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D E C E M B E R - T W O T H O U S A N D E L E V E N

COURT ADMINISTRATORS WANT BUDGET CUT IMPACT INFO

Page 10

OVERHEARD IN L.A. COUNTY

Page 11



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CELEBRATING CHAMPIONS, REMEMBERING HEROES... 3

LAWYER ON ICE 7

ANNUAL DINNER AWARD PHOTOS 12

EXPLORE CIVIL LAW AND PRE-COLUMBIAN LEGAL TRADITIONS 17

RINGSIDE AT A MEDIATION 18

WOMEN LAWYERS' ANNUAL DINNER 20

SOCIAL SECURITY SET TO RISE NEXT YEAR 22

MARGIN CALL REVIEW 23

JUDGES PIZZA NIGHT 24

CLASSIFIEDS 25

EXEC'S DOT... DOT... DOT... 26

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Jack Trimarco & Associates
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Beverly Hills, CA 90212

Dear Jack:

As you know, Bryan Stow, a San Francisco Giants fan, was brutally attacked by two men in the Dodger Stadium parking lot on opening day, March 31, 2011.

On May 22, 2011, Los Angeles Police Department (LAPD) SWAT officers arrested my client, Giovanni Ramirez at an East Hollywood apartment complex. LAPD Chief Charlie Beck said at a news conference that day, "I believe we have the right guy. I wouldn't be standing here in front of you. I certainly wouldn't be booking him later on tonight. You know this is a case that needs much more work, but we have some significant, significant pieces to it that leads me to believe that we do indeed have the right individual."

Mr. Ramirez agreed to take a LAPD polygraph examination, to be conducted on June 1, 2011.

I retained your services as a nationally known and respected polygraph examiner. You agreed to polygraph my client at Los Angeles County Men's Central Jail, on that day prior to the LAPD examination. Further, you agreed to monitor the LAPD polygraph examination in an observation room within Parker Center (LAPD Headquarters).

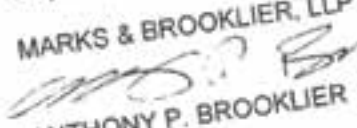
After you polygraphed Giovanni Ramirez, as you departed the jail, you telephoned me. You said, "LAPD arrested the wrong guy. Giovanni Ramirez was not on Dodger stadium property on March 31, 2011."

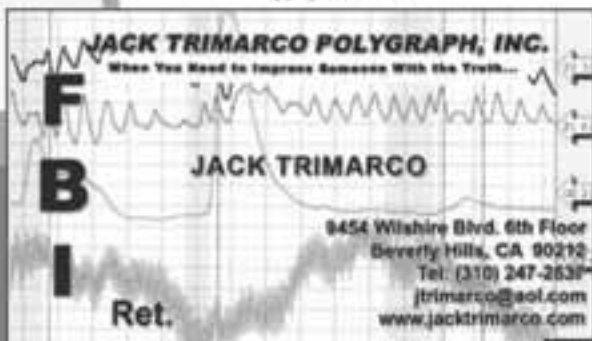
On June 1, 2011, you accompanied me to Parker Center to monitor the LAPD polygraph examination. The respect shown to you by the LAPD polygraph personnel comforted me. You advised them that Mr. Ramirez passed your exam as you handed them your report.

Although this case had many interesting facets, central to Giovanni Ramirez being eliminated as a suspect, were your "non deceptive" polygraph results.

It is a tribute to your reputation that polygraph testing conducted by you is so well received and respected by the prosecution, as well as the defense. You saved my client's life...thank you.

Very truly yours,

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CELEBRATING CHAMPIONS, REMEMBERING HEROES, AND THE FUTURE OF LAW

By Joseph Strohman



World Champs. It's not often that any person or team from Ventura County is the "Champion of the World." But that honor recently was earned by the La Reina Mock Trial Team. The La Reina team captured the 2011 World Mock Trial Championship at the Empire City Mock Trial Invitational Tournament on Oct. 23 in New York City. The competition included 16 state champions, six international champions and 34 at-large teams.

Team members include seniors Olivia Polk and Hannah Young; juniors Hannah Delsohn, Elizabeth Hribal, Lena Melillo and Rachel Warner; sophomores Olivia Aulicion, Rynne Bamieh, Camila Hamideh and Nisah Srinivasa; and freshmen Leila Flanagan and Reilly Jones. The proud faculty advisor is Mrs. Liz Harlacher and dedicated team attorney coaches include **Kendall Jones, Jean Wentz** and **Ron Bamieh**.

La Reina has captured the Ventura County Mock Trial Championship 16 times since 1990 and has won the California State Championship twice, in 2008 and 2011.

If you can't get tickets to the World Series or London Olympics next year, you may want to see the World Champs in action again in February/March at the Ventura County Courthouse. They will be joined by other impressive high school students and teams in the 2012 Mock Trial competition.

As a reminder, VCBA board member **Joe O'Neill** has been making great strides in getting Mock Trial coaches and teams lined

up. More attorney coaches are still needed. Contact Joe at oxatty@earthlink.net or (805)988-6700. Also, please consider being an attorney "scorer" on at least one night of the competition in February/March, 2012.

