

## Meet the Member

Jonathan Schneeweiss, J.D., LL.M.

*What is your exposure or experience with law?*

I obtained my B.A., from Hofstra University, J.D. from Syracuse University, and an LL.M. George Washington University (Environmental law). I served as a Lieutenant in the United States Navy JAG Corps. After leaving the Navy, I was an Associate at Luce Forward Hamilton and Scripps in their Environmental/Land Use Planning practice group, then Senior Deputy County Counsel for the County of San Diego. Three years ago, I started selling real estate. I am currently associated with Coldwell Banker Residential Real Estate where I work with developers, buyers and sellers. I also consult with developers on projects throughout the county.



*What is your current title or position?*

Broker Associate, Coldwell Banker Residential Real Estate, President, Jonathan Schneeweiss, Inc. (Real Estate Acquisition and Development Services Company)

*Why did you get into the practice of law?*

I got into the practice of law because the profession is respected and challenging. I was also hooked on L.A. Law in college (seriously).

I was starry-eyed in college and wanted to make a difference in this world and still believe that a legal education can be a powerful tool to help effectuate change. I can also use the skills in business, which is my true passion. I knew one day I would get into business and my legal experience has proved invaluable to my business.

*Where were you born and raised?*

I was raised in Cazenovia, New York, a small town of 3,000 people in upstate New York near Syracuse.

*How long have you lived here in San Diego?*

I moved to San Diego on July 28, 1996. (After 10 years, I'm a native, right?)

*How long have you been a member of thla?*

I have been a member of THLA since about 2001. I was previously on the Board and am happy to rejoin the Board and help keep up awareness in San Diego! ▼

## President's Column

Lilys McCoy, THLA President

The THLA board has been busy planning activities and events for THLA members. We had a successful and fun time at Pride - a contingent of us marching in the Parade for the first time in several years. Kudos go to immediate past-president Ted Roberts for coordinating our entry. Gregg St. Cyr, Tamara Keller, Shelby Stuntz and, most important, Tamara's mom worked the crowd like old pros, passing out magnets and generally raising heck. T-shirts are still available for \$20.00 each. Email Gregg St. Cyr at gregg@conwaystcyr.com if you are interested.

We had a well-attended student

reception at *Thomas Jefferson School of Law* with students from all three law schools mixing and talking with THLA members. We have a wine-tasting trip coming up on November 4, 2006 and our annual holiday party coming up on December 7, 2006.

In September, board members Shelby Stuntz and Tamara Keller represented THLA at the annual LavLaw Conference in Washington D.C. I asked Shelby to share some insights about her experience. She had this to say:

*Only one year ago THLA had the pleasure of hosting Lavender Law in San Diego and happily the presence of the San Diego LGBT legal community remained in the forefront at the event this year in Washington, D.C. Our local community was represented immensely well with presentations by the Honorable Theodore M. Weathers, Bridget J. Wilson, Paula S. Rosenstein, Professors Julie Greenberg and MaryBeth Herald, and sponsorship by local firm, Stock Stephens, LLP. The conference provided an excellent opportunity to exchange ideas and network with some of the brightest and inspired attorneys in our community. I encourage everyone to save the date for the 2007 conference in Chicago (September 6-8, 2007).*

Our new website is almost up and running thanks to the hard work of *Javelin Web & Media*. Scott Carr of Javelin has been great to work with and we will be sending an email blast to all of our members once the new site is live.

On one very serious note, many of you have heard about the letter sent by judicial candidate Larry Kincaid to some of his supporters. In that letter he called THLA "the most radical group of homosexual and lesbian attorneys in the United States." Mr. Kincaid also stated that

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his opponent, Rod Shelton, "is also a member of the NAACP, which is a radical socialist, pro-gay marriage organization." In an interview with NBC 7/39, Mr. Kincaid said that his description of Shelton in the letter was his opinion and based on private conversations he had with his opponent. About those conversations with Mr. Shelton, Mr. Kincaid told the news organization: "...I cannot elaborate on factual information about either a sitting judge or my opponent, so I really can't repeat the info in those conversations. I would like to, but I'm forbidden by law."

Prior to this letter being written, THLA endorsed Mr. Shelton. Based upon the tone of Mr. Kincaid's letter, we now believe that this election is of urgent and critical importance for the maintenance of a fair and independent judiciary.

In summary, get out and vote, and, drop by a THLA Board meeting or event - we'd love to see you! ▼

### Superior Court Judge Office 36

THLA proudly endorses **Rod Shelton**, Deputy District Attorney. This race is a top priority for THLA. As you may have heard, Rod's opponent, Larry Kincaid, has targeted specialty and minority bar associations and THLA in particular. In a recent letter, Mr. Kincaid called THLA "the most radical group of homosexual and lesbian attorneys in the United States and were part of the radical gay effort which opposed the voter approved Prop. 22, one man-one woman marriage initiative."

