



## PRESIDENT'S MESSAGE

### A Glimpse Inside our Supreme Court

by Kelly Robbins

Ten Queen's Bench Board members enjoyed insights into our own Supreme Court as we sat in Justice Kennard's chambers on



September 15. I was captivated as Justice Kennard provided our small group an explanation of the procedural and behind-the-scenes progress of a Supreme Court Opinion.

All of this started with follow up on an invitation made after Justice Kennard won the 2007 Lifetime Achievement Award at the Queen's Bench Past Presidents' Dinner. She graciously asked that we contact her to come and see her at the Supreme Court.

We did contact her and she generously gave of her time, hosting us in her chambers for an hour and a half. The amazing parts were, in my opinion, first that we were there! Second, that there was so much to learn about the progress of a Supreme Court opinion. We did not see any case names, but we were shown (from a distance) a draft opinion, which had blue ink edits all but covering the initial draft; then she held up the second draft, which had blue ink almost covering it, and so on for at least three more drafts. Wow!

We also learned about the method of assignment for opinions — all assigned by the Chief Justice. But the

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## Visit With Justice Kennard

As many of you may recall, Queen's Bench honored California Supreme Court Justice Kennard with the Lifetime Achievement Award at the 2007 Past Presidents' Dinner. At the dinner, Justice Kennard extended a special invitation to visit her at the Supreme Court. On September 15, 2008, ten members of the QB Board and QB Foundation Board met with Justice Kennard in her chambers for a behind the scenes lesson on what happens when a case is filed with the court. Several of the QB participants share their perspectives on the visit:

Justice Kennard impressed me with her passion for excellence in legal writing; what an inspiration!!

— Kelly J. Robbins, QB Board President

I am inspired by Justice Kennard's dedication to do what is right, although it may not be what is popular. I am further inspired by her courage to take a stand on the tough questions that face the legal community and society as a whole.

— Barbara L. Harris Chiang, QB Board First Vice President

As a judge, I was reminded of the truths I already know, but know better now. It isn't the number of decisions you write, or the number of words in those decisions, which represents how hard you work. It's your integrity, perseverance and thoroughness.

— Hon. Anne Torkington, QB Board Director

In the short amount of time of a 90-minute visit with Associate Justice Joyce Kennard in her chambers at the CA Supreme Court, my respect for



Front Row, L to R: Hon. Ruth Astle, Lisa Rauch, Justice Kennard, Kelly Robbins, Barbara Harris-Chiang. Back Row, L to R: Eliza Rodrigues, Carol Salvagione, Kelly Francis, Sarah King, Maria Schopp, Hon. Anne Torkington.

the court and for her specifically has multiplied ten-fold. Justice Kennard is the embodiment of a dedicated, well-respected and highly intelligent jurist. She dedicates many hours of her day to the people of this state by giving her all to her position. Although her workload is insurmountable at times, she reads every petition provided to

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# Proposition 4 or the Minor's Anti-Right to Privacy Law

by Mary Catherine Wiederhold

Proposition 4, on the November ballot, seeks to mandate that all minors who want to terminate their pregnancy must go through one of three extended mazes. The minor must either have her doctor notify a parent 48 hours before obtaining an abortion, or notify law enforcement that she fears her parents are violent and notify another family member, or go through judicial proceedings. It is only after one of those three labyrinths is accomplished can the minor go back to the doctor for the care and counseling she seeks.

In both 2005 and 2006, California voters soundly defeated two similar measures regarding a minor's right to abortion free from parental notification. However, backers have again obtained enough signatures to qualify their measure for the ballot. Current California law provides that if a minor finds she is pregnant and decides to end her pregnancy, she can make an appointment with a health care provider. On the day of her abortion, the minor receives counseling focusing on the nature of the procedure. The doctor also ensures the minor is capable of giving informed consent and that ending her pregnancy is what she wants. After the abortion, the minor receives follow-up care and counseling.

Under the proposed Proposition 4, however, when the minor finds out she is pregnant and tells her doctor she wants to end the pregnancy, bureaucratic wheels begin to grind. The doctor or her staff must ask the minor her age. If she is under 18, she cannot obtain an abortion until she has gone through a daunting and invasive state mandated process.

