



CITATIONS

F E B R U A R Y - T W O T H O U S A N D S I X

VCBA MISSION STATEMENT

To promote legal excellence, high ethical standards and professional conduct in the practice of law;
To improve access to legal services for all people in Ventura County; and
To work to improve the administration of justice.

WARRANTLESS WIRETAPS AND THE PATRIOT ACT

Michael C. McMahon
PAGE 11



LOYE M. BARTON

JOEL R. VILLASEÑOR

M. CARMEN RAMIREZ

DENNIS N. JONES

GLENN J. CAMPBELL

MICHAEL L. MCQUEEN

VERNA R. KAGAN

STEVE HENDERSON

PRESIDENT'S MESSAGE: EXTRAORDINARY PEOPLE AMONG US	3
LETTERS TO THE EDITOR	4
EAR TO THE WALL	6
BARRISTERS	7
GOT MALPRACTICE INSURANCE? / PRO BONO AWARDS	8
TRIAL LAWYER OF THE YEAR NOMINEES	9
RICHARD ARMAND RICHARDS 1934 TO 2005	14
COURT ROOM DEMEANOR IN A CASUAL FRIDAY WORLD	16
CLASSIFIEDS	20
AL YABLON EMERITUS ATTORNEY EXTRAORDINAIRE	21
EXEC'S DOT...DOT...DOT	22


Tax Preparation & Planning

**Individual ♦ Corporate
Partnership ♦ Estate & Fiduciary
Offer in Compromise**



Michael C. Eulau, CPA

MBA, Finance, University of Chicago
MSc, Economics, London School of Economics
Over Fifteen Years Experience



**Eulau Accountancy Corporation
200 E. Santa Clara Street, Suite 200
Ventura, CA 93001**

Phone (805) 641-1040



PRESIDENT'S MESSAGE: EXTRAORDINARY PEOPLE AMONG US

I believe that attorneys as a group are at the top of the list when it comes to being philanthropic, dedicated to community service and responsive to the needs of others. Sometimes an extraordinary event results in the emergence of an extraordinary person.

On December 26, 2004, attorney P. Mark Kirwin, his wife Angela and their two children, Kai and Makani, were in Thailand. They were scheduled to stay at the Andaman Sea Resort on the coast, but changed their plans and stayed inland nearer the mountains. The Andaman Sea Resort was washed away by the tsunami. The Kirwin family survived when they surely would have perished but for a change of plans.

There are many paths that Mark and his family could have followed that day. Imagine being in the midst of the devastation that for most of us was images on the news. The devastation of the tsunami led the Kirwins to a remarkable new venture.

During the week that the Kirwins were stranded in Thailand, Mark first used all his cash resources to buy food and water to distribute to the hungry and thirsty. Mark and Angela worked in shifts helping the victims by delivering aid or helping in the hospital while also caring for their own children and trying to protect Kai and Makani from the despair that followed the disaster.

When the Kirwins came home to Ventura County, they began a grass roots effort to raise money for the tsunami victims. The grass root campaign morphed into the Kirwin International Relief Foundation, called KIRF. After raising enough money to make a difference, Mark and Angela returned to Thailand to talk to the victims and purchase the supplies to meet their greatest needs. Whether it be food, shelter, water, fishing nets or construction materials, Mark and Angela spent all the funds raised directly on those needs.

KIRF could have been a waning star, but the Kirwins were forever changed by their ability to make a difference. Mark commented that he never more appreciated his lawyer skills than when negotiating for the benefit of the

victims. KIRF, fueled by the energy and the resources of the Kirwins, again met the challenge when Hurricanes Katrina and Rita hit the gulf coast.

KIRF again organized successful fundraisers that were well supported by members of the community. This time Angela went to deliver aid to hurricane evacuees in the cities of Hattiesburg, Picayune and Gulfport Mississippi. KIRF again talked to the victims and determined what was needed most, and then delivered precious supplies directly to those in need. For instance, in Picayune they delivered care packages of household supplies like bedding, cooking and kitchen items, appliances, cleaning supplies, blankets, towels, toiletries and so on. For the children, they purchased new backpacks and sports equipment.

I first met Mark Kirwin close to the one year anniversary of the tsunami. He was planning another trip to Asia in early 2006. Angela had made another trip to the gulf coast. His bank account was empty and he impressed me as a man who is at peace with himself.

I did not know of the Kirwin family's courageous and generous work. Mark was reluctant to tell me much. Meeting Mark made me proud to be a lawyer and proud to have colleagues like Mark. You can find out more about the relief work by visiting their website at www.KIRFaid.org.

Loye Barton is an attorney specializing in estate planning and probate with Norman, Dowler, Sawyer, Israel, Walker & Barton in Ventura.

2006 VCBA BOARD OF DIRECTORS

OFFICERS

President
Loye M. Barton

President-Elect
Jonathan Fraser Light

Secretary-Treasurer
Matthew P. Guasco

Past-President
Donald O. Hurley

Executive Director
Steve Henderson

BOARD OF DIRECTORS

Nancy D. Aronson	Jody C. Moore
Benjamin J. Engle	Susan B. Ratzkin
Steven S. Feder	Gilbert A. Romero
Erik B. Feingold	Mary C. Shea
Gregory L. Johnson	Anthony R. Strauss
Kenneth W. Kossoff	Russell A. Takasugi
Jeanne M. Kvale	Gregory D. Totten
Joel Mark	Michael A. Velthoen
Michael C. McMahon	Joel R. Villaseñor
	Al Vargas, Barristers

CITATIONS EDITORIAL BOARD

Managing Editor
Wendy C. Lascher

Co-Editor
Al Vargas

Publisher, CEO
Steve Henderson

Graphics/Production
JP McWaters

Kristine Anderson	Ellen M. Murphy
Karen B. Darnall	Gregory T. May
Terence Geoghegan	Michael L. McQueen
Mark E. Hancock	Michael R. Sment
Robert I. Long	Michael A. Velthoen
Joel R. Villaseñor	Louis J. Vigorita
Panda L. Kroll	

CITATIONS is published monthly by the Ventura County Bar Association. Editorial content and policy are solely the responsibility of the Ventura County Bar Association

Submit all advertising, classified and calendar matters to:	Submit all editorial matters to:
---	----------------------------------

VCBA 4475 Market St., Suite B, Ventura, CA 93003 Attn: Executive Director t: 805.650.7599 f: 805.650.8059 e: bar@vcba.org w: www.vcba.org	Al Vargas Co-Editor CITATIONS P.O. Box 25540 Ventura, CA 93002 t: 805.648.3228 f: 805.643.7692 e: Alfred@lascher.com
--	---

LETTERS TO THE EDITOR

Re: Let's Cut Bennett Some Slack,
December 2005 Citations

Dear Editor:

Ms. Patricia Kochel wrote a letter to Citations in December 2005, about her enthusiasm for the recent Mexican American Bar Association function. Though I did not attend, I gather from Ms. Kochel's letter that there were certain comments made about supposed racist statements attributed to Bill Bennett. As widely reported in the liberal press, Bill Bennett has been vilified for reportedly proposing on his talk show that if you gave abortions to all pregnant black women the crime rate would drop. This has elicited howls of indignation and Ms. Kochel certainly has a right to be dismayed by such a reported statement. A prominent post government official making such a proposal should be a cause of concern. But let's cut Bill Bennett some slack. He never made such a proposal. He never even remotely suggested that anyone even entertain such a proposal. The comment has been taken out of context and accepted like a religious revelation.

What Bill Bennett actually said in context was that such a proposition, though it might be objectively logical, was inconceivable and morally reprehensible. (See www.realclearpolitics.com/Commentary/com-10_12_05_WB.html and www.foxnews.com/story/0,2933,170880,00.html). There are enough injustices and improprieties in our modern world that we really do not need to be imagining violations of personally liberties when none have occurred. Bennett is a white, middle-aged conservative male who stands for religious values and is anti-abortion. Obviously, he is considered by liberals to be evil incarnate and fair game. Merely because you need a cause, however, does not justify fabricating one.

Unfortunately, there is a segment of our society so hypersensitive to any perceived racial slight that the substance, accuracy and logic of an observation is ignored in favor of the subjective belief that an atrocity has been proposed. Edward R. Murrow made the observation "Everyone is a prisoner of his own experiences. No one can eliminate prejudices-just recognize them." I recognize that we seem to be in a culture war, but truth and accuracy should not be it's first victim.

