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J A N U A R Y - T W O T H O U S A N D E L E V E N

STARING AT THE SKY AND POPPIN' WHEELIES, THE LIFE AND TIMES OF JUDGE JEFF BENNETT, OFF THE BENCH

BY RACHEL COLEMAN

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October 12, 2009

Jack Trimarco & Associates
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Dear Jack:

It was good to have a chance to talk with you today. I write to emphasize my appreciation for your good work on the cases on which you consulted with us.

I have found that your professionalism in conducting and scoring polygraph examinations is outstanding. Your reputation for integrity as a polygrapher was known while you were with the FBI and has continued into your years of private practice. Both your professional work product and your excellent reputation are particularly important to me as a criminal defense lawyer.

We do not routinely use polygraph exams but, when we do, we expect an honest confidential examination and report. Whether or not we choose to disclose the report, the examination and report are often very important to the client and often influence choices we make in strategizing with that client.

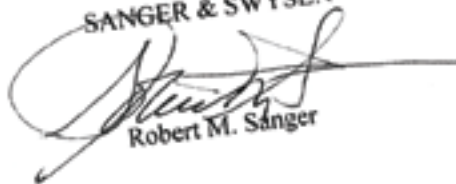
When we do decide to disclose the report in an attempt to convince a reluctant prosecutor of a client's innocence, a favorable polygraph report alone is not sufficient. The professionalism of the examination and the reputation of the polygrapher are critical.

In the recent case you worked on with us, we submitted your report along with witness interviews and other materials to the prosecutor. As you know, it was dismissed in its entirety on the day of trial. It was a felony case being vigorously prosecuted and the consequences of any conviction would have been devastating to my client's life and career. Being able to disclose your solid report backed by your substantial credentials was an important aspect of asserting our client's innocence.

Thank you again, Jack, and I will look forward to working with you in the future.

Best regards,

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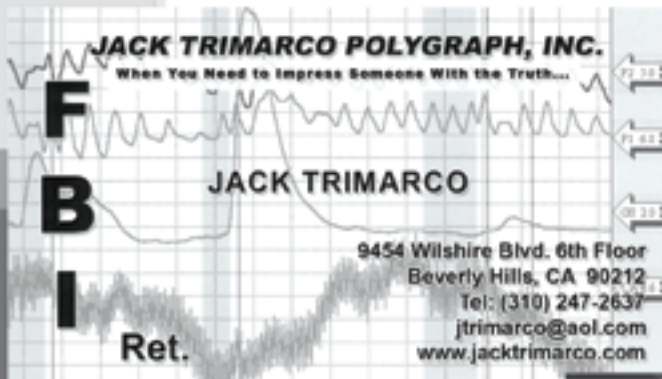
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*Executive Director **Steve Henderson** tells me that the bar president's first article should be about the president. So following his specific instructions, here is my first article as VCBA President for 2011.*

Anyone who talks to me for five minutes usually finds out I'm from Iowa. These Iowa folks are everywhere. Steve's famous father Harry Henderson actually grew up in Marshalltown, Iowa, about 80 miles as the Hawkeye flies from my home town of North English, Iowa, population 991. My wife says I often exaggerate by claiming the population is actually 1,000. North English is a nice Midwestern town with the usual complement of churches, small businesses, a golf course, a school and local folks who know you, your parents, grandparents and your ancestors going back to the 1500s.

My father, Joe, operated a John Deere dealership in town. My mom Kathy was the activity director at the nursing home. Along with my five brothers (Dan, Mike, Steve, Jim and Shawn) and sister Michele, I worked at the John Deere store doing all things imaginable. My 1975 graduating class in high school had 57 students, one of the larger classes at the time.

After a lot of running, I got the attention of the track coach at Notre Dame (at least for an interview). I attended Notre Dame and ran on the track and cross country team all four years. Those were the days of Joe Montana and Digger Phelps. True fact: I attended the "Rudy" game in 1975 as a freshman. Sports were in full swing at Notre Dame. My

A PRAIRIE HOME COMPANION

By Joe Strohman

junior year Notre Dame won the national championship in football and went to the final four in basketball (Laimbeer, Tripucka, Woolridge, Branning, Flowers, Hanzlik, etc). Through track at Notre Dame I was able to see a lot of America's universities and attend many relays (Kansas Relays, Drake Relays, Ohio State Relays, Alabama, plus almost all of the Big Ten campuses). Our normal required mileage for cross country was 85 miles a week, which explains the current problems with my knees.

