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CITATIONS

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

HOW “IN GOD WE TRUST” OUSTED THE GODDESS OF LIBERTY – SPIRITUALITY AND THE LAW, PART III.

by Lisa M.J. Spillman

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PRESIDENT'S MESSAGE: IT WAS THE BEST OF TIMES; IT WAS THE WORST OF TIMES

by Joel Mark



Another tradition of these Presidents' Messages, I have been told, is that the last one must sum up the year from the President's perspective. For me, my year as President truly was the best of times, and the worst of times.

Since you all have read every word of my prior eleven messages, you already know why I might have considered this past year in some ways to be the worst of times. However, I have decided not to repeat any of that in this final message. Rather, I have reflected on a thought that has been ascribed to the legendary Dodgers manager, Tommy Lasorda. I am told he said: "I have decided to stop telling my troubles to everyone. At least 80 percent of the people I tell them to don't care about them and the other 20 percent are glad I am the one who has them." So, let's move on to the best of times.

From my perspective, the VCBA has had a very successful year, probably far more in spite of me than because of me. Thanks to Steve Henderson's stellar leadership as our ED/CEO, we navigated back toward greater fiscal responsibility. And, he also almost succeeded in making me look like I knew what I was doing – no small task.

We have been extremely fortunate this year to have had so many talented and dedicated board members and other leaders of our sections and affiliates. Some of our merry band are pictured above. Others who could

not attend the meeting at which I was able to take this photo were no less important to our success this year.

What I believe we were most successful at was keeping the VCBA on mission. The goal has been to serve our members and serve our community. I noted with interest, for instance, that the Beverly Hills Bar Association is touting that it put on 200 CLE programs over the past year. The VCBA, with right around only 20 percent of the BHBA membership, put on almost as many. In that fashion, among others, I believe we have served our members well.

As important, we continued our support for the Volunteer Lawyer Services Program both in terms of monetary contributions and in terms of volunteer support. On that front, special kudos go to **Verna Kagan** and all of the other **Emeritus Attorneys** who support the program. And, special thanks in memoriam go to the late **Earl Price**, who not only supported the program with his legal talents, but, over his time with the VLSP, managed to raise more than \$250,000 to keep it in a position to continue to serve the legal needs of all Ventura County communities.

Also, speaking of VLSP fundraising, thanks go as well to Immediate Past President, **Dien Le**, who again this year headed up the annual dinner sponsorship drive, and to **Don Hurley**, who once again organized

the annual dinner silent auction. Together this year, they raised thousands of dollars to support VLSP, Inc., just short of last year's record fundraising effort. In addition, **Tony Strauss** and **Kevin Staker** initiated a "new money" fundraising program for the VLSP, including the "Pro Bono Champions" program.

One of the true luxuries of concluding my year as president is the confidence I have in the leaders in line to take over the helm. I can think of no group better able to guide the association and carry on our tradition of service than the three individuals who will succeed me. They are **Laura Bartels**, our incoming president, **Alvan Arzu**, president-elect, and **Bill Grewe**, our incoming secretary-treasurer. These three, in my view, insure that the VCBA will be well taken care of and advised for the three years to come, and probably well beyond.

Other members of the board who put in extra hours of service over the year are manifold. **Linda Ash** continued to serve as able chair of the judicial evaluation committee, which had another busy year. **Rennee Dehesa** served exceptionally well as president of the Barristers, and oversaw so many of their events, including the mentoring program, Judges' Pizza Night and the event that scares me even now, dart night. Putting young lawyers, beer and darts in the same room? Duck!

Jill Friedman was exemplary as President of the Diversity Bar Alliance, and organized the "So You Want to Be a Judge" program that concentrated on promoting greater diversity on our bench. **Susan McCarthy** continued her leadership of the Ventura County Trial Lawyers Association and arranged for so many informative and interesting CLE events. **Christina Stockholm** served as a member of the VLSP, Inc. board in addition to the VCBA board and has been an invaluable resource in the effort to obtain IOLTA funding for the VLSP. **Michael Strauss** has been working on organizing a mediation services program that, once it rolls out next year, should help raise additional

Continued on page 5

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PRESIDENT'S MESSAGE:

Continued from page 3

funding for the VLSP. And **Charmaine Buehner** has concluded a very successful year for the Women Lawyers of Ventura County.

