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CITATIONS

M A Y - T W O T H O U S A N D E I G H T

TRENT AND I WERE SUPPOSED TO DIE

By Justice Kenneth R. Yegan
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PRESIDENT'S MESSAGE

By Matthew P. Guasco

I spent spring break with my family in Washington, D.C. It was my first visit to the nation's capital, and I was impressed – indeed, awed – by the grandeur and history of the place. The monuments, the Capitol building, the White House, the memorials, the Supreme Court, the Library of Congress, Arlington Cemetery – in each of these places I felt connected to the essence of being American, of being a citizen in a nation that has achieved and suffered, failed and triumphed in its 232 years. Imperfect though we have been at times, we remain a vibrant, powerful democracy governed by the rule of law.

The picture is of me on the steps of the Supreme Court. It is an austere, Romanesque temple, which bears the words “Equal Justice Under Law” above its sandstone columns. The interior of the building is marble, very cold, white, and Spartan. Impossibly high ceilings loom overhead, giving visitors a feeling of insignificance. There is something imposing about the highest court in our nation of laws, not men. On one hand, as an appellate lawyer, I felt a special connection to this temple of law. On the other, the architecture and furnishing of the Supreme Court promote separation: from people, from the world around it. I suppose this symbolizes the independence of the judiciary, an important component to the fair, impartial and neutral administration of justice. But I could not help but wonder if this remoteness sometimes results in the Court being separated from reality, from the effects of its rulings on ordinary people.

As I experienced these conflicting feelings, I toured the visitors section of the Court. I saw the portraits and statues of some of the greatest legal minds and constitutional scholars of their generations. Regardless of the way history views them, these individuals were gifted with something that lives at the heart of the rule of law: adherence to reason based upon legal analysis. We sometimes forget the significance of this gift. The American experiment depends on adherence to laws created by the elected representatives of the people, laws interpreted and implemented by the federal and state courts. These members of the Supreme

Court, and many other lawyers and judges whose portraits grace no marble walls, have contributed greatly to what is now our settled and accepted tradition of the rule of law.

It remains for all of us – lawyers and judges alike – to fulfill the promise to provide “equal justice under law.” It is not enough to erect temples to this principle. Instead, we must act to make sure that justice is truly equal. I am reminded of a saying by the French writer, Anatole France: “The law in its majestic equality forbids the rich as well as the poor to sleep under bridges, to beg in the streets, and to steal bread.” The burden of the law frequently falls heaviest on those least able to bear it – those who are not wealthy. This social category does not belong exclusively to the poor; these days, many in the middle class find it impossible to pay for the legal representation necessary to achieve “equal justice under law.” The benefits of the law – typified by access to legal representation and the courts – are most readily accessible to the wealthy.

So what can we do to provide “equal justice for all?” First, each of us must make a commitment to provide legal services to those in need. Some may require free services, others may simply need to pay less or over time. The Ventura County Bar Association, through the Volunteer Lawyer Services Program, is working hard to recruit and assist our members to make legal services – access to “equal justice under law” – a reality, not an idle aphorism.

Second, we must support the vitally important work of public defenders and alternative defense counsel. One of the great triumphs of Supreme Court jurisprudence is *Gideon v. Wainwright* (1963) 372 U.S. 335, which held that the state must provide an attorney to a criminal defendant if he or she is unable to afford one. This right, which attempts to ensure “equal justice under law,” is an empty one if criminal defense counsel are not adequately funded. Lawyers and judges must stand up for this vitally important guarantee of “equal justice under law” even if to do so is politically unpopular.

Finally, we must support the appointment of qualified men and women of diverse backgrounds to the courts and ensure that the courts have the resources they need to function properly. The courts of California, under the leadership of the Administrative Office of

the Courts, have done a remarkable job with the resources they have been given. Yet too many courts are understaffed, and still others are desperately in need of reconstruction and expansion. If the courts cannot hear cases in a timely manner with qualified judges and staff in a safe and secure environment throughout the state, then we have not provided every Californian with “equal justice under law.” Pushing more cases to private or court-connected ADR is not an appropriate substitute for a properly funded and functioning judicial system.

I left Washington, D.C. with a renewed sense of pride and purpose. Being a lawyer in America is an honor and privilege. It also carries a responsibility to ensure “equal justice under law.” We are all temples to this principle to the extent that we live it each day.

