



THE BAR ASSOCIATION OF SAN FRANCISCO BULLETIN

August 2013

Volume 10 / Number 8

Farella Braun + Martel: Advancing the Right to Civil Counsel

By Janice Reicher
Associate, Farella Braun + Martel

Farella Braun + Martel celebrated its 50th anniversary last year by reaffirming its longstanding commitment to public service. This year, Farella has continued its tradition of service by joining the Justice & Diversity Center's (JDC's) Right to Civil Counsel Pilot Program under the leadership of partner Tony Schoenberg. Since January, Farella attorneys have worked hundreds of hours defending unlawful detainer cases, providing full-scope representation to tenants facing catastrophic evictions that have threatened to leave some homeless. The impact of the partnership between Farella and JDC has been significant and, at times, life-changing for the tenants, all of whom are indigent and/or recent immigrants.

After paying her rent faithfully for almost a decade, Ms. Wong*—an immigrant from China who speaks little English—was shocked to learn that her landlords were evicting her and her family for alleged nonpayment of a single month's rent and questionable noise-related nuisance claims. In fact, she had a bank statement proving that



Photo credit: Jeni Fong

Farella RTCC Project Team from left, Marc Tarlock, Allyson Deraps, Kelly Matayoshi, Alex Porcaro, Janice Reicher, Tony Schoenberg and Christopher Wheeler

she had paid her rent, and her neighbors had never complained to her about any noise. Ms. Wong's greatest fear was that her two young children, both excelling at a nearby school, would have to relocate and lose the stability that she and her husband had worked so hard to give them. Securing a better future for her children was her motivation for immigrating to the United States from China. After removing the other neighbors from their rent-controlled units, the landlords had targeted the

Wong home, which they could rent in the current market for more than double what Ms. Wong was paying. With limited English proficiency and no experience with the U.S. legal system, Ms. Wong felt helpless.

One week before the case was set for trial, Farella senior associate Christopher Wheeler and I took Ms. Wong's case from the JDC. We were

Continued on page 6
*The client's name has been changed.

Former BASF President Nominated to Federal Court Bench



JAMES DONATO

President Obama nominated former BASF President James Donato, a partner at Shearman & Sterling, in June to become a judge on the federal court in San Francisco.

Donato, who served as BASF president in 2008, is currently an antitrust and class-action lawyer. He graduated from UC Berkeley and Stanford Law School.

San Mateo County Superior Court Judge Beth Freeman was also nominated.

Both were recommended as nominees by California Senator Dianne Feinstein and these appointments require Senate confirmation.

Nominations Now Being Accepted for 2014 Barristers Club Board of Directors

The Barristers Club Board of Directors is accepting applications for 2014. Directors determine the club's mission and set policy and procedures to fulfill the club's mission.

Directors supervise and facilitate Barristers Club activities by serving as liaisons to Barristers Sections and Committees, and participating on ad hoc committees in connection with major events (e.g., the Judges Reception). Directors represent the Barristers to the legal community and the public.

Candidates must be BASF members who were admitted to the bar on January 1, 2004 or later. The Barristers Club and its board encourage diverse eligible members of BASF to apply for



KAPLAN

“As a young attorney, I saw many Barristers members that I knew and respected join the board and speak highly of their experience providing professional development opportunities and developing a community of the next generation of lawyers. Since joining, I learned first-hand that the Barristers board offers a rewarding experience and an excellent network.”

- 2013 Barristers Club Board President Sebastian Kaplan
Fenwick & West

the Barristers board.

To be considered for a nomination, you must submit a personal statement no later than September 3, 2013.

The statement should include your education and legal background, area of practice, your involvement with the Barristers Club, other bar associations, or community service organizations. We encourage you to include any other

information that you believe will assist the committee in making an informed decision. Your statement should not exceed 350 words and should not include the names of endorsers. In addition, you may include your resume, if you like.

Submit your statement by email to barristers@sfbar.org.

Legal by the Bay

blog.sfbar.org

The Bar Association of San Francisco's blog

Find all of the articles in this BASF Bulletin, and more, at blog.sfbar.org

news • resources • community
subscribe • contribute • share

Legal Writing Tip: Compound Words

Their rules can be complicated and hard to remember. Read this article as a refresher!

Page 4

Family Law Corner: When Can a Court Use Its Discretion in Parenting Plans?

Read about former "Gossip Girl" star Kelly Rutherford's contentious divorce and child custody issues.

Page 5

Former Scholarship Recipient Gives Back Through Mentorship Program

2011 scholarship recipient Edelmira Diaz is helping to bring more diversity to the legal field.