So many others contributed, for example: **David Karen** has stepped up to take over the ADR section. **Katie Hause Becker** started the Animal Law section. **Eric Reed** has led the annual dinner committee once again. **John Fukasawa** led the Asian American Bar Association. **Erik Feingold** continued his leadership of the Business Litigation section. **Dean Hazard** continued to keep the fee dispute program on track. **Lou Kreuzer** kept MABA strong and relevant. **David Shain** was instrumental on the VLSP, Inc. board and the pro bono advisory board.

I also have to give a special shout out to the *CITATIONS* editorial board, especially **Wendy Lascher**, who did her best to keep my president's messages well-edited and somewhat coherent. And, I know there are many others who worked diligently for the VCBA this past year. I apologize that I may have left anyone out.

I lastly want to acknowledge two past presidents who were especially helpful in guiding my thinking as your president. They are **Joe Strohm** and **Tony Strauss**. Over the years, Joe taught me that, whatever personal matters I may have been facing, it remained important for me to keep focused on what was best for the VCBA. I tried my best to heed that advice throughout. Tony's teaching was to remind me that it also was important for me, our board and everyone else doing the heavy lifting for the organization to have a little fun along the way.

I hope I was able to both do what was right for the VCBA and its mission, and do it in a way that was not only constructive but fun. It has been a fulfilling year personally. I thank you all for the privilege of being able to serve the VCBA as its president.

Joel Mark is Of Counsel to Hathaway, Perrett, Webster, Powers, Chrisman & Gutierrez in Ventura. Mr. Mark is very much looking forward to stepping back and marching in Laura Bartels' army as immediate past president this next year. Whew!!

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LETTERS TO THE EDITOR

More complaints about courtroom lies

Dear Editor:

I am writing in response to **Kate Neiswender's** article in November's *CITATIONS*.

Ms. Neiswender's article comes in after I had just made this very complaint in my office. Another colleague came into my office, and asked, "When did it become common for attorneys to so boldly lie to the court, and without any consequences?"

Ms. Neiswender, you are not "just getting old and grouchy," and a lot of us can feel your pain.

I had an attorney completely ignore my discovery request. Notwithstanding that no meet and confer is required to file a motion, I sent several meet and confer letters, and spoke to counsel and his assistant many times asking for the information. More than 60 days after it was due, what I finally received were cut and paste objections to each and every request. More attempts to meet and confer were fruitless.

I filed my motion, and my motion was denied outright, and no sanctions. I filed a writ, and that was likewise denied. Opposing counsel managed to get a trial set quickly, leaving me with no information to effectively try my case. Moreover, he has now been encouraged to continue to lie about the facts, and refuses to provide any information. It is frustrating, because I absolutely refuse to stoop to the same level. This leaves me and my client at a substantial unfair disadvantage because the other side has all the information they need, and I have none. This was not the first time.

I also had an attorney be so bold as to send a proposed order after hearing; we spent months discussing what was actually ordered. Then, when I would not agree to his demands, he threatened to send the proposed order and tell the court that I had not responded. He made good on his threat. I received a copy of his declaration to the court, under penalty of perjury, claiming that I had never responded to his proposed order. I received the declaration on a Saturday.

I faxed a letter to the court asking the court not to consider it until I could file my declaration with a copy to opposing counsel. In court, the correct order was decided, but the court never addressed the attorney's perjurious behavior; it was as if it was just a matter of course. The attorney was not even reprimanded.

When did it become acceptable for attorneys to deliberately deceive the court without so much as a cross look from the bench? I know it is not all judges in all courtrooms. However, when deceptive behavior is not challenged by the court, it encourages more of the same.

Laurie Peters, Esq.

Taking a stand

Dear Editor:

Please pass along to VCBA President **Joel Mark** that I am impressed and pleased by his President's message this month. I am glad to see leaders in Ventura voicing concern over issues beyond our profession and our county.

