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CITATIONS

AUGUST - TWO THOUSAND NINE



Judge Ellen Gay Conroy

By Douglas K. Goldwater

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Editor's Note: President Strauss bowled a 105.

Dissociative Identity Disorder is characterized by the presence of two or more distinct identities or personality states that recurrently take control of the individual's behavior... (DSM-IV-TR, 2000, p. 519).

I have a confession. Those of you who know me well, know about my split personality. While I am a wannabe Italian, I am truly a son of Spain. I know this because I saw my grandfather's clone on a street in Estremadura, and because since early childhood I have had a passion for Flamenco music. When my peers wanted to hear "The One-Eyed, One-Horned, Flying Purple People Eater," I was listening to Carlos Montoya play Bulerias. When later they got electric guitars to play Ventures or Beach Boys' tunes, I got my first classical guitar so that I could play Malagueñas. Dean Martin is usually heard in our house only on weekend mornings. At all other times, the music is guitar, primarily Flamenco, always Spanish. I still take Flamenco guitar lessons and when we are not traveling to Italy, we go to Spain.

Flamenco has its roots in Andalusia. Spanish, Gypsy, Jewish and Moorish cultures were able to live together in peace most of the time and this musical and cultural genre emerged. There is an exotic and mournful quality that makes Flamenco the soul music of the region and it remains the signature music today. It is impossible to walk through Sevilla's Barrio de Santa Cruz and miss the sounds of plaintive voices accompanied by the twelve-beat rhythm of the Flamenco guitar.

Andalusia is also the location for many folk tales, including those compiled by Washington Irving in his *Tales of the Alhambra*, first published in 1832. His stories recount the romance and intrigue associated with the

PRESIDENT'S MESSAGE

Dissociative Identity Disorder

By Tony Strauss

Alhambra in both Moorish and early Spanish times. Of course, he had to tell a story about a lawyer.

The story takes place in Granada, a city nestled in a gorge in the Alpujarras under the snow-capped Sierra Nevada. Irving traveled there during the spring and summer of 1829 and stayed in the former royal apartments in the Alhambra. Just the name conjures up romance (unless you happen to be from the San Gabriel Valley). Built in the thirteenth and fourteenth centuries on a crest above the city as a castle fortress for its Moorish inhabitants, the Alhambra commands views over the vega below. It was from here and Córdoba about 100 miles to the northwest that the Moors ruled "al-Andalus," a kingdom that encompassed most of the Iberian Peninsula that lasted for almost 800 years. It was also here in 1492 that Ferdinand and Isabella, the "Most Catholic Monarchs," expelled Boabdil, the last of the Moorish kings, and commissioned a soon-to-become-famous Italian to sail to India by traveling west. The interior of the Alhambra is a scene from the Arabian Nights. Shimmering pools with fountains are surrounded by pillars and porticos with Mudéjar arches decorated with laced candy and exotic texts. Above stand towers with arched windows with fine lattice work behind which women of the harem could gaze upon the outside world without the fear of being seen. This is truly a place with stories waiting to be told.

Washington Irving could indeed tell stories. If you have not read any of his works, you have missed an extraordinary demonstration of the beauty of our language. Written 180 years ago, the *Tales* read as easily as if they had appeared in the *New Yorker* today. For that reason, my rendition of "The Governor and the Notary," a tale about our profession in early Spanish times, is but a shadow of the full text. With that caveat, it remains a story worth telling, even in abridged form.

As you know, a Notary (or "*escribano*") in Spain is an attorney of the foremost regard who is able to command the highest fees and whose certifications must be accepted as writ by the judiciary. The Notary in question lived in the city of Granada and frequently provided

his services to the Captain General, the chief authority of the province. Not within the Captain General's jurisdiction, however, were the grounds and palaces of the Alhambra. After Ferdinand and Isabella had chased Boabdil into exile, they turned his hilltop fortress into one of their own palaces and appointed a Governor as its administrator. This jurisdictional division was a source of continual irritation between Governor Manco and the Captain General.

When the Moors departed and their royalty were no longer in continuous residence in the Alhambra, its various outlying buildings, nooks and crannies became populated by beggars, thieves and outcasts not welcome in the city. These less than royal inhabitants routinely went down among the city dwellers and transgressed their laws. However, Governor Manco, being jealous of his authority, refused to let the Captain General pursue and arrest them within the royal enclave.

Collections for municipal purposes also became an issue. The Governor claimed that any goods traveling to and from the Alhambra were exempt from customs extractions. Scofflaw inhabitants of the Alhambra, known as "*contrabandistas*," used this privilege to smuggle goods in and out of the city. This was especially exasperating for the Captain General, who "consulted his legal advisor and factorum, a shrewd meddlesome *escribano* or notary who rejoiced in an opportunity of perplexing the old potentate of the Alhambra and involving him in a maze of legal subtleties." [Note: Don't we all love doing that?] The *escribano* found legal justification for the Customs House Officer, a loyal employee of the Captain General, to inspect all goods entering or leaving the city, even if they were bound for the royal zone. When Governor Manco, "who hated an *escribano* worse than the devil and this one in particular worse than all other *escribanos*," heard this, he instructed his soldiers to disregard this obviously politically motivated legal opinion and to guard the King's property with their lives! Of course, tragedy was to closely follow.

Continued on page 4

PRESIDENT'S MESSAGE - Dissociative Identity Disorder

Not long thereafter, a convoy of mules bearing provisions for the royal garrison stationed within the Alhambra approached the city's gate. The convoy was headed by a "testy old corporal" who had long served the Governor. When the Customs House Officer told him to stop for inspection, he refused, citing royal protection. However, the Customs House Officer, believing that the notary's legal opinion compelled that he inspect the shipment, forced the issue. After much commotion, the corporal shot the Customs House Officer through the head. The citizenry reacted. They subdued the murderer, took him to the Captain General, and for good measure ransacked the convoy.

Governor Manco was outraged. The crown had been disrespected and its jurisdiction invaded. He began sending written demands to the Captain General to release the corporal, asserting that the corporal could be tried only by the crown, not the city. To each such demand, the Captain General gave a "surrejoinder of still greater length and legal acumen" written by his notary rejecting, the Governor's

authority over the matter. Meanwhile, the *escribano* prosecuted the corporal and secured his conviction for murder and his sentence to be hanged.

On the day of the execution, the Governor drove down into the town in his carriage and, telling the *escribano* that he wanted to hear his legal arguments, convinced him to ride with him to the plaza where the execution was to take place. However, once he had the notary in the carriage, the Governor ordered that it ascend the hill and return to the Alhambra. The gate secured behind them, Governor Manco flew a flag of truce from the parapet and proposed to exchange the notary for the corporal. The pride of the Captain General was piqued and he refused, ordering that the scaffold be erected. "Two can play at that game," exclaimed the Governor, who sent down word that if his corporal was to meet the gallows, so shall the *escribano*. The Captain General recognized the value of his notary. But there were plenty of *escribanos* in Granada. Besides, this was a matter of principle! He ordered that the event proceed.

