



# Title IX Team– Part II

---

Presented by:  
Sarah E. Fama  
Emma J. Sol

Calaveras Unified School District  
March 23, 2022

## Sarah E. Fama

Senior Counsel



Walnut Creek Office  
sfama@lozanosmith.com  
925.953.1620

### Overview

Sarah E. Fama is Senior Counsel in Lozano Smith's Walnut Creek office. She represents public agencies through various aspects of employment and general liability issues.

### Experience

Ms. Fama represents public employers at California Superior Court, California Labor Commission, California Unemployment Insurance Appeals Board, California Workers' Compensation Appeals Board, Department of Fair Employment and Housing, and Equal Employment Opportunity Commission. She regularly defends employers against claims of harassment, discrimination, wrongful termination, and wage and hour violations. Clients seek her out to provide guidance, education and training to employers regarding employment law compliance, in areas of harassment, discrimination, separation, accommodation, and wage and hour compliance.

She is routinely involved in investigations, either by guiding employers through the investigation process or by acting as an investigator herself. She also advises employers and provides training on various topics including investigations, Title IX, sexual harassment, Uniform Complaint Procedure, retaliation, discrimination and other complaints that may arise in an education setting.

### Education

Ms. Fama received her Juris Doctor degree from the University of the Pacific, McGeorge School of Law, where she was named to the Dean's Honor List. Her J.D. concentration was focused on International Legal Studies. She earned her Bachelor of Arts in Sociology from the University of Alberta.

#### Practices

Labor & Employment  
Litigation  
Title IX  
Investigations

#### Education

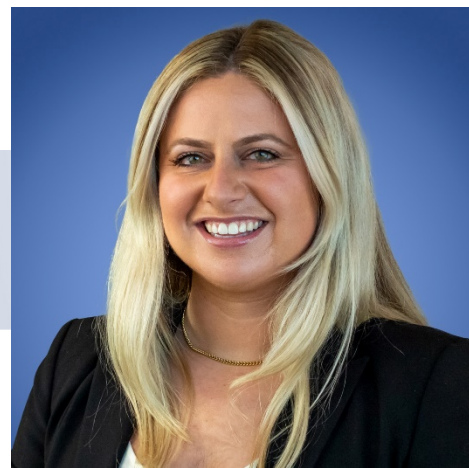
J.D., University of the Pacific,  
McGeorge School of Law  
B.A., University of Alberta

#### Admissions

California

## Emma J. Sol

Associate



Walnut Creek Office  
esol@lozanosmith.com  
925.953.1620

### Overview

Emma J. Sol is an Associate in Lozano Smith's Walnut Creek office. Ms. Sol focuses her practice primarily on Title IX, student and investigations issues.

### Experience

Ms. Sol frequently assists clients in all aspects of Title IX compliance, including completing investigations and drafting policy. She also utilizes her knowledge and expertise in the area to present trainings on Title IX topics to assist clients in understanding this complex law. Ms. Sol is also familiar and experienced in guidance on student-related issues, such as constitutional student matters, and assisting clients in responding to California Public Records Act Requests. She applies her background and knowledge in college athletic compliance in many areas of her representation of clients.

### Education

Ms. Sol earned her law degree from Santa Clara University School of Law. She was a Dean's List graduate and received a High Tech Law Certificate, with honors. She also received CALI Awards in both Contracts and Negotiations. While in law school, she mentored first year law students as an Academic Support Program Fellow, and was the President of the Sports and Entertainment Law Society. Ms. Sol earned a Bachelor of Science in Sports Broadcasting, with an English minor and emphasis on Women & Gender Studies, from Texas Christian University.

#### Practices

Title IX  
Student  
Investigations

#### Education

J.D., Santa Clara University School of Law  
B.S., Texas Christian University

#### Admissions

California

## WHO WE ARE & WHAT WE DO

Lozano Smith is a full-service education and public agency law firm serving hundreds of California's K-12 and community college districts, and numerous cities, counties, and special districts. Established in 1988, the firm prides itself on fostering longstanding relationships with our clients, while advising and counseling on complex and ever-changing laws. Ultimately, this allows clients to stay focused on what matters most – the success of their district, students and communities they serve. Lozano Smith has offices in eight California locations: Sacramento, Walnut Creek, Fresno, Monterey, Bakersfield, San Luis Obispo, Los Angeles, and San Diego.

