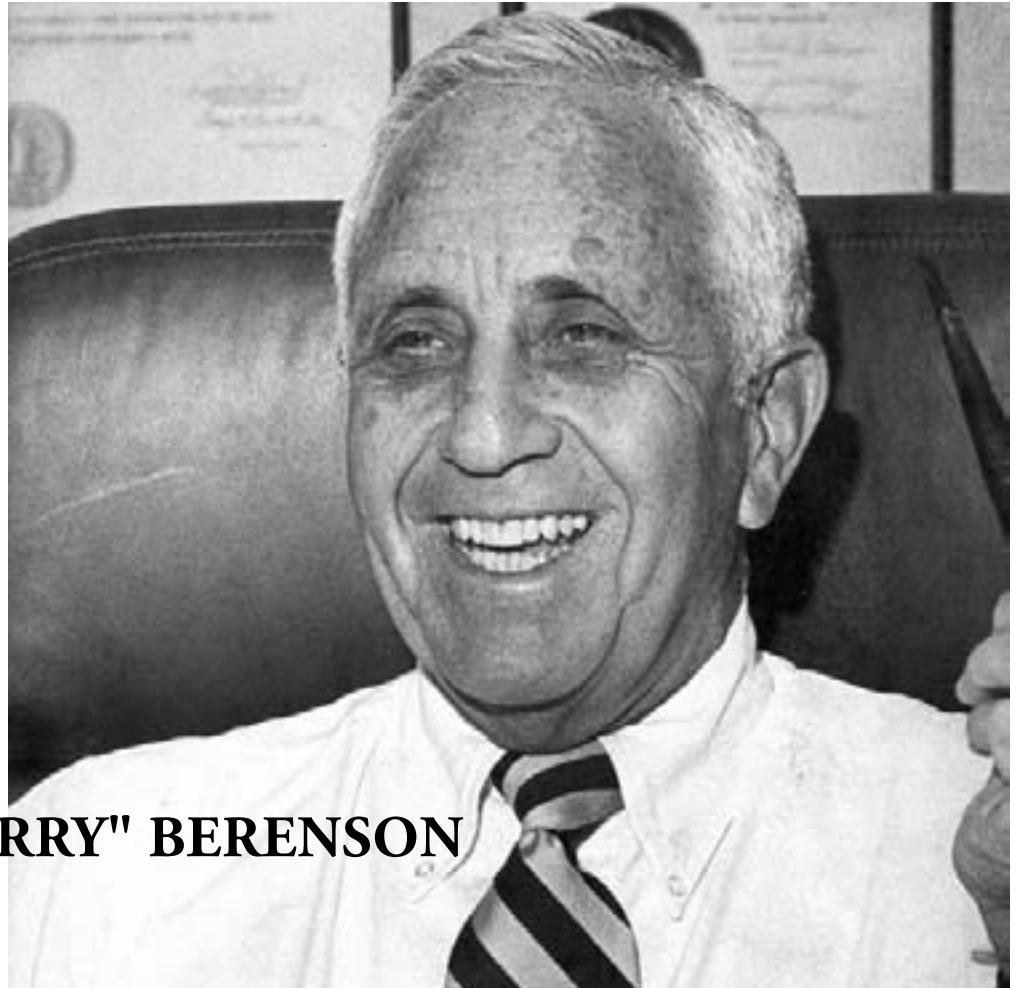




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## PRESIDENT'S MESSAGE

By Matthew P. Guasco

I arrived in Ventura County in October, 1989. Until then, I was a Northern Californian. A San Franciscan, actually. And yes, a Giants fan. My wife, Susan, and I drove down Highway 101 from San Francisco in two cars laden with house plants, art, clothing and the like. We moved into our new home in Ventura a week to the day before the Loma Prieta earthquake which rocked the City by the Bay. I was to have been at the third game of the 1989 World Series at Candlestick Park. Good thing I missed it: The quake stopped the game before it started, and the Giants eventually were swept in 4 by the A's.

As we unpacked our boxes and settled into our new lives, I knew very little about Ventura County. I had seen the movie, "Chinatown," part of which was shot in Ventura County, but I didn't think that was an adequate source of information about my new home. I quickly learned that Ventura County is much larger and more geographically diverse than I had imagined. In fact, it seemed like two counties to me: east of the Conejo Grade and the western side.

Over the years, I've grown to know a bit about Ventura County. First, it is clearly Dodger country, although fans of the Los Angeles Angels of Anaheim congregate here as well. Terry Bonham, Carol Woo, David Tredway and I are among a few out-of-the-closet Giants fans in the county, and our Dodgers friends and neighbors make it very clear that we are alone – very alone.

Ventura County cannot be defined easily. If you were to drive the entire county in a day, you would see beaches, farmland, orchards, mountains, desert, and creeping suburbia. Some parts are remote and inaccessible by anything other than foot, mule or helicopter. Other parts of the county are defined by Highway 101 and the congestion which comes with growth. Still other parts are tranquil farmland dotted by produce stands, strawberry fields, and citrus groves.

