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 To work to improve the administration of justice.

CITATIONS

J U L Y - T W O T H O U S A N D F I V E



The 22nd Annual Law Day 5K Race for Justice attracted a record 274 runners to the Ventura County Government Center on May 21, 2005. Near record 5K times were set by Ventura College's Juan Mejia in 15:34 and former CSU Dominquez Hills star Sherron Rhetta in 18:35. The race again generated proceeds of over \$3,000 that will be donated to the VCBA/VLSP, Inc., which provides legal services to the poor. Our thanks to the hard working Race Committee: Cyndi Adams, Earnest Bell, Alice Duran, Barbara Gutierrez, Doug Kulper, Olivia Newton, Richard Rabbin, Joe Wells, Kathi Whalen and Don Zrehigian. Our thanks also to Judge Manuel Covarrubias and Judge Kevin McGee for acting as starting officials, KEYT's Tracy Lehr for acting as Master of Ceremonies, and our many sponsors and patrons.

By Joe Strohman, Race Director

- DONALD O. HURLEY
- JOEL R. VILLASEÑOR
- KEVIN WHITE
- TERENCE GEOGHEGAN
- JOHN TROXEL

- VERNA R. KAGAN
- STEVE HENDERSON

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PRESIDENT'S MESSAGE: CRUISE CONTROL

By Don Hurley



The overwhelming stench of raw sewage as we approached our stateroom on the Regent Star in Puerto Rico should have provided us a clue that this might not be the idyllic Caribbean cruise of our dreams. Instead, as a result of the second glass of champagne and the mind-numbing two hour embarkation process in 100-degree-plus heat, we stumbled into the standard size outside cabin, without reservation, anxious only to reclaim and unpack our luggage and change our clothing. We gathered at one of the ship's bars, exchanging stories about lost suitcases following passengers from port to port, only to arrive at the end of the cruise. When our own bags did appear, we considered ourselves relieved, and we were finally ready to start our vacation.

The Regent Star was one of several ships owned by Regency Cruise Lines. It was first placed into service in 1957 as the Statendam, the pride of the Holland America Line. It had been built for transatlantic service, as evidenced by the sharp lines on its bow and the graceful and narrow flow from bow to midships. Teakwood decks, another product of that period, complemented the exterior, adding to the "old world" charm of the ship, enveloping its occupants in the serenity of days long past. The lack of modern amenities allowed the passengers to enjoy non-scripted entertainment such as conversation, and the romance of an empty ocean at two o'clock in the morning.

The advantages of a cruise over a conventional land tour are many fold. For most first-time cruisers, the initial realization that they can order anything on the menu without extra charges brings an almost giddy excitement and the associated gain of several pounds over the course of the voyage. Once unpacked, suitcases remain under the bed until the end of the cruise. You can do as much or as little as you choose, generally at your choice of time and pace. It should be the idyllic vacation in "cruise control."

But back to the reality of the present Regent Star, ready to embark from Puerto Rico in February of 1995 with the Hurleys and 850 other passengers on board, heading for Aruba, Costa Rica, a partial transit of the Panama Canal, and Cartagena, Colombia. Passengers were cautioned to avoid burning embers from the ship's exhaust funnel when sunbathing, putting a damper on most topside activities. Our ship's location to other vessels was always immediately apparent in that we trailed a black smoke screen from the fantail to the distant horizon.

One highlight of the trip was the opportunity to go from the port city of Puerto Limon in Costa Rica to its capital, San Jose. We arrived in port at 5 a.m., anxiously awaiting the ship's announcement that we could go ashore. Nine a.m. passed without word other than that there would be a delay; this was followed by a silent 10 a.m. We stayed in port most of the day, with only periodic announcements that expressed any hope in debarkation. Even this minimal chance for a shore excursion expired abruptly at about 4 p.m., when the ship got underway and executed such a sharp turn going out of port that a passenger actually fell off a barstool and broke her arm. As Puerto Limon disappeared in the distance, and medical aid was summoned for our fellow passenger, the explanation that this was due to a dock strike was not sufficient. Rumors were rampant that the ship simply didn't have the necessary port fees and had to skip out at flank speed.

