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## PRESIDENT'S MESSAGE

*Jonathan Fraser Light*

**M**OCK TRIAL. I had my first experience with this wonderful activity early last month. Not as a judge, scorer, coach or participant—but rather as a parent of two witnesses for the Newbury Park Mock Trial Team, Kat and Elena. Like other newbies, I had no idea of the intensity level or sophistication of the performances. All I knew was that it was a tremendous amount of work—my benchmark being Greg Totten and his daughter arriving faithfully on innumerable Sunday mornings at Starbucks to fortify for their team's 8am-2pm sessions the last couple of years (though not this year, as she had to focus on other activities). Those of you who know me understand that I pretty much live at Starbucks, though I don't drink coffee.

A bomb is found on campus and the accused is Casey Campbell, a not-so-popular artistic student with an "OurPlace" web page containing disturbing artwork. A popular kid on campus, Sawyer Simpson, may have done it, or may have at least wrongly accused the bullied victim, Ms. (or Mr.) Campbell. Note the alliteration and generic first names to make the witnesses' gender interchangeable (the lawyers would have to adapt during argument to the "he said" or "she said" witness changes from team to team).

I loved the abundance of black suits among the lawyers. The highest concentration of such attire I have ever seen, barring funerals. With the impassioned arguments and evidentiary rulings completed at literally the 11th hour, La Reina High School had taken the honors (something like the 14th time in their history, and third straight). Westlake was runner-up and our own Newbury Park came in third in the team's first finals (top 6) appearance.

Some impressions of the three-night competition, well past my bedtime and unusual to be at the courthouse at 11:30 at night...

Judge Ed Brodie patiently enduring multiple "may I be heard(s)?" on even the most trivial evidentiary objections. Had speaking objections been disallowed, the lawyers would have all been in contempt and the courtroom

would have been cleared. Still, great to see a grasp of the hearsay rule, among others. Maybe next year the Rule Against Perpetuities?

Terrific cross examiners using an abundance of "isn't it true?" and "isn't that correct?" Tight cross exams and dogged follow up when answers weren't what they wanted, and virtually no leading questions on direct. Their trial lawyer coaches (the only real lawyers, per Clarence Darrow as quoted in Steve Henderson's column last month), taught them well. Our own Martin Zaehring and Russell Baker did a phenomenal job of teaching the finer points of direct and cross exam, as well as oral argument and dealing with judges' questions. An unbelievable amount of work for the two, and I hope that all of our county's lawyers will consider coaching. Some schools are without a coach, although we had our largest participation in history with 23 schools. More coaches will result in more participants. L.A. County had 70 schools entered in its competition.

It was great to see a West County, predominately Latino, school finish in the money. Fillmore, led by a team of excellent Latina lawyers, finished fifth, and their cross-examination of one of my daughters was stellar. They also had perhaps the best witness in the competition, who won first and second place awards in his categories for both a prosecution and defense witness portrayal. Another Fillmore witness, the defendant, as to why he ran inside after a minor explosion that sounded like a car backfire: "I'm just a naturally jumpy person." The response brought down the house, prompting the diminutive mock bailiff to rise and yell "Quiet in the courtroom." As to why he didn't plant the bomb: "Of course I didn't do it; it wouldn't have helped me get into UCLA." Another crowd outburst, and another admonition from the bailiff.

I wasn't able to watch the La Reina or Westlake teams, but I understand they were formidable. We did, however, hold our own against the Harvard-Westlake team that won the Los Angeles County competition. The team made a cameo appearance to fill out our 24-team field

and prep for its state championship appearance. Their pre-trial defense lawyer was worthy of the U.S. Supreme Court, or at least a spot on SNL channeling John Belushi.

The Patel family of Newbury Park's team must have been proud watching one daughter, defense attorney Ruby, taking her sister, Mira (also a first place winner in her witness category), the defense bomb expert, through her testimony.

Perhaps my favorite moment was when L.A. Superior Court Commissioner Bob McSorley found the defendant guilty, an improbable result given the facts; I suspect the judge was merely trying to mix it up a bit, given the usual result in earlier mock trials. He then smiled and ordered the defendant remanded and cuffed, which caused a murmur in the crowd. My favorite line was the reaction to his decision from one of the prosecution participants watching their defense teammates: "What's he been smokin'?"

My daughters are fired up to be lawyers next year (if not as a career choice), and perhaps the Newbury Park team can improve on its third place finish. Also, I'd love to see more of the West County teams make the finals.