## AREAS OF EXPERTISE

- Administrative Hearings
- Charter School
- Community College
- Facilities & Business
- Governance
- Investigations
- Labor & Employment
- Litigation
- Municipal
- Public Finance
- Public Safety
- Special Education
- Student
- Technology & Innovation
- Title IX

**COST CONTROL** is important for public agencies and an area we have mastered. We recognize and understand your financial restraints and work tirelessly to provide the best legal representation with those limitations in mind. One of the best ways we keep legal costs to a minimum is through strategic, preventive legal services. These include Client News Briefs to keep you updated on changing laws affecting education. In addition, we offer extensive workshops and legal seminars providing the tools needed to minimize liability, reducing the need for legal assistance down the road.

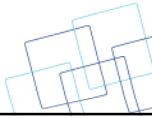
**CLIENT SERVICE** is our top priority and we take it very seriously. With premier service as the benchmark, we have established protocols and specific standards of practice. Client calls are systematically returned within 24 hours and often sooner when required.

**DIVERSITY IS KEY** and we consciously practice it in all that we do. It is one of our core beliefs that there is a measurable level of strength and sensitivity fostered by bringing together individuals from a wide variety of different backgrounds, cultures and life experiences. Both the firm and the clients benefit from this practice, with a higher level of creative thinking, deeper understanding of issues, more compassion, and the powerful solutions that emerge as a result.

## Title IX Team – Part II

Presented by: Sarah E. Fama  
Emma J. Sol

Calavera Unified School District  
March 23, 2022



---

---

---

---

---

---

---

### Presenter

#### Sarah E. Fama

##### AT LOZANO SMITH

Sarah E. Fama is Senior Counsel at Lozano Smith's Walnut Creek office. She represents public agencies through various aspects of employment and general liability issues. She regularly defends employers against claims of harassment, discrimination, wrongful termination, and wage and hour violations. She is routinely involved in investigations, either by guiding employers through the investigation process and acting as an investigator herself. She also advises employers and provides training on various topics including investigations, Title IX, sexual harassment, Uniform Complaint Procedure, retaliation, discrimination and other complaints that may arise in an education setting.



**CONNECT**  
sfama@lozanosmith.com  
925.953.1620



2

---

---

---

---

---

---

---

### Presenter

#### Emma J. Sol

##### AT LOZANO SMITH

Emma J. Sol is an Associate in Lozano Smith's Walnut Creek office. Ms. Sol's focuses her practice primarily on Title IX, student and investigations issues. Ms. Sol frequently assists clients in all aspects of Title IX compliance, including completing investigations and drafting policy. She also utilizes her knowledge and expertise in the area to present trainings on Title IX topics to assist clients in understanding this complex law.



**CONNECT**  
esol@lozanosmith.com  
925.953.1620



3

---

---

---

---

---

---

---

12 Steps for Effective Investigations

Receiving the Complaint

Urgent/Supportive Measures

Assessing the Nature of the Complaint

Send Notice of Investigation

Frame the Scope

Make a List of Witnesses

Draft Questions for and Interview the Complainant

Gather and Preserve Evidence

Conduct Witness and Respondent Interviews

Conduct Additional Interviews If Needed

Exchange the Evidence and Prepare the Report and Findings

Corrective Action and Tying up Loose Ends

LS

4

---

---

---

---

---

---

---

---

12 Steps for Effective Investigations

Step 8

Draft Interview Questions and Apply a Trauma-Informed Approach



LS

5

---

---

---

---


---

---

---

---

What do you think?



LS

6

---

---

---

---

---


---

---


---

What do you think?

What did Principal Darand do well?



What could Principal Darand improve on?