One option would be to notify the minor's parents using a form provided by the California Department of Health Services. The form alerts the minor's parents that she is pregnant and has requested an abortion. The doctor's staff interviews the minor to find out which parent should be notified, the parent's name and address and what the parent's primary language is. Then, the doctor can do one of two things. The doctor could either go to the minor's house or send a staff member to personally hand deliver the information to the minor's parents. This is known as 'Actual Notice.' Or the doctor could send two envelopes with the identical notice to the minor's parents. The first envelope must be sent by certified mail, restricted delivery return receipt requested, and the second envelope must be sent by first-class mail. This is known as 'Presumed Notice.' Under this method, the doctor must wait to begin counting 48 hours until noon of the second day after the certified mail envelope is postmarked, excluding postal holidays.

After 'Actual Notice' or 'Presumed Notice' is completed, 48 hours must pass before the minor can actu-

ally end her pregnancy unless the parent gives his or her consent in advance. The parent can do this by obtaining a special form from the Department of Health Services, filling it out and either: (1) taking the form to a notary and giving it to the minor for future reference, (2) personally taking the form to the doctor, or (3) taking the form to a notary and sending it to a doctor.

Within 30 days after the minor has had the procedure to terminate her pregnancy, the doctor must send a form to the State of California detailing the minor's age, date of the minor's abortion, pregnancy duration, type of medical procedure, facility where the abortion was performed, whether the abortion was performed after 48 hours actual notice of a medical emergency or parental waiver and how many pregnancies the minor has had.

If the minor fears that her parent or guardian has a history of physical or emotional abuse and tells the doctor this fact, the State of California and Children's Protective Services then becomes involved. The doctor must hand the minor a paper and tells her she must write a description of all the abuse she has ever suffered at their hands. If the minor is willing to turn her parents into law enforcement, then she may elect to have the doctor send the notification form (as described above) to a relative.

If the minor elects to write a description of the abuse she suffered and to notify another adult family member instead of her parent, the doctor must make a child abuse report to the police or child protective services, and the doctor must attach the minor's written statement to the abuse report. The doctor must put a copy of the 'child abuse' report in the minor's written statement in the minor's medical file. Then the doctor or her staff member interviews the minor to find out which adult family member should be notified. They explain who qualifies as an 'adult family member' and ask the minor for the name, address and primary language of the relative. If the minor does not have all of this information, then she will have to return to the doctor another time.

The 'child abuse' report is forwarded to either Child Protective Services or to the police. From there the report is investigated and ultimately forwarded to the Department of Justice where even an unsubstantiated abuse report can remain indefinitely. If the police receive the report of abuse, then they will respond immediately, take a report and determine whether a follow-up investigation is warranted. If the police determine abuse has occurred, they can submit the case to the District Attorney's office who may file a criminal abuse complaint against one or both of the minor's parents.

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## President's Message

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question came up: when does the entire Court rule on a matter? Surprising to me, it is after the Justice assigned to prepare an opinion has drafted the opinion!! So that raises the question: what if you are assigned a case, go through the laborious process of writing an opinion (all that work) and the other justices do not agree with you? Will you re-write the opinion? Not if you are Justice Kennard, you won't. You will instead have a dissenting opinion. So, any time you see some pundit trying to quantify the work of any of our Supreme Court Justices by counting the number of opinions they author, do not for a moment believe the number of opinions authored quantifies their 'work load'.

As the meeting wound down, I commented on the amazingly fast response of her past law clerk/student externs last fall when the announcement was made that she had won the Lifetime Achievement Award from Queen's Bench. Within a week, a score of attorneys, from all over the Bay Area, were organized to sit together at the Past Presidents' Dinner and support Justice Kennard. At the mention of this fact, Justice Kennard then showed us a huge binder (again from afar, and only one of several) which held the cards and notes she has received over her 18 years on the Court, from her prior externs. Hearing how she keeps track of their cards and notes demonstrated the close mentoring relationship she has with her externs.

