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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

AUGUST - TWO THOUSAND EIGHT

THE BLOG AND SHORT OF IT

By Greg May
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August marks the end of summer and the beginning of fall. When I think of August, I think of family vacations, back to school shopping, and harvests of various sorts. The arrival of August also signals that I'm in the home stretch of my term as VCBA President. So I thought I would give you a report on what we've achieved thus far and identify our remaining priorities for the year.

With the reliable management of Executive Director, Steve Henderson the VCBA's focus continues to be providing services and value to our members. VCBA Sections and Affiliates provide a wide variety of MCLE and networking opportunities. Our recently upgraded website has added a number of features to benefit our members, including on-line MCLE, as well as an electronic version of *Citations* and the Legal Services Directory. Attendance at the meetings of VCBA Sections and Affiliates continues to be excellent. In particular, the meetings of the Estate Planning and Probate, Barristers, and Ventura County Trial Lawyers are well-attended. All of VCBA's sections and affiliates continue to do an outstanding job of meeting the needs of our members. Thanks to Wendy Lascher and her editorial board, *Citations* continues to be the best Bar Association monthly magazine in California. I've seen many of the other ones, and it's not even a close call. And *Citations* operates at a profit.

The Lawyer Referral Service continues to connect clients with lawyers in specific fields of expertise. Over the years, the LRS has been one of the most successful services VCBA provides to both the public and our members. Clients receive an inexpensive, initial consultation from an attorney. Our members have a source of new clients. Steve Henderson, the VCBA Staff, and the LRS Board of Directors have operated the LRS efficiently and cost-effectively for years, and I have every faith it will continue to so function in the years to come.

PRESIDENT'S MESSAGE

By Matthew P. Guasco

The VCBA Board has been active and effective in representing the views and interests of our diverse legal community. The VCBA Board is comprised of men and women from both sides of the Conejo Grade, and from various walks of life, experiences, and law practices, including private practitioners as well as government lawyers. The following fields of law are represented on the VCBA Board: criminal (prosecution and defense), government and municipal, real estate, business, family, probate and trusts, appellate, ADR, land use, immigration, public interest, landlord/tenant and tort, to name a few. The VCBA Board is attentive to the views, needs and interests of all VCBA members.

The Volunteer Lawyers Services Program, the non-profit organization affiliated with the VCBA, continues to find lawyers willing to represent clients on a *pro bono* basis. Verna Kagan continues to manage the program wonderfully with the assistance of an incomparable crew of Emeritus Attorneys, including Earl Price. The VLSP Board administers the program with the day-to-day assistance of the administrative staff of the VCBA. Several lawyers who have volunteered to represent clients through the VLSP in recent years have been honored by the State Bar for their public service. The VLSP continues to help lawyers help people gain access to justice. This is an honorable end in itself, but the VLSP also helps lawyers give back to their communities, which greatly improves the public's perception of the legal profession.

The VLSP will be working with the Ventura Superior Court on a pilot program to provide volunteer lawyers to give limited scope advice and representation to parties in unlawful detainer cases. The idea is to have lawyers at the courthouse on designated days to advise unrepresented parties who qualify for *pro bono* services concerning pending unlawful detainer cases. These consultations will not occur on the day of the unlawful detainer trial, but beforehand. It is anticipated that unrepresented parties will gain essential information and advice about their legal rights. It is also hoped that the program will help settle a significant number of unlawful detainer cases without trial. That has been the experience of similar programs in other cities in the United States. Tina Rasnow has spearheaded this program and deserves our thanks.

VCBA members, individually and through the VCBA Sections and Affiliates, have raised needed funds to help us continue to provide those in

need with volunteer lawyers. In particular, under the leadership of Joe Strohman, and with the tremendous assistance of the VCBA staff and many volunteers, the Law Day 5-K Race raised over \$4,000 for the VLSP. Additionally, you will notice that your July edition of *Citations* announced the formation of the VLSP Tribute Fund. The Tribute Fund permits you to donate money to VLSP in the memory of a loved one, or to celebrate a graduation or anniversary, or to honor any other life event or individual.

We have begun the formation of a Community Outreach Committee of the VCBA. This standing committee will organize the VCBA's efforts to connect with the communities we serve, with a particular emphasis on youth outreach. The Committee is chaired by Carmen Ramírez. If you would like to become involved in the work of this Committee, contact Carmen or me. We will keep you posted on the Committee's mission and projects.

There is not enough space in this column to summarize all the other great things we have accomplished this year. I have highlighted only a few of them. As much as we have achieved this year, however, there remain several significant objectives to accomplish before the end of the year.

First, the VCBA Board is in the process of forming the Website and Technology Committee. In close consultation with Steve Henderson, this Committee will oversee the VCBA website's delivery of services to VCBA members in close consultation. The VCBA Board sees the website as an important tool for improving the delivery of services to all VCBA members. The VCBA Board also believes the website is an important way to bridge the Conejo divide by providing greater connectivity and communication between lawyers throughout Ventura County.

Second, the VCBA Board has decided to activate the dormant Bench Bar Committee. In years past, the Bench Bar Committee provided an important communication link between the leadership of the Court and the VCBA concerning issues of importance to the practice of law and the administration of justice. Renewing the Bench Bar Committee is a top priority.