Because Mr. Kincaid has shown his distrust and dislike for THLA, NAACP, and La Raza Lawyers, among others, and because he has done so in writing, the Board does not believe that Mr. Kincaid is committed to the elimination of

bias or the maintenance of a fair and independent judiciary. ▼

### San Diego County Bar Association

THLA proudly endorses **Stacy Fode** and **Daniel Holsenbeck** for the SDCBA Board of Directors. Both of these candidates were interviewed by the Board and impressed the Board with their intelligence, experience, and commitment to equality for all. ▼

### Ask An Expert

In our next issue, we plan to feature Q&As about things such as landlord/tenant, domestic partnership and criminal legal issues. If you have an idea or question, email it to [tmelling@luce.com](mailto:tmelling@luce.com). ▼

### Calendar

- The Center Gala**  
7:00 pm, The Center ..... Oct. 21, 2006
- THLA Board Meeting**  
5:30 pm, The Center ..... Nov. 2, 2006
- THLA Board Meeting**  
5:30 pm, \*\* ..... Dec. 7, 2006
- THLA Holiday Party**  
Jonathan & Terry's Home  
\*\*4620 Narragansett Avenue  
6:00 pm, Ocean Beach ..... Dec. 7, 2006

### Board of Directors

- Oliver P. Cleary
- Gregg St. Cyr
- Jennifer Kagan
- Tamara Keller
- Anita Margolis
- Lilys McCoy
- Torr Melling
- Theodore E. Roberts
- Jonathan Schneeweiss
- Shelby Stuntz

If one really wishes to know how justice is administered in a country, one does not question the policemen, the lawyers, the judges, or the protected members of the middle class. One goes to the unprotected—those, precisely, who need the laws' protection most!—and listens to their testimony.  
**James Baldwin** (1924-1987), U.S. author. *The Price of the Ticket, "No Name in the Street"* (1972).

### Committee Chairs

- Co-President**  
Lilys McCoy ..... 858.300.1900
- Secretary**  
Shelby Stuntz ..... 619.223.2986
- Treasurer**  
Gregg St. Cyr ..... 619.807.8262
- Program Chair**  
Ted Roberts ..... 619.699.5111
- Law School Liaisons**  
*California Western School of Law*  
Barbara Cox ..... 619.525.1413  
*University of San Diego School of Law*  
John Adkins ..... 619.260.4766  
*Thomas Jefferson School of Law*  
Bryan Wildenthal ..... 619.297.9700
- Newsletter**  
Oliver Cleary ..... 619.231.8874  
Torr Melling ..... 619.699.5557

### 2007 California Lawyer Attorneys of the Year Awards

THLA wants to encourage you to nominate a GLBT or GLBT-friendly lawyer for the 2007 CLAY Awards.

If you know of someone you would like to nominate for their outstanding work in 2006, go to [californialawyeromagazine.com](http://californialawyeromagazine.com) for criteria and to submit a nomination form. Submissions deadline is December 1, 2006. ▼

### Advertisements and Other Notices

#### FREE NOTARY SERVICES

Free notary services to anyone wishing to file Declaration of Domestic Partnership papers with the State of California. Contact Torr Melling at 619.699.5557 or [tmelling@luce.com](mailto:tmelling@luce.com).

#### RESEARCHER ON LGBT RIGHTS NEEDED

The New York office of Human Rights Watch is looking for a full/part-time researcher for LGBT rights. If you are interested and for more information, please go to [www.hrw.org](http://www.hrw.org).

#### YOUR NOTICE HERE

On a space-available basis, we'd like to offer members of THLA a means to advertise for LGBT legal-related notices.

## **Q&A With Blue Copas, Discharged Gay Army Arab Linguist**

By Torr Melling

*What prompted you join the military?*

I was in college at the time of the terrorist attacks of September 11 and I decided to put my studies on hold to serve my country.

*Since you've been discharged (January 2006), what have you been up to now that you're out of the army?*

I have returned to my studies for my master's degree in counseling.

*Were your former Army friends and/or work associates supportive of you?*

Yeah, pretty much all of my colleagues and superiors were supportive. I never felt that [my job in the army] was a hostile work environment.

*Were any of your former Army friends and/or work associates vocal to your superiors in support of you?*

There was an understanding and acceptance of my sexuality. Once the investigation started, several of them had plenty of opportunities to speak out about things they knew of me personally [to help build a case against me], but they didn't because I think they felt [my discharge] was unnecessary.

*Any who were homophobic?*

None that I had direct interaction with.

*Did that surprise you?*

I was spoiled because I was in the intelligence community and most of my colleagues were college graduates and they were more open-minded.