After our meeting, I have a whole different perspective on what comes to us in the form of a final California Supreme Court order. We are very fortunate to have the Court system that we do, and the dedicated Justices who so passionately care about the quality of their work. We are also fortunate to have Justices who make the effort to provide a supportive environment in which they and their staff/externs can all work together.

## QB Reception Hosted by Past President Eliza Rodrigues and Thelen Law Firm

*by Adrienne J. Miller*

A special reception was hosted and held at the Thelen Law Firm with Past President (2003) Eliza Rodrigues as our QB hostess on September 9, 2008. Members of the 2008 Board, led by our President Kelly Robbins and several past presidents and young members attended a lovely evening of reunion for the past presidents and a get together of newer members. Adrienne Miller, Past President (1987), started the evening off by asking all who were in attendance the question: "Why has QB lasted as the oldest Women's Bar Association in California?" It was wonderful to hear from everyone present, both newer members and the past presidents, Renee Rubin (1969), Hon. Ollie Marie-

## Visit With Justice Kennard

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her and works with her staff to fully evaluate the issues. Hearing that her former interns keep in touch with her is no surprise. She is a great mentor and teacher. Justice Kennard is an inspiration to all women in law.

— *Eliza M. Rodrigues, QB Board Director and QB Past President 2003*

Justice Kennard gave us a behind-the-scenes peak at how decisions are made at the Supreme Court. The amount of work devoted to each petition was stunning.

— *Sarah King, QB Board Director*

I was impressed with how much time Justice Kennard took with us to explain the process. She was so gracious.

— *Hon. Ruth Astle, QB Nominating Committee Member*

I found our visit with Justice Kennard inspiring on both a professional level and a personal level. I was so impressed by Justice Kennard's dedication to the law and the personal sacrifices she took to reach the esteemed position of Associate Justice of the California Supreme Court. I was also struck by how much work goes into the review of each application that is made to the court, even before the application is even considered by the members for action.

— *Maria Schopp, QB Foundation Board Treasurer and QB Past President 2005*

Justice Kennard generously shared her time to give us insight into the real workings of the California Supreme Court. She provided a fascinating glimpse into the incredible amount of attention, detail and effort that goes into responding to each Petition to the California Supreme Court. It truly was an honor to meet with her and to be reminded of how privileged Queen's Bench is to have her support.

— *Kelly Francis, QB Foundation Board Member*

Victoire (1974), Dr. Ruth Rymer (1976), Shirley Yawitz (1977), Hon. Ruth Astle (1984), Hon. Charlene Kiesselbach (1986), Heidi Hugo (1999), Lisa Rauch (2002), Eliza Rodrigues (2003), Maria Schopp (2005), and Joanna Frazier (2006) that QB has lasted so long because of its ability to create an organization that supports, inspires, and engages its members to high ideals of leadership, friendship and success. Many stated that they would not have had the careers that they achieved if they did not have QB as a resource for both legal opportunities and education. Everyone in attendance had an evening to remember and to inspire for the future.

# QB and Minority Bar Coalition Honor Judge Charlene Padovani Kiesselbach With Unity Award

by Sarah M. King, Queen's Bench Director

The Queen's Bench and the Minority Bar Coalition are proud to announce that they have awarded the 2008 Queen's Bench/Minority Bar Coalition Unity Award to the Honorable Charlene Padovani Kiesselbach (formerly Mitchell). Judge Kiesselbach was chosen due to her lifelong leadership and outstanding achievement in promoting diversity in the legal community.

Judge Kiesselbach has been a San Francisco Superior Court Judge since 1998, having previously served on the San Francisco Municipal Court. Judge Kiesselbach has been a member of the Queen's Bench since 1979, and served as its President in 1986. During her presidency, Judge Kiesselbach established the Juvenile Hall Project, a program that provides companionship, enrichment activities and mentoring to pre-teen and teenage girls in "lock up."

In 2004, Judge Kiesselbach instituted the Color of Justice, a program designed to encourage minority

and disadvantaged high school students to consider a career in the law — the first of its kind in California. The half day interactive program involves judges, attorneys and law students, and is offered to 11th graders in San Francisco public schools. In addition, Judge Kiesselbach presently serves as the Judicial Liaison for California Women Lawyers, and conducts CWL's "So You Want To Be A Judge?" program throughout the State.