Third, although we have done well to raise money for the VLSP this year, we need to do more. Our challenge between now and the end of the year is to raise at least \$50,000 for the

Continued in page 4

PRESIDENT'S MESSAGE *continued*

VLSP. The VLSP receives modest grant support and relies upon the gifts of VCBA members and the public. As in years past, the VCBA Annual Dinner in November raises money for the VLSP. We are in need of event sponsors and auction items for the Annual Dinner. We encourage local law firms and support services providers to become event sponsors. We also need donations of quality auction items, including artwork (original painting, photography or sculpture), travel packages, condominiums or vacation homes, fine wines, sports tickets (box seats and stadium club packages are particularly in demand), and upper end sports equipment (surf board, skis, golf clubs, tennis rackets). Contact Cheri Kurman if you can help as an event sponsor or auction item donor.

We can be proud of what we have accomplished and of the work we will continue to do together. Our efforts on behalf of our lawyer members, their clients, the law, the courts, and the public we serve have been fruitful and plentiful. Not a bad yield in this harvesting time of year.

Matthew P. Guasco is Of Counsel to the law firm of Norman Dowler, LLP, where he specializes in appellate litigation and select trial court litigation. He is also a private mediator and arbitrator of civil legal disputes.

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LETTER TO THE EDITOR

First of all, saying that Mr. McMurry adds a “voice of reason” to any debate is something like suggesting tigers have good table manners. I suppose it is possible. But anyone that is not a tiger at that table is likely to be eaten. Like Mr. McQueen (the two are strikingly similar), Mr. McMurry delights in finding the best possible way to reframe the debate so that it bears no relationship to the real issues. Should animals have standing? Of course. The law will eventually catch up with this concept, and whether someone is a cat-person, a dog-person, or a snake-person is irrelevant. I am used to waiting for men to catch up with me. And as Liana Johnsson suggested, some men are slowed down by those black robes they wear.

Eventually, the animal rights naysayers will agree with me. It may be on their death beds, in a last minute confession, but I am willing to wait. As long as they repent before they go to the great Dyslexic Dog in the sky that holds their fate in his paws, they will be fine. Until then, it's fine with me if they claim I am incorrect. As comedian Rita Rudner says, I don't mind if men want me to say I'm wrong, I can do that all day. I can say it because I know

it's not true. Both McQueen and McMurry will undoubtedly say that such duplicity is a hallmark of women, but I will leave that for another column, another debate.

Charles Darwin said “The love for all living creatures is the most noble attribute of man.” Clearly, Darwin had not met Mr. McQueen, unless Professor Darwin was talking about man's eating habits. It was once noted that humans are more akin to a parasite on the planet itself than a species living in symbiosis with the earth. Humans overrun all climate zones; they devour or destroy all natural resources, and they cause such environmental havoc that some areas are not habitable by man nor beast after they are through. Considering the brilliant job of stewardship we have accomplished since the advent of the industrial age in the 1800s, we might give the porpoises a chance. After all, according to renowned scientist Douglas Adams, they are (behind the mice) the most intelligent species on the planet.

It has been said that a civilization can be judged by how it treats the least of its creatures. In the news just a few weeks ago, scientists were

crowding about how they had amputated a chimpanzee's arm, and that the chimp was now moving its new mechanical arm with its thoughts—a cyborg chimp. While both Msrs. McMurry and Mr. McQueen have willingly given me a hand on more than one occasion (for which I thank them now, publicly and profusely), I don't think either of them would be willing to give their good right arm for the potential, the mere possibility, of improving the lives of amputees in the future. And we have to ask: How many chimps lost their limbs before the Cyborg Chimp could move its mechanical fingers? How much pain was inflicted on creatures whose DNA is so close to ours that it is difficult to see the difference? Jane Goodall was the featured speaker at last year's State Bar Convention. There must be a link here somewhere. Ms. Goodall said, “Change happens by listening and then starting a dialogue with the people who are doing something you don't believe is right.” Maybe that's why I spend time talking with Msrs. McQueen and McMurry. If I can bring a glimmer of tolerance to McQueen and perhaps a touch of environmental guilt to McMurry, then maybe I can be an instrument of change. Besides, they buy me lunch.

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Mr. Krimmer was admitted to the California Bar in 2008 after graduating Valedictorian from Ventura College of Law where he received six Witkin Awards for Academic Excellence and several merit scholarships.

During law school, Mr. Krimmer interned with the California Court of Appeal, 2nd District Division 6 and the Ventura County Counsel's office, and was employed by our firm as a nationally certified paralegal.

Mr. Krimmer's practice will focus on business & real estate transactions, land use issues, environmental compliance and public agency representation.

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I was encouraged to reply by my two favorite lawyers on this damaged planet (although neither understands animal rights any more than they believe women are equals), so I thought I would try to rise to the occasion. These two are brilliant and erudite and they make me laugh, an improbable and irresistible combination. While I understand why I enjoy talking to them, I find it baffling why they talk to me. After all, both of them believe that my ideals are hopelessly . . . well, idealistic. And wrong, deeply wrong. From politics to the environment to male-female relations, these two men think I am misguided. Animals should be dinner, not a love interest. If people need houses, we should construct them, regardless of the consequences on such inconsequential things as fairy shrimp (incidentally, you can't eat fairy shrimp).

So why do these two keep buying me lunch? I would venture to say that it is because they are acting a lot like my dog. Like my dog, they are always glad to see me. Like my dog, they do not think harshly of me when I say something stupid. Like my dog, when I am depressed they stick their nose in my affairs and try to cheer me up. Like my cat, they have the ability to give me a single look that lets me know when I am a complete idiot.