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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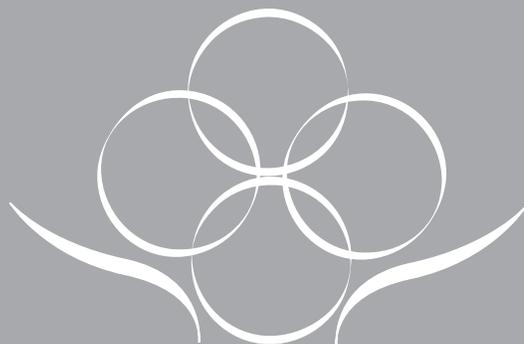
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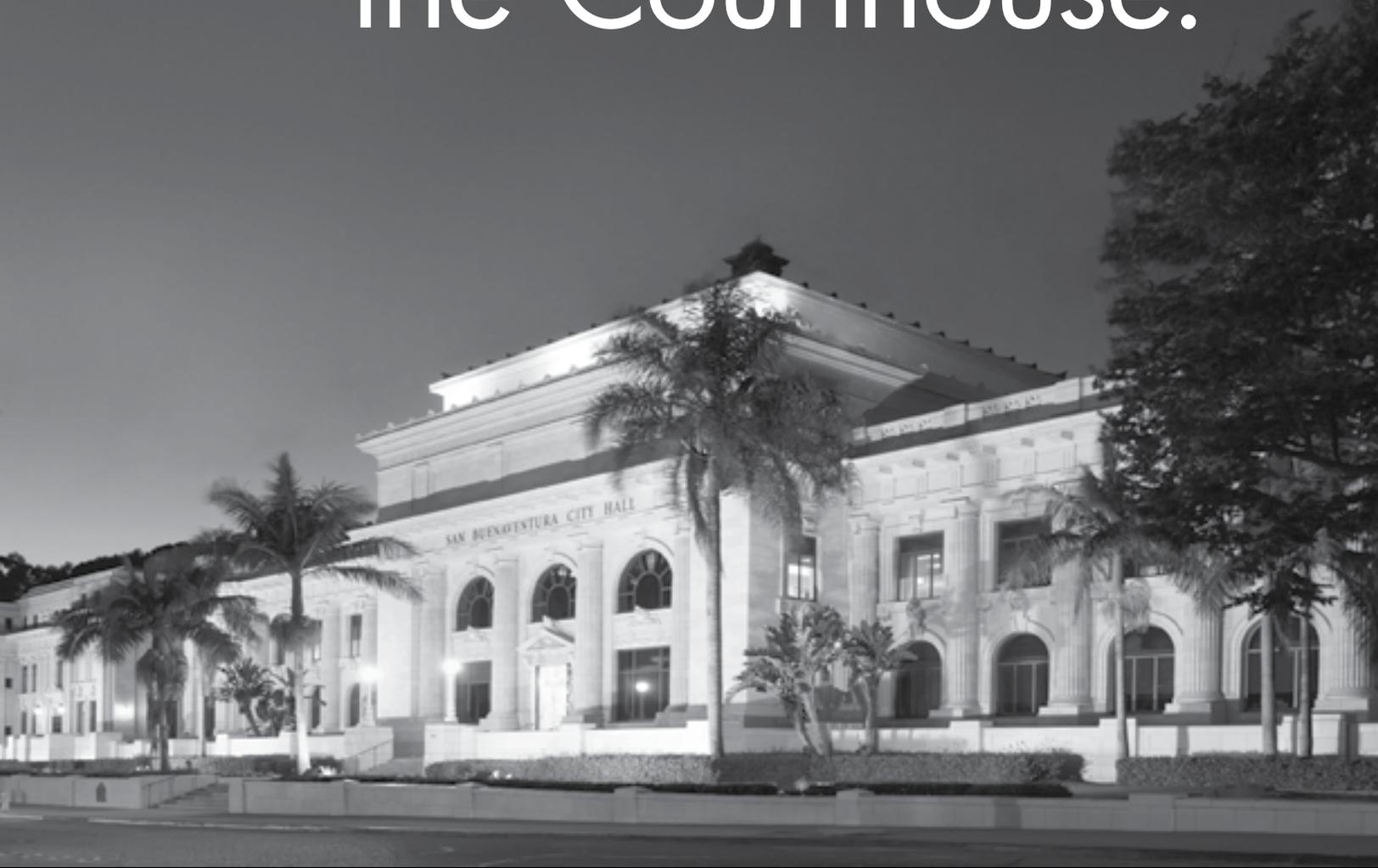
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TRENT AND I WERE SUPPOSED TO DIE

By Justice Kenneth Yegan

I was supposed to die in 1965. Trent was supposed to die in 1994. We did not die.

Chronologically, this story starts in my senior year in high school. I was captain of the varsity swim team. I wanted to go to the United States Air Force Academy but I could not pass the physical examination. Seems as though my heart waves are opposite of everyone else's heart waves. When the technician/nurse at Castle Air Force Base near Merced, California saw the waves, he checked all the electrical leads on my chest, remarking that he must have made a mistake in hooking me up. I wasn't worried. He ran it again with the same result. The next thing I knew, there were half dozen technicians/nurses and doctors hovering around me. They ran it several more times with the same results. That's when I started to worry. My mother was brought into the room. The chief doctor explained that I had flunked the physical, would not be going to the Air Force Academy and that I should immediately see a cardiologist. My life was about to change. My mother cried the entire trip back to Fresno. She was so distraught that I had to do the driving.

A Constant Preoccupation with Death

I spent the next several months in doctors' offices, lots of doctors' offices. My swim coach, who taught biology, accompanied me on one such trip and got into an argument with one doctor, protesting that no one who could swim like I could swim could have heart trouble. The doctor told him that he was awfully cavalier with my life. I can remember this like it was yesterday. The doctor asked Coach if he wanted to take personal responsibility for my having a heart attack while in a race and dying at the bottom of the pool. My coach did not appreciate this comment. This was the first time a doctor had expressly mentioned the word "death." My mother was still crying. This doctor told me that my swimming career was over and that I should lead a sedentary life. I was in denial and did not accept the notion that I was going to die of a heart attack. But I did not know how to explain the opinions of the doctors who thought that I was going to die. I could not just ignore their opinions.

For the next several months, I couldn't sleep. I thought if I stayed awake, I would not die of a heart attack in my sleep. I would lay in my bed looking at the ceiling and listening to my heart beat. Doctors had asked me if I was "aware" of my heart. I had no idea of what they meant but lying there looking at the ceiling, I became "aware" of my heart. If you think you have a heart defect, you become aware of it beating as you look at the ceiling.

This constant preoccupation with death was pretty scary for a teenager. All of my teachers were suddenly interested in my health, as each had been warned that I was about to have a heart attack in class. Next to my name in the grade books were the letters, "HT", shorthand for heart. I figured out pretty quickly that that meant I was at risk for collapse in the classroom. Classmates were offering to carry my books and people looked at me as if they were going to witness my last breath. I felt so alone. No one seemed to understand that I was alive. They only understood that I was about to die.

There Are No Guarantees in Life

Well, we finally went to a heart specialist in San Francisco. This was a somber trip and the whole way, I was waiting for the last shoe to drop, i.e. that he was going to tell me I had two weeks to live. The doctor gave me all of the standard tests. We talked for quite a while about my activities. This was a long time ago, but I distinctly remember him telling me that even if he gave me a clean bill of health, perhaps I should not risk a short life for the pursuit of athletics. Well, a couple of weeks later, he sent us a comprehensive report. In the intervening time, I don't think I slept at all. The bottom line of the report was that there were no guarantees in life and that in his best medical judgment, my heart was normal for me but compared to others, was abnormal. Even at age 17, I did a quick English to English translation: I was back on the swim team. I graduated from high school and went to the University of California at Santa Barbara where I enjoyed a successful three years on the varsity swim team.