Just as the corporal was to be dispatched, the notary's wife forced her way through the crowd "with a whole progeny of little embryo *escribanos* at her heels and, throwing herself at the feet of the Captain General, implored him not to sacrifice the life of her husband." Moved by her tears and lamentations [and fearing a wrongful death lawsuit?], he stopped the execution and sent word to the Governor that he would agree to the exchange. As Governor Manco released the notary, he pronounced words that still ring true for our profession. "Henceforth my friend,' he said, 'moderate your zeal in hurrying others to the gallows; be not too certain of your safety, even though you should have the law on your side, and above all take care how you play off your schoolcraft another time upon an old soldier.'"

Tony Strauss is the principal of Strauss Law Group in Ventura. He practices employment law and employment, business and real estate litigation with his son Mike and colleague Bruce Crary.

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FOCUS ON PARALEGALS

By Darlene Mosser

The role of a paralegal is defined by California Business and Professions Code section 6450 as "... a person ... qualified by education, training, or work experience ... who performs substantial legal work under the direction and active supervision or an active member of the State Bar of California" This statute addresses the qualifications, functions, mandatory continuing education, fees and other requirements relating to paralegals.

Ventura County Paralegal Association

The Ventura County Paralegal Association (VCPA) was founded in August 1984 to provide a forum for paralegals to share experience, exchange information and obtain continuing education credits. VCPA is an affiliate of the National Association of Legal Assistants, California Alliance of Paralegal Associations (CAPA), State Bar of California, Ventura County Bar Association and is an approved MCLE provider. A portion of VCPA's profits benefit the Volunteer Lawyer Services Program and the VCPA Scholarship Fund. Members benefit from monthly meetings, the MCLE Spring Educational Conference, the Annual Wine Tasting/Silent Auction and an opportunity to network with those in the paralegal profession.

The VCPA scholarship fund was created to establish a good relationship with the college community, encourage high ethical and professional standards and promote education. Since 2005 the VCPA has awarded an annual \$400 Student Scholarship to a student who has successfully completed one paralegal course and is accepted into a paralegal program, and an Exam Scholarship (increased last year to \$250) to an applicant who has obtained a paralegal certificate and is registered to take the National Association of Legal Assistants/CLA/CP Examination. This year VCPA proudly awarded the Student Scholarship to Torrey Ignato, a paralegal student who is working toward an Associate of Arts degree in Paralegal Studies and a Paralegal Certificate at the Ventura campus of Santa Barbara Business College, Ventura Campus.

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FOCUS ON PARALEGALS*Continued from page 6***The California Alliance of Paralegal Associations**

CAPA is comprised of fourteen county affiliates. It is a statewide non-profit, mutual benefit corporation that represents California paralegals working in attorney-supervised settings. CAPA is dedicated to the advancement of the paralegal profession and the proposition that paralegals gain strength through alliance.


I invite you to attend a VCPA meeting and/or conference. Visit us at www.vcpaparegal.org.

Darlene Mosser chairs VCPA's Education and Scholarship Sub-Committee. She is available to respond to questions at dkm.hawaii.bound@sbcglobal.net.

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Judge Ellen Gay Conroy

By Douglas K. Goldwater



Judge Ellen Gay Conroy is no accidental tourist – she nearly makes it a profession, if only that darn judging gig did not get in the way. Somehow, the Ventura legal community has been lucky enough to get Judge Conroy to return from these amazing recent destinations: Argentina, Spain, Thailand, Vietnam, Cameroon, Botswana, South Africa, Ecuador, Bahrain, Jordan, Morocco, and Croatia – just to name a few.

Perhaps she does so much traveling now because her family was unable to do so during her youth. Judge Conroy was born into a low income family living in California's Monterey Peninsula in 1943. Her father was a commercial fisherman, providing for the family by catching sardines for the local canneries. Her mother, whom Judge Conroy described as "overachieving," was a schoolteacher, author, and artist. When her mother decided that she needed to be home to take care of Judge Conroy and her three siblings (two brothers and a sister), she transformed the family's barn into a nursery school. The family did whatever they could to make ends meet.

At the age of 10, Judge Conroy and her family moved a bit inland, to Carmel Valley, which she describes as "very rural." Transportation was provided via horse or a swim in the river. She says that, in retrospect, her youth was harder than she recognized at the time. In fact, she did not even realize that her family was poor until she obtained a scholarship to attend a private girls' high school in Monterey. After seeing how her fellow students, like Abigail Folger (the coffee heiress and subsequent victim of the Manson family), lived she became conscious of her own economic disadvantage.

Rather than continue where she did not feel comfortable, Judge Conroy returned to a public high school in Carmel Valley, where she

was a songleader and president of numerous clubs. Although she excelled in high school, she describes it as one of the most miserable experiences of her life, and is convinced that nobody *truly* enjoys high school. [A piece of advice – do not ever tell Judge Conroy that you enjoyed your high school experience, because you could be held in contempt!]

A scholarship brought Judge Conroy to the University of California, Santa Barbara where she, like many other students, floated from major to major to major. A self-professed "average undergraduate student," Judge Conroy majored in English, then math for one year, then English again, and finally settled on sociology "because I didn't like any of the other choices and I had already completed most of the pre-requisites for the major." The one choice that she *did* like at UCSB was her choice of boyfriends – John Conroy, who has now been her husband for 44 years.

Judge Conroy's story is not one of a person who knew from a young age that she was destined to be an attorney or a judge. Instead, it was not until she was 35 years old that she finally decided to enroll in law school. In the meantime, she dabbled in a variety of jobs, including acting as a receptionist at a law firm, an information and referral provider for Easter Seals, a social worker, and a welfare fraud investigator. It was the latter job that sparked her desire to practice law.

Three years after her graduation from UCSB, Judge Conroy and her husband moved to the Ventura area. Then, in 1978, she enrolled at the Ventura College of Law and immediately concluded that this was the right path for her. She realized that her mind generally works in outline format, thus she found that studying law was relatively easy for her. While continuing to work full time in the Welfare

Department, Judge Conroy breezed through law school, graduated in December 1981, and passed the February 1982 Bar Exam. Sadly, however, neither of her parents were able to see her practice in her chosen profession, as her father passed away in her law school years and her mother died just one week before the Bar results were released.

Upon passing the Bar, Judge Conroy "hung up a shingle" and started a solo practice in Ventura. She admits that she was not picky about her cases and took anything that came in the door. Judge Conroy did not remain on her own for long, as after just a couple years of practice, she received a call from the Taylor McCord law firm, inquiring whether she would be interested in an associate position there. She happily accepted and began her foray into Family Law – despite having previously sworn that she would never practice in that area because of all of the families in crisis she saw during her tenure as a social worker.