It's important that we as attorneys apply our skills of analysis, judgment and communication to broader issues and hopefully help our community, our country, to identify where we can improve and develop solutions together. Finally, all too often our Bar feels a bit insular, and taking a "political" stand seems to risk severe criticism. I am proud that President Mark stood up and spoke.

Vanessa Frank, Esq.



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HOW “IN GOD WE TRUST” OUSTED THE GODDESS OF LIBERTY – SPIRITUALITY AND THE LAW, PART III.

by Lisa M.J. Spillman

I was reading *The Scarlet Letter* a couple months ago and came across a reference to a U.S. half penny. Wow. A half-penny? That’s what my brain is worth before coffee. I grabbed my iPhone and veered down tangent road.

At The Coin Page (<http://www.coinpage.com/half%20cent-pictures.html>) I saw the half-cent coins, one side beautifully depicting various images of a goddess of liberty. My curiosity was piqued. The image seemed to honor women, or at the very least was powerful female imagery. I poked around the Internet some more and learned that “Centuries before Lady Freedom topped the U.S. Capitol or the Statue of Liberty dominated New York harbor, images of women were already widely used to symbolize the traits, virtues, and opportunities of the United States of America.” (“Origins, The Female Form as Allegory,” <http://xroads.virginia.edu/~cap/liberty/origins.html>)

I wondered whether other circulating coins held, or still hold, the liberty goddess. It turns out she was depicted on a number of early coins, including the half-cent, one-cent, three-cent, nickel, half-dime, dime, twenty-cent, quarter, half-dollar and dollar coins. (<http://coins.about.com/library/CoinIdentification/blidentifyuscoinsusingphotos.htm>) I checked the coins in my pocket. Nope. No liberty goddesses there. Why, I wondered. What explains her absence? I surfed over to the U.S. Treasury Department website, and learned a rather unsettling history lesson (<http://www.treasury.gov/about/education/Pages/in-god-wetrust.aspx>).

After the U.S. Civil War, then Secretary of the Treasury Salmon P. Chase (later, the Chief Justice of the U.S.) received many requests from devout Christians to recognize “the Diety” on U.S. coins. The first of these, dated Nov. 13, 1861, from Rev. Watkinson of Pennsylvania, read:

“Dear Sir: You are about to submit your annual report to the Congress respecting the affairs of the national finances.

“One fact touching our currency has hitherto been seriously overlooked. I mean the recognition of the Almighty God in some form on our coins.

“You are probably a Christian. What if our Republic were not shattered beyond reconstruction? Would not the antiquaries of succeeding centuries rightly reason from our past that we were a heathen nation? What I propose is that instead of the goddess of liberty we shall have next inside the 13 stars a ring inscribed with the words PERPETUAL UNION; within the ring the all-seeing eye, crowned with a halo; beneath this eye the American flag, bearing in its field stars equal to the number of the States united; in the folds of the bars the words GOD, LIBERTY, LAW.

“This would make a beautiful coin, to which no possible citizen could object. This would relieve us from the ignominy of heathenism. This would place us openly under the Divine protection we have personally claimed. From my hearth I have felt our national shame in disowning God as not the least of our present national disasters.

To you first I address a subject that must be agitated.”

(<http://www.treasury.gov/about/education/Pages/in-god-we-trust.aspx>)

In response, Secretary Chase instructed his Director of the Mint, James Pollack:

“Dear Sir: No nation can be strong except in the strength of God, or safe except in His defense. The trust of our people in God should be declared on our national coins.

You will cause a device to be prepared without unnecessary delay with a motto expressing in the fewest and tersest words possible this national recognition.”

(<http://www.treasury.gov/about/education/Pages/in-god-we-trust.aspx>)

But Pollack and Chase did not have the power to change the motto. Congress needed to act. That it did. As a result, “In God We Trust” first appeared on the two-cent coin in 1864. Gradually, it was rolled out on other coins. It was removed from some coins here and there, but since 1938, all U.S. coins bear that inscription. (<http://www.treasury.gov/about/education/Pages/in-god-we-trust.aspx>)

