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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.

CITATIONS

J U L Y - T W O T H O U S A N D S I X

ELLISON NAMED “TRIAL LAWYER OF THE YEAR”

By Dennis Neil Jones

PAGE 16



LOYE M. BARTON

MICHAEL McQUEEN

MICHAEL A. VELTHOEN

VERNA R. KAGAN

DIEN LE

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PRESIDENT'S MESSAGE: MEET YOUR NEIGHBOR THE VCPA	3
ZEN AND THE ART OF DYING	6
THINGS I ALREADY KNEW	8
WE READ SO YOU DON'T HAVE TO	10
ROSHAMBOT	10
PRO BONO HIGHLIGHTS	14
NEW ADMITTEES JOIN THE RANKS	17
VCAABA TENNIS	17
EAR TO THE WALL	19
CLASSIFIEDS	20
EXEC'S DOT... DOT... DOT	22

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PRESIDENT'S MESSAGE: MEET YOUR NEIGHBOR THE VENTURA COUNTY PARALEGAL ASSOCIATION

By Loye M. Barton

Depending on your point of view, you may or may not accept the premise that "behind every successful woman, there is a good man," or vice versa. But I suspect there is little argument that "behind every successful lawyer, there is a good paralegal." Ventura County is blessed to have an entire association of paralegals working to make Ventura County attorneys even better. Meet the Ventura County Paralegal Association ("VCPA").

I first became acquainted with VCPA when they were known as the Ventura County Association of Legal Assistants or VALA, and VALA was making a contribution to the Ventura County Legal Services Program – better known as VLSP. (Don't let all of the acronyms confuse you.) That was my first hint that this was an organization that put its collective noses to the grindstone and made things happen. I became better acquainted with VCPA as a speaker or attendee at several VCPA dinner meetings, and through their awesome annual wine tasting parties. Several of the paralegals in my office are VCPA members, and I am certain that their association with VCPA has empowered them.

Paralegal Jami Knupp says, tongue in cheek, that VCPA is just a group of folks who get together to have dinner once a month. They are much more. VCPA is a corporation founded in August of 1984 with the purpose of providing a forum for paralegals to network, help each other out when they enter unfamiliar territory – which attorneys send them into all the time – and a place to exchange "experiences, information and opinions." VCPA is a member of CAPA (the California Alliance of Paralegal Associations) and NALA (the National Association of Legal Assistants).

VCPA helps its members to comply with Business and Professions Code § 6450 (d), which requires a paralegal to complete four hours every three years of continuing education in ethics and four hours every two years of continuing education in general or specialized areas of law. Each Spring VCPA conducts a Springtime MCLE conference, a cost-efficient, convenient, local, and well prepared and attended opportunity for paralegals and attorneys to earn credits in multiple subjects at one location and on one Saturday. The presenters include federal and local judges, attorneys, and technology experts.

For nine of the twelve months of the year, VCPA has a dinner meeting with a speaker for MCLE

credit, generally on the third Thursday of the month at Ottavio's in Camarillo. The dinner meetings are an opportunity to socialize, talk about changes in the law and share practice ideas, and to be exposed to new areas of the law. I recently received my hard-to-get credit in bias at a dinner meeting with Tina Rasnow as the speaker, and got insight into the court's particular views about special needs trusts at a dinner meeting where Judge Kent Kellegrew spoke.

The biggest event of the year is VCPA's wine tasting and silent auction, which raises money for scholarships and VLSP. The party and auction generally coincide with Paralegal Day in June. This year the event was held at the Sheraton Four Points in Ventura and attended by around 125 members of the legal community, who enjoyed great wine and hors d'oeuvres and the opportunity to bid on 65 auction items. Everyone is welcome to the party. It is one of the few opportunities to bring a significant other and have a good time.

In addition to the high-profile events, you will see VCPA members at the Bar's annual planning meeting and at the Law Day 5k, helping to make the event a success.