I know that I will be accused of personalizing this debate. I am not discussing the overarching policies concerning the rights of living beings to be free from torture, or their rights of access to food and water, but rather the McLawyers' personality traits. McQueen went so far as to say that is "so typical" of animal rights advocates, to respond by reference to personalities, instead of maintaining an arm's length from the emotions entangled in this debate. In all great movements, as in all great art, emotions are part of the equation. It is our ability to feel empathy that allows us to create justice. The Anglo-American judicial system is not without empathy or emotion. While we have established constraints to keep decision-making on a more intellectual level, the search for what is "fair" and "just" is the driving force.

As Darwin said, we humans have the ability to appreciate other species. It is this appreciation, this empathy, that supports the animal rights movement. It may be hopelessly idealistic to believe that someday, humans can be as kind as my Labrador, a huge black goofball named Mushu (after the dragon in "Mulan," the Disney movie, not the Chinese burrito).

But I think the animal rights movement, like the environmental movement, the civil rights movement, the gay rights movement, etc., appeals to the best part of us. It asks us to challenge what has been said and repeated throughout history. Rather than quote and repeat what has been said before, the animal rights movement asks us to create a new dialogue, one in which we live in harmony with other species, one in which we are kind.

These two men are, despite their reputations, kind to the core of their beings. If these two fearful litigators, rude, arrogant and imposing at the best of times, have within them the heart of Gandhi, then – despite my fears and my heart-stopping angst over the future of society – we may have a chance.

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Sabrina D. Sanders has joined the Oxnard office of Wasserman, Comden & Casselman, effective July 15th. Sabrina was formerly a research attorney for the Los Angeles Superior Court in its Complex Litigation division. **James E. Perero** will be joining the Oxnard WCC office as an associate attorney effective September 3rd. Camarillo resident **Heather Kanny** will be joining WCC's Tarzana office as an associate, effective July 29th.

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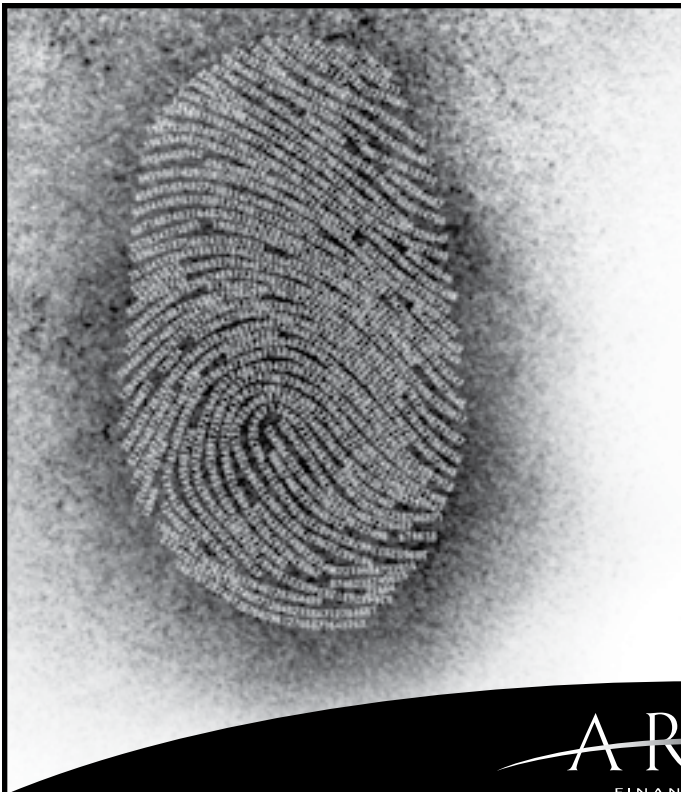
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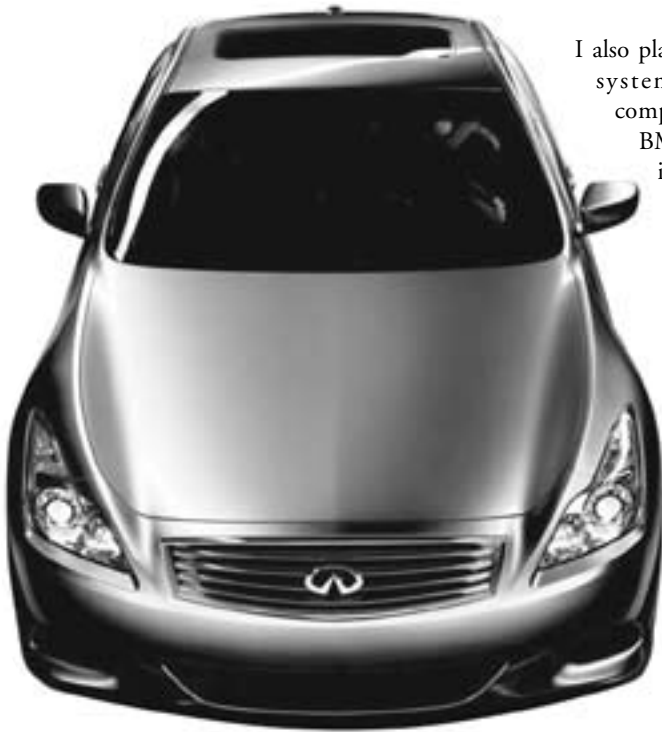
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Advocates And Their Automobiles: An Impressive Infiniti

By Michael A. Strauss



Since I was a little boy I have loved cars. I subscribed to six car magazines. It was always my dream to write for *Autoweek* or *Road & Track*. (Un?)fortunately, I became a lawyer. But when I started writing for *Citations*, I realized I could be a lawyer and still get to drive and write about fun cars.

