



Co-President's Column

A CHANGE OF PACE

By Andrea Kimball



Okay, I admit it. Last month I crossed over to the other side. Now, I know what you are thinking and let's not be ridiculous! My cross-over was only temporary and involved me switching gears from civil practice to criminal prosecution. I participated in the District Attorney's rotation program and became what is commonly referred to in that office as a "Rent-a-D.A." (I prefer the term "Special Guest Prosecutor" myself, ala Heather Locklear who was a five-year "special guest" on Melrose Place.)

The D.A. Program entails a month-long stint in the San Diego County District Attorney's office, usually Vista or El Cajon, where civil lawyers get the opportunity to test their trial skills on misdemeanor cases. Several local firms participate in the program and essentially loan senior associates to the district attorney's office to obtain jury trial experience. The D.A.'s office provides guidance and supervision but let me tell you, the world of criminal law was quite different from my civil practice.

First of all, every one of the defense lawyers I encountered was extremely collegial and civil. I attribute this to the fact that I was in the Vista office and the public defenders and prosecutors interact with each other daily. Nonetheless, the level of civility was a pleasant change from the contentious east-coast and L.A. lawyers that I deal with every day.

"When I was handed a file and told "They are waiting for you in Department 5," I could only respond "What are they waiting for?" A trial, of course..."

Another thing that struck me was the ability of the deputy D.A.s to think on their feet. When I was handed a file and told "They are waiting for

you in Department 5," I could only respond "What are they waiting for?" A *trial*, of course, and I had all of the short elevator ride to figure out the defendant's name and the charges. After obtaining that key info and a mild cardiac arrest, it was time for me to pick a jury and we were under way! I now have the utmost respect for the D.A.s and criminal defense counsel who practice in that environment every day. Obviously, it makes my civil world of depositions and the luxury of a year to prepare for trial seem like summer camp.

Perhaps the best thing about the D.A. program was the lack of billable hours. Imagine a job where you are constantly challenged, in the courtroom every day and your worth is not measured in six-minute increments! In sum, my experience with the D.A. Program was incredibly rewarding and my thanks and hats off to everyone in the Vista office who made my time there so enjoyable. Special thanks to THLA members David Rubin, the Assistant Chief to the

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December 2002

Sun	Mon	Tue	Wed	Thu	Fri	Sat
1	2	3	4	5	6	7
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Schedule of Events

**Sunday, December 15, 2002:
Annual Holiday Party
Bourbon Street, 5-7 p.m.**

**Thursday, January 9, 2002:
Board Meeting, 5:30 p.m.
MCLE: Insurance Coverage, 6:30 p.m.
CAL WESTERN Law School**

**Saturday, January 18, 2003
THLA Mentor/Mentee Event
Time/place T.B.A.
Please save the date!**



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THE GLBT COMMUNITY NEEDS YOUR HELP!

By Shelby Stuntz

I spent some time thinking about Ted's article in the last newsletter and it was truly heartening to see someone excited about the possibilities that lie within this association. We are privileged as attorneys (myself not yet included) with a wealth of information, and with the ability to help so many who are desperately in need of the guidance and advice we have to offer.

The San Diego (LGBT) Center will be rolling out a legal services clinic in January 2003. The clinic is designed to address the varied legal needs of the San Diego LGBT community. The foreseen client needs are widespread, ranging from immigration and employment questions to landlord/tenant issues, estate planning, and domestic partnership filing. Initially we are in need of a "family friendly" referral list, composed of attorneys willing to offer advice and guidance to those in need of more assistance than the clinic will be able to offer on site.

If you are interested in being a part of a referral list or have questions regarding the clinic, please contact Shelby Stuntz at stuntzsl@tjssl.edu or Win Anderson at 619.295.5277 or Win2001st@aol.com. Your time and energy will be appreciated by many!

UPCOMING MCLE

The Tom Homman Law Association will present a program entitled "**Land Mines and Gold Mines of Insurance Coverage for Civil Litigators**" on Thursday, January 9, 2003. The program (which is free of charge) will commence at 6:00 p.m. in the 3rd Floor Reading Room of the California Western School of Law classroom building, located at 350 Cedar Street in downtown San Diego. MCLE credit will be available for members of the California Bar. Refreshments will be served.

"Land Mines" are five potential traps for attorneys who overlook the availability of insurance in civil litigation. The "Gold Mines" are five ways in which insurance coverage can be used in civil litigation to completely fund both the defense and settlement of a case.

The program should be of significant interest to business litigators. Not only is insurance a much overlooked tool in business litigation (often not considered at all), it is a complex, dynamic and constantly changing area of the law. It can literally be a land mine for anyone not constantly up to date on the law, or, alternatively, a gold mine for those who follow closely and understand the law.

The seminar touches upon several recent California Supreme Court and appellate decisions addressing issues such as pre-tender defense costs, settlement without consent (*Jamestown Builders, Inc. v. General Star Indem. Co.* (1999) 77 Cal.App.4th 341), notice duties under claims-made policies, the duty to defend (*Buss v. Superior Ct.* (1997) 16 Cal.4th 35), coverage for breach of contract claims (*Vandenberg v. Superior Ct.* (1999) 21 Cal.4th 815), excess coverage, and *Cumis* issues.