One of my outstanding paralegals joined VCPA when she was still in paralegal school in 1988. She remains a member because of the networking, the camaraderie, the friendships and the information available through the association. She also likes the idea of VCPA's job bank, just in case, which provides an opportunity for members to learn of attorneys seeking paralegals.

VCPA is a consistent support to the bar association. Not only does VCPA help the paralegals who are members to achieve their highest level of work success, it also provides the members with opportunities to support each other in a profession that is often demanding and complex. Meet your neighbor.

Loye Barton is VCBA President and is a partner at Norman, Dowler, Sawyer, Israel, Walker & Barton in Ventura.

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ZEN AND THE ART OF DYING

By Michael McQueen

"A man and his wife were sitting in the living room and he said to her, 'Just so you know, I never want to live in a vegetative state, dependent on some machine and fluids from a bottle. If that ever happens, just pull the plug.' His wife got up, unplugged the T.V., and threw out all his beer."

If anything positive can be said to have come out of last year's Schiavo fiasco, it would be the heightened awareness that it makes sense to have an advance healthcare directive. Let's face it, you don't want the State of Florida to muck with your right to die choices.

A prominent Ventura County surgeon recently observed that 50% of an individual's lifetime healthcare expenses are incurred in the last two months of life. Another doctor observed that if smoking were illegal, health costs would go up in the long run; quitting smoking only postpones the more expensive process of dying of old age.

Oregon notwithstanding, the country is not enthusiastic about euthanasia (you should know, though, that a law similar to Oregon's is pending in California: The California Compassionate Choices Act, Assembly Bill 651 sponsored by Patty Berg). Given that attitude, along with a warehouse-the-elderly mentality, and the medical establishment's determination to keep you alive no matter the cost or the quality of life, it is no wonder that dread lurks. Many share Woody Allen's sentiments: "I am not afraid to die. I just don't want to be there when it happens."

NIGHT OF THE LIVING WILL

Addressing death-related decisions has long been a lawyer's professional dilemma. Except for perhaps reading *Thanatopsis* in high school, most lawyers are not well versed in the subject, and clients get downright shiftily-eyed when you raise the topic. Some shrug their shoulders; they don't really care since they figure they're going to be dead anyway.

Others insist that they want every last cent in the bank spent to keep them alive. I had a friend endure the agony of a double lung

transplant. The procedure was equivalent to medieval torture. It quickly consumed his million-dollar health insurance policy and was rapidly consuming his substantial estate. Personally, I would never subject myself to such an ordeal, but the transplant gave him two more years of life and he was able to attend his daughter's wedding. To him it was worth it. On the other hand, the expense can be irritating to the survivors.

As uncomfortable as the subject may be, raising issues related to death is an important aspect of the service provided by an attorney. Many lawyers have been cornered at cocktail parties (to the extent we are still allowed to have those quaint rituals) by fretful potential clients worried about the State of Florida. "Should I have a living will?" I have always felt this term was a legal oxymoron. I keep envisioning a George Romero zombie movie where the deceased are trying to return from the grave to inflict their will upon the living (you leave that for the trust).

"Sure, why not? Knock yourself out. You can pick one up at a form store or even off the net." You can download anything off the net. Some of it is actually legal. But living wills have some problems. You don't need a lawyer is problem number one. (That actually never bothered me. A client trying to save a few bucks is admirably frugal, self-directed and not a client I particularly want.) The actual damage of proceeding without legal advice is the delusion that the client has resolved all the issues that may be involved. In the long run that becomes expensive, but that's the free enterprise system for you.

JUST HOW INFORMED IS THAT CONSENT?

The most troubling issue with "living wills" is informed consent. Legal liability issues often start with the concept of informed consent. We are a society consumed with warnings. We want to know the pros and the cons and every element necessary to make an "informed decision." Does the living will accomplish this? Hardly.