The plumbing was a constant problem. There were periodic floods caused by toilet backups and impromptu showers from the exposed overhead pipes. Due in part to the failure to take on stores while we were in Puerto Limon, instead of the food being unlimited and bountiful, we were advised that either certain items on the menu were unavailable or that we could only have one serving. While occasional flooded cabins were acceptable, and dripping water could be wiped away; limiting the food intake of the passengers to fewer than five meals a day was considered a sacrilege and reason enough for mutiny. We discussed various options with our dining companions until a plan was born.

THE PLAN

Almost every cruise ship has a passenger talent show on the final night. The talent runs from vocals to birdcalls, but comedy acts are seldom allowed due to the possibility of offending other passengers. When the announcement came

for the Regent Star production, there was no such prohibition and, more importantly, so few passengers tried out that I did not even have to audition. I had never performed in such a show, possibly due to my limited musical talent, but this seemed like the opportunity to "tell it like it was" without casting blame upon the working crew of stewards, waiters and non-management employees, who had tried their best to be of service.

THE PERFORMANCE

Writing the material for the show really was not difficult. It wrote itself, much like "Pride and Prejudice," but lacking plot, substance, characters, or movie rights. When the night for the performance arrived, we had already packed, figuring that the worst case scenario would be being asked to politely leave the ship at the earliest opportunity, perhaps by way of the gangplank. I waited out several other acts, including an elderly gentleman intent upon performing with water filled beer bottles, and a young woman giving a credible rendition of Patsy Cline.

I did a 10-minute performance with stories about the passengers' experiences on the cruise, with no need to exaggerate or to make any of the comments cruel or mean-spirited. The audience reception was warm and appreciative, but I knew that if there had been a hook, as in vaudeville days, I would have promptly been yanked off the stage by the Cruise Director. While I was able to address the multitude of passenger problems on the ship, I also was able to determine that my destiny was not as a stand-up comic.

We left the next morning at dawn's early light, knowing that the days of this ship were numbered, not simply by the problems apparent on this cruise but by the competition of the mega cruise ships offering full workout stations, theme restaurants, and Las Vegas style entertainment. Regency Cruise Lines, owners of the Regent Star, filed for bankruptcy in late 1995, and the Regent Star was sold to a Greek business enterprise. The ship is now anchored in Eleusis Bay, Greece, where she awaits her ultimate fate, a victim of changing times and cruel neglect. Perhaps she will be reborn as part of a new 3,000-passenger cruise ship, continuing to serve in the role she has been playing for almost 50 years, a fitting reincarnation for a once proud grand dame of the seas.

Don Hurley is an Assistant County Counsel for the County of Ventura and is President of the VCBA.

WE READ SO YOU DON'T HAVE TO

Footnote Fetish

By Joel R. Villaseñor

In the first installment of what we hope will be a recurring feature, We Read So You Don't Have To, *Citations* is proud to bring to your attention one of the great footnotes in federal court history, courtesy of Circuit Judge Terence T. Evans of the Seventh Circuit, in *U.S. v. Murphy* 2005 WL 1083769 (May 4, 2005). The decision affirmed the conviction of defendant Darron J. Murphy, Sr., for, among other things, tampering with a witness.

The witness, Hayden, "was smoking crack with three other folks at a trailer park home on Chain of Rocks Road in Granite City, Illinois" (stylists should note the rock imagery). The defendant, who was Hayden's former dealer, showed up at the trailer park home and put a gun to Hayden's head after calling her a "snitch bitch hoe." Judge Evans footnoted: "...A 'hoe,' of course, is a tool used for weeding and gardening. We think the court reporter, unfamiliar with rap music (perhaps thankfully so), misunderstood Hayden's response. We have taken the liberty of changing 'hoe' to 'ho,' a staple of rap music vernacular as, for example, when Ludacris raps 'You doin' ho activities with ho tendencies.'"

Here at *Citations* we applaud a master at work. There is nothing like quoting Ludacris to establish one's street cred.

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TEAM ARROGANT BASTARD HITS THE BEACH

By Terence Geoghegan



“The high-tech cockpit of a modern tri bike...but beware the interference fit between the aero bars and the brake cables!”

Weird bicycle adventures have always been a spur-of-the-moment thing for me. So when my suite-mate Ryan Schaap said to me: “I’m going to México in April to do a triathlon,” I didn’t ask where or why; I just said: “Cool—I’ll do it with you.” Then I called my brother Sean in Providence, and gave him the 411. His immediate response was: “Cool—I’ll do it with you,” which was only fitting, since that’s exactly what I said to him in 1999, when he told me that he was doing the AIDS Ride from San Francisco to Culver City.