The car I had my eye on was the Infiniti G37S. After I explained the concept behind my article to the folks at Team Infiniti in Oxnard, they initially commented that lawyers have families, and the G37S – with its 330 hp engine, rear-wheel-drive, and two doors – might not be a car for the typical Ventura County lawyer. In the end, however, they were kind enough to trust me with a brand-new example of this road demon for an overnight visit.

My initial impression was that the car looked much better than its predecessor, the G35 coupe. While I had never driven the earlier car, I heard that it was fun to drive, but its design needed freshening. The G37S, especially the Obsidian Black example I drove, with its 19-inch wheels, looked more than fresh – it was way cool.

When I got behind the wheel I found the sport seats, with their perforated, creamy leather surface and snug-fitting side bolsters, to be the highlight. The steering wheel was also very comfortable, and its thickness was deserving of a car with so much power.

I also played at length with the navigation system, which was intuitive. For comparison, I have used iDrive from BMW. The Infiniti's ease of use blew its competitor away. There is even a trick back-up camera, so those of us lawyers who have sore necks from talking on the phone all day don't have to turn our heads backwards when driving in reverse.

I toyed with the sound system, and it was far better than anything I had ever used before in a car. There is a hard drive located in the dashboard, so when you insert a compact disc into the player, you can record its onto the car's hard drive. Apparently you can store up to 2,900 songs on this system. This was so cool that I left some Miles Davis on the hard drive for the eventual purchaser.

I tested out the back seats and, as in any two-door coupe, getting into them was not the easiest task. However, the seats were very comfortable, though head room was an issue. For short trips, sitting in the back seats would not be too difficult for average-size adults. The back seats would be more than comfortable for our children.

The G37S is the top-of-the-line G37. Its standard equipment includes auto on/off headlights, the trick compact disc player, the sport seats, dual-zone automatic temperature control, 19-inch wheels, a sport-tuned suspension, huge brakes, the driver-friendly steering wheel, and a six-speed manual transmission with a short-throw shifter. Family guys or gals who would prefer an automatic transmission might consider the base G37 Coupe or the G37 Coupe Journey, but those cars do not have all of the same sporty options, unless you purchase the sport package on the Coupe Journey.

Standard safety features include front, side, and roof mounted airbags, ABS brakes, traction control, and a tire pressure monitoring system. My car was also equipped with adaptive cruise control.

Lawyers may be all about their families, but sometimes we just want to have fun. The G37S allows us to do just that. Under the hood is a 3.7L V-6 that cranks out 330 hp and 270 ft-lbs of torque. The car weighs roughly 3700 pounds. Fuel economy is fairly good considering the power of the engine and large sport tires – 17 mpg city, 26 mpg highway.

When I pulled the car off the lot at Team Infiniti, I made sure to remain safe, but this was a test drive and I had to test the car. I am not saying that I broke the speed limit, but I am saying I had a blast. Off the line, the G37S was not as fast as I expected with its large V-6, but the true glory comes once the car is already rolling. Passing on the freeway, if you are not ginger-footed, will throw you back into the seat like few other cars. I could not get enough of that sensation. Each time I accelerated past a car it brought a huge grin to my face.

If I have one small quibble about this car it is the steering feel. While very good, it was a little too over-boosted for my liking. But it didn't stop me from cutting some nice turns around Ventura.

The G37S is a great car at a great price. The base G37 starts at \$34,900. The G37S starts at \$36,100. My G37S had every option, except for the probably unnecessary four-wheel steering, and it was on sale for \$44,395, including destination and handling charges. A comparably equipped BMW 335i Coupe, the G37S's main competitor (but with 30 fewer horsepower) will set you back \$52,620. While I have not yet driven the 335i (maybe that will be my next review?), it better be far superior to justify a price difference of over \$6,000.

In the final analysis, the G37S is a lot of car for the money. Is it the right car for Ventura County lawyers? It might well be, even for those with a family. If you would like to take one out for a spin, contact Tom Flannigan at Team Infiniti in Oxnard, (805) 415-4522. Tell him that you read about the car in *Citations*.



Michael Strauss is part of the Strauss Law Group in Ventura.