Very truly yours,
MICHAEL L. McQUEEN

Dear [Editor]:

Enclosed is a copy of a letter the Court has received regarding Susan Siple. Ms. Siple assisted me by covering my calendar while I was teaching at the Judge's College. While I am very appreciative of her contribution to our community, those who appeared before her also greatly valued her service. Perhaps it would be appropriate to share the compliment in the next issue of Citations.

Sincerely,
KENT M. KELLEGREW
Judge of the Superior Court

Dear Judge Clark:

Several weeks ago I appeared in Department 44, Judge Kellegrew's probate department. Judge Kellegrew was out that day and Susan Siple was serving as Judge Pro Tem.

I was appearing on several matters that morning and one of the matters had been inadvertently set by the clerk's department to have been heard in Department 42. That morning, the error was discovered and the file was delivered from Department 42 to Department 44.

When the matter was called that morning, Ms. Siple had indicated that, because of the initial assignment of matter to Department 42, she had not had the opportunity to review the file in order to properly consider Petitioners' moving papers and suggested that the matter be continued.

Because the Petition before the Court was for approval of distribution of a decedent's probate estate to the beneficiaries, all of the beneficiaries in the matter were hoping for an approval of distribution prior to the Christmas holidays and before the year's end. On that basis, I had made a request of the Court to not continue the matter, but to take the necessary time that morning off the bench to read and review the file and Petitioners' application to avoid a continuance of the hearing. Ms. Siple graciously took the time that morning to read the file and familiarize herself with the petition, and ultimately granted the petition without the necessity of a continuance. I cannot tell you how much joy and closure this helped bring to Decedent's family.

All too often you may simply hear of complaints or criticisms of the judges or counsel. Although I am sure you are aware, I wanted to write and inform you of the caliber of services provided by our Pro Tems. I also serve as a Pro Tem and am aware that the Court system very much appreciates our contributions. I simply wanted you to know of the extra commitment by Ms. Siple to the efficient running of our Court system. Her unselfish giving of time served as the lubricant to keep the wheels of our Court system rolling smoothly, spared Judge Kellegrew of another file, and made my clients happy.

Very truly yours,
RUSSELL TAKASUGI

DAVID M. KAREN, ESQ.
(805)988-4848
TRIAL • LITIGATION • MEDIATION
WWW.DK4LAW.COM

Got Case?

From conference room to courtroom, Pacific Coast has got you covered!

Pacific Coast has been
the most trusted name in
court reporting in Ventura
County for over 30 years.
We can support you...



from the first deposition...

- Complimentary, well-equipped conference rooms in both our Ventura and Woodland Hills locations
- Videoconferencing capabilities
- High-quality realtime court reporting
- Complete in-house videography and trial presentation capabilities
- Full-service document depository including document storage and retrieval, document identification, scanning and copying



...all the way to trial.

**PACIFIC COAST
COURT REPORTERS**



A LEGALINK COMPANY
www.legalink.com

Pacific Coast Court Reporters

1363 Donlon St, Suite 8
Ventura, CA 93003-5638
tel (800) 438-2226

20750 Ventura Blvd, Suite 440
Woodland Hills, CA 91364
tel (818) 715-9122

Free CLE Offer

Learn more about the latest in
technology and receive
1.0 hours of CLE credit.
Call **(818) 802-8781** or email us
at sreed@legalink.com.

EAR TO THE WALL

The Law Offices of Karen B. Darnall have moved to 450 Rosewood Ave., Suite 217, Camarillo, CA 93010. Her phone number remains (805) 987-3602.

The Ventura County District Attorney's Office recently added four new attorneys to the General Felony / Misdemeanor Unit: **Alvan Arzu**, **Thomas Dunlevy**, **David Russell** and **John Weller**. **William Haney**, Senior Deputy DA was promoted to Felony Unit supervisor.

The Ventura County Public Defender's Office hired **Dale Armitage** to the Misdemeanor Unit, while **Senior Deputy PD Maria Diaz** retired in January after 32 years of county service.

The Ventura County Counsel's Office grew by one in December with the hiring of **Mitchel Davis**.

Nick M. Campbell joined the Law Offices of **Scott Green** in Moorpark. His practice primarily focuses on general business, real estate, community association and construction litigation. He may be reached at (805) 517-1899.

TRACY COLLINS Attorney At Law

ERISA

*Representing claimants
in the denial of group
disability and life
insurance claims.*
Referral fees paid.



5699 Kanan Road, Suite 415
Agoura Hills, CA 91301

(818) 889-2441
Fax (818) 889-1210

erisadisability@aol.com

TRUST DEED FORECLOSURES

Industry Specialists For Over 20 Years

At First National T.D. Service we specialize in the Non-Judicial Foreclosures of obligations secured by real property. When your client needs a foreclosure done professionally and at the lowest possible cost, please call us at:

(805) 339-0892

Fax (805) 339-9674

First National T.D. Service
A Real Estate Foreclosure Company

950 County Square Drive, Suite 106, Ventura
KENNETH P. RICHARDSON, REAL ESTATE BROKER

PAGLIA CONSULTING GROUP, LLC



Dr. John K. Paglia
Managing Director

jkp@pagliaconsultinggroup.com | www.pagliaconsultinggroup.com

John K. Paglia, Ph.D., MBA, CMA, CFM, PRM, FRM

- Finance Professor, Pepperdine University
- Ph.D. in Finance, MBA, BS in Finance
- Certified Management Accountant (CMA)
- Certified Financial Manager (CFM)
- Professional Risk Manager (PRM)
- Financial Risk Manager (FRM)
- Economic Expert, Ventura Superior Court
- Over 10 Years of Valuation Experience

Current Promotions

from
\$250/hr.

**Marital Dissolution
Financial Issues**

from
\$4,995

**Estate and Gift Tax
Business Valuations**

from
\$250/hr.

**Economic Damages
& Expert Testimony**

Serving all of Southern and Central California

Call 805.231.9017
for a free assessment

BARRISTERS

There's a sad sort of clanging from the clock in the hall, and the bells in the steeple, too. Regretfully they tell me, but firmly they compel me, to say goodbye to you.

Yes, my term as Your Barristers President is now up, and truly, even if I hadn't been term-limited out, it would still be a good time to go. After all, the times are full of signs and portents, and the Apocalypse is coming to pass. If you ask me, the Apocalypse first began when PBS broadcast "Mrs. Doubtfire," as if it were a legitimate cultural offering, and has now culminated, I am told by non-Bruins, in the defeat of USC, and the worshipping of the golden calf, er, longhorn.

But how could it have been otherwise? Didn't Homer tell of the fall of Troy, and didn't the Brad-Pitt-in-a-leather-miniskirt version of "Troy" bomb, and isn't there something in the Book of Revelations about horned beasts and the Antichrist? (Let us not forget that last year, as seen below, presidential librarian Laura Bush was photographed making a hand gesture that led some to speculate on a Satanic allegiance but that turned out to be nothing more than the "gangsta" Longhorns hand-sign, more "Hook 'em, 'Horns" than "Hail the Prince of Darkness," although...)



At any rate, thank you all for attending our events this past year and making them a success. And thank you also to the

rest of the Barristers board members, who made my job so dizzyingly easy that I had extra time to wax verbose in e-mails. Finally, a special thanks to Uncle Steve Henderson and the staff at the Ventura County Bar Association, without whom nothing would get done. I'd also thank my agent, my mother, and my colonoscopist, but the music cue is playing, and they're hustling me off the stage before I can wallow in more maudlin gratitude.



I leave you now in the hands of your capable new Barristers President, none other than Alfred "Al" Vargas, master of the Rumsfeldian koan.

Don't let the twinkling

eyes deceive you. In addition to his many other talents, Al is endowed with a Cheneyesque grasp of the intricacies of the filing-window Realpolitik (the Ventura clerks make "Bring Me the Head of Alfredo Vargas" jokes and reject filings at their peril).

After removing the "J" and "V" from the keyboards at the Barristers office, Al will eschew the traditional inaugural ball in the racquetball courts at the Pierpont Inn and will instead kick off his presidency in cowboy boots.

Well, it's time for me to flit, float, fleetly flee, and fly. Henceforth, you can catch me on the speaking circuit, charging top dollar in order to pay my legal fees and the bar tab from Judges' Pizza Night, or at any of our upcoming Barristers events. So long, farewell, auf Wiedersehen, and goodbye, fellow Barristers.



Your Barristers
Now-Ex President,

Joel R. Villaseñor

devine-hall & associates, ltd.