The Goddess of Liberty was on a coin until 1947 (<http://www.coininflation.com/coins/1916-1947Silver-Walking-Liberty-Half-Dollar-Value.html>). In 1954, in an apparently unanimous vote, Congress passed a law requiring “In God We Trust,” be placed on U.S. currency. (31 U.S.C. §§ 5112 (d) (1), 5114 (b).) It became our national motto in 1956, and has been reaffirmed over the years. (See 36 U.S.C. §302; <http://www.treasury.gov/about/education/Pages/in-god-we-trust.aspx>)

But, the phrase has faced challenges. In one of the most recent, on September 9 of this year, a federal district court in New York dismissed a case brought by atheists and the Freedom from Religion Foundation. (*Newdow v. Congress of the United States* (S.D.N.Y., Sep. 9, 2013, No. 13-CV-741-HB, 2013 U.S. Dist. LEXIS 128367, 2013 WL 4804165.) Plaintiffs alleged that “In God We Trust” on currency violates the Establishment Clause, the Free Exercise Clause and the Religious Freedom Restoration Act, 42 U.S.C. §§ 2000bb, *et seq.* The district court disagreed, as have the Ninth, Fifth, Tenth, and D.C. Circuits (*Ibid.*). While the U.S. Supreme Court has not squarely addressed the issue, in dicta it has assumed the motto’s secular purpose and effect. (*Ibid.*) No word yet on an appeal.

While I do not really have an opinion yet as to its constitutionality, having “In God We Trust” on our currency seems unnecessary. Did not our money serve its purpose before the slogan appeared? Yes. Does it increase tithing? Probably not. Would its absence make me think we are heathens? No. Does its presence make me a better person or ours

a better nation? I don't think so. Does it remind me before I buy a cheeseburger that I should trust in God? No. Trust in God seems a highly individual endeavor, if one taken at all.

And "In God We Trust" seems untrue in the collective. Then, as now, many in this nation do not believe in God. And, if trust in God is turning one's will over to God, then many who do believe in God probably don't trust God all the time, either. So it's not altogether true that "We" trust God.

Lastly, I ponder whether "In God We Trust" has been used as a doorway through which our nation and our government acts in the world and in our own country as if it is certain it so acts at the direction of God.

What would I like to see happen? Currently, only the portrait of a deceased person can appear on currency and securities (31 U.S.C. § 5114 (b)). Even though the word "liberty" is on our coins, maybe it's time for Lady Liberty to adorn our currency again. In this day of phone call tracking, location monitoring, drones, and prisons over capacity, liberty, in whatever form is most important to each of us individually, is probably something we can agree on.



Lisa Spillman is an attorney in Ventura. She handles criminal appeals and habeas corpus petitions.





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PUBLIC NOTICE RE LIMITED COURT OPERATIONS IN DECEMBER

Pursuant to Government Code section 68106, the Ventura County Superior Court is providing 60 days' notice of limited operation days.

The majority of the courtrooms and all of the clerk's offices will be closed on December 23, 24, 26, and 27, 2013 to mitigate the impact of employee furlough days on court operations. Criminal custody calendars, preliminary hearings, early disposition conferences (Monday & Tuesday only) and three criminal trial courtrooms will remain open.

These days are not court holidays, so statutory deadlines will not be extended. However, drop boxes are currently provided outside each clerical office for filing papers or submitting payments. Documents placed in the boxes by 5 p.m. are deemed deposited for filing that same business day. Most cases already calendared for hearing will be rescheduled and the affected parties notified

by the court. An exterior walk-up window on the north side of the Hall of Justice at the Government Center, near parking lots A, B and C, will be open until 6:45 p.m., and the East County Courthouse walk-up window will be open until 4:45 p.m. for handling criminal/traffic and collections payments only. Limited courtrooms will be open to hear urgent juvenile, unlawful detainer, and temporary restraining order issues.

These dates were selected to minimize the impact on the public and court staff as court business is generally the slowest during the holiday season.

While the court regrets having to take these actions, it must address the continued reduction in funding to the California court system. The 2013-14 fiscal year is the first time in five years that no additional budget reductions were made to the judicial branch. However, the trial courts are still dealing

with the prior year's statewide reduction of \$261 million. While the Ventura Superior Court's 2013-2014 structural deficit is significantly less than last year's deficit, it is still \$4.5 million, equal to Ventura County's share of the statewide reduction in court funding. In other words, while the situation has improved, the court's budget is still \$4.5 million short of revenue that is required to fully operate.