Kudos to Judge Kent Kellegrew and Dr. Charles Weis, County Superintendent of Schools, and their staffs, who put on a terrific production. Truly an incredible amount of work for all involved, but what a phenomenal experience. I'll be back next year.

*Jon Light chairs the Employment Law Group at the Nordman firm, and recalls finishing closing argument to a Santa Maria jury, only to discover his pants split up the back. Good thing he treats a jury like the Queen, never turning his back.*

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# ALICE McGRATH IS 90!

By David Shain

Later this month, VCBA's former pro bono manager, Ventura activist Alice Greenfield McGrath, will be honored on the occasion of her 90th birthday. Alice is a woman of extraordinary achievements. For virtually all of her adult life, Alice has been a fighter for social justice. Although not an attorney, Alice's impact on the legal system has been significant. In 1942, she became involved with a notorious case, the "Sleepy Lagoon" matter, in which 22 young men, mostly Mexican-Americans, were tried together before a hostile judge and jury in what can only be described as an openly racist atmosphere. During the trial, sensational stories ran in the press, describing the defendants as goons, "pachuco" gangsters, and violent "zoot suiters." 12 of the defendants were convicted of murder and sent to San Quentin. In Alice's capacity as executive secretary with the Sleepy Lagoon Defense Committee, she was intimately involved in virtually all phases of the trial and its aftermath, including many public speaking and fund raising opportunities. Ultimately, the case was reversed on appeal and the 12 were freed. The character of "Alice Bloomfield" in "Zoot Suit," an acclaimed play and film by Luis Valdez, was based on Alice. She remains proud of her work in this important matter, an early defining moment in her life.

In the intervening years, Alice has continued to advocate for progressive political and social issues. The many who know her admire her passion and commitment, and continuing accomplishments. In the years since Sleepy Lagoon, Alice has been a community activist, and has held a series of diverse jobs, including publisher's sales representative, production manager for an art film, retail clerk, figure model, and teacher of self-defense for women.

Alice's involvement with Nicaragua has played an important role in her life, and in the lives of others. In 1984, Alice visited Nicaragua and fell in love with the country. Over the next 20 years, she made some 90 trips there, taking groups of various disciplines (many from Ventura County) to this impoverished nation. I recall with great fondness a trip that I and others from the Ventura legal community took with her about ten years ago. (I am just now catching up on my sleep.) Her work has resulted in significant benefits to Nicaragua, including facilitation of research and aid projects and the delivery of much-needed pharmaceuticals.

In 1986, Alice once again turned her attention to the law. She was prevailed upon to manage the newly created pro bono program at VCBA. In

that capacity, she supervised a staff of emeritus attorneys and was responsible for finding volunteer attorneys for qualified clients. Of course, it was very difficult to say no to Alice! Pro bono work, advocacy for those without a voice, was a natural progression for Alice. In the course of that work, she became involved in related projects, working for acceptance of unbundling family law services, enabling pro bono and low cost representation for discrete legal tasks. Alice retains an abiding interest in legal matters and continues to be associated with the Ventura County Mexican American Bar Association.

Alice Greenfield McGrath is a special and unique person. Her extraordinary life will be celebrated on April 22, 2007 from 11-2 at the UFCW Orchid Room, located at 816 Camarillo Springs Road, Camarillo. The event will benefit both the Central Coast Alliance United for Sustainable Economy (CAUSE) and Center for Constitutional Rights. Please call Carole Power at CAUSE (805) 658-0810 or Alice at 648-4560 for an invitation.

*David Shain is a partner at Ferguson Case Orr Paterson in Ventura, and an activist himself.*

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# SEXUAL ORIENTATION AND EMPLOYMENT DISCRIMINATION

By Robert Peterson

Gay marriage and domestic partnerships have been prominent on the local and national political scene for some time. Congress continues to lobby for a constitutional amendment on the definition of marriage. Gay marriage has been legal in Massachusetts since 2003, when the Commonwealth's Supreme Court struck down Massachusetts' gay marriage ban. Here in California, Governor Schwarzenegger vetoed a gay marriage bill last fall, and shortly thereafter, the 9th Circuit decided a case against proponents of gay marriage. Despite recent judicial and legislative rejection of gay marriage in California, our state leads the way in protecting sexual preference in employment and business relationships.