Ventura County is California's eleventh largest county in terms of population (just before San Francisco). Yet, it is only the 26th largest in terms of area, meaning we live in a county with a particularly high population density. Indeed, we are the 13th most dense county in the state, above Riverside and Santa Barbara and Fresno. Ventura is the sixth wealthiest in the State, with one of the country's highest per capita incomes (we rank 49th nationally). Unfortunately, almost 10% of our residents live below the poverty line.

Moreover, Ventura County's population demographics are changing rapidly in keeping with trends throughout Southern California generally. In comparison to 20 years ago, Ventura County is culturally and ethnically diverse. The county is also growing older. In the next ten years, the percentage of our citizens over the age of 60 years will be significantly greater than it is today. These demographic changes pose challenges for the delivery of legal services, access to justice, and judicial administration.

Your bar association is trying to adapt and evolve in this environment of change. Aware of the geographical divide between the east and the west parts of the county, VCBA is taking steps to enhance communication and connectivity between all lawyers throughout the county. We are currently looking at ways of enhancing the VCBA web-site to connect the entire legal community – east and west of the Conejo Grade – by technologies such as list-serves, message boards, web groups, on-line MCLE, and live video conferencing. Additionally, we will explore the feasibility of a physical presence in the east county. Systematic efforts have been made to include east county lawyers in the VCBA leadership. Our aim is to nurture a sense and spirit of community among all the lawyers of Ventura County, rendering the Conejo divide obsolete.

VCBA is also looking at ways of engaging the significant number of public sector lawyers – prosecutors, defense attorneys, and county and municipal attorneys – in the legal community. Soon, you will see MCLE programs geared toward the practices of these public lawyers, as well as greater inclusion of public lawyers in VCBA leadership, the social and networking events of VCBA's sections and affiliates, and VCBA's coordinated public education and youth

outreach efforts. As the county is changing, so is VCBA. Our aim: to serve all of the lawyers of Ventura County, and to organize their efforts and voices in the service of the community and the system of justice.

Change brought me, a Northern Californian who doesn't surf, to Ventura County, one of surfing's capitals. There is much change ahead for Ventura County and your bar association. But I have come to embrace change as a blessing and a challenge. Together, we can build a strong, vibrant and diverse community of lawyers serving lawyers, the law and the community.

*Matthew P. Guasco is a mediator and arbitrator in Ventura. He is also Of Counsel to Norman Dowler, LLP, where he handles post-trial and appellate matters.*

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Al Vargas  
Co-Editor  
CITATIONS  
P.O. Box 25540  
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# CALIFORNIA FORECLOSURES: “AN AVALANCHE OF FILINGS WITH LITTLE HELP IN SIGHT”

By *Michael Sment*

You've seen the headlines and heard the news stories. "Foreclosures Up 700%". "Foreclosures take over entire communities." "Bad Loans and Foreclosures Affect National Economy." It sounds, and has sounded, serious. It is. We are just now seeing how bad the foreclosure numbers truly are, with only guesses as to how much worse things will become.

The January data for November 2007 revealed staggering, shocking figures. Nationwide, for a single month, there were 201,950 new foreclosure filings. Compared with 120,334 foreclosure filings in 2006, November 2007 represented a 68% U.S. increase over 2006. The news for Ventura County was even worse. New local foreclosure filings were up an astounding 84% compared to just one year ago.

The numbers for the last quarter of 2006 were even more shocking. Ventura County had a "record number" of foreclosures during that quarter: 542 filings. That was a staggering 375.4% increase over the final quarter of 2006, and Ventura's highest total of filings since 1988 when foreclosure numbers began being tracked. (The previous high was 454 foreclosures during the third quarter of 2007. Prior to that, the record was 330 foreclosures in 1996.) By comparison, Ventura County's 2006 foreclosure filings were a 204.2% increase over 2005. Other Southern California counties had similar unbelievable foreclosure increases over 4<sup>th</sup> quarter 2006: Orange-370.3%, Los Angeles-381.5%, Riverside-456%, and San Bernardino-560.5%.

Statewide, California had 31,676 foreclosures in the last quarter of 2007 – the highest total in 20 years! And, those numbers represented a 30.8% increase over the third quarter of 2007, and a shocking 421.2% increase over the 6,078 foreclosures in the third quarter of 2006. 43 states have reported increases in foreclosure filings compared to 2006. In November, Ventura County ranked 31st out of 58 California counties in foreclosure rates, meaning over one-half of California's counties had more foreclosure filings.

There were confusing trends even with those increasing numbers. November 2007 totals

for Ventura County were 34% lower, and statewide 21% lower, than October 2007 filings. Nationwide, November totals were 10% less than October, which saw 224,151 filings. Some experts, however, attributed the small decrease from October, to fewer ARM loan "resets" (interest rate increases) then.

The November 2007 numbers reflect one foreclosure for every 626 households in Ventura County, one for every 325 in California, and one in every 617 households in the U.S. – during just a single month. (Household foreclosure numbers may be a bit misleading, however, as some families have more than one foreclosure and some areas have multiple filings within a single month.)