At Notre Dame, a law school advisor told me about this brand new law school on a hillside in Malibu, California called Pepperdine University. After four years of running in the snow of South Bend, I figured that sounded pretty good. So it was off to the Pacific Ocean and Malibu for three years. Some of my classmates or friends at Pepperdine in those days include present Ventura County locals **Greg Totten**, **Paul Kurzeka** and **Glenn Campbell**. There were only a few of us Pepperdine Law grads in the county then. When I attended a Pepperdine Law Alumni gathering hosted by **Mark Hiepler** not long ago, there were over 80 Pepperdine Law grads attending. So like Iowans, we are now everywhere.

During law school I heard of McGeorge Law School's International Law Program. So after taking the bar, I headed off to Salzburg, Austria (Sound of Music-land and Mozart's backyard) in the fall of 1982. That program included a two-three month internship with a barrister in London, England. My host was Peter Rowland, a tax specialist with an office right off Hyde Park. Peter had privileges at two Inns of Court and introduced me to the legal system in London. He referred to me, under the British term, as his "pupil." One of his prior pupils had been a young barrister named Margaret Thatcher, who of course went on to become the Prime Minister of the U.K.

After roaming back to California with my bar license in hand I answered an ad in the L.A. Daily Journal for a Ventura firm. That ad led me to Case Orr & Cunningham and

my first real employment in 1983. **Mike Case**, **John Orr** and **Dave Cunningham** had just started a new firm in the Hathaway building. They were all around 35 years old, so I figured they must really know what they were doing. My initial billing rate was \$40/hour. After a merger with **Tom Ferguson** and **Bill Paterson** (a comedian and writer masquerading as an attorney) in 1990 and eventual combination of the **Bob** and **Ted England** gang, we became the firm now known as Ferguson Case Orr Paterson.

My wife Julie and I met on a "blind date." (This was the only way I could get a date.) We now have 3 daughters Olivia (freshman at UC Davis), Hannah (junior at Buena) and Marie (8th grade). So with three daughters and 10 years of college ahead, my retirement horizon is 145 years away (provided the UC system doesn't increase tuition more than 80 percent each year).

For 27 years I have been involved in the Law Day 5K as a runner, volunteer and later Race Director. Through the help of our many volunteers, sponsors and attorneys, we have raised a lot of money for our Volunteer Lawyers Service Program. This year the race will be on May 21, 2011 (more on the race in later articles).

I'm very excited about being your president in 2011. We have over 1100 attorneys and 35 sections and affiliates in the VCBA, a solid board of directors and a good bar administration with Steve Henderson, Alice Duran, Alex Varela-Guerra and Celene Valenzuela.

Of course we are always looking to improve our bar. Please forward any compliments to me. (Any complaints can be directed to the VCBA Executive Director.)

***Joe Strohman** cannot be found on Twitter, Facebook, Dancing With the Stars or any other media outlet. He typed this article with his manual typewriter using carbon paper with the application of white out. jstrohman@fcoplaw.com*

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O'NEILL ELECTED PRESIDING JUDGE, BACK BECOMES ASSISTANT PRESIDING JUDGE

By Rachel Coleman



Judge Back

Ventura County Superior Court Rule 2.01 provides for the election, tenure and removal of presiding and assistant presiding judges of the Superior Court. The rule establishes a nominating committee but also allows for self-nomination. Voting is by secret ballot. The court recently announced that **Judge Vincent O'Neill** has been elected presiding judge and **Judge Brian Back** will serve as assistant presiding judge. Both will serve two-year terms beginning in January, 2011. The assistant presiding judge is considered the court's "PJ-in-training."

The presiding judge's duties include acting as the spokesperson for the court at various events and attending regional and statewide meetings with other PJs. The PJ and assistant PJ work closely with court executive officer Michael Planet and his staff regarding budgetary and a variety of internal matters. Both the presiding judge and assistant are members of the court's executive committee, which also includes the supervising judge of each of the court's divisions.

Along with his new administrative responsibilities, Judge O'Neill plans to continue as supervising judge of the civil division. He will also continue conducting mandatory settlement conferences in Courtroom 22, though he acknowledges he will need additional help from those members of the bar who generously sit as protem settlement officers. In his spare time, Judge O'Neill will be updating his book, *California Confessions Law*, on an annual basis, and will continue teaching at Ventura College of Law as time allows.



Judge O'Neill

Judge Back will continue in his current assignment to the court's criminal division, as he absorbs his new responsibilities as part of the court's decision-making team.

Judicial assignments are also part of the PJ's job description. Judge O'Neill reports that there will be no changes in the court's supervising judges for 2011. "**Judges Jack Smiley** (Family Law), **Bruce Young** (Criminal) and **Don Coleman** (Juvenile) have served the court extremely well," says Judge O'Neill, who sees no need for a change in those assignments.