## UNRUH CIVIL RIGHTS ACT

The Unruh Civil Rights Act is also known as the "public accommodations" statute. Under it, "[a]ll persons within the jurisdiction of this state are free and equal, and no matter what their sex, race, color, religion, ancestry, national origin, disability, medical condition, marital status, or *sexual orientation* are entitled to the full and equal accommodations, advantages, facilities, privileges, or services in all business establishments of every kind whatsoever." Civil Code § 51(b) (emphasis added). Protection against discrimination based on sexual orientation was added to the statute effective January 1, 2006.

The Unruh Act, however, is inapplicable to employment discrimination. *Rojo v. Kliger* (1990) 52 Cal.3d 65; but see *Stamps v. Superior Court* (2006) 136 Cal.App.4th 1441. [Civ. Code §§ 51.7 and 52.1, addressing discriminatory threats and intimidation in the workplace, are not part of the Unruh Civil Rights Act and may be asserted as a separate cause of action in the employment context]. Under *Rojo*, litigants with employment discrimination claims must bring their claims under the Fair Employment and Housing Act (FEHA) or applicable federal laws.

## FEHA AND THE DOMESTIC PARTNERSHIP ACT

Under FEHA, as amended in 2000:

"It is hereby declared as the public policy of this state that it is necessary to protect and safeguard the right and opportunity of all persons to

seek, obtain, and hold employment without discrimination or abridgment on account of ... *sexual orientation*." Government Code § 12920 (emphasis added).

"It shall be an unlawful employment practice for an employer] because of he ... *sexual orientation* of any person, to refuse to hire or employ the person or to refuse to select the person for a training program leading to employment, or to bar or to discharge the person from employment or from a training program leading to employment, or to discriminate against the person in compensation or in terms, conditions, or privileges of employment." Government Code § 12940(a) (emphasis added).

California's Family Code provides additional protection specifically for registered domestic partners:

"Registered domestic partners shall have the same rights, protections, and benefits, and shall be subject to the same responsibilities, obligations, and duties under law, whether they derive from statutes, administrative regulations, court rules, government policies, common law, or any other provisions or sources of law, as are granted to and imposed upon spouses." Family Code §297.5(a).

"Registered domestic partners shall have the same rights regarding nondiscrimination as those provided to spouses." Family Code §297.5(f).

The Domestic Partnership Act is intended to be liberally construed. Family Code §297.5(l) ["Where necessary to implement the rights of registered domestic partners under this act, gender-specific terms referring to spouses shall be construed to include domestic partners"]. The Act also creates cognizable and actionable rights under both state and federal regulations in state courts. Family Code §297.5(e) ["To the extent that provisions of California law adopt, refer to, or rely upon, provisions of federal law in a way that otherwise would cause registered domestic partners to be treated differently than spouses, registered domestic partners shall be treated by California law as if federal law recognized a domestic partnership in the same manner as California law"]. While not specifically applicable to employment matters, the Domestic Partnership Act provisions

prevent differential treatment between married couples and domestic partners in employment, and probably extend to benefits offered by employers to employee spouses, such as medical insurance, pension plans, life insurance, membership discounts, travel discounts, and the payment of relocation expenses. The Act's protections, however, are limited to registered domestic partners, and federal benefit programs such as ERISA and FMLA that are limited to employee spouses probably preempt California laws that provide benefits to employee domestic partners.

## PUBLIC POLICY

Even before the Unruh Act was amended in 2006, California courts recognized that fundamental public policy favors equal treatment between heterosexual and homosexual couples. *Leibert v. Transworld Systems, Inc.* (1995) 32 Cal.App.4th 1693. This policy precludes employment discrimination based on perceived sexual orientation. *Kovatch v. California Casualty Management Co.* (1998) 65 Cal.App.4th 1256, 1266 [plaintiff may bring claim for constructive discharge after being harassed due to his perceived sexual orientation].

In *Harris v. Capital Growth Investors XIV* (1991) 52 Cal.3d 1142, the court developed a 3-prong test to be used in determining whether a discriminatory act is actionable against a business under the Unruh Act. The first prong of this test asks if the discrimination is based on a classification which involves a personal characterization instead of being based on economics or circumstance. *Harris* delineated personal characteristics to include sex, race, color, religion, ancestry, national origin, disability and medical conditions, unconventional dress and appearance, family status, and sexual orientation. *Harris, supra* at 1161.