So it was that I was picking up Sean at Burbank on Thursday, April 28th, with two bikes, prepped for the race, on the Taurus’s roof rack. Headed for a little Mexican restaurant in Indio, then down the west side of the Salton Sea to a Motel 6 in Yuma. The next day we crossed the border and made Puerto Peñasco, in Sonora, on the northeast corner of the Sea of Cortez. What the gringos call Rocky Point. Ryan had flown ahead to Tucson, and headed down with some school chums who were into this sort of madness: the 10th Anniversary “Las Palomas” Olympic triathlon put on by Tucson Racing (www.tucsonracing.com). Team Arrogant Bastard had arrived. We are most definitely *not* officially sponsored by the brewery; their lawyers often remind us to say this. However, we did manage to extort a lifetime supply of their estimable brew as part of the settlement agreement... This would come in handy later, since choking down Ibuprofen by the fistful, dry, flat sucks.

Saturday, April 30, 2005: there was also a sprint-distance race, as well as individual events,

but our stalwarts chose the full measure of abuse. 1.5K open-water swim; 40K bike; 10K run. Yowzah.

Long story short: Ryan’s schoolmate (from his days at the University of Arizona Law School) Gary Kraft, who now clerks for the Federal District Court in Tucson, finished in a blistering 2:42:38. He does full Ironman lengths, so this was slumming for him. Sean turned in a fine 3:15:44. Ryan got her done in a respectable 3:39:05.

As for your correspondent...well, what would such an account be, without the requisite amount of sniveling? I was hoping to break 4:00. My time in my only previous tri, the 2001 Dina La Vigna “Breath of Life,” right here in Ventura, was 3:59:53, but a few factors were against me in Sonora. The first was that the run course had a hill—steep and unpaved. It had to be mounted twice—even the faster guys walked it. The second was abysmally poor course marking and worse marshaling. Once, on the run, I followed what I thought were clear directions to make a left turn—then as I ran up the road, a course worker in a “Staff” shirt started waving her arms and yelling at me. I stopped, confused. Had I taken a wrong turn? But I had no real choice but to continue to her corner. As I approached her, I asked what was wrong. Was I off-course? No, she replied, she had just been pointing out to her compadres some parasailers who could be seen *behind* me. “*Que idiota*,” I cheerfully thought to myself as I soldiered on.

But the real problem was this: for this race, Sean would need my old Univega, that had seen me through the AIDS ride and the earlier triathlon. A *fine* excuse for me to pick up a newer steed, a 2003 Scattante Zonal. To get her ready, I installed aero bars, *and* auxiliary top brake levers—the fit between the brake cables and the aero bars would be critical. When I set up the bars, tolerances were close, but worked. But after 500 miles, the last 200 on rougher roads, I didn’t tighten everything down. So about ten miles into the race, I pulled up slightly on the aero bars...which applied the rear brake, and perhaps the front a bit as well. (When I finished, the front brake was still near-new; the rear wasted. Also, the front rim was shiny silver; the rear dull grey.) Anyway, I had been sailing along at perhaps 19-20 mph; suddenly, without making the connection, I was struggling to maintain 13-14. Was it more uphill than it seemed? Was I fighting a headwind? Maybe I was just out of gas...

The funny thing is that if I had been riding the old Univega, I would have known—slight irregularities in the rim would have caused a pulsation, and a rhythmic squeak. But with this one, the absolutely true rims and the high-tech new brakes managed to offer resistance without any telltale noise or irregularity.

It wasn’t so much the resulting loss of velocity in the ride (I finished the ride in 1:43, instead of the 1:25 or so I should have), but the fact that by the time I hopped off, my legs were so absolutely knackered from rolling the stone uphill that my run was toast before I started. In fact, I couldn’t run for the first couple of hundred yards; I had to walk until my calves and quads unknotted.

4:20:56 ends this story. I’m satisfied that my time would have been somewhere south of four hours if Team Arrogant Bastard’s mechanic hadn’t been asleep at the switch. This is his last warning—one more screw-up like this and I will *fire* his ignorant lazy ass. I guess we’ll find out on June 26th in Ventura, when Ryan and I are doing the Dina La Vigna here at home. The fast, flat, and well-marked course shouldn’t present the same impediments. We’ll see.