Anyone wishing to comment on this proposed plan may do so, either by regular mail or e-mail, by December 15. Please direct your response to:

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(Left to right): Steven A. Meadville, Esq., of Counsel, Richard M. Hoefflin, Esq., and Jason M. Burrows, Esq.

NO MORE COMPANY HOLIDAY PARTIES?

by Gabriele M. Lashly

Purton v. Marriott International, Inc. (2013) 218 Cal.App.4th 499 greatly expanded the vicarious liability of an employer for negligence of an employee who becomes intoxicated at an employer-sponsored party. The case is a cautionary tale for all employers who may give parties for their staffs this upcoming holiday season.

California law immunizes social hosts who provide alcoholic beverages from civil liability for merely furnishing alcohol, except for furnishing alcohol to a minor (Bus. & Prof. Code, §25602; Civ. Code, §1714.). Other than those exceptions, under the Anti-Dram Shop statutes, an employer cannot be sued for its negligence in over-serving someone at an office party who gets drunk and then causes an accident.

However, this does not immunize the employer for vicarious liability under a respondeat superior theory for accidents caused by an employee who becomes intoxicated at an employer-sponsored office party.

In *Purton*, an employee consumed alcoholic beverages at the annual holiday party sponsored by his employer, Marriott. Even though only beer and wine was to be served and each attendee was limited to two drink tickets, the employee brought a flask of whiskey with him and the bartender refilled the flask from a Marriott hotel's liquor supply. The employee became intoxicated. The employee arrived home safely, but then left to drive a coworker home. During that drive, he struck another car, killing a motorist. Plaintiffs, the parents of the motorist, filed a wrongful death action against the employer, Marriott. The trial court granted Marriott's motion for summary judgment on the ground that the employer's potential liability under the doctrine of respondeat superior ended when the employee arrived home.

The Court of Appeal reversed the judgment, concluding that a reasonable trier of fact could find that the employee acted negligently by becoming intoxicated at the party, and that this act was within the scope of his employment and proximately

caused the car accident which resulted in the motorist's death.

The decision clarifies four major issues:

First, *Purton* clarified that the employer is not immunized from liability under the "social host" statutes (Civ. Code, §1714 or Bus. and Prof. Code, §25602) because the liability is not based on furnishing alcohol but on vicarious liability for the employee's negligence.

Second, *Purton* reasoned that alcohol consumption at an employer-sponsored party falls within scope of employment. Christmas party drinking of alcoholic beverages benefitted Marriott by improving employee morale and furthering employer-employee relations. Thus, a trier of fact could conclude that the alcohol consumption occurred within the scope of employment.

Third, *Purton* determined that it is irrelevant that foreseeable effects of the employee's

negligent conduct occurred at a time the employee was no longer acting within the scope of employment.

Fourth, *Purton* held that no legal justification exists for terminating the employer's liability as a matter of law simply because the employee arrived home safely from the employer-hosted party. In holding it irrelevant that the employee was no longer acting in the scope of his employment, *Purton* expanded the exception to the "going and coming" rule.

The "going and coming" rule is a rule of non-liability of an employer for the negligent acts of its employees while going and coming to work. Its rationale is that, with certain exceptions, an employee is not deemed to be acting within the scope of employment while traveling to and from the workplace. *Harris v. Trojan Fireworks Co.* (1981) 120 Cal. App.3d 157 held that when an employee's

Continued on page 15



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**LAW LIBRARY
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by Dolly Moehrle



The Ventura County Law Library invites you to join us December 20, 1-5p.m. to celebrate the library's administrative assistant, Cynthia Hight, and her more than twenty-five years of service to the library. Cindy started with the Law Library as a clerk in June of 1988 and will finish her career with us in December. She came to us with a business major and has used related skills to oversee the business aspects of running a library, and has also loved the challenge of a good reference question.

In over a quarter of a century she has seen many changes in how the library provides legal information to the community, moving from a total print environment to today's electronic resources. Cindy has been a vital part of the library staff, helping to shape the library into the invaluable legal resource it has become. On December 20, we will thank Cindy for her hard work and dedication with a reception at the library, and all are invited to join us for light refreshments and to bid her farewell.

