual Joint Barristers and Riverside Legal Secretaries dinner, Law Day activities, Good Citizenship Award ceremony for Riverside County high schools, and other special activities.

Continuing Legal Education brown bag lunches and section workshops. RCBA is a certified provider for MCLE programs.

MBNA Platinum Plus MasterCard, and optional insurance programs.

Discounted personal disability income and business overhead protection for the attorney and long-term care coverage for the attorney and his or her family.

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*Submission of articles and photographs to Riverside Lawyer will be deemed to be authorization and license by the author to publish the material in Riverside Lawyer.*

*The material printed in Riverside Lawyer does not necessarily reflect the opinions of the RCBA, the editorial staff, the Publication Committee, or other columnists. Legal issues are not discussed for the purpose of answering specific questions. Independent research of all issues is strongly encouraged.*

# CALENDAR

## FEBRUARY

- 11 Landlord/Tenant Law Section**  
Topic: "Alcohol Abuse & Recovery"  
Speakers: Greg Dorst, Patrick MacAfee  
Cask 'n Cleaver – 6:00 p.m.  
Riverside
- 18 Family Law Section Meeting**
- 19 Estate Planning, Probate & Elder Law Section**  
Topic: Probate Court Update  
Speaker: Probate Court Judiciary and Staff  
RCBA Gabbert Gallery – Noon  
MCLE
- 20 Solo/Small Firm Section Meeting**  
Topic: "Perspectives on Law Practice Management"  
Speakers: DW Duke, Chris Johnson, Dwight Kealy  
RCBA Gabbert Gallery – Noon  
MCLE
- 21 General Membership Meeting**  
Speakers: Bill Shapiro (Robinson Calcagnie Robinson Shapiro);  
Bryan F. Foster (Judge, San Bernardino County Superior Court) &  
John Lowenthal (Lewis Brisbois Bisgaard & Smith)  
Topic: "Civility Matters: Being Civil in an Uncivil World"  
RCBA Gabbert Gallery - Noon  
MCLE
- 25 Business Law Section Meeting**  
Speaker: Marc Hankin  
Topic: "Patent Law for Business Lawyers"  
RCBA Gabbert Gallery – Noon  
(Lunch sponsored by Hankin Patent Law)  
MCLE
- 26 Appellate Law Section Meeting**  
RCBA Gabbert Gallery – Noon
- 28 CLE Trial Practice Series**  
Speaker: Robert Rancourt  
Topic: "Closing Arguments"  
RCBA Gabbert Gallery – Noon  
Lunch provided for the first 30 RSVPs  
MCLE  
Lunch sponsored by Riverside County Attorneys' Association





## President's Message

by Jacqueline Carey-Wilson

Mental health is the theme for this month's *Riverside Lawyer* magazine. Mental health has been defined as "a state of well-being in which an individual realizes his or her own abilities, can cope with the normal stresses of life, can work productively and is able to make a contribution to his or her community. In this positive sense, mental health is the foundation for individual well-being and the effective functioning of a community." ("Mental Health: Strengthening Our Response (Fact sheet No. 220)." World Health Organization. Retrieved 3 February 2013.)

Mental health can be negatively affected by events or people in our lives. A sickness or death in the family; divorce or separation from a loved one; the loss of a job; and economic struggles all can negatively impact our lives. We do not know what struggles another person may be going through. Others do not know our struggles. Along with our personal lives, attorneys work in a very adversarial profession. Sometimes, one wrong decision can cause us to lose the case. The loss of a case may result in loss of money for the client and the attorney, the loss of a client's home, the loss of a client's liberty, or the loss of a client's life. When a person has stress at home and then stress at work, his or her mental health may be affected, which can lead to depression and substance abuse. Depression can also lead to suicide. Attorneys in our own community have taken their own lives. My heart aches for the families and friends that are left behind. The entire community is affected by this kind of loss.

In this issue, Richard Carton, MPH, the Acting Director of the State Bar's Lawyer Assistance Program, discusses why some

attorneys have difficulties with stress and identifies resources for those struggling with drug or alcohol abuse. David Cannon, who has a Ph.D. in Clinical Psychology and Law, writes about ways to help reduce stress. Mitchell J. Cohen, M.A., M.F.T., addresses depression, alcohol and drug abuse, along with narcissistic personality disorder in the legal profession and treatment options that are available. Jim Heiting, former president of the RCBA and the State Bar, writes about attorney suicide and ways to prevent this tragedy. The following is a partial list of resources available in our own community.

**Community Connect in Riverside operates a 24 hour Helpline for individuals in crisis at (951) 686-HELP or 686-4357.** People can also access the Helpline through 211. Individuals in crisis will be connected to a trained counselor who will listen and provide support. Last year, the Helpline received 6,355 calls. The projected number of calls for 2013-2014 is 7,500 to 8,000. Many callers are in need of crisis counseling only and so do not need a referral. These callers usually need to tell and retell their story before they are ready to seek services. Fifteen percent of the calls to the Helpline are suicide calls. The crisis counselors receive hours of training to prepare them to answer these difficult calls. The counselor will talk the caller down, help them develop a safe-plan that they feel the caller can commit to, and will follow up the next day or a few hours later. When the caller provides consent, the counselor will reach out to a significant other who can appropriately connect the caller to the type of support they need.

**Riverside County Regional Medical Center Emergency Treatment Services (ETS) at (951) 358-4881.** ETS provides psychiatric emergency services 24 hours a day, 7 days a week for all ages. These services include evaluation, crisis intervention, and referrals for psychiatric hospitalization, as needed for adults, children, and adolescents. Consumers may be referred to the Inpatient Treatment Facility (ITF) or other private hospitals.

**Oasis Crisis Services (OCS) in Indio at (760) 863-8600.** OCS provides psychiatric emergency assessment and crisis stabilization for up to 24 hours for all ages. Services include evaluations, crisis intervention and referral for psychiatric hospitalization. OCS operates 24 hours a day, 7 days a week.

It is comforting to know that these crucial services are available in our county to help anyone in crisis. As we move into the second month of the New Year, we each need to remember to take time for



ourselves. Try reading for pleasure, seeing a movie, singing along with the radio, taking a nap, having lunch with friends, dancing (in the rain if possible), taking a walk, or anything else that removes you from your work, so that you can actually relax. You owe it to yourself.

The RCBA is currently organizing some social events where members can just have fun and relax. On a Wednesday night in April, we are planning a dodge ball game at the Sky Zone in Riverside. On May 23, we have arranged for a Wine Tour in Temecula, which will also include continuing legal education. On June 27, we will

host the second annual Bowling and Beer event. From Friday July 11 to Sunday, July 13, we have reserved spaces at Surf Camp in Imperial Beach. Lastly, we have scheduled another RCBA night at Farrell's restaurant on October 16. I encourage you to participate and enjoy the company of your colleagues at one or all of these events.

*Jacqueline Carey-Wilson is a deputy county counsel with San Bernardino County, editor of the Riverside Lawyer, and past president of the Federal Bar Association, Inland Empire Chapter.*



## YMCA SURF CAMP – JULY 11-13, 2014

The Riverside County Bar Association is always looking for exclusive events for its members. This year, for the first time, the RCBA has reservations for YMCA SURF CAMP located at Imperial Beach for the weekend of Friday, July 11 through Sunday, July 13, 2014. The YMCA Surf Camp will be super fun and the parking is a lot easier than trying to go to some other beaches in Southern California.

For \$120.00 per person, this recreational package includes two nights (Friday and Saturday) and four meals under a private shaded dining facility with an outdoor view of the beach. The four included well-balanced and healthy meals cover Saturday breakfast, lunch, dinner, and Sunday breakfast. The YMCA Surf Camp can accommodate special dietary needs; however, no alcohol is permitted at this event due to a city ordinance. Arrival time is approximately 3:00 p.m. on Friday. For Friday night's dinner, members will provide their own additional funds and a group decision will be made on an eating venue.

To join in the fun, you will have to bring your own tent, which can be pitched right on the sandy beach, sleeping bag, beach chair, lantern/flashlight, and any other personal overnight necessities. While enjoying a private view of the sight and sounds of beach waves, you and your family will have the opportunity to make new friends with fellow campers. There are fire-pits as well, so bring plenty of firewood and items to make smores.

The activities in the camp include the following: surfing, archery, skit night, arts and crafts, body boarding, climbing wall, sand sculpting, Ga-Ga (*a version of dodgeball that really keeps the kids occupied*), basketball, beach volleyball, boulder wall, box hockey, tether ball and horseshoes.

There are two modern bathhouses, a male and female, available. Wetsuits can be rented for \$10.00 for the entire

weekend. The surf boards and body boards are provided free of charge; of course, you can bring your own. Saturday night is skit night, so come prepared with your best family-friendly camp material to perform in front of all your friends. On Sunday, after breakfast there will be plenty of time to surf, practice on the climbing wall, play some Ga-Ga, or pretend you are from District 12 (archery). Everyone must be packed and ready to leave by noon.

This is the first year the RCBA is offering an opportunity to spend quality time with members and their families and to truly unplug those electronic devices. Imagine, no computers, no phones, no television . . . it will mean your kids will be forced to look at you and communicate with you while enjoying the sounds and sights of beach waves for approximately 48 hours. As an added token, you will not have to cook or clean. And, best of all, you will have an opportunity to meet and bond with other RCBA members and their families. Whether you have a toddler, preteen, teenager or grandparent joining you, there are activities for everyone.

If you are thinking of attending this event, or you have questions about the facilities, do not hesitate to contact Diana Renteria at [diana@drlawoffice.com](mailto:diana@drlawoffice.com). The website for YMCA Surf Camp is [www.camp.ymca.org](http://www.camp.ymca.org).

Space is limited for this event and the fee must be paid in full by May 1, 2014 for your entire party. The RCBA is willing to accept a non-refundable deposit of \$50.00 per person to secure your reservation and the remaining amount of \$70.00 per person to be paid by May 1, 2014. Please contact Charlene Nelson at 951-682-1015 for reservations and payment arrangements.