LS

7

---

---

---

---

---

---

---

Trauma-Informed Approach

Schedule interview at convenient time and place

Listen attentively and actively without interrupting

Save technical questions for the end of the interview once open-ended ones exhausted

Display compassion and sincerity

Interview without judgment or skepticism

*Use of trauma-informed techniques during the complainant's interview can facilitate rapport building, cooperation and complainant's emotional recovery*

Do NOT Victim-Blame

Permit student/employee to control information flow

Suggest breaks as needed

Explain the need/context when asking sensitive questions

LS

8

---

---

---

---

---

---

---

Recognize Trauma-related Dissociation

- Some complainants may express fears and concerns
- Some complainants may exhibit signs of detachment and disconnection (dissociation)
- Triggering past trauma can result in severe forms of dissociation include losing time, forgetting who/where you are, going blank
- Signs of dissociation include:
  - glazed/fixed gaze
  - no eye contact
  - crying
  - confusion
  - rapid speech
  - sudden mood changes
  - flat affect
  - change in tone
  - monotonous voice
  - silence for long periods of time
  - loss of time
  - "I'm so ashamed..."
  - "This is all my fault..."
  - "People won't believe me..."
  - "How can I trust anyone again..."
  - "I'm overwhelmed and afraid..."
  - "What are my parents/teachers/supervisors/friends going to think..."

Reporting students/employees need to be heard without skepticism or judgment

LS

9

---

---

---

---

---

---

---

3

### GROUP ACTIVITY: Help the Complainant Regain Control

- What are some techniques you can implement when you can tell that the complainant/victim is losing interest, has shut down or stopped talking?



LS

10

---

---

---

---

---

---

---

### Helping Complainant Regain Control

Remind the person that their feelings and their experience right now are normal and that it is not unusual to have different types of strong feelings arise during an interview of this kind

Pause interview and check in: "We have covered a lot of ground over the past half-hour. How are you feeling now?"

Engage and restore control by using grounding techniques like providing a glass of water or suggesting a break and standing up

Inform the reporting party about next steps in the process and that they can reach out at any time to talk

LS

11

---

---

---

---

---

---

---

### Common Challenges to Complainant's Credibility



LS

12

---

---

---

---

---

---

---



## Credibility Challenge: Incomplete, Inconsistent and Untrue Statements

Common neurobiological effects of trauma: perceptual narrowing, loss of cognitive and motor skills

Discomfort providing sexual or other personal details during interview

Having to describe sexual assault to many different people

Fear of being blamed and/or doubted

Fear of punishment for illegal behavior e.g. underage drinking, drug-use



13

---

---

---

---

---

---

---

---

## Credibility Challenge: Lack of Physical Resistance

Majority of sexual assaults are committed by someone known to the complainant

Most common response is not physical resistance but often feelings of betrayal, confusion, disorientation, shame and self-blame

Never ask complainant:

- Did you fight back?
- Why didn't you try to get away?
- Did you yell for help?

Instead ask questions like:

- What did you do next?
- Can you tell me what you were thinking at that time?
- Can you tell me what you were feeling when they did that?



14

---

---

---

---

---

---

---

---

## Credibility Challenge: Delayed Reporting



Victims need time to process what has happened to them

Perpetrators of sexual assault are often known to victims

Fear

Self-blame



15

---

---

---

---

---

---

---

---

## 12 Steps for Effective Investigations

### Step 9 Conduct Interviews



LS

16

---

---

---

---

---

---

---

## Interviews



- Start with an outline of questions but be flexible!
- Use the outline as more of a roadmap for issues you need to touch on with each witness
- If there are a series of incidents, consider a linear roadmap
- Keep in mind big picture goals
- At the end, ask: "Is there anything else?"

LS

17

---

---

---

---

---

---

---

## Questioning Techniques

Tell me what happened  
Explain why you're upset  
Describe how it made you feel

Who? What?  
Where? When?  
How? *Why?*

Were you \_\_\_\_?  
Where was \_\_\_\_?  
Did you \_\_\_\_?

LS

18

---

---

---

---

---

---

---

## Statements/Questions to Avoid

### Questions to avoid:

- Why did you...?
- Why didn't you...?
- Didn't you consider...?

### Questions that may be helpful:

- How did that make you feel?
- What was your thought process at that time?
- Do you remember smelling/hearing anything?

Don't insert your opinion into the victim's experience

Don't make assumptions about what the victim needs or wants

Avoid questions that can be answered with one-word or short responses

Avoid leading questions

"And then you did this..." v. "What happened next?"