A lot has transpired since I was supposed to die in 1965. I have had a pretty normal life. But, for several years I kept thinking about all of my doctors who predicted my death by heart attack. Maybe my doctors were wrong.

Trent on a Leash

I met Trent about two years ago. He was twelve years old and weighed about 45 pounds. The doctors were not wrong about him. He needed a heart transplant in the first year of his life and time was of the essence. I guess for a short while, he died when his old heart was removed and his new heart was not yet "hooked up". So even if he died in 1994, he was reborn a few minutes later.

Trent was enrolled at ski school at Disabled Sports Eastern Sierra at Mammoth Mountain California. This is an incredibly worth-while non-profit organization which teaches skiing and snowboarding to disabled children and adults. I have been a volunteer for several years. I had seen Trent in the program but I had not taken him out on a lesson. One night while having dinner with a friend, I saw him and his family. I walked up to him as he was playing a game of pool. I asked him how he was doing. He was taken aback. Maybe his mother told him not to talk to strangers. Then he saw my Disabled Sports baseball cap and he lit up like a Christmas tree. I told him that I would like to go skiing with him sometime. He said that would be fine. He has a sweet disposition, a good attitude, and is quite intelligent.

The next day, I went out with Trent as a secondary instructor. We were on Sesame Street, an incredibly flat beginner run. Trent was on a leash, pretty much a rope which secured him to the primary instructor so that he could not get away. He viewed the leash as a lifeline, a security blanket. He was afraid that if he got going too fast and hit a tree, he would have a heart attack and die. I could identify with his feeling of vulnerability to heart attack. I watched him quietly for several runs as he cautiously made his way down Sesame Street. I said to myself: I wonder if this kid lays awake at night thinking he is going to die if he falls asleep. I wonder if he is "aware" of his heart. I wonder if doctors were telling him that he was going to die. I did not put these questions to him.

I knew he could ski without that leash. He just needed some gentle persuasion. So on the next chair ride up, I told him that he didn't need the leash and that I could out-ski him and stop him if he got into trouble. He got real

quiet. To say he was not persuaded would be an understatement. His look of quiet turned into a look of fear. I said, "Trent, I have not lost a student yet and you are not going to be my first." I could see that I had given him some confidence and perhaps he viewed me as his lifeline, security blanket.

Then, with the permission of the primary instructor, I explained that I would ski backwards in front of him while he would ski forwards. He could keep the leash on and the primary instructor could hold onto him from behind. I did not give him a chance to debate. I just got down, pulled on the tips of his skis, got him into a wedge, and kept telling him to keep his weight on the downhill ski. He was so light that I could shake his ski tip to show him which ski was the downhill ski. We soon developed a rhythm and before you know it we were riding up the chairlift again. I said, "Trent, you know that the leash is dragging behind and the other instructor is just letting it go limp on the ground." He looked at me in disbelief. When the primary instructor agreed, he agreed to remove the leash altogether. He actually threw it on the ground as if to say: "I no longer need you!" This was a major breakthrough for a young man who wanted to establish his skiing independence. This also was a significant in the bigger picture, he was establishing his independence in life.

We did several more runs in this mode and each time, I would remove my hands from the tips of his skis a little more and a little more until he was just skiing toward me while I was skiing backwards—nice slow controlled turns in a wedge. You should have seen his face. I will never forget his smile. He was so proud and I was proud of him too.

We have been friends and ski buddies ever since. He is now out of his wedge and is on the verge of consistent parallel turns.

Trent and I did not die. That we found each other at Disabled Sports Eastern Sierra seems serendipitous: Two kids, one who was told that he would die if he continued to pursue competitive swimming; one too young to be told anything, but obviously in acute danger

Continued on page 10.

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of death by heart failure. I may have taught Trent how to be an independent skier but, unknown to him, he has taught me and the other Disabled Sports volunteers a great deal about life. His disability is something that he lives with everyday. He is on a life-long regimen of medication for his heart and he has other health issues as well. He is about one half the size of a normal teenager and this has created some other issues which he has learned to conquer.

Courage Beyond Description

Through it all, he is a wonderful young man with a sweet disposition. He has courage beyond description for which there should be a gold medal. That he is able to cope with these issues in a cheerful way makes me ashamed of myself when I complain about little problems in life that, at the time, seem overwhelming. Teaching Trent to ski, helping him to deal with his health issues, and helping him to be independent in life, puts my life in perspective. Volunteering in the Disabled Sports Program is therapeutic for the student as well as the instructor.

Trent and I just skied together for three days. We are now skiing off of Thunderbound Express, Broadway Express, and Stump Alley Express. These lifts lead to challenging intermediate level runs. Next year, he faces new challenges as he starts high school. All of the instructors at Disabled Sports, Eastern Sierra have a special place in their hearts for our little buddy. By the way, he is fond of chocolate milk, especially the chocolate milk from Starbucks. He has gained weight and stamina. Best of all, he has gained confidence in life. Trent and I are going skiing again in a couple of weeks.

Kenneth R. Yegan is an associate justice of the Court of Appeal, Second District, Division Six.

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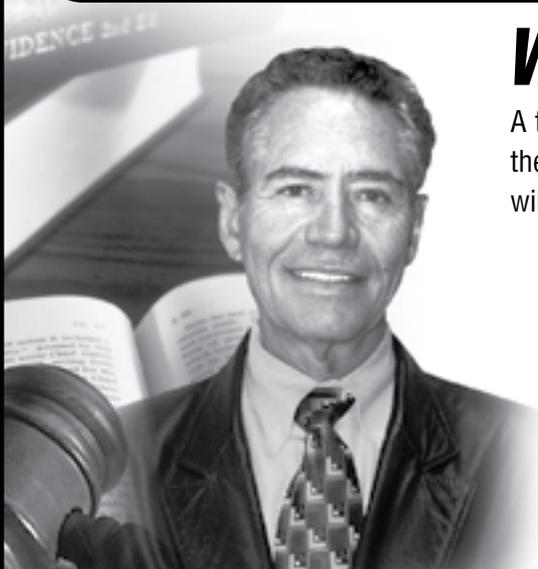
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LETTERS TO THE EDITOR

Dear Colleagues,

It's really hard to believe that these three years have gone by since I filed my nominating petition to run for the State Bar Board of Governors as the representative from District 6.

