



VCBA MISSION STATEMENT  
 To promote legal excellence, high ethical standards and professional conduct in the practice of law; to improve access to legal services for all people in Ventura County; and to work to improve the administration of justice.

# CITATIONS

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

## STANDING OVATION

By Hon. George Eskin  
 Page 7



DIEN LE  
 PATRICIA KOCHER  
 SHEILA LOWE  
 CHERYL A. DE BARI  
 MELISSA HATCH  
 CAROL H. MACK  
 CHRISTINA S. STOKHOLM  
 AMBER A. RODRIGUEZ  
  
 LAURA VIETS &  
 EUGENIA BATES  
  
 STEVE HENDERSON

<b>"VIETNAM TO VENTURA TO VCBA: A JOURNEY OF FORTUNE AND CHANCE"</b>	<b>3</b>
<b>LEARNING TO ENJOY THE BAR DINNER, CHOCOLATE OR NOT</b>	<b>11</b>
<b>SELECTING A HANDWRITING EXPERT</b>	<b>12</b>
<b>CASA - VOLUNTEERS GIVE CHILDREN A VOICE IN COURT</b>	<b>13</b>
<b>STANDARD LEGAL CUSTODY ORDERS AND THE DISABLED CHILD</b>	<b>16</b>
<b>COMPLEMENTARY AND ALTERNATIVE MEDICINE - IS IT LEGAL?</b>	<b>18</b>
<b>BARRISTERS' CORNER</b>	<b>21</b>
<b>ESTATE PLANNING AND PROBATE SECTION OFFERS MCLE</b>	<b>21</b>
<b>EAR TO THE WALL</b>	<b>21</b>
<b>WHEN DO YOU NEED A PRIVATE PROFESSIONAL FIDUCIARY?</b>	<b>22</b>
<b>CLASSIFIEDS</b>	<b>25</b>
<b>EXEC'S DOT... DOT... DOT...</b>	<b>26</b>

DONALD E. MARKS  
ANTHONY P. BROOKLIER

LAW OFFICES  
**MARKS & BROOKLIER, LLP**  
10100 SANTA MONICA BOULEVARD  
SUITE 300  
LOS ANGELES, CALIFORNIA 90067  
www.marksandbrooklier.com  
August 4, 2011

TELEPHONE  
(310) 273-7188  
(310) 772-2287  
FAX (310) 772-2286

Jack Trimarco & Associates  
Polygraph/Investigations, Inc.  
9454 Wilshire Blvd., 6<sup>th</sup> Floor  
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).

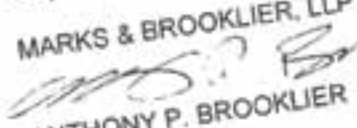
After you polygraphed Giovanni Ramirez, as you departed the jail, you telephoned me. You said, "LAPD arrested the wrong guy. Giovanni Ramirez was not on Dodger stadium property on March 31, 2011."

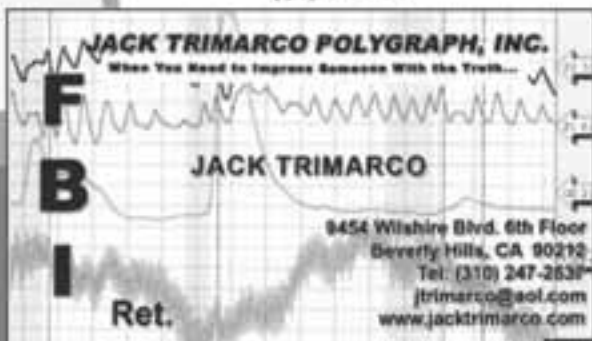
On June 1, 2011, you accompanied me to Parker Center to monitor the LAPD polygraph examination. The respect shown to you by the LAPD polygraph personnel comforted me. You advised them that Mr. Ramirez passed your exam as you handed them your report.

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,

MARKS & BROOKLIER, LLP  
  
ANTHONY P. BROOKLIER



**JACK TRIMARCO POLYGRAPH, INC.**  
When You Need to Impress Someone With the Truth...  
**F B I**  
Ret.  
JACK TRIMARCO  
9454 Wilshire Blvd. 6th Floor  
Beverly Hills, CA 90212  
Tel: (310) 247-2637  
jtrimarco@aol.com  
www.jacktrimarco.com



**JACK TRIMARCO  
& ASSOCIATES**  
www.jacktrimarco.com

*A proud member of the Ventura County Bar Association*



## “Vietnam to Ventura to VCBA: A Journey of Fortune and Chance”

By Dien Le

I was four, and my sister nine, when our family fled Vietnam in April, 1975, during the final chaotic days before the fall of Saigon. Leaving with only 30 minutes' notice, we could take only the clothes on our backs and a few family photos. We were among the lucky, since we were able to escape from Saigon on one of the airlift flights, rather than by boat, as so many others had been forced to do. Our good fortune sprang from a fortuitous encounter with an American named George Turner, a Graham Greene figure whom we initially suspected of working for the CIA. At the overwhelming Tân Sơn Nhất airport, which was full of desperate Vietnamese trying to find a way out, this original “quiet American” unconditionally helped secure the necessary papers for our family to board the military cargo plane. It was a wrenching decision for my parents to make, since getting on that plane meant leaving behind their country, their extended family and their friends, and heading who-knew-where, but my parents, hoping for a brighter future for my sister and me, gathered up their courage and took the plunge.

On our flight out of Vietnam we made a few stops at U.S. military installations in the Philippines – Subic Bay Naval Base and Clark Air Base – before finally landing on Guam for processing. From there, we were sent to a refugee camp at Fort Chaffee, Arkansas. We only had to stay two months at Fort Chaffee because we already had sponsors, Dale and Flori Reilley, lined up to relocate us to Ventura, California. (Years later, when I discovered that the city's original name was “*Buenaventura*,” and that in Spanish this means “good fortune,” I was struck by the fittingness of this having been the final destination of our journey of good luck.)

My father, Dat, had previously met Mr. Reilley about six years before at a summer teaching exchange program for science

teachers at the University of Maryland, and the two of them had remained in close contact since then. It was another of those fortuitous encounters, and we owe a lot to the unstinting generosity of the Reilleys, who, despite already having a full house with seven children of their own, took us in those first three months and helped us establish our new life in Ventura. My sister and I did not know a word of English then. The only thing I could say was “*Ông Bà Mỹ*” (Mr. and Mrs. America) when referring to Mr. and Mrs. Reilley! I also remember sleeping in the Reilleys' camper in their driveway until we eventually moved into our first apartment. Although we are Buddhist, we received extraordinary friendship and kindness from members of the Bible Fellowship Church in Ventura, who donated clothing, household goods and decorations for our first Christmas in America, and most of all, kept us comfortable in this new land. Eventually, my mother, Thu, who had been a teacher in Vietnam, was able to secure a teaching job at Ventura Adult Education. My father had to quit his teaching career to become a lab technician for the City of Ventura Water Treatment Plant.

Growing up as a first-generation Vietnamese-American was not easy for me, and involved trying to adjust to the new culture while maintaining my cultural heritage and roots. My parents always told me that I could speak English *outside* the house, but when I was at home I had to converse in Vietnamese. Maintaining my native language also became a necessity because we were later reunited with my grandparents (who spoke only Vietnamese), and they moved in with us. At the time, there were about ten other Vietnamese families who also settled in Ventura, and we all got to know each other well. The families would get together each year to celebrate Tết (the Vietnamese lunar New Year) by enjoying delicious traditional Vietnamese food, singing, dancing and performing skits.

My parents always emphasized the importance of education, non-stop learning, and self-improvement. Following this guiding

principle, I advanced through Ventura's excellent public schools: Mound Elementary, Balboa Middle School and Ventura High School, where in 1989 I was part of the school's 100th graduating class. The highlight of my high school graduation, though, was not the centennial; it was having Mr. Reilley there and his being the first one to shake my hand and congratulate me. It is a moment I have never forgotten, for in a sense it was Mr. Reilley who had made it possible, and it was very much on my mind when, less than a decade later, I had the sorrowful privilege of delivering the eulogy at Mr. Reilley's funeral.

My extra-curricular activities during those school years included playing piano competitively for nine years, and participating in the Boy Scouts, where I achieved the highest rank of Eagle Scout. Other than AYSO soccer for a few years, playing tennis recreationally has been the sport I've enjoyed the most growing up and in which I have continued to this day.

Like my sister before me, choosing to attend UCLA (go Bruins!) was a no-brainer. However, my decision to take the path of pre-law (political science major) brought some angst to my parents, who probably had some doubts and worries about whether I would be successful as the first attorney in our family. At UCLA, I fully embraced my cultural identity and felt that I truly fit in. This self-realization was due to my active involvement in two campus groups – Vietnamese Students Association and Vietnamese Refugee Aid Committee.

After graduating from Loyola Law School and passing the Bar in 1996, I landed my first job at Girardi & Keese. It was fascinating to work for and learn from a master of trial like Tom Girardi.

Six months later, I was offered a staff attorney position for the U.S. Court of Appeals for the Ninth Circuit in San Francisco. Accepting this exciting opportunity and moving to the Bay Area gave me the chance to meet my wife, Pauline, who at the time was

*Continued on page 5*

**2012 VCBA  
BOARD OF DIRECTORS**

**OFFICERS**

*President*  
**Dien Le**

*President-Elect*  
**Joel Mark**

*Secretary-Treasurer*  
**Laura V. Bartels**

*Past President*  
**Joseph L. Strohman**

*Executive Director, CEO*  
**Steve Henderson, CAE**

Bret G. Anderson  
Jessica Arciniega  
Alvan A. Arzu  
Linda K. Ash  
Michele M. Castillo  
Josef M. Dion  
Erik B. Feingold  
Jill L. Friedman  
Douglas K. Goldwater  
William M. Grewe

Michael S. Lavenant  
Alyse M. Lazar  
Susan L. McCarthy  
Kathryn E. Pietrolungo  
Eric R. Reed  
Christina S. Stockholm  
Michael A. Strauss  
Robert S. Krimmer,  
*Barristers*

**CITATIONS EDITORIAL BOARD**

*Managing Editor*  
**Wendy C. Lascher**

*Publisher, CEO*  
**Steve Henderson**

*Graphics/Production*  
**J.P. McWaters**

*Assistant Editor*  
**Bill Lascher**

Karen B. Darnall  
Michael L. McQueen  
Michael R. Sment  
Michael A. Velthoen  
Louis J. Vigorita  
Gregory Herring  
Carol Mack  
Rachel Coleman  
Mark E. Hancock  
Aris E. Karakalos  
Panda L. Kroll  
Eric R. Reed  
Al Vargas  
Valerie Gregson

**CITATIONS** is published monthly by the Ventura County Bar Association. Editorial content and policy are solely the responsibility of the Ventura County Bar Association.