How is someone to be expected to give advanced, informed consent, under circumstances he cannot possibly anticipate,

much less be informed about? As lawyers drafting these documents, do we have a duty to fully explain all the pros and cons of treatment alternatives? All I could advise is that it might hurt, whatever it is.

Probably the best way to resolve the informed consent dilemma is to avoid the living will conundrum entirely and prepare a durable power of attorney for healthcare. This advanced healthcare directive is authorized by statute in most states (see Prob. Code, §4701), and gives the power to a loved one or family member, or to someone you might actually trust, who then makes healthcare decisions at the time the client is incapacitated.

People don't know what to do with their advance healthcare directives. They stash them in kitchen drawers. Few except the most clinically-minded carry them around. Recently proposed regulations would establish a state computer-accessed registry of advance healthcare directives.

DEATH'S DILEMMA

Postmortem issues can be tricky to handle gracefully. I once exhausted considerable patience convincing a client that his directive to have his ashes spread among the flower gardens at Disneyland was going to present his survivors with administrative challenges and Disneyland with headaches.

Clients might be interested in the new service that reduces a loved one's ashes to artificial gemstones. I can just imagine the widow admiring her ring glinting in the sun and commenting how good her Harry was to her. Another option is to have your remains cast in an artificial reef or shot into space – or you can just use the Big Lebowski coffee can approach.

Aside from birth, death is the ultimate mystery. The stuff in between merely perplexing. The question of where we came from and where are we going has spawned all the competing religions in the world; encouraged martyrs and suicide bombers; caused untold conflict and misery, inspired the pyramids, cathedrals and neolithic passage tombs. This last great mystery, this final right of passage

should be the opportunity to be creative, to craft an estate plan that truly reflects the life and values of the deceased. But instead, we draft dry, turgid documents entirely focused on preserving the marital deduction. We could do better.

Whether we are helping clients leave gaudy mausoleums in their own honor, establishing charitable trusts for a worthy cause or setting up a trust for a pet poodle, it is best to remember the old adage "the life one lives, is the legacy one leaves."



Michael McQueen practices law in Camarillo and is a member of CITATIONS' editorial board.



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THINGS I ALREADY KNEW

By Michael Velthoen

I had always wondered when something bad would happen to me. I had led a relatively charmed life during my thirty-seven years. I had a good marriage, two young children, a career I enjoyed, and good relations with everybody in my family (all of whom had also lived fairly happy lives). It's not that I had not suffered my share of knocks; it's just that my knocks were always the kind that you survived with your health and sanity intact.

When I met with a surgeon last November, I had the aching feeling that my good fortune was about to take a turn. I had been feeling lousy

for about a year. I had some swollen lymph nodes on my neck that refused to go away. Three doctors had looked me in the eye and told me that I did not have cancer, but a viral infection that my body could not fight off. My doctor scheduled a routine biopsy just to make sure that there was nothing more serious going on.

THERE WAS SOME GOOD NEWS

At the outset of the meeting, the surgeon who was to perform the biopsy also expressed confidence that the biopsy would not turn up anything grim. My wife handed him the films from my CAT scan, which he took outside to read. When he returned to the room, his demeanor was noticeably different. His casual attitude had disappeared. I sensed that he saw something in the CAT scan that he did not like. I never thought I would utter words like this, but I said something to the effect of "Give it to me straight, doc." He responded clinically: "I think there is a ninety percent plus chance that you have some sort of lymphoma." Apparently, the CAT scan revealed a significant mass in my chest in addition to the enlarged lymph nodes I could feel on my neck.

The biopsy confirmed the surgeon's suspicions. I had cancer. There was, however, some good news; I had Hodgkin's disease, a type of lymphoma that is not only treatable, but also very curable. Almost every doctor I have seen has told me: "If you're going to get cancer, Hodgkin's is one of the

ones to get." I like to call it a "cancer of choice." A subsequent PET scan revealed that I was at Stage Three; the cancer had spread to lymph nodes in my abdomen, chest, and armpit. There are only four stages of cancer, so this information did not strike me as too good.