These and many other achievements make Judge Kiesselbach an inspiration to women in the legal community and beyond. Queen's Bench is proud to count Judge Kiesselbach as a member and to bestow its 2008 Unity Award upon her. If you would like to register to attend the 2008 Unity Conference and/or Unity Awards Reception on October 10, 2008, please contact [minoritybarcoalition@yahoo.com](mailto:minoritybarcoalition@yahoo.com).

## Work/Life Balance and Employment Committee

### Profile of QB Member Diane Barry

As part of the Queen's Bench Work/Life Balance and Employment Committee column that was mentioned in the July/August newsletter, our first profile is of Diane Barry, an e-discovery attorney and consultant. If you have a career question, please let us know. Please contact Leslie Hom at [leslie@lesliehom.com](mailto:leslie@lesliehom.com).

Diane Barry, Director of Discovery Planning and Management for IQWEST, and a Queen's Bench member, carved out her own career path and found success by following her strong interest in electronic data discovery. Although she started out at a major California law firm working long hours in litigation on a traditional path toward partner, over the years she realized that what she enjoyed most was handling the e-discovery issues that were showing up with more and more frequency in her cases. As a result, she became proficient in handling e-discovery.

She then made the leap to working as a consultant providing e-discovery planning and execution for other attorneys. She works on all kinds of cases and quickly learned that the transition from attorney to consultant gave her greater flexibility in balancing her personal life.

While at Yassar College, Barry took four years of symbolic logic and computer programming. This choice gave her an edge later in dealing with programming and electronic data in litigation. Being in the right place at the right time — in California at the beginning of the tech revolution — worked in her favor. She credits California culture for its openness to working in new ways, such as the willingness to hire expert consultants to handle specific aspects of litigation.

Barry points out that collaboration was also crucial in her ability to succeed. She brings together IT experts, attorneys, and her own expertise in obtaining permission from the courts to access computer information. Career opportunities in this area of law and technology are continuing to grow, with major law firms creating new positions for e-counsel within their ranks.

Practice tip: If you anticipate doing any type of electronic data discovery in your case, be sure to send out a form letter at the outset demanding that the opposing side preserve its electronic data. You can email Ms. Barry at [dbarry@iqwestit.com](mailto:dbarry@iqwestit.com) for sample letters in .pdf format.

# SOS: Animal Abuse and Domestic Violence

By Stephanie Parks

Research indicates that when animals are abused, people are often also at risk. This can hold brutally true in the context of family violence, wherein beloved animals may become part of abusers' efforts to terrorize and control their victims. In fact, a preponderance of women and children seeking shelter from domestic violence relay stories of animal abuse, reporting that their batterers have threatened to or have actually harmed, tortured or killed their pets. Animal abuse becomes part of the batterer's effort to harass, intimidate or silence human victims. As the batterer likely knows, when a victim of family violence is forced to weigh a pet's safety against his or her own, pet protection becomes another barrier to leaving the violent environment.

In an effort to remove this potential barrier, several states, including California, have begun to implement more comprehensive legal safeguards for animal victims of domestic violence. In 2007, Governor Arnold Schwarzenegger enacted a bill (SB 353, authored by State Senator Sheila Kuehl, D-Santa Monica, amending Family Code § 6320) to explicitly empower family and criminal courts to include animals in domestic violence restraining orders and, with good cause, to award exclusive care or control of the pet to the petitioner when necessary to ensure the animal's safety (dispelling judicial concern that such a custody award would constitute a pretrial division of property). Court forms must reflect these changes by July 1, 2009.

In the meantime, education and training of police and other civil servants will improve the allocation of resources in response to situations involving both domestic violence and animal abuse. In Summer 2008, for instance, approximately 100,000 California state law enforcement officers will receive specialized training in the proper management of animal cruelty cases. Included in the video telecourses (collaboratively created by police and sheriff's departments, district and city attorneys' offices, and animal control) is a segment dealing solely with pet abuse in domestic violence cases.