*Koebke v. Bernardo Heights Country Club* (2004) 116 Cal.App.4th 791 took up the issue whether the Unruh Act precludes a business from differentiating between married couples and gay couples in its membership policies. The court used the *Harris* test to decide whether traits that are personal in nature are protected. The court determined that although sexual orientation is a personal characteristic, a business cannot discriminate

based on such a characteristic. While the court's ruling did not apply specifically to employers or employment policies, the decision arguably extends to employment relationships as well as relationships with business patrons.

**SUMMARY**

The Unruh Act, FEHA, and public policy interests all provide legal rights to equalize and protect same sex couples and homosexual individuals from discriminatory behavior by employers and businesses. The courts have generally supported the efforts of the legislature to expand protections to include sexual orientation, and such expansions have now become specifically incorporated into the law. Although some disparity exists between the intent of the law and the determinations by the courts as to which rights are protected, the trend is toward protection rather than disparity.

*Robert Peterson has several years of experience litigating employment and discrimination issues. He has recently returned to active practice from an extended leave of absence.*

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**William A. Salzwedel** has assumed the wills and trusts, estate planning, probate, business and real estate law practice of **Scott F. Dool** in Thousand Oaks as of March 1, 2007. Bill is a 2002 graduate of Stetson University College of Law in Florida and has been a sole practitioner in California since 2003. 141 Duesenberg Drive, Suite 5, Thousand Oaks 91362. Phone (805) 497-4511; fax (805) 497-3014.

**Rogers, Sheffield & Campbell, LLP** is pleased to announce that **Peter A. Muzinich** has joined the firm as a senior associate. Peter specializes in business transactions, corporate matters, tax matters and estate planning. He is a licensed California real estate broker and has advised clients in real property matters including complex Section 1031 exchanges, investment structures and personal residential issues. 427 E. Carrillo St., Santa Barbara 93101. Phone (805) 963-9721; fax (805) 966-3715; email pmuzinich@rogerssheffield.com.

**Dale, Braden & Hinchcliffe** is pleased to announce that **Glenn C. Kelble** has joined the firm as an associate attorney in its Ventura office. That office focuses on insurance defense litigation, construction defect litigation, and

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**Kendall A. Van Conas** has become a partner at **Arnold, Bleuel, LaRochelle, Mathews & Zirbel, LLP**. Kendall joined the firm in 2003 and will continue to practice in the fields of estate planning, probate and trust administration, conservatorships and guardianships, and elder law. 300 Esplanade Drive, Suite 2100, Oxnard 93036. Phone (805) 988-9886; fax (805) 988-1937; website www.atozlaw.com.

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## WE READ SO YOU DON'T HAVE TO

*Thanks to James Tyre of Culver City for pointing out that "IP law can be such fun ..."*

No. 05-2498  
*JCW INVESTMENTS, INC.,  
 d/b/a Tekky Toys,  
 Plaintiff-Appellee,  
 v.  
 NOVELTY, INC.,  
 Defendant-Appellant.*

Appeal from the United States District Court for the Northern District of Illinois, Eastern Division. No. 02 C 4950—Robert W. Gettleman, Judge.

ARGUED FEBRUARY 21, 2006  
 DECIDED MARCH 20, 2007

Before MANION, WOOD, and EVANS, Circuit Judges. WOOD, Circuit Judge. Meet Pull My Finger® Fred. He is a white, middle-aged, overweight man with black hair and a receding hairline, sitting in an armchair wearing a white tank top and blue pants. Fred is a plush doll and when one squeezes Fred's extended finger on his right hand, he farts. He also makes somewhat crude, somewhat funny statements about the bodily noises he emits, such as "Did somebody step on a duck?" or "Silent but deadly."

Fartman could be Fred's twin. Fartman, also a plush doll, is a white, middle-aged, overweight man with black hair and a receding hairline, sitting in an armchair wearing a white tank top and blue pants. Fartman (as his name suggests) also farts when one squeezes his extended finger; he too cracks jokes about the bodily function. Two of Fartman's seven jokes are the same as two of the 10 spoken by Fred. Needless to say, Tekky Toys, which manufactures Fred, was not happy when Novelty, Inc., began producing Fartman, nor about Novelty's production of a farting Santa doll sold under the name Pull-My-Finger Santa.

Tekky sued for copyright infringement, trademark infringement, and unfair competition, and won.

According to the SEVENTH CIRCUIT, "Somewhat to our surprise, it turns out that there is a niche market for farting dolls, and it is quite lucrative. Tekky Toys, an Illinois corporation, designs and sells a whole line of them. Fred was just the beginning."

