

AUGUST / SEPTEMBER 2023

PROUDLY SERVING THE NORTH COUNTY LEGAL COMMUNITY SINCE 1956

# NORTH COUNTY LAWYER

goes

## BACK TO SCHOOL

### FEATURE ARTICLES

HOW BYSTANDER INTERVENTION IS  
CRITICAL TO A GREAT SCHOOL YEAR

By: Steven P. Dinkin

STUDENT LOAN FORGIVNESS- A  
BREIF HISTORY

By: Stephanie Edwards, Esq.

AMONGST OURSELVES ON RULE 8.3

By: Howard Franco, Jr., Esq.

VISIT US ONLINE [WWW.NORTHCOUNTYBAR.ORG](http://WWW.NORTHCOUNTYBAR.ORG)



# CONTENTS

## AUGUST 2023/SEPTEMBER 2023

### 2023 SUSTAINING MEMBERS

To be a "Gold" or "Silver" Sustaining Member, a member pays the regular dues for the appropriate category, plus an additional \$250 or \$100 per year. Members are recognized in each publishing of the North County Lawyer Magazine and on the bar's web page.

#### GOLD

**Rickard Borg, Edward Burns, James Bush, Darwin Bustarde, Howard Franco Jr., Michael Friedrichs, Thomas Grimes, Robert Jackson, Bruce Jaques Jr., Michael Klein, Jeff Lacy, Richard Layon, Charles Richmond, Pranee Salman, Elisabeth D. Silva, Jacqueline Skay, Debra Leffler Streeter, Herbert Weston, Michael Whitton**

#### SILVER

**Lesly J. Adams, John Alesi, Nicholas Barthel, David Branfman, Melissa Bustarde, Paul Campo, Marlon Campos, John Crawford, Susanne de la Flor, James Dicks, Carline Fonseca, Golnar Fozi, Rich Gaines, Paula Goforth, Lauren Humphrey, Russell Jellig, Russell Kohn, Catharine E. Kroger-Diamond, David Larkin, Constance Larsen, Gregory Lievers, Linda Sue Loftin, James Lund, Mark Mertsoc, Charles Meyer, Kathleen Norris, C. Bradley Patton, Fred Pfister, Mark Reichenthal, Kelly Reid, Melissa Rodriguez, Assly Sayyar, Jodi Schnoebelen, Alicia Skow, Joseph Stine, Kurt Weiser, Michael Whitton, Tanya Weston, Deborah Zoller**

Caron Calabrese, Esq., Editor  
Camden Retzlaff, Executive Director

#### Editorial Committee:

Lesly J. Adams, Esq., Sheena Alves, Esq., Darwin Bustarde, Esq.,  
Stephanie Crowther, Esq., Bill Kamenjarin, Esq., and  
Cheryl Weeks-Frey, Esq., Wayne Templin, Esq.,  
Larry Campitiello, Esq.

The North County Lawyer Magazine is published monthly by the North County Bar Association. Subscriptions, articles, photos and advertising should be submitted to: North County Bar Association, P. O. Box 2381, Vista, CA 92085 or info@northcountybar.org, or (760) 758-5833.

The subscription rate for non-members is \$40 per year. Deadline for submissions is the 10th of the month prior to publication. **The North County Lawyer reserves the right to edit all submissions.**

#### Editor's Letter

#### President's Perspective

#### IN MEMORIAM: LAWRENCE A. MAXHAM

#### AMONGST OURSELVES ON RULE 8.3

By: Howard Franco, Jr., Esq.

#### Parents' Rights on Education

By: Rosario Burgos Santoyo, Esq.

#### A WELCOME NEW DEVELOPMENT IN CALIFORNIA PARTITION LAW: THE PARTITION OF REAL PROPERTY ACT

By: Amber Smith Crothall, Esq.

#### STUDENT LOAN FORGIVENESS- A BRIEF HISTORY

By: Stephanie Edwards, Esq.

#### The Best Computer for Lawyers at Work

By: Stephanie Edwards, Esq.

By: Nick Cohenmeyer, Esq.

