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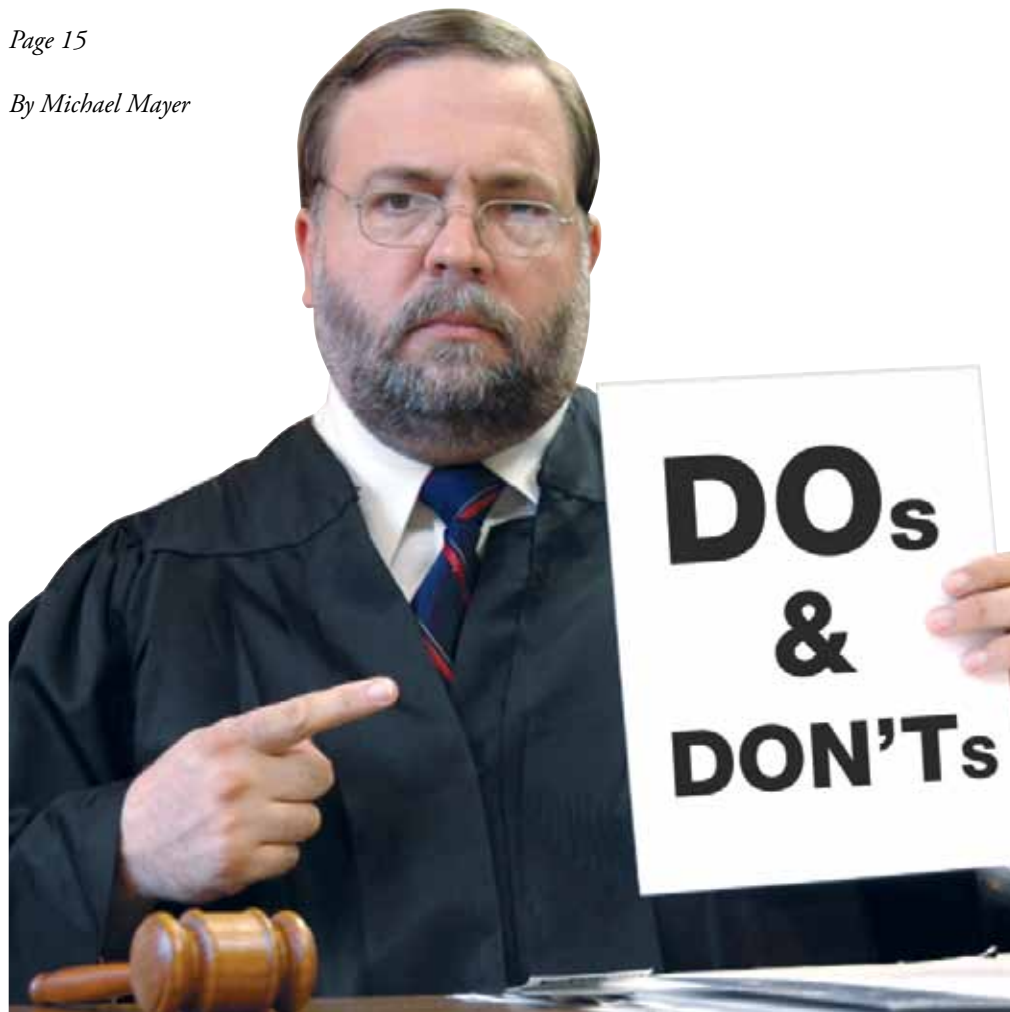
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## DOs & DON'Ts