At that time James Heiting from Riverside was our representative. He and Jim Herman, former representative from Santa Barbara County, went to bat for me to make sure that the organized bar in the Inland counties, Riverside and San Bernardino, honored the agreement between the five counties of District 6. Those counties are San Luis Obispo, Santa Barbara, Ventura, Riverside and San Bernardino. And so they did, despite the candidacy of a Riverside County attorney.

This year it's the turn of San Bernardino County, and the candidate supported by that Bar is Bryan C. Hartnell. In order for our county and all of the other counties of our district to have a chance at representation, it is essential that our agreement be honored. The only way ultimately is for our bar members to support the agreement and vote this year for the candidate from San Bernardino. Bryan Hartnell has long been active in the local San Bernardino Bar activities and comes highly recommended to us.

I therefore sincerely request that our Ventura County bar members support his candidacy and vote for Bryan Hartnell when you receive your ballot from the State Bar of California. Ballots will be mailed on April 30 and you will have until June 30 to vote.

In closing, it's been a great honor, a lot of work and many miles traveled to have represented the attorneys in this district for the past two and a half years at the State Bar level.

I'm not done yet, however, and will remain your representative until the annual meeting which begins on September 25 in Monterey. Get in touch with me about any of your concerns.

Carmen Ramírez
District 6 Representative
State Bar Board of Governors

Publisher's note: At its April meeting, the VCBA Board of Directors voted to support Mr. Hartnell's campaign.

Dear Editor,

I went to Cuba in 2004 with fifteen boys and fifteen girls and about ten adult escorts. We were on a water polo trip from Pepperdine University, and played the Cuban National A, B, and C teams.

My impressions were many, and more often than not, different than the recent local law group trip. Cuba is just like any other dictatorship, and words like totalitarian and repression come to my mind.

The population receives about one meal a day, so of course there is no obesity. But there is hunger.

Most people are busy on the streets trying to hustle an American dollar outside the Cuban dollar system. The Cuban dollar is worth about one cent.

Many Cubans hate the government. Fidel is referred to as "El," because people hate him so much they will not use his name.

What I am talking about is hate and rage. It is there in some people under the surface.

We went to the beach closest to Havana, the one closest to Florida. That beach had armed guards in towers along the water line, and armed fully clothed guards patrolling the beach. When I took a half-mile swim along the beach, the guards became very concerned. What I sensed among some of the people in this beach area was a feeling of active revolt.

My son bought some cheap manufactured cigars on the street in the black market, not the expensive hand rolled Havanas. My son was held

in the fortress jail near the harbor that is more like a prison for four hours, for "interrogation." The next day his "deposition" took another four hours, to eventually prosecute the vendor. The vendor received six months at hard labor, and a fine equivalent to three months wages. We were able to leave the country at the end of our tour. The message is don't interfere with Cuba's cash economy.

The Cuban economy is cash poor, because its leaders arm the country to the teeth. The nation was able to feed itself in the past, but now tries to raise mostly a cash crop, sugar, to buy more guns.

When the Russians left in the early 90s, Castro opened up the country to tourism for cash income. All to arm his island to the teeth.

A Cuban boy water polo player at the National Sport Housing about age sixteen told me he was going to law school. He was very proud that the government had selected him for this job. But something was missing in his pride, self-determination. When there is no freedom of choice, there is no society of laws.

Our government is not helping the people of the nation with its embargo. That should change.

I could go on, but I did like the beaches, people, geography, and culture. I would like to visit Santiago in Eastern Cuba, but there are no water polo trips going there. Santiago is supposed to be like Havana, but a bit more lively. Sign me up for that trip!

Very truly yours,
Robert Owens

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2008 CONSERVATORSHIP LEGISLATION UPDATE

By Kendall A. Van Conas

As part of its continuing effort to drive every conservatorship attorney out of the practice, the California Legislature enacted another slew of new laws effective in 2008. For those brave souls still willing to practice in this area, following are summaries of just some of the new (and amended) laws that will affect you. As with any summary, the reader is cautioned to review the legislation (AB 1727) and the specific code sections.

Qualifications for Court-Appointed Attorneys (\$1456)

Directs the Judicial Council to adopt a rule specifying the qualifications of attorneys appointed to represent a conservatee, proposed conservatee, ward or proposed ward. The Judicial Council adopted rules, beginning at California Rules of Court 7.1101. Beginning *March 1, 2008*, each appointed counsel must certify to the court that he or she meets those minimum requirements before becoming eligible for appointment. And yes, there is a mandatory Judicial Council form, "Certification of Attorney Concerning Qualifications for Court Appointment in Conservatorships or Guardianships," GC-010.

Court Oversight of Timeliness of Filings (\$1456.5)

Requires the court to ensure compliance with the filing requirements for the inventory and appraisal, and accountings. Ventura County was ahead of the curve on this, and began setting due dates for the filing of the general plan, inventory and appraisal and first annual account some time ago. Ventura County also now includes the filing deadline for the 60-day evaluation. For those of us who neglect to anticipate those dates in our proposed orders, an attachment that can be used for that purpose is available in the courtroom.

Amount of Bond (\$2320)

Requires that the bond include a reasonable amount for the cost of recovery to collect on it, including attorney's fees and costs. The Judicial Council adopted CRC 7.207, which sets out a schedule. The increased amount is included in the initial bond for conservators appointed on or after January 1, 2008; for a conservatorship established before that date,

the increased bond must be in place no later than *June 30, 2008*.

Increased Amounts to Qualify for Waiver of Account (\$2628)

The Legislature has finally arrived in the mid-20th century, increasing the amount of property that a conservatorship estate can hold and still obtain a waiver of account. Dispensation of the requirement to account can now be obtained if the conservatorship estate (exclusive of the conservatee's residence) has a total net value of less than \$15,000, and if monthly income (exclusive of public benefits payments) is less than \$2,000.