19

---

---

---

---

---

---

---

---

## Activity: Good or Bad questions

- 1) "On April 2, you sent a text message to Angela Smith, right?"
- 2) "Did you send a text message to Angela Smith on April 2?" [if answer is yes] "Tell me about the conversation."
- 3) "Tell me how it made you feel to be texting with the coach."
- 4) "That must have made you feel scared, didn't it?"
- 5) "What was your thought process at that time?"
- 6) "What time did you arrive, and who else was there?"
- 7) "Why did you text him back?"
- 8) "Why didn't you just tell the coach to stop?"



20

---

---

---

---

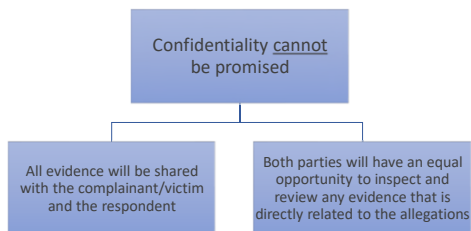
---

---

---

---

## Confidentiality & Preserving the Integrity of the Investigation



21

---

---

---

---

---

---

---

---



### Take Notes

Take detailed notes and/or have a second administrator or confidential employee involved to take notes.

Consider signed witness statement summaries.



22

---

---

---

---

---

---

---

## 12 Steps for Effective Investigations

### Step 10 Conduct Additional Interviews If Needed



23

---

---

---

---

---

---

---

### Conduct Additional Interviews



Review your witness summaries and evidence and ask yourself if there are any holes



Do you have all the information you need to thoroughly address each allegation?



It is OK to conduct follow-up interviews of witnesses if needed



24

---

---

---

---

---

---

---

## 12 Steps for Effective Investigations

### Step 11 Exchange Evidence and Prepare the Report and Findings



LS

25

---

---

---

---

---

---

---

---

## Review of Evidence By the Parties

Send the parties all evidence directly related to the allegations raised in the formal complaint

- Includes evidence the District does not intend to rely on in reaching its decision regarding responsibility

Must be done prior to the completion of the investigation report

Parties should be given at least 10 days to respond to the evidence, which must be considered by the investigator

The investigator should work with the Title IX Coordinator to securely transmit the evidence to the parties, and to assess whether redactions may be appropriate

LS

26

---

---

---

---

---

---

---

---

## Investigation Report

The final investigation report is prepared by the investigator and must summarize all relevant evidence

Must be sent to the parties at least 10 days before a written determination regarding responsibility is issued by the decision-maker

Parties respond to Investigation Report and exchange written questions

LS

27

---

---

---

---

---

---

---

---

## Investigation Report (Recommended Content)

Identify the date the investigation commenced

Identify the investigator

Identify supportive measures offered to and accepted by the parties

Summary of the investigation process

Identify the legal standard of review applied to the review of evidence/applicable policies

Identify number of/identity of witnesses

Summary of evidence – documents and witness statements



28

---

---

---

---

---

---

---

---

## Where Relevancy Comes Into Play...

- The investigator is tasked ensuring both parties have an equal opportunity to present, inspect and review any evidence obtained as part of the investigation. Ultimately, they create an investigation report that fairly summarizes relevant evidence.
- The decision-maker is tasked with making factual findings and a final determination as to whether policies have been violated. As part of this process, they provide the parties the opportunity to ask relevant questions of each other and witnesses.



29

---

---

---

---

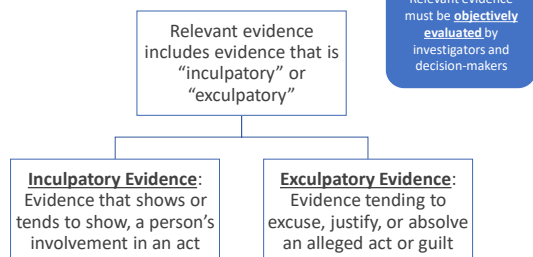
---

---

---

---

## Relevant Evidence



30

---

---

---

---

---

---

---

---

### Limitations on Relevance

- Information protected by any legally recognized privilege cannot be used; no party's treatment records may be used without that party's voluntary, written consent
- When evidence is duplicative of other evidence, it may be deemed not relevant
- A complainant's predisposition is never relevant