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*By Michael Mayer*



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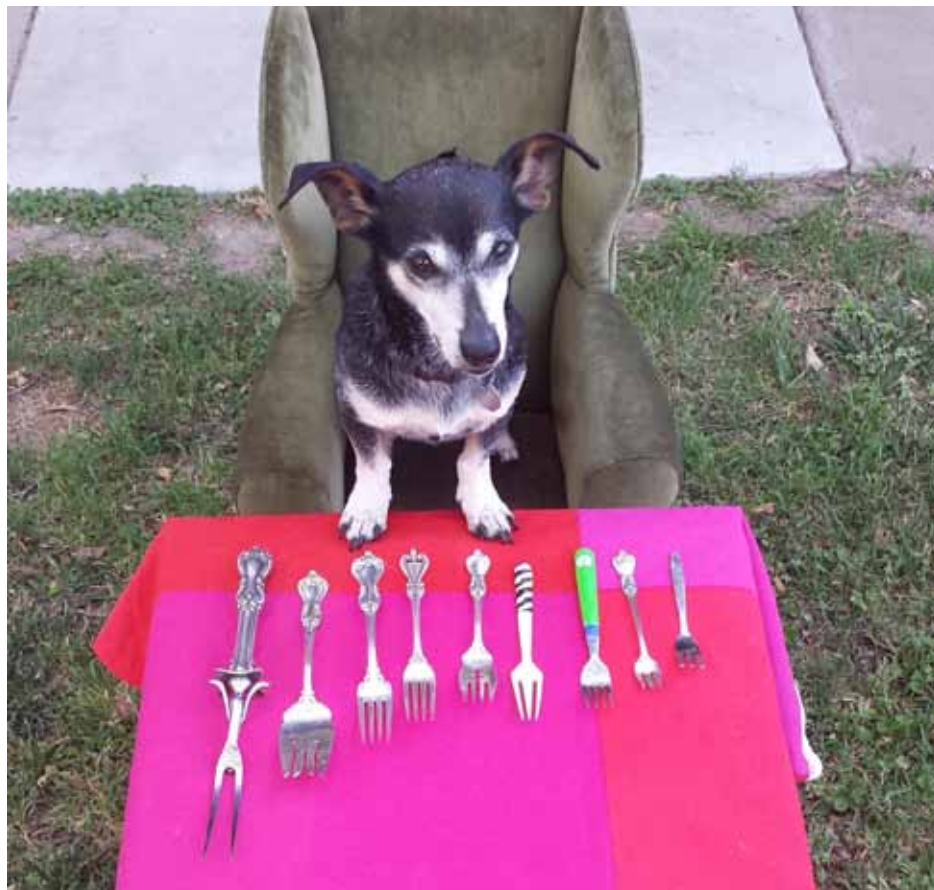
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## PRESIDENT'S MESSAGE: THE SECRET LANGUAGE OF TABLE MANNERS

by Laura Bartels



First impressions can be a deal breaker. A handshake is more than Western society's custom of making a mannered greeting by positioning one's hand and making a physical connection. A handshake is a ritual and a semaphore containing a whole alphabet of meaning: confidence, power, friendliness, education, respect, and geography.

When the attorney introduces himself and holds out his wet hand and softly squeezes my fingers, I have immediately categorized him. The attorney who vice-grips my hand goes into another category. The cool handshake with firm grip goes into yet another category. How about the politician who moves into my space and adds his other hand to the top of our shaking hands? There are different ways to shake hands depending on the situation. My cultural "proper" handshake is firm, respectful and full-handed. Form an "L" with your thumb up, keep your elbow close to your body, and

move into the outstretched hand until the intersections of the "L" in the hands have met; then, squeeze, shake twice and release. Please don't hand me half your hand, don't hand me your fingers and squeeze, don't crush my hand, don't give me a soggy hand and really don't move into me for a hug from a handshake.

"Table Manners" is one of the most commonly requested educational modules from top law firms, according to my friend Crystal Rockwood of Rockwood Communications Counsel, a graduate of the prestigious Emily Post Institute. When Crystal is not managing crisis situations for her clients, she educates lawyers about business etiquette from introductions, communications, social media, to difficult situations. Large, prestigious law firms send their associates and even seasoned partners to Crystal for a refresher in today's etiquette and its role in business development. It's

more than knowing not to pick your teeth. Your behavior at the table will forever represent the interests of your client and your firm. The language of table manners shouts loudly. Your table manners tell how you treat other people, how you respond to new situations, how you manage a conversation. Table manners reveal if you are kind, if you can be trusted, and what you think about money. It's time to get comfortable with your fork.