Exercise of Additional Powers Without Court Order (\$2451.5)

Grants powers a conservator may exercise without court order. Upon appointment, a conservator now has the power to contract for the conservatorship, purchase tangible

personal property, and employ professionals to advise and represent the conservator, including an attorney, accountant, or investment advisor. The conservator may also operate a business or farm for 45 days after issuance of the letters, without court order.

Coming Next Month:

- **Changes in Temporary Conservatorships**
- **New Accounting Formats**
- **Sales of Conservatee's Personal Residence**



Kendall A. Van Conas
is an attorney with *Arnold, Bleuel, LaRochelle, Mathews & Zirbel, LLP* in Oxnard.

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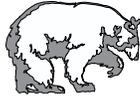
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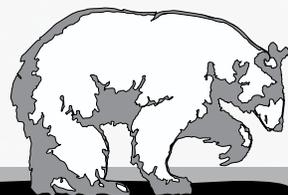
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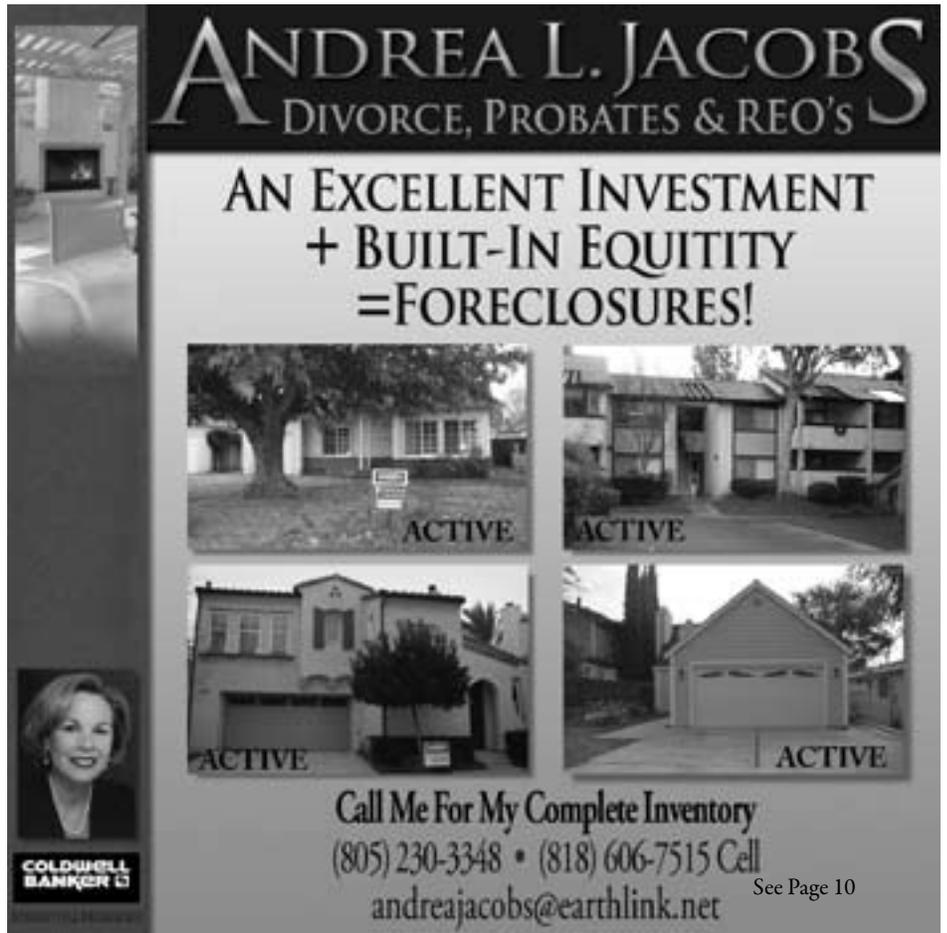
EAR TO THE WALL

Procter, McCarthy & Slaughter, LLP, one of the largest litigation law firms in the tri-counties, is pleased to announce that former partner, **Barry Reagan**, has rejoined the firm. **Becky McCarthy**, a co-founder of the firm and long time partner, has announced her intention to practice part-time. The firm will become **Procter, Slaughter & Reagan, LLP**, effective April 1, 2008, at which time Ms. McCarthy will move to Of Counsel status with firm. 789 S. Victoria Ave., #305, Ventura 93003-5419, 805-658-7800.

Van Sickle & Rowley, Attorneys, LLP is pleased to announce the opening and relocation of its West County offices to 877 So. Victoria Street, Suite 216. The new space is located directly across the street from the Ventura County Government Center, making it convenient both for the attorneys and their clients. The West County office continues to be managed by attorney **Amy Van Sickle**. Associate Attorney **Rein Perryman** will also work out of this location. They can be reached at (805) 642-0374 or (805) 652-1200.



Past issues of CITATIONS may be found under "membership resources" on the bar's website at www.vcba.org.

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HIGH SCHOOL LEADERSHIP ACADEMY

The Community Services Department for the City of Ventura is embarking on a pilot program called the High School Leadership Academy. The Academy is intended to provide under-represented high school students with leadership skills, career hands on training, team building and service learning opportunities within their community. One of the components of the program includes the students participating as interns in a field where they have expressed an interest. Students receive class credit for their time.

The Community Services Department is looking to partner with local firms willing give students some exposure to the legal field. Tasks given to the intern could include any activity within a law office from filing and answering phones, to simply allowing the intern to shadow a lawyer or paralegal during the course of their day. There is currently one student in the program who would like to learn more about a career as a lawyer. The student is available a couple of days a week for a 3-hour window of time. Anyone who is interested in learning more about the program and/or participating may contact Sonia A. Hehir, Assistant City Attorney (805) 654-7816 or Mario Robinson, Program Director, at (805) 654-7807.

BARRISTERS DARTS NIGHT



Yet again the Barristers have disproved the long-standing legal community myth that attorneys have no social skills. Social was the order of the hour at the recent Ventura County Bar Association Barristers Dart Night at the Victoria Pub. Fun-loving Barristers and friends gathered for an evening of Ps and Qs with a very competitive Dart tournament (you thought the Qs were quarts? Wrong, Q is for quiver, as in a "quiver of darts").