Unbroken. If you haven't heard the story of Louis Zamperini you should take a moment and check him out on the web. Better yet, read Laura Hillenbrand's bestseller, "*Unbroken, A World War II Story of Survival, Resilience, and Redemption.*" Louis Zamperini was a world class miler and distance runner from Torrance, California who ran track at USC. Along with another little-known runner named Jesse Owens, he was a U.S. Olympian on the U.S. Olympic Team in the 1936 Berlin Olympics in Berlin. During World War II, like all young men, he set off for war and served as an Army Air Corps bombardier on a B-24 Liberator. While on a rescue mission his plane crashed into the vast Pacific. He and two other American service men found themselves alone on a raft. Louie and one of the men survived an unbelievable 47 days in the raft only to be captured by the Japanese. Louie's story of survival in a Japanese POW camp, his return, torment and redemption is gripping and inspirational. In the end, forgiveness saved him.

Thanks to an invitation from my Notre Dame track buddy and fellow attorney **John Duffy**, I got a chance to see Louie Zamperini on Oct. 6 at Fess Parker's Doubletree Resort in Santa Barbara. This event, a fundraiser for Providence Hall prep school, featured a fifteen minute documentary by CBS's Bob

Simon on the background and history of Louie's life. Later, Louie came onstage for a 30-40 minute interview. At 94 years-old, Louie sounded more like a 50-year-old reciting dates, events and stories with precision. There were many veterans in attendance at the event and I have seen few other standing ovations that meant as much.

Louie was proudly wearing his USC cap all night. Sportswriter Woody Woodburn tells me that Louie has been a regular at USC track and sports functions over the years. He still wears that darn USC cap everywhere he goes.

The Future. My article has featured the present (with the La Reina team) and the past (with Louie Zamperini). So how about a little future?

That subject was covered recently by Stuart Forsyth, an attorney and legal futurist. Stuart was the former L.A. County Bar Association Executive Officer and has held many other legal positions. He joined our firm at a retreat to discuss the future practice of law. Some VCBA board members may recall that Stuart gave a presentation to the VCBA board in 2009 during Prez **Tony Strauss'** year.

Some food for thought. What will the practice of law be like in ten to 20 years? What changes have occurred over the past ten to 20 years in the legal practice? A futurist doesn't necessarily predict the future but makes you think about how to be

Continued on page 5

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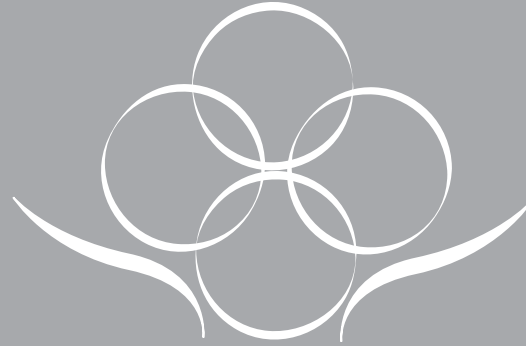
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Continued from page 3

prepared for future expected and unexpected changes. The dominant eras in world history have commenced as follows: Agriculture (1880s), Industry (1920s), Services (1950s), and Information (1976). According to futurist Graham Molitor, the coming eras will include Leisure Time (2015), Science (2100), New Atomic (2100), Megamaterial (2200), and New Space (2500). We won't be around to see if he's correct, but looking into the past and near future may help shape our decision making. The key seems to be that the "most adaptable" in any field will survive.

As to the law firm of the future, Stuart provided us with this quote from Tony Girling, Past President of England and Wales Bar Association:

"Law Firm of Future:

*The computer is there to provide legal services.
The dog is there to keep the lawyer away from
the computer.*

The man is there to feed the dog."

It's A Small World After All. My October article featured Chief Justice William Waste, who was assigned State Bar Number "1," In the article I also noted the bar numbers of

Erle Stanley Gardner and H. Frank Orr (the grandfather of my law partner **John Orr**). Upon reading the article, John walked into my office and told me that his son Nick was a roommate at Thacher with William Waste's grandson! (I don't make up this stuff, I just write about it.)

So Long and Good Night. It has been an honor to serve as your VCBA President in 2011. My thanks to the VCBA Board and all our sections, affiliates and committees. I think we accomplished a lot and left the campsite in a little better condition than when we found it. My special thanks to the VCBA staff of **Alice Duran, Alex Varela-Guerra, Celene Valenzuela, Verna Kagan** and **Steve Henderson** for all their time, effort and support. We have lined up, in batting order, as future bar presidents: **Dien Le** (2012), **Joel Mark** (2013) and **Laura Bartels** (2014). So, I think we are in good hands.

Joseph Strohman continues in his 28th year of the practice of law as a business litigator at Ferguson Case Orr Paterson, LLP. He has incorrectly predicted the future consistently for the past 28 years.

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LAWYER ON ICE

By Bill Lascher



Bailey age 13, Dayle 16 & me 40+

Skate backwards. That's all **Deborah Meyer-Morris** wanted to do. She wanted to know how to ice skate backwards.