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# BARRISTERS PRESIDENT'S MESSAGE

by Kelly A. Moran



Recently, I was sitting in the Los Angeles Superior Court and overheard two men talking in front of me about where the nicest place to practice law in Southern California is. One man turned to the other and said, "Have you ever been to that Historic Courthouse in Riverside? It is beautiful and the people are really friendly." Though I kept my cool and did not interrupt their conversation to agree with them, admittedly, I smiled and felt a sense of hometown pride.

Like many of you, I am fortunate enough to practice law in the town I grew up in. I went to elementary school three blocks from where my office is now, high school just a few miles away, and college up the road. As much as I may have denied it as a teenager, I love that it is impossible to go anywhere in this town without running into someone you work with, a client, or someone you knew as a child. The person you park next to at the grocery store may be the judge you appeared in front of that morning. The man at the next gas station pump is often someone you sit on a board with. Or, in my case, the woman next to you at dinner on a Friday night just might be your high school English teacher.

This "big city with a small town attitude" has, in my opinion, been the single biggest asset to the Barristers organization. All it takes is one phone call or one email and even the busiest of attorneys or judges will agree to come speak to our organization. In my years of involvement with the Barristers I am so grateful to say that I have never once had someone turn down the request to speak at one of our meetings. Regardless of what he or she may have going on, whether there is a trial date looming, or a major deal in the works, the members of this legal community have truly bent over backwards to make themselves available to our organization and its members.

January's Equal Rights Discussion on the ramifications of the *United States v. Windsor* decision once again showcased this community effort to support and educate the newer members of the legal profession. We were very fortunate to present a group discussion led by Diane J. Klien, Professor at La Verne College of Law, Pamela Valencia of the Law Offices of Dennis M. Sandoval, APLC, and Patrick Valdez of the Valdez Law Firm. This discussion explored the various areas of the law, such as estate planning, immigration, and family law, which have been impacted and altered after the Supreme Court's ruling on the constitutionality of the language and restrictions of the Defense of Marriage Act.

I am thrilled to announce that the coming months will again offer presentations by some of the best attorneys that Southern California has to offer. On February 13, 2014, we will host a substance abuse MCLE featuring speaker, Raul Ayala. Mr. Ayala is a Federal Public Defender and

currently acts on the Board of Directors of The Other Bar. This is sure to be a memorable event on a topic that personally affects many members of the legal community.

On March 13, 2014, I am pleased to announce that current Senior Deputy District Attorney and candidate for Riverside County District Attorney, Mike Hestrin, will be offering a presentation on trial preparation. Not only will this event be beneficial for young attorneys who may have limited trial experience to date, but it will also be a wonderful opportunity for all litigators to learn from a member of this community who has been involved in several high-profile and high-intensity cases. For additional information concerning these events, and all future meetings, please visit our website ([www.riversidebarristers.org](http://www.riversidebarristers.org)) or add us on Facebook ("Riverside County Barristers Association").

There is a strong sense of "community" here in the Inland Empire and I encourage all of you to take advantage of the opportunities that organizations like Barristers and the Riverside County Bar Association provide us with. We are very fortunate to work in a place where the best of the best are so easily accessible and so willing to help those around them. Get involved. When you can, do not hesitate to give back. And, as a community, let us continue to make the Inland Empire a place that comes to mind when others discuss where they wish that they could practice.

*Kelly Moran, the 2013-2014 President of Barristers, is an associate at Thompson & Colegate, where she practices in the areas of public agency representation, personal injury defense, and probate litigation.*



# AVOID AVOIDANCE IN THE NEW YEAR: DON'T LET THE STRESS SNOWBALL

by David Cannon

The stresses associated with the practice of law are well known. By now, we have all heard about the high rates of substance abuse and depression within the legal profession. But what can you do to help reduce stress in this new year?

## Avoid Avoidance

We often avoid what we find to be stressful, which causes even more stress guilt in the long run. I learned this one the hard way. When I was in the 4th grade, I was given six weeks to put a civics project together. However, I did not have it on the day it was due. I told my teacher that I must have left it at home. She told me to call my mother and have her bring it to school. The truth was, I had not done it. I never even started it. I had not understood the project, so I ignored it. I avoided it. I had told myself that I would get around to it, but now my time was up. I walked to the principal's office with my teacher to call my mother. I spoke to my mother as the principal and teacher watched. I had her looking for something that did not exist. After about five minutes, I came to my senses and confessed. I felt horrible. Putting it off had felt good, even though I had this little thing in the back of my mind that I still worried about. I had let a project escalate into something more stressful than it ever had to be. I ended up staying up most of that night completing a project for which I would only receive partial credit. I felt guilty, but I ended up learning a life lesson that was far more important than anything I learned from the project. Avoidance feels good until it feels bad.

People avoid things in many different ways. Sometimes they force their attention onto another task. People may distract themselves by drinking or by watching television. Some go to the movies instead of confronting stressors. Others go shopping. Some clean. What do you do?

## Self-Assessment:

In order to tackle the issue of avoidance, you first have to think about what you tend to avoid. Ask yourself the following...

- (1) What have you avoided in the past? What was the outcome? How did you finally handle the stressor, if you did ultimately confront it? What do you tend to avoid now?
- (2) How do you go about avoiding things? What do you typically do when you are avoiding something?
- (3) Do you feel guilty or bad when you avoid something? How do you handle those feelings?

Next, you have to do something about it. Once you recognize what you tend to avoid, you are ready to act to reduce those avoidant tendencies.

## Action Plan:

Develop an actionable plan with steps, so you know when you are meeting your goals. Change does not happen without a plan in place. Change does not happen when you come up with lofty or amorphous goals.

Consider trying to minimize avoidance for a month, and see what it feels like over the course of the month.

(A) Give yourself a realistic start date to begin working through the project or issue that you have been putting off.

(B) Plan steps and set a timeline for working through the project or issue. How will you know when you have reached a step? What does it look like? Make sure that you can recognize when you have reached each step and the final goal.

(C) Start small. There is no need to dive in. Start with the simplest part or parts. This will help to reduce your anxiety as you confront what you have put off.

(D) Consider allocating a certain amount of time per day or per week to tackle the problem, and then shelve it until the next time you are set to address it. This is called "compartmentalization." When you are making progress on a task and are working on a timetable, it's healthy to focus your attention elsewhere until you need to start on the project again.

(E) Look to the reward. Think about the outcome. How will handling this free you up? What stresses will be removed? What will your life be after you have handled this?

(G) Reward yourself as you reach each step, or goal. After you have finished what you need to finish for the day, reinforce your behavior. Avoidance reinforces non-action. Rewarding yourself for reaching a goal reinforces action.

These steps should help reduce guilt and allow you to enjoy your free time without a nagging feeling that you are putting something off. Reducing the stress and guilt in your life will improve you personally and professionally.

*David Cannon has a Ph.D. in Clinical Psychology and Law from the University of Alabama and works as a trial and jury consultant throughout the U.S. He is based in the Los Angeles area.*





# COMMON MENTAL HEALTH ISSUES AFFECTING THOSE IN THE LEGAL PROFESSION

*by Mitchell J. Cohen*

## Introduction

Last year, I was invited to give a presentation to the Leo A. Deegan Inn of Court in Riverside on the most common mental health diagnoses afflicting those in the legal profession. The presentation stirred much interest amongst those who attended and I was asked to write an article for this publication, expanding on some of the topics that were touched upon during the presentation. I will discuss the three most common mental health issues that affect attorneys. I will identify warning signs, discuss possible causative factors, and offer treatment options.

## Depression

Depression is the most common mental health issue in the legal profession. Here are a few interesting statistics:

- According to a 1991 study by Johns Hopkins University researchers of more than 100 occupations, lawyers lead the nation with the highest incidence of depression.
- In 1996, lawyers overtook dentists with the highest rate of suicide.
- 7 out of 10 lawyers responding to a California Lawyers magazine poll stated they would change careers if they could.
- Studies show that 51% of lawyers experience stress at higher levels than the “normal” population.<sup>1</sup>

There are many possible factors involved when trying to identify why depression is so prevalent in the legal profession. Probably most significant is the fact that yours is an adversarial profession. You must be persuasive, argumentative, and sometimes deceptive in order to win. Although you might experience great professional satisfaction from winning a decision in a case, in terms of your personal life this can be costly. This is especially true if these same courtroom tactics carry over into your interpersonal relationships.

As early as when attending law school, you learn that you must ignore your emotions regarding a case, and represent positions that may be in disagreement with your own opinions and belief systems. In addition, the best interests of your client (the person whose interests you are hired to represent) may be in opposition to what is in the best inter-

est of society. I know that most of you have had your share of unsavory clients that you secretly wish you could turn over to the proper authorities. These professional pressures can adversely affect lawyers’ personal lives and cause depression.

In terms of treatment, there are a few options. Treatment option No. 1 is psychotherapy. Therapy is something that requires a bit of a commitment, but it can yield tremendous insight. Therapy typically involves a weekly appointment for 45-50 minutes with a licensed mental health professional. The person will help to identify the specifics of the problem that is being presented, identify goals for treatment and then help in devising strategies for achieving those goals.

Treatment option No. 2 is psychotropic medication. There are a number of medications on the market that are effective in treating depression. Some people actually prefer to take medication, rather than participate in psychotherapy because it is simple to take a pill. Some forms of depression have a biochemical component and in these situations, medication is recommended.

Treatment option No. 3 is reserved for those cases where the most intensive form of treatment is necessary. Hospitalization is the most restrictive level of care that we have to offer people and it is only when the depression has become completely incapacitating or the person is at risk of harming themselves that we consider hospitalization as an option.