As a Barrister-to-be myself, I long for the day when I too can drink freely and throw darts without the supportive and watchful omnipresence of my supervising attorney. Having suffered my way through the February Bar Exam in Ontario, I was more than happy to spend the evening trying to figure out which ale on the menu is least likely to lead to a violation of the California Rules of Professional Conduct. Funny, all of the choices seemed like they were incorrect.

As the night wore on the conversations grew more colorful, our wits grew sharper, and our barbs were accurately slung, all in the hopes of taking home one of the coveted trophies graciously provided by Barrister **Christina Stokholm**. It looked like our own VCBA **Executive Director Henderson** was going to have to roll up those perfectly starched sleeves to beat out **DA Taylor Waters**. Alas, Mr. Henderson bowed out before the competition ended, and Waters proudly took home the first place trophy. Word has it that there is a local group of DA types who routinely meet to practice their throwing skills (litigators: is there a nexus here?)

For those who can't wait for the next Dart Night to compete, the Barristers have just announced their latest social event: Barristers Bowling Night at a local venue soon. And for the thirsty set hungry for spirited conversation, Barristers will be hosting a "Thirsty Third Thursday" networking event every month. Watch these pages for the venue.

Ed Elrod is a Fall 2007 graduate of Ventura College of Law, expecting Bar results on May 16.

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PRO-BONO HIGHLIGHTS

By Verna R. Kagan

We recently received the following letter from VLSP client K.C.:

Dear Ms. Kagan,

This Letter is with heartfelt thanks and gratitude to you, the Help Center at the Ventura County Court, and the Ventura County Bar Association. You showed my husband and me courtesy and gave your valuable time to explain the workings of our judicial system and the meaning of the slander action that was recently brought against me.

After reviewing D. v. C (a pro per suit filed by our soon-to-be ex son in law), you explained why we shouldn't represent ourselves. In your words, "it would be a train wreck." You explained the meaning of pro bono and assured us that you would try your best to get an attorney within your Association to help us.

The next day you contacted me and had me call an attorney in Westlake Village by the hard-to-pronounce name of Terence Geoghegan.

In the middle of December, we walked into his office completely devastated by this action and walked out with full confidence that we had the best representation money could pay for. That he was taking the case pro bono did not appear to enter his mind.

Two months later he gave me a great Valentine: a dismissal with prejudice of the action against me. I know "dismissed with prejudice" means gone forever and pro bono means for the public good. I also know that his total pay was my "Thank You." You should be proud to have a gentleman of his quality and knowledge in your Association.

Sincerely,
K.C.

When a letter like Ms. C's arrives, it makes the frustration and struggle worthwhile. It is by far the most gratifying part of the pro bono experience.

I would like to add my sentiments to Ms. C's: a big *thank you* to Mr. Geoghegan for helping our program with this matter so enthusiastically. I would also like to thank Carolyn Tulberg, whose diligence and persistence helped clear this case from our office in just two days.

This is also a good time to thank all the pro bono attorneys who dedicate time and effort to our applicants, who otherwise could not afford legal assistance without our help.

Verna Kagan is the VLSP Senior Emeritus Attorney.

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Law Day 5K Race: The 25th Anniversary

By Joe Strohman, Race Director

www.lawday5k.com



On May 17, 2008, we celebrate the 25th Anniversary of the Law Day 5K. I've been there all 25 years as either a runner or race director. Here's a little race history from my recollection and **Steve Henderson's** historical research.

I came to Ventura in 1983 and remember **Fred Bysshe** telling me about a "new" 5/10K Race taking place that year. That was when I was in better shape and actually ran in the race. That year we had a big crowd of 150-200 runners and both a 5K and 10K race.

Genie Gable of Noon & Pratt Court Reporters conceived and organized the race that first year. Genie awarded large "revolving trophies." The winner each year had his or her name engraved on the trophy and all trophies were returned and reused each year. Runners like **Rob Sawyer** and **Howard Asher** took pride in winning back the trophy each year. We retired the trophies around 2000.

After the first year, Genie said the race was a lot of work and asked for help from the Ventura County Bar Association. **Phil Moncharsh, Justice Steve Perren, Donna DePaola** and I formed a committee in 1984 to help out.

In 1985, the race committee included **Greg Totten, Phil Moncharsh, Donna DePaola, Robert Owens, Terry Ayala, Gigi Keller, Karen Kurta and Carol Shively**. Later, **Irene Abbey** of Noon & Pratt (later Corpus Juris) was a key sponsor. Irene was a hard worker and valuable committee member for many years. The Ventura County Legal Professionals Association and Ventura County Paralegal Association have provided race volunteers

every year and have made a major contribution to the race.

For years, **Greg Totten** and I used to "chalk the course" the day before the race. **Dave Cunningham, Doug Kulper** and my daughters **Olivia, Hannah and Marie** performed this task for years as well. A police officer once pulled over and questioned me at length about marking up the sidewalks.

The race budget in 1988 was \$1,319, generating a profit of \$168.18. We have done much better over the past ten years. Since 1998 the race has contributed over \$30,000 in proceeds to the VCBA's Volunteer Lawyers Services Program. We hope to raise more in the future.

The most significant evolution the race has experienced is the corporate underwriting. We started in 1993 with PATRONS who paid \$100 to have their names on the shirts and help increase revenue. Those original 11 are a who's who in the Ventura legal community. Also, Lawyers' Mutual, as the primary benefactor and lead race sponsor, generously donates \$2,500



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each year. About 20 other businesses and firms provide either cash or in-kind services. We now have loads of raffle prizes and giveaways at the race. Take a look at our race flyer for all of the sponsors who make the race possible.

After 25 years, some things are predictable, but others occur simply as surprises and glitches. One year, despite the clear markings, five or so runners took a “big” wrong turn and ended up at the finish line ten minutes early. I was just thankful no one else was following them.

There have been freezing conditions, fog and rain. But usually we get those great sunny May mornings perfect for a run. We’ve had religious debates, too. For years the race was held on Saturday. In an effort to try to attract more runners, we moved to a Sunday in 1989. Several lawyers voiced their objections to a Sunday race. Several years ago we switched back to Saturday.