Meyer-Morris set her sights in reverse on her 40th birthday. Seven years later, the self-employed civil litigator and insurance defense attorney from Ventura has skated right past that goal, having just aced the first in a series of amateur figure-skating tests that required leaps, spirals and, yes, skating backwards.

"When I started, my only goal was to go backwards," Meyer-Morris said. "Then I thought 'okay, well, now that I can go backwards maybe I can learn how to do a jump.' Then it became two jumps, then three jumps, then four jumps."

Two-and-a-half years ago, when her firm downsized, Meyer-Morris found herself without a job. For the first time since she picked up a newspaper route at 12 years-old her time wasn't consumed with work or school, or both (Meyer-Morris's father died three days before she started college; beyond the tragedy, the loss of his income meant she had to find a job to pay for school). Though she still works part time from home, Meyer-Morris decided to take advantage of the extra time to hone her figure skating.

Meyer-Morris received the latest validation of this decision in November, when she passed her United States Figure Skating Association

adult ice skating pre-bronze review, the first level in a four-tier USFSA ranking system. To qualify, Meyer-Morris needed to skate in specific patterns demonstrating the ability to spiral on alternating legs, turn, and display a series of edging and stroking techniques, and loop between forward and backwards movements. She has also passed seven levels of the less competitive Ice Skating Institute, or ISI, and she plans to keep moving up through the USFSA until she reaches its highest rank: gold.

"I'm going to be doing this until I'm 65," she said.

Now Meyer-Morris skates three to four times a week, usually during a mid-day skate session reserved for adult skaters at Oxnard's Channel Islands Ice Center, which also has the bad economy to thank for remaining open despite long-stalled development plans of its Wagon Wheel home. Though she grew up watching figure skating, Meyer-Morris had only skated twice in her life before she turned 40. Then she took one of her daughters skating (the girls are now 13 and 16 years old and, according to Meyer-Morris, skate better than she does). Meyer-Morris decided she wanted to learn to skate herself.

"I thought, 'if I don't do it now I'm never going to do it,'" she said. "It's all about taking risks. Don't think you're going to look silly. It's all about you and finding something that lights a fire in you."

Skating is more than a hobby, Meyer-Morris says. Progressing in the sport requires a great

deal of mental and physical energy. Skaters who compete have to train and condition themselves. She compares the sport to golf.

"It's you against the ice," she says. "It's a rare day when everything converges and you get complete satisfaction. You're constantly working on stuff."

Though at one point a rotator cuff injury prevented her from skating for months, she feels much better than she ever did in two decades sitting at a desk.

"I'm in much better physical shape than I have been since I went to college," she said. "It's fabulous."

Meyer-Morris typically solos, but she has also performed duets with other female skaters. At one ISI event, she and Santa Barbara lawyer Cathy Anderson performed a duet of "Razzle Dazzle," from the musical *Chicago*.

"It was a totally tongue in-cheek version," she said. "We dressed up as two slimy attorneys."

Meyer-Morris will exhibit her ice-skating skills at a Dec. 9-11 show to benefit the Ventura County Children's Services Auxiliary. The 10th-annual benefit takes place at the Channel Islands Ice Center in Oxnard. More information is available at <http://channelislandsfsc.org/index.html>.

Bill Lascher is a freelance journalist and writer raised by a pack of lawyers whose work appears in High Country News, Portland Monthly, Bear Deluxe Magazine and lascheratlarge.com. He currently lives in Portland, Ore.

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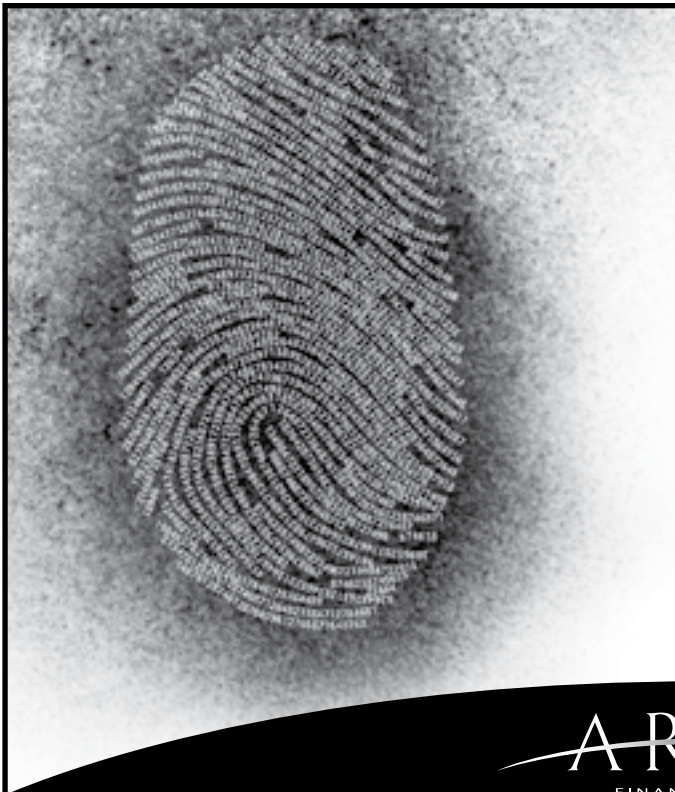
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COURT ADMINISTRATORS WANT BUDGET CUT IMPACT INFO