#### HOW BYSTANDER INTERVENTION IS CRITICAL TO A GREAT SCHOOL YEAR

By: Steven P. Dinkin

#### One Safe Place

by: Tracy M. Prior  
Chief Deputy District Attorney

#### The Back-To-School Effect

By: India Kern

#### 529 College Savings Plan

By: Rich Gains, Esq.

#### Q&A with Dawn Cunneen, Esq.

#### Summer Reading Recommendations

#### On my Honor

#### When you turn 18: A Legal Survival Guide

Compiled By: Cheryl Weeks-Frey, Esq.

# HOW BYSTANDER INTERVENTION IS CRITICAL TO A GREAT SCHOOL YEAR

**By: Steven P. Dinkin**

The annual “back to school” ritual is filled with excitement and promise, as the calendar starts anew – here in North County and at schools across the U.S. These weeks can also be filled with worry, especially for students who have experienced or witnessed bullying in their schools.

The Centers for Disease Control and Prevention (CDC) defines bullying as unwanted aggressive behavior(s) that involves an observed or perceived power imbalance and is likely to be repeated. Bullying can be physical (touching a person or their property), verbal, or relational/social, and it can occur online (known as cyberbullying). CDC data show that one in five high school students has experienced bullying on school property, while one in six has experienced it online. The incidence is greater among those who identify as part of the LGBTQ community (40%, compared to 22% of heterosexual students) and for females than males (30%, compared to 19%).

Nearly 14% of public schools report that bullying is a problem occurring daily or at least once a week. Bullying incidents are highest in middle schools, but even occur at the primary school level. Bullying negatively impacts all youth involved, including those who are bullied, those who bully others, and those who witness bullying, known as bystanders. It increases the risk for depression, anxiety, and sleep difficulties, and often contributes to lower academic achievement, absences from school and even, dropping out. Students who bully others and are bullied themselves are at greater risk for long-term mental health and behavioral problems.

Even as bullying has become more common, we can’t allow the behavior to become normalized. Bullying affects more than the person harmed and their offender; it affects classroom and team dynamics – and left unaddressed, changes school culture.

Given that, everyone has a role to play in creating a healthy school environment that optimizes students’ social and emotional development and their opportunities for learning.

## **Strategies for Schools**

Joann Rezzo is a career trial attorney and mediator with West Coast Resolution Group, part of the National Conflict Resolution Center (NCRC). Her son, who is starting college this fall, was bullied as an elementary school student. His middle and high school experiences were different and better; Rezzo attributes this to his school’s anti-bullying program. It succeeded, Rezzo says, because

“**the school clearly defined what bullying is and isn’t, acting swiftly when a line was crossed – with accountability for the responsible youth.**”

For Mikiel Toure, clarity is key, as young people wonder: “Why can’t I tease or joke with a friend, or say whatever I want to them?” Toure, who works for NCRC as a restorative practitioner in a North County high school district, says that training and conversation are vital, so students begin to understand how everyday slights – even friendly barbs – can make someone feel uncomfortable or unsafe and escalate into harassment, over time.

Toure sees that start of the academic year as the perfect time for schools to establish and communicate their classroom norms and values. He recommends the adoption of a code of conduct, incorporating agreements to guide behavior – “almost a part of the curriculum,” Toure says. Those agreements provide context when misbehavior occurs; a teacher might ask, “Remember when we said we wouldn’t do this?”

Toure also **recommends that the first week of school be devoted to forming relationships and community.** After the summer hiatus, teachers are always eager to get started with academics, but the investment of a week's time pays dividends throughout the school year. Toure uses restorative circles and other community building activities to spark conversations between students and with their teachers and school staff. Yes, it takes time, he says, but building relationships is a lot like learning to speak a language.

### **Strategies for Adults**

If schools are responsible for creating an **anti-bullying culture**, adults – the teachers, staff, coaches and parents in students' lives – are responsible for modeling anti-bullying behavior. Joann Rezzo puts parents at the top of the list, saying they must lead by example and show kindness and empathy, always treating others with respect.