She spent over twelve years with the Taylor McCord firm, seven as a partner. During that time, she made a significant impact on how family law cases are handled in Ventura County. She was appointed by **Judge Toy White** to a panel tasked with determining how to offer better services to self-represented family law litigants. Through the work of this panel, the Court's Family Law Self-Help Center was born. Judge Conroy was the driving force behind the Self-Help Center and its weekly clinics for self-represented litigants. This experience was so fulfilling for Judge Conroy that, as soon as the funding came through for the creation of a Family Law Facilitator position in January 1997, she left private practice and took the newly-created position to help these people on a full-time basis.

Judge Conroy left the Facilitator's office in

November 2001. Recognizing that she “never got the buzz from the thrill of victory” in Court and, instead, was much more resolution-oriented, she decided to try her hand at a family law mediation practice. This, however, did not last long, as Judge Conroy felt that she often ended up “directing” cases, rather than truly “mediating” them, because she felt that she *knew* how the case should end up. Thus, in November 2003, she decided that she was “done with the law.”

Taking time away from the law meant spending more time with her husband and two daughters, Tracy, and Jennifer (affectionately referred to as “Niff”). Tracy, always the entrepreneur, continually encouraged Judge Conroy to join her in starting a business. After much debate, the mother and daughter team started GALA, a full-service event planning company. Judge Conroy greatly enjoyed the opportunity to work shoulder-to-shoulder with her daughter in planning weddings. She felt they made a great team, but they were not good at billing their clients – an extremely unusual problem for a lawyer! Judge Conroy recalls, “I think, based on our billing, that we ended up only making 37¢ an hour for all the work that we did.” Finding that dealing with Bridezillas and

their mothers was “very trying,” Judge Conroy decided after a couple years that she wanted to return to the tranquility of the legal system.

During her years of legal practice, she had previously applied for a Commissioner position a few times, but was passed over on each try. She had not intended to apply ever again – until she received a call in early 2006 from a friend encouraging her. The application was due the following day, so she dusted off her old application without adding anything new and submitted it. Lo and behold, she received a call from **Judge Jack Smiley** at 4:00 a.m. local time in Cambodia (where she was on vacation with her husband) notifying her that the position was hers, if she wanted it. There was no question about that – Judge Conroy wanted that position.

Her first assignment – no, not family law – was misdemeanor arraignments, traffic, unlawful detainer, and small claims in Simi Valley. She had *zero* experience in these areas, but was eager to get to work. Ask Judge Conroy what is the most difficult thing she has ever done and she will tell you that it was deciding Small Claims lawsuits. “It was like studying for the Bar Exam all over again.” She is unabashed

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From “Conceivable” To “Plausible”: Raising The Bar In Federal Court

By *Michael Velthoen*

Describing the standard for resolving a motion to dismiss under Federal Rule of Civil Procedure 12(b)(6) is not usually interesting. Memoranda in support of opposition to a motion to dismiss usually contain stock language cut and pasted from another brief and typically recite from *Conley v. Gibson* (1957) 355 U.S. 41, 47: “A complaint should not be dismissed for failure to state a claim unless it appears beyond doubt that the plaintiff can prove no set of facts in support of his claim which would entitle him to relief.”

Two recent Supreme Court cases have injected new life into this ossified Rule 12(b)(6) jurisprudence. In *Bell Atlantic Corporation v. Twombly* (2007) 550 U.S. 544, the plaintiffs claimed that several telecommunications companies had engaged in a conspiracy to prevent competitive entry into local telephone markets in violation of antitrust law. They plaintiffs alleged that the defendants had engaged in parallel conduct consistent with an agreement to inhibit competition.

In holding such allegations insufficient to state a claim of conspiracy, the court noted that “Federal Rule of Civil Procedure 8(a)(2) requires only a short and plain statement of the claim showing that the pleader is entitled to relief in order to give the defendant fair notice of what the ... claim is and the grounds upon which it rests. While a complaint attacked by a Rule 12(b)(6) motion to dismiss does not need detailed factual allegations, a plaintiff’s obligation to provide the ‘grounds’ of his ‘entitle[ment] to relief’ requires more than labels and conclusions, and a formulaic recitation of the elements of a cause of action will not do.” *Id.* at 555. Nothing new there.

The court continued, however: “In applying this general standard to a §1 claim, we hold that stating such a claim requires a complaint with enough factual matter (taken as true) to suggest that an agreement was made. Asking for *plausible* grounds to infer an agreement does not impose a probability requirement at the pleading stage; it simply calls for enough fact to raise a *reasonable expectation* that discovery will reveal evidence of illegal agreement.” *Id.* at 556 (emphasis added). Because the court concluded that the defendants’ parallel conduct could be reasonably explained as consistent with lawful conduct, the court held the plaintiffs’ allegations were insufficient to state

a claim under the Sherman Act.

Following *Twombly*, many courts concluded that its “plausibility” pleading standard applied only to antitrust claims. In *Ashcroft v. Iqbal* (2009) 129 S.Ct. 1937 – which addressed a claim that the Department of Justice had instituted an unlawful policy targeting Arabs and Muslims for detention – the Supreme Court clarified that the “plausibility” standard articulated in *Twombly* applied to all civil pleadings. The Court expanded on the plausibility standard:

To survive a motion to dismiss, a complaint must contain sufficient factual matter, accepted as true, to state a claim to relief that is plausible on its face. A claim has facial plausibility when the plaintiff pleads factual content that allows the court to draw the reasonable inference that the defendant is liable for the misconduct alleged. The plausibility standard is not akin to a probability requirement, but it asks for more than a sheer possibility that a defendant has acted unlawfully. Where a complaint pleads facts that are “merely consistent with” a defendant’s liability, it “stops short of the line between possibility and plausibility of ‘entitlement to relief.’”

Id. at 1949-50. The court continued: “Determining whether a complaint states a plausible claim for relief will ... be a context-specific task that requires the reviewing court to draw on its judicial experience and common sense.” *Id.*

In applying this standard, the *Ashcroft* court emphasized the differences between “legal conclusions” and “factual allegations.” The former are not entitled to “the assumption of truth” and only the latter should be considered in determining whether a claim is “plausible.” *Id.* at 1950-51. Distinguishing between factual assertions and legal conclusions, however, is often more art than science. In *Ashcroft*, the Court concluded that allegations that Attorney General John Ashcroft “knew of” and “condoned” the challenged detention policy were not factual assertions, but only legal conclusions. *Id.* at 1951. Indeed, the Court also dismissed an allegation that Ashcroft was the “principal architect” of the policy as a bare legal conclusion. *Id.* Such statements suggest

that the court was looking for evidentiary allegations to show that Ashcroft actually knew of and drafted the policy – something that has heretofore been unnecessary under Rule 8’s liberal pleading standard.

