

Curriculum Vitae of Jill Hersh

Jill Hersh
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Fellow of the International Academy of Family Lawyers
Fellow of the American Academy of Matrimonial Lawyers

Certified Family Law Specialist
State Bar of California
Board of Legal Specialization

Annually named a **Super Lawyer** for Northern California

Received *California Lawyer's 2006 Attorney of the Year Award* (CLAY) for her work in Family Law, 2006

Recipient of the **Clara Foltz Feminist Association Distinguished Career Recognition**, UC Hastings College of the Law, April 2004

Areas of Practice:

Family Law: **Consultation, Mediation, Cooperative Divorce Resolution, Litigation, Appeals, Private Adjudication, and Instruction**

Alternative Dispute Resolution Services:

The Cooperative Divorce Project (“CDP”), a.k.a. Attorneys Disposition Services: Co-Founding member of CDP, The Cooperative Divorce Project, established for cooperative divorce resolution. CDP is a registered non-profit comprised of experienced, independent family law attorneys who have agreed to engage in a cooperative dispute resolution process while retaining an alliance with their respective clients. Members of **CDP, The Cooperative Divorce Project**, also offer services to other member and non-member attorneys as settlement judges/mediators and case managers to assist in the containment or resolution of conflict.

Mediation: Ms. Hersh provides mediation services. She received intensive mediation training in 1985 from Gary Friedman at the Center for Mediation in Law. In addition, Ms. Hersh acts as a consulting attorney for clients who are going through mediation.

Education:

- **University of California at Berkeley**
B.A., Cum Laude in Religious Studies, 1974

- **University of California Hastings College of the Law**
J.D., 1977

Pro Bono Services:

Settlement Panelist
Superior Court for the City and County of San Francisco
Family Law Department

Bench/Bar Settlement Panelist
Superior Court of Marin County
Family Law Department

Minor's Counsel
Volunteer Legal Services Panel
Superior Court for the City and County of San Francisco

Published Decisions:

In Re Marriage of Priem. (2013) 214 Cal.App.4th 505
Lead appellate counsel at the California Court of Appeal. Establishes that a nolo contendere plea to a misdemeanor spousal battery charge constitutes a spousal abuse conviction for purposes of Family Code Section 4320(i) and (m) and Family Code Section 4325.

K.M. vs. E.G. (2005) 37 Cal.4th 130
Lead trial and appellate counsel at the Superior Court, Court of Appeal, and the California Supreme Court. Establishes the natural, legal parental rights of same-sex parents who jointly procreate using reproductive technology and raise the children together.

In re the Marriage of Christian De Guigne and Vaughn De Guigne. (2002) 97 Cal.App. 4th 1353
Lead trial and appellate counsel. Approving off-guideline, above-guideline child and spousal support based upon assets and not income.

In re Guardianship of Olivia J. (2000) 84 Cal.App. 4th 1146
Lead trial and appellate counsel. Permits a de facto parent's access in a same-sex relationship to judicial review through guardianship proceedings.

Estate of MacDonald. (1990) 51 Cal.3^d 262
Lead trial and appellate counsel at the Superior Court, Court of Appeal, and the California Supreme Court. Defines the legal requirements for achieving a post-nuptial transaction between spouses that transmutes the character of property.

Publications and Articles:

"Does the Law Need a Harvey Moment?" Daily Journal, Vol. 123, No. 210.

"Integration of the Family Code, Evidence Code, and Code of Civil Procedure for Effective Discovery Pursuant to the Fiduciary Duties": Family Law News, Official Publication of the State Bar of California Family Law Section, Issue 2, Vol. 37, No. 2. Discussing the integrated use of the Civil Discovery Act and Evidence Code in order to effectively use the Family Code fiduciary duties to create admissible evidence.

“Ethical Considerations in Appointing our Colleagues as Private Judges”: Family Law News, Official Publication of the State Bar of California Family Law Section, Vol. 31, No. 4. Discussing the ethical obligations of appointing colleagues as private judges in family law proceedings.

“Sure and Swift Relief: The TRO”: Family Advocate, Official Publication of the American Bar Association, Family Law Section, Vol. 20, No. 3. Discussing the process of obtaining appropriate restraining orders in family law proceedings, including personal and property restraints, from initial assessment of client needs to submission to court.

“Stock Options: The Sequel”: Family Law News, Official Publication of the State Bar of California Family Law Section, Vol. 20, No. 2. Discussing the tax consequences of stock options and proposing model language for the division of options in a Marital Settlement Agreement.