Having just passed the bar exam and just finished a great morning job interview with The Firm, Hannah thinks she's sealed the deal when she's invited to lunch with The Partners. What she fails to recognize is the purpose of the office "interview" is for everyone to check her out: what she's driving, what she's wearing; does she have tattoos, piercings? How does she treat the receptionist? Can she make small talk? Does she say "Thank you?" Is she nervous? What questions does she ask? Was she on time, with no gum, no hats, no perfume? Is she wearing shoes she can walk in, a long enough skirt and displaying no cleavage? Once she's passed THAT she'll get invited out for lunch. The big secret? Lunch IS the interview. And seriously, the lunch invitation has nothing to do with food.

When Hannah takes her phone out while waiting for their table, the Partner thinks, "Wow. She can't even give ME her full attention and I'm standing right next to her. How can I trust her to give my Firm her 100 percent?" The Partner orders a glass of wine and, in a celebratory mood, Hannah joins her. This is a trick. Never order alcohol at lunch. Stick with iced tea. Hannah orders the most expensive meal on the menu because she's happy thinking she's about to go to work for Big Firm. The Partner makes mental notes about how Hannah thinks about other people's money. If The Firm needs to order some staplers, is she headed to Hammacher Schlemmer, or will Office Depot do?

Lunch manners basics: Your napkin goes on your lap as soon as you sit down. Beverages are on the right, bread plate is on the left. (And be polite if your hosts puts their bread on your bread plate. Don't draw attention to the faux pas, but use another available bread

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**PRESIDENT'S MESSAGE:**

*Continued from page 3*

plate). Order easy to eat food - no French onion soup, spaghetti or cheeseburgers. Take small bites so you will be able to stay in the conversation. Swallow your food before taking a drink. No mouth noises, chomping, slurping or burps. Sit up straight. Elbows off the table. Finish what you order; wasting food leaves a bad impression, but avoid asking for a doggy bag. Chew with your mouth closed. (Peter Post says the number one reason a woman will decline a second date is because her date chewed with mouth open.) Take cues from your hosts; ask "What's good here?" and use the answers to help you decide what to order and in what price range. Keep your cell phone off. Only order dessert if your host does so. The bottom line, eat in a way that does not draw attention to yourself.

A new addition to the State Bar oath that took effect May 23 reads: "As an officer of the court, I will strive to conduct myself at all times with dignity, courtesy, and integrity." Even if your lunch date lacks certain manners, the most important thing is to stay within the principles of civility and to be polite, kind, make the other person comfortable. Say "Thank you," and close the afternoon with a firm handshake and sincere eye contact, of course.

Regardless of personal choices and preferences, we can get along and appreciate our differences when we accept the things we have in common and celebrate our collegiality. Table manners provide ample opportunity to demonstrate shared values, communicate easily, and to show the outward qualities of inner strength and propriety.

*Laura Bartels practices estate planning in Fillmore and occasionally gets asked out for lunch. LBartels@FillmoreLawyers.com. Crystal can be found at www.RockwoodCC.com.*



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## COLONIA TO COLUMBIA

Spotlight on New Bar Admittee April Navarro

by Panda Kroll



I met **April Navarro** when she worked as a summer clerk at DK Law Group in 2011. She has had many adventures since then, including admission to the California Bar last year.

**April, what is your “origin story?” Specifically, what path led you from Ventura County to Columbia Law School?**

I was born in Ventura and grew up in Oxnard. My parents and grandparents were migrant field workers throughout the state of California, but eventually settled in Oxnard. I attended Pacifica High School, where I was an honor student and received an Oxnard Police Officers Memorial Scholarship.

I attended the University of California, Davis, where I held a leadership position in the La Raza Pre-Law Student Association and participated in the university’s Pre-Law School Boot Camp. I benefited from law school application resources such as its “For People of Color, Inc.” workshops. Ultimately, I selected Columbia Law School because of its academically challenging curriculum and because I knew it would open doors for me.