## Alcohol Abuse and Substance Abuse

We have already discussed the possible causes of depression. Many of these precipitants lead people to abuse substances as a means of coping. Alcohol abuse and substance abuse is particularly common amongst those in the legal profession, to the extent that your licensing board now requires you to have continuing education units pertaining to this very issue. Many of us have used substances during the course of our lifetime. This does not necessarily constitute a problem. It is possible to use substances responsibly without running the risk of abuse or dependence. You may not morally agree with this statement when discussing certain substances, but you must understand that I am speaking from a purely clinical perspective.

Substance abuse among lawyers typically begins when they are in college. Law school can be extremely draining and consuming. People respond to pressure in a variety of

<sup>1</sup> Latham, T. (May, 2011). The Depressed Lawyer. Psychology Today. Retrieved from <http://www.psychologytoday.com/blog/therapy-matters/201105/the-depressed-lawyer>

ways. When attempting to cope with these pressures, some turn to alcohol or drugs.

Research has shown attorneys are more likely to have substance abuse problems than the average person.<sup>2</sup> These problems are a greater concern because the lawyer's addiction to drugs and alcohol does not just affect that attorney. The addiction also negatively affects the clients of that attorney.

Some lawyers believe that drug use is none of the Bar's business and is strictly a matter of personal choice. I would disagree due to the fact that drugs can still affect the user 24 hours after the drugs were taken. Think about it: would you want a surgeon operating on you if they had been partying hard the night before? Of course not and likewise, I would not want you in court handling my divorce the next day either.

There are numerous clear warning signs that a lawyer has developed a substance abuse problem. The first is absenteeism – repeated and/or unexplained absences or lateness. Also falling under this category would be unusual excuses for absences or lateness. The second warning sign would be confusion or having difficulty concentrating. Examples of this would be inability or difficulty remembering details, instructions, etc. An attorney may demonstrate having a progressively more difficult time with completing complicated tasks or it might take greater effort for certain tasks than should be necessary. Other clear warning signs include missed court dates, violations of trust, poor decisions, and inadequate preparation.

In determining the most appropriate form of treatment for a substance abuse problem, it is important to look at a person's pattern of usage, the amounts that they are using, the frequency of use and the progression of their illness. There are varying levels of care that a person can receive. The least restrictive level of care would be involvement in a self-help group, such as AA or NA. If this is not adequate, an intensive outpatient program (IOP) typically allows participants to attend treatment in the evenings. Usually, the program requires a person to participate 3-4 evenings per week for several hours at the beginning of treatment. After six weeks of intensive treatment, the person then continues in aftercare for the next year. Inpatient treatment is recommended for those people who require medical detoxification or for those who require more than an IOP can provide.

## Narcissistic Personality Disorder

The last category I will address is narcissistic personality disorder. I am sure that many of you have encountered the aggressive litigator who is arrogant, grandiose, self-entitled, with an ego that can fill the courtroom. These folks have a

strong need for admiration. They are the attorneys who are not above lying to win their case and feel justified in doing so. They have a grandiose sense of self-importance and routinely overestimate their abilities or inflate their accomplishments, often times appearing boastful and pretentious.<sup>3</sup>

The narcissist will also attempt to devalue others as a way of over-inflating his own sense of self worth. They are the people who need constant attention and expect that their arrival will be greeted with great fanfare. They believe that they deserve special treatment. They should be catered to and are angry when this does not happen. The narcissist believes that they should not have to wait in line. What they have to do is much more important than what others have to do (that is why they ignore the long line at the freeway off ramp and cut in at the last minute, feeling quite satisfied when they do).

In general, they lack empathy for others and have difficulty recognizing the desires and feelings of others. They are impatient when other people talk about themselves. They appear emotionally cold and although they enjoy when someone shows interest in them, this is not reciprocated. Vulnerability to injury makes people with Narcissistic Personality Disorder very sensitive to criticism or defeat. These narcissistic wounds are often intolerable and cause the narcissist to retreat from a relationship. Other times, they become angry and feel a need to strike back and retaliate.

Treatment for these individuals will require long-term individual therapy from a clinician who has a solid background in working with this disorder. The problem of course is that most narcissists do not think that they need treatment. If you work with a narcissist and are wondering how to address their behaviors, it is best to be straightforward and calmly confront the inappropriateness of their statements and actions. Maintain your self-respect and dignity. Not reacting is a powerful tool when addressing a narcissist. You do not need to respond immediately to a narcissistic demand. Sometimes, taking a break and removing yourself from a situation allows you to re-approach with a calm demeanor and clear head.

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2 Patrick, W. (July, 2010). Dealing with Substance Abuse. *California Lawyer*. Retrieved from <https://www.callawyer.com/Clstory.cfm?eid=910398>

3 Psych Central. (2010). Narcissistic Personality Disorder In-Depth. *Psych Central*. Retrieved from <http://psychcentral.com/lib/narcissistic-personality-disorder-in-depth/0003494>

# EXPANDING VETERANS TREATMENT COURT TO ASSIST HOMELESS VETERANS

by *Monica Nguyen*

Have you ever wondered who it is that you see sleeping on the streets in Riverside County?

There is a ten percent chance that the person you gaze upon is a veteran.<sup>1</sup> Our veterans become homeless, in large part, as a result of disabling conditions related to their service. Veterans who served in combat often return home suffering from post-traumatic stress disorder, and traumatic brain injury. These afflicted veterans often abuse alcohol, or other substances, in an effort to quell the distressing memories of their service. Combining these conditions with a shortage of affordable housing, inability to find civilian work using the skills learned during their service, and lack of family support create the condition of homelessness in our veterans. Additionally, the homeless veterans whom I have spoken to describe the shame they feel in asking for help. To them, it is embarrassing to admit that they need help providing for themselves, when they once came home from combat to a hero's welcome.

Riverside's Veterans Treatment Court (VTC) can help. Riverside County boasts a robust VTC, treating an average of 16 more participants than other similar courts across the country.<sup>2</sup> Since Riverside's VTC began in January 2012, the Honorable Judge Mark E. Johnson has accepted 58 veterans into the program. Many of these veterans are homeless who suffer from post-traumatic stress disorder, traumatic brain injury, and substance abuse problems. These individuals are difficult to treat in that they frequently relapse and need intense long-term treatment. So, it is with great pride that I write that, of the 58 participants accepted to the program in the past two years, only 4 have been terminated from the program due to non-compliance.

1 *Riverside County 2013 Homeless Count and Subpopulation Survey* (May 2013) <<http://dpss.co.riverside.ca.us/files/pdf/riverside-county2013homelesscountandsubpopulationsurvey-6.3.pdf>> [as of January 13, 2014]

2 California Veterans Legal Task force <<http://www.cvltf.org/veterans-court-statistics.html>> [as of January 13, 2014] Website states that the 162 veterans treatment courts in the country treat an average of 24 participants, whereas Riverside's VTC treats approximately 50 participants.

## The Current VTC Program

The success of the VTC program stems from the intensity of the program -- 18 months on felony cases and 12 months on misdemeanor cases, and the dignity that the Court extends to each participant throughout the program. The overwhelming majority of participants receive treatment through the Veterans Administration. The treatment is tailor-made to address each participant's needs. In the beginning, the participant must attend weekly progress hearings, which taper down to one progress hearing per month in the last phase of the program. By the time that the veteran completes the program, he has attended over 30 progress hearings.

Prior to each progress hearing, the Court meets with the participant's treatment team to discuss his or her progress. This team consists of a social worker, probation officer, and various mental health treatment providers. The constant communication between the treatment team and the Court allows the Court to sanction inappropriate behavior close in time to when the behavior occurred, and to reward good behavior.

The dignity shown to each veteran from the moment that he or she enters the VTC also contributes to his or her success. Each time a new veteran is referred to the Court, Judge Johnson takes time to talk to the veteran about his or her service. The veterans relish this as a unique opportunity to be humanized in an otherwise humiliating process. The veterans develop a deep respect for Judge Johnson's opinion, and do not want to let him down. Judge Johnson's leadership sets the tone for the entire team, who individually approach each participant with the same respect and dignity. It is this collaborative approach that enables the veteran to feel that there is hope that he or she can recover.

## A Gap in the Plan

The major shortfall of the VTC program is that the intensity of the program primarily attracts veterans facing felony charges. It is uncommon for a veteran charged with a misdemeanor to agree to a lengthy, demanding program when the alternative is informal probation. It is unprecedented to place someone in the VTC program with mere infraction violations and low-level misdemeanor charges. Yet, many veterans suffering from the effects



of their service are facing such charges. Many of these veterans comprise the ten percent of Riverside's homeless population because they are facing minor charges associated with their homeless condition. These charges include jaywalking, sleeping in public, illegal use of shopping carts, obstructing traffic on the sidewalk, sleeping on a bus bench, panhandling, trespass, indecent exposure related to urinating in public, and warrants issued for failures to appear in court.

Our goal now should be to expand the program to assist homeless veterans who are accused of non-violent misdemeanors and infractions. We can do this by creating a homeless court.

## The Plan for a Homeless Court

There are many homeless courts across the country, including our neighboring counties of San Diego, Los Angeles, Orange, and San Bernardino. The procedure that has proven successful in other counties begins with an assigned defense attorney at the Office of the Public Defender. The defense attorney interfaces with local treatment facilities to advertise homeless court. Each month, the defense attorney collects names of homeless individuals who want to participate in the program. The defense attorney determines whether the individual's record allows for his or her participation in the program. If his or her charges qualify, he or she must engage in treatment services for 30 days, and provide proof to the defense attorney. Treatment services could include physical or mental health care, employment and training services, substance abuse services, housing services, literacy training, counseling, and assistance to obtain government benefits, to name a few.

When the participant shows proof of 30 days of treatment, the defense attorney can then place the participant's case(s) on calendar for the next homeless court date, and forward this case information to the prosecutor. One week before the date of the homeless court, the prosecutor can confirm that he or she will dismiss the participant's charges based on his or her proof of 30 days of treatment.