Likewise, continuing efforts to increase awareness of the correlation between animal abuse and family violence can and should lead to advances in the programs and services offered in the public arena. For example, veterinarians made aware that repeated injuries to a family pet may indicate violence in the home might learn to recognize animal abuse as a distress signal, of domestic violence, and would then have the opportunity to assist in detection and prevention.

Finally, abuse shelters and other non-profit organizations can provide greater practical protection for both pets and their abused owners by seeking to expand their

services. Where space and safety permit, shelters can help reduce barriers by adopting pet-friendly policies or offering kennels on-site. Alternatively, shelters may collaborate with animal welfare organizations to provide safe-haven foster programs for the pets of fleeing abuse victims. In San Francisco, for example, the Department of Animal Care and Control's Safe Pets Program provides temporary shelter for pets of domestic violence victims.

For a directory of pet-friendly abuse shelters and safe-haven programs, or for further information regarding the link between animal cruelty and human violence, please refer to the Humane Society of the United States' First Strike program, a campaign to provide support and protection for both human and animal victims of family violence ([www.hsus.org/hsus\\_field/first\\_strike\\_the\\_connection\\_between\\_animal\\_cruelty\\_and\\_human\\_violence/](http://www.hsus.org/hsus_field/first_strike_the_connection_between_animal_cruelty_and_human_violence/)).

## Proposition 4

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Once the state mandated forms are completed, the doctor must write a letter to the family member and use either the 'Actual Notice' or 'Presumed Notice' as discussed above. 48 hours must pass before the minor can actually end her pregnancy.

Proposition 4 also provides for a laborious 'judicial bypass' process where the minor must find the juvenile court, fill out forms, and ultimately tell a judge why she needs an abortion.

We all want our daughters, whatever their ages, to talk with us about their reproductive choices. Realistically, there may be times in which a minor may not want to or fear the results of having a conversation about ending her pregnancy. The fear of physical harm, being kicked out of their house, or other abuse are valid reasons for not involving parents in a discussion. The problem with 'parental notification' laws like Proposition 4 is that it does nothing to further discussions between minor and parents, but it does impede the minor from having an abortion. In the end, that result is ultimately what the backers of Proposition 4 want to achieve.

*Mary Catherine Wiederhold is the chair of the Queen's Bench Legislative Issues & Reproductive Rights committee.*

There will be a panel discussion on Proposition 4 on **October 29** at the Thelen Law Firm with Amy Everitt from NARAL, Margaret Crosby from ACLU and Pratima Gupta, MD MPH, from Physicians for Productive Choice. [See flyer.](#)

# ANNOUNCEMENTS ...

## The Path to Effective Leadership

Howard Rice and Queen's Bench invite you to "The Path to Effective Leadership" presented by marketing and business development coach, Donna Bedford, on Thursday, **October 16, 2008** at Howard Rice Nemerovski Canady Falk & Rabkin. See enclosed flyer for details.

## QB Annual Members' Meeting

The Queen's Bench Annual Members' Meeting will be Wednesday, **October 22, 2008**, at 5:30 p.m. at Sheppard, Mullin, Richter & Hampton LLP. Pre-registration is requested by October 15, 2008. See enclosed flyer for details.

## So You Want to be a Judge?

Save the date!!! California Women Lawyer's presents "SO YOU WANT TO BE A JUDGE?" on Saturday, **October 25, 2008** in Sacramento. Please see enclosed flyer for more details and to register for this event.

## Amicus Committee Meeting

The Amicus Committee will be having a meeting on **October 28, 2008** at 5:30 p.m. at the offices of Howard Rice located at 3 Embarcadero Center, 7th Floor, San Francisco.

## Job Opportunity

### Attorney, Mergers & Acquisitions Integration

Global Law Group/Corporate Business Development  
Applied Materials, Inc., Santa Clara, CA  
Job ID 801358

This position will report to the legal head of Corporate Business Development, directly supporting the work of Applied Materials' Integration Group as part of the M&A function in Corporate Business Development.

Applied Materials is an Equal Opportunity Employer committed to diversity in its workforce.

For more information and to apply for the position, please contact Sharon Gibbings at [Sharon\\_Gibbings@contractor.amat.com](mailto:Sharon_Gibbings@contractor.amat.com).