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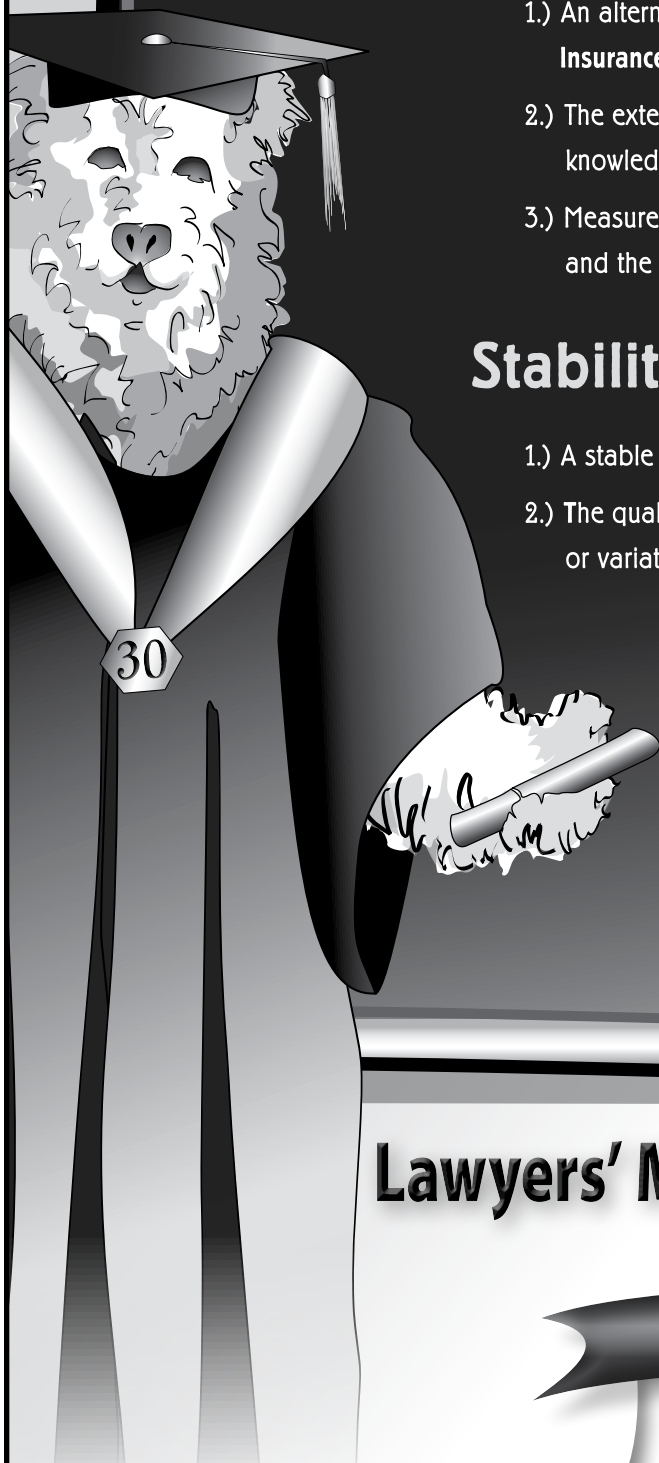
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- 2.) The extent to which future states of a system may be predicted based knowledge of current and past states of the system. ie – **LMIC**
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VC LAW LIBRARY, A PUBLIC TREASURE

By Karen Darnall

The public law library is one of the few places where lawyers can get free tutoring from someone with a master's degree in library science. No grades, no judgments, and no stress; it's quite a deal and a luring temptation, but I often wonder whether I can justify the expense of going there. After weighing the cost of gas and being away from the phone, usually I decide no—my office library is good enough to get the job done.

"There is not such a cradle of democracy upon the earth as the Free Public Library, this republic of letters, where neither rank nor office, nor weight receives the slightest consideration."
(Andrew Carnegie—1835-1919)

On July 15, 2008 the Ventura County Law Library hosted an open house to demonstrate its new online catalog and other electronic resources. Jane Meyer, the library's director, sent me an email reminder. I had previously thrown away the flyer (too busy) but Ms. Meyer's personal invitation prompted me to quit work early and visit. Driving to Ventura in mid-afternoon felt kind of like

playing hooky. To mitigate my guilt I took a short detour to Green Thumb Garden Shop and purchased some fertilizer. Perhaps TLC for the garden would help offset my carbon footprint.

"If you have a garden and a library, you have everything you need." (Cicero 106-43 BC)

By the time I arrived at the library, CEB representatives had already left for the day. No problem. Five library employees were standing by to give tours to patrons who arrived late.

After I received my new library card, I was shown the new automated circulation system. I learned how to browse the library's stacks and renew books from my own computer. Then Ms. Meyer explained how to determine (remotely) whether each book is actually in the library. After five minutes of open house my eyes were opened to a valuable timesaver—no more rummaging for books already checked out. Data for each library book's status is now available online at <http://www.vencolawlib.org>.

"The closest we will ever come to an orderly universe is a good library."
(Ashleigh Brilliant 1933-)

As Ms. Meyer was showing me one of the public computer terminals, a sudden blast of music came from a nearby web browser. Meyer quickly got up and admonished the offending patron and demonstrated how to shut off the audio. She then explained how she must deal with competing interests between passersby and busy attorneys. Recreational web browsing is allowed (space permitting) but Meyer invokes the "one hour" rule if it becomes necessary to eject a looky-loo in favor of a lawyer.

"Whatever the costs of our libraries, the price is cheap compared to that of an ignorant nation."
(Walter Cronkite 1916-)

Ms. Meyer taught me how to email excerpts to myself while I tried various features of Westlaw, Shepard's Citations and CEB. The collection was awesome. As a solo practitioner, I could not afford even one of these subscriptions, let alone all of them.



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I asked Ms. Meyer about her background and her methods of negotiating contracts for books and electronic media. Jane G. Meyer received her MLIS at UCLA in 1977 and then started working as a reference librarian at the Ventura County Public Library system. Later on she became the acquisitions librarian. By the time Ventura County Law Library hired Meyer in 1995, she had considerable experience in balancing budgets and dealing with book vendors.

“The richest person in the world—in fact all the riches in the world—couldn’t provide you with anything like the endless, incredible loot available at your local library.” (Malcolm Forbes 1917-1990)

All 58 of California’s county law libraries operate under Business & Professions Code §§ 6300, et seq. as independent public agencies. The Code prescribes a method of distributing funding that is collected from civil filing fees. Ventura (a mid-sized county) receives \$32 per initial filing, while behemoth Los Angeles County consumes almost 75% of all the money collected for California law libraries.