Judge O'Neill explained that the major factors affecting judicial assignments are the needs of the court, the expertise of each bench officer and each judge's preference. The latter is ascertained by an annual survey asking each judge to list his or her top three assignment choices. The most recent survey resulted in very few requests for new assignments, according to Judge O'Neill. Like his recent predecessors, Judge O'Neill feels that some movement within the bench results in healthy cross-training and provides opportunities for judges to round out their expertise. Judge O'Neill says he has never regretted his own move from the criminal to the civil division seven years ago.

Having considered all these factors, and after consultation with outgoing Presiding **Judge Kevin McGee** and each of the court's supervising judges, Judge O'Neill is making a few changes for 2011. **Judge Glen Reiser** has already been assigned to the probate calendar in Courtroom J6 at the Juvenile Justice Center. Early in 2011 **Judge Rebecca Riley**

will move from criminal to the Courtroom 40 civil calendar, and **Judge Kent Kellegrew** will take over a criminal trial department. Within the criminal division, **Judge Jim Cloninger** will move to a criminal trial department and **Judge Nancy Ayers** will take over the preliminary hearing calendar in Courtroom 14.

No changes are planned in the Juvenile or Family Law departments, and the judges assigned to the Simi courthouse will remain the same.

Judge O'Neill plans to formalize the orientation of new judges, beginning with newly elected **Judge Ryan Wright**, who takes office on Jan. 3, 2011. Judge Wright will spend a week observing the divisions of the court with which he is least familiar, and meeting with all judges as well as key members of the administrative staff. He will spend time in each of the county's three courthouses. His first assignments will include criminal arraignments, small claims and unlawful detainer cases, and will involve time each week in both the Simi and Ventura courthouses. Judge O'Neill believes that hearing a mixture of cases, dealing with self-represented litigants and handling high-volume calendars provide excellent training for new bench officers. "Judge Wright will benefit from observing several of his colleagues at work as he begins his own career," Judge O'Neill remarked.

Judge O'Neill's administrative goals include working with the executive staff to maintain staff morale and efficiency while coping with ongoing budget limitations, including a hiring freeze that has resulted in an unprecedented 27 vacancies within the ranks of the court's support staff. Judge O'Neill is proud of the court's commitment to service and outreach to the community, as well as its tradition of close cooperation with the county bar. He is also committed to continuing the Ventura court's leadership role in the development of the new statewide judicial branch computer system, known as "CCMS," parts of which are already in place locally.

Judge O'Neill believes the local bench is extremely hard working. According to the latest available Judicial Council statistics covering all 58 California counties, Ventura County has the fourth highest rate of filings and the seventh highest rate of jury trials per judicial position. "We need more judicial positions but for obvious reasons will not get any such relief in the near future," Judge O'Neill said. "My time as PJ will be done before the budget situation improves, so we will make the most of the resources we have."

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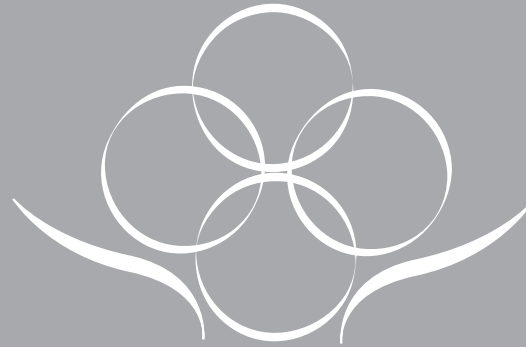
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SPOTLIGHT ON ATTORNEY DEBORAH JURGENSEN

By Ellen Hirvela Russell

Chief Justice Ron George and outgoing State Bar president Howard Miller presented the 2010 State Bar Award for Pro Bono Solo Practitioner of the Year to **Deborah Jurgensen** at the annual meeting in Monterey at the end of September 2010. Jurgensen was recognized for more than 200 hours of pro bono service she provided over the past year in the areas of family law, juvenile law, criminal expungements and dependency. This is quite an accomplishment for an attorney of just three years.

Many dignitaries and “fancy folks” attended the award ceremony, Jurgensen says.

“Most everyone from my office and my family attended and stood up and cheered when my name was announced, completely uninhibited,” she says. “By contrast, the other award recipients received polite and reserved applause. The dichotomy was fitting, as I do things a little differently than most...”

Jurgensen also recently received the James D. Loebel, VCBA/VLSP, Inc. Pro Bono Award for her service to the community.

“My goal as an attorney is to help people, especially people who don’t have a voice, or people who have limited means, to have access to the justice system,” Jurgensen says. “This is just a fancy way of saying ‘to make sure they have legal representation.’”

Another one of Jurgensen’s passions is to inspire “at promise kids” (a term she prefers to the former term, “at risk youth”).