And, the news for the future appears even more dire. Experts estimate that there are more than 2 million ARM loans which are due for resets in the first 7 months of 2008. Some limited help on the way, but whether it will be in time for most ARM or sub-prime loan borrowers, and whether borrowers will qualify for such refinancing, is presently unsettled. The help consists of restructuring ARM loans into 30-year or longer fixed rate loans. Both U.S. loan agencies, Fannie Mae and Freddie Mac, have introduced such products for "qualified" borrowers. Major California lenders, like Countrywide Financial, DITECH Home Loans, and Wells Fargo Bank, among others, have advertised similar financing.

Other help consists of putting off loan resets and/or avoiding or delaying foreclosure filings. In late November, Governor Schwarzenegger and four major California lenders (Countrywide, GMAC Financial, Litton Loan Servicing and HomeEq Servicing) announced a voluntary program to try to help avoid more defaults and foreclosures. ARM borrowers facing an interest reset would be able to have their low interest rate frozen for a time if they are current on payments. The four California lenders service more than one-fourth of all subprime loans, and will provide additional loan and foreclosure information to the state. Similar programs have been announced in other states, and have been encouraged for months by the Federal Deposit Insurance Corporation.

Attempts at the federal level, for mandated frozen interest rates or reset prohibitions or delayed foreclosures, have been bogged down in political squabbles and demands from Wall Street investors as to who will pay for such measures. Congress did create some limited minor relief, however, to homeowners who have property foreclosed upon. Previously, those taxpayers could expect to receive a 1099 income form for the forgiveness of their debt, albeit through foreclosure. In December, the Mortgage Forgiveness Debt Relief Act became law. The Act provides that such forgiveness, for purchase or improvement debt only, will not be considered federal taxable income. But the Act only applies to foreclosures from January 2007-December 2009, the 3-year period when federal regulators expect foreclosures to peak. And, many experts are pointing out that it was Congress' own action, passing the Bankruptcy Reform Act in 2005, that is contributing to, even exacerbating, the current foreclosure crisis.

The present bankruptcy structure precludes bankruptcy relief, or creates serious practical problems, for many debt-strapped homeowners. Most are not eligible for Chapter 7, or cannot make regular payments for a Chapter 13, or have other issues. As a result, workouts and sales that might occur in a bankruptcy proceeding do not take place, leading to more and quicker foreclosure sales. Congress has refused to amend the Bankruptcy Code or create temporary relief, although such legislation would take considerable pressure off the national, state and local economies.

Some California Senate Democrats had proposed a "Foreclosure Relief" Bill, pointing out that 7 of the top 16 national metropolitan areas with the highest foreclosures are in California. The Governor had been requested to call a special legislative session to deal with the issues. At a Senate committee hearing in January 2008 during the session, the Bill was narrowly defeated, missing passage by 1 vote. Senate Republicans were concerned the Bill would drive lenders from California, and argued against a requirement for a personal meeting with a borrower prior to foreclosure.



Aside from high foreclosure rates and lending changes, there are already signs of another post-subprime effect: namely more and more civil and fraud lawsuits against lenders. Already, Attorneys General in Florida, Connecticut and New York are investigating claims regarding bad loans or loan practices, and other states are sure to follow. The FBI is launching hundreds of investigations into loan and mortgage fraud, with over 1,200 cases opened in 2007 compared to 800 in 2006. Countrywide Home Loans and Wall Street investors, like Morgan Stanley Goldman and Bear Stearns, are the subjects of multiple investigations. At least one major borrower lawsuit has been filed, in L.A. Superior Court, against KB Home Loans and Countrywide and others. Many more are expected.

\*\*Beyond default relief, state and federal regulators are attempting to change the processes and practices for obtaining loans, particularly home loans. In October, new California laws were signed that require lenders to clearly disclose loan risks and to evaluate borrowers' ability to repay based upon long-term loan costs and rates, not just introductory lower rates. (See SB-385: now reflected in B&P §10240.3 and Fin'l Code §215.5 et seq.) 24 other states have already passed similar laws, and others are considering them. Federal agencies had been requiring more stringent evaluations on "non-traditional loans" from federally insured lenders since September 2006.

\*\*In January 2008, 7 states, not including California, announced a standardized and mandatory system to test, license and track tens of thousands of loan brokers. Developed by the Conference of State Bank Supervisors and others, the web-based Nationwide Mortgage Licensing System (NMLS) will also include a database for banking regulators, and later consumers, to track brokers who have licensing issues and move to other states. 42 other state agencies, including Washington D.C. and Puerto Rico, have committed to joining Idaho, Iowa, Kentucky, Massachusetts, Nebraska, New York and Rhode Island by the end of 2009.

