

April 22, 2010

Patrick L. Hosey  
San Diego County Bar Association  
Hosey & Bahrambeygui  
550 West C Street  
Suite 2000  
San Diego CA 92101

Re: False Arrest/Imprisonment/Assault on Colbern C. Stuart, III

Dear Mr. Hosey:

Please consider this a demand for compensation for damages occurring on San Diego County Bar Association ("SDCBA") property on the evening of Thursday, April 15, 2010.

You are likely aware of many of the circumstances of this claim. I will reiterate them here for your convenience.

I am the President and co-founder of the California Coalition for Families and Children ("CCFC"). CCFC is a Southern California-based Chapter of the American Coalition For Fathers And Children ("ACFC"), based in Washington, D.C. The CCFC is a nonprofit organization comprised primarily of parents who have experienced a marital dissolution proceeding in San Diego, Orange, or Los Angeles Counties. Our members are professionals or others who are very highly motivated to devote time and resources to promote the health and success of Southern California families and children by addressing special social problems antithetical to such success, and which are currently being caused or contributed to by the present marital dissolution or other processes involving child custody.

I am also managing partner of the law firm Lexevia. Lexevia has offices in San Diego and Los Angeles counties and handles intellectual property and commercial litigation matters. We are former "big firm" lawyers who left that practice to start our own firm. We are five lawyers. You may learn more about me at [www.lexevia.com/attorneys/](http://www.lexevia.com/attorneys/).

I have also been a member of the San Diego County Bar Association from 1995 until approximately 2008 when I moved to Los Angeles to become a Partner at the Chicago-based firm of Katten, Muchin, & Rosenman.

On the evening of Thursday, April 15, 2010, the SDCBA hosted the Spring

Seminar for the Family Law Division of the SDCBA. In attendance were approximately 100 attorneys, judges, and service providers. As President of CCFC, I coordinated a protest of the Spring Seminar by CCFC members on April 15, 2010. CCFC members held signs and chanted slogans in front of the SDCBA building in protest of the atrocities committed regularly by San Diego family law attorneys, judges, and professional service providers. As you are likely aware, the practices of divorce lawyers has been in ill repute for years. Universally they are considered the "bottom of the barrel" among lawyers and are largely responsible for the very poor public perception of our profession.

It has been a key goal of CCFC and many other public interest groups to "clean up" that profession by calling attention to the very low and unethical practice standards within that practice specialty which, unfortunately, has infected even the courts themselves. In 15 years practicing law in state and federal courts in six states, I've never encountered the degree of unprofessionalism and incompetence that exists in San Diego family law firms and courts. It is truly a deplorable condition, yet persists due largely to a lack of public awareness and sophistication in how to address this highly dysfunctional system causing immense harm to San Diego families and children.

The CCFC is committed to reforming this very harmful anomalous practice to improve the practice of law, the fate of divorcing families and children, and promote the welfare of Southern California communities.

At approximately 6:00 pm on Thursday, April 15, 2010 I arrived at the SDCBA building, signed in and joined the seminar. Approximately thirty minutes into the seminar during a break, two private security employees of the SDCBA approached me and informed me that San Diego Police officers were waiting outside of the building with a warrant for my arrest. They requested that I accompany them outside of the building.

I informed the SDCBA employees that I had paid to attend the seminar, that I wished to complete it, and that I did not wish to leave before its end. The SDCBA employees informed me that I could wait until the end of the seminar, but that I would be arrested by SDPD at the end of the seminar. I advised them that I would be pleased to speak with SDPD after the seminar.

SDCBA employees continued to attempt to convince me to leave, threatening me with arrest. I asked if the employees possessed an arrest warrant and they admitted they did not. I inquired as to whether SDPD intended to enter the building to arrest me and the employees admitted that SDPD had no intention of entering the building. Sheriff's deputies were present and also refused to make an arrest. I advised SDCBA

employees that if they attempted to arrest me I would consider it an assault, false arrest, and false imprisonment.

One of the SDCBA employees then left to consult with other SDCBA employees and/or seminar speakers and attendees. He returned and repeated that if I did not leave the building he would forcibly remove me. I advised him again that I was rightfully present at the seminar and did not wish to leave. The two SDCBA employees then handcuffed me, took me into custody, and forcibly removed me from the building in front of approximately 100 of my professional colleagues.

SDCBA employees forcibly took me to SDPD officers outside the building where I was arrested by SDPD. I was taken to county jail and imprisoned for approximately eight hours until released on bail.

SDPD officers advised me that they were perplexed as to why an arrest warrant was issued for an alleged misdemeanor charge. They stated that they rarely receive warrants for misdemeanors. They also stated that they had no intention of entering the SDCBA building to execute the warrant as our protest was peaceful and I was causing no disturbance inside.

Apparently several SDCBA employees attempted to convince the officers to execute the warrant inside the building, yet the officers refused. I am further investigating, and will soon report any violations of Judicial Cannons relating to the arrest to the Commission for Judicial Performance.

Clearly, SDPD and Sherriff's deputies had ample opportunity to execute the warrant, yet refused. Nevertheless, SDCBA chose, through it's employees, to arrest me and remove me from a seminar that I paid for and was rightfully entitled to attend.

This is a claim for assault, false arrest, and false imprisonment pursuant to California law. False imprisonment is the 'nonconsensual, intentional confinement of a person, without lawful privilege, for an appreciable length of time, however short.' *Fermino v. Fedco, Inc.*, 872 P.2d 559, 567 (Cal.'94) (quoting *Molko v. Holy Spirit Ass'n*, 762 P.2d 46, 63 (Cal.'88)). A false imprisonment action may also be maintained if 'the defendant unlawfully detains the [plaintiff] for an unreasonable period of time' after an otherwise legal seizure or arrest. *Lincoln v. Grazer*, 329 P.2d 928, 30 (Cal.Ct.App.'58). Once the plaintiff has proven the elements of the tort, the defendant has the burden to establish that the detention or arrest was legally justified. See *Cervantes v. J.C. Penney Co.*, 595 P.2d 975, 982 (Cal.'79).

SDCBA had no legal right to place me in handcuffs and remove me from the seminar. The act of doing so in front of dozens of my colleagues

additionally caused injury to my reputation and person. SDCBA's actions also caused physical injury, constituting assault. SDCBA's actions were unlawful and caused significant damages. As an attorney practicing in San Diego, the public display of such an arrest has caused injury to my reputation and significant loss of business opportunities.

This demand is for compensation for such injuries in the amount of \$10,000,000. Please deliver this claim and demand to you insurance carriers. I request that they contact me as soon as possible to discuss resolution of this claim. If I have not received a satisfactory response from you by Wednesday, April 28, 2010 I will initiate suit to resolve the claim.

Sincerely,

Colbern C. Stuart, III

CC: Dan F. Link  
Elizabeth S. Balfour  
Thomas M. Buchenau  
Marvin E. Mizell  
Timothy J. Richardson