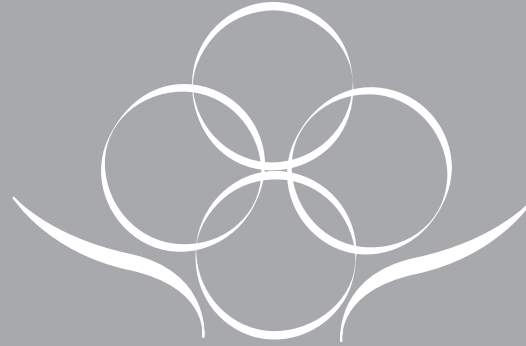
**Submit all advertising, classified and calendar matters to:**

VCBA  
4475 Market St.,  
Suite B,  
Ventura, CA 93003  
Attn: Executive Director  
t: 805.650.7599  
f: 805.650.8059  
e: bar@vcba.org  
w: www.vcba.org

**Submit all editorial matters to:**

CITATIONS  
P.O. Box 25540  
Ventura, CA 93002  
t: 805.659.6800  
f: 805.643.7692  
wlascher@fcoplaw.com

# Collaborative Family Law Professionals



Transforming family law into a collaborative process

- Private
- No court battles
- Collaborative
- Creative
- Win-win climate
- Clients in charge
- Faster
- Child sensitive

## Collaborative Family Lawyers

Leonard Alexander  
Paul Blatz  
Terry Anne Buchanan  
Ed Buckle  
Rebecca Calderwood  
John Castellano  
Steve Debbas  
Douglas Goldwater  
Thomas Hutchinson  
Patricia Lamas  
Jan Loomis  
Patti Mann  
Julianna Marciel  
David Masci  
Edward Matisoff  
Jeanne McNair  
Paul Miller

Steve Mitnick  
Mark Nelson  
Marsha Niedens  
Gary Norris  
Guy Parvex  
Michael Percy  
Barton Pokras  
David Praver  
Richard Rabbin  
Richard Ross  
Donna Santo  
Keri Sepulveda  
Hillary Shankin  
Sylvia Soto  
Randall Sundeen  
Richard Taylor  
Marguerite Wilson

## Allied Professionals

### Mental Health Professionals

Robert Beilin, Ph.D.  
James Cole, Ph.D.  
Deborah Huang, LCSW  
Nancy Lopez, MFT  
Diana Nolin, Ph.D.

### Accountants

Susan Carlisle, CPA  
Wayne Lorch, CPA

### Vocational Consultant

Gabrielle David

[www.collaborativefamilylawyers.com](http://www.collaborativefamilylawyers.com)

Collaborative Family Lawyers, Inc.

dba Collaborative Family Law Professionals, a California tax-exempt public benefit corporation

*Continued from page 3*

finishing pharmacy school at UCSE. I am fortunate to have found a partner in life who is as passionate as I am about traveling and experiencing cultures throughout the world.

In 1998, I moved back to Ventura County and re-entered private practice by joining Nordman, Cormany, Hair & Compton. My experience there was invaluable, working with an esteemed group of attorneys in such a diverse practice.

When Pauline and I moved to Thousand Oaks in 2002 and bought our first home, I received a tip from **Steve Henderson** (VCBA Executive Director, unofficial “yenta”/ headhunter, and quiet American in his own right) about a firm named Sullivan, Sottile & Taketa in Westlake Village. Steve’s professional matchmaking instincts were, as usual, dead-on. I joined the firm, which later became Sullivan Taketa LLP, and I was subsequently elevated to partnership. It has truly been a pleasure to work with my partners, **Mark Sullivan**, **Donn Taketa** and **Joel Villaseñor**, because they foster the most collaborative and congenial team environment.

My VCBA involvement started in 2002, when **Scott Samsky** and **Meghan Clark** cheerfully “coerced” me into serving as president of the Barristers section. I later became more involved at the State Bar level, and then founded the Ventura County Asian American Bar Association. I am thankful that Pauline is so patient, understanding and supportive of me in all of these endeavors. The most rewarding aspect of VCBA membership is the group of inspiring mentors, role models and friends who have influenced my professional and personal development. Many of these people, such as **Tina Rasnow**, **Carmen Ramírez**, **Bill Hair**, **Jon Light**, **Matt Guasco**, and **David Shain**, are themselves past VCBA presidents, which makes me prouder still to be included in their company. It is my privilege, and part of my continued good fortune, to have been chosen for this year to head this great organization, and I will give my all to be worthy of it.

*Dien Le is a partner at Westlake Village-based Sullivan Taketa LLP, where he represents clients in business litigation, employment litigation, real estate litigation and appellate matters in both federal and state courts.*

## Hon. David W. Long

RETIRED



*Continuing the tradition of excellence in mediation and arbitration since 1986*

## Creative Dispute Resolution

EST. BY PAUL D. FRITZ, ESQ. (1941-2011)

877-237-4237

CDRJudgeLong.com • CDRJudgeLong@gmail.com



## MATTHEW P. GUASCO, ESQ.

MEDIATION — ARBITRATION

“AV-Preeminent” Rating by Martindale-Hubbell  
 Past-President, Ventura County Bar Association  
 Adjunct Professor, Pepperdine University School of Law,  
 Straus Institute for Dispute Resolution  
 Full-Time Mediator and Arbitrator

*Since 1998, Extensive Experience Mediating and Arbitrating the Following Cases:*

Business & Commercial • Probate & Trust  
 Employment • Personal Injury • Real Estate

*Available in Los Angeles, Ventura County, Santa Barbara, Orange County, San Diego, and Throughout California Exclusively Through JUDICATE WEST*

(800) 488-8805

or Contact Matt at

(805) 256-4927

MattGuasco@sbcglobal.net

www.mguasco.com



Results Beyond Dispute®

## BAR LEADERSHIP

### ADR SECTION

Michael Wolfram 491-2770

### ANNUAL DINNER

Eric Reed 288-1300

### ASIAN BAR

John Fukasawa 383-2788

### BANKRUPTCY

Michael Sment 654-0311

### BARRISTERS

Christina Stokholm 987-4975

### BENCH/BAR/MEDIA COMMITTEE

Judge Glen Reiser 654-2961

### BENCH-BAR RELATIONS COMMITTEE

Matt Guasco 256-4972

### BLACK ATTORNEYS ASSOCIATION

Alvan Arzu 654-2500

### BUSINESS LITIGATION SECTION

Erik Feingold 644-7188

### CITATIONS

Wendy Lascher 648-3228

### CLIENT RELATIONS

Dean Hazard 981-8555

### COURT TOUR PROGRAM

Thomas Hinkle 656-4223

### CPA LAW SOCIETY

Douglas Kulper 659-6800

### EAST COUNTY BAR

Bret Anderson 659-6800

### FAMILY LAW BAR

Douglas Goldwater 659-6800

### INTELLECTUAL PROPERTY

Chris Balzan 658-1945

### J.H.B. INN OF COURT

David Lehr 477-0070

### JUDICIAL EVALUATION COMMITTEE

Linda Ash 654-2580

### LAW LIBRARY COMMITTEE

Eileen Walker 444-6308

### MEXICAN AMERICAN BAR ASSOCIATION

Rebeca Mendoza 641-0253

### PRO BONO ADVISORY BOARD

David Shain 659-6800

### PROBATE & ESTATE PLANNING SECTION

Amber Rodriguez 643-4200

### REAL PROPERTY

Ramon Guizar 988-8365

### SILENT AUCTION

Donald Hurley 654-2585

### VCBA/VLSP, INC.

Joseph Strohman 659-6800

### VLSP, INC. EMERITUS ATTORNEYS

Verna Kagan 650-7599

### VC TRIAL LAWYERS ASSOCIATION

William Grewe 642-7101

### VC WOMEN LAWYERS

Jill Friedman 644-7188

### VCBA STAFF

Steve Henderson - Executive Director

Alice Duran - Associate Executive Director

Celene Valenzuela - Administrative Assistant

Alejandra Varela - Client Relations Manager

Verna Kagan, Esq. - VLSP Program Manager

Peggy Purnell - CTP Coordinator

Judith Logan - Development Director



## MEDIATION/ ARBITRATOR

**Richard M. Norman**

- 40 years litigation experience-AV rated.
- Personal injury, business, construction, employment, real estate, probate/trust, partnership and corporate disputes and dissolutions
- Member: American Board of Trial Advocates
- Past president Ventura County Bar Association and Ventura County Trial Lawyers Association
- American Arbitration Association and NASD arbitrator
- Trained Mediator- Pepperdine University Straus Institute
- Reasonable fees and flexible scheduling. No administrative charges.

Richard M. Norman

Of Counsel

Norman Dowler, LLP

840 County Square Drive

Ventura, California 93003-5406

(805) 654-0911 [RNorman@normandowler.com](mailto:RNorman@normandowler.com)

# Specializing in Legal Placement

Legal Staffing

Project attorney, temporary and full-time.

Executive Recruitment

*Expertise • Experience • Efficiency*

*Serving the recruitment needs of lawyers and law firms  
formore than 30 years with integrity and confidentiality!*



**Kathi Whalen, CAC**  
President & Founder



Focused Recruitment  
& Staffing

[kathi@whalenbryan.com](mailto:kathi@whalenbryan.com)

805.443.8422 • [www.whalenbryan.com](http://www.whalenbryan.com)

# STANDING OVATION

By *Hon. George Eskin*

Articles submitted by attorneys **Bill Hair** and **Phil Drescher** with their respective reflections on the practice of law in Ventura County during the 1960s prompted me to prepare this brief history of the legendary 1970 “bar show,” a transformative event that changed forever the nature of the VCBA annual meeting.

A majority of *CITATIONS* readers have only heard and read about the annual entertainment that became a highlight for the legal community in the years that followed, but for those who had the pleasure of participating in and attending the event, I have a surprising revelation – the person primarily responsible for changing the annual meeting was District Attorney **Woodruff J. “Woody” Deem**.

One of Woody’s pet peeves was the conduct of the VCBA annual meeting. Until 1969, despite the fact that there were three female members of the bar, none were encouraged to attend the annual meeting. (Those women were **Margaret Keller**, **Dorothy Schechter** – who later became County Counsel – and **Alice Magill**, the Justice Court Judge who served the Santa Paula-Fillmore-Piru Circuit in the 1950s and 1960s.) Woody thought that was wrong. He was also offended by the fact that a considerable amount of alcohol was consumed at these meetings, and the primary subject of debate involved the heady issue of rotating leadership “north vs. south” of the Santa Clara River. Finally, the “entertainment” consisted of original “poetry” offerings by **Bill Reppy** and **Richard Heaton**.