“Analysis of Time Rule and Characterization of Stock Options”, Family Law News, Official Publication of the State Bar of California Family Law Section. Vol. 18, No. 4. Discussing the legal history of time-deferred benefits and the characterization and allocation of stock options.

“Judicial Case Management” in Family Law Litigation, California Trial Lawyers Association, 33rd Annual Convention. Discussing the innovation of judicial case management with proposed stipulated language placing a case in judicial management and defining the perimeters of the process.

“Breach of the Physician/Patient Privilege”, California Trial Lawyers Association Journal, Vol. 17, No.1, 1978. Discussing the civil liability of a treating physician who provides evidence contrary to the interests of his/her patient.

Books:

“Family Law Module, Marital Settlement Agreements”, California Transaction Forms. Bancroft Whitney, 1998. Substantive text on the provisions of Marital Settlement Agreements, model language for Marital Settlement Agreements, and practice pointers in the drafting of Marital Settlement Agreements.

Chapters in Books:

“Counseling the Counselor.” Valuing Professional Practices and Licenses: A Guide for the Matrimonial Practitioner, publication by Aspen Publishers, 2012, updated in 2014. Discussing the issues that are particular to representing an attorney in a marital dissolution action.

“Recent Developments and Legislative Changes in Family Law”, Tax Aspects of Marital Dissolutions, publication by the National Business Institute, Inc., 1993, 1994, and 1995. Discussing annual updates of recent changes in the field of dissolution and taxation.

“Tax Treatment of Maintenance and Separate Maintenance Payments”, Tax Aspects of Marital Dissolutions, publication by the National Business Institute, Inc., 1993, 1994, and 1995. Discussing the Internal Revenue requirements and disallowances relating to child support, spousal support, and family support.

“Ethics as it Relates to Tax Consequences in Divorce”, Tax Aspects of Marital Dissolutions, publication by the National Business Institute, Inc., 1993, 1994, and 1995. Discussing the ethical considerations entering into the attorney/client relationship as it relates to taxes in a dissolution.

Instructional Speaking:

The Rutter Group, November 2018. 2019 Family Law Update.

The Rutter Group, November 2017. 2018 Family Law Update.

International Academy of Family Lawyers, Annual European Chapter Meeting - Lisbon, Portugal, March 2017. "Children's Residence Arrangements – What Can and Should the Courts be Doing?".

The Rutter Group, November 2016. 2017 Family Law Update.

AAML 2016 Symposium, "The Intersection of Extraordinary High Earner and the Vesting of Stock Options in Determining Child Support", May 15, 2016.

The Rutter Group, November 2015. 2016 Family Law Update.

The Rutter Group, June 2015. CFLR 2015 19th Biennial Advanced Family Law Course. Discovery and Evidence.

The Rutter Group, March 2015. "Case Management: A New Era in Family Law." (Video)

The Rutter Group, December 2014. 2015 Family Law Update.

The Rutter Group, December 2013. 2014 Family Law Update.

The Rutter Group, August 2013. CFLR 2013 Advanced Family Law Course for practitioners preparing for the Certification Exam.

The Rutter Group, November 2012. 2013 Family Law Update.

The Rutter Group, November 2011. 2012 Family Law Update.

The Rutter Group, November, 2010. 2011 Family Law Update.

The Rutter Group, September 2010. "Family Law Fees & Sanction Requests."

American Bar Association, August, 2010. "Representing the Lawyer in a Divorce."

The Rutter Group, November, 2009. 2010 Family Law Update.

AAML 2009 Symposium, "How I Pulled a Rabbit Out of a Hat ... Tips from Trial Lawyers and a Mediator", April 26, 2009.

The Rutter Group, December, 2008. 2009 Family Law Update.

Hastings Women's Law Journal, 19th Annual Symposium, "Family Frontiers: Emerging Legal Issues in the Post Nuclear Era", February 7, 2008.

The Rutter Group, November, 2007. 2008 Family Law Update.

Continuing Education of The Bar, November, 2007. Parental Alienation Syndrome.

The State Bar of California, 80th Annual Meeting, “Case Management in Family Law”, September 28, 2007.

The Bar Association of San Francisco and The Mediation Society, June 2007. Meeting Mediation Challenges: How Advocates and Mediators Overcome Obstacles to Settlement.

Continuing Education of The Bar, January 2007. Analyzing Transmutation and Separate Property Contribution Issues.

The Rutter Group, November, 2006. 2007 Family Law Update.