Ashcroft also suggests that a court may dismiss a claim under the plausibility standard if there is an “obvious alternative explanation” for the defendant’s conduct. The plaintiff in *Ashcroft* alleged that the government was unlawfully targeting Arabs and Muslims because of their race and religion. The court noted that the 9/11 attacks were conducted by Arabs and Muslims and that “[i]t should come as no surprise that a legitimate policy directing law enforcement to arrest and detain individuals because of their suspected link to attacks would produce a disparate, incidental impact on Arab Muslims...” *Id.* at 1951. Because the government produced this “obvious alternative explanation” for the fact that it was detaining a disproportionate number of Arabs and Muslims, the court concluded that “discrimination is not a plausible conclusion.” *Id.* It held that the plaintiff “has not nudged his claims of invidious discrimination across the line from conceivable to plausible.” *Id.* at 1950-51.

Any federal court defendant should carefully consider filing a motion to dismiss in light of the *Twombly* and *Ashcroft* opinions. By empowering courts (1) to dismiss allegations as legal conclusions, (2) to conclude that there are “obvious alternative explanations” for the defendant’s conduct, and (3) to ultimately determine whether a claim is “plausible,” the new standard gives the trial court powerful additional tools to dismiss a claim at the pleading stage. Even though the *Twombly* and *Ashcroft* courts assiduously asserted that “well-pleaded factual allegations” must be accepted as true, the practical ramifications of those opinions is that federal courts may engage in a limited degree of fact-finding even at the pleading stage.



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Judge Ellen Gay Conroy

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in her overwhelming admiration for the commissioners and pro-tems who regularly preside over these actions.

After three months in Simi Valley, Judge Conroy returned to a place of comfort – family law in the Ventura Courthouse. She acted as the Child Support and Restraining Order Commissioner until **Judge Bruce Young's** move to presiding over criminal matters, at which time she was transitioned to a standard family law calendar. She has been a mainstay in Department 32 ever since.

What was not a mainstay was her title as Commissioner. In late 2007, she put in an application for a judicial position, which was ultimately bestowed upon her by Governor Schwarzenegger on July 21, 2008. What does Judge Conroy credit for her elevation to Judge? Not her stellar legal career. Not being a "middle-aged woman of Croatian descent." It was the story she told the Governor's Appointment Secretary about her near-death experience on her then-recent trip to Jordan.

Judge Conroy, her husband, and a group of tourists were hiking in a somewhat treacherous area above the Dead Sea. Judge Conroy slipped and tried to brace her fall with her left hand, which caused her immediate, nearly intolerable pain. She, however, did not cry, which caused her tour guide to tell the group that she "must be fine." A European tourist and his wife approached Judge Conroy and asked to see her arm. They concluded that it looks like something was broken. Judge Conroy asked if they were doctors, and they responded, "No, we are veterinarians." This, understandably, did not make Judge Conroy comfortable with the diagnosis. (The veterinarians, however, were right, as Judge Conroy suffered a broken left wrist and hand).

Realizing that she needed medical attention, she asked the tour guide how she could get back to civilization. The quickest way was for Judge Conroy to rappel down a 75 foot roaring waterfall. With a broken hand and wrist, she was lowered through the rushing waterfall, causing her to be unable to breathe for an extended period of time. At that point, experiencing what can only be equated with waterboarding, Judge Conroy did not believe she was going to make it through this ordeal alive.

Continued on page 13

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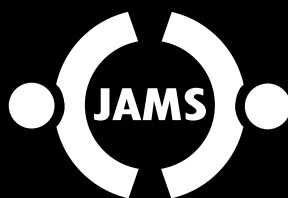
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Judge Ellen Gay Conroy

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Somehow, she survived rappelling down the waterfall – only to then have to walk another mile, climb a 25-30 foot ladder (again, with a broken wrist and hand), and take a 45 minute ride to a building in a small village that looked more like a garage than a hospital. There, she received visits from a number of female villagers who just wanted to see the “yellow-haired” person in their hospital. Judge Conroy received an X-Ray, an IV, and a plaster cast at the hospital. When she asked what the cost of the services was, she was told to consider it a “gift from Allah.”

The severity of her injury forced Judge Conroy to cut her Jordan trip short. With her arm in a cast, she was unable to do her hair, put on her make-up, or even dress herself for her interview in Sacramento. Clearly, her appearance required an explanation – so Judge Conroy launched into her tale. She is convinced that it was this story that clinched her judicial appointment.

Now, having served as a judicial officer for over three years, Judge Conroy realizes that this was her true calling in life. When asked what, if anything, she would change about being a judge, she responds, “Nothing.” She added, however, that it would be ideal if more time could be provided for her and other judges to help litigants get through the judicial system.

When Judge Conroy is not on the bench, she can often be found gardening in her yard or doing lots of walking with her husband. She also continues to travel as often as possible – perhaps seeking stories that will help her secure even higher positions! Her next major trips include seeing the monkeys in Costa Rica and finding the gorillas in Rwanda (before they are all gone). Traveling is Judge Conroy's passion and she is always thinking of a new destination, but Ventura will always be her home.



Douglas K. Goldwater is an associate with Ferguson Case Orr Paterson LLP, where he primarily practices family law, collaborative family law, and civil litigation.

Is the Law Still a Profession?

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I have seen it happen during my own lifetime: litigation has changed from being a profession, to being a business, to being an industry.

A profession is a career dedicated to helping others. It involves self-sacrifice because the interests of the client must always come ahead of the professional's own interests.

A business is a means of generating wealth for the business owner. The business must of course provide something that is of use to others but this is only as a means towards generating wealth for the owner. It is different from a profession because, while businesses must stay within dictated legal and ethical boundaries, they are otherwise free to put their own interests first.

An industry is a group of businesses which feed each other, support each other, and facilitate each other's processes, and which feel good about it. The legal industry today includes lawyers, paralegals, professional brief writers, court reporters, document management companies, experts, arbitration and mediation service providers, publishers, messengers, printers, libraries, secretaries, conference producers, CLE providers, bar groups and professional associations, legislators and lobbyists, court staffs – and I probably have forgotten a few. To be a litigation lawyer today is to be a participant in this industry.

A profession is similar to a vocation or "calling" because it involves a similar kind of dedication to a higher purpose. But it has always been more secular than a calling, and has not traditionally involved the same kind of total abandonment of one's ego (as my readers may know). It is different also because a profession has always required special education and a highly developed and diligently maintained skill set – while a calling does not require these things. As for businesses, they benefit from skill sets but still do not generally require certification of them.