The law library is also excited to announce its 2014 Lawyers at the Library series, in which attorneys and other legal professionals share their expertise with the public on the 2nd Wednesday of every month from 5:30 to 6:30pm, beginning in January with **Lou Vigorita** discussing Social Security. We are always looking for speakers – please contact Dolly at 642-8982 or dollym@vencolawlib.org for more information.

Dolly Moehrle is the librarian of the Ventura County Law Library.

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NO MORE COMPANY HOLIDAY PARTIES?

Continued from page 11

intoxication occurred at a party and the employee's attendance at the party and intoxication occurred within the scope of his employment, it was foreseeable the employee would attempt to drive home while still intoxicated and might have an accident. (*Id.* at p. 165.) The *Harris* court disregarded whether the employee's trip may have fallen within an exception to the going and coming rule, stating that "the pivotal consideration was not whether an extra trip was required to attend the banquet, but whether there was a sufficient business relationship between the employment and the banquet at which the defendant became intoxicated to hold the employer liable for the employee's negligent driving." (*Ibid.*)

Purton took this exception a step further by holding that the vicarious liability does not end when the employee returns home from the party, because a jury could find that it was reasonably foreseeable that the intoxicated employee return home, get in his or her car again, and cause an accident. It explained that vicarious liability is not based on when the injury occurred, but on the act that caused the injury, i.e. the employer-sponsored party.

Conclusion: *Purton* is significant because it expands an employer's potential liability for employees' actions resulting from alcohol consumption at company-sponsored events. The court noted that Marriott could have reduced its risk of liability by having a policy against smuggled alcohol, enforcing its drink ticket policy, serving drinks for a limited time, or prohibiting alcohol altogether. However, if a company fails to implement or enforce such policies and procedures during the company-sponsored event, a jury may find the employer liable for an accident caused by an intoxicated employee even after the party is over and the employee has returned home.

Gabriele M. Lashly is a certified appellate specialist. She practices at Slaughter & Reagan LLP in Ventura.

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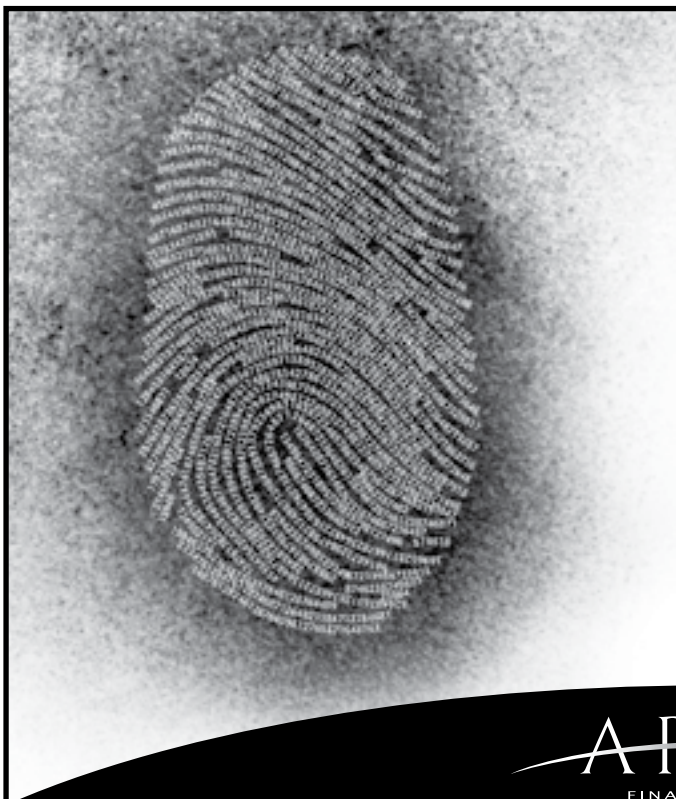
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SIGNIFICANT CHANGE TO LOCAL RULE GOVERNING FEE WAIVERS IN CONSERVATORSHIP MATTERS

by Amber Rodriguez

A significant change has been proposed for our local rule governing fee waivers in conservatorship matters, rule 10.02.D.2. Under the current rule, parties must periodically re-submit their request to have fees waived. However, the proposed changes would generally make periodic resubmissions unnecessary.