*Citing “the serious impacts of budget reductions,” Ventura County Court Clerk and Executive Officer **Michael Planet** forwarded to Ventura County Bar Association leaders a letter from an assistant director of California’s Judicial Council seeking to better understand how fiscal constraints on the judicial branch are impacting lawyers and their clients.*

Budget cuts of \$2.7 million for the 2011-12 fiscal year mean that the Ventura Superior Court faces a \$5.8 million deficit this year, Planet wrote. Already, \$652 million in cuts to the judicial branch’s statewide budget have been approved since 2008, leading to mandatory furloughs, layoffs, court closures and reduced services.

In October, Planet asked local bar leaders to share a letter from the Bench-Bar Coalition, an 18-year-old organization led by the California Association of Local Bars, the State Bar of California and the Judicial Council that is focused on coordinating judges and bar associations across the state on common issues and legislation. The letter was written by Donna Hershkowitz, the assistant director of the Administrative Office of the Court, Office of Governmental Affairs.

Here’s the letter:

I am writing to request your immediate assistance in gathering information on how the reductions to the judicial branch budget have impacted you, your clients, and members of the public who access trial court programs and services throughout the state.

We are in the process of developing the necessary information to convey to the legislative and executive branches the true nature of these impacts and the need to restore funding to the judicial branch budget. To be most effective, we must capture and share clear, meaningful examples of what these reductions mean in human terms and how access to justice has been compromised in California.

Specifically, we are asking that you immediately begin sending your observations and experiences – and those

of your clients – **as they occur** to Donna Hershkowitz, assistant director of the AOC Office of Governmental Affairs by email at donna.hershkowitz@jud.ca.gov. Donna will aggregate the information for use in statewide outreach and education efforts conducted by you, members of the judicial branch, and our justice system partners.

Your submission should include enough information to enable us to aggregate similar stories and present a picture of the cumulative effects on the public:

1. The trial court at which the incident you are describing occurred;
2. The type of case you or your client brought before the court;
3. The specific reduction in programs or services that impacted you or your client; and
4. The immediate, subsequent or residual effect that the reduction had on you or your client, and what that means in terms of access to and the delivery of justice; and
5. Your contact information should we need to follow up with you on your submission.

For illustrative purposes, using the Sept. 14 *Oakland Tribune* article on court services reductions in Alameda County as background, the following example could be submitted:

1. Superior Court of Alameda County, Hayward Hall of Justice
2. Traffic court/red-light camera ticket processing
3. Effective Monday, Sept. 12, traffic court proceedings previously held at the Hayward Hall of Justice were moved to the Fremont Hall of Justice.
4. “My client reported to me that he had received a traffic citation to appear at the Hayward Hall of Justice. Upon arriving at the Hayward courthouse, there were no signs posted at that location to alert the public that traffic cases would now be heard at

the Fremont courthouse, so he had waited in line for one hour before learning from a clerk that he was at the wrong location. The subsequent impact on my client was that he then had to travel 12 miles through morning commute traffic to the Fremont courthouse, and upon arriving, found that he was at the end of a line of about 60 people that had already formed before the Fremont court opened at 8:00 a.m. After processing his ticket and driving the 12 miles back to Alameda, the client had missed three hours of work and pay for a matter that he could have handled at the Hayward courthouse within one hour.” *Note: Ideally, this example would continue to further illustrate the sustained impact to the client: “Because he told his employer he would be one hour late to work, not three hours, the client, who is the sole provider for his family, was put on probationary status and is at risk of losing his job. This scenario presents added complications for clients without adequate access to transportation to outlying courthouses.”*

5. John Q. Barmember, Attorney at Law, (name of firm, address, phone number and email address)

Thank you for your urgent consideration of this request. Please contact Donna Hershkowitz in OGA at (916)323-3121 should you have any questions regarding the content we seek. We anticipate beginning statewide outreach activities immediately and will benefit greatly by having as much information as possible to share with decision-makers. We look forward to hearing from you.

Donna Hershkowitz
Assistant Director
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Judicial Council of California -
Administrative Office of the Courts
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Sacramento, CA 95814
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OVERHEARD IN L.A. COUNTY

A CITATIONS source relayed the following rumor to our editorial staff:

Last week I was sitting in a courtroom in Van Nuys when the union rep for the governmental workers visited to bring the staff up to speed on current staffing decisions. He was not aware that I was sitting in the corner of the courtroom and supposedly this information is not necessarily widespread.

He advised the court clerks that the courts are terminating or laying off 70 court commissioners and 300 court clerks in the coming months. LASC has decided to go back to the old master calendar system with three or four very large master courtrooms in downtown Los Angeles where parties will appear and then be farmed out to available courtrooms. This is the way it was back when I started practicing.