In 1968, Woody appointed me to serve as his Assistant District Attorney, and with knowledge of my theater arts background, he encouraged me to seek the position of VCBA Program Chairman. A series of provocative and controversial programs followed, including a presentation at the Oxnard Elks Club by Stanford University Law Professor John Kaplan, author of “Marijuana – the New Prohibition” (whose invitation to speak outraged law enforcement narcotics detectives), and a First Amendment debate on laws prohibiting topless dancing between a Los Angeles City prosecutor and a civil rights attorney, whose client performed at the

meeting held in the newly-opened Thousand Oaks Holiday Inn after cancellation by a country club on the morning of the meeting. (Midway through the performance, either **Marvin Lewis** or **Duane Lyders** exclaimed, “I think I’m going out and commit a sex crime!” This may have been the highlight of the evening.)

Woody also encouraged me to try to change the character of the annual meeting and suggested that I consider forming a group capable of producing a musical review in the nature of an olio show that would spoof the personalities and institutions of the local legal profession. Fortunately, there were two attorneys in particular – **Bill Paterson** and **Ron Gill** – whose creative genius in writing comedy and lyrics, respectively, made the project possible.

However, there were a few institutional obstacles.

In 1969, I presented the project for consideration by the VCBA Board of Directors, some of whom were resistant to the idea of inviting “guests,” *i.e.*, spouses, to the annual meeting. The presence of women was perceived as having a chilling effect on the traditional activities of the meeting (I encountered a similar response from male prosecutors when I announced the recruitment of **Sandra Rogers** in 1969 and **Nancy Manners Sieh** in 1970 to the District Attorney’s Office.) Fortunately, after spirited debate, President-elect **Hugh Gallagher** endorsed this departure from tradition and the “bar show” was approved for the November 1970 annual meeting.

As self-appointed producer-director, I moved forward to create a “company” to stage and perform the work created by Paterson and Gill. Actors and singers, including **Marvin Lewis**, **Steve Perren**, **Nancy Sieh**, **Jim Farley** and **Colleen Paterson** emerged, and preliminary plans for the various elements of the production evolved. **Jim Daeschner**, an excellent pianist and associate of Nordman, Cormany, Hair & Compton, volunteered to serve as accompanist and orchestrate an overture.

Then, in April 1970, a great tragedy struck the Ventura County legal community when Hugh Gallagher, **Municipal Court Judge Phil West** and his bailiff David Diehl perished in a boating accident in the Santa Barbara Channel. We questioned whether it would be appropriate to proceed with the “bar show”, but **Nagao Fujita**, who had succeeded Hugh Gallagher as President, insisted that we move forward in tribute to Hugh’s vision.

Controversy persisted, however, and there were some traditionalists, including past presidents of the bar association, who expressed their opposition by boycotting the event. However, a large crowd of men and women gathered at the Elks Hall in November 1970, and the opening production number of the “musical expose” titled “Courthouse” changed the direction of the annual meetings forever.

Having enjoyed the off-Broadway production of Rick Besoyan’s “Little Mary Sunshine” and having portrayed Capt. “Big Jim” Warrington in a Eugene, Oregon production of the musical, I selected the Forest Ranger marching song to open the show. The original lyrics were massaged for a Deputy District Attorney marching song. Led by none other than Woody Deem, resplendent in purple army boots, wearing his Boy Scout uniform and carrying a brief case, we entered the stage, singing “We march down the Courthouse corridors, from Department 5 to Department 3 and back...”

The audience response was sensational – a standing ovation, laughter and cheers. The program included Jim Farley portraying Judge Brutal Bert Benson in the arraignment court; and, Bill Paterson’s hilarious commercials for the Ralph Hunkins Legal Service Center and Head Shop, a forerunner for medical marijuana dispensaries, the Ralph Dame Domestic Discord Center, and finally, the unforgettable Cal Blasington’s P.I. Heaven at the corner of Whiplash and Malinger in downtown Oxnard, “...where you see that big neon neck brace going round ‘n’ round in the sky.”

*Continued on page 9*



# “Finally, someone my clients can count on just like they count on me.”

Your relationship with your clients is all about trust. They trust your integrity and expert legal advice. And they value the personal and confidential relationship you share.

It's very much the same at Montecito Bank & Trust. Like you, we believe in longstanding client relationships. In offering creative solutions for each person's unique needs. And especially in earning their trust with personal commitment and professional expertise.

Whether it's designing an investment portfolio, managing multiple real estate properties or planning charitable gifts, you can count on our Wealth Management team to provide your clients with a level of service that meets not just their needs, but your standards.

Wealth advisory services – one of the many Paths to prosperity® you'll find at Montecito Bank & Trust.

What's your path?

**WEALTH MANAGEMENT**  
Investment Management and Advisory Services  
Trust and Estate Services

**Paths to prosperity**



**montecito.com**

Santa Barbara: 1106-E Coast Village Road, Montecito, CA 93108 • 805 564-0219  
Solvang: 591 Alamo Pintado Road, Solvang, CA 93463 • 805 686-8620  
Ventura/Westlake Village: 701 E. Santa Clara Street, Ventura, CA 93001 • 805 830-8005



# STANDING OVATION

*Continued from page 7*

Ron Gill sang the song of a judge hoping to be assigned a high-visibility case, “Presiding Judge Berenson, send me a case, something that will make known by face; I get the defaults, the squabbles, the mess that never headline the press” to the tune of “Matchmaker” from *Fiddler on the Roof*. He and I also sang his adaptation of “I’m Reviewing the Situation” from *Oliver* in a tribute to the recently-created Public Defender’s Office.

In subsequent years, the group poked fun at numerous personalities and diverse aspects of practicing law in Ventura County (**Lou Vigorita**, who succeeded Jim Daeschner as our accompanist and musical director, accurately described the content as “irreverent” and “politically incorrect” in his October 2008 *Ab Initio* column, and I am grateful to him for his kind and generous comments..) Ron adapted the lyrics from “Jesus Christ, Superstar” for a client who was

searching for her attorney in the Courthouse, “Jack Berkowitz, Where Are You?” and from “My Fair Lady” for Ron’s rendition of “I’ve Grown Accustomed to her ...” **Richard Holmes** and Colleen parodied Bill Murray and Jane Curtin from SNL in their version of “Point and Counterpoint.” Colleen won the national court clerk competition with her record of file-stamping 283 documents in a minute! **John Dobroth** portrayed “Kung Fu” star David Carradine, as “Ren-yay”, the meditation guru. I impersonated **Judge Ben Ruffner**’s introduction to rulings after oral argument, “All right...” and sang, “If I Were a Rich Man.” Bill continued to produce his extraordinarily funny commercials, such as the “Famous Judges’ School: “So you want to be a judge? If you respond to our 800 number now, we will give you a special judges’ watch with all the hours you will need – between 10 a.m. and 2 p.m.”

I left Ventura County in 1976 for a five-year stint as Chief Assistant to Los Angeles City Attorney and there was one “bar show” production in my absence. The event was eventually replaced by the current format and the creation of the prestigious **Ben E. Nordman** Public Service Award, and later, the **James D. Loeb** Pro Bono Award, but we resurrected a “Marv Show” in 1989 to celebrate the retirement of **Judge Marvin Lewis**, whose performances as Michael Jackson and the Godfather, “Sonny Linguine,” had been cherished highlights of several “bar show” productions.

The fond memories of this chapter in Ventura County Bar Association history linger for me, and I hope this reflection kindles similar feelings for others.

*George Eskin is now a judge of the Santa Barbara Superior Court.*

*Photo courtesy of Claire Lewis, esquire.*





ARNOLD LAROCHELLE MATHEWS  
VANCONAS & ZIRBEL LLP

300 Esplanade Dr., Suite 2100, Oxnard, CA 93036  
805.988.9886 | www.atozlaw.com

## ARNOLD BLEUEL LAROCHELLE MATHEWS & ZIRBEL LLP

Proudly announces that  
**KENDALL A. VANCONAS\***  
has become a named Partner of the firm  
and the firm name has been changed to

## ARNOLD LAROCHELLE MATHEWS VANCONAS & ZIRBEL LLP

Located at the top of the Topa Financial Plaza in Oxnard, A to Z Law is one of Ventura County's most distinguished law firms, noted for its expertise, insight and reputation. Eight practice groups provide sage counsel to individuals and businesses to help them plan, progress and prosper.

*Bartley S. Bleuel\* is now of counsel to the firm.*

\*Certified Specialist, Estate Planning, Trust and Probate Law  
State Bar of California Board of Legal Specialization



## JACOBS & JACOBS ACCOUNTANCY CORPORATION

CERTIFIED PUBLIC ACCOUNTANTS  
TAX PROFESSIONALS SINCE 1944  
THERE'S NO SUBSTITUTE FOR  
EXPERIENCE & EXPERTISE

- TRUSTEE & EXECUTOR SERVICES
- TRUST & PROBATE ACCOUNTING
- FIDUCIARY INCOME TAX RETURNS
- ESTATE TAX RETURNS
- ESTATE PLANNING
- ELDERCARE SERVICES

OJAI  
(805) 646-4321

THOUSAND OAKS  
(805) 497-4007

JOHN JACOBS, CPA

GREGG BURT, CPA

PAUL THOMAS, CPA

# LEARNING TO ENJOY THE BAR DINNER, CHOCOLATE OR NOT

By Patricia Kochel

“Thank you for coming,” my husband said to me as I got in the car. I gave him a slight smile. The smile of a martyr. Because he does so much for me, I was sacrificing my time.

I generally do not like these large lawyer banquets for two reasons. One, I am not good at small talk. I don't do it well. Too many awkward pauses trying to think of something non-intrusive to say.

“How's your wife/husband?” when I really want to ask, “How are you getting along with your wife/husband?”

“Beautiful weather today,” when I really want to ask “Do you like living in Ventura? Where would you live if you could live anywhere in the world? Why?”

My friend Paula Shain asked me a great question years ago which I've used frequently in conversations, “What are you reading right now?” But that's more for table conversation. My difficulty is in maintaining a conversation of polite small talk while standing.

The second reason I do not like these large lawyer gatherings is my ego. I walk into a room full of beautiful, successful and rich people. Then there's me. I don't go to my class reunions because people will ask questions and I will answer, “I'm a high school teacher, and I live in Ventura, the same town I was born and raised in.” How boring is that?

My husband is not a rich lawyer. But he's exceptional. Half of his practice is pro-bono work, which is one reason it took me thirteen years to decide to marry him. He argues that compared to worldwide standards, he lives like a king. I counter by saying we live in Ventura, California, not the middle of the Amazon. It doesn't matter what I say. I can't convince him he's not rich. And he is really, really happy.

It usually takes me a few days to restore my ego's equilibrium and to realize how blessed and fortunate (and happy) I really am. I

blame all my insecurities on my father. It's an easy explanation.

There were many beautiful women and men there. One in particular I noticed because her companion was so much older. I figured it might be his daughter until I saw the way they held hands. She was also not dressed like a daughter. I asked my husband who he was and if that woman was his wife. He told me that it was his fourth or fifth wife. The cynic in me concluded that there's another multi-millionaire here.