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

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# POSTAL SERVICE CHANGES INCONVENIENCE LAWYERS AND INCREASE CLIENT COSTS

By Jody Moore

Effective March 5, the U.S. Postal Service from Santa Barbara to Van Nuys changed the final collection time at all curbside and office building lobby collection boxes (i.e., boxes other than at the Post Office) to 3:00 p.m. I find this change alarming, on several fronts.

First, postal customers were not informed in advance, and therefore were not provided any opportunity to plan. Anyone who runs a law office must declare under penalty of perjury that we are readily familiar with postal services, including collection times, when we mail legal documents. By changing the collection times, without notice, the Postal Service may have caused us to make false statements about the true date of service.

Second, this practice will decrease efficiency and inflate costs for countless business owners. Our office protocols, which I am sure mirror the vast majority of law offices in this county, involve preparing the mail at the end of the

business day. The mail is dropped off at the collection box when the workday ends, at 5:00 p.m. This has been my practice for 7 years, without fail.

The new rule requires that I stop what I am doing (or what my staff is doing) in the middle of the work day to perform the clerical task of copying, addressing, stamping, the mail. Added to that distraction, someone has to physically drop off the mail at the collection box, then return to the office, only to repeat this process at the end of the business day if a time-sensitive matter arises in the last few hours of the business day. I also have to compensate an employee to deliver the mail to the post office, or take the time to do it myself – at the same time every other business owner is doing that.

The Postal Service should be run in a manner that serves the citizenry. This is an ill-conceived cutback, one that will cause undue burden and expense to everyone affected by it. The fact that

it was shrouded in secrecy only affirms that the Postal Service knew this change would be rejected by our community.

*Jody Moore handles health care litigation from her office in Oxnard.*

*To complain, contact USPS Consumer Affairs for this area at (661) 775-6681.*

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ATTORNEYS AT LAW

## Local Criminal Justice Agencies Scramble to Cope with Recent Decision

By Michael McMahon

California's Determinate Sentencing Law provides that when a judgment of imprisonment is to be imposed and the statute specifies three possible terms (as most felony statutes do), the court shall order imposition of the middle term, unless there are circumstances in aggravation or mitigation of the crime. The law authorizes the judge to find these facts using a "preponderance of the evidence" standard.

In *Blakely v. Washington* (2004) 542 U.S. 296; 159 L.Ed.2d 403, 124 S.Ct. 2531, the United States Supreme Court held that when facts not found by the jury are used to impose an "aggravated term," this violates the Sixth Amendment right to have all facts that expose the defendant to a greater potential sentence pleaded and proved to a jury by a standard of proof of "beyond a reasonable doubt." The California Supreme Court concluded that *Blakely* did not apply under California's sentencing scheme (*People v. Black* (2005) 35 Cal.4th 1238).

However, in *Cunningham v. California* (2007) U.S.,L.Ed.2d,S.Ct., the United States Supreme Court said that the California Supreme Court erred when it rejected application of *Blakely*. "This Court has repeatedly held that, under the Sixth Amendment, any fact that exposes a defendant to a greater potential sentence must be found by a jury, not a judge, and established beyond a reasonable doubt, not merely by a preponderance of the evidence." The high court gave California two options to amend California's sentencing law to make it conform to Constitutional requirements: require juries "to find any fact necessary to the imposition of an elevated sentence;" or "permit judges genuinely to exercise broad discretion . . . within a statutory range."

Attorneys in the Ventura County District Attorney's Office immediately began pleading the aggravating facts, in anticipation of proving those facts to the trial jury. The Public Defender has demurred to these new pleading allegations, claiming they are unauthorized. In a special demurrer now on file in numerous cases, the Public Defender claims that the new criminal procedures

must be "uniform and consistent statewide," and that the Legislature, rather than local prosecutors, must enact them. In one case involving a potential sentence of 60 years to life, the DA filed a 20-page opposition to the special demurrer. The following day, Judge Bruce Clark heard spirited arguments from Michael Schwartz for the People and Michael McMahon for the defendant. The judge sustained the demurrer. The People must now decide whether to seek review by writ. Additional cases are scheduled to be heard by Judge Kevin McGee.

As of now, any Legislative response to *Cunningham* is likely to come in the form of Senate Bill 40 (D-Romero), which would permit judges genuinely to exercise broad discretion within the statutory sentencing triad. Because the bill removes the middle term as the maximum term that may be imposed based merely on the verdict, no judicial fact-finding would occur that would violate the right to trial by jury.

