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VENTING THE GHOSTS

By Philip Garrett Panitz



Boy, do I need a vacation. Of course, by the time you read this column I will actually have returned from my vacation to Paris. But at this moment, in July, I am ready to go.

Today, I stopped off to get a bagel and some coffee from a local establishment. I informed the girl at the counter that the order was “for here.” She asked me three times if it was “for here” or “to go,” and each time I responded, “for here.” Of course, when the order was ready it was packaged “to go.” Then, after lunch I went to indulge myself at Dairy Queen for an ice cream sundae. I ordered a chocolate sundae with hot fudge topping. The teenager asked if I wanted “nuts” and “whipped cream.” “No nuts,” I responded, “just whipped cream.” “Did you say no nuts?” he asked. “No nuts,” I replied again. Of course, he put on the counter a vanilla sundae with nuts and no whipped cream. I looked at him, back at the sundae, back at him, and he still had no idea what was going on. When I finally explained that I had ordered a chocolate sundae with whipped cream and no nuts, he looked at me like I just changed my mind and made him waste the sundae. Is it just me, or have teenagers’ brains been fried by the computer games they are addicted to?

Then again, vacations are not always the panacea to life’s daily ills they are cracked up to be. On Memorial Day weekend of 2003, I took my fiancée, Molly, to Santa Fe, New Mexico, to celebrate the anniversary of our meeting. It was a place she had always wanted to visit, and there are some great golf courses in the area so I was excited as well. Upon arrival in Albuquerque, my golf clubs were promptly stolen. They came up on the airline’s conveyor belt, I saw them, but they never quite made it around to me. I rushed outside to catch someone loading them into their vehicle, but to no avail. After filling out a claim form with the airline, we were on the road with our rental car heading toward Santa Fe, when a blue-haired octogenarian decided to move over into the left lane without looking. Of course, I was driving next to her in the fast lane. I reacted fast enough to avoid

contact, and laid on my horn, but she reacted like the teenager in the fast food restaurant – in other words, not at all.

I had reserved an incredible room at the La Fonda Hotel in Santa Fe. They have beautiful suites at the top of the hotel, literally on the roof. They have outdoor jacuzzi tubs and the rooms are quite special. It was our “anniversary,” after all. Upon arrival, the manager of the hotel greeted us upon check-in. At first, I felt like a VIP. That was until he told us there was a problem. “It appears the room you reserved, the guests have not checked out,” he said. “What do you mean they haven’t checked out? We reserved the room months ago. It is our anniversary. Kick them out!” I said. “We can’t locate them. All their stuff is still in

*Vacations are not always the
panacea to life’s daily ills
they are cracked up to be*

their room, and they are apparently still in town, but we can’t remove their stuff by law without their permission.” The manager indicated that he would “comp” us in a regular room for the night, and then would move us into our reserved room when they checked out the next day. The room we were put in looked to me like a dungeon. I decided to show Molly the room we were supposed to be in, so I took her to the roof where the rooms were guarded by a concierge for the floor. The concierge was shocked when I told her our tale of woe, and she checked her list and said she didn’t even show us checking in on that date. The plot thickened. It appears that the manager had been lying to us, it was a hotel mix-up. The concierge indicated that they did in fact have an open room, but it was spoken for as of the next day. We then demanded that room, figuring if we were going to be moved tomorrow anyway it might as well be from one great room to another. Once the manager was confronted with this new evidence, he backed down and let us have the open room.

The next day, instead of sight-seeing in Santa Fe with Molly as planned, I drove the hour and a half down to Albuquerque to buy a whole new set of golf clubs, bag,

shoes, balls, etc. There were no golf stores in Santa Fe. The following day, I went to the championship course I had been scheduled to play, to enjoy my first round of golf with my new clubs. On the first tee, I was paired with a nice husband and wife couple from Nebraska. It was a glorious sunny day, and I was trying to put the events of the past two days behind me. On the fourth hole, the sky turned black and rain the size of pellets commenced. Before we had reached the fourth green, lightning was hitting the fairway, and we were scrambling for the equipment shed. We stood huddled in that shed until we couldn’t take it anymore, and risked death in our mad dash with carts toward the club house. I stood soaked to the skin before a crazy-eyed teenager manning the cash register, requesting a refund. I was told that if you played three holes, you are only entitled to a “rain check, no refund.” Some begging to a supervisor and pity on my plight led to a complete refund once he understood I would never be back again.