We’ve had pancake breakfasts and bbq’s. We’ve had live bands (Old Country Trio Plus One) and a DJ (Big Ed). Yes, we have had some really fast runners. The 5K course record was set in 1987 by **Jim Tripplett** at a blistering time of **14:54**. **Gary Tuttle** and his wife **Ruth** have jumped in the race many years and usually push the pace.

Virtually all walks of life have participated in our event over the years. Judges, lawyers, police officers, legal secretaries, high school and college students, and the legal community. We promote countywide and now nationwide, but the vast majority of participants have a legal connection. It is still great to see entire families appear, run and have fun. The race has always been a fun family event. **Judges Back, Bysshe, Cloninger, Cody, Curtis, Kellegrew, Long, McGee, O’Neill, Reiser, Johnson, Lewis, Hadden** and **Young** have crossed the finish line. **Justices Stone, Perren, and Yegan** as well. I don’t really know if anyone has made all our races. I do know there are some automatics. **Wendy Lascher, Bart Bleuel, Howard Asher, John Scoles, Joe O’Neill, Rob Sawyer, David Cunningham, Don Hurley, Mike O’Brien, David Praver, Joe Hadden, Dennis LaRochelle, Susan Siple, and Amy Albano.**

Inside Track and **Gary Tuttle**, and now new

Continued on page 26.

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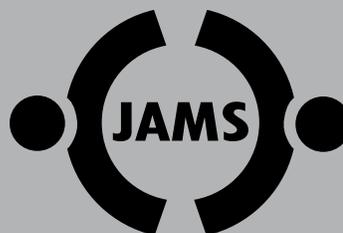
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Law Day 5K Race The 25th Anniversary

Continued from page 25.

owner **Josh Spiker**, have been with us for twenty-five years as the official timer and supporter of the race. **Judge David Long** has been acting as Master of Ceremonies for many years and has become a welcome race fixture in that role.

I would like to acknowledge the race committee this year. They are: **Cyndi Adams, Steve Blum, John Cross, Alice Duran, Barbara Gutierrez, Doug Kulper, Kathi Whalen, Oliva Newton, Rick Rabbin, Don Zrehigan,** and **Joe Wells**. Our lead bike cyclist is again **Bart Bleuel**. The starting official is **Genie Gable**, the 5K Founder.

The 25th Annual Law Day 5/10K Race Walk is **Saturday, May 17, 2008, beginning at 8:30 a.m.** at the County Government Center. You can run or walk the 5K and join your kids for the 1 mile fun run which follows. This race has great raffle prizes, gifts and lots of good food. Our race is considered by many to be one of the best in the County. We think it **is** the best in the County.

Registration materials are available at our new website created by **Bret Anderson** of our firm. The web address is www.lawday5k.com. Registration flyers are also available in CITATIONS, or call the bar office at 650-7599. Please come and join us for the 25th Annual Law Day 5K. See you at the starting line.

GOT STORIES?

- Electronic filing horror stories?
- Who's making the decisions - Judges or Research Attorneys?
- Restaurant reviews.

Contact Wendy at wendy@lascher.com



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Procter, Slaughter & Reagan, LLP, is pleased to announce that former partner, Barry Reagan, has rejoined the firm. In addition, Becky McCarthy, a co-founder of the firm and long-time partner has announced her intention to practice as part-time Of Counsel.

Mr. Reagan, who has resided in Ventura for more than 20 years, graduated from Pepperdine School of Law in 1991. He specializes in providing general counsel and litigation services to a variety of clients, emphasizing in the representation of homeowners' associations. He has an active insurance defense practice and will be one of the firms lead trial lawyers.

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Experienced legal secretary -Ventura's premier law firm is seeking a full-time experienced legal secretary to handle all types of civil litigation. The applicant should be familiar with WordPerfect, Amicus, Legal Solutions and similar legal programs, and know civil filing and service deadlines. Responsibilities include transcribing dictation, preparing pleadings and discovery, finalizing documents, calendaring, setting appointments, etc. Send résumé and salary requirements to AViets@normandowler.com.

Legal secretary for 3-lawyer firm - Pleasant downtown office focusing on litigation needs fulltime, cheerful and efficient person to replace a valued employee going back to college. WordPerfect, Time Matters, Quickbooks experience preferred. Please send cover letter, including salary requirements, and résumé to john@wilner.biz.

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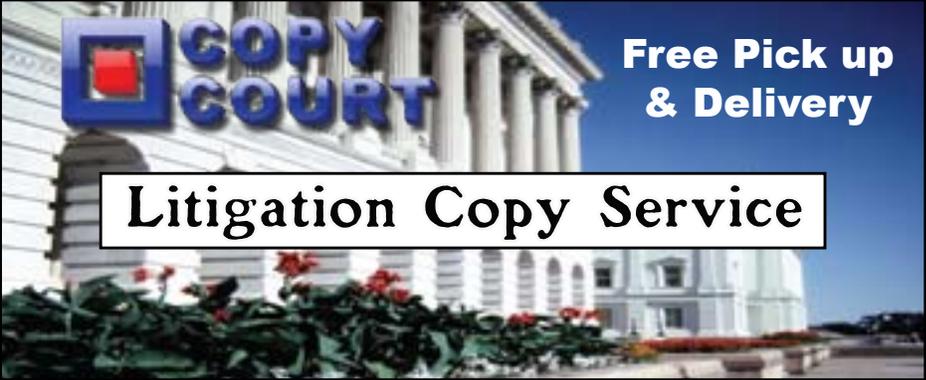
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Tina Rasnow's last day at the Self Help Legal Access Center is November 30. She was hired by the court in 1997 and opened the first SHLAC in February '08. Perhaps she will hang around a bit longer to help out through the holiday season. She will indeed begin her work as an Emeritus Attorney with the VLSP, Inc., beginning in 2008. Tina will work with our Senior Emeritus Attorney, **Verna Kagan**, and the horde of 11 other EA's Verna manages...From President Theodore Roosevelt: "Many of the most influential and most highly remunerated members of the bar in every center of wealth make it their special task to work out bold and ingenious schemes by which their very wealthy clients, individual or corporate, can evade the laws which are made to regulate in the interest of the public the use of great wealth."...Check out the glossy Law Day 5K website designed by **Brett Anderson** of **FCOPLaw** – www.lawday5k.com. Thanks, Brett for single-handedly upgrading an already near perfect event...