The rep also indicated that the courts would take, on a priority basis, only mandatory matters such as criminal complaints, juvenile issues, probate conservator/guardianship reviews, some family TROs, but everything else will get sent back to the end of the line. It is anticipated that the time to get an actual trial will be five years, the way things were when I started practicing in the olden days.

Obviously, this is going to have huge impacts on insurance companies' willingness to settle. They may as well just wait the five years and work the float; P.I. practice is going to suffer because of the slow-down and delay in verdicts, but on the other hand mediation and private arbitrations will probably be enhanced since no one can get into the judicial system.

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Habitat for Humanity- New Zealand (2)	World Wildlife Fund
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EXPLORE CIVIL LAW AND PRE- COLUMBIAN LEGAL TRADITIONS IN GUATEMALA

By Vanessa Frank Garcia

The Mexican American Bar Association is planning another wonderful trip with participation open to all, including judicial officers. Taking place Spring, 2012, the focus of the week-long trip to Guatemala will be the exploration of the Civil (Roman) Law tradition and its intersection with vibrant pre-Columbian legal traditions governing large swaths of this diverse nation. Our Guatemalan colleagues will also be eager to learn from us about U.S. and California law. With a population of about 15 million people, there are over 20 nationally recognized languages in Guatemala, most predating the European arrival. Beginning in the capital, Guatemala City, we will meet with law professors and private attorneys and enjoy great food and some sightseeing. Then we'll head out to the Western region, home to some of the culturally richest indigenous communities in the Americas. There, we will meet traditional leaders of these Mayan communities and gain a deeper understanding of traditional legal models. With the 1996 conclusion of Guatemala's civil war, pre-Columbian culture and language have gained official recognition and support. The legal systems are no exception and pre-Columbian jurisprudence continues to develop. The Land of Eternal Spring is always a beautiful place to visit, and in late Spring it is less "touristy." We hope to time our trip to conclude immediately prior to Holy Week (*Semana Santa*), allowing you to extend your stay to enjoy this colorful and festive time. We have space for 30 attorneys. Family members can "tag along." No Spanish is required. If you are interested in participating, please email **Vanessa Frank Garcia** at vanessa.frankgarcia@gmail.com.

Vanessa Frank Garcia practices primarily immigration law in Oxnard. She graduated from Stanford Law School and has traveled extensively in Guatemala with her family.



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RINGSIDE AT A MEDIATION

By Joe Hadden

The beginning of a prizefight is surprisingly similar to the beginning of a mediation. The parties warily circle, testing each other with light jabs; evaluating each other before the heavy punching begins. The goals, however, are radically different.

In a fight, each party vies to be the winner and leave their opponent insensible on the canvas. In mediation, the goal of each party is to achieve a result favorable to his or her interests.

There are, of course, no knockouts in mediation. Mediations assist parties with widely divergent views of value, to negotiate: constantly evaluating numbers on the table with the probable range of jury verdicts, coupled with the time and cost to obtain such a verdict, frosted with the uncertainties inherent in a trial.

If mediations were held in a ring, a successful bout would be achieved when both parties held up, and touched gloves; signifying an agreement wherein both parties accepted partial satisfaction of their goals in return for a certain end to the dispute on terms both were willing to accept.

Preparation

The obvious goals of preparing the parties on the goals and procedures of a mediation pale before the black hole an attorney can fall into by succumbing to the natural instinct to plump up the value of their case for the plaintiff, or diminish it to the defendant so that as you approach the final moves to an appropriate resolution, your client utters those three awful words - "*but you said.*"

Each party is lifted and strengthened by an aura of preparedness, exemplified by:

- A clear knowledge of your case, with its strengths and warts. Most mediators, myself included, appreciate briefs, which can be either confidential, or shared.
- Charts.
- Deposition transcripts, rife with flags.
- Expert reports, or, in the appropriate case, live experts.

- Power point presentations in the appropriate case, but caution: a repetition of the obvious just bores the other side and hurts your case.

- Foam board can be an excellent investment (but see above) for charts, quotes from depositions, maps or depictions of important aspects of the case.

- 'A day in the life of...' videos for the appropriate case.

- If you have a 'smoking gun,' don't leave it at home.

If one side has important impeachment evidence against the other, it may be wise to delay the mediation until after a key deposition has been taken, so that the substance of the impeaching evidence can be revealed during mediation. I have not infrequently been in the position of telling a party that I have been advised that the other party has some significant evidence against them, but I am not authorized to reveal what it is. Usually the purported victim will respond, reasonably, that they cannot fight a ghost.

If the original attorney is not going to try the case, the trial attorney needs to be at the mediation. Otherwise it is a 'my big brother can whip your big brother' standoff.

Mediating is an exercise in negotiation and persuasion. Credibility is another way of saying "believability". Believability is *very* helpful in selling your case! I have found few things more helpful in creating credibility than a candid admission or acknowledgment when an opponent makes a valid point. Another strong helper is absolute honesty.

