



PRESIDENT'S PAGE ASHLEIGH E. AITKEN

OCBA at the Forefront

A Lawyer, a Priest, and a Rabbi Walk Into a Bar . . .

Lawyers are the target of countless jokes that perpetuate the false stereotype that, as a profession, we are greedy, uncaring, or dishonest citizens. I get so irritated when I am asked what I do for a living, and the person inquiring feels free to make a snarky comment in response to my answer that I am an attorney. I recently have decided to answer with “defender of the Constitution” as a job title, and let them figure out what it means.

I have always been proud to be an attorney, and this year I am especially grateful to be aligned with this profession and the OCBA. This legal organization has been at the forefront of several hot-button issues, routinely voicing support for equality and fairness in Orange County. Every member of the OCBA can be proud of the OCBA's activism.

This summer, the Supreme Court made a landmark decision in allowing same-sex couples to marry nationwide. (Dean Erwin Chemerinsky, my former constitutional law professor at USC, wrote about the legal opinion in great depth last month, and though my analysis of the decision would probably be regarded more authoritatively, I am glad *Orange County Lawyer* is giving other writers some space in this magazine.) The decision has deeply divided people, and though there is always a natural resistance to change, I am proud to be a member of a profession that is helping to redefine marriage, what it means to be a family, and what it means to truly be equal before the law.

The OCBA was a leader on this issue. In 2008, Proposition 8 was on the ballot. It was a California ballot proposition and state constitutional amendment stating that marriage was a union solely between a man and a woman. The OCBA Board of Directors debated the issue extensively, and the discussion of the equal protection clause, fundamental rights, and the right of voters to interpret the California constitution was akin to a mini Bar exam. In the end, the OCBA joined the Unity Coalition with over thirty other bar associations in opposing Proposition 8. Although Proposition 8 ultimately passed, the OCBA went on record for marriage equality seven years before the Supreme Court decision in *Obergefell v. Hodges*.

That was not the only time the OCBA was a beacon of equality and fairness in Orange County. This summer, the entire country was stunned after a white gunman killed nine black men and women in a historic Charleston church. Personal views of the gunman set off a debate on the Confederate flag and its role as either a racist reminder of slavery or a symbol of Southern pride. While Orange County may seem outside the fray when it comes to Confederate flags, this is not the case. In Santa Ana's Plaza of the Flags, in the

civic center just outside our county and federal courthouses, the Mississippi state flag flies, prominently displaying the Confederate flag in its top-left hand corner. In 2013, the OCBA Board passed a resolution asking the County of Orange to remove the Mississippi flag from the county property. Even though the city and county were willing to redefine the area, at that time there was no agreement on the Plaza's future. In July of this year, after the tragedy in South Carolina, the Orange County Board of Supervisors voted, two years after the OCBA resolution, to remove the flag from the civic center. In recognition of the OCBA's leadership on this issue, the Board of Supervisors has invited the OCBA to participate in the flag-removal. Why this justifies a ceremony, I have no idea, but hey, it's your tax dollars at work (cocktails to follow).

This year, we have also seen our Orange County judges under attack. On two separate occasions, I have asked our Board to consider resolutions that promote the independence of the judiciary and disapprove of tactics that are retaliatory and exceed the realm of proper criticism and the rights to appeal. The OCBA, as a leader of the legal community, voted to approve resolutions that called into question the actions of local leaders and government officials—not an easy task. This organization continues its tradition of advocating for equality and the integrity of our legal system.

Election Time!

If you have read through this article and question whether the OCBA is doing too much, or not enough, to advance our legal system in society, now is a great time to pay attention. Each future OCBA president and director is elected, but only a handful of OCBA members take the time to vote.

This month, we have two amazing candidates running for secretary of the OCBA, and the honor of being the 2019 president of the OCBA. Please review the profiles of Deirdre Kelly and Steve Hittelman in this month's magazine, and ask them questions about the direction they want to take the OCBA.

As for my agenda, I am not sure what the next politically charged issue before the OCBA will be. I only hope it comes up during Todd Friedland's term.



*Ashleigh E. Aitken is Of Counsel at Aitken*Aitken*Cohn, a position she obtained neither through nepotism nor duress. She is a plaintiff-only civil litigation attorney specializing in wrongful death, personal injury, business torts, and class actions. She can be reached at ashleigh@aitkenlaw.com.*