CERTIFIED COURT AND REALTIME REPORTERS

- Locally owned and independently operated since 1978
- Member of the Ventura County Bar Association, Founding Member of VALA/Ventura County Paralegal Association, Past President of the Ventura County Legal Secretaries Association
- A Full Service Court Reporting Firm Offering an *Accountability Plus Pledge*
- Hearings • Private Trials • Transcription • Depositions
- Work with the Hearing-Impaired/CART

Devine-Hall is a member of the Alliance for Independent Reporting Excellence (AIRE), an independent network of court reporting firm owners that share the same values and goals when it comes to the people they serve. AIRE's network now covers 287 countries, allowing it to cover every key metropolitan area in the United States.



5450 Telegraph Road
Suite 100
Ventura, California 93003-4144
805.658.CSRS (805.658.2777)
800.660.CSRS (800.660.2778)

depos@devine-hall.com
www.devine-hall.com

Quality:

Your Work Demands It; Our Work Reflects It!

Got Malpractice Insurance?

Sometime in February or March, the Supreme Court will request public comment on a proposed new Rule of Court and a Rule of Professional Conduct that will require that lawyers without malpractice insurance inform their new and current clients of that fact. (Lawyers with malpractice insurance will not be required to inform their clients, in order not to encourage claims.) Other states require this and California will probably join their ranks. If you would like to comment, please stay tuned.

Pro Bono Service Awards

Do you know of attorneys in our area who are doing pro bono work that you feel should be recognized?

The State Bar in 1983 established these awards and Ventura County lawyers have been regularly recognized for their outstanding efforts. Only last year Robert Guerra and Susan Ratzkin were among the recipients of the President's Pro Bono Service Awards, which are given in nine categories. Nominations must be postmarked by March 15, 2006. For more information or forms, check out the State Bar's website at www.calbar.ca.gov.

For more information about these or any other issues, please get in touch with me at (805) 483-1464. Thanks.

M. Carmen Ramirez
Member, Board of Governor's District 6

SWITCH

gears to State Farm

AND SAVE

up to 25%.

Find out why more people trust State Farm for car insurance. See if you qualify for Multi-Car and Multiple Line Discounts.



Gary Scott, Agent, CLU LUTCF CMC
Insurance Lic. # 3677402
2472 Eastman Ave
Ventura, CA 93023
Bus: 805-335-9532


STATE FARM IS THERE.®

Providing Insurance and Financial Services

FD-108 (12) See Your Agent for Details. Insurance Coverage Provided by Affiliated Companies.

e-vi-dence: n., something that tends to furnish proof

The word "evidence" is rooted in the medieval latin "evidentia," meaning "to make obvious." The ability to get evidence from the myriad of sources is critical yet often under appreciated.



Our efforts have contributed to the success of numerous cases and millions of dollars in favorable settlements and judgments, and we can "make obvious" that which will help win your case.



From Computer Forensics to Environmental Liability to Due Diligence investigations, we offer the right solutions to obtain evidence in support of your case, quickly and discreetly.

Call us: (805) 445-1997

VERDICT RESOURCES

Investigations And Professional Research

1000 Paseo Camarillo, Suite 206, Camarillo CA 93010
<http://www.verdict.net>



MEDIATOR/ARBITRATOR

Richard M. Norman

- 40 years litigation experience - AV rated.
- Personal injury, business, construction, employment, real estate, probate/trust, partnership and corporate disputes and dissolutions
- Member: American Board of Trial Advocates
- Past president Ventura County Bar Association and Ventura County Trial Lawyers Association
- American Arbitration Association and NASD arbitrator
- Trained Mediator - Pepperdine University Straus Institute
- Reasonable fees and flexible scheduling. No administrative charges.

Richard M. Norman
Of Counsel

Norman, Dowler, Sawyer, Israel, Walker & Barton, LLP
840 County Square Drive
Ventura, California 93003-5406
(805) 654-0911 • RNorman@normandowler.com

**TRIAL LAWYER GROUP
ANNOUNCES NOMINATIONS
FOR VENTURA COUNTY
“TRIAL LAWYER
OF THE YEAR” AWARD**

By Dennis Neil Jones

Who was the best trial lawyer in Ventura County in 2005? The Ventura County Trial Lawyers Association plans to answer that question, by announcing open nominations for its First Annual “Trial Lawyer of the Year” award.

Nominees will be selected by the VCTLA. Criteria for the award include:

- Noteworthy civil trial results (court or jury trial(s) in 2005)
- Contributes to the legal community
- Nominee demonstrates high standards of ethics, civility, courage, advocacy & dedication
- Nominee contributes to the betterment of the civil justice system
- VCTLA Member (may join after nomination)

The award will be given at the First Annual Award gala on May 23, 2006, at the Residence Inn by Marriott River Ridge in Oxnard.

VCTLA researched trial lawyer awards around the state before settling upon the current award and criteria.

Nominations may be forwarded prior to March 31, 2006 to VCTLA c/o Steve Henderson via facsimile (805) 650-8059 or by email to steve@vcba.org. Include the name of the nominee and at least one case tried by the nominee last year.

**300 Esplanade Drive
Suite 1180
Oxnard, CA 93036**

NEW ADDRESS

NOT Getting Fees For Your P.I. Referrals?

Attorneys refer cases to Neil Krupnick & Associates when they want the *best* results achievable for their clients. They receive generous professional referral fees paid timely, as provided by law.

AUTOMOBILE • MOTORCYCLE • PEDESTRIAN

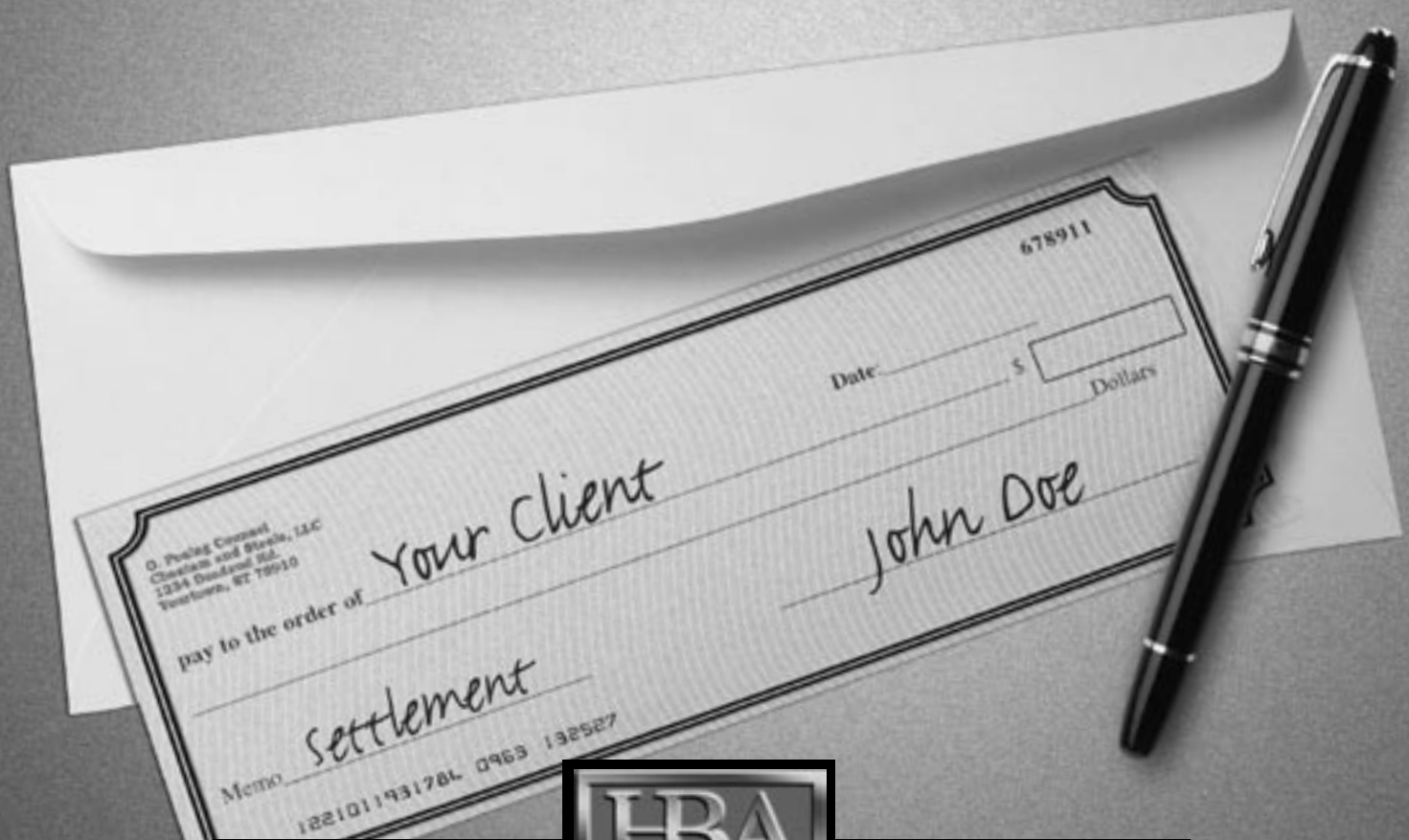
Our track record and trial abilities will maximize the value of your cases for the benefit of you and your clients. Resolving injury cases since 1972.