Jurgensen especially wants these kids to know that they have the ability to overcome whatever their upbringing has been, and that they can make something of their lives. Jurgensen reaches out through the Boys & Girls Club and other means to share her life story and show them it is possible.

Born in Hollywood, California, Jurgensen says her outlook began to develop in her youth. In spite of her “humble upbringing,” she was always determined to make something of her life. Growing up “poor,” Jurgensen moved around a lot with her family. The last town they lived in before moving to the Central Coast was Compton, and she attended junior high there.

“I was afraid for my life every day,” she says. “I learned to talk my way out of most problems and to recognize when trouble was brewing—street smarts, if you will.”

Jurgensen speaks fondly of her Great Aunt Eva, who inspired her and even helped her with the costs of attending junior college in Santa Maria, California. To this day, Jurgensen is also inspired by her favorite poem, “If” by Rudyard Kipling.

After graduating from college, Jurgensen took a job with the Probation Department in the County of Santa Barbara. She worked hard there over the years and promoted up the ladder to an accounting officer position, in which she performed supervisory and accounting duties for the whole department.

Jurgensen and her husband, Doug, have three children. The family lived in Santa Barbara County for about twenty years before they moved to their current home in Ventura. Jurgensen says she started law school when their last child started school.

“I knew my brain was starting to atrophy from being home for fifteen years raising kids. It was either go to law school, or give in and let the gray matter turn to mush.”

While attending Ventura College of Law,

she was introduced by a classmate to the Ventura Center for Dispute Settlement, “VCDS.” She took part in an internship and also took mediation training. Later on, Jurgensen became a VCDS Board Member, Vice President and currently she is the President-Elect for 2011.

Jurgensen’s office is located in Ventura. She practices education law, juvenile law, and family law. She also provides training opportunities in her office for interns from the local campuses.

“This is not your typical kind of law office,” she says repeating. “We do things a little differently around here – from my prized graffiti-art inspired piece in the conference room to the rotating rubber rat that finds its way into briefcases and desk drawers, not to mention the nerf gun wars. We have fun in an effort to stay sane when some of our cases are beyond sad and heart-wrenching.”

With her tastefully bright green website and her hot pink rolling briefcase (“from the Legally Blonde collection”) it didn’t surprise me to learn that Jurgensen has an artistic flair and that she loves interior design. Jurgensen shared that she is particularly fascinated with organic beauty. Her most prized possessions include her children’s baby pictures and a “huge collection” of sea glass that she has collected over the years, mostly from Goleta Beach. The family also has three beloved dogs, a labrador mix and a chihuahua mix that were both rescue dogs, as well as a basset hound named “Humphrey.”

Finally, what are Jurgensen’s career goals?

“My ultimate career goal is to help better the image of lawyers, for the public to regard us highly once again,” Jurgensen says. “I grew up watching Perry Mason with my Dad, thinking lawyers were society’s best and brightest. Perhaps I am an idealist, but I’d like that to be true again.”

Ellen Hirvela Russell is a divorce mediator and collaborative attorney based in Camarillo.



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STARING AT THE SKY AND POPPIN' WHEELIES, THE LIFE AND TIMES OF JUDGE JEFF BENNETT, OFF THE BENCH

By Rachel Coleman



By day, the steely-eyed **Judge Jeff Bennett** is busy sustaining objections in Courtroom 47. By night, he scours the skies from a wooden, roll-off roof observatory looking for the next cosmic event to photograph. He became interested in astronomy as a kid when he and his father looked at the stars through a dime-store telescope in the backyard. About ten years ago, he saw a photograph of Bernard 33, the Horsehead Nebula in Orion. The Nebula is 1,500 light-years distant, embedded in the vast Orion cloud complex. He could not believe the horse-like image in the picture was real. Judge Bennett spent the next ten years building his own observatory and collecting and building various telescopes and equipment to see the Horsehead Nebula with his own eyes. On Oct. 14, 2007, he took several astrophotographs of the majestic Horsehead Nebula using highly technical and sophisticated computer, telescopic and photographic equipment. It is described on his website as “sculpted by stellar winds and radiation, a magnificent interstellar dust cloud by chance has assumed this recognizable shape. Fittingly named the Horsehead Nebula.”

Judge Bennett built and continues to update his own website, www.lalunasky.com, on which he posts all the astrophotographs taken from his observatory located in Ojai.

He was given a national award by NASA for a film made of the path and impact of comet 9P/ Temple. Judge Bennett, along with several of his friends, made the film from the driveway of his home. *Astronomy Magazine* published one of his photographs. He also photographs people, places and things here on the planet Earth. He enjoys taking action shots of people surfing, nature and his family. Several years ago, he won the People's Choice Award at the Ventura County Fair for one of his surf shots.