On the drive back to Santa Fe, I think my bitter frustration got the better of me and I started to weigh heavily on the accelerator of the rental car. That was until I saw the red and blue flashing lights of New Mexico’s finest in my rear view mirror. In response to the state trooper’s request for an explanation for my excessive speed through the vast empty desert, I replied in staccato and almost incoherent fashion “clubs stolen, almost killed in car accident and driven off road, hotel gave away my room, almost killed by lightning.” He just shook his head and wrote out the ticket.

Back at the room, Molly said she had seen the entire town in one hour. I suggested we go take a drive. She agreed. We were driving out into the desert. She thought we were driving just to see the scenery and cool down after our run of bad luck. I actually had a different agenda. I had been to New Mexico only once before, an entire summer in 1971 staying with my aunt and my mom. My aunt had a medical practice in Albuquerque. On weekends we would sometimes drive and explore the state, and I remembered one “magical” experience where out of nothingness there had appeared what looked like a western

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LETTERS TO THE EDITOR

The debate over the Conference of Delegates topless bathing resolution produced the largest outpouring of letters to CITATIONS of any Bar issue in the last 20 years, surpassing even the Mother Teresa issue.

The Proponent Says

I take offense at President Panitz's article on the "XYZ affair" on a number of levels. As mentioned in his article, the Conference of Delegates' (COD) interaction with the County Bar board of directors has been an informal one and merely informational. Never in its history has the board had the right nor felt the need to interfere with the independent nature of the COD. In fact, members of the COD volunteer to participate, spend hours of unpaid time researching, writing and reviewing resolutions. In addition they now get the privilege of paying their own way completely at the convention. So the phrase that "the Ventura County Bar Association 'sponsors' a group of delegates" really overstates the relationship.

President Panitz's position that the County Bar Association "sponsors" a resolution also misses the mark. The correct terminology is that the Ventura County Bar Association is the "proponent" of the resolution. Simply put, the Bar Association is the vehicle for the resolution to be submitted at the state conference for debate by individuals from the entire state. Being the proponent of a resolution does not mean that the entire association or even the delegation support the resolution. The term "sponsor" simply does not apply to the relationship of the County Bar Association and either its delegation or the resolutions.

Before we completely disregard President Panitz's proposed compromise, let's apply his perspective to his own argument. It seems that this entire "crisis" is the result of one individual trying to advance his personal position. In no way does censure of the County Bar members in any way benefit or better the lives of the County Bar members (or Californians in general). In fact censorship only benefits the individual seeking to censor the thought, debate or advancement of the issue at hand. The system has worked fine the way it was with no need to formalize anything, because the people involved understood the nature of the process and had participated in it previously. All felt safe in allowing any issue to be discussed and decided by the larger state body rather than be prematurely vetoed at the county level.

Since President Panitz agrees that any worthy resolution should be able to find support from ten members, it follows that if any ten County Bar members agree to a resolution then the County Bar Association should be willing to be the "proponent" of that resolution without censorship. That way the Bar Association truly represents the interest of its members and not just those currently in positions of power.

However, what I find most offensive about the article is that President Panitz seems to believe that he (or some unnamed body) could somehow make the Solomon-like decision as to what benefits or betters the lives of Californians as opposed to "advancing someone's individual personal agenda." The way this current situation has been handled has given me great concerns about allowing any group, but particularly the County Bar Association, the power to make decisions regarding issues with which they may not be familiar. Just as one example, while the July CITATIONS spoke of welcoming opinions, the proposed meeting to determine the process was actually held on July 13, providing no notice to individuals involved with COD who may have wanted to participate in the decision and certainly with insufficient time for any bar members at large to respond to President Panitz's "crisis." The speed and secrecy of that meeting suggest the furtherance of a "personal agenda." I am glad to see a new meeting has been scheduled.

I think the president and the board need to decide if their goal is to embrace the breadth, depth and diversity of this county's attorney population and encourage all county members to participate in the organization or allow the County Bar Association to represent a select group of "insiders" and what they feel comfortable with. As to Mr. Campbell's comments, it is obvious he has no fear of being considered a boob.

Liana Johnsson

Liana Johnsson is a deputy public defender and Chair of the District 6 Conference of Delegates.

"Why Can't We Just Get Along?" Rodney King - 1992

Putting aside for a moment the topics of world peace, the economy and politics, I will attempt to address the issue of the day:

Why is the Ventura County Bar Association proposing a resolution before the California Conference of Delegates in favor of topless sunbathing at state beaches?