“Being the winner in court, or in negotiations with insurance company adjusters, means having a team supported with experience and expert resources.” - Neil Krupnick

In association with our newest member
William R. Chapman formerly of Grassini & Wrinkle

NEIL KRUPNICK & ASSOCIATES
A Professional Law Corporation
805-495-7651 www.neilkrupnick.com
340 N. Westlake Boulevard, Suite 220
Westlake Village CA 91362

Check, Double Check, and Settlement Check



HAMILTON BOYNTON & ASSOCIATES

When preparing a complex financial case, HBA has one simple, effective strategy. We'll examine your figures thoroughly and help you determine how much is owed. Hamilton, Boynton, and Associates provides the first line of defense for a variety of legal disputes, from fraud and breach of contract to divorce and probate. In most cases, our forensic accounting experts can help you reach a quick, out-of-court settlement. When a trial is required, we give you the support you need to win. Our services include:

- **Expert Witness Testimony**
- **Deposition/
Interrogatory Analysis**
- **Forensic Accounting**
- **Business Valuations**
- **Litigation Consulting**
- **Fraud Examinations/
Investigations**
- **Trial Assistance**
- **Settlement Structuring**

Telephone 877-986-4300 • Email chamilton@hbcpa.com

www.hbcpa.com

WARRANTLESS WIRETAPS AND THE PATRIOT ACT

By Michael C. McMahon

President Bush now admits he has authorized wiretaps by the National Security Agency without judicial approval. This clearly violates the Foreign Intelligence Surveillance Act (FISA), but has the FISA been effectively superseded by the Patriot Act? One of the FISA court judges, disturbed by this claim from the White House, has resigned from the court in protest.

Normally, wiretaps are approved by a magistrate on the basis of facts submitted in the government's application which establish there is probable cause for belief that the wiretap is likely to reveal evidence of criminal activity. The target of the wiretap need not be the criminal, and in an emergency, judicial approval may be sought days after the wiretap is installed.

In 1978, Congress enacted the Foreign Intelligence Surveillance Act (FISA), at least partly in response to illegal wiretaps during Nixon's administration. The FISA authorizes judicially-approved wiretaps to obtain foreign intelligence information without a showing of probable cause of criminal activity. As originally enacted, FISA covered only electronic surveillance. It was amended in 1994 to cover physical searches.

The FISA was passed to deal specifically with the subject of foreign intelligence surveillance. It created a special FISA court which, among other duties, has a mandate to review the government's purpose in seeking the wiretap. Proceedings before the FISA court are *ex parte* – not adversarial. Reportedly, the FISA court has rejected requests for wiretaps on only a few occasions. If the FISA court concludes the government's sole objective is to gain evidence of past criminal conduct, rather than to halt ongoing espionage or terrorist activity, the wiretap application will be denied. But, presumably, prosecution is rarely the president's sole objective.

The constitutionality of FISA wiretaps is debatable. But, if the FISA wiretaps do not meet the minimum Fourth Amendment warrant standards, they "come close." (In re: Sealed Case No. 02-001 (2002) UNITED STATES FOREIGN INTELLIGENCE SURVEILLANCE COURT OF REVIEW [the only decision ever issued by this court].)

The bottom line is that the FISA makes it pretty easy to get approval of a wiretap which targets an agent of a foreign power. If the target of the wiretap is acting for or on behalf of a foreign power which poses a threat to national security, the government need not show probable cause of a specific crime. The government need only designate the type of foreign intelligence information being sought by the wiretap and attest that the information sought is foreign intelligence information. The FISA judge may not second guess the Executive Branch official's certification that the surveillance objective is foreign intelligence information.

Nevertheless, President Bush has authorized wiretaps without seeking the judicial approval required by the FISA. He claims that the more recently enacted Patriot Act allows him the authority to ignore the FISA. When enacting the Patriot Act, Congress relaxed a requirement that the government show that the primary purpose for a FISA wiretap was to deter a foreign-based threat, rather than to collect evidence for a criminal prosecution. But, nothing in the Patriot Act removed the requirement of judicial approval.

The Bush administration's programmatic purpose for starting a regime of warrantless wiretaps is to protect the nation against terrorists and espionage threats directed by foreign powers. Because this purpose is legitimate and distinguishable from ordinary crime control, these wiretaps may be reasonable under the Fourth Amendment.

Under limited circumstances, the Constitution allows warrantless and even suspicionless searches, designed to serve the government's "special needs," beyond the normal need for law enforcement. This "special needs" exception does not apply if the program's "primary purpose" is to uncover evidence of ordinary criminal wrongdoing.

But, even assuming the president's wiretaps don't violate the Constitution, they still violate the FISA.

This on-going violation of federal law may be an impeachable offense. But much of the blame must be borne by Congress. The Patriot Act authorizes the President to use all "necessary force" to fight terrorism. President Bush claims that "necessary force," includes

the use of wiretaps. The President stated, "legal authority is derived from the Constitution, as well as the authorization of force by the United States Congress."

Much of the Patriot Act is bad law. Many now assert that Congress intended to authorize acts of war and the use of military force, not warrantless, domestic wiretaps. Apparently, they were not clear enough in their wording to be understood by this president. Presidential power must be more clearly restrained.



Michael C. McMahon
Adjunct Faculty,
Ventura College of Law

Our readers get enough citations, so I have written this piece without them. But, the temptation to cite the only case ever released from a court was overwhelming. Full case citations are available upon request.

LEGAL MALPRACTICE EXPERT WITNESS and LAWYERS ADVOCATE STATE BAR DEFENSE

PHILLIP FELDMAN

B.S., M.B.A., J.D., A.V.
Fellow American Board of
Professional Liability Attorneys

Certified Specialist
Legal & Medical Malpractice
(California & American Bar Associations)

Former Judge Pro Tem
Former State Bar Prosecutor

Fee Arbitrator 30 years
Litigator/Expert 38 years

Malp/Ethics Author

www.LegalMalpracticeExperts.com
Email: LegMalpExpert@aol.com
StateBarDefense@aol.com

(310) LEG-MALP (534-6257)

ALSO FEE DISPUTES,
PREVENTATIVE LAW & RISK
MANAGEMENT CONSULTATIONS



AS A SIGNIFICANT BENEFIT TO OUR MEMBERS...THE VENTURA COUNTY BAR ASSOCIATION HAS IDENTIFIED THESE INSURANCE AND FINANCIAL PLANNING PROFESSIONALS TO ACCOMMODATE YOUR INSURANCE NEEDS. THESE BROKERS ARE RECOGNIZED FOR THEIR INTEGRITY, KNOWLEDGE AND EXPERIENCE IN SERVING THE LEGAL COMMUNITY. THEY CAN ASSIST YOU IN THE AREAS OF LIFE, HEALTH, DISABILITY INCOME, LONG-TERM CARE INSURANCE, ANNUITIES AND INVESTMENTS. YOU CAN OBTAIN STATE AND COUNTY BAR PLANS AT DISCOUNTED RATES THROUGH THESE BROKERS.

Barry A. Cane

Disability Income Insurance
Business Overhead Expense

(805) 496-5537 Fax: (805) 496-5598

240 Lombard St., Suite 100, Thousand Oaks, CA 91320



Lic. #0740274

FPO

Registered Representative Park Avenue Securities, Inc., 7 Hudson Street, New York, NY 10017. Securities products and services offered through FAS, 1-888-600-4667. Member NYSE, SIPC. FAS is a subsidiary of The Fidelity Life Insurance Company of America. Representative of The Fidelity Life Insurance Company of America, New York, NY.

Michael P. Kenney*, CLU

Group and Individual Health Insurance
Business and Personal Life Insurance


(805) 497-7407 Fax: (805) 494-1363

www.kenneycompany.com



Lic. # 0688916

Securities offered through a registered representative of Royal Alliance Associates, Inc., member NASD/SIPC.
Branch Office: 100 E. Thousand Oaks Blvd., Suite 152, Thousand Oaks, CA 91360 • (805) 496-4600



**Over 40 Hours of MCLE
Available Online
as an Exclusive Benefit
to our Members!**



Lawyers' Mutual
now offers
ONLINE MCLE!