*Continued on page 10*

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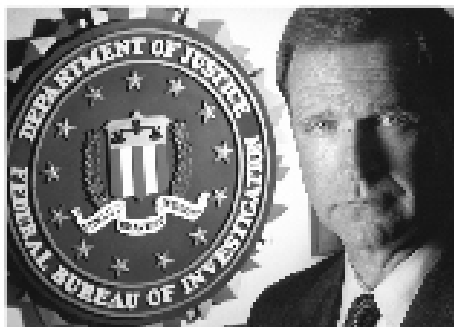
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**CALIFORNIA FORECLOSURES:  
“AN AVALANCHE OF FILINGS  
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*Continued from page 9*

But for the most part, at least for about 500,000 California loans most of those changes will be too late. And, we can expect more and more Ventura and California foreclosure filings, and foreclosures and trustee’s sales, in 2008 and beyond. The silver lining, if there is one, is that the home lending process should be cleaner, and more simplified and uniform, than it has ever been. And, as this author has been predicting for years, we will see a limited window of opportunity where California properties will be cheaper and easier to buy, with lender-assisted financing to facilitate the sales. There has already been a proliferation of local and other “foreclosure auctions”, “Bank Repo Auctions” and TV sales - all to facilitate quick property disposals. (Banks cannot hold foreclosed-on, REO, properties on their books for extended periods.)

A few things are certain. 2008 and 2009 will see an avalanche of California and Ventura loan defaults and real property foreclosures, and an army of prospective purchasers trying to scoop up possible last-in-a-lifetime deals. A sad dichotomy of our current economic times – large groups of real property owners moving in totally opposite directions.

*Michael Sment practices Real Estate Law in Ventura, and specializes in foreclosures, bankruptcies and quiet title. He is a member of the CITATIONS Editorial Board, and a founding editor of the State Bar REAL PROPERTY NEWSLETTER.*

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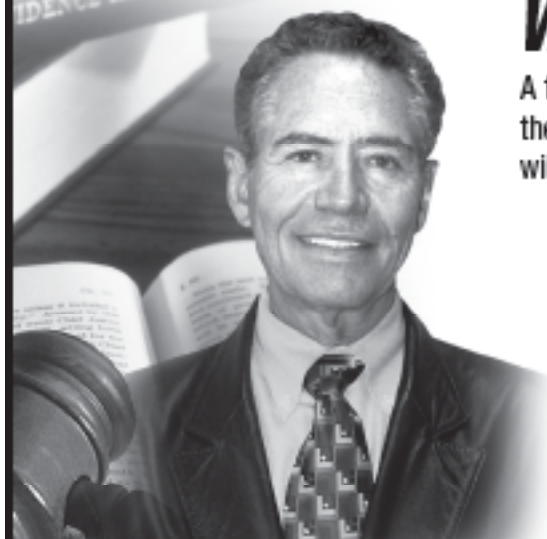
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## PRO BONO HIGHLIGHTS

*By Verna R. Kagan*

The year 2007 saw a diminution of the number of Family Law Attorneys available to the pro bono program.

**Joe Beltran** decided to limit his practice to plaintiffs' personal injury suits, the type of practice he had at the outset of his career. He will be moving his office into his home. **Donna DePaola** sold her practice and moved to the State of Washington where her children live. A chance to be closer to them as time passes is important. As of December 31, **Claire Lewis** retired and put her license on inactive. She was originally going to start traveling, but her daughter, who already has three children, is expecting twins. Claire has decided to stay around for a while in order to help out – sounds like her daughter is going to need it. **Shyla Erich** received employment in public service and is quite happy about that. With great sadness, in 2007 we said good-bye to **Holly Spevak**, who lost a valiant and brave fight to breast cancer. **Jenna Strauss** made a change of focus and in order to do that, changed her location as well. A recent call to **Fran Swenseid** found that she will be closing her office quite shortly. We received another message from a family law attorney whose office will close for a minimum of one year.

We hope 2008 will bring an infusion of attorneys coming into the pro bono practice of family law.

*Verna Kagan is the VLSP Senior Emeritus Attorney*

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# JUDICIAL EVALUATIONS

By Wendy Lascher

With so many vacancies on the Ventura County Superior Court, and now a contested election pitting Chief Deputy District Attorney Jeffrey Bennett against Assistant County Counsel Roberto Orellana, the Ventura County Bar Association's Judicial Evaluation Committee (JEC) has been hard at work. But many VCBA members do not understand the JEC's role.

Created in 2002, the JEC members are appointed by the VCBA Board of Directors for terms of three years. **Dennis LaRochelle** chairs the committee; current members are **Linda Ash, Paul Blatz, John Howard, Ricarda Bennett, Mike Frawley, Sam Huestis, Wendy Lascher, Roger Myers, Dick Norman, Tony Ramos, Mary Shea, and Karen Wold**. The JEC is reactive, only. It does not recommend or initiate judicial nominations.

## Governor's Nominees

By agreement with the Governor's Office, when the Governor is considering an applicant for judicial office, his appointments secretary forwards the JEC the candidate's Personal Data Questionnaire. The JEC then mails its own confidential questionnaires to a sampling of local attorneys and judges who rate that candidate based on professional ability, professional experience, judicial temperament, professional reputation, work ethic/resource management, bias, and impairment that would prevent satisfactory performance as a judge. A subcommittee of three members collects the data, conducts telephone and in-person interviews to gather more information about the candidate, and makes a recommendation to the full committee. The candidate is notified of negative information.