There has always been a tension between the profession and the business because the lawyer has to support himself. The client would prefer to have the lawyer work for free but the lawyer has to charge fees and this means that at least in this one regard he has to set his own interests ahead of his client's. In recognition of this tension, our law has always exempted fee negotiations from the strictures of the

lawyer's fiduciary duties. Although the Rules of Professional Conduct do require the fee not to be "unconscionable" [Rule 4-200] and although fee schedules have been promulgated for certain kinds of legal work (family law, probate work), the lawyer is still free to set his own fee and may decline to represent the client unless his fee is paid. [Rule 3-700(C)(1) (f), permitting withdrawal for nonpayment of fees or expenses].

Tensions between the business and the industry have intensified over the years as the number of lawyers practicing in larger firms has increased relative to the number in solo or small-firm practice. The solo practitioner may have to think about supporting himself, but the law firm has to think about supporting all its members.

The law firm involves systematic delegation of duties – and it is not clear that professional duties can or ever should be delegated. The law firm – particularly the large law firm – involves a hierarchy: from senior partners down to summer interns. This hierarchy interacts with the systematic delegation of duties to the point that there is a temptation to push the time-consuming work down to the grunts at the bottom of the hierarchy in order to support the higher-ups. The law firm that wants to compete successfully on the industrial playing-field must adopt standards of "productivity" to justify the hierarchical structure: The partners who bring in the clients, for instance, are more valuable to the firm than the members who do the work. And in these ways, the law firm functions as a business does, measuring the contributions of its members to the firm rather than measuring their contributions to the clients. Those lower in the hierarchy focus their efforts on advancing within the firm: They curry favor with their employers and senior partners first, and seek the approval of their clients only to the extent that such approval enhances their upward mobility in the firm – or their lateral mobility if they can leave the firm and carry their clients with them.

A deeper tension exists between the profession and the industry. The professional's client is someone who is vulnerable, and who seeks professional help to address his vulnerability. He has been sued; he has suffered an injury, or a calamity, so he goes to a lawyer. He is sick or wounded, so he seeks the aid of a doctor. This vulnerability is ultimately the source of

the fiduciary duty and the professional must always be sensitive towards it. But once the profession becomes part of an industry, the sense of the client's vulnerability gets lost. The client becomes instead a customer and the object of a marketing effort in which he is encouraged to become a client.

It is not my purpose here to make value judgments about law as an industry; I plan to do that elsewhere. Instead, I will simply ask you to decide for yourselves: If law has become an industry, can it also still really be a profession?

Rafael Chodos is a business litigator in Los Angeles. He is the author of The Law of Fiduciary Duties (Blackthorne Legal Press, 2000) and has recently published Why on Earth Does God Have to Paint?

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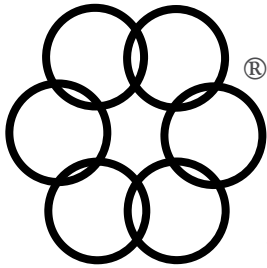
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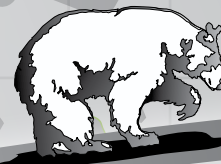
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Thinking Things Over - The Giants Who Have Passed Here

By *Lindsay Nielson*

With a career spanning over 45 years in Ventura, it has been my good fortune to have been associated with some of the giants who formed Ventura County. Believe it or not, there was a time when Camarillo, Moorpark and even Thousand Oaks were not yet created as municipalities. I have had the opportunity to work for, represent as a lawyer or simply know some of the great personalities who have left huge footprints in County history.

Walter Hoffman

When I first arrived in Ventura in 1965, I worked for Hoffman, Vance & Worthington, a land management firm that managed Adolpho Camarillo's land holdings and the Janss Corporation's land – now officially named Thousand Oaks. Walter Hoffman was a great mentor.

Not many people know that Ventura County was actually a part of Santa Barbara County until Walter's grandfather, Abe Hobson, was sent to Sacramento to petition the state to create a new county...Ventura County. The Hoffman family, as a result, was very influential. Their family ranch, Rancho Casitas, was condemned to create Lake Casitas. Hobson Park and Hoffman Park were located on the north coast near Seal Cliff and Faria Beach. Walter led the drive to restore Mission San Buenaventura in the early 1970s. The Hoffman family wanted very much to create a County museum so they purchased land near the Mission, hired the same architect who designed Ventura City Hall and personally guaranteed the construction contract.

Fritz and Carl Huntsinger

Fritz Huntsinger was the epitome of the American dream. A German immigrant who had a small machine shop on Ventura Avenue in Ventura, his small business served the burgeoning oil industry in Ventura County. He, along with his two sons, Carl and Fritz, went on to invent a sub-sea blowout preventer that virtually every offshore oil well in the world installed. That led to the formation of Vetco Offshore, an international corporation.

Huntsinger and his sons were very community-minded. In the early 1970s when the elder Huntsinger read in the Wall Street Journal about something called a CAT Scan Imager, he asked the head of Community Memorial Hospital if the hospital would like to have one. Since the only other CAT scanner in California was located at Stanford University, the hospital thought that would be a good idea. There is a photo in the hospital today showing Huntsinger giving a check for \$1 million to the inventor in England, and CMH obtained this then-leading-edge technology. Oh, by the way, Huntsinger Park in Ventura and the Huntsinger Administration Building at Pepperdine University were also gifts of this giant.

I subsequently represented Carl Huntsinger in a number of real estate transactions. He was a graduate of MIT, president of Vetco Offshore, a director of Southern California Edison and one of the smartest people I have known. He told me that Vetco once was in some protracted contract litigation. The parties and extensive stable of attorneys were arguing over some less than monumental issues in resolution of the dispute. After a few hours, Carl indicated to the opposing CEO to come outside the conference room. Both commented that all of the legal talent in the settlement conference was going nowhere, and they settled the matter with a flip of a coin.



Paul Bielaczyc

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Kay Haley

Katherine Haley was Walter Hoffman's sister and one of the most memorable people I have ever known. I represented her for over 15 years. She was a mainstay in the community, essentially a kingmaker. A number of judges, both past and present, knew that to obtain the governor's approval, you first had to have Haley's approval.

She was a close personal friend of Ronald Reagan. When he first ran for governor of California he asked her to head his Ventura County effort. Instead, she recommended Bill Clark, a young attorney in Oxnard. Clark, who later became Reagan's Chief of Staff, sat on the California Supreme Court and went on to be the president's National Security Advisor, agreed to take the job as long as Haley remained the finance chairman. He was a pretty smart attorney.

Once, when Haley's Rancho Mi Solar was being condemned for expansion of the Casitas Watershed area, we appeared in federal court for the trial. The judge, we were informed, had not returned from Paris (where he was attending the Davis Cup). Haley was unhappy and asked what she could do. I suggested that she was the only person I knew who could call the President and he would accept her call, but I assured her that it would do no good as federal judges are as close to immortality as exists on earth.