## Member News

Congratulations to **Honorable Mary Wiss**, Past President 1988, on being elected as the First Woman to Lead the California Judges' Association.

**Mia O. Solvesson**, member of the Queen's Bench Scholarship Committee, was honored by the Eviction Defense Collaborative on September 9, 2008. Congratulations Mia!!

## Queen's Bench New Members

Please welcome the following new members who joined between August 20 and September 24, 2008:

- Sarah G. Crangle  
Tate & Associates
- Corey Davis-Scida  
Berman, Glenn & Haight
- D'Lonra Ellis  
Howard Rice Nemerovski  
Canady Falk & Rabkin
- Sarah Givan  
Howard Rice Nemerovski Canady Falk & Rabkin
- Janelle J. Sahouria  
Morrison & Foerster LLP
- Tabatha Yin  
Hedani Choy Spalding & Salvagione



## QUEEN'S BENCH NEWSLETTER

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Bar Association of the San Francisco Bay Area,  
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NEWSLETTER EDITOR: Lisa A. Freitas

ADMINISTRATIVE OFFICE:

816 E. Fourth Avenue

San Mateo, CA 94401-3317

Telephone: 415-249-9280

Facsimile: 650-344-1588

E-mail: [QueensBench@astound.net](mailto:QueensBench@astound.net)

Internet: [www.queensbench.org](http://www.queensbench.org)

ADMINISTRATOR: Maurine Killough

### 2008 OFFICERS

KELLY ROBBINS ..... President  
BARBARA L. HARRIS CHIANG. .... First Vice President  
AMEE A. MIKACICH ..... Second Vice President  
SOPHIE N. FROELICH ..... Secretary  
REBECCA HOOLEY ..... Treasurer  
LISA FREITAS ..... Asst. Secretary/Treasurer

### 2008 DIRECTORS

SARAH M. KING  
PAMELA MARKERT  
HON. ADRIENNE JACOBS MILLER  
LISA KLOTCHMAN RAUCH  
ELIZA M. RODRIGUES  
HON. ANNE BEYTIN TORKINGTON

# 2008 COMMITTEE CHAIRS AND SPECIAL APPOINTMENTS

## Amicus Briefs

Sarah King  
Howard Rice Nemerovski Canady Falk & Rabkin LLC  
Three Embarcadero Center, Seventh Floor  
San Francisco, CA 94111-4024  
(415) 434-1600 (T)  
[sking@howardrice.com](mailto:sking@howardrice.com)

Sara Banola  
Cooper White & Cooper  
201 California Street, 17th Floor  
San Francisco, CA 94111  
(415) 765-0308 (T) / (415) 433-55 (F)  
[sbanola@cwclaw.com](mailto:sbanola@cwclaw.com)

Suizi Lin  
Furtado Jaspovice & Simons  
22274 Main Street  
Hayward, CA 94541  
(510) 582-1080 (T)  
[suizi@fjlaw.com](mailto:suizi@fjlaw.com)

## Awards

Hon. Ina Levin Gyemant  
3701 Sacramento Street, #333  
San Francisco, CA 94941

Lisa Klotchman Rauch  
Thomas Whitelaw & Tyler LLP  
3 Embarcadero Center, 13th Floor  
San Francisco, CA 94111-4003  
415-820-0400 (T) / 415-820-0405 (F)  
[lrauch@twtlaw.com](mailto:lrauch@twtlaw.com)

## Business Development

Sophie N. Froelich  
Nossaman LLP  
50 California Street, 34th Floor  
San Francisco, CA 94111-4707  
(415) 438-7293 (T) / (415) 398-2438 (F)  
[sfroelich@nossaman.com](mailto:sfroelich@nossaman.com)

Annie O'Donnell  
Hedani, Choy, Spalding & Salvagione LLP  
595 Market Street, Suite 1100  
San Francisco, CA 94105  
(415) 778-0800  
[aodonnell@hedanichoy.com](mailto:aodonnell@hedanichoy.com)

## Conference Of Delegates

Andrea Carlise  
Patton Wolan Carlise LLP  
1814 Franklin Suite 501  
Oakland, CA 94612-3744  
(415) 987-7500  
[acarlise@pwc-law.com](mailto:acarlise@pwc-law.com)