If being an amateur astrophotographer isn't enough to keep Judge Bennett busy off the bench, he also enjoys riding his electric-blue BMW touring bike. As a teenager and through college, he rode dirt bikes and motorcycles. Before becoming a motorcycle officer for U.C. Santa Barbara, he trained and completed the motorcycle training program at the legendary LAPD Motorcycle Training Center. In 1984, as a motorcycle officer, he escorted the Olympic torch through the University of California. One of his proudest moments as a police officer occurred when he met President Ronald Reagan and escorted the President's motorcade through Hope Ranch.

Six days before his wedding to Dee, his wife of almost 30 years, Judge Bennett was

hit head-on by a vehicle while on patrol on his motorcycle. He suffered a broken leg and a broken neck. With a cast on one leg and a brace on his neck, he made it out of the hospital just in time to marry his college sweetheart. Despite this terrible experience, Judge Bennett still loves riding motorcycles.

Recently, Judge Bennett rode to Arizona with one of his motorcycle enthusiast friends just to have tacos for lunch. Judge Bennett usually travels with a small group of friends when he does a road trip. A few years ago, he took a three-week motorcycle trip from California to Oregon, through Washington, up to the southern edge of Canada. The group came back down through Idaho into Nevada and then home to California. Judge Bennett reports he enjoys seeing America on his motorcycle. He gets to meet interesting people in all the little towns where he stops to refuel. On the bucket list is a motorcycle trip to Alaska up the Alcan highway to the edge of the Arctic Circle. He also hopes one day take an extended motorcycle tour of New Zealand.

Rachel Coleman is a solo practitioner based in Ventura.



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Amber Rodriguez (formerly Eisenbrey) has opened her own practice in downtown Ventura. Rodriguez will continue to focus her practice on probate and trust administration and litigation, conservatorships and estate planning. You can reach Rodriguez at (805) 535-0412.

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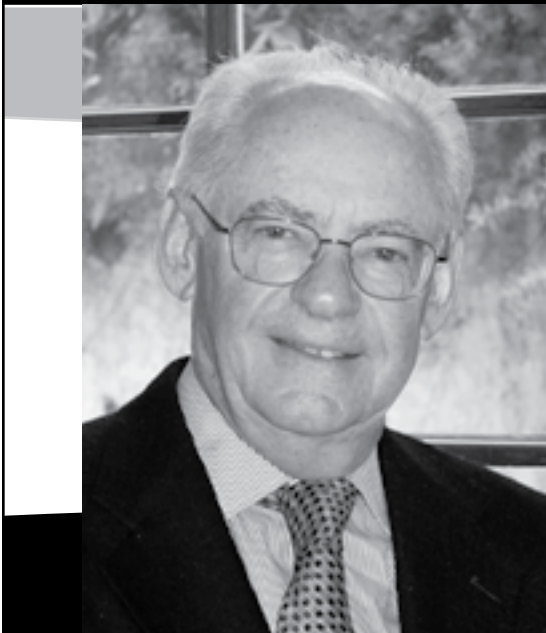
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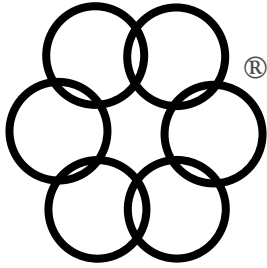


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FAMILY LAW BAR RECOGNIZES MATISOFF'S PROBLEM SOLVING

By David R. Masci

On Dec. 3, 2010, the Ventura County Family Law Bar Association acknowledged **Edward Matisoff** as the “Family Law Problem Solver of the Year.” Association members nominated Ed for creating solutions and building consensus for the benefit of his clients and their families.

The family law bench has long encouraged a culture of focusing on resolution. The Family Law Bar Association wanted to promote family-centered resolution in the litigation. Ed received the award at a year end social attended **Judges William Liebmann, Roger Lund** and Presiding Family Law **Judge John Smiley**. Members brought canned goods for a food drive and received free drink tickets in exchange for the cans.

Family Law Bar President **J. Marc Dion** discussed the Family Law Bar Board’s goal of trying to change the culture of family law from adversarial to family-focused solutions. **David R. Masci**, head of the nomination committee, gave a history of Ed’s legal career and described how Ed personally practices resolution by continuing to spend the holidays with his former spouse together with their children, grandchild and their new spouses.

Please congratulate Ed if you see him, as he is an excellent example of a problem-solving attorney.

David R. Masci practices family and probate law at the Law Office of Masci & Masci, his firm in Thousand Oaks.

