

SPECIAL DOUBLE ISSUE

HIGH TIMES

Jan/Feb 530

**HIGH TIMES
HUMANITARIAN
OF THE YEAR
DENNIS PERON**

HIGHTIMES.COM

JANUARY/FEBRUARY 2020 USA \$6.99 / FOR \$6.99





BRAND SPOTLIGHT:

From the Freedom Defense to Conscious Capitalism

HOW ATTORNEY OMAR FIGUEROA REDEFINED HIS LAW PRACTICE AND REMAINED AN ACTIVIST AT HEART. BY TANJA M. LADEN

AS THE FOUNDER of a boutique law firm in Sonoma County, CA, Omar Figueroa is his own brand. The longtime cannabis advocate and activist has been practicing law for more than 20 years, the majority of which have been focused on utilizing the freedom defense—a zealous criminal defense that focuses on constitutional issues and legal questions of first impression—for cannabis growers. But as a California-based criminal-defense attorney working in the field of cannabis, Figueroa found himself needing to navigate an uncharted legal landscape, specifically with the arrival of quasi-legalization. While the transition hasn't been easy, it's been by all accounts successful—and through it all, Figueroa has remained an ardent supporter of entheogen law and policy.

Figueroa's list of credentials is impressive.

He's a founding lifetime member and the current director of the International Cannabis Bar Association, a lifetime member of the NORML Legal Committee and a member of the Distinguished Counsel's Circle of NORML. He's also served as an appointed member of the Sonoma County Cannabis Advisory Group, and he's spoken at numerous cannabis conferences around the world. Notably, Figueroa has written numerous legal reference works that are up-to-the-minute collections of cannabis law in California, which will enable future scholars to study the evolution of cannabis law based on contemporaneous texts, rather than trying to reconstruct the evolution of those laws and regulations years after the fact. Most recently, Figueroa also helped draft the California psilocybin-decriminalization initiative, for which organizers are gathering signatures with hopes of making it on to the 2020 ballot.

Figueroa describes his life and career as an "interesting ride." Born in Mexico, he came to

California as a child, settling in Orange County with his parents. Exhibiting an early talent for math, Figueroa was a self-described nerd who, like many '80s-era kids, was exposed to Nancy Reagan's DARE program and, as a result, grew up thinking marijuana was evil. Once he entered Yale University, he learned differently. (Figueroa says he chose Yale because he knew his parents weren't going to surprise him with unexpected visits, given the fact that the New Haven, CT, university is nearly 3,000 miles away from Orange County, CA.)

While majoring in philosophy at the Ivy League school, Figueroa began to drink—a lot. "It's part of the Yale custom," he quips. "They teach you to drink." One morning following a particularly robust bender, Figueroa found himself with an agonizing hangover. When a friend handed him a joint, Figueroa was astonished to discover that his hangover immediately disappeared. "At that point, I lost interest in alcohol and became a cannabis aficionado," he says. However, it wasn't until



Omar Figueroa is fighting for cannabis consumers.

he graduated from Yale in 1992 and returned to the West Coast to study at Stanford Law School that Figueroa actually encountered connoisseur-quality cannabis, which only heightened his enthusiasm for it.

Initially, Figueroa's plan was to study intellectual property and patent law, due to his aptitude for math. But the budding attorney quickly discovered that he wanted to represent people, not corporations. That realization came during his first year of law school, when Figueroa met Tony Serra, a famed civil-rights lawyer who's worked on numerous high-profile cases, including the successful defense of Huey Newton, the leader of the Black Panthers who was on trial for murder in 1970.

Upon graduating law school, Figueroa went to work with Serra, who was leading a pro bono death-penalty defense team on behalf of Bear Lincoln, a Native American accused of shooting a sheriff in a first-degree murder case with special circumstances. Figueroa still remembers Serra's five-hour

closing argument on the case, which was broadcast over the radio in Mendocino County. "It was the best closing argument I've ever heard," he says. "Better than any movie. Better than any book. It was truly amazing. And he saved Bear Lincoln." It was then that Figueroa became "hooked on freedom defense," so he continued to practice with Serra on criminal cases, working his way from defending people accused of infractions, then misdemeanors and, eventually, felonies.

"I quickly realized that the best clients were marijuana growers, at least for me," Figueroa says. "Other lawyers like the murder cases, because they pay a lot more money. But that was not my cup of tea. I didn't want to be looking at bloody photos and thinking about blood spatter and how somebody gets their head bashed in. That's not what I wanted to spend my day thinking about. I'd rather spend all day long thinking about cannabis."

To that end, Figueroa began specializing in cannabis cases, starting his own firm,

joining a hippie collective of freedom-defense lawyers in San Francisco known as Pier 5 Law Offices and traveling from courthouse to courthouse and appearing in court in over 30 counties in California. "Because of my enthusiasm for cannabis, I focused on defending cultivators because the growers save the best—known as the head stash—for themselves and their lawyers," he muses.

While defending cannabis growers, Figueroa also defended many activists, working on behalf of a wide range of clients including tree-sitters in Humboldt County, a street medic in Oakland, members of the Occupy movement in Santa Rosa, the famed computer hacker Kevin Mitnick in Los Angeles and the accused eco-terrorist Rod Coronado in San Diego. Yet because the majority of his clients were growers, Figueroa had to redefine his practice given the recent and continuing changes in cannabis laws. With fewer felony cases on hand, he pivoted and began working in the regulated marketplace. "I basically had to retrain myself from the beginning and learn all about business law and intellectual property," he says.

Today, Figueroa's practice is dedicated to helping clients look beyond the standard corporate model and start thinking about becoming socially responsible corporations. "It's conscious-capitalism advocacy," Figueroa says. "There are still many creative ways to be an activist, even in this new world. The game has changed from trying to get people out of cages to basically building a conscious cannabis industry that's not just replicating the boring and dead corporate models of yesteryear. Instead of helping cannabis entrepreneurs avoid their nightmares, I advise them on how to accomplish their dreams in strict compliance with state law."

However, Figueroa remains an activist at heart. He's currently representing septuagenarian forest defenders who are protesting the Humboldt Redwood Company's logging operations on Rainbow Ridge. He also has another case in Sonoma County that involves animal-rights activists who rescued abused and neglected chickens from a meat factory. And of course, he still maintains a roster of cannabis clients with various types of legal licenses, including dispensaries, cultivators and manufacturers.

Whether it's working on behalf of activists or blazing the trail for cannabis businesses, Figueroa's law office continues to maintain an ethos that is rooted in its founder's fierce and abiding interest in what scholars have defined as cognitive liberty. "It's the right to mind-autonomy, and the belief that certain substances help you achieve certain states of mind," Figueroa explains. "When you outlaw the substance, you outlaw states of mind." ✨