There is a widely-held belief that settlement in any given case lies halfway between the first offer and the first demand. I do not subscribe to that philosophy. True, most negotiated resolutions do end in the arithmetic center; but that result is not mandated. The parties always control the negotiation.

The mischief that such techniques wreak stems from the micro-offers and the macro-demands they generate. If the case has a value around \$60,000, and the demand

is \$3 million, the defendant may quickly elect to pick up and leave. After all, they can honestly relate that plaintiff took a totally unrealistic position, and trial, to a defendant, represents a continuing income stream. Similarly, a defense offer that could have been obtained in Small Claims Court may yield the same result; at best, it lowers plaintiff's respect and confidence in the integrity of the process.

My unsolicited advice is to make your opening demands and offers credible. That doesn't mean that you should come to mediation only to roll over on your back with all four paws in the air. It just means that your numbers should have more than a passing resemblance to reality.

Realize that insurance companies put up reserves on each of their cases early on. If the defense is bumping up against that reserve, they must initiate a process to adjust it upward to be able to increase their offer. This may require going through several layers in the organization, and take some time; plaintiff's counsel may wish to be patient during this process.

If you get to the best and final offer/demand say so, but realize that by taking this position you have terminated the mediation; so think carefully before you give the process this verbal quietus.

Finally, bring a partial settlement agreement to the mediation. Making one up on the fly after a long session is difficult, the parties are tired; and, if something significant is overlooked, the whole resolution may go out the window.

A mediated settlement that does not end with a fully executed, enforceable agreement is probably a waste of time. A settling parties remorse is predictable – and destructive.

Shake hands, and negotiate.

Joe Hadden is a retired judge of the Ventura County Superior Court. He is a mediator and arbitrator with Hadden & Gillivan in Camarillo.

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WOMEN LAWYERS' ANNUAL DINNER



On November 2nd, WLVC honored two deserving women in the legal community at their well-attended annual dinner at Herzog Winery. President, Jill L. Friedman, presented the Legacy Award, which honors pioneer women attorneys, to former California Assembly and chairwoman of the Legislative Women's Caucus, Hanna-Beth Jackson. WLVC's



Vice-President, Charmaine H. Buehner, presented Verna Kagan, the director of the Volunteer Lawyers Services Program, with the Holly Spevak Memorial Award. The Holly Spevak Award honors Verna for her continued pro bono work, which has provided lasting contributions to the community and access to justice.

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SOCIAL SECURITY SET TO RISE NEXT YEAR

By Louis J. Vigorita

Something good has happened in Social Security. Next year, Social Security recipients will see the first raise in their checks since 2009 due to accelerated inflation this year. A subset of the consumer price index –the CPI for Urban Wage Earners and Clerical Workers, or the CPI-W – rose by 3.6 percent in the third quarter from the same period in 2008, according to the Bureau of Labor Statistics. It's the first time the benchmark has risen in three years. That's significant because that figure is normally used to calculate changes in Social Security checks. The 3.6 percent raise is lower than the increase of 5.8 percent recipients received in 2009, but higher than the average of 2.4 percent the past ten years. *That is correct; it is higher than 2.4 percent, which was the average over the last ten years.* The inflation figure will also increase the amount of income that is subject to Social Security taxes. Currently, taxpayers pay into Social Security on their first \$106,800 of earnings. Next year, that figure will rise to around \$110,000.

Health options for Social Security claimants.

In other Social Security information, the U.S. Department of Health and Human Services informed disability claimants of another option for those who have no medical insurance while waiting for a favorable decision on claims: The Pre-Existing Condition Insurance Plan (PCIP).

The California PCIP offers health coverage to medically-uninsurable individuals who live in California. The program is available for individuals who have not had health coverage in the six months prior to applying. The California PCIP is run by the Managed Risk Medical Insurance Board (MRMIB).

For more information, including eligibility, plan benefits and rates, as well as information on how to apply, visit www.pcip.gov.

Louis J. Vigorita is a member of CITATIONS' editorial board. He practices workers' compensation and Social Security law in Ventura.

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MARGIN CALL REVIEW

By Bill Paterson

In the opening scene of "Margin Call" a major trading firm is in the process of reducing its work force. Among those scheduled to get the axe is the firm's long-time risk manager Eric Dale (Stanley Tucci). It is not a gentle process. Within minutes of his exit interview, Dale is being escorted out of the building. As he boards the elevator he surreptitiously hands one of his younger associates, Peter Sullivan (Zachary Quinto), a flash drive and suggests he may want to take a look at it.

That night, as his co-workers set out for a night of bar hopping, Sullivan sits down in front of his computer. Soon, lines of seemingly incomprehensible data stream across his screen. Sometime around midnight he makes a startling discovery. The supposedly sophisticated computer model which the company has used to bring in untold wealth and outsized bonuses didn't account for an unanticipated event. It is now only a ripple but it will soon be a financial tsunami which will topple the firm. The company has taken a huge position in a raft of financial paper headed off a cliff. If Sullivan and his colleagues cannot palm it off, the firm's days in the Wall Street sun are over.