VC Law Library’s ’08-’09 budget allows \$325,400 for print media and \$61,500 for electronic subscriptions. According to Ms. Meyer, the electronic collection is “not your typical package” and the print collection places “heavy emphasis” on attorney practice guides such as Rutter, CEB and Matthew Bender.

“He that revels in a well-chosen library has innumerable dishes, and all of admirable flavor.” (William Godwin 1756-1836)

I came away with the impression that VC Law Library is an unappreciated treasure. So I will be driving there more often despite the rising price of gas.



Karen Darnall practices in Camarillo.

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PRO BONO HIGHLIGHTS

By Verna Kagan

In the July issue of CITATIONS a section called "VLSP Tribute Fund" suggested donations to honor birthdays, anniversaries, special awards, graduations, engagements, marriages, new babies or in memory. My husband and I received such an honor, and our special celebration was highlighted by this recognition as well as by the financial benefit to VLSP, Inc.

Donations to VLSP, Inc. are tax deductible. They do not have to be large; every contribution helps keep VLSP providing services to those in need. Send a check to the Bar office at 4475 Market Street in Ventura, 93003, or call (805) 650-7599.

The State Bar is attempting to streamline the Emeritus Attorney Pro Bono Participation Program. One proposal is to change the title of the program to Pro Bono Practice Program. Because of the way we are structured, we have decided not to change our name.

One objective is to reach a significant number of attorneys who are planning to take temporary or permanent leave from active practice of law within the first five to ten years of practice such as attorneys who take time off to have children, care for elderly relatives or pursue other interests. The advantage to this idea is that such attorneys would be able to receive an active Bar card at no cost so long as they worked exclusively for a state-recognized program such as ours. MCLE credit would still be required, but offered free at the State Bar meetings.

Please consider this new offer if you are planning early or temporary retirement. You are welcome to call me if you would like further information.

Verna Kagan, is the VLSP Senior Emeritus Attorney.

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THE BLOG AND SHORT OF IT

By Greg May

Law blogs (sometimes called “blawgs”) are ubiquitous. Blawg.com tracks more than 2200 of them, over 1300 of which it terms “active,” and the *ABA Journal* catalogs law blogs in more than 100 categories ranging from administrative law to workers compensation. They’re written by lawyers, judges, professors, law students, lawyers, and even lay people. There’s even a blog called *Real Lawyers Have Blogs* – written, perhaps unsurprisingly, by the founder of a company that sets up blogs for lawyers.

Put succinctly (and somewhat inadequately), a blog is a website that publishes a series of “posts,” or short articles. The blogger usually writes within a given subject area. Many blogs allow readers to leave their own comments in response to posts. If you’re unfamiliar with law blogs, I suggest you click around the ABA Journal Blawg Directory (<http://www.abajournal.com/blawgs/>) to read some.

In *Big Tech for Small Firms* (*California Lawyer*, July 2008), columnist Tom McNichol gives this short answer to the question of whether small firm attorneys should start a blog: “Don’t!” Clearly, that advice isn’t appropriate for everyone. My experience may help you decide if it is appropriate for you.

I started my law blog, *The California Blog of Appeal*, on April 30, 2007, primarily as a marketing tool. I’ve had my blogging ups and downs over these nearly 15 months.

Time Commitment

The time you’ll need to maintain your blog will depend largely on what you want your blog to be. If your blog is nothing more than a hobby, you can set your own hours rather easily. If you’re trying to be an attorney resource or publishing your blog as a marketing tool, count on a substantial time commitment. Typically, you will spend time writing your own reporting or commentary, searching for topics to write about, and looking for content elsewhere on the internet that you can link to.

It’s likely you’ll only have a good idea of the time required once you’ve been blogging

for a while and have settled into a rhythm. You’ll learn to do everything – researching, reading, writing – faster. You’ll be motivated to do so; no one is paying you hourly while you blog!

It took me a while to make my blogging time manageable. I’ve spent many hundreds of hours on nearly 600 posts in the last 15 months, many in the middle of the night, and the initial time commitment was huge. I started looking for blog material through a daily review of every new published opinion in California and from the Ninth Circuit Court of Appeals! I still do that, but I’ve learned to review the cases far more quickly and to be far more selective in what I write about. I’m down to about an hour a day spent on the blog.

Marketing Potential

Emphasis on the word *potential*.

Some prominent law bloggers swear they get loads of work from readers of their blogs, but my experience has been very different. As a lawyer focusing principally on appeals and writs, the target market of my blog and other marketing is other attorneys as much as (or more than) the actual parties to a lawsuit. Yet, virtually every client prospect who has found me through the blog has been a *pro se* litigant without money or someone who spent their last dime on their trial attorney. Some marketing!

Does the blog get me some recognition for expertise in appellate work? Sure. Other lawyers occasionally call or e-mail me for my thoughts on an appeal-related issue. And I receive the occasional note from other appellate practitioners and count a few appellate lawyers at prominent firms among my regular readers. This hasn’t translated into much money but, like any other form of networking, it takes time to develop fruit.

For my blog, some adjustment is needed if it is to be a successful marketing tool. I am starting to update the blog less regularly and spend more time figuring out how to use it to my advantage in advertising to other lawyers. I spend less time on the blog,

but it substitutes in large part for article authorship, and the blog is a fixed, ever-growing site for one-stop shopping to see my writing and analytical skills. It also serves as a way to link to my law office website and to my more conventional published articles.