My spell of comparing and despairing ceased once I sat down and became interested in my dinner companions. After a short period of polite conversation, I intuited I could ask some probing questions. They were among the nicest and most interesting people I have met: Molly and **Phil Panitz**; **Susan Lascher** and **Matt Guasco**. Susan didn't eat all her cheesecake, so I got to finish hers. Then the program began, and unlike some tables, ours shut up to listen.

When the judges were introduced by **Joe Strohman**, I wondered why they are given that distinction. Is what they do or who they are any more important than what the other people in the room do, like the nice hotel employee who reset the air conditioner so my table could thaw out?

While I was thinking these thoughts, **Judge Brian Back** took over the podium and announced that now that the judges have been introduced, he would introduce the dignitaries who would receive the **James Loeb** Pro Bono Award. He said out loud what I had been thinking: Many people in the room could be honored. He admitted he, too, deserved the award. This night, he said, we are honoring two lawyers in particular: **John Howard** and **Jonathan Light**. Most of those present deserved the James Loeb award, he explained, because Ventura lawyers care about people who can't afford a lawyer's services.

**Marc Charney**, this year's recipient of the Ben Nordman Public Service Award, told us

how the award came to be. Ben Nordman, he said, preached and practiced giving back to the community. Mr. Nordman said his community service enriched his life. He was also concerned about the negative perception of lawyers and that those lawyers who did do good work for the community were not recognized publicly. Thus he established and funded the award twenty-six years ago. According to Marc Charney, Ben Nordman did not want the award named after him, but his colleagues convinced him it would be a more meaningful and personal honor to attach his name to it. Mr. Nordman did not expect the funding for the award to last much more than twelve years. Because of good managers for the fund the award will likely go on indefinitely.

Lastly, we were told **Bruce Johnston**, the first recipient of the award, set a precedent when he donated the monetary gift to charity. Every recipient since has done the same. As with their time, all have chosen to give the money back to public service programs in the community.

Later that night, even though Ron and I got in his dorky Prius while a lawyer a few cars over got into his Maserati, I could say with sincerity, “I had a really good time tonight. But I hope next year the desert is chocolate cake with chocolate frosting.”



*Patricia Kochel is an inactive member of the State Bar. She is a counselor at Buena High School and the wife of attorney Ron Harrington.*

# SELECTING A HANDWRITING EXPERT

By Sheila Lowe

If you are called upon to handle a case that involves a handwriting forgery, you will probably need to retain a forensic handwriting expert. If you've never had the occasion to retain a handwriting expert before, how do you know which one can do the job?

Most forensic handwriting experts come from one of two backgrounds. Some are trained through a law enforcement or other government agency, such as the FBI, CIA, Secret Service, the United States Postal Service or a police department and later began practicing in the private sector. Others learned through private study with a mentor who has spent many years in the field. Is one background superior to the other? What is more important than *where* the expert trained or where he worked is *what* he learned during that training, and the experience later garnered through years of practice. It's worth noting that in most cases training through government entities is not available to private experts. However, they study many of the same textbooks, acquire the same knowledge, and follow the same procedures, so a private expert has equivalent competencies.

Government experts may have the benefit of sophisticated equipment at their command, but a high volume of cases can mean that they are able to spend only a small amount of time on each one. Law enforcement examiner training covers the entire spectrum of document examination, such as credit card fraud, ink and paper analysis, as well as handwriting examination, but not necessarily specializing in that area. On the other hand, private handwriting examiners focus solely on handwriting expertise as opposed to the entire field of document examination.

A private expert can be more selective in the cases he takes on, and is able to dedicate more time to each one in order to provide the client with a thorough and complete examination.

Private handwriting experts sometimes also have training in personality assessment through handwriting. Those studies include important information about the complex interaction that takes place between the brain, the eyes, and the hand in order to produce the graphic trail—handwriting—on a

sheet of paper. Knowledge of the effects on handwriting of mood changes, mental or physical illness or trauma, aging, medications and other chemical substances, or other physiological factors is often needed to make a determination as to authenticity.

Consider one example where knowledge of physical and mental effects on handwriting would be of vital import: a female in her eighties has Alzheimer's and her caregiver is accused of forging signatures on her checking account. In order to perform a proper and accurate examination, the handwriting expert would need to know what effect the client's age and the disease have had on her handwriting. Some people have strong handwriting well into their eighties, while others manifest weakness and frailty. In illness, tremor, shakiness along the writing line, is often seen. But tremor is also sometimes present in forgeries, due to attempts to copy a signature that's unnatural to the forger. Therefore, the expert would need to be able to determine which type of tremor was present in this case. He would also need to determine the various ways the client wrote her name in order to establish her personal range of variation, which would help him understand how the disease and aging had affected her handwriting. Only then will the expert be able to make a determination as to whether the signatures on the checks were genuine or not.

Handwriting experts work on a variety of cases—signatures on wills and other legal documents, credit card slips, graffiti, anonymous notes, etc... A recent high profile case in the news involved handwriting on some postcards. A man calling himself Clark Rockefeller was arrested in Boston in 2008 for the kidnapping of his six year-old daughter. While in custody, police discovered that Rockefeller was a person of interest in a fifteen-year-old San Marino, California case. His landlords, John and Linda Sohus, had disappeared. About a month later, friends received postcards, ostensibly from the Sohus, postmarked Paris, France. However, no one ever saw or heard from the young couple again. That is, until about eight years later, when the backyard of their former home was being landscaped and human remains

were found buried in plastic trash bags. The remains were those of a male assumed to be John Sohus (DNA test results currently pending). Luminol in the guest house where Clark Rockefeller (then known as Christopher Chichester) had resided showed copious amounts of blood. So, the question was, did Linda Sohus write the postcards, which would put her in Paris after her husband had been murdered?

Copies of the postcards and several handwriting exemplars were supplied to handwriting experts for examination. Although at first glance the handwritings on some of the exemplars appeared to be different from the postcards, on close examination, numerous and significant similarities were found, leading more than one expert to conclude that Linda Sohus wrote the postcards.

As in any other field, an attorney can find good or bad handwriting experts. Investigating and verifying the information on the expert's curriculum vitae helps to ensure that the expert has the level of competency claimed.

Association of Standards, Testing, and Measurement (ASTM), the worldwide standard-setting organization, has a forensic sciences division with a questioned document examination section whose committee sets standards for the discipline. Whichever type of expert you select, they should be a working member of that committee, be a member of a reputable document examination organization, participate in continuing education through seminars, conferences, and reading professional publications in the field, and they should use scientific methodology to formulate and test a hypothesis before reaching a conclusion.

So, returning to the original question: is government training superior to private training? The answer is No. The competency, performance, and dedication rests with the expert.

*Sheila Lowe is a forensic handwriting examiner. She teaches Introduction to Forensic Handwriting Examination at UC Riverside. [www.sheilalowe.com](http://www.sheilalowe.com).*

# CASA - VOLUNTEERS GIVE CHILDREN A VOICE IN COURT

By Cheryl A. De Bari

CASA (Court Appointed Special Advocates) of Ventura County is a volunteer-driven non-profit organization that provides a powerful voice in court for children who must be removed from their homes by protective services due to abuse, neglect or abandonment. These children then become dependents of the juvenile court. Although the foster care and child welfare system has many compassionate lawyers, judges, social workers and foster families, according to recent statistics, each year more than 748,000 children are placed in foster care nationally. Trained CASAs work one-on-one with the children as they move through the court process.

Approximately 1,000 children are in foster care in Ventura County. This intense need can strain the system to where the professionals are simply unable to protect the rights of each child. With the help of a CASA a child is half as likely to languish in the foster care system and much more likely to find a safe and permanent home

(See [www.casaforchildren.org](http://www.casaforchildren.org), "Evidence of Effectiveness"). However, today, in our county, only a small percentage of the children in dependency have access to a CASA. More than 100 children in Ventura County appointed to the program do not have advocates.

We are dedicated to ensuring that every child in the foster care and child welfare system has a qualified CASA looking out for his or her best interests. Especially needed are volunteers of color, as African American and Latino children are overrepresented in the child welfare and foster court system.

Every child has a right to thrive, to be treated with dignity and to live in a safe, loving home. Every child deserves a fighting chance. Coming through a period of vulnerability and fear, the child can then understand his or her potential and rights. The children will believe in themselves. This is both our opportunity and our challenge.

CASA is the only program of its kind in Ventura County. We are a non-profit organization funded substantially through corporate and individual donations as well as fundraising events. We invite you to stand with us and support these children by becoming a CASA, volunteering in some other capacity, or providing financial support. You do not need to be an attorney to be a CASA, but attorneys bring special skills to the position.

Please go to [www.casaofventuracounty.org](http://www.casaofventuracounty.org) to see how you can help.

*Cheryl A. De Bari is an attorney specializing in insurance and ERISA litigation. She is a VCBA member and passionate CASA.*

Clients refer to you for expert legal advice.  
Refer to me for expert mortgage advice.



**See what people are saying...**

- "I worked with Jordan to refinance a property, service was outstanding and I got a great rate"  
- Ron Poldo
- "My wife, Wendy and I, upgraded our mortgage (and lowered our payments) with Jordan Eller. It was seamless and trouble free. We highly recommend Jordan Eller"  
- Dr. Robert Pavin
- "Jordan provided exceptional service and attention to detail in getting financing for me, and worked tirelessly through complex financial statements. I have recommended CMS to several friends and they have provided excellent service and value."  
- Bruce Douglas, President and CEO East Undersea, Inc.



**Experience you can trust**

Capital Mortgage Services  
4253 Transport Street  
Ventura, CA 93003

**Jordan Eller, President**  
**Direct (805) 252-2242**  
DRE# 01347939 NMI# 238205



**A**S A SIGNIFICANT BENEFIT TO OUR MEMBERS...THE VENTURA COUNTY BAR ASSOCIATION HAS IDENTIFIED THESE INSURANCE AND FINANCIAL PLANNING PROFESSIONALS TO ACCOMMODATE YOUR INSURANCE NEEDS. THESE BROKERS ARE RECOGNIZED FOR THEIR INTEGRITY, KNOWLEDGE AND EXPERIENCE IN SERVING THE LEGAL COMMUNITY. THEY CAN ASSIST YOU IN THE AREAS OF LIFE, HEALTH, DISABILITY INCOME, LONG-TERM CARE INSURANCE, ANNUITIES AND INVESTMENTS. YOU CAN OBTAIN STATE AND COUNTY BAR PLANS AT DISCOUNTED RATES THROUGH THESE BROKERS.

# Barry A. Cane

**Disability Income Insurance  
Business Overhead Expense**

**(805) 496-5537 Fax: (805) 496-5598**



**Lic. #0740274**

**240 Lombard St., #100, Thousand Oaks, CA 91360**

Registered Representative Park Avenue Securities (PAS), 7 Hanover Square, New York, NY 10004. Securities products and services offered through PAS, 1-888-600-4667, Member FINRA. PAS is an indirect wholly owned subsidiary of The Guardian Life Insurance Company of America. Representative of The Guardian Life Insurance Company of America, New York, NY and other fine insurance companies.