Frantic calls go out. Soon, the previously darkened building is filled with nervous bosses and traders. The head of the trading floor, Sam Rogers (Kevin Spacey), arrives along with the "quants" who developed the investment strategy that is about to sink the firm. Last to arrive, by helicopter of course, is the firm's cold-blooded chairman, John Tuld (Jeremy Irons). Tuld was paid \$86 million dollars the previous year. The notion that the gravy train may be going off the rails galvanizes him and his cohorts into action. His plan to save the company is simple. As he puts it to those gathered around the conference table, there are three ways to succeed in the financial world: be first, be smart or cheat. In a company in which fiduciary duty is not a cherished corporate value they have only one real option – dump their positions on their unsuspecting clients and counterpart traders before the word gets out.

"Margin Call" is a graphic portrayal of how easy it is to undermine morality when vast sums of money are at stake. Some of the characters are happy to be corrupted, including senior trader Will Emerson (Paul Bettany), who spends \$75,000 a year on hookers. His

soliloquy on why he couldn't care less what havoc the firm's actions will have on "the little guy" is a tour de force of self-interest posing as hard boiled cynicism. Other members of the firm still have a residue of moral qualms, but the money showered upon them proves too tempting to resist. He may not look like Marlon Brando, but Tuld makes his minions an offer they can't refuse. By the time the market opens, the trading floor is alive with traders eager to do the company's bidding.

Along with its compelling story line, "Margin Call" is a film with the heart of a thriller. Decisions involving billions of dollars have to be made on the fly in the middle of the night. The tension is palpable as the pieces come swiftly together before the opening bell sounds and the traders (whose sales techniques and rapid fire verbal patter have to be reluctantly admired) strive to swiftly unload the firm's "toxic assets" before the realization hits unsuspecting buyers whose purchases will be in the dumpster by the end of the day. With a great cast, a great script and a great story, "Margin Call" is one of the best films now out.

Related DVD - As a riveting account of the mortgage bond melt down, the Oscar winning documentary "Inside Job" (which I am touting once again) cannot be beat.

Another Movie Starting With the Letter M - I loved Michael Lewis's book "Moneyball," the story of how Oakland A's General Manager Billy Beane (Brad Pitt) threw out the rule book and decided to hire players based on statistical studies only he and his young statistician Peter Brand (Jonah Hill) had any faith in. However, unlike Lewis's "The Blind Side," I didn't see how it could be made into a film. I was dead wrong. You do not need to know or care anything about baseball to enjoy a film which will be represented in any number of Oscar categories. As Billy Beane, Brad Pitt is an odds-on Oscar nominee. That goes for the brilliant script as well. "Moneyball" is in general release but has been out for some time, so there may not be much more time to catch it. One of the best films of the year.

Bill Paterson is of council at Ferguson Case Orr Paterson LLP

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Judges' Pizza Night



Judge Vincent O'Neill with Barristers Kata Kim and Bert Partida.

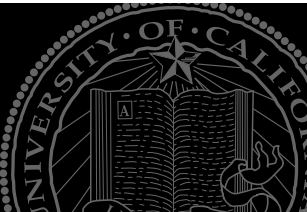


The Barristers had a successful Judges' Pizza Night on Nov. 15 at Café Fiore in the Tree House Lounge. 13 Judges attended and mingled with the Barristers while enjoying pizza, salad and good conversation. Captain William Finley from the Salvation Army captivated the crowd with his explanation of "One City One Meal" event to be held on Thanksgiving Day. Captain Finley also took donations to fund the Salvation Army event.

We want all Barristers to vote in the Barristers' Board election. Go to website <http://www.vcba.org/2011/11/proposed-barristers-board-for-2012/> and follow the directions to vote by December 15, 2011.

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Another project offered by 



VCBA/VLSP, Inc. Emeritus Attorney extraordinaire, **Eugene Radding**, died suddenly Nov. 8 from heart failure. Eugene graduated from USF in 1950 and proudly held the distinction of oldest active attorney in Ventura County. Eugene was a fixture inside the bar offices each and every Monday morning since 2005. He would interview low-income clients to determine whether or not their case was meritorious then procure the services of a family law attorney willing to take the matter pro bono. His obit appeared in *The Star* 11.10. He will be genuinely missed and we closed the offices in his honor November 10 from 2-4:00 p.m. A CITATIONS profile of Eugene, penned by **Ellen Hirvela Russell**, may be found at www.vcba.org, March 2010 edition....A former Creek County judge convicted of exposing himself and using a male enhancement device while seated at the bench is not eligible to receive judicial retirement benefits, the Oklahoma Supreme Court ruled recently. The high court upheld a decision by the Oklahoma Public Employees Retirement System Board of Trustees ruling that Donald Thompson, a 23-year veteran of the Sooner State legal system, violated his oath of office by using a penis pump while presiding over trials. His monthly pension of \$7,789 was discontinued and he is now a registered sex offender after serving 20 months in prison...Germany? Belgium? **Michael Case** at 659.6800 or mcase@fcoplav.com...