The full committee then interviews the candidate in person and makes a tentative rating. The categories are the same as those used by the State's Judicial Nominee's Evaluations Commission:

**Exceptionally well-qualified:** Professional ability, experience, competence, integrity and temperament considered to be of remarkable or extraordinary superiority so that, without real doubt, such person is deemed to be suited to perform the judicial function with distinction.

**Well-Qualified:** Professional ability, experience, competence, integrity and temperament indicative of superior fitness to perform the judicial function with a high degree of skill and effectiveness.

**Qualified:** Professional ability, experience, competence, integrity and temperament indicative of fitness to perform the judicial function satisfactorily.

**Not Qualified:** Lacks one or more of the qualities of professional ability, experience, competence, integrity and temperament indicative of fitness to perform the judicial function satisfactorily.

Candidates rate less than exceptionally well-qualified may request a second interview. Once a rating is final, it is reported to the Governor's Office with an explanation of the JEC's reasons for assigning that rating.

## Confidentiality and Impartiality

Members of the JEC are not permitted to endorse any judicial candidate individually, or to take any part in the process of appointing or electing judges except responding to inquiries from the State Judicial Nominations Evaluation Committee. JEC members are not permitted to disclose to anyone outside the JEC the names of people who have provided information and, if requested, the investigating subcommittee will keep the name



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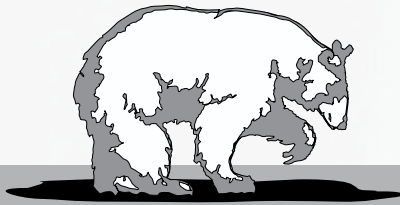
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# FIRST-HAND KNOWLEDGE, FROM VENTURA TO HAVANA

By Panda Kroll

*This is the second in a series of articles on a Cuba study program by local judges and attorneys.*

Few U.S. citizens have first-hand knowledge of Cuba. Relations between the two countries are strained by the trade embargo, and the strain is compounded by propaganda generated by both countries. According to the U.S. State Department, "*Cuba is a totalitarian police state, which relies on repressive methods to maintain control. . . any encounter with a Cuban could be subject to surreptitious scrutiny by the Castro regime's secret police.*" For its part, Cuba's state-sponsored "Battle of Ideas" can be summed up in Fidel Castro's quote, "*Without propaganda, there is no movement of the masses.*"

U.S. political rhetoric is mirrored in the slogans and images appearing on billboards lining Cuban roadsides. One depicts President Bush as Hitler. The majority of the billboards, however, are innocuous, if not comical, in their cold-war like exhortations to resist "Yankee imperialism." The U.S. Interests Section in Havana is housed in the former U.S. Embassy building. Just outside this building, a large billboard depicts a cartoon of Uncle Sam, who shouts "Grrrrr!" and flails his arms at a man on a small island. The man, a grinning Cuban sporting a green beret and automatic rifle, shouts, "Mr. Imperialists, we're not afraid of you!" Other billboards show Cubans choosing independence over hyperbolic sums of U.S. dollars.

In the face of such propaganda, how to sort fact from fiction? In the seven-day program, our group visited three Cuban cities. Despite

the brevity of our trip, we were able to at least get some sense of the people who lived and worked in Cuba. Our troop of sixteen included **Judge Fred Bysshe, Judge Chuck Campbell** and his wife **Kim Campbell**, and attorneys **Josephine Banuelos, Michele Castillo, Debbie De Vries, Panda Kroll, Margaret Lodise, Barbara Macri-Ortiz, Manuel "Tino" Perez, Carmen Ramírez, Irwin (Rob) Miller and his wife Susana Goytia Miller.**

## *Why did you decide to travel to Cuba?*

**Lodise:** I travel all over the world and am always looking for new experiences. I have previously traveled to the Soviet Union (in the '80s when it was still firmly behind the iron curtain) and to China (a "communist" country that is about as capitalist as I can imagine). Thus, I was eager to explore how Cuba had interpreted socialism/communism.

**De Vries:** I wanted the opportunity to explore of systems of dealing with juvenile justice, and justice in general from a global perspective.

## *What is your response to the U.S. State Department's description of Cuba?*

**Macri-Ortiz:** I didn't see evidence of a "totalitarian police state." Frankly, I have seen more federales and weapons on previous trips to Mexico than I did in Cuba. I saw only one weapon the whole trip.

**De Vries:** I didn't observe "intense surveillance." On the contrary, I was amazed in the casual approach to our meeting with

Dr. Ricardo Alarcón. Although he is a major Cuban official, there were no extra security checks in the hotel.

**Castillo:** Any suggestion of surreptitious scrutiny is bogus and unfounded, at least it was for me.

**Lodise:** I may be completely naïve, but I did not sense any of this. I expected to at least see armed guards in places and did not. I suppose it's possible that people are so cowed that they simply don't make any complaints, but I don't really believe that. I felt like I was having an honest exchange with the people that I met, that they were willing to be open and to discuss issues without fear of reprisals.

## *What were your initial impressions?*

**Macri-Ortiz:** The drive from the airport to the hotel showed nothing glamorous. When we arrived at our accommodations, however, the impressive Hotel Nacional, that was quite a different story.