Our current president, Phil Panitz, during a brief period when he was neither on the golf course nor engaged in attempting to decipher the subtle nuances of the Internal Revenue Code, decided to advise the members of the Bar, through his editorial license as VCBA president, of the "XYZ Affair," as he termed it in the July CITATIONS. Glenn Campbell, the local attorney – not the singer – wrote a humorous and insightful (more than he probably knew) responsive letter in the August issue. Reply volleys were quick to come, printed in this issue, from Past President Tina Rasnow, Conference of Delegates Committee Chair Melissa Hill, and, Deputy Public Defender Liana Johnsson, and our representative for District Six of the State Conference of Delegates.

As a matter of fairness, some responsibility must be placed on me. This controversy did not commence with the discovery that a resolution relating to allowing topless sunbathing on state beaches had been submitted to the State Conference of Delegates with the label of being "proposed by the Ventura County Bar" but without local review. Instead, it began when I discovered that a resolution had been submitted without review about whether a conservator had the right to withdraw life support from a conservatee based upon *Conservatorship of Wendland* (2001) 26 Cal.4th 519. In that the subject matter was distinctly within my area of expertise and certainly within the scope of review of the Probate/Estate Planning Subcommittee of which I have been a member for many years, I was naturally surprised and concerned. This concern deepened upon further discovery that the other members of the Probate/Estate Planning Executive Committee also had not been contacted and had no knowledge of this submission.

Further investigation revealed not only the topless sunbathing resolution but also two other resolutions relating to revisions of the Penal Code to lessen the penalties in drug-related crimes. Michael McMahon, Chief Deputy Public Defender, drafted three of these resolutions while Liana Johnsson, Deputy Public Defender, was the author of the sun-bathing proposal. Not only had none of these resolutions been reviewed, but when I contacted Melissa Hill, the chairperson of the committee, she was only aware of two of the four. Tina and Liana defended the procedures upon the basis that this was the way it had always been done and the same way other Bar Associations prepared and submitted resolutions. What was important, from their perspective, was that everyone had an opportunity to submit their own resolutions, not that the Bar was actually made aware of and approved them before they were submitted.

The battle before the Executive Committee and the Board of Directors followed. While

in my youth I would have supported to the death the rights of any woman to doff whatever article of clothing she desired at any time and at any place, maturity and responsibility dictated that I take a more conservative position, recognizing that certain topics are really not appropriate for Bar sponsorship or support. My review of the practices of other Bar Associations also revealed that only the Santa Barbara Bar had followed the same course of action as Ventura but that Santa Barbara did have the "check and balance" of having the President-Elect serve as committee chairperson for the Conference of Delegates.

It was my position before the Board of Directors that all of these resolutions should be withdrawn. After two meetings, and with frustration over the fact that any withdrawal would not be effective until the commencement of the Conference in October, the Board allowed the resolutions to stand but required that the individual delegate responsible for presenting the resolution "clearly indicate

the resolutions are not endorsed or sponsored by the Ventura County Bar Association." Procedures for submitting resolutions in the future are presently being formulated by a Bar Committee assembled for that purpose.

I support the Conference of Delegates and the members of our Bar who will be attending in October, but I cannot support the position of any delegates who believe that they have no responsibility to the Bar itself for their actions. What pride can the Bar take in "proposing" resolutions, no matter how many the number, if the Bar itself was never part of the process? We have the opportunity of formulating guidelines for avoiding these problems. I hope that we also have the understanding and maturity to realize the necessity for these rules.

Don Hurley

Don Hurley is Assistant County Counsel and VCBA President-Elect.

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LETTERS TO THE EDITOR *Continued from page 6*

Keep Yer Shirts On, Everybody

Well. By now, after reading Phil Panitz's and Glenn Campbell's articles in the July and August issues of CITATIONS, it may surprise some to know I am not personally promoting the "topless beach" resolution now before the Conference of Delegates. (I am, after all, Republican, Catholic-raised, and 53. I don't even go to topless beaches. Not even in France.) My point is, I don't personally promote any resolution, and it's important that I don't (save one that I might at some future time author).

I am, as Chair, the impartial coordinator of our Ventura delegation, committed to and responsible for ensuring that all resolutions meeting the Conference and local bar criteria for submission to the state level do indeed get submitted, regardless of my personal agreement or disagreement with each. I believe strongly in letting our Conference process take the matter from there. Under the guidelines and procedures currently in place, the proponent of the resolution in question met the necessary criteria and was correct in getting her resolution submitted for consideration at the state-wide Conference.