Based solely on my experience, I believe that blogging has the best marketing potential for lawyers who handle a lot of contingent fee litigation. Take a look at some personal injury law blogs, for example, and you’ll see that they often cover hazards or defective products already in the public eye, meaning people are likely to be searching for content about them. An excellent example of a niche personal injury blog is the Biker Law Blog, published by an attorney who handles motorcycle accident cases. I suspect it attracts many of the right readers – bikers looking for a lawyer.

My experience, however, is not necessarily typical. I recommend you check out some success stories at *Real Lawyers Have Blogs* (<http://kevin.lexblog.com>) before you decide whether or not to blog.

Professional and Personal Satisfaction

So, when your blog isn’t working as an effective marketing tool and you’re devoting a lot of time to it, what’s the payoff? Well, part of it is a sense of personal and professional satisfaction.

Let me be more blunt: Ego can keep you blogging, at least in the short term, even when there seems little other reason to continue. I’ve received some nice accolades from well-known bloggers. I’ve been linked to by 59 other blogs. And it’s fun to watch the number of “hits” and subscribers go up almost monthly, and to witness the occasional spike in traffic because of a link from a nationally-recognized blog.

Yet, professional recognition remains mainly a means to an end. My initial motivation – marketing – remains my primary one. I will keep adjusting until, hopefully, I find the right formula. Surely, a well-heeled client – or a lawyer representing one – will eventually find my blog and be impressed by my appellate brilliance!

For some, personal and professional satisfaction – not necessarily ego – might be one of the principal reasons to blog. Heck, it might even be one of the better reasons to start a blog, especially if you are passionate about a niche area of the law. And satisfaction doesn't necessarily require huge readership.

Getting Started

So, if your interest is piqued, how do you get started? I recommend you download the resource list that I handed out at my April 2008 presentation to the VCBA Business Litigation Section. To do so, go to my blog (<http://www.calblogofappeal.com>) and click on the "VCBA Resource List" link near the top of the left sidebar. You'll find links to free blogging services, blog directories, and other helpful sites.

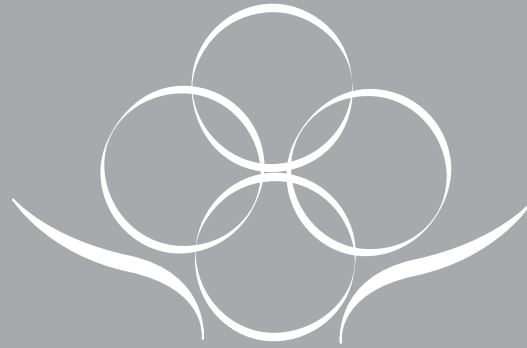
If, after doing so, you have the urge to blog but are worried about whether you'll keep it up – as McNichol writes, "Far better to have no blog at all than to have one that was last updated eight months ago" – there are ways to keep your blog private until you've decided you have the stamina to maintain it.

The bottom line: if you've got the time and either have a passion for a niche area or a plan to leverage your blog as a marketing tool . . . go for it! And work things out as you go.



Greg May is a solo practitioner in Oxnard. His practice focuses on civil and criminal writs and appeals and select civil litigation.

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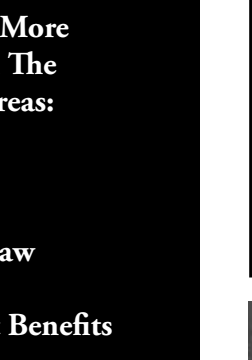
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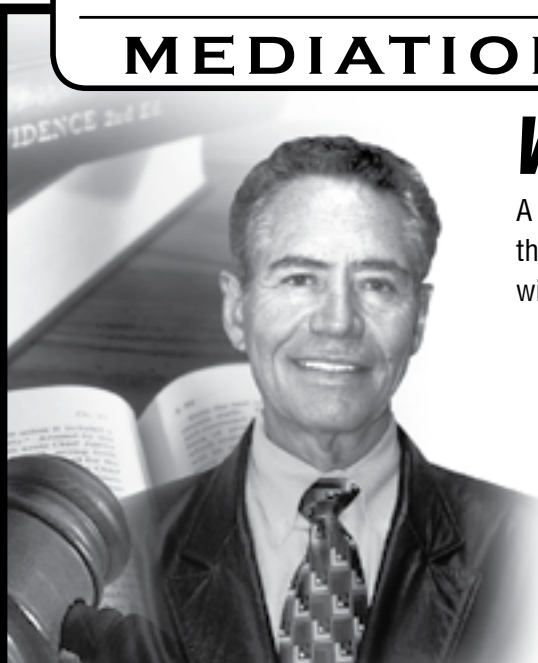
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Tom Olson will take-over the presidential reins from **Don Greenberg** of the Ventura Downtown Lions Club . . . From Ralph Waldo Emerson: "There is something servile in the habit of seeking after a law which we must obey." . . . From Sholom Aleichem: "Lawyers are just like physicians: what one says, the other contradicts." . . . From Actual Court Records: *District Attorney*: "Then what did you do? *Police Officer*: "I began kicking in the door." *DA*: "Were you wearing boots?" *PO*: "Yes sir, size 12." *DA*: "How many times did you kick the door?" *PO*: "About ten." *DA*: "What was Sergeant Harp doing while you were kicking the door?" *PO*: "Laughing at me." . . . The 2008 American Bar Association Lawyer as Problem Solver Award will be presented to **Tina Rasnow** as the individual recipient. The ABA Section of Dispute Resolution established the Lawyer as Problem Solver Awards in 2002 "to recognize individuals and organizations that use their legal skills in creative and often non-traditional ways to solve problems for their clients and within their communities." . . .