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DUE DILIGENCE... DO YOUR HOMEWORK!

By John Troxell

Due diligence is about obtaining a necessary amount of information to reduce your risk. Buying a mutual fund? No doubt you've researched it in Morningstar or Kiplinger. Thinking about a new car? Then you've probably read the Edmunds.com review and obtained Kelly Blue Book data. Need a new washing machine? It's a good bet you've read the reviews in Consumer Reports or Epinions.com. You can even check to see if your child's soccer coach is on the state Megan's Law website.

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Business

In any business, people can be your greatest asset. But they can also be your greatest liability. It's an unfortunate reality that some people misrepresent themselves. Find this out. The cost of due diligence is a fraction of the potential losses due to a hasty hire or unsound investment, and should be factored as a cost of doing business.

An employer who conducted a background check believed a job applicant had been "up front" by indicating that he served a prison sentence for fraud. The applicant had provided the employer the court documents indicating the charge and the sentence. Through a review of old newspaper articles and the actual court filing, the employer learned that the applicant really had not been up front at all. He was convicted of defrauding a *former employer* out of \$1.5 million. The devil is always in the details.

A company that is negligent in hiring can be held liable for the misconduct of its employees. For example, the Kirby vacuum manufacturer was successfully sued when one of its door-to-door salesmen attacked and raped a woman. Kirby failed to properly look at the background of this person before hiring; the company would not have employed him after learning his violent criminal history.

Learning about the people with whom you do business is cheap insurance.

Buying Property

Employing a home inspector is a must-do on the list for anyone buying a home, and purchasing title insurance also reduces the risks involved with that type of transaction. It is not so cut-and-dried with vacant land or commercial/industrial properties.

"To ... not prepare is the greatest of crimes; to be prepared beforehand for any contingency is the greatest of virtues." Sun Tzu, *The Art of War*

Federal environmental laws such as CERCLA are more focused on protecting the environment than the landowner: you buy the land, and you've probably bought any clean-up liability. Most lenders require that a Phase 1 Environmental Site Assessment be conducted before loan approval.

A recent case underscored the necessity for doing a proper due diligence. A landowner's consultant conducted a Phase I survey in the early 1990s in a coastal Southern California city. It did not show any potential environmental problems. Just a couple of years later, fuel contamination was found, leading to the discovery of abandoned underground storage tanks. Historical land use research, cartographic reviews, aerial photography analysis and witness interviews turned up evidence of service stations operated onsite by three major petroleum companies between 1935-1960. The landowner's consultant had taken the historical research back only 30 years.

Anticipating Litigation

The Boy Scouts have a motto: Be Prepared. Having complete information about all parties can be crucial to the success of a case.

An attorney wanted to know something about the opposition in a distant area, so he initiated a background investigation. Public records filings showed that the subject had been involved with several businesses, owned some property, and was not personally involved in a high number of criminal or civil filings. However, the investigation got interesting when newspaper filings, some dating back to the 1970s, were researched. The subject reportedly was well connected politically: he served on a city council, he was legal counsel for several cities and city agencies, he was a state chairman for a major political party, and he had been appointed to a federal board by a U.S. President.

The newspapers also reported some issues of concern, calling him "ethically-challenged." He had been under state investigation for bribing a legislator. While serving on the city council and again as legal counsel to several cities, he reportedly gave sweetheart deals to friends, who

won the contracts without competition, and his personal businesses benefitted on the back end. He received bank loans at ridiculously low terms. "Ethically challenged" was the polite description.

What's on that Hard Drive?

The advent of computers has made prolific writers out of us all. The nature of communications has changed to be less formal as well. Before computers, did anyone take the time to copy off a joke and mail it to all their friends?

We are information packrats. With average hard drives at 80 Gigabytes or more, there's almost no incentive to delete old files. (FYI: 80GB equates to a stack of paper 10,000 feet high!) And it is no secret that those "deleted" files are not really gone, but can be recovered.