*Were you pleasantly surprised by any reactions?*

Even my commander, when the investigations began, did everything he could in his power to



defend me and try to prevent my discharge. However, in the end, his hands were tied and in order to protect me and his career, he had to act in accordance with the policy. One of his last comments to me before I was discharged was one of regret and that "[discharging me under "Don't Ask, Don't Tell"] was the last time [he] ever wanted to so in [his] career."

*What do your parents/grandparents think?*

That's a different story. Due to their religious beliefs, I don't find much support within my family.

*Are you estranged from them?*

No, I'm currently living with them. My younger sister is my best friend, so I find a lot of support from her. Even with her, though, there's a lot of strain because my parents don't understand and they're afraid for religious reasons. She's in a difficult position between me and my parents.

*Do you regret anything about what happened?*

About the only regret I have is that I didn't fight the charges against me. According to the policy as I understand it, they must have a 'credible source' to investigate. However, in my case they didn't have one. So, in that respect, I wish

I would have fought the charges to remain on active duty. Ultimately, [my discharge] made me a stronger person.

*If "Don't Ask, Don't Tell" were reversed tomorrow, would you return to active duty if allowed?*

I guess at this point in time, I have a bitter taste regarding the investigation and discharge, but I would love to serve my country again if I were allowed.

*Of all the interviews you've done, which ones did you like the most?*

The Daily Show with Jon Stewart because they put a humorous spin on [the policy and my discharge] to inform and educate their audience. Several of the radio talk shows I've done, for instance, don't necessarily reach that number of viewers. Overall, the opportunity has made me very proud and at the same time, humble because I'm representing a lot of people currently serving in silence, and one I don't take lightly.

*Which one did you like the least?*

I did Alan Colmes's show on a Fox News affiliate. Going in, I was somewhat apprehensive. During the show, there were several nasty callers, but even Alan was quick to put them in their place.

*What are your plans for the future?*

I'm finishing school here in Tennessee and I'm hoping to move to the DC area and do some humanitarian work after school is finished.

*Are you dating anyone now?*

Nope. [laughs] I don't have the time to invest in a relationship due to school and keeping my voice heard [about discharges under DADT] in the media.

*Which organizations were helpful in getting you through this experience?*

Certainly SLDN [Servicemembers Legal Defense Network] and especially my friends helped me get through it. ▼

## Update On Property Tax Issues Affecting Domestic Partners

By Jonathan Schneeweiss, J.D., LL.M., & Broker Associate,  
Coldwell Banker Residential Real Estate

Recently, domestic partners suffering through the death of their partner or "divorce" may be hit with the shock and realization that being gay in America is not always fair. Imagine living with your partner in your family home for thirty years that you bought for \$40,000 that is now worth \$900,000. Without proper planning, domestic partners can be hit with a reassessment if their spouses dies, or they get divorced. The law in California changed for the benefit of domestic partners, but litigation regarding that law remains unresolved.

The California Constitution generally limits real property taxes to 1% of the full cash value of the property (plus certain assessments). People in California commonly know this rule as "Proposition 13." With the incredible appreciation of real property in San Diego over the last ten years, Proposition 13 has become increasingly important to protect homeowners whose property values have, in some cases, increased over 100%. Without Proposition 13, many homeowners would be forced out of their homes if it could be reassessed and taxed at market value.

Generally, a piece of real property can only be

reassessed when purchased, newly constructed, or when there is a "change of ownership." Prior to January 1, 2006, the law excluded from the definition of "change of ownership" specified transfers of real property between family members and transfers made for the purposes of perfecting title to property. SB 565 included a provision excluding property tax reappraisals for domestic partners. This law built upon a Board of Equalization rule and the Board's subsequent broadened interpretation of that rule, both of which protect registered domestic partners from property tax reassessment upon the death of one partner. SB 565 codified the BOE rules and expanded the protection to inter vivos changes (that is, those between living persons). Starting with the 2006-07 fiscal year, SB 565 excludes transfers of property between registered partners from the definition of "change in ownership" in Rev. & Tax. Code § 62, so that partners will not be subject to reappraisals and property tax increases upon the death of one partner, or upon dissolution or legal separation, as is the case for spouses. The constitutionality of the BOE's rule was challenged by several counties in California in *Strong v. Board of Equalization*, Case No. 05AS01701. After the Sacramento Superior Court upheld the BOE rule in March 2006, the counties appealed. The case is now being briefed to the Third Appellate District (Appellate Case No. C052818). ▼

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### Tom Homann Law Association

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San Diego, CA 92103-3398

[www.thla.org](http://www.thla.org)

TO:

"if there were no bad people  
there would be no good lawyers."

-Charles Dickens (1812-70), English novelist.  
Mr. Brass, in *The Old Curiosity Shop*, ch. 56 (1841)

ADDRESS CORRECTION REQUESTED