Haley once called me at 8 a.m. indicating she wanted to buy a particular office building in downtown Ventura...that same day. She already knew what she wanted to learn about it and was prepared to buy it within hours. I prepared the contract. It was signed at 2 p.m., she made one easy payment, and the sale closed at 4 p.m.

These people were giants. The community was and is a better place for their personalities, leadership and contributions. I wonder if we will see their likes again.

Lindsay Nielsen is a lawyer and real estate appraiser. He practices in Ventura.

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“I’m Still Walking, So I’m Sure I Can Dance”

By *Kate Neiswender*

I have always suspected that civil lawyers and criminal lawyers are different species. On Friday, June 19th, my suspicions were confirmed when I – a civil lawyer, a land-use-business-litigation sort of lawyer – crashed the party for the annual Ventura County Criminal Defense Bar Association awards banquet.

I had to go, as **Jay Leiderman** was getting the Joyce Yoshioka award for “Outstanding Contributions to the Criminal Justice System.” Jay wasn’t to be the only award recipient that night, but I know Jay because he and others at the Public Defender’s Office have, on occasion, contributed to my delinquency, hanging out in (formerly smoke-filled) bars, hunched over Jack Daniels and telling stories of murder trials and the tragedies of being born poor, left uneducated, and running with the wrong crowd. Jay once told me a heart-breaking story of an 18 year-old convicted of murder, when Jay tried desperately for a manslaughter verdict. He was a good kid, said Jay, just in a bad situation. Jay described the chlorinated halls of prison, places reeking of chemicals and pain, using the words of a poet and the voice of a prophet lost in the wilderness.

So when Jay very belatedly sent out an email asking his friends to come to the awards dinner, I had to go to show my support, to buy him a drink. He wrote, “The RSVP date has passed, but we are criminal attorneys and we love deadlines – especially the whooshing sound they make as they zoom by.” Based on that sage advice, I sent in my money and showed up on Friday night.

I expected a bar dinner, a civil dinner, the kind where people talk politely and quietly and a burst of laughter over the hum of voices is the exception, not the rule.

Wow. Was I wrong. This was a party, a cacophony of voices in which the primary topics of conversation were “Who has extra drink tickets?” and “Can we keep Jay sober for his speech?”

Criminal lawyers live larger than civil lawyers. While land use lawyers speak in whispers over salmon croquettes, devising legal machinations and positioning clients for things that won’t happen for a decade or more, these are lawyers who live one jury trial to the next, gathering

in the Victoria Pub to swear at some violation of rights by the District Attorney’s office. And swear they do, and did, often and consistently at the awards dinner.

Public Defender **Rebekah Mathis**, less than three years out of law school, was given a special recognition for her outrageous schedule defending misdemeanors, a schedule which would kill a civil lawyer. In one week, Rebekah started a jury trial Monday and finished Tuesday, started another trial Wednesday and finished Thursday, and started a third trial on Friday. She won two of the three.

Rebekah stood up to accept the award by first apologizing. She warned everyone that she wasn’t very good at not swearing. She then delivered a stand-up routine concerning a couple of her cases that had everyone laughing out loud.

She is obviously more than a comedian. She has, in her short time with the PD’s office, completed dozens of cases, and has won about

two-thirds of them. If you know anything about criminal law, this is a statistic that beats Kobe Bryant, Babe Ruth and Wayne Gretzky put together.

The next award went to veteran PD **Rod Kodman**, who was given the Richard Erwin Award for Excellence. Rod filed dozens of motions in the past three years, and has completed numerous felony jury trials. He was described as a machine who gobbles up staff time, interns and other lawyers in a relentless drive to protect his clients. While Rod himself was the most quiet and most brief speaker of the night, his introduction included a power point presentation by Chief Deputy PD **Howard Asher**. Apparently, Rod is so charismatic that almost all of the young lawyers who intern at the PD’s office wrote later to thank Rod – Rod, no one else, just Rod – for being able to work for him. As Howard explained, technically the interns worked for the PD’s office, not just Rod. But the interns didn’t know that. They thanked Rod for his guidance, his teaching skills, and his generosity.

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While Howard didn't say so, I got the feeling he was a little hurt that he didn't get these kinds of emails.

Finally, there was Jay. And no, they couldn't keep him sober for his speech. But it was a wonderful, rambling dissertation on life and punishment, justice and honor, love and joy.

"When people ask me how I'm doing, I tell them, 'I'm still walking.' That's a line from a Grateful Dead song. What I don't tell them is the next line: 'I'm still walking, so I know I can dance.' And that's what this is all about." Criminal law, he said, was all about the dance. You keep going, even when the chance of winning is low, because sometimes it is the battle that is important, not the war.

Jay spoke of battles won and lost. He won the Joyce Yoshioka Award for winning a long battle against the City of Ventura, helping keep the homeless out of jail for meaningless offenses. But he talked of another he lost just two days before, and telling the exuberant and not completely sober crowd that he loved the other members of his firm for going into battle with him. He went on for a very long time, finally – and I think accidentally – saying "thank you," thus prompting his ladylove to whisk him off to much applause.

It's a different world in the criminal courts. The defense bar is concerned with Constitutional rights, life and death. In other areas of the law, our canvas may be more intricate but not so breathtakingly large, so tied to the foundations of democracy. And those who paint that canvas are also more colorful, more eccentric, more electric at times than their civil brethren. And I can't even imagine a bunch of civil lawyers having that much fun.

This was a celebration of who they are and what they do, and the grandness and spectacle of life. As Jay Leiderman said, "This is not what I do, it's who I am."

Congratulations to the award recipients, and to the VCCDBA for its extraordinary work. I'll see you at the Pub.

Kate Neiswender is a land-use-business-litigation sort of lawyer who practices in Ventura.

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Virtual Law School

By Carol H. Mack

As we students gather for class at Concord Law School, we chat about the weather. “Is it sunny in California?” “Raining in the bay area.” “Still storming in Minnesota – I may lose my connection.” “Snowing here in Pennsylvania.”

A few minutes later, the professor enters. He is at home in Denver. “Good evening. Nice to ‘see’ you all tonight. Let’s get started. What were the relevant facts in *Sampson v. California*?” We students immediately start typing our answers and the discussion continues for another hour and a half. Although geographically separated, we are connected through the wonders of cyberspace. This is the world of virtual legal education.

How It Works

I recently graduated from Concord Law School, which is now part of Kaplan University. Concord is an online law school that does not exist on any brick-and-mortar campus. Instead, classes are taught and students interact via the internet.

Live classes are only one component of legal education at Concord. As in any law school, students also read, analyze cases, attend lectures, take exams, and meet in study groups. All of these activities take place online and, except for exams and live classes, all on the students’ own schedules. Some of the best-known legal scholars in the country present the lectures, which are available in streaming video. The lectures present the substantive law, while the live classes provide an opportunity for interaction with a professor and with other students. They also give students a chance to ask questions in real time.