31

---

---

---

---

---

---

---

### Limitations on Relevance

A complainant's prior sexual behavior is irrelevant unless used:

To prove that someone other than the respondent committed the conduct alleged by the complainant, or

To prove consent, if the questions and evidence concern specific incidents of the complainant's prior sexual behavior with respect to the respondent



---

---

---

---

---

---

---

### Prior Sexual History

Rape shield protection does not pertain to the sexual predisposition or sexual behavior of Respondents, so evidence of a pattern of inappropriate behavior by an alleged harasser must be judged for relevance as any other evidence

Scenarios where respondent might try to prove complainant had motive to fabricate or conceal a sexual interaction do not require admission or consideration of the complainant's sexual behavior



33

---

---

---

---

---

---

---

### Prior or Subsequent Misconduct

- Regulations do not prohibit the use of prior or subsequent misconduct
  - Evidence of a pattern of inappropriate behavior by an alleged harasser is permitted if relevant
- Decision-maker will need to determine if such conduct is:
  - Relevant
  - May be used in determining responsibility
  - May be used in sanctioning
- Prior or subsequent misconduct may be relevant to demonstrate:
  - Intent/knowledge/state of mind
  - Motive
  - Opportunity
  - Lack of mistake
  - Pattern
  - Identity
  - Information that is inextricably interwoven with the facts



34

---

---

---

---

---

---

---

---

### Group Activity

RECALL: Molly alleges that Jeff sexually assaulted her at a high school tailgate.

Jeff wants to bring in evidence that Molly performed oral sex on him the week before.

Relevant

Not relevant



35

---

---

---

---

---

---

---

---

### Group Activity

RECALL: The high school senior who threatens to sabotage a sophomore's reputation unless she sends him nude photographs of herself.

The senior tells you the sophomore is failing all her classes and he thinks she is using a baseless sexual harassment allegation against respondent to obtain supportive measures as an excuse for her poor academic performance.

Relevant

Not relevant



36

---

---

---

---

---

---

---

---



## Exchange of Written Questions

The decision-maker must allow parties at least 10 days to submit written, relevant questions that they want to ask any other party or witness

Once the parties are provided with the answers, they are permitted to submit additional, limited follow-up questions from each part

Decision-maker determines relevancy, and if a question is not allowed, they explain why questions were deemed irrelevant

LS

37

---

---

---

---

---

---

---

---

## Group Activity

**RECALL:** The high school senior who threatens to sabotage a sophomore's reputation unless she sends him nude photographs of herself.

The senior, John Smith, submits the following written question for the sophomore:

*"Did you have consensual sex with John Smith on May 5, 2020?"*

Relevant

Not relevant

LS

38

---

---

---

---

---

---

---

---

## Group Activity

**RECALL:** The high school senior who threatens to sabotage a sophomore's reputation unless she sends him nude photographs of herself.

In addition to the allegation about sabotaging her reputation, the sophomore also alleges that the senior, John Smith fondled her without consent on May 4, 2020.

*"Did you have consensual sexual intercourse with John Smith on May 5, 2020?"*

Relevant

Not relevant

LS

39

---

---

---

---

---

---

---

---

### Group Activity

RECALL: Molly alleged Jeff sexually assaulted her at a high school tailgate.

Jeff submits the following written question for Molly:

*"Did you respond to texts from Jeff after the tailgate about making plans to hangout the weekend after?"*

Relevant

Not  
relevant



40

---

---

---

---

---

---

---

---

### Decision-Maker: Explaining Exclusion of Questions

Before complainant, respondent, or witness answers a question, the decision-maker must first determine whether the question is relevant and if a question is excluded the decision-maker must explain their decision to exclude the question as not relevant

This provision does not require the decision-maker to give lengthy or complicated explanation



41

---

---

---

---

---

---

---

---

### Group Activity

RECALL: The high school senior who threatens to sabotage a sophomore's reputation unless she sends him nude photographs of herself.

The senior says he never threatened to sabotage her reputation and he wants to introduce evidence that the sophomore told him that she suffered from a mental disorder which caused her to be paranoid at times.