Page 8

Members in the News / Page 3

Justice & Diversity Center Legal Services News / Pages 6-7

ADR News / Page 9

Lawyer Referral and Information Service News / Page 10

JDC Annual Gala / Back Cover

Farella is Committed to the Right to Civil Counsel

Continued from page 1

up against a highly experienced and aggressive landlord attorney. Full trial preparation ensued. By the time our team arrived in court on the morning

attorneys. Firms that participate in the Right to Civil Counsel Pilot Program not only increase access to justice for individuals who cannot afford counsel,

Firms that participate in the Right to Civil Counsel Pilot Program

increase access to justice for individuals who cannot afford counsel

JOIN THE RIGHT TO CIVIL COUNSEL MOVEMENT

provide their attorneys opportunities to advance trial and advocacy skills.

DOUBLE YOUR IMPACT

WWW.SFBAR.ORG/RTCC

of jury selection, we had motions in limine, jury instructions, voir dire questions, exhibits, and witnesses lined up to testify. The landlords backed down and agreed to a settlement that would restore stability to the Wong household. Ms. Wong expressed that everyone who helped her fight this eviction confirmed her belief that the United States is a great country. “We are privileged to serve clients like Ms. Wong and proud of Farella’s pro bono commitment,” Wheeler noted.

Cases like this present a tremendous opportunity for law firms and

but also give young attorneys early opportunities to advance their trial and advocacy skills. “Woven into the fabric of Farella’s culture is our core value of community service,” said firm chairman Steve Lowenthal. “We’re proud of the impact we’ve had on the lives of the people we’ve represented through JDC’s Right to Civil Counsel Pilot Program and look forward to our continued partnership.”

For more information about the Right to Civil Counsel Pilot Project, visit www.sfbar.org/rtcc.

Justice & Diversity Center’s Homeless Advocacy Project: Helping the Homeless Community One Client at a Time

Martin* had been living in his unit in the Tenderloin District of San Francisco since 1999. In 2002, he started to have serious habitability problems in his unit – infestation of rodents, cockroaches and insects, mold covering the entire apartment, broken appliances, inadequate heat, and a landlord who was unresponsive to his constant requests for repairs.

supervising attorney and a hearing was subsequently scheduled. By the time of the hearing, a new company had purchased the building and they were open to negotiations to make Martin’s apartment habitable again. A deal was negotiated whereby the new management company was to make all needed repairs within two weeks – which included a complete renovation



As a senior citizen on a limited income Martin was forced to stay in the unit because he could not afford to move. He came to the Justice & Diversity Center’s Homeless Advocacy Project (HAP) for help. A law student summer intern filed a petition with the San Francisco Rent Board under the supervision of a HAP

of the unit – and the client did not have to pay rent for eight months in consideration for the years he suffered in the inhabitable unit.

For more information about HAP’s work, visit www.sfbar.org/HAP.

*The client’s name has been changed.

Bike-A-Thon Raises More Than \$18,000 for Legal Services Programs

More than 50 people had fun biking and running at Crissy Field while raising \$18,251 for the Justice & Diversity Center’s (JDC) legal services programs. The amount raised surpassed any past Bike-a-Thon fundraising efforts, and exceeded last year’s total by more than \$4,000.

Thanks to everyone who biked, walked, donated and cheered! Special thanks to JDC intern Michelle Luu for all her hard work to make this event a success!



JDC President Chris Kearney leads bikers over the Golden Gate Bridge and into the Marin Headlands



From left, Andrew Muir, Monica Mazzei and Diana Richmond from Sideman & Bancroft



From left, Hector Retta, Emilia Retta, Michael Pallas, Helen Lau, Don Cheney, Clifton Noble, Erin Katayama and Katey Wade

Many thanks to the Bike-a-Thon’s sponsoring law firms:

Bryan Cave
Keker & Van Nest
Pillsbury Winthrop Shaw Pittman

JDC is grateful for in-kind donations from:

AlphaGraphics
Noah’s New York Bagels
Sports Basement
Starbucks
Trader Joe’s

Congratulations to our top individual fundraisers:

Grace So, Morgan, Lewis & Bockius
Fabrice Vincent, Lieff Cabraser Heimann & Bernstein
Douglas Sullivan, Crowell & Moring

Congratulations to the top three teams:

Keker & Van Nest
Bryan Cave
JDCyclists, JDC staff and friends

JDC thanks and congratulates the 16 teams that enthusiastically raised funds and came out to show their support:

4 Chainz (JDC’s Homeless Advocacy Project staff)
Bike Shorts are Torts, Fenwick & West
Bryan Cave
CBDubs
Crowell & Moring
Hanson Bridgett
JDCyclists, JDC staff and friends
Keker & Van Nest
Lieff Cabraser Heimann & Bernstein

MoFolks, Morrison & Foerster
Morgan, Lewis & Bockius
The Paul Hastings Pedalers
Pillsbury Pedalers
The Quadra Bees - BASF Barristers Board Bicyclers
Reed Smith Riders
Sideman & Bancroft