# Michael P. Kenney\*, CLU

**Group and Individual Health Insurance  
Business and Personal Life Insurance**

**(805) 497-7407 Fax: (805) 494-1363**



**Lic. # 0688916**

**[www.kenneyins.com](http://www.kenneyins.com)**

Securities offered through a registered represented of Royal Alliance Associates, Inc., Member FINRA.  
Branch Office: 100 E. Thousand Oaks Blvd., Suite 152, Thousand Oaks, CA 91360 • (805) 496-4600

# LAWYERS' MUTUAL INSURANCE COMPANY

*Legal Malpractice Insurance*

## Generations of California Lawyers can't be wrong...

**F**or over 3 decades, LMIC has been insuring the legal profession in California. We have built long term relationships based on trust, reliability and responsiveness. Those qualities are proven over time and are hard to replace. Our experience gives us credibility that our policyholders have come to rely on.

That is why our typical policyholder has been insured with LMIC for over 10.7 years and our "preferred" policyholder for over 14. They have enjoyed the benefits of membership including policy premium credits, dividends\*, and over 50+ hours FREE online MCLE.

Our MCLE is designed to educate our policyholders in preventing malpractice, improving their practices and satisfying their compliance needs. Member lawyers also have access to our toll free one-on-one hotline, where they can consult with lawyers, who are knowledgeable on issues concerning loss prevention and professional responsibility.

Now you know what our policyholders know.

# LMIC

**We offer more  
than just an insurance policy.**



[www.LMIC.com](http://www.LMIC.com) or call (800) 252-2045

LAWYERS' MUTUAL INSURANCE COMPANY — 3110 West Empire Avenue, Burbank, CA 91504

\*Dividends are paid at the sole discretion of the Company's Board of Directors and past dividends do not guarantee the payment or amount of future dividends.

# Standard Legal Custody Orders and the Disabled Child: A Recipe for Battle

By Melissa Hatch

Jack and Diane fell in love, got married, and had a child, "Bobby." Bobby attended public school and received special education services through an individualized educational program ("IEP"). Because Bobby was an eligible disabled child with an IEP, his local school was obligated to offer and provide him a special education program that comported with federal and state law. The public school also had to ensure compliance with Jack and Diane's rights as parents of a disabled eligible child.

Then, for various reasons, Bobby's parents divorced. Jack and Diane agreed to joint legal and physical custody of Bobby. Their custody order contained standard verbiage that they shared equally in making educational decisions for Bobby.

Bobby had difficulties adjusting to Jack and Diane's divorce. He demonstrated increasingly inappropriate behaviors at school. His IEP team recommended an updated assessment of Bobby's behaviors at school – a legal requirement for developing an appropriate IEP. Diane signed her consent for the offered assessment, but Jack refused to give his consent.

The school assessed Bobby with Diane's consent, but without Jack's consent. They held an IEP team meeting to review the assessment and the IEP team recommended additional services to address Bobby's behavior. Diane consented to this new IEP. Jack informed the IEP team that he would not consent to the new IEP; he then completely revoked consent to Bobby's IEP. As required by law, the school promptly exited Bobby from his special education program, and placed him in a general education classroom without any of his IEP services.

Bobby fell apart at school without the benefit of his IEP and special education services. The school tried in vain to work with Jack and Diane to get Bobby back into special education. But Jack and Diane could not agree on Bobby's education. The school informed Jack and Diane that they should go back to family court and work

it out. While Jack and Diane continued their disagreement, Bobby continued his downward spiral.

## Educating The Disabled Child In The Public K-12 School

The Individuals with Disabilities Education Improvement Act of 2004 ("IDEA") is the reauthorized federal law that governs how states and public education agencies receiving federal funds are to provide early intervention services, special education services, and other services to eligible children with disabilities.

The IDEA requires that public schools provide an eligible disabled child with a free appropriate public education ("FAPE"). To meet the legal standard of developing a FAPE for each eligible disabled child, public schools must adhere to numerous procedural and substantive legal requirements. One of the greater requirements is to ensure the rights of parents of eligible disabled children.

## The IDEA And Parental Rights

Among the IDEA's most important procedural safeguards are those that protect the parents' right to be involved in the development of their child's IEP. Nevertheless, nothing in the IDEA overrides the state's allocation of authority as part of a custody determination. (*Navin v. Park Ridge School District* (7th Cir. 2001) 270 F.3d 1147.) In the case of divorced parents, the parental rights established by the IDEA apply to both parents, unless a court order or state law specifies otherwise. (*See* 71 Fed. Reg. 46568 (2006).)

The Family Code requires the court, when making an order of joint legal custody, to specify the circumstances under which the consent of both parents is required, as well as the consequences of the failure to obtain mutual consent. In all other circumstances, either parent acting alone may exercise legal control of the child. (Family Code §3083.)

When developing joint legal custody orders, standard verbiage requiring parents to share

equally in making educational decisions for their child, is typically used. In most circumstances, this works fine. In the case of a disabled child, the inclusion of standard language, without any limitation, can be problematic.

Where an order requires parents to equally share educational decision making, the IDEA accords both parents the following rights: (1) Be members of their child's IEP team; (2) Be given notice of IEP team meetings; (3) Exercise their due process rights; (4) Receive school and IEP progress reports and other education records; (5) Agree or disagree with initial evaluation and placement in special education; and (6) If both parents have equal rights, either parent can revoke their consent to the child's IEP at any time.

When both parents have equal rights, yet fail to agree on their disabled child's education, the battle begins. On the one hand, the public school is obligated to protect the rights of *both* parents to be involved in the development of their child's IEP, and the right of the disabled child to receive a FAPE. Yet, to ensure the protection of these rights and the provision of a FAPE to the disabled child, parents must agree on making educational decisions. When they cannot or will not agree, litigation often ensues.

## Joint Legal Custody Orders and Administrative Case Law

In California, there have been varied outcomes in circumstances where divorced parents had a standard legal custody order requiring them to share equally in making educational decisions:

- Either parent can unilaterally file a due process hearing complaint regarding their child's special education services, notwithstanding the other parent's opposition. (*Westside Union School District* (SEHO 2001) 102 LRP 2943.)
- Either parent can resolve a due process complaint dispute through a settlement agreement without consent of the other parent; an objecting parent must then



institute a court action to set aside the agreement. (*Modesto City Schools* (OAH May 17, 2007) OAH Case No. 2007030782.)

- Parents must share equally in all major educational decisions or seek an order from the family court if they cannot agree. An assessment of a disabled child was deemed invalid and expunged from the child's record because the school assessed the student with the mother's consent only, and over the objection of the father. (*Los Angeles Unified School District* (OAH 2005) 4 ECLPR 729.)
- Parents shared joint legal and physical custody of their child. The school was misled by the father and did not seek the mother's consent to the child's initial assessment and IEP. The failure to seek the mother's consent violated mother's rights under the IDEA. The assessments were expunged from the student's records,

and the student was exited from special education. (*Oxnard Union High School District et al.* (OAH 2008) 108 LRP 23943.)

**A Recipe To Avoid The Battle**

A well-written recipe can help avoid the battle over educational decisions for disabled children. When writing a joint legal custody order where a disabled child is involved, specify the circumstances when both parents must consent, and include the consequences for the failure to obtain joint consent. Include fail-safe language so the disabled child's education does not languish. In some cases, obtaining joint consent may be impossible; consider the assignment of a Special Master with expertise in special education law.

The extra effort counsel and courts undertake to craft an order keeping the divorce war from spreading into the educational realm

is time and effort well spent. A well-crafted order can save the disabled child years of difficulty, and saves the school systems tens of thousands of dollars.



**Melissa Hatch** has over 13 years of combined experience in representing public school districts in special and general education law. She recently opened her practice in Ventura, where she practices family and elder law, and continues to represent public school districts in education law.

# Small Business Clients Think They Are Special

*(we certainly agree...)*

## The Small Business Law Firm, P.C.

- Corporation & LLC formation
- Partnership Agreements & Disputes
- Review and Draft Contracts & Forms
- Business Litigation
- Employment Law Defense
- Trademark Registration



Scott W. Williams, Principal Attorney  
**805-778-0206**  
[www.SmallBusinessLaw.Org](http://www.SmallBusinessLaw.Org)



# COMPLEMENTARY AND ALTERNATIVE MEDICINE – IS IT LEGAL?

By Carol Mack

Health care costs are skyrocketing. Insurance premiums are going through the roof and co-pays are increasing each year. Despite these costs, or perhaps because of them, Americans spend almost \$34 billion dollars a year of their own money for unconventional and unproven treatments. The latest figures show that approximately 38 percent of adults in this country use complementary and alternative medicine (CAM) instead of, or in addition to, conventional medical care.

What is CAM? CAM is generally defined as those healing practices that fall outside of conventional medicine. These practices include, among others, the use of herbal remedies, traditional Chinese and Ayurvedic medicine, homeopathy, naturopathy, energy therapies, and chiropractic.

Consumers may think that therapies that are openly promoted and not prohibited by law are safe and effective. However, the legal position of CAM is related far more to political pressures than to any scientific evidence of safety and efficacy.

## Go to Jail for Chiropractic!

Chiropractic was the first CAM to be licensed as an alternative therapy in California and is still the most popular. The story behind its licensure is illustrative. Chiropractic was founded in 1895 by Daniel David Palmer. Legend has it that by manipulating a cervical vertebra, Palmer restored the hearing of a janitor who had been deaf for 17 years. After this initial success, Palmer set about developing a new system of medicine that he based on the traditions of bonesetting and magnetic healing, which were common practices at the time. Borrowing concepts from both traditions, Palmer taught that the body has an “innate intelligence” that allows it to heal itself and that all illnesses are due to “subluxations” or misalignments of the spine. Spinal adjustments would correct the subluxations and allow healing to occur.

Chiropractic quickly became popular with the public, but its practitioners were widely prosecuted for practicing medicine without a license. At one point, 450 chiropractors

were jailed in a single year in California. California chiropractors rallied under the slogan “Go to Jail for Chiropractic!” Popular support for them was so great that in 1922, California voters passed a referendum licensing chiropractors. Chiropractors are now licensed in all 50 states.

## The Medical Practice Act

California’s Medical Practice Act defines medical practice and creates the crime of practicing medicine without a license. A medical license in California is described as an unlimited license because it authorizes the holder to “use any all . . . methods in the treatment of diseases, injuries, deformities, and other physical and mental conditions.” In contrast, the licenses for allied health professionals and certain CAM practitioners are limited.