## Proven Benefits of Homeless Courts

This model has proven to be beneficial to the individual participant, the courts, and the community. The current criminal court model requires court appearances. At the appearance, the person is required to either admit guilt and accept a punishment, or challenge their case.

Often, homeless citizens do not have the means to attend their court dates. Courts issue warrants for failure to appear. If the person is arrested, the person costs the county \$142.00 per day in jail fees. If the person does attend court, he or she is in a position where he or she

cannot pay any fines for his or her offenses, and may be sentenced to serve county jail time to "work off his [or her] fines." When the individual is released, the person returns to the destitute lifestyle that brought him or her to jail in the first place.

A homeless court can prevent this revolving-door and save the county thousands in jail fees. It can also save in court costs, because a person's cases can be resolved at one hearing instead of multiple hearings. The community benefits because the treatment increases the likelihood of restoring a citizen to being productive in the community again. The benefit to the individual participant and his or her family is not quantifiable, but it is certain that clearing any cases can facilitate obtaining permanent housing, a driver's license, and employment. Moreover, recidivism is much lower among those individuals who have participated in homeless court,<sup>3</sup> thereby reducing further costs associated with criminal cases.

## Closing

Citing homeless citizens for crimes associated with their condition further isolates them from mainstream society because each citation is a new barrier to becoming productive. Each citation may bring with it a court date, fines and fees, the indignity of attending court in a disheveled state, and jail time due to an inability to pay fines. This is particularly true for homeless veterans because each new citation is a reminder that they are not the person that they once were, and that the community that once celebrated them, now shuns them.

In my time in VTC, I have learned that veterans are a very proud group of people. They do not ask for help, and are ashamed of their criminal behavior. Many of them have declined participation in the program, because they do not want to shame their service by connecting their alleged criminal conduct with it. I expect that many homeless veterans would not avail themselves of treatment, because they are ashamed of having fallen so far from grace. The solution is to not wait for them to reach out to us. We must reach out to them and offer them the help that they need. A homeless court in Riverside County can do just that.

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*Monica Nguyen has been a deputy public defender with the Law Offices of the Riverside County Public Defender since March 2007. She has been assigned to Mental Health Court since November 2010.*



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<sup>3</sup> Kerry & Pennell, *San Diego Homeless Court Program: A Process and Impact Evaluation* (June 2001) <<http://www.courts.ca.gov/documents/2001SANDAGHomelessCourtEvaluation.pdf>> [as of January 13, 2014] See page 7, detailing a study finding that 90 days after participation in homeless court, the studied participants have not reoffended.



# MENTAL HEALTH PARITY UNDER THE AFFORDABLE CARE ACT

*by Lucas Quass*

In the 1960s, healthcare plans in the United States typically offered benefit plans that did not discriminate between mental illness and other healthcare needs. Throughout the 1970s and 1980s, the cost of healthcare drastically increased, which resulted in new limitations on or the elimination of mental health benefits from employer-provided healthcare plans. In an attempt to manage the rising cost of insurance, healthcare plans began to include cost-sharing mechanisms and benefit caps. However, these cost-sharing mechanisms and benefit caps were applied unequally to mental health and general health benefits, resulting in coverage disparity.

Since the 1970s, health insurance policies have been moving further away from providing equal coverage for mental health or “mental health parity.” The term “mental health parity” means that insurance coverage for mental health services is subject to the same terms and restrictions as coverage for all other health services. Advocates for mental health parity have been seeking legislative reform that would require insurers to provide coverage for mental health on the same basis as general health. Nonetheless, mental health consumers still face higher deductibles, higher co-payments, lower policy limits, lower lifetime maximums, lower annual maximums and are more likely to be uninsured.

Today, mental illness remains on the fringe of the healthcare system. As a result of coverage inequality, insurance plans do not protect people suffering from mental illness from catastrophic loss, which has resulted in disproportionately high out-of-pocket expenses when compared to those of general health. People suffering with mental illness face disability, dependence on social programs, incarceration and homelessness at a greater rate than the general population, yet healthcare for mental illness is largely inferior to the greater healthcare system.

Forty-nine states and the District of Columbia have passed some form of legislation that requires coverage for mental health. However, state-level legislation has been ineffective in creating parity nationwide as the level of protection for mental health varies from state to state, with some states providing full parity and others only requiring equal benefits for a select group of mental illnesses.

The first federal effort to achieve mental health parity was enactment of the Mental Health Parity Act of 1996 (MHPA). The MHPA required mental health parity for annual and lifetime dollar limits for group health plans with at least 26 employees. The MHPA was extremely limited because it is a mandated-if-offered statute that only required parity from group health plans that chose to provide mental health coverage. Further, the MHPA did not apply to the 80 million employees and dependents in small group plans or to the more than 65 million Americans enrolled in self-insured plans covered by the Employee Retirement Income Securities Act (ERISA).

On October 3, 2009, Congress expanded the scope of federal parity legislation by adopting the Paul Wellstone and Pete Domenici Mental Health Parity and Addiction Equity Act of 2008 (MHPAEA). The MHPAEA expanded federal parity protection by requiring that group health plans that provide mental health coverage may not establish more restrictive requirements for mental health. Further, the MHPAEA applied to ERISA and provided parity protection for Americans enrolled in self-insured plans. Nonetheless, the MHPAEA did not offer full parity because it is a mandated-if-offered statute. Specifically, the MHPAEA provides that if an employer offers mental health coverage, any financial requirements and treatment limitations must be “no more restrictive than the predominant financial requirements applied to substantially all medical and surgical benefits covered by the plan.” Therefore, even with the enactment of the MHPA and the MHPAEA, federal mental health parity law did not include a mandate for mental health insurance coverage.

In 2010, Congress enacted the Patient Protection and Affordable Care Act (the Affordable Care Act), which is the first federal legislation to mandate coverage for mental health and substance abuse services. The Affordable Care Act mandates that qualified health plans, specified Medicaid benchmark and benchmark-equivalent plans and individual market plans must provide an essential health benefits package. The essential health benefits package contains 10 general health care categories that include “mental health and substance use disorder services, including behavioral health treatment.” Although the Affordable Care Act does not specifically state what services must be included in the essential health benefits,

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it does state that the essential health benefits should be equal to the benefits typically provided in an employer's health insurance plan, i.e. parity.

The intent behind the Affordable Care Act was to provide health insurance to almost all U.S. citizens and legal immigrants. In providing this health insurance, coverage was also expanded to include millions of Americans suffering from mental illness and substance abuse disorders. While the Affordable Care Act is a significant step towards full mental health parity, it may hinder the achievement of mental health parity by expanding a small employer exemption to the federal parity laws. Specifically, the Affordable Care Act changed the definition of a small employer from 50 to 100 employees and exempts small employers from compliance, thus excluding millions of Americans from coverage.

Nonetheless, the Affordable Care Act is a significant step towards mental health parity. While state parity legislation has increased access to care for mental health consumers, other states have adopted inadequate policies or nothing at all. Accordingly, federal legislative has filled in those gaps and will determine the level of coverage provided to mental healthcare consumers. Therefore, as the Affordable Care Act is implemented, parity advocates will be waiting to evaluate if the Affordable Care Act results in a reduction of uninsured mental health patients.

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# LAWYER SUICIDE

*by James O. Heiting*

This is an article about suicide of lawyers. I write it at the request of your editor and with ever increasing resources and emphasis for suicide prevention and mental health in our profession. But why should we address this? Is it really a problem? Let's take a look.

In a nine year period, the Mecklenburg County Bar Association in Charlotte, North Carolina, lost eight members to suicide. Seven men and one woman (sole practitioners, small firm and large firm lawyers), took their lives through a variety of methods and locations. The average age was the early 40's. Depression and alcohol and drug abuse were identified as some, not all, of the contributing and underlying causes.

Recently, Kentucky reported, over a two year period, one lawyer suicide every eight weeks (in a state bar of approximately 18,000). Maine reports a little less than one suicide attempt per 1000 attorneys in their state bar annually. Illinois reported that, when they held a suicide prevention program in 2013, they had expected 25 to 30 registrants, but instead had 155 register and attend the two and a half hour program. California's acting executive director of the Lawyer Assistance Program advises that the experience in Kentucky "is pretty consistent with the data about suicide"; but he also reports that "a high percentage of folks who are stopped from successfully committing suicide the first time and receive help never make a repeat attempt."

North Carolina once reported that they did a survey on quality of life and found that almost 12% of the bar's members reported that they contemplated suicide at least once every month. Johns Hopkins University studied depression in professionals and determined that lawyers were three times more likely to suffer depression than any other profession. And alcohol and/or chemical abuse appears to raise the statistical chance of an attempt at suicide by ten times over the rest of the population!

Many times we see developing depression that leads to these extremes in people that are good lawyers, good people. They are usually hard on themselves, perfectionists who give great attention to detail and want to do a good job. Many can seem very likeable and light-hearted, but they conceal sadness, anxiety, emptiness. They seem to have lost interest in things that used to give them pleasure. They find it difficult to find pleasure or joy in anything. They may start to feel guilty, worthless, and

helpless. They have difficulty concentrating, making decisions, sleeping soundly. They start to develop feelings of hopelessness and pessimism, restlessness and irritability. They may have persistent physical symptoms that do not seem to respond to treatment.

There can be a feeling that, "I am so tired, and I don't see any way out of the box I am in." Such people can find themselves in a place where they have lost all hope. They obsess on a permanent solution (suicide) to what, ultimately, is a temporary problem. "This too shall pass," while true, is extremely difficult to realize.

And, like in chemical dependency or alcoholism, denial is common. We try to convince ourselves that we are not at risk. We try to distinguish ourselves from those who have attempted or died by suicide; yet we continue to withdraw and isolate, thinking and hoping that we can address this issue ourselves, without outside help. That can be a very dangerous road.