**Lodise:** I expected the country to be more drab and to feel repressed, similar to what I have seen in Russia and China. Instead, I immediately sensed how warm and inviting the people were, and I felt relaxed and at ease with the island and its beauty. When we heard music playing as we got off the bus in Vieja Habana, I felt like I had stepped into a Garcia-Marquez novel.

## *What were your impressions throughout the rest of the trip?*

**Lodise:** I did not sense restlessness for a change in government which I would have expected based on what we hear in the U.S. I was impressed by the deliberate decisions that the country had made to maximize the resources it does have (tourism) and to gradually increase the existence of market forces in the economy (joint ventures with foreign firms, private ownership of homes, limited entrepreneurship in small business and farming). The fact that people were fed, educated and had health care puts this country ahead of some communities in the US.



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**Macri-Ortiz:** Much of the architecture in old Havana is beautiful. We saw side-by-side the historical and breathtaking beauty of Cuba and the poverty of its people. While the Cuban people may not have a lot of material goods, we saw a generally healthy population, little or no obesity, and very few people on the streets begging. On the contrary, most people on the streets seemed to have a purpose. And song, dance, music and art permeate Cuban society and culture.

*What was most memorable about the trip?*

**Macri-Ortiz:** Meeting and dining with Dr. Ricardo Alarcón; our visit to Che Guevara's resting place and museum in Santa Clara; our visit with three extremely bright women attorneys at a private practice law firm in Havana; our visit to the José Martí School for juvenile delinquents, and our farewell dinner at Casa Amistad.

**Lodise:** The music. I also enjoyed speaking with Cuban people about their concerns and their impressions of the US. The evening with Dr. Ricardo Alarcón was the single most memorable time.

*What were some surprising things you learned?*

**Macri-Ortiz:** Cuba does not prosecute children under the age of 16 who commit crimes. We met a professor who is involved in writing a whole new agrarian system of law in response to the changes and reforms in agriculture, where the farmers who were able to reinvent their farming methods and systems in a non oil-based economy are now among the more highly compensated workers in the country.

The Cuban justice system authorizes three-judge panels to hear cases, rather than juries, with only one of the judges required to be an attorney. This is an interesting approach, where on occasion you actually have a decision-maker who has a little practical experience or expertise in the topic at issue.

*Continued on page 20*

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See Page 10

## FIRST-HAND KNOWLEDGE, FROM VENTURA TO HAVANA

*Continued from page 19*

*How did you find Cubans' attitude towards the U.S. and U.S. citizens?*

**Macri-Ortiz:** I don't think we are as important to the Cubans as we might think we are. The U.S. embargo is now pretty much irrelevant, because Cuba has established its own trading partners and has learned to survive without U.S. assistance. I didn't get the sense that we are despised or hated. Rather, life goes on with or without us, and for now that is without us. Nobody seems to be holding their breath waiting for things to change.

**Lodise:** I found the attitude towards us very warm and welcoming and actually was surprised that I did not hear more criticism of the U.S. in general. Although there are clearly billboards detailing the attitude of the government toward the U.S., the U.S. was more irrelevant to the average Cuban than I might have imagined it to be.

*What cultural differences did you observe?*

**Lodise:** There is more of a sense of community that we have here. When I asked about conservatorships, our hosts responded that it's not a legal issue in Cuba, but a medical one. In other words, the focus is on caring for the aging and dealing with their medical issues. There is a high level of education and that results in people being more interested in current events than many in the US.

*What might you do next time, if you could?*

**Castillo:** Go to a Cuban beach!

*What suggestions do you have for people who wish to travel to Cuba?*

**Macri-Ortiz:** Come with an open mind and your questions, good walking shoes and do a little reading beforehand so you can make the most of your trip. I would have brought my own chile and salsa had I known the Cuban food was so bland.

*Panda Kroll is an associate at the Law Offices of David M. Karen in Oxnard, and a member of CITATIONS' editorial board.*

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## Open House and Career Fair at Ventura College of Law A Behind-the-Scenes Look at a Local Law School

Members of the Ventura County Bar Association are invited to visit Ventura College of Law on Wednesday, March 19, from 5:30-7:00 p.m. for our Biennial Career Fair. Refreshments will be served.

The event offers a chance to see our facility and mingle with colleagues and law students. The students benefit from learning about your career-related experience.

Plan to arrive on campus between 5:00 and 5:30 p.m. You will be given a name tag and directed to a classroom. No formal presentation is required; you can chat informally with the students who visit to learn about your area of law. If you would like to have handouts, provide a brochure dealing with some aspect of your practice or a list of helpful hints for students interested in your career choice, and the College will reproduce it. Please contact Assistant Dean Barbara Doyle at [bdoyle@venturalaw.edu](mailto:bdoyle@venturalaw.edu) to RSVP.

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## The ADR Section and VCDS Celebrate “CALIFORNIA MEDIATION WEEK”

By Harold K. Kyle

The week of March 16 is “California Mediation Week,” which to recognize the continuing contribution of mediators and the mediation process in reducing court caseloads and providing litigants a means for a prompt and cost effective dispute resolution.