Oddly, the diagnosis was sort of thrilling. I was going to experience something

The kindness our family has received from our community has been stunning.

profound. Friends and family called to express their concern for me. People sent me books to read and DVDs to watch during my treatment. I was the center of attention. I also finally had an answer to the question of why I had been feeling so bad for so long. The cure rate for Hodgkin's disease – around ninety percent or so – gave me confidence that I would survive the ordeal. That confidence, however, waned in the middle of the night when I realized that ninety percent was pretty good odds for poker, but not when your life was at stake.

Over the next six months, I received chemotherapy treatment every two weeks. I sat in a large room with other cancer patients. The chairs were set in a semicircle so that we could all stare at each other while nurses plunged needles and poison into our arms. Some patients wanted to talk about their disease in excruciating detail; others put on headphones and disappeared into their thoughts. The room was surprisingly cheerful. Cookies were often passed around. A harpist came on Friday afternoons. There was a palpable sense of camaraderie among the patients and nurses. Everyone in the room understood what the others were going through.

THE NOVELTY QUICKLY WORE OFF

The effects of chemotherapy were somewhat unexpected. I was ready to lose what little remained of my hair. I was prepared for the nausea (which – thankfully – was not so

bad). I was not ready for the fatigue or the constipation. I was not ready for the toxic reaction to one of my chemotherapy drugs. I was not prepared for the secondary infections that struck due to my compromised immune system. My baby boy's runny nose began to look like radioactive waste.

The novelty of having cancer quickly wore off. I did not feel well enough to read the

stacks of books that piled high on my nightstand. The small goals I set for myself remained unmet. I lay around the house, often just staring at the ceiling. When friends called, I found that I had nothing to talk about other than my latest

PET scan or emergency room visit. I had turned into a cancer bore.

The epiphanies I had anticipated never arrived. My brush with death failed to produce any new insights into the meaning of life. Instead, cancer simply reinforced several basic things that I already knew:

1. I don't want to die.
2. I love my wife and children.
3. Feeling lousy is no fun.
4. Taking care of oneself is important.
5. Daytime television is terrible.

While my disease did not produce any fresh insights, it cleared my mind of its clutter. Life became stripped down to its core.

My cancer has given me one other fabulous gift. The kindness our family has received from our community has been stunning. Countless meals have been delivered to our doorstep. I became a member – three times over – of the "Fruit of the Month" Club. My neighbor drove me to the hospital in the middle of the night. I am now the proud owner of the complete DVD set of "Shogun." My name was added to prayer circles around the country. As I am not terribly religious, I was surprised to find this last bit rather comforting.

FEAR OF OPRAH

As the end of my treatment neared – and my prognosis went from good to great – I

vowed to make changes to my life. There was nothing earth-shattering about these promises. They amounted to nothing more than a compilation of vows I have made repeatedly in the past – sort of like a greatest hits of New Year’s resolutions – eat right, exercise, work less, contemplate more. I was sure that the fear of death would give me the discipline I needed to finally make these things happen.

When I returned to work, however, I quickly fell into my old habits. As before, I visited the various candy dishes strewn around the office with some frequency. My three-can-a-day Diet Pepsi addiction resumed. I got my exercise by walking to the copy machine. Work began to fill my head. My waistline returned to its pre-cancer girth – and then some. I had underestimated the power of inertia.

And then I caught myself. I began walking in the morning. I replaced the soda with water. I joined a gym. I left work early to pick up my kids. I made plans to spend more time alone with my wife. My anxiety about disease did not provide enough incentive for me to make these changes. Rather, I found myself thinking about the days spent lying on the couch watching reruns and talk shows. Fear of death could not get me to change. But fear of Oprah could.



Michael Velthoen is a partner at Ferguson, Case, Orr, Paterson & Cunningham in Ventura. He is a member of the CITATIONS editorial board.