Depression may have its onset with the loss of a relationship or a loved one, financial pressure, being diagnosed with a life threatening disease or other major event; or it may be biological through neural chemical imbalances. Depression is treatable.

Actually, the first reported investigation and study of lawyer suicides was in Canada. Incredibly, over a two-year period, the study uncovered that "suicide was . . . the third-leading cause of death among these lawyers . . . after cancer and cardiac arrest. Suicide accounted for 10.8% of all lawyer deaths." They calculated a projected rate of 69.3 suicide deaths per 100,000 lawyers, nearly six times that of the general population. Most at risk were lawyers and judges aged 48 to 65 (with no studies being conducted for those over 65). Thankfully, Canada has put in place education and response programs through their lawyer assistance efforts and suicide prevention professionals that have resulted in a much lower incidence of lawyer suicides ever since.

## **WHAT CAN I DO TO HELP?**

**LISTEN!** Be non-judgmental and empathetic. Understand that a threat of suicide is very serious. Every threat of suicide is a call for help. Be sure to take it seriously.

One suggestion of professionals is to ask if the person is feeling suicidal. Contrary to the feeling that you may be putting the suggestion in their heads, the question

and your concern will give them permission to talk about it. If they have a plan to carry out the suicide, try to get them to commit not to take any action at least until they see you again. Encourage them to seek professional help, and even offer to make the call for them and take them to their first visit. If they threaten immediate action on their plan, do not leave them alone. Get them into a professional's care as soon as possible, taking whatever steps necessary to do so. You might even take them to the emergency room of the nearest hospital.

Hopefully, with help, the person going through this will realize that this time in their life is not a period; it is a comma, and there is more to the sentence. It is okay to feel depressed. It is okay to ask for and get help. There are times when all of us need help.

Here are some suggested resources. Even though they include other jurisdictions, they can be very helpful: California Lawyer Assistance Program ([lap@calbar.ca.gov](mailto:lap@calbar.ca.gov), 1-877-LAP4HELP); National Suicide Prevention Lifeline ([www.suicidepreventionlifeline.org](http://www.suicidepreventionlifeline.org), 1-800-273-TALK); Canadian Bar Association ([www.lpac.ca](http://www.lpac.ca), 24-hour help line 1-800-667-5722); Lawyer Assistance Program of the American Bar Association ([www.americanbar.org/groups/lawyer\\_assistance](http://www.americanbar.org/groups/lawyer_assistance), 1-866-219-6474); Georgia (for information and education videos, [www.gabar.org](http://www.gabar.org), 1-800-327-9631); Illinois ([www.illinoislap.org](http://www.illinoislap.org), 1-800-LAP-1233); Kentucky ([www.kylap.org](http://www.kylap.org), 1-502-564-3795); North Carolina ([www.nclap.org](http://www.nclap.org), 1-704-892-5699); [lawyerswithdepression.com](http://lawyerswithdepression.com); [www.kevinhinesstoryinc.com](http://www.kevinhinesstoryinc.com); and there are a variety of other resources.

I wish you the best of good health. Give me a call if I can help.

*James Heiting is the former president of the California State Bar and current chair of the Substance Use Disorders Advisory Board to the Health Law Section of the American Bar Association.*



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# STRESS, DEPRESSION, AND SUBSTANCE ABUSE IN THE LEGAL PROFESSION

*by Richard Carlton*

## The Lawyer Assistance Program

Here is a scenario frequently presented to those of us who work in the field of lawyer assistance:

A colleague or attorney friend is having major problems with his or her practice. You suspect or know that these problems result from substance abuse, depression, other psychological problems, or a combination of these conditions. You know that the road this person is on is downhill, but you feel powerless. Concerned about your friend's welfare, but you don't want to do anything that will get your attorney-friend in more trouble. Where can you call for free, strictly confidential, knowledgeable advice and assistance with such a situation?

The answer is the Lawyer Assistance Program (LAP). Established by the California Legislature (Business & Professions Code §§6140.9, 6230-6238), the LAP is a confidential service of the State Bar of California. Staffed by professionals with many years of experience assisting the legal community with personal issues, the LAP provides assistance to attorneys whose personal or professional life is being detrimentally impacted by substance abuse, other compulsive behaviors, and/or mental health concerns such as depression and anxiety.

The statute that created the program (SB 479, Burton) states that it is the "intent of the legislature that the State Bar of California seek ways and means to identify and rehabilitate attorneys with impairment due to abuse of drugs or alcohol, or due to mental illness, affecting competency so that attorneys so afflicted may be treated and returned to the practice of law in a manner that will not endanger the public health and safety."

The LAP is a comprehensive program offering support and structure from the beginning stage of recovery through continuing care. It includes:

- individual counseling;
- expert assessment and consultation;
- assistance with arrangements for intensive treatment;
- monitored continuing care;
- random lab testing;
- professionally facilitated support groups; and

- peer support groups.

The program also works with family members, friends, colleagues, judges and other court staff who wish to obtain help for an impaired attorney. Financial assistance is available so that no one is prevented from participating in the program due to financial limitations.

Attorneys may self-refer into this program or may be referred as the result of an investigation or disciplinary proceeding (B&P Code § 6232). In some cases, monitored participation may result in a lower level of disciplinary action. When requested by an attorney who is facing disciplinary charges and whose practice has been impaired by personal problems, the LAP can monitor the attorney's continuing recovery for the State Bar Court's alternative discipline program and for the probation unit.

One of the unique characteristics of this program is that the confidential nature of participation in the program is mandated in the statute that created the program. The fact that an attorney is participating in the LAP is confidential (B&P Code § 6234). No information concerning participation in the program will be released without the attorney's prior written consent.

The creation of attorney-only assistance programs is an outgrowth of years of experience in addressing substance-related disorders and mental health issues in professional populations and the unique challenges associated with such efforts. Most licensed professionals in California have some type of assistance resource available through their regulatory agency or otherwise.

## The Brain Diseases: Substance Use Disorders And Mood Disorders

Substance abuse is often referred to as a "brain disease." Although the disease has a profound impact on many of the major organ systems in the body, it is altered brain chemistry that creates the craving for mood-altering substances and explains the loss of control that occurs. The differences in brain chemistry that lead to substance abuse occur in the core of the brain where the autonomic nervous system is regulated — not in the frontal lobe area where conscious, rational decision-making takes place. This altered brain chemistry produces an obsessive, com-

pulsive and irrational need to drink or use drugs despite adverse consequences to the user's own life and health.<sup>1</sup>

With addiction, the compulsion to consume coming from the core of the brain literally overrides the awareness and thought process occurring on the outside of the brain. As the disease progresses, the afflicted individual becomes increasingly unable to accurately perceive what is happening. Perception becomes distorted. The individual denies symptoms of abuse and continues to use. Denial is often mistaken for deceit or dishonesty instead of the distorted perception that it represents.

Substance-related disorders appear to be a more common problem in the legal profession than in most other occupations. While household studies indicate that roughly 10 percent of the adult population experiences a problem at some point in life as a result of the abuse of alcohol or drugs, some studies suggest that the incidence of this abuse among legal professionals may be as much as 50 percent higher than the general adult population. Depression may be even more overrepresented in the legal professional than substance abuse problems. A study of 12,000 adults by a team of researchers from Johns Hopkins University discovered that among all the occupational groups represented in that large sample, attorneys had the highest prevalence of signs and symptoms of clinical depression. The rate of depression among the attorneys studied was 3.6 times the norm for all occupations.<sup>2</sup>

It is now understood that differences in brain chemistry also account for depression and bipolar conditions. In the case of depression, certain neurotransmitters are present in the core of the brain in insufficient quantities.<sup>3</sup> These neurotransmitters are necessary for the experience of normal mood states and positive feelings. Effective antidepressant medications cause the brain to absorb these necessary chemicals more slowly and thereby minimize fluctuations in mood state.

Depression associated with a significant personal loss or bereavement is normal, and not considered a clinical condition unless it lasts for a period of months. Of greater concern is the presence of the above symptoms in the absence of any obvious event or trigger, or symptoms that don't go away. Common forms of depression include a Major Depressive Episode, characterized by some or

all of the above symptoms lasting two weeks or longer; and Dysthymia, characterized by less severe, but chronic symptoms lasting two years or longer. Dysthymia can be insidious. Many people cope with depressive symptoms for years before recognizing or acknowledging that they have a condition that isn't going to abate without help.

Depression sufferers undergoing treatment typically experience a marked decline in the severity of symptoms. Treatment usually consists of psychotherapy, medication, or a combination of the two. Often, people with depression will begin to see positive results within a month of beginning treatment.

What accounts for higher levels of substance abuse and depression in the legal profession? Certainly the practice of law is a challenging experience for many legal professionals and lawyers are thought to contend with levels of stress that are higher than most other occupations. But stress alone does not account for the higher incidence of substance abuse and depression in the legal profession. While many attorneys experience high levels of stress at times during their careers, only a minority experience substance use and mood disorder problems. As discussed, differences in brain chemistry—not stress alone—distinguish those who suffer from substance use disorders and mood disorders from those who do not.

There may be a natural self-selection process at work in the legal profession. For reasons that we do not yet fully understand, some individuals who are susceptible to experiencing substance use and mood problems appear to be drawn to the practice of law. The same personality traits that are over-represented in the populations of adults recovering from substance-related disorders and mood disorders—high achievement orientation, perfectionism, obsessive-compulsive—are also common in the legal community.<sup>4</sup> Law School Professor and Psychologist Susan Daicoff explains that the law school experience further exacerbates these tendencies, often producing increased aggression under stress, a preference for competition versus cooperation, and a failure to rely on natural sources of social support from one's peers.<sup>5</sup> These tendencies, combined with the law school experience, produce individuals with a disproportionate preference for "thinking" versus "feeling" and a pessimistic outlook on life. Lawyers are taught to anticipate and prepare for a whole range of problems that non-lawyers are generally blind to—even far-fetched outcomes need to be considered; this trait that helps lawyers be good at their

1 National Institute on Drug Abuse, National Institutes of Health, U.S. Department of Health and Human Services, *Drugs, Brains, and Behavior: The Science of Addiction* (2007).