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HOW I WON MY FIRST TRIAL AND SOLVED MY FIRST BIG EVIDENTIARY PROBLEM

By Philip C. Drescher

I took and passed the bar exam in early 1963. I was pleased that I passed. Actually, I was delighted because the pass rate that year was somewhere around 37 percent and having passed, I would not have to take the exam again.

I had been working as a law clerk in the District Attorney's office doing mostly research and now I would be a practicing lawyer and able to appear in court. Appearing in court would be a new experience for me because up until that point, I'd only seen the inside of a courtroom a couple of times to plead guilty to traffic violations. Legal education, at that time, did not include the many types of practical experience that are routine today.

Although I was only a law clerk, I had been assigned a secretary, Nadra. She was not only very competent, but quite a character and very resourceful. As it turned out, it was Nadra's resourcefulness that solved my first major evidentiary problem.

A couple of examples: One time Nadra was typing a long opinion letter for my friend and fellow Deputy District Attorney, **Karl Bertleson**. She returned the letter to Karl for final editing and he read it thoroughly and noticed that she had failed to type "Deputy District Attorney" under his name on the signature page.

Karl returned the letter to Nadra with a note asking, "Don't you think I deserve a title?"

Shortly afterwards Nadra returned the finished letter to Karl with a note that said, "How does this do for a title?"

Karl turned to the signature page and found that the letter finished:

"Very truly yours,

Karl H. Bertleson,
President of the United States"

On another occasion, Nadra was working for District Attorney, **Woody Deem**. Woody spoke some Mandarin and thought it would be funny to dictate a letter in Chinese for Nadra to type. When Nadra arrived at the

office that day, she found a dictation tape with a note saying, "I need this letter typed as soon as possible."

When Nadra turned on the tape, she couldn't understand what was going on or being said. She thought she might have the tape in backwards and reversed it. But that didn't make things any clearer. Then it dawned on her that Woody was speaking Chinese. She called down to the Public Works Department on the floor below where there was a Chinese-American working, and asked him if he understood Chinese. He said that he did understand some Mandarin and she asked him come up and help her as soon as possible. He understood Mr. Deem and translated the dictation as Nadra typed. Within half an hour after arriving at work, Nadra walked in and threw the completed letter on Woody's desk saying, "If you hadn't dictated it in Chinese, I could have gotten back to you a lot quicker, but I could barely understand your accent."

This was one of the few times that someone successfully turned the tables on Woody Deem and Nadra did it.

Well, continuing my story, after I passed the bar exam I traveled to Los Angeles and was sworn in, in a nice proceeding before the entire California Supreme Court. This may have been the last time this happened. The number of newly admitted lawyers increases each year and so the swearing in ceremonies are now dispersed among the various appellate and trial courts of California.

I think the swearing in may have taken place on a Tuesday or Wednesday and I floated back to the office in a state of pleased euphoria. It was a great feeling. I had made it. I was a member of the club, a member of the bar and licensed to fight for just causes.

It didn't take long however to come down from this high when I returned to the office where I was greeted by the Chief Assistant District Attorney, **Herb Ashby**, who congratulated me with one hand while handing me a file with the other hand and telling me, "You have a trial scheduled for Friday afternoon in Fillmore Municipal Court."

Herb said, "Don't worry, it's a pro per drunk

in a public place and the defendant is not represented. It should be a snap."

It might have seemed like a snap to Herb but I had never handled a trial before and as mentioned earlier, I had only been in a courtroom a couple of times previously.

I really did not know where to begin so I went to a friend in the District Attorney's office and said, "What do I do? Where do I sit? How do I address the court? Who presents evidence first?" and so on and so forth. My friend calmed me down and told me that it was really a simple matter. He told me where to sit, and what to say. After reviewing the case and talking to my police officer witness, I went to the Fillmore Municipal Court on Friday expecting to see only **Judge Phil West**, the courtroom personnel, my police officer witness, the town drunk defendant and my wife **Marcia**, who came with me on this historic occasion.

So when I walked into the small Municipal courtroom in Fillmore, I was astonished to see it packed with people. I thought to myself, this is a pro per drunk? The defendant is not represented by counsel? Who are all these people? I thought one of them must be an attorney representing the defendant and the rest are probably witnesses for the defense in my case.

Judge Phil West then took the bench and began calling the calendar. As it turned out, my case was not the only case on calendar. As he called the other cases, people stood up, addressed the court and Judge West took care of them. Some defendants pled guilty, some cases were continued and after about a half an hour to forty-five minutes of this, the only folks in the courtroom were Judge West, his clerk, me, my police officer witness, my wife Marcia and the defendant.

The defendant had been caught asleep in the front seat of his car with his arms wrapped around a wine bottle, which was about two-thirds empty.

I put on my case and introduced my very first piece of evidence, the wine bottle.