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**AVISTA MANAGEMENT, INC.,
d/b/a Avista Plex, Inc.,**

Plaintiff,

-vs-

**Case No. 6:05-cv-1430-Orl-31JGG
(Consolidated)**

**WAUSAU UNDERWRITERS INSURANCE
COMPANY,**

Defendant.

ORDER

This matter comes before the Court on Plaintiff's Motion to designate location of a Rule 30(b)(6) deposition (Doc. 105). Upon consideration of the Motion – the latest in a series of Gordian knots that the parties have been unable to untangle without enlisting the assistance of the federal courts – it is

ORDERED that said Motion is DENIED. Instead, the Court will fashion a new form of alternative dispute resolution, to wit: at 4:00 P.M. on Friday, June 30, 2006, counsel shall convene at a neutral site agreeable to both parties. If counsel cannot agree on a neutral site, they shall meet on the front steps of the Sam M. Gibbons U.S. Courthouse, 801 North Florida Ave., Tampa, Florida 33602. Each lawyer shall be entitled to be accompanied by one paralegal who shall act as an attendant and witness. At that time and location, counsel shall engage in one (1) game of "rock, paper, scissors." The winner of this engagement shall be entitled to select the location for the 30(b)(6) deposition to be held somewhere in Hillsborough County during the period July 11-12, 2006. If either party disputes the outcome of this engagement, an appeal may be filed and a hearing will be held at 8:30 A.M. on Friday, July 7, 2006 before the undersigned in Courtroom 3, George C. Young United States Courthouse and Federal Building, 80 North Hughey Avenue, Orlando, Florida 32801.

DONE and ORDERED in Chambers, Orlando, Florida on June 6, 2006.

Copies furnished to:

Counsel of Record
Unrepresented Party


**GREGORY A. PRESNELL
UNITED STATES DISTRICT JUDGE**

ROSHAMBOT

I thought I had encountered the *ne plus ultra* in judicial baby-splitting when my firm was involved in a case where the judge decided on the appointment of an arbitrator by having the court clerk think of a number between one and ten, and having counsel guess the number, with whoever was closest getting to pick the arbitrator they wanted. However, as in most wacky matters of late, Florida is outdoing California. As reported in *Fortune* magazine, counsel in an insurance dispute were unable to agree on where to hold a deposition, despite the fact that "both of their offices are just four floors away in the very same building in Tampa." Counsel for the defense wanted to hold the deposition in his office, but plaintiffs' counsel insisted that it take place at the court reporter's office down the street. District Judge Gregory A. Pernell of the Middle District (ironic, ain't it?) of Florida took the Solomonic baby by the horns and issued the order printed here.

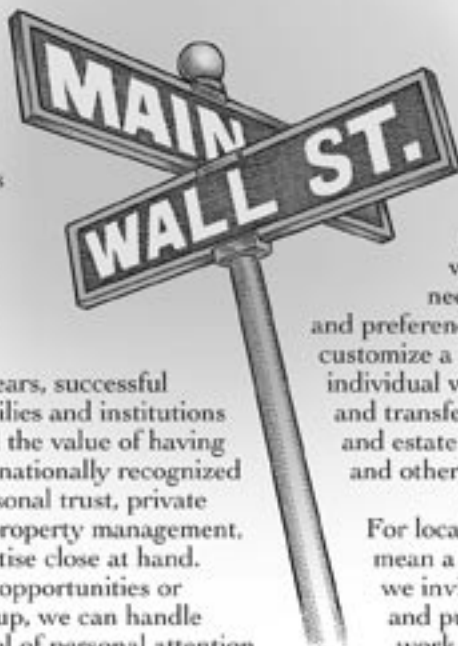
Rumor has it, from perhaps questionably reliable sources, that the Supervising Civil Judge of the Ventura County Superior Court is considering adding rock-paper-scissors as a further ADR modality of the court under Local Rule 14, and as a court-approved modality for resolution of both MSC impasses and discovery disputes.