2 Eaton, Anthony, Mandel & Garrison, "Occupations and the Prevalence of Major Depressive Disorder," *Journal of Occupational Medicine*, 32 (11), 1079-1086 (1990).

3 K. Nathan, D. Musselman, A. Schatzberg & C. Nemeroff, *Biology of Mood Disorders, Textbook of Psychopharmacology* (edited by A. Schatzberg and C. Nemeroff), APA Press (1995).

4 S. Daicoff, *Lawyer Know Thyself: A Psychological Analysis of Personality Strengths and Weaknesses, Law and Public Policy: Psychology and the Social Sciences* (2004).

5 Daicoff, note 4.

profession may make many miserable when applied to one's personal life.<sup>6</sup>

## How Can Attorneys Cope?

Absence of control over the outcome of one's efforts, inadequate time to complete work satisfactorily, constant pressures to produce faster, the adversarial nature of most legal work, the dire consequences of an error in judgment or oversight—all are common sources of considerable stress in legal practice. In a recent sample of North Carolina lawyers, 31 percent of the respondents strongly agreed or agreed with the statement "I often feel worried or anxious."<sup>7</sup> Still, the majority of attorneys learn to cope successfully with these challenges.

There are differences in how people experience challenges. Stress is a physical reaction—it is our body's way of rising to the occasion and responding to any demand.<sup>8</sup> This response (commonly referred to as "fight or flight") is a good thing, because it allows the body to be optimally prepared for any situation. It is precisely how we interpret or perceive any challenge—the degree to which we feel "threatened" by that challenge—that determines the level of stress we experience. Temperamentally, some people are drawn to and invigorated by challenges, while others fear challenges and become overwhelmed. The extent to which we are naturally optimistic or pessimistic plays a role here as well. While some see a catastrophe around every corner, others are more naturally optimistic.

Because so much of an attorney's work requires anticipating and preparing for outcomes, coping with the stress of legal practice requires a certain amount of mental discipline. Learning to *prepare for, but not obsessing about*, potential negative consequences will significantly reduce stress. Keeping such situations in perspective will help as well. Since doing your job dictates

that you may not flee from most challenges, it helps to occasionally ask yourself whether or not a particular matter really justifies your current stressful reaction to it — or, whether it will appear to be so consequential a month later. This approach, practiced regularly, may help to ensure that the stress experienced is appropriate relative to the importance of the situation.

## Getting Help

Attorneys may be less likely to take care of themselves than medical doctors and other professionals. Psychologists have observed that attorneys, who are trained to be impersonal and objective, often apply the same approach to their personal problems and are reluctant to focus on their inner emotional lives. Some attorneys believe they should be able to handle their personal problems just as effectively as they handle their clients' problems.

Emotional distress, if not managed or treated, can lead to adverse impacts on an attorney's professional practice, clients, colleagues and personal life. Concerned colleagues and friends, therefore, should encourage a depressed or substance abusing attorney to seek professional help from available resources such as the LAP.

Legal professionals need an assistance program specifically geared to the unique pressures of legal practice and to the unique recovery support needs of attorneys. The Lawyer Assistance Program is that resource for all legal professionals licensed by the State Bar. Call toll-free 877-LAP 4 HELP (877-527-4435) for confidential assistance for yourself, a friend, a colleague, or a family member.

*Richard Carlton, MPH, is the Acting Director of the Lawyer Assistance Program at the State Bar of California.*



6 M. Seligman, *Authentic Happiness*, Free Press (2002).

7 National Institute to Enhance Leadership and Law Practice (Buies Creek, North Carolina), *North Carolina Chief Justice's Commission on Professionalism, State of the Profession and Quality of Life Survey* (2002-2003).

8 H. Selye, *Stress without Distress*, Philadelphia: J.P. Lippincott Co. (1974).



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# INCURABLE INSANITY AS GROUNDS FOR DISSOLUTION OF MARRIAGE

by Christopher Buechler Marin

Shortly after joining the bar in early 2010, I started what is now a going-on-four-year stint as a volunteer attorney in the Public Service Law Corporation Family Law Clinic (currently known as Riverside Legal Aid). Over those four years, I have assisted clients in preparing well over a hundred form petitions for dissolution of marriage. The form has two checkboxes for the petitioner to indicate the grounds for divorce: (1) irreconcilable differences (Fam. Code, § 2310(a)), and (2) incurable insanity (Fam. Code, §2310(b)). To this date, I have never had occasion to check box (2). However, four years is not a long time to be practicing law, so I shall dig a little deeper into this little-used ground for dissolution in the remote chance that it may arise in practice.

First, what is meant by the phrase “incurable insanity”? The Family Code does not provide a definition for incurable insanity as used in Family Code section 2310, subdivision (b). However, Family Code section 2312 states:

“A marriage may be dissolved on the grounds of incurable insanity only upon proof, including competent medical or psychiatric testimony, that the insane spouse was at the time the petition was filed, and remains, incurably insane.”

If I had to guess, I would imagine a functional definition of incurable insanity is “Whatever a competent medical expert finds that would lead a judge to decide that a person was incurably insane.” In terms of public policy, it may require something similar to irreconcilable differences: that the mental condition of the insane spouse has led to the breakdown of the marriage, and this condition is not likely to be cured. There is case law clarifying the definition of “incurable,” though. In *Wirz v. Wirz* (1950) 96 Cal.App.2d 171, the court held “with respect to incurability of insanity no higher degree of proof than well-grounded opinion evidence in the light of present day medical knowledge can be obtained. To require more certainty is unreasonable and would frustrate the intent of the Legislature.”

With the right to dissolution of the spouses of incurably insane persons established what of the rights of the incurably insane persons themselves? First, Family Code section 2313 explicitly states that they may be entitled to spousal support, and the court may order support or a

bond for the support of the insane person. Second, they are entitled to their due process of rights of notice and the opportunity to be heard by the court. Family Code section 2332 requires service of a petition on the guardian or conservator of the insane person. If the divorcing spouse is the guardian or conservator of the insane person, then the court must appoint a guardian ad litem. The court must also appoint a guardian ad litem even if there is no guardian or conservator, but I would be very hesitant to file any petition for dissolution on grounds of incurable insanity if a probate court has not found that a person is not competent to handle their own affairs. If the insane person has multiple guardians, the guardian of the person steps in on the issue of the dissolution of the marriage and the guardian of the estate steps in on the issue of property division and support.

Other than those technical requirements that apply only to petitions based on incurable insanity, it would appear that all other provisions of the Family Code regarding a dissolution proceeding apply, including preliminary disclosure of all assets, debts, income and expenses, spousal support and support for minor children. It would appear the only thing not allowed in a petition for dissolution based on incurable insanity would be a default judgment.

Dissolution of marriage because of incurable insanity is ultimately a crossroads between family law and probate law, and I have seen at least one situation where a probate conservator sought to divorce his conservatee wife and had the gall to attempt to get a default judgment due to the failure of her or her conservator (i.e. himself) to respond to his petition. Thankfully, the probate court caught wind of the situation and arranged for a guardian ad litem to appear in Family Law Court. Hopefully, we will not see many more cases like that, now that we can advise our probate and family law clients that dissolution on grounds of incurable insanity is an option that protects both parties.

*Christopher Marin, a member of the bar publications committee, is a sole practitioner based in Riverside with a focus on family law. He is also a Member-at-Large for the RCBA Barristers 2013-14 Board of Directors. He can be reached at christopher@riversidefamilylaw.com*





# THE ART OF NON-PROCRASTINATION

(DO AS I SAY NOT AS I DO AND STORIES OF WAITING UNTIL THE LAST MINUTE)

by Juanita Mantz

The art of procrastination is one I know all too well. Procrastination is an art and a skill, one I started practicing in grade school when I would read my mother's bath-water stained Harlequin romance novels rather than do math or vocabulary homework. In the morning, I would do my homework while eating my Lucky Charms.

In junior high and high school, I began cultivating the art. If a paper was due, I would wait until the afternoon (if I was lucky) or even the night before to start it. Soon, I convinced myself that I did my best work under pressure. It came to be commonplace for me to pull all-nighters. In my GATE English class freshman year, I still managed to pull an A, but the price I paid was chronic migraines from stress and anxiety. My dad (who was an insomniac) routinely yelled at me to go to sleep at 3:00 a.m.

Looking back, I have to say that I finally mastered the art of procrastination in college at UC Riverside while majoring in English Literature. I would write a ten page English paper in a 24 hour day writing non-stop and a 20 page English paper in two days. My partner in crime and fellow coffee drinker was my friend who I will call M. It became a kind of self-destructive game to see which one of us could wait the longest to start a paper. M. was a pro and she could turn out masterpieces of literary explication in mere hours. M. is now an English professor.

The worst experience I had at UC Riverside was in my Post-Modernism class. Professor Kinney assigned nine or ten books with a ten page paper on each, all due at the end of the quarter. I waited until two weeks before the quarter ended to read the books and write the papers. I am lucky I read quickly, but those two weeks were excruciating.

The worst experience I had regarding procrastination came in my third year at USC Law in 2002. I wrote my article/note for the Interdisciplinary Law Journal ("ILJ") on Law and Literature. The note was a literary explication of Conrad's *Heart of Darkness*, James Joyce's *Portrait of the Artist* and Nathaniel Hawthorne's *The Scarlet Letter* and how the novels dealt with the legal "other." I quoted scholars such as Edward Said but proudly cited no case law. I wrote the 50 page paper plus footnotes in a mere four days. About halfway through I thought I would not get it done and I would fail the requirement. A friend (who will remain unnamed) and I wrote our notes together and stayed in the ILJ offices taking "No Doze" and drinking copious amounts of coffee. I remember

rushing to drop the note off and I knew it was not perfect. Although I received a high grade, I knew in my heart that the quality of the writing suffered from the rush job. I did not attempt to publish my note (my only copy is on a floppy disc that I cannot find). In the end, the price I paid was disappointing my own self.