Critics fear that prison sentences may be longer under SB 40. Given the fact California prisons are already crowded to the point that the Governor has declared a state of emergency, any "sentencing-inflation" under SB 40 could cause a prison-crowding catastrophe.

In the meantime, given the trial court's order sustaining the demurrer, Ventura County may find itself at the forefront of a Constitutional shoot-out.



*Michael McMahon is a Chief Deputy Public Defender in Ventura County.*

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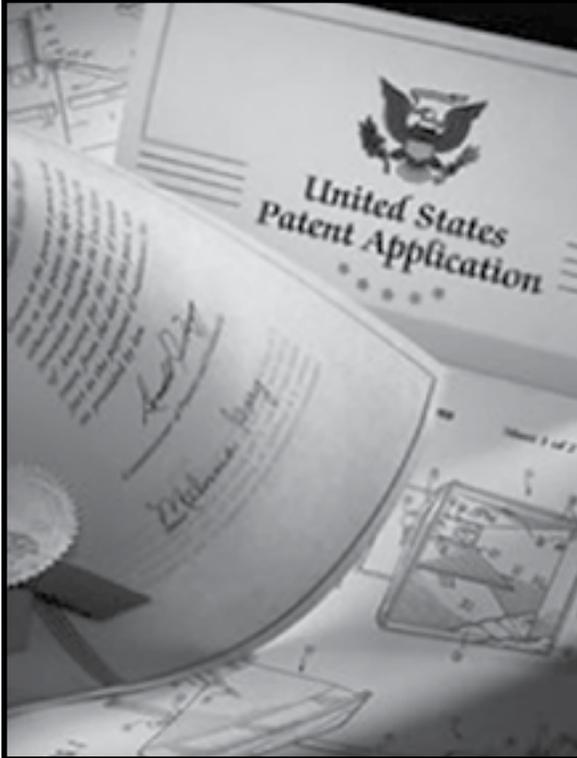
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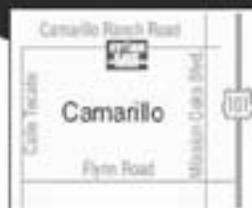
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# PRO BONO HIGHLIGHTS

By Verna R. Kagan, VLSP Senior Emeritus Attorney

Valentine's Day was hearts and flowers for the pro-bono program and I am pleased to share the following with you.

*"Happy Valentine's Day, Verna! Thank you so much for all your help with Julie's case. Mary Sullivan was an angel. We went to trial and Julie now has full custody of her son who is living now with her. Thank you all so much."*

The signers of this note are Dr. Deborah Devries and Armando Vasquez of The Foundation for Employment Educational Resources Development. We have in this case two community agencies working in concert for the benefit of a young mother and her son. The real kudos in this matter deservedly go to Mary Sullivan. Thank you, Mary, for all your hard work.

A Valentine's card from another applicant said:

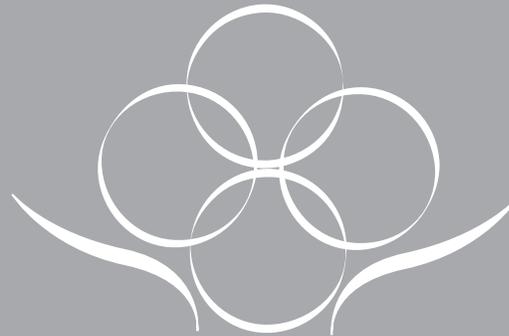
*"Mr. Eugene Radding and staff. Thank you so much for your help. I never expected such a quick response. Your work is a true savior to those of us who need it. Never underestimate what you are doing. You truly make a difference in people's lives. Thank you a million times."*

It was one of those rare occasions when we were able to find a family law attorney for this lady on the same day that we conducted our interview. When I called her back to give her the information, she started to cry. It took a couple of minutes for her to collect herself and to write down what I was telling her.

We hope all goes well to the above writers. And thank you all attorneys who have labored on behalf of our applicants. You give a beautiful face to our pro bono program.