As a part of this celebration, the ADR Section of VCBA and the Ventura Center for Dispute Settlement (VCDS) will hold their annual awards dinner on Friday, March 21 at the Sterling Hills Golf Club in Camarillo. **Matthew P. Guasco** will receive the ADR Practitioner of the Year award, and **Commissioner Mark Borrell** will be named ADR Advocate of the Year.

Commissioner Borrell’s enthusiasm for the mediation process and encouragement for litigants have been instrumental in promoting and expanding the new, highly effective Small Claims Mediation Program. On February 25, a new expanded version of the program was launched at the Simi Valley courthouse, where a majority of the small claims disputes will be heard on a single day, and all litigants given an opportunity to mediate.

Matthew Guasco has been a prominent, well-respected mediator and arbitrator in Ventura County since 1993. He is a founding member and former chair of the ADR Section. He served on the VCDS Board of Directors for many years, and was Board President in 1999 and 2000. Matt is an Adjunct Professor at the Straus Institute for Dispute Resolution at Pepperdine University School of Law, and conducts numerous trainings related to alternative dispute resolution.

At the dinner, VCDS will present scholarships to two deserving Ventura College of Law students, and **Ventura County District Attorney Gregory Totten** will be presenting, on behalf the ADR Section, a third scholarship to a law student. **Hon. Steven J. Stone** (Ret.) is keynote speaker; his topic is “The Future of Alternative Dispute Resolution.”

For additional information and for reservations, please contact Sandra Rubio at (805) 384-1313 or at [srubio@vcds.biz](mailto:srubio@vcds.biz).

*Hal Kyle is a mediator and attorney practicing in Ventura. He is currently Chair of the ADR Section and on the Board of Directors of VCDS.*

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– will continue to practice federal and state tax litigation, tax collection representation and as corporate counsel, while Mr. Kossoff will continue to practice estate planning, probate and trust administration, and probate litigation. The firm is relocating to 5743 Corsa Avenue, Westlake Village, California 91362. All phone numbers will remain the same. This merger is effective March 1, 2008.

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# Ventura County Trial Lawyers Associations



At its January 29 meeting, **Joel Mark** presented \$1500 from the Ventura County Trial Lawyers Association to the Volunteer Lawyers Services Program and another \$1000 to help support the Mock Trial Program. Accepting the checks were **Matthew Guasco** on behalf of the VLSP and **Judge Kent Kellegrew** on behalf of the Mock Trial Program.

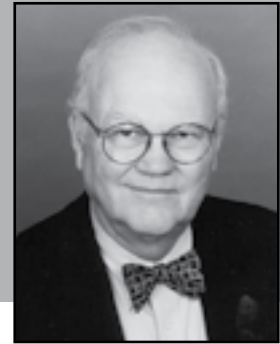


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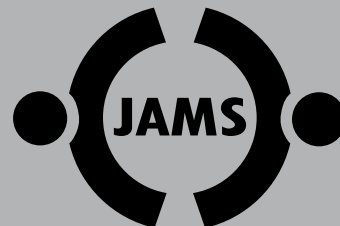
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# My First 5K Race

By Pete Dowler

I ran in the first Law Day run. I know I did, but I'm a little hazy on the details. It was a long time ago.

I remember getting to the event and thinking what a beautiful day it was. Of course, to me any day I didn't have to work was a beautiful day. It seemed like there were a lot of people standing around the sign-up table in street clothes, which meant that they were there just to socialize. I remember thinking that some of these people needed the practice, so that they could be nicer during the week. There was also a large group of runners, including such legal illuminaries as Mike O'Brien, Fred Byshe (who I believe was running with his dog Bear), Rob Sawyer, Ed Whipple (who wanted to put beer at all the rest stops), Al Templeman, Joe Hadden, and Steve Parren.

As I recall, the starter that year was Judge Marv Lewis, who stood around the starting line telling jokes and puffing on a big cigar while the rest of us tried to get ready for our grueling trek.

I believe that there were two races that year run simultaneously, a 5k and a 10k. The 5k runners went around the course one time, while the 10k people had to go around a second time. I remember trying to keep up with a guy who was going somewhat faster than I wanted to, only to find that he was stopping after the first 5k. Needless to say the second 5k was a bit of a strain for me, but I made it. I even managed to win a trophy. Actually, in those days, there was a trophy for just about every legal practice area imaginable. If you couldn't find a category to enter that would give you a trophy, then there was something wrong with you.

After the race most of us stayed around for a long time trading stories, legal and otherwise. Some of them might actually have been true. That's about all I remember about the first Law Day run. The rest of it has long ago faded from my memory.



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

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

Reading of the Month: *Free Lunch*, by David Johnston. (Portfolio, \$24.95) This is a sad piece about how lawyers and lobbyists have wrangled government subsidies for the wealthy... **Jay Leiderman** is the new president of the Criminal Defense Bar replacing a retired **Catherine Duffy**. They gather again March 4 at the Hungry Tiger and Jay can be reached at 654.0200 or jayleiderman@peoplepc.com...