Unfortunately, nothing had changed by my first year of practice at the largest law firm in Texas. I continued to procrastinate but somehow I always managed to pull last minute miracles off. The motions were always finished even if I had to stay up all night. It also helped that the partners at the firm were all procrastinators themselves and motions were always filed on the deadline with minutes to spare. Yet, I still wonder what kind of civil lawyer I would have been if I had not procrastinated. And the stress of procrastination may have had much to do with my chronic insomnia and weight gain while in Houston. My point is, there is always a price to be paid for procrastinating and often, the price is steeper than we realize. It is easier to not procrastinate.

At my last law firm job as a mid-level associate, I continued to procrastinate. A federal 40 page motion with a partner from LA comes to mind. The partner, a procrastinator of epic proportions himself, was known for his screaming fits. He ranted and raved as we made the final edits together and we filed it electronically with seconds to spare. We had stayed at the office all night finalizing it and I remember driving home from LA to the Inland Empire nodding off at the wheel.

What finally cured me of my tendency for procrastination was my job at the Public Defender's Office. By my first year on the job in misdemeanor trials (11 trials in eight months), I learned that if you did not keep on top of the work load it became overwhelming. I also learned while running a calendar that it was a good idea to do the easy stuff first. And, I started putting that rule into effect with motions and other tasks. For the first time in my life, I began using post-its and following a to-do list and it worked.

Now by my fifth year here at the Public Defender's Office and more than a decade of practice, I am an avowed non-procrastinator. I almost always file my motions early and I have learned that prosecutors (themselves procrastinators) still ask for additional time to respond even when a motion is filed three weeks or a month prior to the court

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date (rather than the statutory required ten court days). Ultimately, I have learned that it does not hurt to file a motion early and it helps with time management.

The only place I still have not cured myself of procrastination is with my creative writing. This article was assigned months ago and yet, I started it on the Tuesday the week it was due (the same week I started a felony trial). It just goes to show that bad habits are hard to break and all one can do is try to make progress.

Just for the record, the final edit of this article was turned in the Friday night it was due at 11 p.m. which is

way past my bedtime and for this 40-something attorney is akin to pulling an “all-nighter”.

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*Juanita Estella Mantz is a felony trial attorney with the Law Offices of the Public Defender in Riverside, California. Her memoir about her life growing up in the Inland Empire is in progress and her essays have been published in literary journals and magazines. Juanita is an alumni of UC Berkley's VONA summer writing workshop and more stories about her life in the Inland Empire can be found at her blog at <http://www.lifeofjemcom-jemmantz.blogspot.com/>.*



# PROFILE OF A DRS MEDIATOR: JAMES O. HEITING

by Krista Goodman

*Editor's Note: We at DRS want the members of the RCBA to know the mediators on our panel dedicate their time and services to help us run our programs for the benefit of the public of Riverside County. We hope you enjoy the opportunity to read more about this mediator's personal and professional history. We are truly grateful to have James O. Heiting and his expertise on our Board and on our panel.*



James O. Heiting

A past president of the State Bar of California, the Riverside County Bar Association and The Other Bar, attorney James O. Heiting has practiced as a managing partner of a successful law firm in the Inland Empire for over 38 years. Founded in 1976, Heiting & Irwin specializes in the areas of personal injury, medical malpractice, legal malpractice, general liability, governmental liability, equine law and claims, employment litigation, business, and real estate litigation.

With a philosophy deeply based on putting the client first, it is not surprising that Heiting's career aspiration as a young adult was to become a doctor. Only during a high school chemistry class did he discover that colorblindness might prevent him from helping patients to the best of his ability. Instead, he chose to study business and accounting.

"It just so happened that when I was in my sophomore year in college my family needed a lawyer," Heiting said. "When we engaged a lawyer, I found him to be rather aloof and uncaring. He didn't seem too interested in us and what we felt was a really important, life-changing situation."

Discontent over the experience left such a profound impact on Heiting that he decided to pursue a law degree, which he completed at the Western State University College of Law in 1975. "I became a lawyer because I wanted to be able to treat clients like I wanted to be treated," Heiting said.

He aimed to bring compassion and understanding to his work and to maintain an open dialogue with his clients so that they would not feel in the dark about

their cases — all values he continues to make a priority in his client relationships today.

Heiting began his legal career as a law clerk. He became an attorney for the same law firm after passing the Bar in 1976. In 1978, the law firm disbanded, leading him to start his own practice.

"One of my first projects was to work on an appeal in a criminal matter," he said. "To see how the nuances of the law and how the details that you can find in appropriate legal research can affect outcomes and how they can affect some-

one's life was fascinating and remarkable to me."

Heiting joined the RCBA in 1977, where he has continuously served on a number of committees and in a variety of capacities throughout his legal career. He served as its president from 1996 to 1997. In 2009, he received the James H. Krieger Meritorious Service Award, the highest honor bestowed by the RCBA.

A supporter of alternative dispute resolution methods, Heiting currently serves as a director on the executive board for RCBA Dispute Resolution Service, Inc.

"Keeping the client's interests in mind, the mediation and arbitration process becomes very valuable," Heiting said. "It's much less costly, it's a lot quicker and it many times gets the client the maximum settlement possible."

The RCBA is only one among many organizations in which Heiting has deeply invested his time and energy. He is a current trustee of an International Lawyers group; a founding member of the Leo A. Deegan Inn of Court; co-founder of the local chapter of the Federal Bar Association; current chair of the Substance Use Disorders Advisory Board to the Health Law Section of the American Bar Association; a past president and current executive board member of The Other Bar; a member of the Alternative Dispute Resolution Committee for the California Judges Association; and a member of the American Bar Association Dispute Resolution Section.

Heiting served on the Board of Governors for the State Bar of California from 2002 through 2006, representing the counties of Riverside, San Bernardino, San Luis Obispo, Ventura and Santa Barbara. He was

vice-president and treasurer in 2004 and was elected to the presidency of the State Bar in 2005. Heiting is the only attorney from the Inland Empire area to become a president of the State Bar of California.

"It was very humbling that I was elected to that post," he reflected, "and it was remarkably uplifting. I am always so grateful for that opportunity, including being a part of a lot of decision-making, and committees and groups that can and do change the courts and change the course of the law."

One of the initiatives that he was able to help implement was a "Pipeline Program" that works with high schools to develop and encourage disadvantaged students to go to law school and be successes as lawyers and judges.

"The program was designed to encourage diversity, encourage the discouraged, encourage the disenfranchised and encourage the disadvantaged to go through school to become lawyers, and once they were lawyers to become judges and then as judges to become justices," Heiting said. The program moved on to become not only an important program to the state, but also an adopted initiative of the American Bar Association, added Heiting.

More than anything else, Heiting cites relationships and encouragement as the driving influences behind his professional accomplishments. "The relationships that I developed in the RCBA led to all of the successes that I have enjoyed over the years," he said. The RCBA gave him the groundwork and the relationships he needed to build, to succeed and to move in circles where he could make positive and long-term contributions to the legal and non-legal community on a local and national level.

Heiting has many personal interests, including a musical background and appreciation for the fine arts. He currently serves as president of the Riverside Lyric Opera Association.

The owner of 12 horses, he is also the current president of the Tennessee Walker Association of California. He competes as a rider in World Championships with his horse, Dragonfire. Together they have won six World Championships and three World Grand Championships.

He and his wife Cindy have three adult boys and six grandchildren.

On his investment in such a broad spectrum of professional service activities, Heiting remarked with sincerity, "They all make me better. They make me a better lawyer or they make me a better person. One of the two things, I always believed that our existence is as human beings first, and then secondly in the career we choose."

He added, "If I have something I can give, I want to be able to give it."

For more information on Heiting & Irwin, visit [heitingandirwin.com](http://heitingandirwin.com). For more information on RCBA Dispute Resolution Service, Inc. and its services, visit [rcbadrs.org](http://rcbadrs.org) or phone (951) 682-2132.

*Krista Goodman is the public relations coordinator for RCBA Dispute Resolution Service, Inc. and a current graduate student at the University of Southern California, where she expects to complete her Master's degree in Strategic Public Relations in June 2014.*



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# OPPOSING COUNSEL: ISABEL C. SAFIE

by *Melissa Cushman*

Isabel Safie, who has recently been promoted to partner after seven years as an associate at Best Best & Krieger LLP (BB&K), is a native of inland Southern California and the oldest of five siblings. Her mother, Olivia Jauregui, was a much-beloved tower of strength who raised her children to value education and hard work, lessons Isabel has taken to heart.

Unlike many attorneys, Isabel can pinpoint the exact moment she decided to become a lawyer. At the tender age of fourteen, right after her middle school graduation, her grandfather took her aside and asked what she wanted to do with her life. He suggested a legal career would be a good fit for her. They discussed the possibilities and, from that point on, Isabel made that her goal.

In pursuit of her goal of becoming a lawyer, Isabel was a stellar student who became particularly interested in the area of environmental justice. Although, at the time, she did not even dream it was possible she could one day attend an Ivy League school, Isabel learned about a 12-week environmental science program at Stanford University for underprivileged or underserved students with strong academic backgrounds. Isabel was keenly aware of the struggles her mother and others in the Hispanic community faced, and was sure the program would be a key opportunity to help educate her and give her some of the tools she needed for pursuing higher education. She persuaded her mother to let her attend, and she excelled during her time with what is now known as the Quest Scholars program. It gave her connections to people who helped shape her life, further inspired her to become a lawyer, and opened many doors for her.