Michael Planet, Court Executive Officer, was honored for his outstanding service to the Judicial Council and for improving the administration of justice statewide and in Ventura County...Gov. Brown has signed

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

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

a measure to authorize a \$10 rebate on all California lawyer dues and to change how the State Bar is governed. SB 163 had earlier passed both houses of the legislature by votes of 39-0 in the Senate and 68-9 in the Assembly. The \$10 rebate means most active attorneys will pay dues of \$400 next year...A federal judge in Syracuse has found the state of New York violated the First Amendment when it rejected a non-profit group's request to sponsor "Choose Life" license plates. Senior U.S. District Judge Neal McCurn ruled in favor of the Children First Foundation, a group that supports adoption as an alternative for women with unwanted pregnancies and newborns...On Oct. 28, **Judge Vince O'Neill**, during the halftime of the St. Bonaventure v T.O. football contest, was inducted into the Seraph Hall of Fame...Hong Kong? **Natalie Panossian** at napanassian@gmail.com... Toyko? **Don Greenberg** at liondongreenberg@yahoo.com...

Mistaken about the *Star's* photo and article regarding **Judge Manuel Covarrubias** being the recipient of an Outstanding Service Award, I have been corrected. Apparently, Judge Covarrubias did not get an award, and in fact, PD **Rebecca Nelson** and DA **Gene Kinsey** did receive the award for contributions to youth. Deputy Probation Officer Noah Spevak (son of the late **Holly Spevak**), was also chosen for an award...I keep repeating to myself—*kahn-TEEL sock-ab-OOH-way*—but I'm going with the Tani Court...A Connecticut judge has ordered lawyers representing a divorcing couple to exchange passwords to their clients' Facebook and dating websites. Judge Kenneth Schluger ordered the password exchange in the divorce. The judge cautioned in a Sept. 30 order that the exchange should be carried out by the lawyers, and neither spouse may post messages purporting to be the other...NCH&C announced that **John Anderson** has joined the firm as a partner and as chair of the firm's Estate Planning, Probate & Trust Law group...London? **Lawrence Noble** at Lawrence@noble4law.com or 658.6266...

The bar's Estate Planning & Probate Section is chaired by **Cheri Kurman**. She asked

a host of colleagues, including *moi*, to participate in a flash mob to raise money for Wellness and Caregiver Center in Camarillo. It's a fun clip and you can spot it at [www.vcstar.com/news/2001/nov/02/flash-mob-busts-a-mpve-to-promote-caregiver/...](http://www.vcstar.com/news/2001/nov/02/flash-mob-busts-a-mpve-to-promote-caregiver/) Law office of **David Esquibias** announced attorneys **Ruth Morrow** and **Tracy Kitzman** have joined the firm....Tirana, Albania? **Sean Cowdrey** at sean@beachwhitman.com or 388.3100...

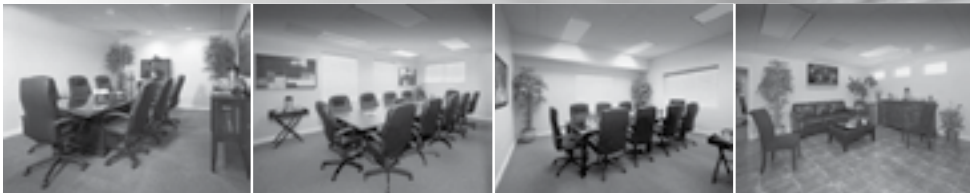
Effective Nov. 1, **Gary Jacobs** is retired. He started in the LA County DA's office before he landed here. You may reach him on his cell at 805.340.1290 or jacobslaw@me.com...A Manhattan lawyer has sued a luxury health club, saying it stopped providing a full hot breakfast as promised. The suit by Richard Katz seeks \$730,000 against the Setai Club and Spa Wall Street. Katz claimed he renewed his \$5,000 annual membership based on a promise that he would continue to get a full free breakfast. Katz is not happy with the cold buffet on a roof deck. The suit seeks \$230,000 over the breakfasts and \$500,000 for an allegedly libelous comment...Ventura attorney **Mary Howard** got herself a little more than she bargained for and the story is documented by Kimball Livingston and entitled, *Luck in the Pacific*. You may find it posted July 28. Essentially, Mary was part of a nine-person sail team on a Swan 441 that was racing 2,250 miles in the Transpacific Yacht Pacific Race from Point Fermin to Diamond Head, a 14-day affair. About to finish, they spot a man drifting alone in the water (Guy Wilding, the kayak coach of the Spring National Team), so they deploy the Life Sling and fish him out. It's a great story with a terrific climax and better told by Mary at mhoward@venturalaw.com or 641.9997...

Steve Henderson has been the executive director and chief executive officer of the bar association and their affiliated organizations since November, 1990. He will be spending the holidays with his family in the south of France enjoying the company of Andrew Luck, Gary Trudeau, Stephen King and Madonna. Henderson may be reached at steve@vcba.org, FB, Twitter at [stevehendo1](https://twitter.com/stevehendo1), LinkedIn, or preferably 650.7599.

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