France? **Michael Case** at mcase@fcoplaw.com . . . Puerto Rico? **Amber Eisenbrey** at aeisenbrey@atozlaw.com . . . Peru? **Dennis LaRochelle** at dlarochelle@atozlaw.com . . . Switzerland? **Jerry Cline** at Gcline@sprynet.com . . . North Carolina, Atlantic Ocean side? **Jim McDermott** at jmcdermott@fcoplaw.com . . . From John Quincy Adams: "Whoever tells the best story wins." . . . From Cicero: "When you have no basis for an argument, abuse the plaintiff." . . . Minnesota? **Kendall VanConas** at kvanconas@atozlaw.com . . . Tennessee? **Doug Goldwater** at dgoldwater@fcoplaw.com . . . New Orleans? **Dien Le** at dien.le@calawcounsel.com . . . Sun Valley, Idaho? **Doug Kulper** at dkulper@fcoplaw.com . . .

Exec's Dot...Dot...Dot...

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

Debi Jurgensen is celebrating her solo practice and new digs with an open house August 7 from 5:00 p.m. 'til 7:00 p.m. Door prizes and refreshments. Let her know you are coming at jurgensenlaw@hotmail.com. She's at 674 County Square Drive, Suite 101 C, in Ventura . . . Book of the Month: *Never Enough: One Lawyer's True Story of How He Gambled His Career Away*. By Michael J. Burke. 250 pages. \$24.95. www.ababooks.org . . . An actual line from a pro per: "I know I won the case – I was just given the wrong judgment." . . . Web Site of the Month: <http://grammar.quickanddirtytips.com> . . . From *Resource Bankshares v. St. Paul Fire & Marine*, 4th Cir. 2005: "Everyone knows what an accident is until the word comes up in court. Then it becomes a mysterious phenomenon, and, in order to resolve the enigma, witnesses are summoned, experts testify, lawyers argue, treatises are consulted and even when a conclave of twelve world knowledgeable individuals agree as to whether a certain set of facts made out an accident, the question may not yet be settled, and it must be reheard in an appellate court." . . . From Justice Curtis Bok: "Expert opinion is only an ordinary guess in evening clothes." . . .

The Strauss Law Group has moved their offices to 1484 East Main Street, Second Floor. Everything else remains the same. (www.strauslawgroup.com) . . . American Lawyer magazine's 6th annual Top Law Firms identified LA's Munger, Tolles & Olson as #1 in the country. Why? Much of it to do with its pro bono efforts. But, the bottom line is also a measure. Munger's revenue per lawyer increased 11% to \$1.4 million in 2007. The firm's total revenue was \$205 million. (www.latimes.com-7.08) . . . Go ahead, call me a sap. Another Top 20 film for me – *Fried Green Tomatoes*. Gosh, that flick is 17 years old now with lots and lots of story lines. But the courtroom drama between the prosecutor, defense lawyer and the judge is worth seeing again. Cast? How about Bates, Tandy, Tyson and Parker for starters! . . . From P.J. O'Rourke: "Society holds trials for the same reason that Shakespeare had comic relief in *Macbeth*. So (if you're on trial) try to make everyone laugh. Pleading innocent is usually the best way to do this." . . . License Plate of the Month: OXATTY, driven by **Joe O'Neill** on a Toyota RAV4 . . .

According to NYTimes author Adam Liptak, in the July 6 edition, the most cited rockers in U.S. Supreme Court opinions are Bob Dylan (25), Simon and Garfunkel (12), Bruce Springsteen (5), The Rolling Stones (4), The Beatles (3), The Grateful Dead (2), and Joni Mitchell (1). Some pretty hilarious examples at www.nytimes.com . . . From E. Ralph Stewart: "Of course there's a different law for the rich and the poor; otherwise, who would go into business?" . . .

Sylvia Soto and **Dien Le** have agreed to be the newest members of the Judicial Evaluations Committee. They were both approved during the VCBA board meeting in July . . . According to the *L.A. Times* in the June 27 issue, author Christine Hanley writes that an Orange County judge was ordered removed from office by state officials. The former county prosecutor filed false and misleading expense claims for a legal conference and then lied about it. Superior Court Judge Kelly MacEachern is the 24th judge ordered removed from office since 1960. (www.latimes.com) . . . A German proverb: "A lawyer and a wagon wheel must be well greased." . . . Fascinating reading by *NYTimes* columnist Linda Greenhouse, who covered the Supreme Court for 30 years. In the 7.13 edition (www.nytimes.com) she writes about the 2,691 decisions she analyzed. Linda's moving onto Yale Law School to teach . . . From Samuel Butler: "Justice is being allowed to do whatever I like. Injustice is whatever prevents my doing so." . . . From Edmund Burke: "People crushed by law have no hopes but from power. If laws are their enemies, they will be enemies to laws; and those, who have much to hope and nothing to lose, will always be dangerous, more or less." . . .

Steve Henderson has been the executive director and chief executive officer of the bar association and its affiliated organizations since November 1990. His 16-year-old son, Sean, got his car and his license – so wear your seatbelts. Additionally, it's a road trip for the Henderson clan the last 10 days of August. Direct your phone calls and emails elsewhere!

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