This is the most-talked about issue ever to come to CITATIONS. We have received more calls, and more requests to publish this than any we ever received about the Mother Teresa controversy or even about political correctness at Inns of Court.

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PRO-BONO HIGHLIGHTS

By Verna R. Kagan

There is an expression that says, "big things come in small packages." It is well applied to this diminutive lawyer, Grace Esnardo. She is that special "dynamo" who gives dedicated services to her clients, along with genuine and caring.

The most recent example was a very young lady who already had two children, victimized by the father in several ways. In spite of Grace's crowded calendar, a hearing fast approaching, and a previous pro-bono matter not yet completed, her heart broke for this client and she could not turn us down. This is only the most recent of six that she has accepted from us.

In another situation, which had some very complex issues that had me stymied, I had no hesitation picking up the phone and calling Grace. "Give me much-needed advice," I pleaded. We must have spent half to three-quarters of an hour on the phone going over the matter detail by detail. By the end of our conversation, I felt like I had learned everything I needed to be able to make a decision about my next step.

So, if big THANK YOUS come in small packages, then maybe this short presentation will serve its purpose.

As of this writing (May 26) our latest word is that Earl Price is on the mend. That is the good news; we are looking forward to better and better.

Byron Lawler is experiencing some health problems but continues to serve in our program as well as to assist in a major pro-bono case. We look forward to his speedy recovery.

Verna R. Kagan is the VLSP Senior Emeritus Attorney.



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VCAABA TENNIS

By Dien Le



Despite the ominous threat of rain, 22 members/friends of VCAABA and Business Breakfast Network of the Thousand Oaks-Westlake Village Chamber of Commerce came out on June 21 to play tennis and have fun networking at the Pacific Tennis Club in Westlake Village. Local attorneys in attendance: Carol Woo, Mark

Miller (3rd place), Kevin Dorhout, Cheri Kurman, Mark Fang, Kevin Suh, Connie Chang, Leah Gasendo, Elain Cleary, John Padovan, Dien Le.

In true VCAABA fashion, practically everyone walked away with a door prize. Over \$752 was raised for VCAABA's Scholarship Fund.

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ELLISON NAMED “TRIAL LAWYER OF THE YEAR”

By Dennis Neil Jones



David Ellison has been named 2005 “Trial Lawyer of the Year” by the Ventura County Trial Lawyers Association. Ellison, an Ojai resident, has been practicing law in Ventura County for nearly 40 years.

Ellison was raised in Abilene, Kansas, where his 1952 high school debate team won the state championship. He attended the University of Colorado, obtaining business and law degrees. “Two days after graduating from law school, I got my draft notice and enrolled in the Air Force as a JAG officer,” Ellison explained. He was first stationed at Charleston Air Force Base, where he met his future wife June, a nurse. They were married in June, 1962, and had their first child a year later. The Ellisons have six children, and nine and a half grandchildren.

Ellison was transferred to Wiesbaden, Germany, from 1963-1966. He then transferred to the Oxnard Air Force Base and passed the California Bar Exam in 1967. After working briefly as a deputy district attorney, he entered civil practice, joining Heily & Blase. In 1984, he and Tom Hinkle formed Ellison & Hinkle in Ventura. They have been partners ever since.

Ellison’s result in *Ayers v. Verizon California Inc.* figured into his nomination for the VCTLA honor. Ms. Ayers was rear-ended by a Verizon van. Her principal long-term injury was a persistent tremor in her



right hand. Verizon argued the tremor was not traumatically induced, but the jury disagreed, awarding \$2,079,688.

In addition to personal injury, Ellison also handles professional malpractice, special

education, and business disputes. In accepting the award, Ellison said it was incumbent upon every attorney to place their clients’ interests ahead of their own and to always do their very best. “That’s what we must do to improve the image of trial lawyers,” he added.


In presenting the award to Ellison, David Shain, President of VCTLA, observed that the award takes into account noteworthy civil trial results, dedication, and contributions to the legal community and the civil justice system by individuals who demonstrate high standards of ethics, civility, courage and advocacy.