**Natalie Panossian** is president of the newly established Gold Coast Chapter of The Federalist Society. The chapter held a get-acquainted meeting in the middle of February at Lowthorp Richards et al. The principles of the Federalist Society are: "that the state exists to preserve freedom, that the separation of governmental powers is central to our Constitution, and that it is emphatically the province and duty of the judiciary to say what the law is, not what it should be." Natalie may be reached 217.2465 or goldcoastfs@gmail.com. More? www.fed-soc.org... Website of the Month: Overlawyered.com... Galapagos Islands? **Becky McCarthy** at rmcCarthy@pmcslaw.com... Puerto Rico? **Greg Ramirez** at gramirez@wcclaw.com. Belize? **Cheri Kurman** at clk@kurmanlaw.com... Argentina? **Larry Noble** at noble4law@aol.com.

The Barristers, led by president **Kathryn Pietrolungo** and past president **Jessie Cahill**, pulled off the nearly perfect 2008 Bridging The Gap© the last Saturday in January. 76 lawyers received 6 CLEs from Judges **White, McGee, O'Neill (Vince)**, and **Long**. Lawyers **Marc Pachowicz, John Light, Carmen Ramirez**, and **Jim Heiting** provided instruction while Santa Barbara Judges **Jim Herman** and **Denise de Bellefeuille** taught the ethics component.

Lots and lots of help from **Doug Goldwater, Mark Masters, Al Vargas, Aris Karakalos, and Rebecca Bradley** ensured success. Kudos to **Gregg Kravitz**, the **Ventura and Santa Barbara Colleges of Law**, and **Merrill Legal Solutions** for being the major sponsors... From Bill Maher: "R Kelly wrote a song about his problems. It's called, "Heaven, I Need a Hug." I could not make that up. "Heaven, I Need a Hug." The "B" side is, "Christ, I Need a Lawyer."... **Ken Clayman's** retirement party is scheduled for March 21 at the Spanish Hills Country Club. Info? **Jean Farley** at 654.2200 or jean.farley@ventura.org...

From F. Lee Bailey: "The public regards lawyers with great distrust. They think lawyers are smarter than the average guy but use their intelligence deviously. Well, they're wrong; usually, they are not smarter."... From J.R. Solly: "Be frank and explicit with your lawyer. It is his business to confuse the issue afterwards." Top 20 Movie List - Caught, for the 55th time, the last hour of *Shaughank Redemption*. This brilliant piece is already 14 years old and Morgan Freeman won the Oscar. Bob Gunton is one of the all-time evil characters as Warden Norton. Andy Dufresne thinks aloud, "Fear can hold you prisoner. Hope can set you free."... **Angela Lopez** of NCHC is on the Oxnard Boys and Girls Club Board of Directors...

*Steve Henderson has been the executive director and chief executive officer of the bar association and its affiliated organizations since November 1990. Need a head start with March Madness? He may be reached at steve@vcha.org or 650.7599. Henderson reminds readers the 25th Law Day 5K Race is scheduled for May 17 and Rosie Ruiz has signed to participate bringing instant glamour to the spectacle.*

**CDDA Jeff Bennett** and **Assistant County Counsel Robert Orellana** are campaigning for the Superior Court vacancy created when **Judge Bruce Clark** chose not to file his papers again February 7. As Tip O'Neill said, "All politics is local."... The Standing O salute to **Judge David Long** on his last day in CR22 was moving and clearly caught him off-guard. The nearly 70 in attendance each got a hug from the stunned and nearly speechless Long, whose new beat in CR11 started 2.8. Sometimes, it's just a damn fine legal community... From Mae West, *Every Day's a Holiday*: "It ain't no sin if you crack a few laws now and then, just so long as you don't break any."... **Brian Nomi** is the new president of the Ventura County Asian American Bar Association. **Leeton Lee** is the vice-president, while **Kathy Luong** will serve as secretary and **Mark Fang** as treasurer. Board members include **Grace Esnardo, John Fukasawa, Leah Gasendo, Lilian Jiang, Julie Lin, Christine Nguyen, Mitch Noda, Carmen Ramirez, Tina Rasnow, William Short, and Sim Tang-Paradis**. They all may be reached at www.vcaaba.org...

License Plate of the Month: PROFESQ driven by **Roberta Burnette** on a Lexus RX 330... From Peter Cook: "All in all I'd rather have been a judge than a miner. And what's more, being a miner, as soon as you are too old and tired and sick and stupid to do the job properly, you have to go. Well, the very opposite applies with judges."... The Ventura County Legal Professionals Association donated 750 hard-earned dollars to the VLSP, Inc., proceeds made from their annual Bosses' Night last November. Hats off to **Joyce Purvis** and their board of directors... The Trial Lawyers Board of Directors donated \$1,000 to the Mock Trials Competition (Ventura Unified School District) and \$1,500 to the VLSP, Inc. too. Out-going prez **Joel Mark** and new honcho **Dennis Jones** are to be commended... From Charles Dickens, *Bleak House*: "It won't do to have truth and justice on his side, he must have law."... Recommended

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