*Verna Kagan is the VLSP Senior Emeritus Attorney.*

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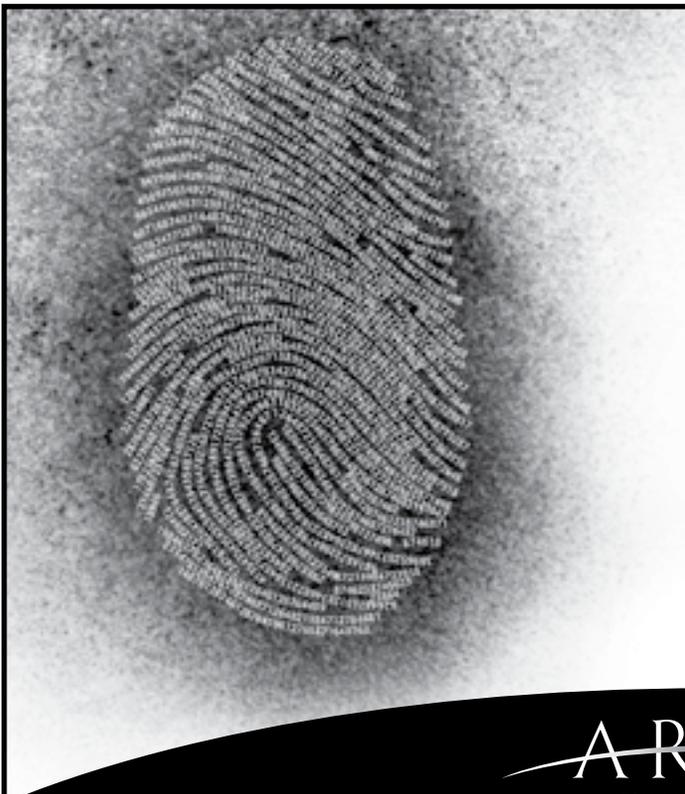
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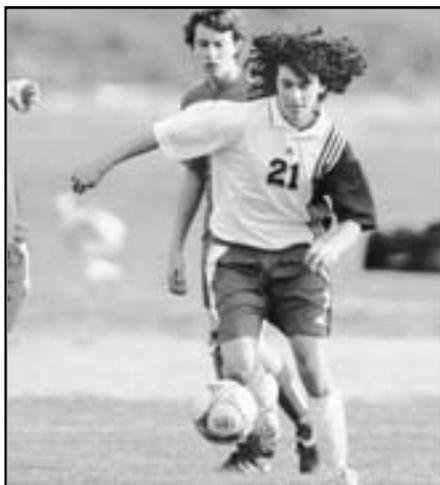
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**Meghan Clark** and **Karen Gabler** were voted senior partners at **Nordman Cormany et al.** Feb 21...Meghan is on maternity leave and Karen has just returned from one. NCHC Mommies Rule...Bizarre Case Names: *Easter Seals Society for Crippled Children v. Playboy...* Generally [punitive damages] cases fall into three categories: (1) really stupid defendants; (2) really mean defendants; and, (3) really stupid defendants who could have caused a great deal of harm by their actions but who actually caused minimal harm." – Opinion of Supreme Court of W. Va. in *TXO Production Corp. v. Alliance Resources Corp* (1992)...Funny Legal Business Cards: "Doolittle & Dalley, Attorneys At Law"...**Peter Lemmon** opened his own shop, sharing space with ex-DA **David Lehr**. Peter is located at 789 S. Victoria, 477.0070...Website of the Month: [www.lawhaha.com](http://www.lawhaha.com)...

It's off to D.C. now (see page 15) **Bart Bleuel** was one of five county residents honored for their commitment to community services by being selected as a 2007 Jefferson Award winner. Ceremony took place at the Sherwood Country Club March 1. [www.venturacounty.com](http://www.venturacounty.com) – 2.21...Law In The Movies: "My client's a moron – that's not against the law." From Daniel Kaffee (Tom Cruise), *A Few Good Men*, 1992...From the New York Times: "Some admirers call the powerful state senator Vincent Fumo the prince of Philadelphia, but the 139-count indictment handed up paints him more like an emperor. Mr. Fumo, 63, earns more than \$1 million a year from his law firm. His net worth is estimated at more than \$20 million..."...Am told if you need meeting space you may utilize the McDonald's on Kanan Road, which offers a private room for business meetings...From **Michael McMahon** in the PD's office: **Monica Cummins** has joined the Public Defender staff March 5. "We are thrilled to have her because she combines the small coastal community sensibilities of UC Santa Cruz together with the savvy of Hastings College of the Law and several years with the San Francisco Public Defender's Office." The PD's office also has a new website up. <http://tinyurl.com/2hagbg>.

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

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

The office is indebted to webmistress and paralegal extraordinaire, Araceli Correa, for her site design and maintenance...