Doug Barker is another mediator with West Coast Resolution Group. Along with his work as a civil litigator for more than three decades, Barker has extensive experience as a teacher and youth sports coach. Barker sees a direct relationship between involvement in sports (or other extra-curricular activities) and having a **sense of purpose and belonging.** To Barker, those feelings are antithetical to acting like a bully.

At the beginning of a sports season, Barker meets with parents to set goals and discuss expectations, including behavior standards. Parents and students alike are encouraged to communicate if they see behavior that is considered harassing or bullying – a common woe amongst youth sports. He encourages parents to focus on the journey of self-growth, rather than making participation in sports all about how well their child is playing.

Devin, a recent high school graduate, has his own perspective on the role of parents in combatting bullying. It starts, he says, with not overreacting when bullying occurs but instead, making sure their child feels comfortable sharing their experiences. Instead of a typical "oh, my God" reaction, Devin suggests asking questions, like "How did that make you feel?" – then letting the youth explain the situation and lead the discussion to find solutions. A conversation like this, Devin says, contributes to a feeling of safety.

### **Strategies for Students**

In a similar way, Devin believes that schools should encourage **student-led discussions and encourage bystander intervention to address a wide variety of issues,** rather than just focusing on extreme behaviors (like shoving a student into their locker, causing physical harm). He explains that the hurtful and more common occurrences, known as microaggressions, can be things like comments about a person's weight or sexuality, and often go unaddressed.

It's an idea that is core to *The Bystander Challenge*, a training program that we developed at the National Conflict Resolution Center. (NCRC). In the training, participants learn how to address everyday occurrences of microaggressions, slights, insults and both small and large incidents of bullying, in calm, effective and respectful ways. The workshop focuses on implementing strategies that not only address bullying, but also prevent it from happening altogether. Often, bystanders are afraid or hesitant to get involved, concerned about retaliation, hurt relationships or a damaged reputation. The Bystander Challenge teaches strategies to understand and overcome these fears. And while many remarks or actions aren't intentionally hurtful and may not seem overtly discriminatory, they can take a psychological toll.

The Bystander Challenge teaches four practical techniques for responding to microaggressions and harassing behavior: two are "in the moment" and two are used after an incident has occurred.

**In the moment-** When an uncomfortable situation is unfolding – and something needs to be done right away – distract. Interrupt the interaction between the offender and their target. Invent a situation requiring their immediate attention. Or be direct: As the bystander, make a brief, clear statement that stops the behavior – not an attack on the person responsible, but a reflection on the discomfort it caused.

**After the incident-** If you don't feel like you are in a position to address the situation with one of the parties involved, delegate: Go to someone with more power who can take appropriate steps. Or engage in dialogue: Have a conversation with the person responsible about what you saw or heard. Ask

open-ended but unaccusatory questions and listen respectfully to the answers. A two-way exchange can make a person feel more at ease and likely to open up about their actions – and maybe even acknowledge that they were wrong. And while not guaranteed, the exchange can lead to long-term behavior change.

As members of the same community, we can all work together to address and prevent bullying, and the start of the academic year is a great time to rethink how we're doing that. So I ask you, what more can you do to create an inclusive environment for our youth this school year?

**By: Steven P. Dinkin**



Steven P. Dinkin is President of the National Conflict Resolution Center, a San Diego-based group working around the country to create solutions to challenging issues, including intolerance and incivility. To learn about NCRC's programming, visit [ncrconline.com](http://ncrconline.com)



**NATIONAL  
CONFLICT  
RESOLUTION  
CENTER™**



**ADR Services, Inc. Proudly Welcomes  
Richard M. Segal, Esq.**



*Your Partner in Resolution*



Available for Mediations, Arbitrations,  
References, and Special Master

**AREAS OF SPECIALIZATION**

- Americans with Disabilities Act (ADA)
- Antitrust
- Banking & Finance
- Class Action
- Commercial Contract/General Business
- Complex Litigation
- ERISA
- Real Estate
- Securities

**(619) 233-1323**

**RichardSegalADR.com**

For information and scheduling, please contact Haward Cho  
at [hawardSDteam@adrservices.com](mailto:hawardSDteam@adrservices.com)