Students at Concord use personal digital certificates to access the school and work at their own pace. Courses are generally divided into 30 separate modules covering the entire year. A typical module involves reading assignments, a video lecture, often a writing assignment, and often a live class. Students are expected to stay “on pace” and complete each module by the ideal date in order to move on to the next. If a student falls behind by three modules in any class, he receives an email reminder and if he falls behind by five modules, he is placed on probation. In addition, students who have not completed

at least 25 modules in a course are ineligible to take the final exam.

Each term of study at Concord is 51 weeks, and students must complete 22 units each term to meet the State Bar standards. Generally, keeping up with the academic studies requires 20-30 or more hours a week, which is a challenge, as most students are employed full time. When I started at Concord, I was working some fifty hours a week in a large corporation, and I found it difficult to keep up with the class schedule. I would usually arrive at my office at about 5:30 AM and put in a couple of hours of studying before beginning the business day. This plan was thwarted in my second year, however, by a cost containment initiative that put the building’s lights on a timer that did not turn on until 6:00 AM! Nevertheless, pig-headed persistence prevailed and this February I graduated with honors and passed the California bar exam.

Advantages and Disadvantages of Online Law School

One of the advantages of an online program such as Concord is the opportunity that students have to schedule their own learning activities. The school is open 24 hours a day and lectures can be accessed at any time. Among the advantages of attending videotaped lectures are not having to get dressed for class and being able to pause the tape while taking notes.

The main disadvantage of Concord and other online programs is that they are not yet ABA accredited. Currently, the American Bar Association does not accredit any distance learning program. In fact, the California Bar only recently recognized distance learning as distinct from correspondence courses. The practice implications of not graduating from an ABA-approved school are that students must take the First-Year Law Students’ Exam in California and that most other states will not allow a graduate to sit for the bar exam in that state. However, graduates are still qualified to take the California Bar Exam, and recently Ross Mitchell, a Concord graduate, successfully argued his case before the Massachusetts Supreme Judicial Court and was granted a waiver to sit for the Massachusetts bar exam, which he took and passed this February. In reviewing his

case, the Court held that Mitchell’s legal education was “substantially very similar to the core content offered by APA-approved law schools” and that the ABA is currently reviewing its approval standards so that the situation could change in the reasonably near future.

Faculty and Student Engagement

One of the reasons that Concord has been successful in the decade of its existence is that the faculty and administrative staff are so accessible. Students are ensured a response to their emails within 24 hours, and many professors will provide their telephone numbers for student calls. Although they rarely meet face to face, the national Law School Survey of Student Engagement, which measures students’ view of their law school experience, reported that student engagement at Concord is comparable to that at traditional law schools.

Nor do students miss the typical law school experiences. Using the telephone and video cameras, they are able to argue a brief, give an opening statement, and cross-examine a witness in mock trials. Students also participate in moot court competitions. This year, a team from Concord, Marjorie Daily and Thomas Fleming, who had not met face-to-face before the competition, won the Midwest regional round of The Constance Baker Motley National Moot Court Competition in Constitutional Law, competing against teams from more than 25 law schools. The Concord team then went on to take second in the national competition, losing to a team from Stanford University.

Concord students are not typical law students, however. Most are embarking on a second career and over 40% have already earned a graduate degree before beginning law school. Consequently, most students are older than traditional law students. We students joked that we could pick out the Concord students at our bar preparation courses because we are the ones with gray hair. The range of experience brought by the students provides a dynamic learning environment. In the words of David Cole, my classmate, “Concord allows some of the most highly educated, experienced diverse people in the world (not just in America) to study together, challenge each other and become great attorneys.”

Looking to the Future

What, then, is the future of virtual legal education? It seems likely that the American Bar Association will begin to accredit online programs in the not-so-distant future. But will such programs replace traditional law schools? Of course not! Traditional law schools will continue to attract traditional law students and some second-career students. But online schools will increasingly offer an alternative route to a legal career for students who cannot or choose not to attend a brick-and-mortar school.

There may even be some distinct advantages. Succeeding in an online program requires self-direction, concentration, excellent organizational skills, and the ability to research and learn independently. Acquiring these skills may give graduates a head start on their legal careers.

Carol Mack, RN, Ph.D., is a new lawyer opening a solo practice in Newbury Park.



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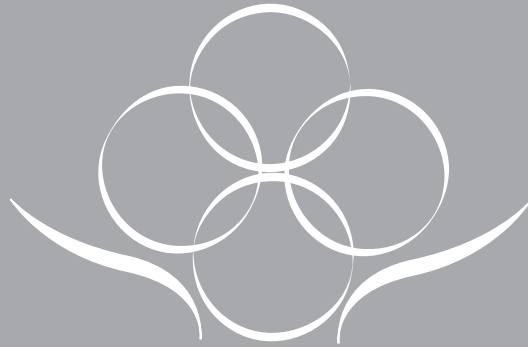
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LRIS TODAY

By Alejandra Varela-Guerra

The Ventura County Bar Association would like to thank attorneys **Kenneth Yaeger** and **Brett Templeman** for their recent contributions to the Lawyer Referral & Information Service of fees they recovered from plaintiffs' cases. Whenever a lawyer on the referral service receives fees from a malpractice or torts plaintiff case that was referred through the Lawyer Referral & Information Service, the attorney forwards 10% of these fees to the LRIS.

Kenneth Yaeger is a long-time LRIS attorney panelist, participating in the malpractice panel for the service. Brett Templeman of Lowthorp, Richards, McMillan, Miller & Templeman, participates in the torts plaintiff panel for the LRIS. He is the son of attorney **Alan Templeman**. The Bar would also like to thank all the attorneys who in the past have forwarded 10% of their fees to the LRIS. We appreciate your hard work and dedication.

If you are interested in joining the Torts Plaintiff and/or Malpractice law panels, or any of the other LRIS panels, please call Alex at (805) 650-7599 ext. 15, or e-mail her at alex@vcba.org.

Alejandra Varela-Guerra is the Client Relations Manager at the Ventura County Bar Association.

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NOMINATIONS SOUGHT FOR WOMEN LAWYERS LEGACY DINNER

The Women Lawyers of Ventura County (WLVC) will present its Legacy Award and Holly Spevak Memorial Award at its Third Annual Awards Dinner. Nominations are now being accepted; the date and place will be announced soon.

The Legacy Award honors one of our "founding mothers" who was an early leader among women lawyers, a strong supporter of women's rights, and an advocate for advancing women in the legal profession. **Carmen Ramírez** and **Tina Rasnow** received this award in 2008. Carmen has dedicated her entire career to the underserved, as an attorney at Channel Counties Legal Services for 20 years, including nine as Executive Director. She started the first court-based Self-Help Center in the country devoted to serving limited English proficient populations, spending nine more years on that project for the Ventura Superior Court. Tina Rasnow, former Director of the Ventura Superior Court Self-Help Center, coordinated the development and operation of California's first court-based Self-Help Center for self-represented litigants in civil matters, and was responsible for bringing the award-winning Homeless Court and Teen Court programs to Ventura, not to mention many other pro bono efforts.