Diligently investigating a litigant, employee, spouse, etc. requires that their computer be analyzed by a computer forensics specialist. This is different than getting your IT guy to see what he can find, as certain tools and methodologies are employed to maintain the integrity of any evidence, not to mention third-party objectivity. The results of those investigations can show if an employee violated computer policy, if illegal images were downloaded and/or transmitted, if inappropriate communications occurred, if confidential or proprietary information was wrongly shared. Nearly all information today is generated by computers, and much of it never gets printed. The evidence is on the hard drive.

In Conclusion ...

Conducting a due diligence is akin to buying an insurance policy against risk. How well insured should you be? A typical cover-your-assets background report covers few bases and satisfies a requirement of checking a criminal history. A five minute, \$50 visit online to one of the myriad background services companies can provide a "background report." This may suffice for a lower paid hourly worker whose responsibilities are limited. But when the risks increase and the potential for exposure is greater, then a due diligence background investigation by a competent provider is essential.

Remember to do your homework!

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EAR TO THE WALL

Chief Deputy Public Defender **Howard Asher** and Deputy Public Defender **Michael Rodriguez** ran the Rock 'n' Roll Marathon in San Diego last month. **Howard** finished in the top 10% of his age group with a time of 3:53:23. **Michael** finished in the top 25% of his group at 3:52:01.

Change of venue: **Kevin L. Dorhout's** new firm information is:

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3262 E. Thousand Oaks Blvd., Suite 200
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Telephone: (805)379-1919 (818)907-6100
Fax: (805)379-3819
Kdorhout@mlem.com, www.mlem.com

Dennis P. Zentil has moved his law office from Calabasas to Thousand Oaks:

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90 E. Thousand Oaks Blvd., 3rd Floor
Thousand Oaks, CA 91360
Telephone: (805)777-8809
Fax: (805)777-8406
Email: dzentil@aol.com

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elevated three associates to partners. **Lisa Shyer** joined the firm in 1999 defending clients in medical malpractice, elder abuse, negligence and personal injury litigation. **Karen Harmeling** joined in 2000 working on construction defect, toxic torts, mold and product liability litigation. **Jim Hart** joined in 2001 focusing his insurance defense practice on mold and construction defect litigation.

Michelle Castillo and **Chris Welch** recently joined the Public Defender's office. Both have prior experience as deputy public defenders; **Chris** was with Santa Clara County and **Michelle** with Fresno County. Former Senior Deputy Public Defender **Howard Asher** has now joined VCBA Board member **Michael McMahon** as Chief Deputy Public Defenders, replacing **Sue Olson**, who recently retired.

Recently admitted **Navendu Joshi** has joined the **Law Office of James P. Lingl & Associates** in Camarillo. Mr. Joshi will focus on community association law.

New admittee **Michael Martin** joined Ventura's **Myers, Widders, Gibson, Jones & Schneider** as a civil litigation associate.

Greg May recently resigned after 2-1/2 years as in-house General Counsel of Westlake Village software developer Market Scan Information Systems, Inc. to return to his litigation roots. Greg's first six years of practice were in business litigation at Jones Day and Brobeck, Phleger & Harrison before he moved to Ventura County in 1998 to practice trademark and copyright litigation with **David Gerber** at **D. Gerber Law Offices** in Channel Islands Harbor. Greg has opened his solo general practice emphasizing business litigation and civil appeals, including trademark, copyright & trade secret issues:

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SWEARING-IN CEREMONY

The Ventura County Bar Association sponsored a swearing-in ceremony on June 7, 2005, in Courtroom 22, officiated by Court of Appeal Associate Justice Paul H. Coffee, Superior Court Presiding Judge John R. Smiley and U.S. Magistrate Judge Rita C. Federman.



Four organizations welcomed the 12 new admittees. Don Hurley addressed them as the President of the Ventura County Bar Association. Wendy Lascher represented the American Bar Association. Meghan Clark exalted the California Young Lawyers Association and Alan Yochelson certified the new admittees to the California Supreme Court for admission.



Participating in the ceremony were:

- Jennifer Groce
- Arturo Gutierrez
- Amanda Hartman
- Michael S. Martin
- Tina Schoneman
- Mehrnoush Yazdagnar
- Joni Thrower
- Andrea Gutierrez
- Ryan Hart
- Daniel Litz
- Arash G. Naghdi
- Nabil Sakla

Congratulations! Your bar numbers will be higher than 236,000.