**A value
of over
\$4,000!**

WWW.LMICMCLE.COM

Through our new interactive website, www.LMICMCLE.com, members can earn MCLE Credits by downloading LMC Bulletins with self-study tests and listening to, or viewing, past LMC seminars from the comfort of their home or office.

We want to be more than just your professional liability insurance company!

One of our primary objectives is to help our members reduce exposure to risks and liability. By making our information on legal malpractice prevention, professional responsibility and risk management readily available to all of our members in a convenient and easily accessible way, we hope to continue to create successful, long-term relationships with our policyholders.

Visit us at — www.LMIC.com or call (800) 288-2044

LAWYERS' MUTUAL INSURANCE COMPANY

3310 West Empire Avenue, Burbank, CA 91504



Richard Armand Richards 1934 to 2005

By Glenn J. Campbell

State Bar Number 33000
Senior Partner
State Bar Court Referee
President Ventura County Legal Aid
Professor of Real Estate Law Ventura College
Ventura County Bar Association Director



When he became an attorney in 1962, Richard "Dick" Richards did not know that he would serve in the legal positions listed above. Fresh from UCLA law school, he was married with two young children and he wasn't at all sure what he would be doing to earn a living as an attorney. He then signed on with the legal unit of the Department of Highways for the State of California, engaging in condemnation work to build roads.

Dick had grown up in the State of Washington. As an adolescent, he helped harvest the potato crop. He knew how to work. In fact, he excelled at most things he tried. After all, he was a competitor's competitor – student body president in high school, president of the associated students at University of Washington and, as an Air Force officer, he was proud to be in the first solo group of his class. He became a Captain and multi-engine command pilot, flying the B-25 medium tactical bomber for the duration of his service.

Married with children when he entered UCLA law school, he engaged in an accelerated law study program to finish in the shortest amount of time. Dick car-pooled to UCLA with fellow Ventura County law students George Dyer and Michael Perrett. He did well. He was inducted into Phi Delta Phi, graduated early, passed the bar the first try and then joined the Department of Highways. He loved his State Bar number.

In 1965, Dick joined what has become known in our receptionist's greeting as "Good morning, Lowthorp/Richards." Back then the firm was called Durley, Cearnal, Marshall & Callender.

Mark Durley began his practice in the county in 1918 and Dick took pride in the continuity of the firm. In 1970, when John Marshall was killed in an aircraft accident, Carl Lowthorp, Dick and Bob McMillan took the reins and held the firm together, instilling in the firm a strong ethic of community service in addition to unfailing loyalty and honesty.

To say that Dick loved golf would be a moderate understatement. Golf was much more than an avocation – it bordered upon a vice. He loved Las Posas Country Club where he was a Director and President. He was on a team of club champions, competing as far away as Florida. He was President of the Ventura County Golf Association. He also took a lot of cash from his partners over the years playing golf during the annual firm retreat at Alisal Ranch.

On his 30th anniversary with the firm, we held a dinner in Dick's honor at Las Posas Country Club. John Friedrich, his longtime ranching client and friend, told the attendees while choking back tears: "God sent Richard to my family. I don't know what we would have done without him." Many clients have communicated the same sentiment. Dick cared for his clients in both the human and the practical senses – and they knew it. He could anticipate the need, he would exhaust the options and shape the result to best meet the need. He was a deal-maker. He cared. He was loyal. You always knew where he stood because he was sure to tell you. He was honest.

Dick possessed a razor sharp mind and a wide breadth of knowledge. He had a love

for history. He loved our country. He was an unabashed patriot.

With his college sweetheart, Pat Richards (an accomplished local artist, community leader and banking executive), they raised three successful sons – Rick, a dentist; Scott, a pastor; and Erik, a professional musician. As golf was his vice, his family was his passion. His grandchildren Kaya, Alexis, Sara and Sean were the lights in his sky.

He also loved music, especially the Blues. During college, Dick and Pat would slip into predominantly black nightclubs in the wee hours to listen to the best blues in Seattle – and he danced.

Dick never displayed his competitor's spirit more strongly than when he was faced with the diagnosis of lymphoma in 1991. He beat back the disease with bravery and humor. His courage in confronting the harsh, drawn out treatment regimens and his refusal to allow the disease to change his routine were manifested by a short-lived toupee, then a fedora and later a cane. He joked about his temporary "skin-head," his "Bogart" hat and his "third leg." He continued to play golf. He maintained his practice until his retirement in 2005. The treatments and his unwillingness to compromise with the disease affected his heart and circulation. His last illness was heart failure on December 2, 2005. He was 71. California State Bar number 33000.

We greatly miss him.

EVANS

Tax & Accounting Services

CTEC Registered

805.340.8822

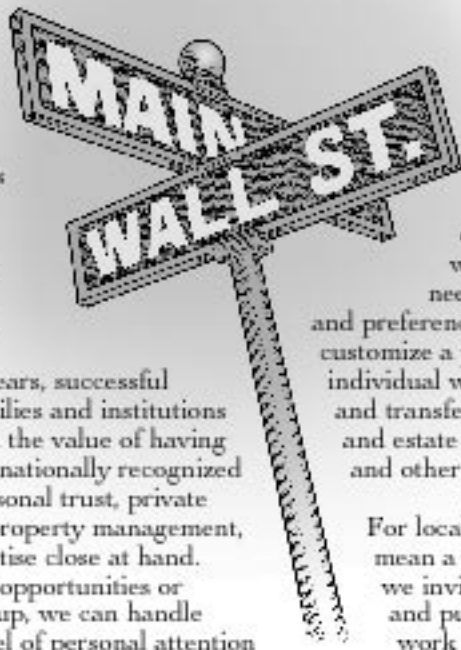
- Tax Preparation
- Tax Planning & Consulting
- Electronic Filing **e-file**
- Out of State Returns
- Payroll Services
- Work Comp Reports
- Notary
- Small Business Setup
- Bookkeeping & Accounting
- Specializing in Non Profit

Fax: 805.649.3377
 Website: evanstax.net
 Email: evanstax@avenuecable.com

World Class Wealth Management Offered Locally

Some of the nation's top wealth management specialists are as close as your nearby Pacific Capital Wealth Management Services office.

For nearly 50 years, successful individuals, families and institutions have discovered the value of having direct access to nationally recognized investment, personal trust, private banking, trust property management, and other expertise close at hand. When financial opportunities or obstacles come up, we can handle them with a level of personal attention



that you simply won't find with a long distance relationship.

Our knowledge of each client's unique wealth management needs, personal concerns and preferences, allows us to customize a plan to accommodate individual wealth preservation and transfer objectives, income and estate tax implications, and other issues.

For local expertise that can mean a world of difference, we invite you to come by and put our minds to work for you.



PACIFIC CAPITAL
Wealth Management Services

INVESTMENT MANAGEMENT • TRUST SERVICES • PRIVATE BANKING

Minds at Work

Call us locally at 805.564.6209

Camarillo • Westlake Village • Encino • Beverly Hills • San Diego • Monterey • San Luis Obispo • Santa Barbara • Montecito

Also available through

**SOUTH CALIFORNIA
BANK & TRUST**

COURT ROOM DEMEANOR IN A CASUAL FRIDAY WORLD

By Michael McQueen

THE SANTA ANA FASHIONISTAS

I was arguing a motion in Santa Ana Superior Court. It was one of those mornings when the argument was going well, the facts and case law were in our favor and the words were tripping effortlessly off the tongue. The court was following, and apparently receptive to, my arguments. Becoming more confident I placed my hands in my pockets. What a transgression! I glanced up at the judge. He was peering over his glasses at me in a grave fashion, both hands pointed at what I thought was my crotch. He was jerking his hands up in a very peculiar fashion, much as a gunslinger would. I leaped to the panicked conclusion that my fly was undone. For some reason this is a very unsettling experience for men. Why the exposure of a certain part of the male anatomy justifies criminal sanctions while some women make great livings showing theirs is one of life's puzzling dichotomies. Nevertheless, indecent exposure in a court of law is not a good career development. I quickly grasped my zipper only to find that it was raised. The judge, in a gravely voice, admonished me not to have my hands in my pockets. This pretty much disrupted my train of thought for that morning. On the way back to the more relaxed attitudes of Ventura County, I pondered how I could possibly have known about the "hands in your pocket" rule. I had heard that old joke about lawyers never having their hands in their own pockets, but I had not known this was a court rule.