That being said, I can also say the current brouhaha over this issue has brought about some vigorous discussion and interaction between the delegates, bar board members, and bar membership at large. It has prompted renewed interest in the Conference (most probably not spurred by hopes for topless beaches), in the Conference's and local bar's processes, and in how the local bar and local delegation interact. The bar and the delegation have already begun to address some issues that emerged because of Phil Panitz's and others' questions. It's also brought about a good measure of humor – welcome (may I say it?) anytime you have more than one attorney in a group. Finally, we have all begun to see how important it is to communicate with each other – to confer together rather than turning to publication as a first resort. On a personal level, I have come to know a little better Phil Panitz and others who feel strongly about this issue. I look forward to a long and collegial interaction with all of them. I continue to enjoy Tina Rasnow's friendship and counsel, and am thankful she introduced me to the Conference of Delegates.

Overall, despite the winds of strong opinion that have whirled around this one resolution, I am encouraged by the results. The delegation and the bar's newly formed committee will be meeting in September to discuss proposed changes to the resolution submission process, which at this point promises to be a three-pronged process geared to allowing all those who will present resolutions for new laws, to be heard, so long as those resolutions do not promote illegal, discriminatory or other similar content. I look forward to sharing the details with you once it is finalized.

I remain honored to chair our Ventura delegation. It's a privilege to work with so many talented and concerned attorneys, and always an interesting endeavor.

Melissa J. Hill

Melissa Hill is a research attorney with the Ventura Superior Court and Chairperson of the Conference of Delegates.

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No Crisis Here

Regarding “The XYZ Affair” in the July 2004 issue, I disagree that the submission of resolutions to the annual Conference of Delegates created a “crisis” for the bar. I have served as a delegate on behalf of Ventura County for more years than I can remember. At the request of David Shea, who could no longer chair the delegation in 2001, I accepted the role of chair for two years. The delegation being what it was, and is, no one “runs” it. Folks who traditionally comprise our delegation have diverse backgrounds and opinions, and vote their minds without outside direction.

Through participation in the Conference of Delegates, and particularly the submission of resolutions, our members can foster genuinely healthy debate about future legislation with some of the best and brightest attorneys in the state. It is one of the most inclusive and diverse activities of our bar association, and not, from my perspective, a “crisis” at all.

With respect to the resolution that has been submitted by one member this year that would decriminalize conduct by one gender that is currently legal if performed by the other gender, this resolution is not “personal” to its author. By equalizing the rights of men and women, it will affect over one-half of this state’s population. While I understand other bar associations have already voiced support for the resolution, whether I, or others, agree or disagree with the resolution is irrelevant. What is important is that the underlying equal protection and other issues get raised and debated. Far from being the reflection of an individual’s “personal agenda,” the resolutions submitted under the name of the Ventura County Bar Association attempt to tackle serious legal issues of concern to attorneys throughout the state. I welcome the debate, and hope the Ventura County Bar Association will continue to provide a rich source of debate in the years to come.

Tina Rasnow

Tina Rasnow is a past president of VCBA, and operates the Superior Court’s Access Center.

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VON HANEL

JAMS

VENTING THE GHOSTS

By Philip Garrett Panitz

Continued from page 3.

saloon. Inside, the pink decor and the giant chandeliers, women with lace panty-hose doing cancan-like dances had been quite an experience for a then-fifteen-year-old. It had turned out that the place was only dressed like a bordello; it was actually a steak house. The girls there were just happy to have customers, and their flirting with me was quite a thrill. I remembered that it had been in a place called "Lamy," but the only thing in Lamy was that steakhouse and the railroad station across the street. Nothing else. My mother and aunt both had died over a decade ago, and I was wondering what became of that mirage and whether the memory was truly real. On the map, Lamy actually existed, and looked to be about an hour east of Santa Fe.

When we arrived at the Lamy exit, we drove for another maybe twenty minutes until the road went to dirt. Another ten minutes or so on the dirt road and Molly asked me, "Where are we going?" I told her about the Lamy experience. As the road curved around a slight hill, two buildings were evident. A railroad station, with giant weeds growing through the tracks and a crooked sign hanging sideways from only one good remaining nail, moaned "LAMY." Across the street stood a boarded up building, with half the roof caved in. I walked out of the car and looked at what turned out to be a condemnation notice posted on what remained of the front door. It had been condemned in the early 80's, over twenty years ago. The building had partially rotted away from rain and disrepair. But I still remember the smiles it brought to a young boy and his mother and aunt when we found it out of nowhere thirty-three years ago. There was a certain sadness that hung over me as we drove away. It was truly left to the ghosts now, a childhood memory. And to think, I had taken the vacation to New Mexico to relax. Coming back to California had never felt so good.