## CWL Liaison

Lisa Klotchman Rauch  
Thomas Whitelaw & Tyler LLP  
3 Embarcadero Center, 13th Floor  
San Francisco, CA 94111-4003  
415-820-0400 (T) / 415-820-0405 (F)  
[lrauch@twtlaw.com](mailto:lrauch@twtlaw.com)

## Domestic Violence

Katherine Burke  
Burke Family Law  
44 Montgomery Street, Suite 3780  
San Francisco, CA 94104  
(415) 362-9549 (T) / (415) 362-9543 (F)  
[kburke@burkefamilylaw.net](mailto:kburke@burkefamilylaw.net)

Vanessa Heirbaum  
Kaye\*Moser\*Hierbaum LLP  
575 Market Street, Suite 2300  
San Francisco, CA 94105  
(415) 296-8868  
[vhierbaum@kayemoser.com](mailto:vhierbaum@kayemoser.com)

## Education

Michelle Mandel  
1390 Market Street, Suite 310  
San Francisco, CA 94102  
(415) 626-5400 (T) / (415) 626-5420 (F)  
[mjmandel@yahoo.com](mailto:mjmandel@yahoo.com)

Natasha Baker  
Curiale Dellaverson Hirschfeld & Kraemer  
727 Sansome  
San Francisco, CA 94111  
(415) 835-9004 (T)  
[nbaker@cdhklaw.com](mailto:nbaker@cdhklaw.com)

Maria Schopp  
Law Offices of Maria Schopp  
1390 Market Street, Suite 818  
San Francisco, CA 94102  
(415) 861-1019 (T)  
[Maria\\_Schopp@yahoo.com](mailto:Maria_Schopp@yahoo.com)

## Employment/Work-Life Balance

Mary L. Topliff  
Law Offices of Mary L. Topliff  
One Embarcadero Center, Suite 2300  
San Francisco, CA 94111  
(415) 398-9597 (T) / (415) 398-9599 (F)  
[topliff@joblaw.com](mailto:topliff@joblaw.com)

Leelie Hom  
Career Coach for Lawyers  
(415) 568-8608 (T)

## Executive Committee

Kelly Robbins  
Robbins Family Law  
601 California Street, 18th Floor  
San Francisco, CA 94108  
(415) 788-5400 (T) / (415) 788-5455 (F)  
[kelly@robbinsfamilylaw.com](mailto:kelly@robbinsfamilylaw.com)

## Historian

Sheila A. Dolan  
77 Harper Street  
San Francisco, CA 94131  
(415) 642-5097 (T) / (415) 642-5099 (F)  
[sdolan@pipeline.com](mailto:sdolan@pipeline.com)

## Judicial Appointments

To be determined.

## Juvenile Hall Project

Patricia Bovan-Campbell  
Director, Contracts, Symantec Corporation  
1313 Holloway Ave  
San Francisco, Ca 94132  
(415) 349-4444 (T)  
(415) 349-4445 (F)  
[patricia\\_bovan@symantec.com](mailto:patricia_bovan@symantec.com)

Kate Kalstein  
Director of Policy & Planning  
Edgewood Center for Children and Families  
1801 Vicente Street  
San Francisco, CA 94116-1237  
(415) 235-9536 (T)  
[katekalstein@yahoo.com](mailto:katekalstein@yahoo.com)

## Legislative Issues & Reproductive Rights

Mary Catherine Weiderhold  
Law Offices of Mary Catherine Weiderhold  
1458 Sutter Street  
San Francisco, CA 94109  
(415) 533-0735  
[mcw@mcwrealestatelaw.com](mailto:mcw@mcwrealestatelaw.com)

## Marketing & Communications

Kelly Robbins  
Robbins Family Law  
601 California Street, 18th Floor  
San Francisco, CA 94108  
(415) 788-5400 (T) / (415) 788-5455 (F)  
[kelly@robbinsfamilylaw.com](mailto:kelly@robbinsfamilylaw.com)