Currently, chiropractors, acupuncturists, and osteopaths are licensed under California’s mandatory license laws. Naturopaths must be licensed to use the title Naturopathic Doctor, or ND. Other alternative healers are unlicensed but practice legally either as spiritual healers, the regulation of which is expressly prohibited under the Medical Practice Act, or as unlicensed practitioners under SB 277, which exempts them from prosecution for the unlicensed practice of medicine.

## California’s Health Freedom Act

SB 577, the California Health Freedom Act, was introduced in 2001 by State Senator Pro Tem John Burton (D-San Francisco), unanimously passed, and signed into law by Governor Gray Davis in 2002. This legislation was sponsored by the California Health Freedom Coalition, a group of CAM consumers who were inspired by a similar law passed in Minnesota the previous year.

The Act recognized that millions of Californians were seeking CAM treatments from practitioners who could be in violation of the Medical Practice Act. In order to ease consumer access to CAM practitioners, it created a means for unlicensed CAM

practitioners to practice legally, with certain restrictions.

Under SB 577, CAM practitioners may advertise and practice freely so long as they do not claim to be a physician, conduct surgery, use x-rays, prescribe prescription medications or recommend their discontinuation, or set fractures. Further, they must tell their clients that they are not licensed and obtain a written consent before treatment.

Although this law grants legal status to all kinds of alternative therapies, it does not leave consumers with no safeguards. Unlicensed practitioners are still subject to malpractice claims due to either failure of informed consent or failure to adhere to the standard of care for their particular method of treatment. In addition, in some cases, CAM practitioners may be subject to claims of fraud.

## What about the FDA?

Here is a quick quiz. Which products are *not* subject to pre-approval by the Food and Drug Administration (FDA): prescription medications, biological products, homeopathic remedies, or herbal remedies?

The FDA is charged with protecting the public health by assuring the safety, efficacy, and security of food, drugs, and cosmetics. Under the 1938 Food, Drug, and Cosmetic Act, it is mandated to approve new drugs before they are marketed. However, this mandate does not extend to herbal remedies. (Homeopathic remedies are subject to pre-approval because an author of the 1938 Act, Senator Royal Copeland, MD, was himself a homeopathic physician.)

The Dietary Supplement Health and Education Act was passed in 1994, after extensive lobbying by consumers convinced by supplement manufacturers that Congress was about to take away their right to buy vitamins. It created a separate regulatory category for dietary supplements and declared that the federal government

“should not take any actions to impose unreasonable regulatory barriers limiting or slowing the flow of safe products and accurate information to consumers.” Dietary supplements were defined to include vitamins, minerals, amino acids, and substances such as enzymes and metabolites, as well as herbs and other botanicals.

Under this law, manufacturers are solely responsible for ensuring the safety of dietary supplements before they are marketed. Manufacturers are also responsible for determining that product claims are truthful and supported by evidence. While specific health claims need prior approval from the FDA, most claims do not. Therefore, it is legal for supplements to claim that they “support the cardiovascular system” or “promote digestion” or “contribute to general well being.”

The FDA can take dietary supplements off the market if they are found to be unsafe or if the claims on them are false or misleading. However, the FDA has the burden of proof in both instances.

**Buyer Beware**

And so, to answer the question: Yes, complementary and alternative medicine of all types, both licensed and unlicensed, is legal in California. So is faith healing. So are any number of herbal remedies and nutritional supplements. The question of whether they are safe and effective is another question entirely. In California, consumers have sought and won the right to make that determination themselves.



*Carol Mack is a nurse, nursing teacher and attorney practicing in Ventura.*

**MEDIATION SERVICES**

www.californianeutrals.org

*Serving Orange, Los Angeles, Ventura, Santa Barbara & San Luis Obispo Counties*



- BUSINESS
- EMPLOYMENT
- INSURANCE
- PROBATE
- PERSONAL INJURY
- PROFESSIONAL NEGLIGENCE

Mr. Carrington is “very knowledgeable. Insurance companies respect his opinion. Extensive trial experience (ABOTA), excellent mediator, fair, objective arbitrator. Extraordinarily capable and forthcoming with efforts and involvement. He is very thorough and fair.” Quote from 2006 Consumer Lawyers Evaluations

**R.A. CARRINGTON**

565 Sheffield  
Santa Barbara, California 93108

805.565.1487 • Fax: 805.565.3187 • RATC@cox.net

**BANKRUPTCY ATTORNEY**

*Outstanding bankruptcy litigator & strategist with 30+ years experience helps law firms and their clients with all aspects of bankruptcy.*

- Aggressive & Creative Bankruptcy Advocacy
- All Aspects of Business & Personal Bankruptcies/ Reorganizations (Chapters 7, 11 & 13)
- Debtor & Creditor Representation
- Bankruptcy Avoidance & Pre-Bankruptcy Strategies
- Protections from Foreclosures, Judgments, Settlements, Lawsuits, Liens, Debts, Collections
- Protections Against Debtors Likely to File for Bankruptcy

**UCLA Law ♦ Phi Beta Kappa ♦ Magna Cum Laude**

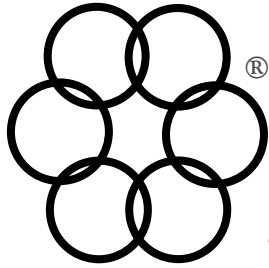
♦ Free Initial Consult ♦  
Exceptional Quality  
at Low Prices

*Tip the scales of  
bankruptcy justice  
in your clients' favor.*



**Law Offices of Philip D. Dapeer**  
A Law Corporation

**Offices in Westlake Village & Beverly Hills**  
805.557.7001 ♦ 323.954.9144  
BankruptcyFocus@aol.com



# RINGLER ASSOCIATES®

The FIRST NAME in  
STRUCTURED SETTLEMENTS

*Proud Member of the President's Inner Circle of CAOC*

SERVING the VENTURA COUNTY AREA

ALL SERVICES PROVIDED AT NO COST to PLAINTIFF or DEFENSE

Personal Injury • Medicare Set-Asides • Structuring Attorney Fees • Medical Malpractice  
Product Liability • Special Needs Trusts • Commercial Cases • Non-Physical Injuries • WC

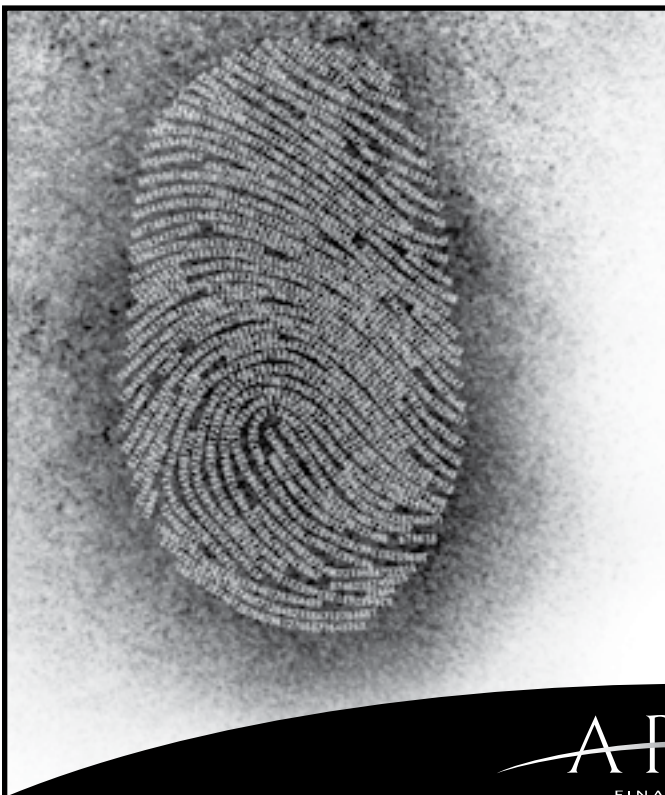
[www.ringlerassociates.com](http://www.ringlerassociates.com) • 800-734-3910 toll free



**PAUL FARBER**

PaulFarber@ringlerassociates.com

Calif. Insurance License 0F82495



## Sometimes numbers are the only prints left behind.

Arxis Financial is a proven forensic accounting and litigation specialist. We will examine the financial data and help you determine the "bottom line." Arxis provides financial and valuation analysis needed to resolve a variety of legal disputes from family court to civil, criminal, and probate courts. In many cases our experts can help you reach a settlement. If trial or arbitration is required we give you the support you need to win.

**Chris Hamilton, CPA, CFE, CVA**

**805.306.7890**

[www.arxisfinancial.com](http://www.arxisfinancial.com)

[chamilton@arxisgroup.com](mailto:chamilton@arxisgroup.com)



FINANCIAL, INC.

FORENSIC ACCOUNTING

BUSINESS VALUATION

FRAUD ANALYSIS

## BARRISTERS' CORNER

By *Christina Stokholm*



My term as Barristers' President is at an end. What fun we had in 2011! And we helped some people along the way, too. Our 2011 activities included Barristers' Build Day with Habitat for Humanity; our annual darts tournament; our 3-on-3 basketball tournament, which raised money for the local YMCA; our bowling night, which raised money for the Make-A-Wish Foundation; and Judges' Pizza Night, through which we raised money and recruited volunteers to serve Thanksgiving dinner to the local homeless. Also in 2011, the Barristers launched a series of self-help nights at the Transitional Living Center in Ventura, where we assisted indigent residents who need access to our courts. It has been an honor to work with the other Barristers board members and the numerous others who have always support our group. I especially want to thank outgoing VCBA President **Joe Strohm**, Presiding **Judge Vince O'Neill** and VCBA Executive Director **Steve Henderson**, for their overwhelming support of Barristers events. Now, Barristers, get ready for even more fun as the amazing, multi-talented **Bob Krimmer** steps in as 2012 Barristers President!

*Christina Stokholm is an associate in the Camarillo-based Law Offices of Mark R. Pachowicz, where she practices primarily in the areas of criminal defense, business law, and civil litigation.*

## EAR TO THE WALL

The Law Office of Ben A. Schuck III is pleased to announce that our long time paralegal, **Katherine "Katie" Hause**, has graduated from Ventura College of Law and has passed the California Bar Exam. Congratulations Katie! As of Jan. 1, 2012, our law firm will change its name to the Law Office of Ben Schuck and Katherine Hause, LLP. We will continue to emphasize estate planning, trust administration, probate, conservatorship, small business and real property matters. She can be reached at Tel: (805) 525.7104

The Law Offices of Heywood G. Friedman of Westlake Village, proudly announce the hiring of a new highly qualified associate attorney. **Jay Parmelee, Esq.** received his Juris Doctor degree from the Pepperdine University School of Law and was admitted to the Bar in December 2010. Mr. Parmelee also received a Certificate in Alternative Dispute Resolution from the Straus Institute, as well as his Master of Divinity. As an undergraduate Mr. Parmelee attended Pepperdine University, where he double-majored in History and Religion. He can be reached at (818) 707-1488 .