There are about 150,000 active attorneys and 1,800 judges on the California State Bar rolls. The pass rate for the February 2005 bar exam was 40% of 4520 total applicants. Twenty-six of the successful examinees listed Ventura County addresses.

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We had received a lovely letter from a very appreciative pro-bono client thanking **Donna De Paola** for her services. We wanted to add our own note that right on the heels of a close from that client, Donna De Paola accepted another matter. This time her client lives in Florida, which will add to the standard difficulties of representation. Donna, there are not enough thank yous for all you do for us.

Changing the subject: We received a telephone call from a lady who lives in Los Angeles. She was retired, unable to drive, but was concerned about an aunt



who was living in a nursing home in Ventura. The aunt needed a Will and wanted to execute a Power of Attorney. **John C. Orr** made several visits to the nursing home and completed the aunt's requests. The niece's call was to thank our program in general and Mr. Orr in particular for the help given. A big smooch from us too and thank you for your help.



Another wonderful attorney to thank is **Gary Norris**. He accepted two matters from us, one right after the other with practically no breather in between. In the first

instance, the case involved a move-away parent and a good solution was worked out whereby all parties seemed at ease with the outcome.

His second matter also involved a move-away parent but with an added wrinkle. The client was Spanish-speaking and Gary is unable to speak Spanish. Nevertheless, he accepted the matter. Child Recovery Unit was able to provide some assistance; the client spoke a little halting English and sometimes brought a sister with her who had some better English skills. As Gary said, "we managed." The case was completed with a good outcome for all concerned.

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Nordman Cormany Hair & Compton, Ventura County's largest law firm, has openings for experienced attorneys with excellent academic credentials and superior writing skills. 5 - 10 years complex family law experience. 2 - 4 years litigation experience preferably in environmental, employment law, and general business matters. Send résumé in confidence to: Hiring Partner, Nordman Cormany Hair & Compton, PO Box 9100, Oxnard CA 93031-9100; Fax (805) 988-7722 or E-mail: atty@nchc.com.

Dynamic, growing firm seeks tax attorney, to assist with business & corporate clientele with corporate, partnership, income, and estate tax and business issues; 3-10 years experience. Client and leadership skills necessary; additional client base preferred. Contact: HR Director, Terri Tobin (805) 966-7000 or Ttobin@BuynakLaw.com.

Ventura family law firm seeking secretary/legal assistant w/ min 2 years experience. Proficient in Word, MS Outlook, Timeslips and Essential Forms, salary DOE. Health ins. Send résumé via FAX (805) 650-9642 or email hshankin2001@yahoo.com.

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The Charitable Contribution Committee from **Procter, McCarthy and Slaughter** recently donated 13 boxes of stuffed animals to the new Juvenile Courthouse. The CCC is a firm-sponsored committee with an annual budget and has contributed to Ojai schools, Buena Ventura Swim Club (Kimball Road facility), Surfrider Foundation and local YMCA facilities. Last year, the firm made a \$5,000 donation to the American Red Cross on behalf of the tsunami victims. **Judge Chuck Campbell**, Presiding Judge of the Juvenile Court, accepted the stuffed animals from the committee at the facility...A Girl Scout group has filed small claims lawsuits against people who failed to pay up. Christine Slowinski, communications director for the Girl Scouts' Great Blue Heron Council in Waukesesha, Wis., said the legal action came only after several efforts to collect the money from sales of cookies in the annual fundraising campaigns over the past two years. The amounts owed ranged from \$310 to \$1,485...According to the website *dumblaw.com*, in the city of Burlingame, Calif., it is illegal to spit, except on a baseball diamond...License Plate of the Month: 2 Pedals, belonging to **Assistant County Counsel Patti McCourt**...From George Herbert: "The worst of law is that one still breeds twenty."...

Dien Le, president of the Asian American Bar Association, was selected as a recipient of one of the 12 Access & Fairness Leadership Academy Scholarships. Dien joins **Joel Villaseñor** as a participant in the second year of the State Bar sponsored Leadership Academy...After 25 years of providing quality legal services, **Pacific Coast Court Reporters** has merged with LegalLink. Owner **Beverly Ford** has provided financial and in-kind support to the legal community for many, many years. Bev anticipates her clients will continue to receive the same highly qualified local service, and access to cutting-edge technology and production tools previously unavailable...In the New York Daily News: "A Brooklyn judge wants a deadbeat dad to choose the law over

EXEC'S DOT...DOT...DOT...