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Philip Garrett Panitz, 2004 President of the Ventura County Bar Association, specializes in corporation and tax law.

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WHITHER ROJAS?

By Wendy C. Lascher

I am a litigator. No, not a "lapsed" one; a real lawyer who represents people, organizations, and public entities in court, usually on appeal. I am proud to play that role, which gave me the honor, along with Jeff Kichaven, to represent the Southern California Mediation Association as a friend of the court in *Rojas v. Superior Court* (2004) 33 Cal.4th 407.

In that case, the California Supreme Court confirmed that photographs, videotapes, witness statements, and test data "prepared for the purpose of, in the course of, or pursuant to" mediation are protected from discovery or disclosure by California Evidence Code sections 1119 and 1120. The *Rojas* decision rejected an earlier ruling that a court could make an exception to mediation confidentiality for these materials if it found "good cause."

Many in the mediation community have heralded *Rojas* as a victory. I am not so sure, though I foresee *Rojas* generating business for appellate specialists like me. When the state Supreme Court makes a decision, the state's lower courts must follow that decision even if they think it unwise, unless there are significant factual differences to justify deviating from the rule. However, all the questions left unanswered have to be resolved by future appeals in other cases.

And *Rojas* left many issues open. The Supreme Court expressly noted one that SCMA itself had posed: Whether a "mediation" under a typical construction litigation "case management order" is covered by the mediation confidentiality statutes. The procedure is a hybrid of a superior court settlement conference (which is explicitly excluded from the reach of the confidentiality statutes) and a mediation, but the "mediator" is given enforcement powers.

Another question the Supreme Court did not decide (because the parties in *Rojas* had settled in the meantime) is how a court should determine whether a document was prepared "for the purpose of" mediation? People often write letters to confirm conversations, propose resolutions, and

give notice before cases are litigated or mediated. Suppose the letter writer contemplates mediation if a problem is not solved. Would the letter then be privileged because it was prepared "for the purpose of" mediation, albeit not solely for that purpose?

Suppose parties agree to mediate before a lawsuit is filed, and participate in several sessions of mediation spread over a period of weeks. In the interim, one party continues working for the other, living with, or carrying out a business transaction with the other party. Ultimately, assuming the mediation does not succeed and there is a lawsuit, would the mediation privilege make documents or statements prepared during that time period inadmissible on the theory they were prepared "in the course of" the mediation?

If a party realizes that agreeing to mediation licenses his opponent to designate evidence as "prepared for mediation," and therefore inaccessible, mediation becomes a risky venture, not a safe haven. An unscrupulous party might agree to participate in mediation not out of legitimate desire to resolve the case before trial, but in order to prevent later use of evidence which turns out to be unfavorable, by claiming it was prepared "for the purpose of, in the course of, or pursuant to" mediation.

Worse, the problem will not be just with unscrupulous lawyers. All attorneys owe clients a duty of zealous advocacy within the bounds of the law. If the bounds of the law include creating a mechanism to make unfavorable evidence disappear, zealous advocates would be duty-bound

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to convene mediations so that unfavorable evidence could later be designated as "prepared for" mediation, and thus be put forever beyond the reach of one's litigation opponents, present and future.

What do these unanswered questions mean for lawyers and mediators? Should they warn the parties to think twice before agreeing to mediation, because no one yet knows whether commencing a mediation would deprive the party of access to evidence generated after the mediation began? Or should the mediation community use Rojas as a selling point: "If you sign up to mediate, you can hide all the unfavorable evidence!"

This kind of gamesmanship, and the concomitant corruption of mediation, cannot be what the Legislature intended mediation to become. At some point California will have to confront the public policy effect of broad confidentiality laws.

Wendy Cole Lascher is is a State Bar-certified specialist in appellate law. She consults with trial lawyers and appears in appellate courts throughout California when she is not editing *CITATIONS*.

This article first appeared in SCMA News.