## ESTATE PLANNING AND PROBATE SECTION OFFERS MCLE CREDIT

By *Amber Rodriguez*

The Estate Planning and Probate Section of the Ventura County Bar Association offers affordable and informative monthly lunch meetings with MCLE credit available. While locations and dates sometimes vary, the meetings are generally held at the Wedgewood in Ventura on the fourth Thursday of each month. Upcoming lunches include a presentation on LPS Conservatorships (in January) and our annual review with the sitting probate judge (in February).

We welcome your comments and suggestions for future programs. If you have a subject you would like to see covered at one of our meetings, please let me know. You can email me your comments and suggestions at [arodriguez@estateattorneycalifornia.com](mailto:arodriguez@estateattorneycalifornia.com). We hope to see you at our next meeting.

*Amber Rodriguez is the incoming chair of the Estate Planning and Probate Executive Committee. She handles trust and estate litigation and administration, probate, estate planning and conservatorship matters from her practice in Ventura.*

# Accident Reconstruction



**Marc A. Firestone**  
Ph.D.

*"I approach forensic engineering not as a narrow vocational activity but as a scientific inquiry."*



**Von Haenel & Associates, Inc.**

## FORENSIC ENGINEERING

*Objective Analysis and Scientific Integrity*

Combines over 20 years of experience as a professional research scientist with a 40 year old forensic engineering firm. I have handled hundred of cases in:

- Vehicular accident reconstruction
- Slip/Trip falls
- Product defects
- Fires
- Unusual cases requiring a broad scientific background

**2510-g Las Posas Rd.  
#513  
Camarillo, CA 93010**

Phone: **(805) 388-7123**

E-Mail: **fireball@mailaps.org**

# WHEN DO YOU NEED A PRIVATE PROFESSIONAL FIDUCIARY?

By Laura Viets and Eugenia Bates

## Our Aging and Disabled Population

The number of people 65 years or older in the United States is about 39.6 million (according to 2009 data, the most recent available). They represent approximately 12.9 percent of our population, or about one in every eight Americans. By 2030, there will be approximately 72.1 million elders, or about 19 percent of the population. The prevalence of dementia in our elder population is approximately 3.4 million people. According to the Alzheimer's Association, the numbers for Alzheimer's disease are at least 5.4 million individuals. These statistics will probably double by 2030, as well.

Our aging population, with increasing levels of dementia and similar conditions as well as limited physical abilities, has increased the need for taking care of the financial responsibilities of our elders. For most older and disabled Americans with such a need, family members provide this service. Unfortunately, within this population, too often family members are not capable or desirous of assuming this role. Professional fiduciaries may fill this ever-growing need in various capacities as trustees, conservators, personal representatives, representative payees and/or agents under power of attorney. The services provided by a licensed professional can include ensuring that the terms of a trust are adhered to as written, managing a conservatee's estate, administering the estate of a decedent, accounting for income and expenses, and more. Professional fiduciaries often act in conjunction with attorneys, accountants and financial advisors, and can be appointed by the court.

## Professional Fiduciaries

In response to the growing field of professional fiduciaries, in 2006 the State of California enacted the Professional Fiduciaries Act ["the Act" - Bus.&Prof. Code §6500 et seq.]. The Act and its accompanying regulations [16 CCR §4400 et seq.] are administered by the Professional Fiduciaries Bureau [the "Bureau"] within the Department of Consumer Affairs.

Under the Act, the term "professional fiduciary" is defined as a person who acts as a conservator of the person, the estate, or person and estate, or guardian of the estate, or person and estate. The license status of professional fiduciaries can be found on the Bureau's web site – [www.fiduciary.ca.gov](http://www.fiduciary.ca.gov).

Lawyers are able to provide the services discussed within this article, but due to their extensive licensing requirements are not required to complete the licensing requirements of a professional fiduciary, as that would be redundant.

## When Should You Secure the Services of a Professional Fiduciary?

A professional fiduciary can become involved at different stages depending on the situation:

- **Estate Planning:** Early planning when meeting with an attorney to prepare an individual's estate plan is an optimum time and may help to alleviate any future issues. An individual may choose to appoint a professional fiduciary as the successor trustee/executor/agent if they do not have any children, if choosing a child may cause conflict or a burden, or if they do not have any family or friends that can be trusted to carry out their wishes.
- **Successor Trustee:** Sometimes a professional fiduciary may be called in to replace a trustee or successor trustee who is resigning or who is no longer able to manage the finances and health care decisions successfully or appropriately. While many times we hear of cases involving fraud, the majority of the time the trustee simply lacks the education and/or experience to manage another individual's personal needs and their estate often finding themselves to be in over their heads. In this case, the newly appointed professional fiduciary works backwards to ensure misappropriation of funds did not occur, that the investment strategy being pursued is prudent and not too risky for the individual's needs, and to ensure that income exceeds liabilities, in addition to various other services as the situation dictates.

- **Capacity:** At times, an individual – not necessarily a senior citizen – may become incapacitated without having a power of attorney named for either their finances or health care. The individual in this situation may not have anyone in their life that is capable of making day to day decisions due to lack of knowledge, busy personal life, unwillingness, geographic unavailability or a host of other reasons. A professional fiduciary can fill this void, making honest, reliable and experienced decisions under difficult circumstances.

Attorneys requiring the services of a professional fiduciary should visit the Bureau's site to ensure that the professional fiduciary is licensed and not the subject of any disciplinary action. The professional fiduciary should have errors and omission insurance coverage. In addition, a professional fiduciary should be interviewed to ascertain that they possess the skill level, temperament and time needed to handle the requirements of a particular individual. In this profession, one size does not fit all.

## Elder Abuse

Unfortunately, the worst sometimes happens. A professional fiduciary may be appointed by the court due to an allegation of elder abuse (either physical or financial). There are nearly 6 million cases of elder abuse every year. Unfortunately, many of these cases will go unreported. According to *EADaily.com's* projections, California remains the state with the greatest number of elder abuse cases in the United States, with 36 percent more than those in Florida, the state with the second greatest number of elder abuse cases. If it can happen to Mickey Rooney, it can happen to anyone.

Often, once elder abuse has been reported, the elder or a close family member will hire an attorney to try to recoup any monies taken from the senior. Often, a professional fiduciary is brought in to assist the senior as a neutral party. Individuals and families have other options too. Often a bank or corporate trustee can be of service, however, typically the estate is required to be over \$1

million dollars. In these hard times, many people have lost much, if not most of their retirement and investments, and do not meet this threshold. Professional fiduciaries are often less expensive and are not tied to the investment managers employed by financial institutions. Professional fiduciaries are able to retain independent financial advisors and discharge those who do not perform satisfactorily.

Although this profession is not new to our community, it is growing leaps and bounds trying to keep up with the statistics. The next time your clients come to you with a difficult issue, a private professional fiduciary may be your solution.



Laura Viets and Eugenia Bates are licensed professional fiduciaries. Together they operate B&V Fiduciary Services

# 11TH HOUR MEDIATION

*It's never too late to mediate.*



## CAN'T SETTLE? GOT TRIAL?

Accepting Civil Trial  
Referrals/Associations of Counsel

**DAVID M. KAREN, ESQ.**  
Mediator and Active Trial Attorney  
26 year Plaintiff And Defense Litigator

dk@dk4law.com  
(805) 988-4728

[11THHOURMEDIATION.COM](http://11THHOURMEDIATION.COM)

**LEGAL MALPRACTICE  
EXPERT WITNESS  
and LAWYERS ADVOCATE  
STATE BAR DEFENSE**

**PHILLIP FELDMAN**  
B.S., M.B.A., J.D., AV. (Preeminent)  
Fellow American Board of  
Professional Liability Attorneys

Certified Specialist  
Legal Malpractice  
(ABPLA & American Bar Association)

Former Judge Pro Tem  
Former State Bar Prosecutor

Fee Arbitrator 35 years  
Litigator/Expert 44 years

Malp/Ethics Author

www.LegalMalpracticeExperts.com  
Email: LegMalpExpert@aol.com  
StateBarDefense@aol.com

**(310)LEG-MALP(534-6257)**

**ALSO FEE DISPUTES,  
PREVENTATIVE LAW & RISK  
MANAGEMENT CONSULTATIONS**

**We are pleased to announce a new law partnership:**

**NielsonHuff LLP**  
Attorneys at Law

**Business | Real Estate | Corporate | Transactional | IP | Employment**

*Lindsay F. Nielson, Esq.* has practiced real estate and business law in Ventura County for 37 years. He has handled thousands of real estate matters and acted as a receiver for the Ventura County Superior Court in over 400 cases. He frequently acts as a mediator and Judge Pro Tempore and is President Elect of Ventura Chapter of The Jerome H. Berenson American Inn of Court.

*Paul R. Huff, Esq.*, UCLA School of Law '00 and Northwestern University '95, has represented hundreds of business and individual clients in real estate, corporate, transactional and intellectual property matters as well as business, shareholder and employment litigation. He acts as outside general counsel for companies throughout Southern California.

**Nielson Huff LLP | 845 East Santa Clara Street | Ventura, CA | (805) 658-0977**

[www.nielsonhuff.com](http://www.nielsonhuff.com)

# Tax Preparation & Planning

Individual ■ Corporate  
Partnership ■ Estate & Fiduciary  
Offer in Compromise

**(805) 641-1040**  
**meulau@sbcglobal.net**

## Eulau Accountancy Corporation



**Michael C. Eulau, CPA**  
**MBA, Finance, University of Chicago**  
**MSc Economics, London School of Economics**  
**Over 18 Years Experience**

**200 E. Santa Clara Street, Suite 200, Ventura, CA 93001**



# CLASSIFIEDS

## OFFICE SPACE

**Great office in Westlake Village** – Friendly atmosphere, view to garden, 24/7 accessible building, close to 101 Freeway and post office. High Speed DSL Internet, conference room, receptionist, photocopier, mail service, kitchen. \$480/month. Utilities Included. (805)795-2211

**Completely restored Victorian home** – Old Town Ventura, between the Mission and the beach, many antiques used in restoration. Rent a piece of history. Built in 1897. Ventura City Landmark #73. 107 Figueroa St. Several offices available. Rents start at \$550/mo. Landlord pays utilities and janitorial, and provides furnished common reception area. Call Don Parrish at (805)340-1204.

**Tower office spaces available** – Free Rent! Rare opening in suite 1180 in the “Tower,” Ventura County’s premier office address. “King’s Corner” office with great views as well as individual window offices available in multi-conference room, established, full attorney Suite 1180. Full amenities available, including potential for overflow or start-up assistance. Great turnkey location for solo, small firm and mediators. Short- or long-terms. Best offers accepted! Call (805)988-4848.

**Fully built out** – About 1000 sq feet office condo across the street from the County Courthouse, which is accessible by a pedestrian tunnel. The property consists of three offices, workstation and reception areas. The space is a turnkey unit with all systems in place. Great for a law firm of 2 to 3 attorneys, or a co-op. County Square Drive is a cul-de-sac with many other office buildings. It is close to restaurants and other services. There is plenty of parking in front and behind the building. This location is considered one of the best in the City of Ventura. \$1200/ month - For more information call Sean Yoon at 805- 415-0804.