Guest Lecturer; Bennington College, Bennington, Vermont, November, 2006. Democracy Project; Guest lecturer in the class, “Democracy and the Rule of the Law: Hard Cases” And “America and the World Art of Negotiation and Mediation”

Guest Lecturer, Boalt Hall School of Law, October 2006. Family Law Seminar.

AAML Trial Practicum, October 2006. American Academy of Matrimonial Lawyers Northern California Chapter. Teaching Evidence, Opening Statements.

The Rutter Group, November 28, 2005. 2006 Family Law Update.

Santa Clara County Bar Association, November 18, 2005. Appellate Frontiers in Parentage Cases in the California Supreme Court.

The Rutter Group, September 22, 2005. Prosecuting and Defending Contempts in Family Law.

Young Family Lawyers Group, April 27, 2005. Practicum Series - Pendente Lite Hearing.

Continuing Education of the Bar, November 2004. 2004 Family Law Symposium -Family Law Dispute Resolution.

The Rutter Group, April 1, 2004. Attorney Fees in Family Law Cases.

Association of Certified Family Law Specialists, February 13, 2003. Stock Options.

Golden Gate University. October 2, 2002. Pre-Trial Motions.

Unified Courts for Families Symposium. September 23-25, 2002. Family Law Case Management.

Association of Certified Family Law Specialists. April 18, 2002. Seven Trial Preparation Strategies.

Marin County Family Law Bar. February 7, 2001. Discussing the characterization of stock options in dissolution proceedings.

Legal InCite Talk Show, Radio 1220 AM KBZS. June 3, 2000. Interview by Peter Keane. Discussing the evolution of the law and same gender parenting issues.

Adjunct Professor of Community Property Law. Hastings College of the Law. 1996-1999.

Statewide Offices of the Department of Family Court Services. Plenary Session of the Bay Area Regional Conference. 1997. Discussing the use of power in Family Court Services and in the legal and psychological environment of co-parenting disputes.

Executive Committee of the Family Law Section of the Bar Association of San Francisco. November, 1997. Child custody and timeshare in same-gender parental disputes or separations.

Association of Certified Public Accountants. November, 1997. Discussing the characterization, division, and tax consequences of stock options as a marital asset in a dissolution proceeding.

San Francisco Lawyers Club Inns of Court. 1997, 1996 and 1995. Trial practice instructional programs.

Association of Family and Conciliation Courts, Northeast Regional Conference, Fall, 1996: Cultural Aspects of Domestic Violence. Discussing the inter-relation of culture and the stressors associated with the immigrant experience of Asian families and the interplay of these factors as they relate to domestic violence.

Alternative Dispute Resolution Committee of Certified Public Accountants, Joint Meeting of the ADRC of San Francisco and the East Bay. 1996. Discussing the use of mediation and case management in dissolution actions.

Continuing Education of the Bar. 1995. Discussing the characterization, valuation, and division of community property.

National Business Institute: Tax Aspects of Marital Dissolutions. 1995, 1994, and 1993. Discussing the tax aspects of support provisions, ethical conduct, property divisions, and current legal decisions in the area of marital dissolutions.

California Trial Lawyers Association. 1994. Discussing the use of judicial case management in marital dissolutions.

San Francisco Trial Lawyers' Association. Discussing child custody cases in the early 1980's before the maturation of the mediation process in custody disputes.

Trial Advocacy for Women. 1984. Teaching courtroom skills for effective trial advocacy in marital dissolutions.

Media Engagements:

“Good Morning America”, ABC, March 24, 2004.

“Forum with Michael Krazny”, NPR, 2003.

Other radio programs: KGO with Pete Wilson, NPR Virginia, NPR Utah, NPR San Francisco, NPR Santa Cruz, Talk America/ Liberty Broadcasting, Fox News, AP All News Radio, Voice of America, The Lars Larson Show, Out In The Bay with Eric Jansen.

Professional Organizations:

International Academy of Family Lawyers

American Academy of Matrimonial Lawyers of Northern California
Chair of Community Relations Committee, 2005 and 2006

American Bar Association

Queens Bench

Southern Poverty Law Center (philanthropic membership)

Association of Family and Conciliation Courts

Executive Committee of the Family Law Section

Bar Association of San Francisco

Secretary, 1997

Chair, 1998

Chair of Education Committee, 1999, 2000

Organize and sponsor Brown Bag educational lunches

Inns of Court, San Francisco Lawyers Club

Mentoring Program, Counselor, 1995, 1996, and 1997

Lawyers Club of San Francisco

Delegate to the State Bar

San Francisco Trial Lawyers Association

Board of Governors, 1980-1985