Several months later, while making a telephone appearance before a different Santa Ana Superior Court judge, the judge's voice boomed through the speakerphone admonishing me to take my hands out of my pockets. This was astounding. The omniscience of the Santa Ana judges was mind-boggling. I quickly realized, however, that my hands were not in my pockets. Before I could express my indignation, I heard the mumbled apology over the phone of another unfortunate attorney giving assurances to the court that he would never put his hands in his pockets again. I relaxed. The omniscience of the Santa Ana judges being placed in proper perspective.

Justice Paul Coffee knows of no specific rule regarding keeping your hands out of your pockets, but for those who may find themselves arguing an appeal before him, be advised that he does not condone the practice. Justice Coffee considers the matter one of etiquette and presentation style. It is bad form and should be avoided. Justice Coffee also shared a story of one of his contemporaries who was arguing a case while chewing gum. The judge hearing the argument

apparently was offended and told the attorney to swallow the gum. Just like back in third grade. Justice Coffee then wondered whether the judge would require you to put the gum on your nose. I suppose everything we needed to learn we did learn in third grade.

After the hands-in-pocket experience, it did not surprise me overly much to read that another Santa Ana Superior Court judge obtained national attention for criticizing an attorney for her court attire. Judge Thrasher has your typical stern judicial demeanor, and a good reputation as a settlement judge. He is currently a JAMS arbitrator. He apparently did not appreciate the sartorial trappings of a female attorney appearing before him. He chastised the attorney for being shoddily clad. It turns out that the woman was pregnant, had a dearth of appropriate clothing opportunities, and burst out in tears. She had to call her husband to pick her up from the court because she was emotionally traumatized. The press got hold of the story and Judge Thrasher was subjected to national chastisement and forced to apologize. Whether or not an attorney who is easily traumatized by comments about her clothing should or should not be a litigator, is not necessarily the question. Why is the Santa Ana Superior Court fighting this last ditch effort against fashion barbarism?

YOU ARE WHAT YOU WEAR

For men, the solution to the attire challenge is usually fairly simple. You put on a suit, slap on an in offensive tie and you are ready to roll. Women appear to have no such easily applied standards; some wear short skirts (during the 70's quite short skirts), suits, pants, sweat suits, muumuus, sweatshirts and every combination in between except for a tie. Though that tie business does strike me as somewhat gender biased.

Early in my career I worked for renowned Los Angeles defense attorney John Costanzo. He never appeared in front of a jury overly dressed. He wore the defense bar's uniform du jour: wrinkled, understated gray or brown suits. The plaintiff's bar gets a little bit more extravagant. They feel compelled to dress as flashily as possible, a walking billboard for their apparent success. The members of the Women's Bar, however, are a mixed bag. In Ventura I have seen lawyers of both sexual persuasions wearing leather jackets, no jackets and string ties. The Assistant District Attorneys have a fairly

conservative style, while the criminal defense bar is, well, never mind.

Is there a bright line fashion test? Am I going to be subjected to my own judicial "My Cousin Vinny" experience because I am so fashion challenged? You may remember the movie, "My Cousin Vinny." An out-of-town, newly-minted lawyer has lost his luggage. He keeps showing up to court in a series of inappropriate pawnshop purchased suits causing the judge, played by Fred Gwynne, to exclaim to counsel, "are you mocking this Court?" Is my inability to grasp that plaids do not go well with stripes an affront to the dignity of the court?

This is not a trivial matter. Losing control of the traditional requirements of respectful decorum, conduct and dress is merely the first step to clothing chaos. Perhaps we should have the equivalent of a Mr. Blackwell's annual list of inappropriately attired counsel, though attorneys have enough image problems as it is. And don't snicker that this is an issue of so little concern that a T.V. program such as *Queer Eye for the Legal Guy* will solve it. It does not take much to have the equivalent of a dress riot where lawyers show up in court wearing clothes that just shock the sensibilities. The NBA is just one example of what happens when individuals worth millions dress the way they want to, requiring the imposition of the dreaded, draconian dress code that is so loathed by civil libertarians.

DOES THE COURT CARE OR IS THAT A SMIRK ON THE JUDGE'S FACE?

An associate of mine recently moved; her clothes were in a jumble. Rushing off to court one morning she put on her red suit only to realize, later while at court, that the skirt was a different shade of red than the jacket. She had on a two-tone red suit. I did not think much of it. She, however, was mortified. She was incredulous that she showed up in court in a two-tone, unmatched much less, red suit. Does the court even care? Does the clerk notice? Does the bailiff keep an eye out for sartorial scalliwags? Are they keeping score? Have I unconsciously been an affront to the dignity of the court because of my lack of a tailor, taste or colorful ties? Probably. When does that colorful tie become an affront to the dignity of the court? Are we subject to the subjective and arbitrary sensibilities of the individual judge we appear before? Has a judge ever been tempted to rule against an attorney or the client because of his atrocious taste? To get answers to these pressing concerns; I spoke with some judges.

Judge Harry Walsh, of bow-tie fame and newly assigned to the Family Law Court, advised that when he believes an attorney is dressed inappropriately he has taken them aside to have a private little chat, but never in open court. One wonders how Judge Walsh will handle the probers that will be appearing before him in various states of disarray? Judge Kevin McGee, who is quite a nattily attired judge when sans robes, believes that appearances are quite important. He remarked that no matter how you feel about such superficialities a jury does take note how an attorney is dressed and it does matter, though he has not chastised lawyers for their attire. It seems that the Ventura bench is a kinder and gentler group of jurists when compared to the critical judicial eye of the Santa Ana bench.

THERE OUGHT TO BE A RULE

Searching for more guidance I did a quick Internet search and discovered that the Mono County Court rules do address decorum and attire. An attorney is supposed to dress and conduct themselves in a manner “consistent with the traditional dignity of the Superior Court.” Ok. What does that mean? My most traditional formal attire is a Scottish kilt with the garish McQueen tartan. With respect to attorneys, the Mono County Court Rules require that they should be “neatly and appropriately dressed in business attire for all Court Appearances.” Which business? Dot.com executives are rarely seen in a tie despite being worth billions. For years IBM executives wore only white shirts and regimental ties. I could also find no court rules addressing the issue of transgender cross-dressing. Does the new traditional casual Friday extend to the courtroom? I don’t think so. I do not have the temerity to show up on Friday appearances sporting my collection of colorful Hawaiian shirts. The Mono County Court rules require that counsel instruct their clients and witnesses to “dress in a manner that is not offensive or distracting to others of usual sensibilities.” And watch out for that “bare midriff.” Not acceptable, particularly for male attorneys.

I could find no further guidance in the California Rules of Court. So I dug into the local Ventura County Court rules and buried in Appendix I, under Standards of Professional Conduct, I discovered that persons during court sessions should dress in a manner that is not “offensive or distracting” to others in attendance; there goes my kilt. However, this is a great new weapon for the litigation arsenal. I do not know why it

isn’t in the Evidence Code. “Objection on the grounds that counsel’s attire is offensive and personally distracting.”

Some people get it. My wife knows what is appropriate - what to wear at a funeral compared to a frat party. I make my clothing decisions based on my mood. I have shown up at informal gatherings in a suit, and wear Hawaiian shirts to business meetings. I pick my favorite tie, my favorite shirt and my favorite jacket. This usually does not work out at all well.

For the sartorially-challenged among us I resent the built in bias for guys who look great in a suit. As they say, clothes make the man! Though I did once overhear two female attorneys describe a male attorney as an “empty suit.” Man, that is cruel! But this form of bias should not be tolerated. Like all the other forced MCLE courses designed to address the various shortcomings of lawyers, a sartorial bias class would seem to be long overdue. We should teach the members of the bar that one should not think less of a lawyer because his socks don’t match, his coat

does not match his pants or his tie is the fashion equivalent of a toxic dump. In order to stop this unfair advantage of well-dressed lawyers, we should require that all attorneys do what the British system requires. Barrister robes and silly little white wigs. This would have helped save Judge Thrasher from considerable embarrassment.



Michael McQueen is a lawyer in Camarillo, and a member of CITATION's editorial board.