Dennis Neil Jones is the Secretary-Treasurer of the Ventura County Trial Lawyers Association. He is a partner in Myers, Widders, Gibson, Jones and Schneider LLP in Ventura.

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NEW ADMITTEES JOIN THE RANKS

Seven new lawyers were sworn into the California Bar in Ventura on June 4. They included: Stephen Blum, Dick Edward Gage, George Galbraith-Albutt, Virginia Goodrich, Julie Kurian, Beena McMahan, Rosalie Meyer, Guillermo "Bert" Partida, Laurie Peters, Eric Reed, Kirk Rodby, Randall Sutter, Scott Taylor and Lynn Smiley, wife of Superior Court Presiding Judge Jack Smiley. Justice Yeagan and Judge Smiley presided over the ceremony.



Dean Richard Goldman proudly announced that California's newest crop of lawyers includes 20 graduates of the Santa Barbara and Ventura Colleges of Law, several of whom participated in the Ventura ceremony.

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Andy H. Viets is pleased to announce the opening of his private practice, The Law Offices of Andy H. Viets. His new office is located at 950 County Square Drive, Suite 215, Ventura, California 93003. He can be reached at (805) 654-9890; Fax: (805) 654-9894; E-mail: viets-esq@earthlink.net.

Bodie Austin Anderson was born April 23, at St. John's Hospital in Oxnard, weighing 7 lb., 5 oz. and cheering for the Minnesota Twins. Proud parents are **Kristi** and **Marc Anderson**.

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65 lawyers joined **Dave Ellison** as he accepted the inaugural VCTLA Trial Lawyer of the Year award at a dinner May 23. Event organizer **Dennis Jones** sang the praises of each nominee, including **Mike Case**, **Dan Palay**, **Nancy Hartzler**, and **David Tredway**. Dennis took each candidate to lunch to learn more about their exploits. VCTLA President **David Shain** presided while judges **Smiley**, **McGee**, and **White** were in attendance. Mr. Ellison's acceptance speech was heartfelt and gracious, as you might imagine...From Parke Skelton, election consultant, in the *LA Times*, about the June judicial elections: "It's completely insane. They'd do better having the voters bob for apples. Judges are selected almost at random. You know the most frightening thing about judicial elections? 80% of the people actually pick someone."...**Deputy District Attorney Laurel McWaters** gave birth to tiny Liam Patrick while most of us slept on the morning of May 26. Liam (8 pounds/9 ounces) joins sister Megan and proud daddy, J.P. Oh yeah, May 26 was Laurel's birthday too...

Dien Le, **Tina Rasnow** and **Carmen Ramírez** attended the State Bar of California's Spring Summit on Diversity in San Jose the first weekend in June. Dien was a member of the graduating Scholars of the bar's Access & Fairness Leadership Academy, too...From the dissent in a ruling by the U.S. 9th Circuit Court of Appeals: "Even those of us who don't wear makeup know how long it can take from the hundreds of hours we've spent tapping our toes and pointing to our wrists."...**Ed Duncan** emailed me apologizing for missing the May JHB Inn of Court meeting. "Unfortunately, I was in an emergency room because I had demonstrated a lack of common sense. Believe it or not, there is a limit to the number of full Sparkletts bottles that can be lifted by an attorney. As a result, I had to have an emergency hernia repair."...From Maurice Nadjari: "You can't earn a living defending innocent people."...

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

By Steve Henderson, Executive Director, M.A., CAE

In the May 25 edition of *The Reporter*: "As for Gallegly's opponent, I think he's too young, inexperienced, he graduated from Harvard, he's single, he needs a haircut and, worst of all, he's an attorney."...Movie Law: "Of course I've got lawyers. They are like nuclear weapons. I've got 'em 'cause everyone else has." – *Lawrence Garfield*, *Other People's Money*...From Ralph Waldo Emerson: "The highest virtue is always against the law."...License Plate of the Month: MCQLAW1, a 2005 Chrysler 300c with a hemi, driven by **Michael McQueen**...*Subpoena*: (n.) from the root "sub," meaning below and the Latin "poena," meaning male organ or penis; therefore, "below the penis" or "by the balls."... **Andy Viets**, after 18 years with Procter, McCarthy, et al., has gone solo and check out Ear to the Wall for vitals to locate him...