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VENTURA COLLEGE OF LAW CELEBRATES 35TH ANNIVERSARY

By Barbara Doyle

Ventura College of Law will celebrate the 35th anniversary of its founding at a dinner on October 23, 2004, held at the Four Points Sheraton in Ventura Harbor. All members of the local legal community are invited to attend the celebration.

On May 15, 1969, the Ventura College of Law was incorporated as a non-profit, public benefit corporation. The three original Board members, Fred J. Olson (who was also President and Dean of the College), Gerhard Orthuber, and Gerard Engelskirchen, were assisted by other local attorneys who would become the College of Law's first faculty members. Their goal was to give local residents an opportunity to enter the legal profession.

The College opened its doors at the former St. Catherine's Academy on Catalina Street. Among the Board members who served during the first decade were Richard Erwin, the Public Defender of Ventura County, Judge Kenneth Cleaver, and Commissioner John J. Sullivan.

In 1976, the State Bar of California gave preliminary accreditation to Ventura College

of Law. In 1978, VCL merged with a law school in Santa Barbara, which became known as Santa Barbara College of Law. Since the first four graduates in 1973, nearly 1500 men and women have earned their law degrees at the Colleges of Law.

Today the Colleges are jointly known as The Santa Barbara and Ventura Colleges of Law. The Ventura campus is located on Market Street and also houses the Ventura County Bar Association. Enrollment has grown to a total of 250 students between the two campuses. Among those serving on the current Board of Trustees are Judges David Long (Class of 1983) and Rebecca Riley (Class of 1984) and attorneys Joe Beltran (Class of 1985, Wendy Lascher, and Susan Witting.

On the occasion of the 35th anniversary celebration on October 23, the Colleges of Law will recognize the contribution of Board members, faculty and staff who have served for 15 or more years. Those to be honored include Assistant Deans Mary Osborne and Barbara Doyle (28 and 25 years with the Colleges, respectively);

bookkeeper Annette Seelos (16 years) and facilities manager Pete Lopez (15 years). Board member and Santa Barbara attorney Robert Monk will be recognized for 18 years of volunteer service. The Colleges also take great pride in the number of faculty members who have shared their time, energy and passion for the law with their students for 15 or more years: Dave Harrell, Peter Cooney, Eric Hanson, Craig Smith, Judge Steve Hintz, Judge Jack Smiley, John Sweeney, Heather Georgakis, Judge Art Gutierrez, Judge Brian Hill, Jake Stoddard, Steve Feder, Santa Barbara District Attorney Tom Sneddon, and Richard Goldman, the Dean of the Colleges of Law.

Please join in celebrating the 35th anniversary of our local law school and in honoring dedicated faculty, staff and Board members. To purchase tickets for the October 23 event, please contact the Ventura College of Law at (805) 658-0511 or vcl@venturalaw.edu.

Barbara Doyle is the Assistant Dean of the Ventura Campus of the Santa Barbara and Ventura Colleges of Law.



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Litigator for hire. Any court appearances, depositions, settlement conferences. Limited file handling assignments or assistance with trial preparation for the San Luis Obispo, Santa Barbara or Ventura County areas; also available to act as a mediator. Paul Bielaczyc (805) 682-0434 or Pbielaczyc@msm.com.

Legal secretary/paralegal wanted for small Camarillo law firm specializing in estate planning, trust administration and probate law. Strong computer skills required. Microsoft Word a must. Law experience and experience with legal programs, such as TimeSlips and Abacus law preferred, but willing to train. Salary DOE. Email resume to ckurman@cunninghamlegal.com.

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Energetic third year student tied at top of class at SCIL seeks an internship with a small to medium size firm in Ventura or Santa Barbara county. Resume includes thirty years of sales management in domestic and international equipment financing. Flexible schedule and willingness to accept 'slave labor' until value-add is ascertained. Contact Terry Waggoner at 805-484-7513 or tvwagg@hotmail.com.

Second year law student seeking part time or full time legal clerk position / internship in Ventura County or Thousand Oaks. Excellent communication skills, highly experienced with computers and able to communicate well in English, Spanish and French. Enthusiastic about

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OFFICE SPACE

Solo business attorney seeks office space as subtenant in law offices in Conejo Valley or Camarillo areas. Will need to relocate January 1, 2005. If you have space please contact Dennis Zentil (818) 222-4122.

Ventura County's Premier Offices Available – Oxnard – Open or more offices available in most elegant, high-end professional setting in Morgan Stanley Tower – Suite 1180. Great location, multiple conference rooms, full amenities available. Ideal for Mediations – terms from hourly to annual. No reasonable offers refused! Call (805) 988-4848 with interest.