JAMES P. LINGL & ASSOCIATES

Over 25 years experience in Community Association Law



Community Association Attorneys Providing

- MEDIATION SERVICES
- EXPERT WITNESS SERVICES
- CONSULTING SERVICES
- GENERAL LEGAL COUNSEL

For more information call (805)482-1903

www.lingllaw.com
e-mail: lingllaw@aol.com



SPECIALIZING IN LAW FIRM COVERAGE-
• Business Packages
• Earthquake
• Leasehold Interest
• Professional Liability
E&O, EPLI & Fiduciary
• Workers' Compensation
• Umbrella/Excess

EXPERIENCED
INSURANCE
PROFESSIONALS



DEDICATION, EXPERIENCE & COMMITMENT

Call today for more information.
Jane Gray
(805) 557-1433
jgray@gscoins.com

Since 1987, GSCO has been serving California's legal community. Our seasoned professionals will help you identify and manage the risks facing your law firm. We offer comparative quotes, low cost insurance and admitted, "A" Rated quality markets. We'll work with you to find the best coverage at the lowest available pricing.

CA Lic. # 0743298

FAX (805) 494-4833 • 275 Hillcrest Drive, Suite 250, Thousand Oaks, CA 91360

**REAL ESTATE SERVICES
WHEN EXPERIENCE AND TRUST MATTERS!!!
CALL: EMMANUEL F. FOBI**

- Whether Buying, Selling or Refinancing
- Probate or Divorce
- 1st time home buyer
- Investment property
- Rebates/Bonus up to \$199



Emmanuel F. Fobi, Esq.
Real Estate Broker



(805) 914-1017
Email: Efobi@aol.com

Paradise Estates
770 Paseo Camarillo, Ste. 120
Camarillo, CA 93010

DRE# 01494662

COURT APPOINTED RECEIVER/REFEREE

*"Mr.Nielson is more than just a pretty face.
He is one of our best receivers."*

(Hon. John J. Hunter, October 8, 1999)

The Superior Court has appointed Mr. Nielson in over 200 cases involving the sale of real property, partnership or business dissolutions, partition actions and matters requiring a referee.

LINDSAY F. NIELSON
Attorney at Law

770 County Square Drive, Ventura, CA 93003
(805) 658-0977

And now, continuing for the Defense...



Neil B. Quinn
Criminal Defense
Trials • Appeals • Motions

Now in Private Practice

After 21 years representing the indigent in Ventura County, I'm very proud to announce the opening of my private practice restricted to criminal and related matters.

As a Chief Deputy Public Defender, I personally handled the most complex and demanding cases. Whether the matter was a sexual offense, death penalty trial, or a contractor without a license, I provided zealous and intelligent counsel to each client.

You can refer clients with confidence that each will receive representation of the highest quality.



323 East Matilija, Suite 110-199
Ojai, CA 93023
(805) 646-5832
quinnlaw@sonic.net

When you need to impress someone with the truth...

POLYGRAPH

JACK TRIMARCO & ASSOCIATES
POLYGRAPH /INVESTIGATIONS, INC.

9454 Wilshire Blvd. 6th Floor
Beverly Hills, CA 90212
(310) 247-2637

email: jtrimarco@aol.com
www.jacktrimarco.com

*Jack Trimarco, President
Former Polygraph Unit Chief
Los Angeles, F.B.I. (1990-1998)*

C.A. P.I. #20970

Member Society of Former Special Agents
Federal Bureau of Investigation

Former Inspector General Polygraph Program
Office of Counter Intelligence

CLASSIFIEDS

EMPLOYMENT OPPORTUNITIES

The Ventura Superior Court announces an opportunity for members of the State Bar to become a Mental Health Judge Pro Tem in Ventura. A team of 3 attorneys coordinates monthly calendar coverage for two different facilities based on each attorney's availability. Hearings are held 4 days per week, morning and afternoon. Rate of pay is \$300 per day plus mileage.

Interested individuals should contact: Tonna Brodie, Deputy Executive Officer, at the Ventura Superior Court, (805) 654-3104. Application deadline is February 15, 2006.

WOOD & BENDER LLP seeks 3-7 year litigation attorney to work in its old town Ventura location. Must possess superior writing and analytical skills for complex policy enforcement practice. Excellent salary and benefits including health, dental, vision, disability and 401k. Please submit letter of interest, résumé and writing sample to Wood & Bender LLP, 864 East Santa Clara Street, San Buenaventura, CA 93001. For more information visit our website at www.wood-bender.com.

LEGAL SECRETARY - Westlake Village. Busy civil litigation/transactional/dissolution firm seeks experienced, detail-oriented & motivated legal Secy. Please fax résumé to (805) 494-4704.

OFFICE SPACE AVAILABLE

LARGE FURNISHED OFFICE IN LAWYER SUITE - Prime Westlake Village location, Westlake Corporate Center. Reception area, conference room, copier, fax, air-conditioned, parking. High speed Internet included. \$1,400 per month. If interested: case associations and referrals. Contact Tamara at 2659 Townsgate Road, Suite 136, Westlake Village, (805) 370-1350.

4 offices available in 11 office suite in Westlake Village. One 21' x 17'; two 11' x 15', and one 18' x 14'. Includes 2 conference rooms, kitchen and restroom w/ shower. Secretarial and reception area available as needed. Nice Views. Mutual referrals possible. Please contact Jeanne Melancon at (805) 379-1667.

PRIVATE OFFICE FULLY FURNISHED. Situated in the Institute of Law Building-directly across the street from the Courthouse. Willing to share office equipment. Westlaw is negotiable. Brand new phone system installed. Wireless and DSL access. Contact Elizabeth at (805) 477-0069 for more information.

OFFICE SPACE AVAILABLE - Near Ventura Harbor, use of receptionist, reception area, conference room and office equipment. Contact Michele (805) 650-6640.

SERVICES OFFERED

THINKING ABOUT RETIREMENT? Why not do so in a way that provides you with continuing income and assures your clients of continuity in their service by an attorney? Cheri Kurman, an estate planning attorney who recently opened her offices in Camarillo, is seeking to purchase a Ventura County estate planning practice. If you are interested in learning more about this great opportunity, please call Cheri at (805) 445-7670.

RARE BOOK ROOM - Starting February 1, 2006 the Ventura County Law Library will make the Rare Book Room available for a fee for depositions, arbitrations, mediations and attorney-client conferences. The room seats up to ten and will be available all hours that the library is open. The cost is \$15.00 per hour, \$50.00 for a half-day (up to four hours), or \$100.00 for a full-day (more than four hours). Reservations will be made on a first come first serve basis and payments may be made in cash or by check. For further information please call the library at (805) 642-8982.

CONTRACT ATTORNEY, experienced in business and real estate litigation and trials. Reasonable rates. Nancy A. Butterfield 987-3575.



Whalen-Bryan, INC.
Confidential Placement of Legal Personnel
for Law Firms and Corporations

www.whalenbryan.com



Kathi Whalen, C.A.C.
President

Ventura County
Call (805) 389-3663

Santa Barbara County
Call (805) 965-2020



I provide solutions that help you meet your bottom line.

Offering the right environment for your practice.

- Westlaw® – KeyCite®
- Public Records
- Legal Solutions
- The Wilkin Library
New Wilkin, Summary of California Law; 10th now available!
- The Rutter Group
California Practice Guides™
- Miller & Starr
- West LegalEdcenter®
- ProLaw®
- CFLR DissoMaster Suite™

Call for:

- In-office training
- Free consultations!

Gregg B. Kravitz

West Law Firm Sales Representative

Phone:
805-652-0906

E-mail:
gregg.kravitz@thomson.com

Personally serving the legal
research needs of Ventura County
for over 20 years.

Westlaw.

THOMSON
WEST

Al Yablon

Emeritus Attorney Extraordinaire

By Verna R. Kagan, VLSP Senior Emeritus Attorney

On January 1, at 8:30 P.M. Al Yablon passed away. In his passing we lost a valued member of the Emeritus Attorney/Pro Bono team.

Until the time that his disease sapped his energy, he was a youthful 86 year old who could take the grassy hill in front of the Bar office in two leaps and a single bound. When admonished for that given his age, he would proclaim that age was a matter of the mind and not of numbers.

As a member of the team he worked energetically and enthusiastically. His determination, borne of his compassion for those less fortunate, drove him to find help for everyone who needed it. Frequently, he made brief court appearances himself just to help sustain a matter.

Al had the capacity to imbue all of us with his cockeyed optimism. Indeed, we all believed that Al would live forever, even as we knew realistically that his last fight for life was one he might lose.

Our hearts also go out to his wife Marion, who through his last ordeal endured, sustained, nourished and encouraged Al. We wish her Godspeed and a quick recovery from her grief.

Al's spirit lives in our hearts and memory.