## Membership

Amea A. Mikacich  
Filice, Brown, Eassa & McLeod LLP  
Lake Merritt Plaza  
1999 Harrison Street, 18th Floor  
Oakland, CA 94612-3541  
(510) 444-3131 (T) / (510) 839-7940 (F)  
[aam@filicebrown.com](mailto:aam@filicebrown.com)

## Mentorship

Alison Crane  
Bledsoe Cathcart, Diestel  
& Pedersen LLP  
601 California Street, 16th Floor  
San Francisco, CA 94108  
(415) 981-5411 (T) / (415) 981-0352 (F)  
[acrane@bledsoelaw.com](mailto:acrane@bledsoelaw.com)

Joanna Frazier  
Sheppard, Mullin, Richter & Hampton LLP  
4 Embarcadero Center, 17th Floor  
San Francisco, CA 94111  
(415) 434-9100 (T)  
[jfrazier@sheppardmullin.com](mailto:jfrazier@sheppardmullin.com)

## Newsletter Editor

Lisa A. Freitas  
Morgan Lewis & Bockius LLP  
One Market Street/Spear Street Tower  
San Francisco, CA 94105  
(415) 442-1173 (T) / (877) 432-9652 (F)  
[lf0726@msn.com](mailto:lf0726@msn.com)

## Programs

Barbara L. Harris Chiang  
Dillingham & Murphy LLP  
225 Bush Street, 6th Floor  
San Francisco, CA 94104  
(415) 397-2700 (T) / (415) 397-3300 (F)  
[bhc@dillinghammurphy.com](mailto:bhc@dillinghammurphy.com)

## Scholarships

Rebecca Hooley  
Contra Costa County Counsel's Office  
651 Pine Street, 9th Floor  
Martinez, CA 94553  
(925) 335-1854 (T)  
[rhool@cc.cccounty.us](mailto:rhool@cc.cccounty.us)

Hon. Adrienne Jacobs Miller  
San Francisco Superior Court  
375 Woodside Avenue, Dept. # 5  
San Francisco, CA 94127  
(415) 753-7749 (T) / (415) 753-7750 (F)  
[amiller@sftc.org](mailto:amiller@sftc.org)

Hon. Anne Beytin Torkington  
OALJ-U.S. Dept. of Labor  
50 Fremont Street, Suite 2100  
San Francisco, CA 94105  
(415) 744-6577 (T) / (415) 744-6569 (F)  
[torkington.anne@dol.gov](mailto:torkington.anne@dol.gov)

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## Contact Your President...

Kelly Robbins  
Robbins Family Law  
601 California Street, Suite 2100  
San Francisco, CA 94108  
Tel: (415) 788-5400  
Fax: (415) 788-5455  
[kelly@robbinsfamilylaw.com](mailto:kelly@robbinsfamilylaw.com)

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# CALENDAR OF EVENTS

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## October

- 1**     **Juvenile Hall Project**  
7:00 p.m.
- 7**     **Board of Directors Meeting**  
6:00 p.m.  
Thelen, Reid, Brown, Raysman & Steiner  
101 Second Street, 18th Floor, San Francisco
- 10**    **Unity Award Ceremony**  
5:30 p.m.  
Golden Gate University
- 15**    **Juvenile Hall Project**  
7:00 p.m.
- 16**    **The Path to Effective Leadership**  
11:30 a.m.  
Office of Howard Rice  
3 Embarcadero Center, 7th Floor, San Francisco  
*See flyer.*
- 16**    **Domestic Violence Panel**  
6:00 to 8:00 p.m.  
Bingham McCutchen  
3 Embarcadero Center, 27th Floor, San Francisco  
*See flyer.*
- 22**    **Annual Members' Meeting**  
5:30 p.m.  
Sheppard, Mullin, Richter & Hampton LLP  
San Francisco  
*See flyer.*
- 28**    **Amicus Committee Meeting**  
5:30 p.m.  
Office of Howard Rice  
3 Embarcadero Center, 7th Floor, San Francisco
- 29**    **Panel On Proposition 4**  
5:30 to 7:00 p.m.  
Thelen LLP  
101 Second Street, 18th Floor, San Francisco  
*See flyer.*



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816 E. Fourth Avenue

San Mateo, CA 94401-3317

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