Relevant

Not  
relevant



42

---

---

---

---

---

---

---

---

### Decision-Maker Prepares the Written Determination Regarding Responsibility

- **Identification of the allegations** potentially constituting sexual harassment
- **A description of the procedural steps** taken from formal complaint through the determination of responsibility
- **Findings of Fact** supporting the determination
- **Conclusions** regarding the application of the recipient's code of conduct to the facts
- **Rationale** for each finding and conclusion, including a **determination of responsibility** for each allegation
- Statement of **potential disciplinary sanctions**
- **Appeal rights**



43

---

---

---

---

---

---

---

---

### How to Analyze the Evidence

- Review all the evidence
  - Witness statements
  - Documents
- Apply the facts to the law/policy/allegation
- Weigh the evidence
- Make credibility determinations
  - Note these in your report



44

---

---

---

---

---

---

---

---

### Writing the Analysis

Topic sentence

Summarize Complainant's version of events (address credibility)

Summarize Respondent's version of events (address credibility)

Summarize independent evidence (witness statements, documents, etc.) and explain how it corroborates or contradicts the parties' version of events

Factual Finding (i.e., sustained, not sustained, partially sustained)



45

---

---

---

---

---

---

---

---

## Group Activity: Writing the Analysis

**RECALL:** In the video, Molly reported being sexually assaulted by Jeff at a high school tailgate.

- Molly alleged that Jeff took her skirt and underwear off and touched her genital area. She was crying and told him she didn't want to right now. Jeff continued to kiss her while she cried.
- Jeff said Molly went back to the SUV with him and was "into it the whole time." He didn't see her crying or notice that she was upset. He doesn't remember her saying she didn't want to, and that she kept kissing him.
- Molly's friend, Charlotte, said Molly was really quiet on the ride home, and didn't come to school the next day.
- Molly's friend, Jane, said that Jeff's friend, Brian, told her that Jeff was "getting some" at the tailgate. Jane saw Molly leave Jeff's car in tears, but she was with the other guys so she didn't come check on Molly.
- Brian said that Molly was hanging all over Jeff at the tailgate.
- Jeff's friend, Sean, said this wasn't the first time he has seen Jeff and Molly together.
- Molly provided screenshots of text messages Jeff sent her after the incident. This included a picture of Molly's underwear, which she left in the back of his SUV, and a comment saying, "I'll give these back to you when we finish what we started (winky face emoji)".
- Molly's grades have dropped since the incident. She recently quit the track team.



46

---

---

---

---

---

---

---

---



## Do an analysis...

Write out an analysis for the allegation:

*Did Jeff forcibly kiss Molly and reach up her skirt, touching her genital area without her consent?*



47

---

---

---

---

---

---

---

---

## Written Findings

Did Jeff forcibly kiss Molly and reach up her skirt, touching her genital area without her consent?

Sustained.

A preponderance of the evidence supports a finding that Respondent forcibly kissed Molly and reached up her skirt to touch her genital area without her consent.

Molly alleged that Jeff forcibly kissed her in the back of his SUV at a tailgate, where he proceeded to take her skirt and underwear off and touch her genital area. Jeff denies this allegation, saying that Molly had consented to the kissing and touching.

Four witnesses said Molly and Jeff went to his SUV. Documentary evidence demonstrates that Molly's underwear was left in Jeff's SUV. Two witnesses stated that Molly was upset after the incident, with one witness noticing that she was crying when she left Jeff's car. One witness stated that prior to the incident, Molly was hanging all over Jeff. One witness said they saw Jeff and Molly hanging out before but did not see Molly after the incident. While Molly and Jeff may have been friendly prior to the incident, it does not prove that the incident at the tailgate was consensual. The evidence demonstrates that Molly's grades and social life have suffered since the incident, including a drop in her grades, and she quit the track team.

A preponderance of the evidence demonstrates that Jeff forcibly kissed Molly and reached up her skirt to touch her genital area without her consent.



48

---

---

---

---

---

---

---

---

Appeal Rights for Both Parties at the District

Parties may appeal the written determination on the following bases:

Procedural irregularity;

New evidence that was not reasonably available earlier; or

Title IX personnel had a conflict of interest or bias.