**Phil Panitz** was quoted in The Wall Street Journal February 28. I'd tell you to go to the Street's website to view it but it's only a teaser getting you to subscribe. You'll have to talk to Phil about it at [pgp@panitzschaap.com](mailto:pgp@panitzschaap.com) – Something about the IRS and real estate agents, bla, bla, bla...**Frank Bellinghiere** was part of the royalty during the 2007 Mardi Gras Ball held in late February. King Bellinghiere was selected by the executive board from nominations submitted by sponsoring organizations. Frank has been a supporter of the Conejo Free Clinic for 20 years...From Chuck Shepard, Universal Press Syndicate via **Richard Walton**: "Jeffrey Leonard is on death row in Kentucky for murder and had challenged the fairness of his conviction, criticizing his court-appointed defense counsel. Lawyer Ferdinand Radolovich had represented Leonard all the way through his murder trial without bothering to learn his real name. During the trial and subsequent first appeal, Radolovich thought Leonard was 'James Slaughter' (and he did not even know how to spell that name, habitually writing it 'Slawter'). Radolovich also told the judges that he had previously handled four death penalty cases but in fact had done none. Nonetheless, by a 7-7 vote, the U.S. Court of Appeals could not conclude that better lawyering would have helped the clearly guilty Leonard..." License Plate of the Month: PATIKAT on a late model blue Jag driven by **Patti Mann**...

**Greg Herring**, **David Casselman** and **Wendy Lascher** were identified in Los Angeles Magazine among The Top 100 Southern California Super Lawyers 2007...From CourtTVNews: "The Beach Boys used to sing about endless summers. These days, at least two of them seemed to be caught up in endless litigation. The latest round came in February when a judge rejected Beach Boys' singer Mike Love's motion to rule in his favor in Love's lawsuit against former bandmate Al Jardine. Jardine's Lawyer? **Lawrence Noble**. [www.courtstv.com](http://www.courtstv.com) (2.5.07)...Culled from a reader: "IRS disclaimer: If you get anything out of this message that will get you out of paying taxes or let you avoid a tax fine, you're way to clever too ever be caught..." The law office of **Donna DePaola** no longer exists and for a time being she'll be "Of Counsel" with **Van Sickle** and **Rowley**. Donna will be heading up to Washington State soon...From the LA Times 2.27.07: "Thanks to a \$1 million donation from a gay male couple who hope one day to marry in California, UCLA's law school is planning to establish what is described as

the nation's first endowed academic chair in sexual orientation law..." **Cheri Kurman** was notified March 12 of earning her California Board of Legal Specialization in Estate Planning...

**Oscar Gonzales** has joined **Wasserman, Comden & Casselman** after 5 years with **Benton Orr et al.** Oscar's last day was March 9 and he will be missed...From Theodore Roosevelt: "No man is above the law and no man is below it; nor do we ask any man's permission when we ask him to obey it..."...From *Eats, Shoots & Leaves*: "Only one significant task has been lifted from the apostrophe's workload in recent years: it no longer has to appear in the plurals of abbreviations (MPs) or plural dates (1980s) – although the *New York Times* prefers to keep it..."...LA Marathon update: **Scott Johnson** (4:01), **Wendy Lascher** (slower), and **Al Vargas** (also slower)...Fascinating article in the NYTimes February 25 about BAR/BRI (a unit of Thomson Corporation) and the students who filed a class action suit 2 years ago contending that BAR/BRI had a monopoly resulting in overcharging by \$1,000 each ([www.nytimes.com](http://www.nytimes.com))...

**Tom Beach** and **Sean Cowdrey** were recently named by the *Daily Journal* as among an elite group of California litigators who scored high profile defense verdicts for their clients in 2006. In the case of *Inclan v. GranCare*, Beach and Cowdrey represented the target defendants in a groundbreaking civil trial where the adult children of Juan Inclan claimed that their father was denied essential lifesaving medical care as part of a fraudulent scheme by health care providers to increase business profits from Medicare...From *Eats, Shoots & Leaves*, Part II: "The English language first picked up the apostrophe in the 16th century. The word in Greek means "turning away", and hence "omission" or "elision". In classical texts, it was used to mark dropped letters, as in *t'cius* for "tertius"; and when English printers adopted it, this was still its only function..."

*Steve Henderson has been the executive director and chief executive officer of the bar association and its affiliated organizations since November 1990. His winnings from March Madness were historic and, in part, responsible for his new silver Maserati. The rest was enthusiastically given to the bar's foundation, the VCBA/VLSP, Inc., a charitable, tax deductible organization, providing legal services to low income residents.*

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