While Isabel was in high school, her family moved to Fontana. She continued to study hard and excelled, with her mind ever-focused on the goals of attending college and, ultimately, law school. She was so focused that she repeatedly refused to go on dates, worried they would distract her from achieving her aspirations. But, on the day of her high school graduation, with her diploma and college acceptance to Stanford University in hand, she finally relented and agreed to go on a date with classmate



*Isabel C. Safie*

Omar Safie. One date turned into more, blossoming into a long-term, long-distance relationship. While Isabel attended Stanford, where she majored in Political Science and minored in Human Biology, Omar, meanwhile, attended college at the University of California, Riverside. While Isabel was hundreds of miles away, Omar looked after her mother and siblings, and developed such a close relationship with her family that Isabel's sisters sometimes refer to him as "dad."

Deeply devoted to her family and needing to be closer to home to care for her mother, who had been diagnosed with Amyotrophic Lateral Sclerosis (ALS) also known as Lou Gehrig's disease, Isabel elected to go to law school closer to home, attending University of California, Los Angeles (UCLA). Isabel remembers her time in law school as one of the most challenging periods in her life, commuting from and to west Los Angeles during her first two years to care for and spend time with her mother as the disease progressed much more rapidly than anyone could have anticipated. While taking a leave of absence might have been prudent, Isabel did not see that as an option because she knew that her academic success was a point of extreme pride for her mother and was the road to a better life for her mother and younger siblings. Isabel and Omar married the summer before her final year in law school in 2004, and moved into their new home in Fontana less than a month later, bringing along her mother and four siblings. For almost two years, Isabel and her family cared for her mother until she passed away due to complications brought on by ALS in May of 2006, less than a year after Isabel began her career at BB&K.

Long before coming to work for the firm, Isabel had first learned about BB&K in high school as part of a job shadowing program. She had expressed interest in becoming a lawyer, and the program arranged for her to be assigned to shadow BB&K attorney John Wahlin, a partner in the Business Services department. When on-campus interviewing began at UCLA, Isabel chose to interview with BB&K and ended up working there as a summer clerk in 2004. After the summer program

ended, she continued to work at BB&K, assuming a part-time clerk position during the school year.

Isabel began her career at BB&K with an expectation that she would develop into an ERISA attorney, but instead, she has developed a thriving practice advising public employers on employee benefit matters, including pensions and retiree health benefits, in addition to taking on tax and non-profit matters. Part of her unusual career arc is undoubtedly related to the economic cycle, since her career began near the end of the economic boom. While work with private employer clients decreased significantly when the recession hit, public employer work skyrocketed, leaving Isabel busier than ever. Through this work, Isabel developed a specialty relating to the vested rights doctrine and the California Public Employees' Retirement System.

As a brand-new partner, Isabel looks forward to continuing to grow her practice and the profile of the firm in her areas of expertise. With all of this, she manages to successfully balance being a wife to Omar and mother to their two young boys, Mateo, 6, and Gabriel, 3. She is a long-standing member of the board of directors of Quest Scholars, working to help give others some of the opportunities she had and, in memory of her beloved mother, participates in the annual Walk to Defeat ALS to raise money for research and awareness about the disease. She has also begun mentoring students in the Puente Program at Riverside Community College. For the future, Isabel and Omar have dreams of doing even more, and are looking to potentially start their own non-profit to create scholarships to help talented but underprivileged children who lack funds to participate in extracurricular school activities.

*Melissa Cushman is an associate in the Environmental and Natural Resources practice group and a co-worker of Isabel's at Best Best & Krieger LLP's Riverside Office.*



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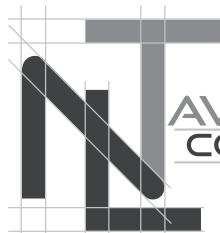
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# JUDICIAL PROFILE: JUDGE DAVID CHAPMAN

by Mary Gilstrap

Courtesy, respect and enthusiasm for an oft-times difficult job: these are the hallmarks of the newest judicial officer sitting in the Desert branches of the Riverside County Superior Court – the Honorable David Michael Chapman.

Despite his relative newness to the bench, Judge Chapman is no stranger to a courtroom. He is a five-year veteran of the Los Angeles County and Riverside County District Attorney offices and acted as senior trial counsel since 1983 in the offices of renowned trial lawyer Thomas Anderson. For almost 30 years, Judge Chapman's practice was primarily devoted to representing clients in product liability, wrongful death, professional malpractice, insurance and business fraud cases. Then came the fateful call on Christmas Day in 2012 when his world changed.

"I had a missed call on my cell on Christmas Eve," recalls Judge Chapman. Joshua Groban, the senior appointment secretary to Governor Jerry Brown, had left Judge Chapman a voicemail asking him to call him back. "I called Mr. Groban back and he said 'Hey, the Governor asked me to tell you that he has appointed you as Judge to the Superior Court.'" Speechless, Judge Chapman was just as impressed with the fact that both Mr. Groban and the Governor were working early on Christmas Day and had taken the time to tell Judge Chapman the good news.

Since taking the bench in March of 2013, Judge Chapman has become increasingly appreciative of how hard his fellow judges and commissioners work in order to be prepared each morning. Judge Chapman concedes that he always "judged a judge" by how prepared he or she was, and as a result, believes it is critical that he now spend the time to read the work product of the attorneys appearing before him. Judge Chapman is not daunted if he runs across something he does not know or has not seen before. Joseph Gibbs, a business lawyer and litigator in the desert, says one of the most admirable qualities of Judge Chapman is that he is not afraid to admit when he does not know something and is candid enough to say so. "I really respect that," says Gibbs, who has been a friend and colleague of Judge Chapman's for more than 30 years. "I think it sets him apart." And, if Judge Chapman does not know something, Gibbs says he has no qualms about



Judge David Chapman

hitting the books and doing the research until he figures it out.

Judge Chapman believes that the practice of law "is truly an art" and says that he is rarely critical of how a lawyer chooses to present a case. He appreciates lawyers who concede things that should be conceded, and notes in passing that their credibility with the court is greatly increased by doing so. "The shotgun approach," he says, "is not the most successful."

Currently assigned to Department PS2 in Palm Springs, Judge Chapman presides

over one of two civil trial departments in the desert, each with between 1200 and 1400 active cases. He is assisted by his court reporter Terri Dickneider, his clerk Becky Willeford (who coincidentally worked for his law firm 20 years ago) and Riverside County Sheriff's Deputy Jeff Mason. "Trying to keep all the balls in the air with such a heavy caseload is a challenge," says Judge Chapman, who admits that the job is much more demanding in terms of time commitment than he anticipated. But, "people are incredibly helpful and the staff go out of their way to help when I need the help," Judge Chapman states.

Judge Chapman obtained his law degree from the University of San Fernando School of Law, and has a Bachelor of Science degree in political science from Arizona State University. Married to his longtime sweetheart Mary Jeanne, the couple have one son, Chasen, who is a student at Cornell University.

Judge Chapman has been active in the legal community in the desert since moving there in the 1980s. He has served as president of the Desert Bar Association and is a co-founder of the Warren E. Slaughter-Richard Roemer Chapter of the American Inns of Court. Most recently, Judge Chapman has taught at the California Desert Trial Academy College of Law, the Coachella Valley's only law school, along with fellow Judge John G. Evans. Judge Chapman was recently profiled in the December 12, 2013 edition of the Los Angeles *Daily Journal*.

*Mary E. Gilstrap is a former president of the Desert Bar Association. She is a partner of Roemer & Harnik LLP in Indian Wells.*



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## MEMBERSHIP

The following persons have applied for membership in the Riverside County Bar Association. If there are no objections, they will become members effective February 28, 2014.

**Ryan Matthew Ahern** – Law Office of Paul Grech, Riverside

**Randy Kenneth Bell (S)** – Law Student, Visalia

**Sarah B. Carattini-Garcia** – Sole Practitioner, Fontana

**Mark Casey Cunningham** – Sole Practitioner, Costa Mesa

**Dina Farhat** – Ewaniszyk Law Firm, Victorville

**Carla Galindez** – Law Offices of Vincent W. Davis, Arcadia

**Cora Gonzales (A)** – LCA (Leaders In Community Alternatives), Riverside

**Michael Timothy Lough** – Sole Practitioner, Upland

**Chantal Renee McCoy** – Sole Practitioner, San Diego

**Robert F. Messinger** – San Bernardino County Counsel's Office, San Bernardino

**Milena Miric** – Sole Practitioner, Corona

**Michael Paul Newman** – Sole Practitioner, Riverside

**Shelli K. Newton (S)** – Law Student, Beaumont

**Esther A. Nguonly** – Nguonly Law Group, Anaheim

**Rebecca Mary Perkins** – Law Office of Robert Deller, Riverside

**Gouya A. Ranekouhi** – Kazerouni Law Group APC, Riverside

**Brian A. Rouse** – Sole Practitioner, Murrieta

**Michael D. Shafer** – Shafer & Associates Inc, Norco

**Summer Shaw** – Hanover & Shaw, Palm Desert

**Julie Sinning (S)** – Law Office of Dawn M. Saenz-Taylor, Riverside

**Steve Snider** – Law Offices of Warren Snider, Riverside

**Sheela Stark** – Law Offices of Sheela A. Stark, Rancho Cucamonga

**Darren S. Veracruz** – Nguonly Law Group, Anaheim

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### Superior Court of California, County of Riverside – Notice of New Court Fees

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- As a result of an amendment to California Rules of Court rule 8.130, a \$50 fee shall be charged to parties who deposit funds with the court for the cost of a reporter's transcript (Government Code section 70632).
- As a result of the enactment of Assembly Bill (AB) 1293, a \$40 fee shall be charged for a request for special notice in decedent's estate, guardianship, conservatorship, and trust proceedings (Government Code section 70662).

A revised statewide civil fee schedule is available on the court's website at <http://www.riverside.courts.ca.gov/> by selecting Fee Schedule under the Forms and Filing tab.



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