Students/employees are also be afforded the right to file a complaint or an appeal with federal and/or state agencies (e.g. OCR, CDE, DFEH, EEOC)

LS

49

---

---

---

---

---

---


---

---

12 Steps for Effective Investigations

Step 12

Corrective Action and Tying Up Loose Ends



LS

50

---

---

---

---

---

---

---

---

Corrective Actions

Staff/student discipline

Ensuring no retaliation


Additional support for involved parties

Generalized training for staff/students in class, school, or district-wide

Generalized notification of policies/ rules

Increased monitoring and check-ins

Changes to District practice



LS

51

---

---

---

---

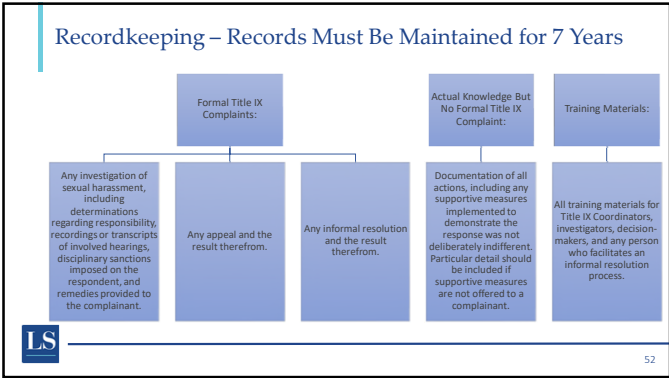
---

---

---

---

17



---

---

---

---

---

---

---

---



---

---

---

---

---

---

---

---

Subscribe on your favorite app or device.

LS

Stay informed on your time.

**Lozano Smith Podcast**

[lozanosmith.com/podcast](https://lozanosmith.com/podcast)

---

---

---

---

---

---

---

---



## Thank you from Lozano Smith.

Together with you, we're impacting communities and lives through:

- Professional development
- Volunteer projects
- Sponsorships and award programs
- Scholarships

#BlueHatProject  
#LozanoSmithFoundation



55

---

---

---

---

---

---

---

---

For more information, questions and comments about the presentation, please feel free to contact:

**Sarah E. Fama**  
Senior Counsel  
Tel: 925.953.1620  
[sfama@lozanosmith.com](mailto:sfama@lozanosmith.com)

**Emma J. Sol**  
Associate  
Tel: 925.953.1620  
[esol@lozanosmith.com](mailto:esol@lozanosmith.com)

Or any of the attorneys in one of our 8 offices.



---

---

---

---

---

---

---

---



## @LozanoSmith

Disclaimer: These materials and all discussions of these materials are for informational purposes only and do not constitute legal advice. If you need legal advice, you should contact your local counsel or an attorney at Lozano Smith. If you are interested in having other in-service programs presented, please contact [clientervices@lozanosmith.com](mailto:clientervices@lozanosmith.com) or call (925) 431-5800.

Copyright © 2022 Lozano Smith  
All rights reserved. No portion of this work may be copied, distributed, sold or used for any commercial advantage or private gain, nor any derivative work prepared therefrom, nor shall any sub-license be granted, without the express prior written permission of Lozano Smith through its Managing Partner. The Managing Partner of Lozano Smith hereby grants permission to any client of Lozano Smith to whom Lozano Smith provides a copy to use such copy intact and solely for the internal purposes of such client. By accepting this product, recipient agrees it shall not use the work except consistent with the terms of this limited license.



57

---

---

---

---

---

---

---

---

**Disclaimer:**

These materials and all discussions of these materials are for instructional purposes only and do not constitute legal advice. If you need legal advice, you should contact your local counsel or an attorney at Lozano Smith. If you are interested in having other in-service programs presented, please contact [clientservices@lozanosmith.com](mailto:clientservices@lozanosmith.com) or call (559) 431-5600.

**Copyright © 2022 Lozano Smith**

All rights reserved. No portion of this work may be copied, distributed, sold or used for any commercial advantage or private gain, nor any derivative work prepared therefrom, nor shall any sub-license be granted, without the express prior written permission of Lozano Smith through its Managing Partner. The Managing Partner of Lozano Smith hereby grants permission to any client of Lozano Smith to whom Lozano Smith provides a copy to use such copy intact and solely for the internal purposes of such client. By accepting this product, recipient agrees it shall not use the work except consistent with the terms of this limited license.