Prestigious law office for lease near corner of Main and California Streets, downtown Ventura, 700 sq. ft. Call Dennis Kuttler, Mgr. of CSP Partners LLC, or his assistant, Crystal at (805) 981-8555, for further information.

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FOR SALE

Selling a law library which includes 300 hard-bound sharp-looking legal books including West's CA Rptr. Supreme Court, Courts of Appeal, Superior Court and Appellate Department decisions. Paid \$18,000.00, selling for \$2500.00. Note: Of course all decisions can be found on the internet these days but this law library will make your office look like a law office even if kept for show only. Every law office should have a law library for interviewing potential clients. Call Nat at (805) 407-6689 or email natt1@cox.net.

The Ventura County Law library has a list of books up for bid on Wednesday, September 22, 2004 at 3:00 p.m. Please call (805) 642-8982 to request a list.

California Parole Advocacy Program

University of the Pacific's McGeorge School of Law is seeking contract attorneys to represent parolees in parole revocation hearings. Hearings are conducted throughout the State at correctional facilities and county jails. Available assignments vary by location. Specialized training will be provided. Must be a member in good standing with the California State Bar. Please submit a letter of interest including email address to:

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EAR TO THE WALL

An Hour on Constitutional Rights

Set aside lunch hour on November 16 now. Two representatives from the Constitutional Rights Foundation will discuss *Rasul v. Bush* that day, in the Lower Plaza Assembly Room of the Administration Building at the County Government Center. Rasul held that the Guantanamo Bay detainees can challenge their detention in Federal Court. The discussion begins at 12:15 Contact Sandra Pasmant for further details and reservations at 339-2938.

Myers, Gibson, Jones & Schneider, LLP would like to congratulate **Kelton Lee Gibson**, a senior partner of the firm on achieving the AV rating bestowed by Martindale Hubbell, which identifies him as a lawyer with very high to preeminent legal ability, it is a reflection of his expertise, experience, integrity and overall professional excellence. This rating, established by attorneys for attorneys, clearly indicates he demonstrates the highest professional and ethical standards.

Ventura attorney **Earnest Bell** and his wife **Debbie** became proud parents of their firstborn, **Earnest C. Bell III**, on August 11 weighing 8.6 lbs. and measuring 22 inches.

Denise A. Houghton and **Jeffrey S. Swartz** are pleased to announce the opening of their law practices located at 80 Long Court, Suite 1C, Thousand Oaks, California 91360, T:(805) 496-7724 F:(805) 496-7734. **Ms. Houghton** will continue representing clients in all aspects of family law, including mediation, as well as estate planning, probate and small business formation. **Mr. Swartz** is a Certified Workers' Compensation Specialist and will continue representing clients in worker's compensation and Social Security disability matters.

Hatch & Parent announced that **James Earl Friedhofer**, a certified appellate specialist, has joined the firm. "We are very pleased that Jim has chosen to bring his appellate practice to **Hatch & Parent**," said Diane Matsinger, Chair of **Hatch & Parent's Appellate Law Group**. "He has an impressive track record in appellate and writ advocacy, and will help us expand our statewide appellate practice." **Mr. Friedhofer** is certified by the State Bar of California Board of Legal Specialization as a Legal Specialist in Appellate Law. He has filed more than 125 appellate briefs, argued more than 35 appeals and writs, and has appeared 3 times before the California State Supreme Court.

Judge Robert Shaw recently celebrated his 85th birthday.

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Steve Henderson, Executive Director

Bruce Johnston closed his doors for the final time August 13th. After 55 plus years in the biz, I asked him if there was any significance to closing on a Friday the 13th. His matter-of-fact reply was, "his secretary was turning 65 and retiring to Oregon on that very day and it made sense for him too." Bruce was the first recipient of the **Ben E. Nordman** Public Service Award in 1986 and all he ever wanted to do "was be a small country lawyer." Having the second lowest bar number (20542) among active attorneys in the county and preceded only by Blinn Maxwell at 19838, is an extreme source of pride. Bruce and Mary will do some automobile traveling but love Ventura and the home they have been in for 46 years. I could always count on Bruce being the first to arrive at bar functions including Estate Planning & Probate and the Annual Installation Dinner. He would not allow me to throw a luncheon in his honor either . . .