## HELP WANTED

**Small law firm seeking paralegal for part-time employment** – Westlake Village, 3 plus years of experience in transactional law (estate and/or business). Must know MS Word and Excel; have excellent writing skills, be organized and detail oriented. Knowledge of trust administration, probate and/or WealthDocs is a plus. Background check is required. Contact MGarner@CornerstoneLawCenter.com

## Tri-County Sentry Newspaper

**LEGAL/PUBLIC NOTICES**  
We can publish your Trustee’s Sales, Probate Notices and Change of Names. Court Order No.125431

### Rates:

Trustee’s Sales...\$225 approx  
Petition to Admin \$180  
Change of Name...\$110  
Legal Notices...\$9.50

For the best service call  
**983-0015**

We file your Affidavit of Publication with the court

818.707.CADR 818.707.2237



**Ventura’s Only Independent Mediation/Arbitration Facility**

[www.CalADRservices.com](http://www.CalADRservices.com)

31238 Via Colinas, Westlake Village CA

**tracycollins**  
LAW OFFICES OF  
**ERISA Disability and Life Insurance**

*Representing claimants in the denial of group disability and life insurance claims.*

**Tracy Collins**  
Attorney At Law  
5699 Kanan Road,  
Suite 415  
Agoura Hills, CA 91301  
tracy@tracycollins.com  
**(818) 889-2441**

*Referral fees paid in accordance with Professional Rule of Conduct 2-200.*

**Southflight Computer/Audio/Technical Services**  
Locally Owned & Operated

Offering Reasonably Priced Computer Repair  
Software Installation & Instruction  
Conversion of CD/DVD Evidence to Alternate Formats  
Enhancement of Audio Recording/ Evidence  
Other Computer/Audio Services Available

Call: 805/217-2571; 805/444-9866  
Email: Southflighttech@yahoo.com

# ELDER LAW SERVICES

**VETERANS BENEFITS**

- Veterans’ Non-Service Connected Pensions for Aid & Attendance; Homebound; etc
- Non-service Connected Pensions for Surviving Spouse; children; and parents
- Veterans’ Service Connected Compensation
- Spousal Death & Indemnity Compensation
- VA Appeals


**MEDI-CAL ELIGIBILITY**

- Custom-designed Eligibility Analysis & Qualification Plan (Asset Protection)
- Application Preparation & Representation
- Medi-Cal Recovery Claim Avoidance
- Appeals of benefits denial/loss

*Services focused on assisting individuals obtain Veterans/Medi-Cal benefits for Long Term Care*

**THE LAW OFFICES OF CRAIG R. PLOSS**

290 MAPLE COURT, SUITE 118, VENTURA, CA 93003 TEL: (805)642-8407 FAX: (866)379-2179 EMAIL: PLOSS@TDS.NET





Lots of lawyers turned out to volunteer on Thanksgiving Day at the Salvation Army's "One City, One Meal" event at the Ventura County Fairgrounds. Feeding nearly 600 folks in need were **Amy Dilbeck, Tom Adams, Judge Fred Byshe, Mike Bradbury, Tom Hutchinson, David** and **Mary Shea**...A Justice Department lawyer who was the longest serving federal prosecutor in U.S. history has died at the age of 89. John "Jack" Keeney retired last year after working for the Justice Department for 59 years. Keeney worked on organized crime cases under Attorney General Robert Kennedy, helped negotiate a treaty with Switzerland in the 1970s that gave U.S. investigators access to Swiss bank accounts, and had a role in the Watergate investigation. A Justice Department building is named in his honor. His only prosecutorial regret? Keeney once told NPR, "prosecuting alleged communists in the 1950s." Keeney served in WWII as a B17 pilot. His plane was shot down and he was held in a Nazi prison camp during the final months of the war...Argentina? **Aris Karakolos** at 659.6800 or akarakolos@fcoplaw.com...

**Kathleen Smith** of Norman Dowler had a letter to the editor published in the November issue of *California Lawyer*. Page 5 at [www.callawyer.com](http://www.callawyer.com)... These people live among us – GOP presidential contender Newt Gingrich is explaining his assertion that child labor laws are "truly stupid." Gingrich says he wants to empower kids to succeed through a work ethic. In poor neighborhoods, he has said in recent speeches, children can't earn cash because they are "trapped in child laws." He offers school janitorial jobs as an example, saying kid janitors "would be dramatically less expensive than unionized janitors." Gingrich elaborated in an interview with the

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

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

*Washington Post*. "I'm not suggesting that they drop out of school and become janitors, I'm talking about working 20 hours a week and being empowered to succeed," he said... Need to score 6 CLE units all in one day? The Barristers are hosting their Bridging The Gap event in conjunction with *The Daily Journal* on Saturday, Jan. 21, at the Ventura County Government Center (flyer contained herein). Substance Abuse, Bias and Ethics will be front and center. New admittees and lawyers practicing less than two years are free. Barristers in practice from two to five years pay \$50. All others \$75. Celene at 650.7599 or bar@vcba.org...

Speaking of Barristers, they have elected their new officers and directors: **Robert Krimmer**, president; **Matthew Purcell**, vp; **Rachel Coleman**, secretary; **Renee Dehesa**, treasurer; and **Christina Stokholm**, immediate past-president. Board members include **Tom Adams, Amy Dilbeck, Katherine Hause, Joshua Hopstone, Chris Kunke, Brier Miron, Melanie Murphy, Kathryn Pietrolungo, Jon Schwalbach, and Jaclyn Smith**...Movie of the Month: Marty (zebra): "I'm still doing the same old thing. Stand over here, trot over there. Eat some grass. Walk back over here." Alex (lion): "I see your problem." Marty: Maybe I should go to law school." On his tenth birthday, Marty (Chris Rock) laments his uneventful life to Alex (Ben Stiller) in "Madagascar" (2005)...The 23rd Annual Bar Leaders Planning Session is scheduled for Feb. 11, at the Courtyard by Marriott. Representatives of sections, committees and affiliates should mark their calendars...

The *NY Times* has a compelling article entitled, "What They Don't Teach Law Students: Lawyering." It appeared Nov. 20 at [www.nytimes.com](http://www.nytimes.com)...A would-be law student in New York state has filed suit seeking additional time to take the Law School Admission Test. Lisa Rousso, 41, of Fort Salonga, N.Y., says she needs more time because of a brain disorder that causes her to read and write more slowly. Rousso is asking for an additional three hours to take the test. She seeks accommodations for her disability caused by a removal of a brain lesion in 2005...Ventura County native **Jon Schwalbach** has joined Ferguson Case Orr

Paterson. He grew up in Thousand Oaks... Azamare Cruise to Venice and the Adriatic Coast? **Howard Evans** at hbevans@adelphia.net...

**Judge Edward Brodie** retired on Nov. 30, after more than 19 years on the bench. Judge Brodie was elected to the municipal court in June 1992. He received a special interim appointment by Gov. Pete Wilson and began his term of office four months early. He was elevated to the superior court in June 1998. He was a DA from 1984-1992 and a PD from 1981-1982. Additionally, he was a CHP officer for 12 years...Shoppers at the Boynton Beach Mall in Florida could have received some legal counseling during their quest for the perfect holiday gift. Three lawyers opened a kiosk called The Law Booth and they offered year-end specials. Through Dec. 31, 15-minute consultations were free and estate planning was \$300. A lawyer was available on Black Friday starting at 4:00 a.m.... New officers for the Intellectual Property Section are: **Chris Balzan**, president; **James Dawson**, vp; **Doug English**, treasurer; and **Pejman Yedidion**, secretary. The IP Section continues to meet the second Thursday of each month either at the bar offices or the Plug Nickel in TO for lunch...

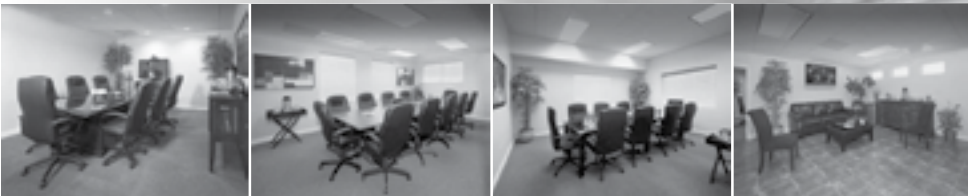
**Justice Paul Coffee** swore in 15 new lawyers Dec. 6 in Courtroom #22. Coffee, whose last day in the office is January 31, was compelling and heartfelt in delivering his final observations, along with Judges **Vince O'Neill** and **Brian Back**. This was the first time in over six years that more men than women swore-in, 8-7, and 10 lawyers of the 15 verbalized they were searching for work. Thanks to **Joe Strohmman, Christina Stokholm, Katie Pietrolungo, David Cunningham**, and **Jill Friedman** for their assist...

*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 sideline during the Rose Bowl January 2 rooting for his Ducks and the BCS Championship game January 9 cheering on his cousin, Tyrann Mathieu. Henderson may be reached at [steve@vcba.org](mailto:steve@vcba.org), Twitter at [stevehendo1](https://twitter.com/stevehendo1), FB, or better yet, 650.7599.*

# FINALLY...

## THE SAN FERNANDO VALLEY HAS ITS OWN ARBITRATION, MEDIATION AND MANDATORY SETTLEMENT CENTER.

An affordable, tasteful, private venue to conduct your next important meeting. Bring in your own mediator or select someone from our panel.



Conveniently located  
across the street from  
The Van Nuys Courthouse.

# PCR MEDIATION CENTER

PCR Mediation Center, a subsidiary of Personal Court Reporters  
A full service court reporting firm with five conveniently located offices in  
Los Angeles • Van Nuys • Ontario • Ventura • Santa Barbara

**818.988.1900**

14520 Sylvan Street, Van Nuys CA 91411 • [www.pcrmediationcenter.com](http://www.pcrmediationcenter.com)

## CITATIONS

Ventura County Bar Association  
4475 Market Street, Suite B  
Ventura, California 93003

PRSRT STD  
US POSTAGE

**PAID**

PERMIT NO. 507  
OXNARD, CA 93030



*ADVICE YOU CAN TRUST  
WHEN THE STAKES ARE HIGH.*



*We would appreciate your criminal law referrals.*

- 4 Years in private practice. (17+ years in criminal law.)*
- 3 New babies.*
- 2 Over two thousand years of prison time avoided for our clients.*
- 1 The first person to call for criminal defense.*



**David the 2nd**



**Datrick**



*Hondiya*

789 S. Victoria Ave., Suite 202, Ventura, CA 93003 Phone: (805) 477-0070 [www.DavidLehrLaw.com](http://www.DavidLehrLaw.com)