The proposed change to rule 10.02.D.2. would, in summary, allow an order granting a request for a fee waiver to be valid for the duration of the conservatorship, unless otherwise ordered by the court. In addition, there will be a proactive duty imposed upon parties and their attorneys to report any material change in circumstance to the court. If no material change occurs, the orders shall remain valid for the entire length of the conservatorship.

The proposed changes are scheduled to take effect on January 1. It is important to note that the revised rule does not apply to orders issued prior to January 1, 2014. Thus, if you have an existing fee waiver order, you will need to submit a new request to waive fees to receive a "lifetime" order.

We hope that the change will eliminate any questions by the court investigator's office as to the period of time during which an order is valid. In addition, this change should allow those estates with little or no resources to minimize the assistance they need from an attorney once the conservatorship is established.

Other changes to our local rules, as well as additional information about the above changes, can be found on the court's website at www.ventura.courts.ca.gov.

Amber Rodriguez chairs the executive committee for the Estate Planning and Probate section of the VCBA. Her practice focuses on probate and trust litigation and administration, estate planning and conservatorships. She can be reached at arodriguez@estateattorneycalifornia.com, or you can visit her website at estateattorneycalifornia.com.

BARRISTER'S CORNER

by Rachel Coleman

The monthly Barristers Board meeting Nov. 5 featured nominations for the slate of officers and members at large (board members) for the upcoming year. Nominations for officers included the following: **Rachel Coleman** - President; **Thomas Adams** - Vice President; **Melanie Ely** - Secretary; and **Andrew Ellison** - Treasurer. These individuals were nominated members at large: Past-President **Rennee Dehesa**; **Robert Krimmer**; **Joshua Hopstone**; **Lauren Sims**; **Katherine Hause**; **Amy Dilbeck Kiesewetter**; and **Brier Miron**.

If you are a member of the Bar and 36 years old or younger, or if you have been practicing for less than seven years, and would like to either be a member at large or run for an officer position, please come to our next Barristers meeting on December 3 or January 7. Meetings take place at 12 pm at the Ventura County Bar Association office, which is located at 4475 Market St., Suite B, in Ventura. If you do not wish to be an officer or member at large, Barrister events (except for Judges' Pizza Night) are open to all attorneys. Please join our Facebook page (Ventura County Barristers) or contact Rachel Coleman at rachel@davidlehrlaw to be added to our mailing list for upcoming events.



Rachel Coleman is an associate at the Law Offices of David Lehr in Ventura.

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Exec's Dot...Dot...Dot... *by Steve Henderson, Executive Director, M.A., CAE*



James Perero became a proud papa once again Nov. 9, when his wife, Diana, gave birth to Elliot James. Little Elliot weighed in at eight pounds, twelve ounces and older sister Sadie is pretty happy... When Jerome Offutt graduated law school in 1937 at the age of 19 he was too young to practice law in his home state of Maryland. Once a child prodigy, Offutt is still achieving much at an unusual age – he's 96 and still practicing law. Tuition was only \$200 a year when Offutt began law school at the age of 16. He worked at a Safeway to help pay his way. Offutt says he worked as an "office boy" in a law office after graduating and began his own law practice at the age of 21. He was elected to Maryland's House of Delegates at the age of 25 and served for three years. He currently practices law in Frederick County, Md. He begins each day by lifting weights for 30 minutes and then walking for two miles... **Laura Viets**, at Paramount Fiduciary Group, has come up with an idea to help raise funds for the vcba/vlsp, inc. Get your holiday cards at new.cardsforcauses.com. Get a discount on the cards and funds come to the bar association. Deets by connecting with laura@paramountgroupllc.com or 309.0399...