The Program will be presented by:

GARY W. OSBORNE directs Osborne & Nesbitt's coverage litigation practice. Gary has successfully argued cases before state and federal trial and appellate courts throughout Southern California. He has taught trial advocacy and deposition skills as a faculty member/lecturer for the National Institute for Trial Advocacy at programs in Seattle, San Francisco, Oakland, Palo Alto, and San Diego.

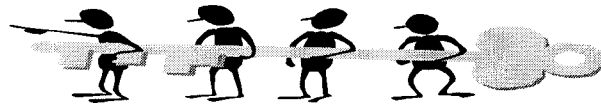
DOMINIC S. NESBITT directs Osborne & Nesbitt's coverage analysis practice. Dominic initially trained as a Lloyd's insurance broker with J.H. Minet & Co. in London before entering law school. Dominic's practice (in London and in California) has been exclusively in the area of insurance coverage analysis pertaining primarily to commercial general liability, property, directors and officers, and professional liability policies. Dominic is Chairman of the Insurance Section of the San Diego County Bar Association.

ANNOUNCEMENTS/REMINDERS

Remember to join THLA for the annual HOLIDAY PARTY on December 15, 2002, at Bourbon Street, 5-7 p.m. – or check out the THLA web site www.thla.org for more info.

Also mark your calendars for a THLA mentor meeting networking event on January 18, 2003.

I hope this year ends well for each of you and I see you at upcoming THLA events!



HAVE A SAY IN THLA *BOARD VACANCY*

THLA is seeking to fill board of director vacancy in publicity. Members are welcome and encouraged to volunteer. Please contact either Ted Roberts at (619) 699-5111 or Andrea Kimball at (619) 233-2986. The board meets on the first Thursday of each month for about two hours.

Mentors Needed

THLA's law student mentoring program is in need of additional attorneys to volunteer time as mentors to LGBT law students at the three San Diego area law schools. Mentors are asked to provide guidance and support in career development, coping with law school, and providing contacts and experiences to help students bridge the gap from law school to actual practice. Mentors are needed in all areas of practice. To volunteer, or for additional information, contact Julius DeGuia at (619) 531-4072.

Law Week Poster/Essay Contest Judges Needed

Volunteers are needed to help judge posters and essays submitted by local students as part of the SDCBA's law week celebration in May. Judges will meet for about 2 hrs to review entries and make their selections.

To volunteer, contact Lea Fields at LFields@sandiego.gov.

Breaking news... Breaking news... Breaking news... Breaking news... Breaking news

State Bar Opts Out of Anti-Gay Dispute

This week, the State Bar of California announced that it will not be considering a policy prohibiting judges from belonging to groups that discriminate against gays and lesbians. Instead, the State Bar is deferring a decision on the issue to Supreme Court Chief Justice Ronald George claiming that this is a matter that affects the judiciary and should be decided by California's top judicial officer, Justice George. As many of you know, this summer, the San Francisco Superior Court unanimously approved a policy that forbids members of that bench to belong to groups that discriminate against the GLBT community, including the Boy Scouts.

The Bar Association of San Francisco pressed the San Francisco bench to adopt the policy after the Boy Scouts v. Dale ruling, which allowed the Scouts to exclude GLBT persons from its membership. The next step in adopting a statewide version of the policy appears to be in the hands of Justice George. This debate could result in a clash between judge's First Amendment rights and the California's Judicial Ethics Code, Canon 2C, which already prohibits membership in "any organization that practices invidious discrimination on the basis of race, sex, religion, national origin, or sexual orientation."

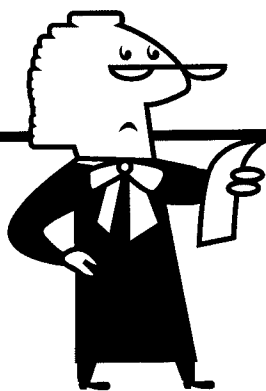
Stay tuned as this will surely be an issue that THLA will be following closely.

KUDOS

Congratulations to THLA Board member, Drew Woodmansee, who was recently recognized in the *San Diego Lawyer* magazine for his pro bono contributions to, among other worthy causes, the San Diego Volunteer Lawyers Program HIV and AIDS Legal Clinic. Congrats to Drew for being acknowledged and to all the THLA members who continuously donate their time to make a difference not only in the GLBT community, but throughout San Diego.



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Vista office, and Board member Julius De Guia for their advice during my stint.

I am sure many of you are wondering what it was like to spend October and the first week of November in the D.A.'s office immediately prior to the election. It was definitely an exciting time to be a fly on the wall. As you know, last week Superior Court Judge Bonnie Dumanis defeated incumbent Paul Pfingst in a hard-fought campaign. When Judge

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Dumanis takes office in January, she will make history as the first openly GLBT county district attorney in the United States.

Congratulations to Judge Dumanis as she takes the helm of a very talented crew of attorneys, many of whom made it clear that the office was ready for a change in leadership.