Karen Gabler, of NCHC, received The Milton M. Teague Award from the United Way of Ventura County for her overall outstanding support of the agency...The Ventura County Legal Secretaries Association (VCLSA) has changed its name to the Ventura County Legal Professionals Association. This was done to clearly communicate that the organization is open to all who work in the legal profession, not just legal secretaries. Recently, VCLPA made its annual scholarship awards. \$500 went to Devin Pace, a third year law student at the Ventura College of Law, and \$500 to Starr Fairchild, a student in the paralegal program at Oxnard College. Funds were generated from VCLPA's annual fashion show...**Chief Deputy Public Defender Michael McMahon** was awarded the "Celebrate Literacy Award" from the International Reading Association's Ventura County Council for exemplary service in the promotion of literacy. Mike won for creating the Lawyers for Literacy Program and bar prez **Loye Barton** bestowed the honor during a dinner meeting...

Doug Kulper is the new Managing Partner at **Ferguson, Case, et al.** effective the first of this month. Kulper, of CPA/Law Society fame, had 108 people at his meeting about Enron with Mark Morze as the keynote...Bizarre Case Names: *Klump v. Duffus*...Riverside County Public Defender, **Gary Windom**, authors an article in the May issue of *Riverside Lawyer* (riversidecountybar.com and click [riverside](http://riversidecountybar.com) lawyer) about the landmark case of *Gideon v.*

Wainwright. Gary was a Senior Deputy Public Defender with our county for 13 years from '86 to '99...Between 1990 and 2006 California added 7.7 million people, a 25% population growth in just 16 years. As the population has grown and the laws have become more complex, judgeships have lagged. Since 1988, the state has added just 41 judgeships, a 3 percent increase. Our state has the fewest number of judges per citizen of all states with unified court systems: 42 judges per 1 million population compared to the average of 58 per 1 million. In comparable urbanized states, New York has 57 judges per 1 million population; Illinois, 63, New Jersey, 89; and Texas, 134. Support SB 56, by Sen. Joe Dunn. It would create 150 new judgeships over the next three years and allow for the eventual conversion of 161 court commissioners and referee positions to full-fledged judgeships...**Al Vargas** and **Wendy Lascher** completed the San Diego Rock 'N' Roll Marathon the first weekend in June. That's no. 3 for Al and numero cinco for Wendy...

Members of the judiciary and bar this last Memorial weekend had a memorable feast. Michelle Strauss and Carol Hurley created a five-course Italian gourmet feast which was "sold" in the silent auction at the annual bar dinner in November. The winning bidders were **Judge David Long** and his wife Shirley; **Judge Roland Purnell** and his wife Peggy; **Loye Barton** and guest; and **Bart** and **Michelle Bleuel**. **Don Hurley** and **Tony Strauss** got to tag along. The dinner, which was held at the Strauss' home, had five courses, including Pecorino cheese brought from Italy, tagliatella in a duck sauce, and white fish in an olive tapenade. Don and Tony were responsible for the wine selections, which included Moet, various Spanish and California wines and a 1927 sherry for dessert. The efforts by the Hurleys and the Strausses raised \$600 for the VLSP, Inc....

Colophon: Steve Henderson has been the executive director and chief executive officer of the county bar association and its affiliated organizations since November 1990. As a lifelong Red Sox fan with an additional penchant for clams, he will be vacationing with the family in Boston and Martha's Vineyard the last two weeks of the month. Lastly, in his younger days he competed in the World Cup for the Ivory Coast and Togo.

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