JAY JOHNSON

LINDSEY NEILSON

JUDITH E. RUBENSTEIN, JD, MA

MEDIATOR

"Where the stakes are high and emotions run deep"



90% Settlement rates
 2,500 cases successfully mediated
 22 years Mediator
 10 years Settlement Master,
 Santa Barbara Superior Court
 20 years Mediation Trainer

- **Business • Employment**
- **Real Property**
- **Family • Trust & Estates**
- Probate and Conservatorship**
- **Professional Negligence**

Law Review, Columbia Law School; Admitted to California and Massachusetts Bars, Masters in Psychology

References from judges and attorneys upon request.

805-569-2747

www.sbcafire.org/rubenstein.htm

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

By *Steve Henderson, Executive Director*

Judge Roland Purnell is retiring February 24 after 14 years on our bench. Some folks forget Roland was a legal research attorney with the courts for nine years too. Appointed to the Municipal Court by Gov. Wilson, Judge Purnell has been a fixture at a variety of bar events including Trial Lawyers' dinners (winning Judge of the Year in 1993), the bar's annual banquet and Judges' Pizza Night. His wife, Peggy, has been the VCBA's Court Tour Program coordinator since 2003. Law Day 5K Race director, **Joe Strohmman**, felt it would be a magnificent idea to have Judge Purnell be the Official Starter of the 23rd annual running May 6th at the Government Center. Although Roland and Peggy are regular participants on race day, he's agreed... **Commissioner Gary Barrett** is retiring March 24 after 10 years as one of our four commissioners. Few people remember he was a police officer in Santa Paula for 12 years... From Ambrose Bierce: "Death is not the end. There remains the litigation over the estate."...

From Jean De La Bruyere: "Avoid lawsuits beyond all things; they pervert your conscience, impair your health, and dissipate your property."... **Mike Case** and son Robbie attended the BIG SC v. Texas game Jan. 4. Got there at 10 a.m. to tailgate. Both returned home heads-a-hangin' low. Mike stated, "It was a great trial, but I did not like Vince Young's closing argument." ... License Plate of the Month: CCP 904.1, a silver Infiniti G35 driven by **Alfred Vargas**... Al is the new President of Barristers and the rest of the board for 2006 include: **Joel Villaseñor**, past-president; **Sam Gasowski**, vice-president; **Leslie McAdam**, secretary and past-president; **Jesse Cahill**, treasurer; **Rebecca Bradley**, member at large; **Tina Schoneman**, member at large; and **Ed Elrod**, student rep from the Ventura College of Law... Movie Law: "The justice system works swiftly in the future now that they've abolished all lawyers" —Doc, Back to the Future II...

New bar association leadership Part Two: The

Ventura County Family Law Bar Association will be led in '06 by president **Tom Hutchinson**. Officers are: **Sandra Bolker**, president-elect; **Donna DePaola**, treasurer; **Holly Spevak**, secretary; and members at large include **Ellen Hirvela**, **Susan Ratzkin**, and **JoAnn Johnson**. Past-president **Marcia Neidens** will remain on the board too... From George Bernard Shaw: "Only lawyers and mental defects are automatically exempt for jury duty."... **Bill Hair** turned a youthful 73 on Jan 5th. Bill has a son age 49 and we were wondering if any lawyers out there have older children? It's a contest with the winner receiving two Dodger tickets this year. He also tells me Hastings School of Law, when he graduated, bestowed a Ph.T (Put Hubby Through) to his wife, signed by the dean after graduating in '59... TV Law: "And as for your case, don't you worry. I've argued in front of every judge in the state. Often as a lawyer."—Attorney Lionel Hutz, The Simpsons...

New bar association leadership Part Three: The Women Lawyers Bar Association will keep **Susana Goytia-Miller** as president again this year. Others serving include **Mindy McQueen**, vice-president; **Nancy Goldstein**, treasurer; and **Mary Sullivan**, secretary. The VC Women Lawyers will continue to meet the second Friday of the month for lunch at the Olive Garden in Camarillo... **Denise Trotola**, a paralegal with Norman, Dowler, et al. and **Bob Krimmer**, of the A-Z outfit, won \$1,000 scholarships during the CPA-Law Society's Third Annual Scholarship luncheon. Attending from Norman were **Rob Sawyer**, **Tom Hutchinson** and **Panda Kroll**. From **Arnold, Bleuel**, et al. were **John Mathews**, **Dennis McNulty** and **Kendall VanConas**... An old English proverb: "The Devil makes his Christmas pie of lawyers' tongues."...

David Shain is the new president of the Ventura County Trial Lawyers. The trial lawyers meet February 28 and the topic is: Complex Case Mediation in the New Millennium. The speakers include a couple heavyweights in **Ross R. Hart** and **Joseph Liebman**. Of course, the VCTLA Judge of the Year is ceremony is scheduled for March 28... Warning Signs That You Might Need A Different Lawyer—Your lawyer tells you that his last good case was of Budweiser. When the prosecutors see your lawyer, they high-five each other. Your lawyer picks the jury by playing "duck-duck-goose." Your lawyer tells you that

he has never told a lie. A prison guard is shaving your head... From Alexander King: "There is a general prejudice to the effect that lawyers are more honorable than politicians but less honorable than prostitutes. That is an exaggeration." ... Actual Jury Selection Transcript: The Court: "Is there any reason you could not serve as a juror in this case?" Candidate: "I don't want to be away from my job that long." The Court: "Can't they do without you at work?" Candidate: "Yes, but I don't want them to know it."...

The leadership of the Business Litigation Section has decided not to meet the usual second Tuesday of the month in February because it fell on Valentine's Day. They'll gather again March 14th with a Law and Motion program presented by **Kathy Bower**, a research attorney with our Superior Court... Poetic Legal Advice: You can say it with flowers, "You can say it with candy, You can say it with jewelry or drink. You can say it with candles and dinner with brandy, But be sure you don't say it with ink."... **Cheri Kurman** has joined the board of directors of the Asian American Bar Association and has agreed to co-chair with **Mary Shea**, the Estate Planning & Probate Section. The VCAABA 1st Annual Installation & Scholarship Dinner is set for Friday the 24th. The keynote speaker is **U.S. District Judge Robert M. Takasugi** and the entertainment will be provided by **Lilian Jiang's** musical group (traditional Chinese instruments). Details and registration? Call **Dien Le** at (818) 889-2299... **Thomas S. Cohen** has been named a partner in the Weston, Benshoof, Rochefort, Rubalcava & MacCuish Westlake Village office... Ok—another License Plate of the Month: PHRRED, on a late model Toyota SLS and driven by **Patricia Lamas**...

Steve Henderson has been the executive director of the bar association since November 1990 and correctly identified the Super Bowl winner. A distant relative of the Alito family, Henderson muses quietly why Bruce Sutter was good enough this year, but not the previous 13. Additionally, and like Kobe, he scored 45 in four consecutive games too. Bowling is his madness.

Personal

COURT REPORTERS, INC.

Want to get away from working with the "Corporate Giants" and get back to the comfort of working with a local company with the *Personal* touch?

- Certified Real Time Reporters
- Complimentary Conference Rooms
- Professional Videographers
- Video Synchronization
- E-Transcripts via the Internet
- Exhibits on CD-ROM
- Complimentary Condensed Transcripts & Indices
- In-house Videoconferencing
- Password protected internet-accessible transcript and exhibit archival
- Case Management
- Mastercard, Visa and American Express accepted

"Document Depositories In Ventura, Santa Barbara, and Van Nuys"



Ventura
Three Conference Rooms



Santa Barbara
Four Conference Rooms



Van Nuys
Four Conference Rooms

Ventura
801 S. Victoria Ave.
Suite 306
Ventura, Ca. 93003
805.654.1058

Santa Barbara
411 E. Canon Perdido
Suite 21
Santa Barbara, Ca. 93101
805.966.0177

Van Nuys
14545 Sylvan Street
Van Nuys, Ca. 91411
818.988.1900

www.personalcourtreporters.com



Joseph Liebman

Mediator

*Specializing in the Resolution of
Real Estate, Defective Construction,
Earth Movement, Inverse
Condemnation, Insurance and
Business related Disputes*



Serving Ventura, San Luis Obispo and
Santa Barbara Counties

Please Call

HartADR
(866) 427-8237

4250 Mariposa Ave., Santa Barbara, CA 93110

CITATIONS

Ventura County Bar Association
4475 Market Street, Suite B
Ventura, California 93003

PRSR STD
US POSTAGE

PAID

PERMIT NO. 507
OXNARD, CA 93030