The judge turned to the defendant and asked

if he wanted to testify. He said he did. The judge invited him to take the witness stand and turned to me and said "Counsel, I think we can dispense with questions and answers and just let the defendant tell us his story." I replied that I had no objection to proceeding in that fashion.

The defendant was sworn and his testimony was, "Judge, is my son going to get his bail money back?"

The judge assured him that his son would get his bail money back.

The judge asked whether the defendant or I wanted to argue and not wanting to leave any stone unturned in my very first case, I proceeded to do so, while Judge West rolled his eyes and made an exasperated face.

After my brilliant argument, the judge ruled in my favor convicting the defendant of being drunk in a public place.

The judge then turned to me and the defendant

Continued on page 20.

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HOW I WON MY FIRST TRIAL...

Continued from page 19

and asked if there was any objection to the evidence being returned to the prosecutor.

The defendant didn't care and I told the judge, without thinking, that I had no objection. I found myself traveling back to the District Attorney's office in Ventura with a 2/3rds empty wine bottle wondering what I was going to do with it and it dawned on me that this was my first big evidentiary problem.

When I got back to the office I asked where I should put the wine bottle and everyone just laughed at me. It was clear that Judge West didn't want to fill up the Municipal Court's evidence locker with stuff like this.

So, I put the partially empty wine bottle on a shelf behind my desk where it sat for several months untouched, while I wondered what to do with it, until one Monday morning when I came to the office and discovered that I no longer had the problem of disposing of the evidence because there was no longer any wine in the bottle.

I asked my secretary, Nadra, whether she knew what had happened to the evidence and she, always resourceful, explained that she had solved the problem for me. She had to stay late on Friday to finish a project for another lawyer and began feeling sorry for herself because it was cocktail time at home and here she was sitting in the office still working. It occurred to her that there might be a solution to her problem immediately at hand. So she slipped into my office and took the wine bottle back to her desk, uncorked it and drank what was left. It wasn't very good wine to begin with and after months sitting in an already opened bottle, it had undoubtedly turned to vinegar.

But nevertheless, my first big evidentiary problem had been resolved by my always resourceful secretary.



Phil Drescher is of counsel with Nordman Cormany Hair & Compton. He practices in the areas of water and municipal law, estate planning and general business and real estate transactions.



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Justice Steven Perren and **Assistant PJ Vince O'Neill** presided over the new admittee swearing-in ceremony held 12.7 in CR #22. 13 new lawyers stood and stated their names, where they attended law school and introduced their support group. On a lighter note, Perren recognized that a Michigan State Law School grad was sitting next to a University of Michigan Law School grad and stressed the importance of civility... Movie Quote of the Month: "Sarah, you're a witness. And it's the defense's job to show the jury that you're a rotten witness because you've got a rotten character." Rape victim Sarah Tobias (Jodie Foster) gets coached by the district attorney (Kelly McGillis) in *The Accused* (1988)... Need a new photo of yourself in our Legal Services Directory? There will be a photographer in the bar offices 1.12 all day. Schedule an appointment at bar@vcba.org... **Michael Wolfram** is the new President of the Alternative Dispute Resolution Committee replacing the efforts of **Marge Baxter**. Mike may be reached at 491.2770 or mwolfram@wolframworkplacelaw.com...

Bret Anderson has agreed to continue as President of the East County Bar Association – banderson@fcoplw.com... All you N-Zers – Need your MCLE credits enhanced before the February 1 deadline? Check out the VCBA calendar for eight course offerings. Collaborative Family Law is hosting an all-day affair 1.7. To score eight hours, including two Ethics, call Celene at the bar at 650.7599 or bar@vcba.org. Further program details can be had by contacting **Rebecca Calderwood** at 650.6361 or **Julie Marciel** at www.jlclvta@sbcglobal.net. The keynote speaker? The nationally recognized mediator Forrester "Woody" Mosten, Esq... Victoria Kolakowski is making history, just by doing her job. For over 20 years, she's worked as an attorney. This week, she declared victory in a very close race for Alameda County Superior Court, making her the first transgender trial judge in the country. She began her transition in 1989,

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

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

and faced discrimination. Initially, she was not allowed to take the bar exam and was told that she was not of sound mind. She appealed that decision and won. When marriages were legal for a few months in 2008, Kolakowski married her wife, an editor at the *Bay Area Reporter*... Welcome aboard new VCBA board members elected to two-year terms: **Bret Anderson, Alva Arzu, Linda Ash, Michele Castillo, Marc Dion, Erik Feingold, Aleye Lazar, Susan McCarthy, Katie Pietrolungo, Eric Reed,** and **Christina Stokholm**... November 2010 marked **Al Vargas's** 12th musical production in three years with *Life* at Ventura College...