Deborah Meyer-Morris has been appointed to a leadership position on the ABA Small Firm Solo Litigation Committee for 2013-2014. She may be reached at dmm@dk4law.com. Our bar's Solo/Small Firm Section is led by **Adam Pollack** who coordinated a CLE event in October with speaker **Jonathan Light**. Adam is scheduling a program regarding tax traps for January. He may

be reached at adam@pollacklawfirm.com or 818.991.7760... Can there ever be too many lawyers? A Chicago lawyer is offering a \$1,000 "Anything But Law School Graduate Scholarship" for students who agree not to seek legal degrees. Matthew Willens, a personal injury lawyer who teaches at Loyola University Chicago's law school, said he decided to offer the scholarship because some law schools are "pumping out more lawyers than there are lawyer jobs," Mr. Willens, who is planning to award one scholarship per year to a student attending non-legal graduate school... License Plate of the Month: THXJIM located on late model Jaguar and piloted by **Jim Armstrong**...

Joanna Orr has been invited to join Ferguson Case Orr Paterson as a partner, effective Jan. 1, 2014. Joanna has been with the firm since October 2009... Police say a western Pennsylvania woman has been caught dirty-handed trying to sneak a "clean" urine sample into a family court drug test inside a hand sanitizer bottle. The *Pittsburgh Tribune Review* reports 37-year-old Lori Lynn Sullenberger brought the urine-filled bottle when a judge ordered her to provide a sample as part of an August drug test relating to a child custody case. A probation officer saw Ms. Sullenberger with the small bottle in her hand during the test, and seized it. Investigators say Ms. Sullenberger acknowledged it contained her own urine which she believed was drug-free, which she planned to use to pass the test... **Ron Harrington** is incorporating the Friends of the Ventura County Law Library, Inc. with law library director Jane Meyer and **Alfred Vargas**. They seek prospective board members. Avargaslaw@gmail.com...

Well, it appears you all caught a huge break and will not have to complete 36 hours of CLE effective 2014. The State Bar Board of Governors adopted new rules last month and stopped short of upping the requirement. On that note, the Barristers will once again be sponsoring their Bridging The Gap event scheduled for January 25 at the County Government Center. You can score 6 CLEs including Bias, Substance Abuse and Ethics. New Admittees are FREE, while lawyers that have practiced two-seven years pay \$50. You seasoned, grizzled veterans pay only \$100. A great deal for all including lunch. Barrister

President **Renee Dehesa** is organizing the show. Check out their flyers stuck inside this edition of *CITATIONS*...

Katie Clunen, VCBA Board Member, represented the Southern California young lawyer community at the 2013 ABA Young Lawyers Division Fall Conference in Phoenix. Katie reports that the Division rolled out its 2013-2014 Public Service Project, which is focused on ending the bullying epidemic. "Bullyproof: Young Lawyers Education and Empowering to End Bullying" is a comprehensive initiative that provides education and resources to help empower parents, educators, students and young lawyers to make bullying a thing of the past. Help shape YLD and the profession by becoming a delegate by contacting Katie at katiec@dionlaugroup.com... Compelling article in the *LA Times* regarding Stephen Glass and his attempt to become a lawyer in California. You might remember Glass, a former journalist whose fabrications for a number of major magazines ignited a national outcry. He was deemed unfit to practice law by the California Supreme Court. Glass got his law degree from Georgetown Nov. 7... Mark your calendars – The newly-established Natural Resources Section has scheduled another luncheon Dec. 3 inside the bar offices. Entitled, "Greenmail, A Guide to Current Practical and Legislative Responses to CEQA Abuse," will begin at noon time and lunch will be provided for \$25. You may contact Section Chair, **Gisele Goetz** at giselegoetz@aol.com or by calling Nadia Avila at the bar at 650.7599 or bar@vcba.org... Recommended Reading of the Month: "California Supreme Court Oral History Project," an 800-page history by Ronald George...

Steve Henderson has been the executive director and chief executive officer of the bar association and its affiliated organizations since November 1990. He will be spending the holidays in Belize with **Richie Incognito** and **Jonathan Martin**. Additionally, Henderson has a guest appearance on *SNL* scheduled for January 18. Henderson may be reached at steve@vcba.org, *Twitter* at [stevehendo1](https://twitter.com/stevehendo1), *FB*, *LinkedIn*, or better yet, 650.7599.

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Wifey the day before
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Joey celebrating his new baby sister's Arrival with some cake!



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