By *Steve Henderson, Executive Director*

God –telling him to use his legal degree to make money to support his kids, and postpone plans to become a minister. The bizarre intersection of church and state was revealed in an April 13 ruling by Supreme Court Justice Jeffrey Sunshine. The judge held the wanna-be clergyman in contempt for being 'Voluntarily unemployed' and stiffing his ex-wife out of \$40,000 in back child support. The trouble started when Ivy League grad Simon Ajose left his six-figure job as a lawyer, stopped paying child support and enrolled in divinity school. The judge told Ajose, 38, to put down his Bible –for now–and belly up to the New York State Bar and put his Columbia Law School degree to good use."...From former Atty. Gen. Edwin Meese: "You don't have suspects who are innocent of a crime. That is contradictory. If a person is innocent of a crime, then he is not a suspect."...

Born to **Brian Nomi** of NCH&C was little Rebecca Elizabeth Nomi on the morning of June 7. Rebecca weighed 7 pounds and 14 ounces and was 20 inches in length. Brian's wife, Dream, is doing very well too...Recommended reading: *Becoming Justice Blackmun*, by Linda Greenhouse. 268 pp, Times Books/Henry Holt & Company. \$25. Greenhouse, the Pulitzer Prize-winning New York Supreme Court reporter, was shrewdly given a two-month head start on Blackmun's material donated to the Library of Congress...Hebrew proverb: The court is most merciful when the accused is most rich...From Fran Lebowitz: "If you want to get ahead in this world, get a lawyer – not a book."...

For the last two years **Marsha Neidens** has captained the Family Law Bar Association. At a dinner meeting held in late May, president Neidens presented a caricature of **Judge Jack Smiley** to Judge Smiley for his eight years of service in Family Law Court. It is a golfing and chess-themed original and the frame matches the other frames in the judge's chambers. **Sandra Bolker** and **Donna DePaola** have agreed to co-chair the Family Law Bar for the remainder of the year and **Tom Hutchinson** will take over the duties of president in '06...At a New York society dinner, Mark Twain had just finished a piquant address when Mr. Evarts arose, shoved both of his hands down into his trousers' pockets, as was his habit, and

laughingly remarked, "Doesn't it strike this company as a little unusual that a professional humorist should be funny?" Mark Twain waited until the laughter excited by this sally had subsided, and then drawled out, "Doesn't it strike this company as a little unusual that a lawyer should have his hands in his own pockets?"...Real World Rule #7 by Bill Gates: Before you were born, your parents weren't as boring as they are now. They got that way from paying your bills, cleaning your clothes and listening to you talk about how cool you are. So before you save the rain forest from the parasites from your parents' generation, try delousing the closet in your own room."...

As part of the commemoration of Law Day 2005, **Deirdre Frank**, on behalf of the bar, coordinated the placement of local area attorneys in classrooms at 20 schools throughout the county. Attorneys gave class and assembly presentations on topics such as the First Amendment, Courts and Juveniles, the Supreme Court, Legal Careers, the Jury System and Current Cases. Those stepping to the podium with Deirdre were **Jill Singer, Rick Chaidez, Michael McQueen, Joe O'Neill, David Karen, Monique Hill, Nancy Aronson, Amber Eisenbrey, Jim Harmon, Michelle Erich, Don Hurley, Matt Guasco, Russ Takasugi, Tom Brooks, Mindy McQueen, Carmen Ramirez** and **David Shain**...From Samuel Butler: "In the law, the only thing certain is the expense"...

Effective July 25th, **Amber A. Eisenbrey** will join the **A to Z Firm** in Oxnard... Looney Laws: In Massachusetts it is illegal to keep a mule on the second floor of a building not in a city unless there are two exits...From **Louis Brandeis**: "If we desire respect for the law, we must first make the law respectable."...And from **Mark Twain**: "They all laid their heads together like many lawyers when they are gettin' ready to prove that a man's heirs ain't got any right to his property."

Steve Henderson has been the executive director of the bar association since November 1990 and his oldest, Sean, turns 13 on the 15th. Additionally, he picked the Spurs in the preseason and still will never visit Neverland Ranch. He too survived for four days in the mountains of Utah.

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