Past President **Kendall VanConas** hosted the annual board of directors holiday party 12.8 at Brophy Bros which attracted 30 plus including **Doug Goldwater's** seven month old twins, Knox and Clayton... On 12.8 the Senate convicted U.S. District Judge G. Thomas Porteous on four articles of impeachment, making him the eighth judge to be removed from office through impeachment. Porteous was accused of accepting gifts from those with cases before him, including two lawyers who gave the judge \$2,000 and then won a court ruling in their favor. He won't be getting his \$175,000 annual pension either... A new law school is on the drawing board in the corridor between New York City and Washington, D.C., where the University of Delaware is proposing to open its doors to fledgling legal eagles in 2015. The law school would be located in Newark... New Ventura County Asian American Bar Association officers are: **John Fukasawa**, President; **Kata Kim**, Vice-President; **Brian Nomi**, Treasurer; and **Shan He**, Secretary...

President **Joe Strohmman** will host the 21st Annual Bar Leaders Conference 2.5 at the Courtyard by Marriott... **Michael Planet** is on the agenda and if you are one of 35 section, committee and affiliate leaders, you're invited – jstrohmman@fcoplw.com... Attorney William Schopf's fall schedule included a working trip to the Toronto Film Festival in September and preparation for a major trial starting in November. "I haven't had the situation yet where I have to tell the judge, 'I need a continuance because I've got to go to Cannes,'" he says, but one can imagine such a conflict in his future. That's because the 62-year-old co-founder of Schopf & Weiss in Chicago takes more than a passing interest in cinema. Twenty-four years ago he

bought a building that houses a jewel box of a movie house, the historic 750-seat Music Box Theatre in Chicago. One investment led to another, and today his movie business is on a winning streak. Music Box Films, an independent distributor he started three years ago, snared the U.S. distribution rights to the *Millennium Trilogy*, the Swedish-language films based on the late Stieg Larsson's best-selling crime novels including *The Girl with the Dragon Tattoo*... **Sandra Robertson's** last FT day with FCOPLaw is December 31. She has been associated with them since 1982. She'll continue work on a part-time basis... **Amber Rodriguez** is now hangin' her hat at 107 Figueroa, Ventura. Her office # is 643.4200 and can be had at lawofficeofamberrodriguez@yahoo.com. Amber is also expecting her second child in May...

Rebeca Mendoza is the new President of the Mexican American Bar Association following an exemplary run by **Jessica Arciniega**. **Andres Garcia** will remain Treasurer... The winner of this year's American Crossword Puzzle Tournament didn't follow in his parents' legal footsteps, but he has their intellectual abilities. Dan Feyer is a pianist, a director in musical theater, and has an amazing talent to quickly solve crosswords. He demonstrated for the *New York Times*, completing the newspaper's difficult Saturday crossword in 5 minutes and 29 seconds. His father is a San Francisco bond lawyer and his mother is a law professor at Hastings... An Ohio judge is allowed to have Facebook friends, the Board of Commissioners on Grievances and Discipline of the state's top court held 12.9. But doing so requires "constant vigil," the board states in its written opinion, because "a judge must maintain dignity in every comment, photograph and other information shared on the social network."... After 27 years with our District Attorney's Office, lucky **Greg Brose's** last day is 2.4 and then it's off permanently to the Big Island in March. He started his career in the Riverside DA's office in 1977...

Steve Henderson, Executive Director, M.A., CAE, has been the chief executive officer of the bar association and its affiliated organizations since November 1990. Henderson leads a pack of PR execs assisting Michael Vick and anticipates his nephew, Tom Brady, wins another Super Bowl 2.6. Henderson may be reached at steve@vcba.org, FB, Twitter at [stevehendo1](https://twitter.com/stevehendo1), LinkedIn, or preferably by calling 650.7599.



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*The Law Offices of David Lehr, Inc. are pleased to announce
the hiring of **Jasen B. Nielsen, Esq.***



Mr. Nielsen grew up in Thousand Oaks, and graduated from Westlake High School. He received his Bachelor of Arts from the University of California at Santa Barbara, and his Juris Doctorate from the Santa Barbara College of Law. He received the Witkin Award for Academic Excellence and the CALI Excellence for the Future Award in Remedies, and Academic Achievement Awards for the Highest Grade in Contracts, Legal Writing, Torts and Remedies. As an attorney, Mr. Nielsen worked in Construction Litigation and as a Ventura County Deputy District Attorney, where he received 24 hours of P.O.S.T. Certified Standardized Field Sobriety Test Instruction. Mr. Nielsen is now using his experience to help clients facing DUI charges.

We would appreciate your criminal law referrals.

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