Alaskan cruise? **Don Hurley** at don.hurley@ventura.courts.ca.gov. Vietnam? **Jerry Cline** at gcline@sprynet.com. Prague? **Kate Neiswender** at kmn@inreach.com. China? **Joel Mark** at jmark@nchc. Australia? **Richard Hanawalt** at attorneyhanawalt@sbcglobal.net... From Charles E. Sherman: "Lawyers may often do well, but not often by doing good...even when they try."...Who attended baseball's Opening Day ceremonies at the Ravine? **Jon Light**, **Carmen Ramirez**, and **Rob Sawyer**...From Honoré Daumier: "My dear sir, it is quite impossible for me to take on your case – You lack the most important piece of evidence – evidence that you can pay my fee!"...BYU Alumni Association will be presenting the

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

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

Brigham Young University Singers on Friday May 2, at 7:30 p.m. at Ventura High School. The BYU Singers will be singing in honor of the late **Judge John Hunter**, who passed away in November of last year...**Stuart Nielson** started with the **Arnold, Bleuel et al.** April 1 after a year-and-a-half with pops, **Lindsay**... The 4.15.08 edition of The Daily Journal featured an article about **Judge Glen Reiser** and the *California Case Management System* - one trouble is, the two accompanying photos (one on the front page above the fold) were of **Judge Kent Kellegrew**...

250-plus legal types attended the retirement soiree for **Ken Clayman** at Spanish Hills March 21. Plenty of faces from both sides of the aisle including **Greg Totten** and **Mike Bradbury** to **Gary Windom** and **Jorge Alvarado**. **Judges Steele, Back, Long, White, Perren,** and **Kellegrew** were present. Ken was genuinely moved. Short speeches saved the night while Roger Cossack presented a slide show with a personal touch. Lois Capps' aide called Ken "Keith" and that was funny...The East County Bar Association has announced its new officers for 2008. **Roberta Burnette**, President; **Matthew Hicks**, Vice President; **Nancy Goldstein**, Treasurer; **Marge Baxter**, At Large; and **Gordon Lindeen**, At Large...Over 30 lawyers participated in the first Annual Barristers' Dart Night held March 20 at the Victoria Pub. Board member and **DDA Taylor Waters** took home the hardware by easily whuppin' the field. Pictures and more at <http://groups.google.com/group/vvcba-barristers?hl=en>...

Joe Strohman will be directing his 25th Annual Law Day 5K Race on Saturday, May 17th. It just also happens to be the 25th Anniversary of the race and lots of special activities surrounding the event make it all worth coming out to the Government Center with the family. There's a 1-mile family fun run, record gifts and prizes, a free meal following the run sponsored by DCR Court Reporters, and proceeds benefit the VLSP, Inc....Go to www.lawday5k.com for info and www.active.com to register. Easier than that? Grab the flyer inside CITATIONS, fill it out and send into the bar...60 folks gathered at Sterling Hills CC to honor ADR Practitioner of the Year **Matt Guasco** and the ADR Advocate of the Year **Commissioner Mark Borrell**...

Mark the 27th of May on your calendar as VCTLA hosts its annual Trial Lawyer of the Year dinner at the Courtyard by Marriott. Previous recipients include **David Ellison** in '06 and

John Howard last year...Best t-shirt spotted at the Alamo Dome during the Final Four: A Kansas fan sporting a "Why would we play with your Roy when we can play with our Self"... Top 20 – Watched *Scent of a Woman* on HBO the other night for the umpteenth time. The last scene with Pacino defending his escort in front of the Bard crowd was riveting. Let's not forget the ballroom dancing either...

VCBA and the League of Women Voters have coordinated a debate between the two judicial candidates. **DDA Jeffrey G. Bennett** and **Assistant County Counsel Roberto Orellano** will participate in a forum May 1, beginning at 7:00 p.m. in the offices of the Ventura County Star in Camarillo (550 Camarillo Center Drive). Joe Howry, Business Manager of The Star, will moderate the forum. Thanks to VCBA board member **Linda Ash** for organizing the event with the fine folks at the LOWV...Go figure – According to the NY Times (4.13.08), Alberto Gonzales is having a very difficult time landing a job as a lawyer in D.C...Want to hear Notre Dame coach Charlie Weis speak? May 17th at noontime in the Ventura Marriott hosted by the Notre Dame Club. **Michael Frawley** and **Joe Strohm**an will be speaking to Coach Weis about seeking a 5th year of eligibility next year. Tickets are \$50 per – jstrohman@fcoplw.com or 659.6800...

Julia Villarruel is a busy junior at Buena High. AP Classes, clubs activities, and family fill her days. This summer, instead of loafing, she has been selected to attend The Junior Statesman Summer School at Georgetown University. She's still in need of about \$3,200. A sponsorship or donation is where Ventura County lawyers come in. You may contact Julia at Jewiz148@hotmail.com or her personal fundraising page link is <http://jsa.kintera.org/elacarioca>. Thanks in advance...

Steve Henderson has been the executive director and chief executive officer of the bar association and its affiliated organizations since November 1990. His Kansas Jayhawks won it all during the Madness and he fully expects the Celtics to persevere too. Henderson boldly predicts a Diamondbacks v. Red Sox Series and wonders where Barry Bonds' recliner rests. Lastly, Bob Dylan finally gets his Pulitzer. His What?

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Michelle Shabo was admitted to the California State Bar in November 2007. She received her Juris Doctor from Nova Southeastern University in Florida and her Bachelor of Arts from the University of Washington. She has prior service at the Ventura District Attorney's Office and was an Articles Editor of Law Review at Nova Southeastern University.

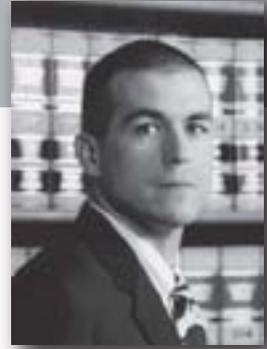
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