The Holly Spevak Memorial Award is presented to a new attorney who exemplifies the commitment to serve others as well as involvement with WLVC. The award honors the memory of a woman whose short time as an attorney brought lasting contributions to the community and access to justice through pro bono work. The 2008 Holly Spevak Memorial Award was given to **Deborah Eileen Jurgensen**. While still a law student at Ventura College of Law, Ms. Jurgensen worked tirelessly to organize a Teen Legal Clinic and brought the Street Law Curriculum to local high school students. Deborah now has her own "practice devoted to juvenile justice issues and pro bono work.

Carmen, Tina and Deborah remain inspirations to us all. But we know there are more women among us following in their

footsteps. Please take the time to nominate your favorite unsung hero and send it via e-mail to Jodi.Prior@ventura.courts.ca.gov by August 21, 2009. Don't forget to include which award you are nominating her for and the reasons for your nomination.

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You missed a good party if you failed to attend the Ventura County Criminal Defense Bar Association's dinner 6.19. The Joyce Yoshioka Award for Outstanding contributions to the criminal justice system was given to **Jay Leiderman**. The Richard Erwin Award for Trial Attorney of the Year was presented to **Rod Kodman**. Special Recognition was given to newer attorney **Rebekah Mathis**. **Judge Doug Daily's** son, **Travis Daily**, and his band Baby Sister played a musical tribute to the Honorable Daily...Here's an idea – Let's have a contest to determine which member of our bar association drives the crappiest car regularly to and from work/court. Contest is open for 60 days and I'll convene a group of people to determine the winner. Photographic evidence helpful, and not necessary, but a simple description such as this – "A 1993 Cadillac. A dull golden color with much of the chrome either torn or scratched off." Driven by **Richard Hanawalt**...

New officers for the Probate & Estate Planning Section were confirmed during their June general membership gathering at Wedgewood Banquet

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

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

Facility. **Cheri Kurman** has agreed to chair taking over for **Kendall Van Conas** who steered the ship for two years. The executive committee includes Van Conas, **Maria Capritto, Amber Eisenbrey, David Esquibias, Steve Feder, Don Hurley, Ruth Morrow, Ben Schuck, David Shea,** and **Mary Shea**... Welcome aboard two new lawyers at **Anderson Wood Kill & Bender** – **Arnold Barba** and **Jeff Coyner**. Barba started his career at Morrison & Foerster. Coyner brings local roots to the firm and graduated from Buena High School...

A little birdie tells me if you need to do traffic school (not the 12 hour, in person kind) you can do it on line and get MCLE – www.mcle4lawyers.com...It's too late for John Longo to return the deer carcass he is accused of taking from beside a Wisconsin roadway without a permit – he ate it. But a state appeals court has ordered the 69-year-old to return the head, which he mounted, to state wildlife officials. The appeals court was asked to weigh in on the deer trophy fray after Racine County Circuit Court judge ordered Longo to turn over the mounted head by 10.31.08, if state wildlife officials asked for it before then. If they did not ask, the judge ruled, they would be required to issue Longo a permit. Prosecutors argued that the Halloween deadline was inappropriate, and the 2nd District Court of Appeals reversed. It ordered Longo to turn over the head to the State Department of Natural Resources immediately...

The Ventura Court's local court rules were revised July 1st. You can find them at www.ventura.courts.ca.gov. The fees were NOT revised...Reel Law: "Sustained. Counselor's entire opening statement, with the exception of "thank you," will be stricken from the record." – Judge Chamberlain Haller (Fred Gwynne) ruling in *My Cousin Vinny (1992)*...**Lawrence Noble** defended a trademark infringement case in the Federal Court in Miami, Florida. He represented EXPOSE', a classic 80's disco-dance group, that resumed its live performance career in 2003. Their original record label sued. After a week's trial, the district court denied the infringement claim finding that Noble's client owned the name....

A terrific story and an accompanying photo of **Miriam Arichea** appear in the June 17 edition of the Ventura Breeze. Find it at www.venturabreeze.com. Miriam is an attorney for the Los Angeles office of the California Appellate Project. Oh yeah, she plays the piano in extraordinary fashion...The United States District Court for the

Central District of California has announced the appointment of David T. Bristow as United States Magistrate Judge. Judge Bristow was appointed June 22 and served as President of the Riverside County Bar Association...

Future Bar Leadership? Current Barrister President, **Michael Strauss**, became a first-time daddy July 17 at 2:34 p.m. Miles William has lots of hair and doing well as is lawyer mom, **Jenna**. 2004 Barristers President, **Jesse Cahill**, became a daddy for the second time on May 1. Conor Edward weighed-in at 8 pounds, 8 ounces and big sis Dominique enjoying it all while mom, Stephanie, managing perfectly... **Joshua Best** is a daddy! Makenna Joy Best was born at 3:50 p.m. June 19 and weighed-in at 7 pounds, 3 ounces, and was 20 ½ inches long... Makenna and momma Jana are doing great... Hoops anyone? The Barristers and the Ventura YMCA are coordinating the 2nd Annual "Take it to the Court" 3 on 3 Basketball Tournament. It's going to be held at Anacapa Middle School on 10.3. It will be a family fun day, with games for kids, food, and music. They are anticipating over 30 teams from Ventura, Santa Barbara and LA Counties. The Barristers are seeking teams and sponsorships – Michael Strauss at 641.9992 or mas@strausslawgroup.com...Mentioning the Barristers reminds me, their annual Bowling Night attracted nearly 100 throwers. **Wendy Lascher** won the Highest Female Score, while **Robert Hester** captured the Highest Male Score with a 201. The DA Team beat the Anderson-Kill et al. by 1 pin to take home the Team Trophy. **Melissa Street** and **Taylor Waters** earned the right to call themselves the Highest Scoring Couple... From Dan Quayle: "I love California. I practically grew up in Phoenix."... From David Letterman on the Sonia Sotomayor Supreme Court confirmation hearings: "Her confidence is growing day to day. In fact, today, she showed up wearing a yellow jersey"...

Steve Henderson has been the executive director and chief executive officer of the bar association and its affiliated organizations since November 1990. He will be taking the last week of the month off for vacation so all email, texts, and peripheral communications shall be ignored. Lastly, check us out on Facebook – Ventura County Bar Association and Barristers.

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We would especially like to thank the following attorneys:

- Mike Bradbury
- Salley Dichter
- Wendy Lascher
- Guy Parvex
- Chuck Samonsky
- Scott Samsky
- Al Vargas

We would appreciate your criminal law referrals.



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