JoAnn Wedding hosted a retirement gig at her office July 29 where 75 lawyers and judges feasted on the spirits, grub and the swapping of vacation stories. I asked JoAnn if she would continue to participate in the bar's nomination of officers process as past presidents do and she said rather quickly, "If you can find me." **Susan Siple** will be managing her cases effective immediately . . . According to the Santa Barbara News Press, Santa Barbara attorney **Creig Dolge** allegedly hoodwinked a SB lady for 18 years---blaming the snail's pace of her case on a variety of reasons including the recall of Gov. Davis. Dolge also neglected to tell his client he resigned from the State Bar three years ago following four suspensions. Oh yeah, he worked for We The People as a supervising attorney since 1994. Incredibly enough, he remains on the payroll as a legal assistant. According to a highly placed official at WTP, they "have never questioned his integrity." . . .

Retirements Galore! Assistant Public Defender **Nick Falcone** had his retirement party at an investigator's office August 5th. He's been at it for 17 years . . . In addition, the PD's office is losing **Susan Olson** in January '05 and

Bruce Freed has already departed . . . Have no fear however, **Michael Rodriguez**, the executive director of CRLA for the past 1 1/2 years joined the office August 30. **Manuel Perez**, or **Tino**, as he likes to be called, started his efforts at the PD's office Aug 2 . . . After 27 years, **Robert Brantner** has left the practice of law and not exactly sure what he is going to be doing next . . . Just in case you missed it, **Deborah Sutherland** was a delegate at the DNC in Boston and wrote a daily column for the Ventura County Star . . . File this one under **Justice Usually Prevails**---The 4th District Court of Appeal located in Santa Ana overruled an Orange County Superior Court Judge and declared Rancho Santa Margarita attorney Robert Ragsdale should have been "treated with more sympathy in 2002 when the lawyer went into the hospital to have his cancerous bladder removed." The trial court judge had denied Ragsdale's request to have his case continued while he recovered, then dismissed the matter altogether . . .

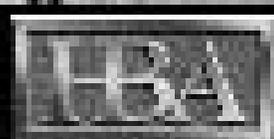
STAND DOWN 2004---The weekend event which aids local homeless veterans has been going strong for 12 years now and Roger Myers has led the legal troops providing much needed legal help on behalf of the bar. His lieutenants assisting with counsel were **Bill Raymond**, **Glenn Campbell**, **Dan Palay**, and **Bob Galloway**. Stand Down was held at the California National Guard Armory July 30-August 1 where hundreds of service personnel were offered a variety of assistance. **Carol Sherwood** emailed to correct me that she has not been an executive secretary since 1969---but that she became a paralegal in 1984 and a certified legal assistant in 1985. She also became a certified advanced specialist in litigation in 2000. Her last day at Benton, Orr, is the end of the month. Way to go Carol! . . . **James Farley** enjoyed a 70th

birthday party Roast and Toast with friends and relatives on a Sunday afternoon July 25th . . . **Incoming ABA President Robert Grey** is beginning his tenure with a not-so-timid launching of a major revision of a jury standard that will transform jurors from passive observers during the trial process to active participants . . .

Websites of the Month: lawhumor.com. and underneaththeirobes.blogs.com . . . The **2004-2005 Legal Services Directories** are here. Large to mid-sized firms had issues hand delivered and the rest of the bar received them via mailed. If you have yet to receive one, or would like to order some additional copies for staff, please call Sandra at the bar . . . **A supervised release** condition requiring a mail thief to stand in front of a post office for one day wearing a signboard stating, "I stole mail. This is my punishment." was reasonably related to the defendant's rehabilitation, and to the courts' legitimate interest in deterring others from committing crimes and in protecting the public, and did not violate the defendant's rights under the First, Fifth, Eighth, and Fourteenth Amendments. United States v. Gementera-filed August 9, 2004 . . . **MCLE**---There are 12 continuing legal education opportunities this month. Check-out **Business Litigation Section, Real Property Section, Trial Lawyers and CPA-Law Society East**. . . **OTHER NOTES: Barristers' Pizza Night** is the 14th and the **Mexican American Bar Association's** annual dinner is the 17th . . . Take a look at your calendars! . . .

Steve Henderson has been the executive director of the bar association since November 1990 and will be celebrating his 30th birthday on the 15th. In lieu of cards, gifts, flowers and beer, donations to the VCBA/VLSP, Inc. are hugely appropriate and tax deductible. Additionally, if you'd like information about a Disney Cruise, he can be of some limited assistance.

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