**What are your observations about attending an East Coast school after being raised in Ventura County?**

Aside from the culture- and sticker-shock of big city life, I don’t know that my observations or experiences at Columbia were colored by my experience growing up in Ventura County. Rather, my experience

at an Ivy League law school was shaped by my background as a first-generation college graduate. Nonetheless, I do not feel that my unique set of challenges detracted from my experience. At Columbia I learned from and interacted with the foremost academics and practitioners in their respective fields. I had an amazing experience.

But there’s no place like home. Ventura County was my training ground. Local organizations such as California Rural Legal Assistance, the District Attorney’s Office, and the Public Defender’s Office all provided me the opportunity to volunteer and gain exposure to the legal profession. I am honored to be a past recipient of a Ventura County Mexican-American Bar Association Scholarship. DK Law Group has afforded me generous summer and post-graduate work. I really appreciate the support of my local community.

**For a newly-minted attorney, you have an interesting and varied resume. Please tell us about some of your internships.**

Before law school I interned at the Ventura County District Attorney’s Office. After

my first year of law school I was a law clerk at the Ventura County Public Defender’s Office. I am surprised that some find this combination of experiences antithetical; they were complementary and gave me perspective.

During law school I interned in the litigation department at NBC Universal. What surprised me about that experience was how similar it was to my experience as a summer law clerk at DK Law Group, a local civil litigation firm. I was surprised by how comparable the needs of corporate clients are, no matter the size or industry.

After law school, I worked at the California Attorney General’s Office as a post-graduate government fellow in the Criminal Division. I was pleasantly surprised by the amount of responsibility and self-sufficiency required of me. I appreciate that government work is one of a limited number of avenues allowing a novice attorney like me to acquire substantive legal experience.

*Panda Kroll is Of Counsel at DK Law Group and a member of CITATIONS’ editorial board.*

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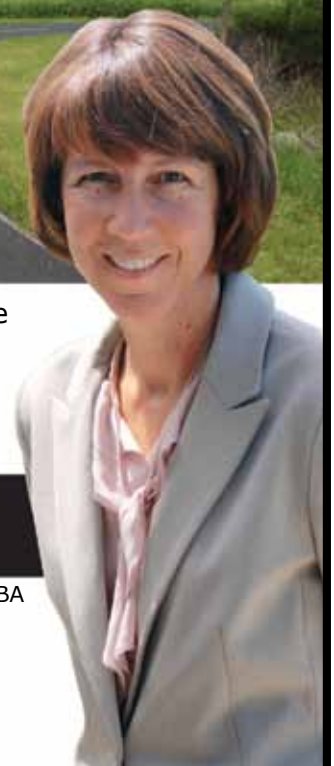
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## LOCAL BANKRUPTCY CHANGES: NEW JUDGES, ZIP CODES AND FEES

by Michael R. Sment

The United States Bankruptcy Court (Central District of California) has recently announced changes to local matters beginning in mid-2014.

**New Judges** – Effective May 10, Chief Judge Peter H. Carroll is the main judge for the Northern Division of the Court (Santa Barbara), which handles Ventura County bankruptcy matters. Judge Carroll relocated his courtroom and chambers from the Los Angeles Division to the Northern Division (State Street) courthouse. All of the Northern Division bankruptcy cases and adversary proceedings assigned to Judge Robin Riblet will be reassigned to Judge Carroll. The judge's initials portion of those matter numbers are now "PC."

Judge Carroll has been a bankruptcy judge since 2002, and before that was the assistant United States trustee in Fresno, CA. He will continue his chief bankruptcy judge duties from the Northern Division until his term ends in December 2014.

All of the Northern Division bankruptcy cases and adversary proceedings currently assigned to Judge Carroll will be reassigned to Judge Deborah J. Saltzman, and remain at the Northern Division. Judge Saltzman has relocated her chambers and courtroom from the Riverside Division to Los Angeles (Courtroom Roybal 1339). She will also be reassigned most of Judge Carroll's Los Angeles Division cases and adversary proceedings, which will remain at the Los Angeles Division. The judge's initials portion of Judge Saltzman's matters should be "DS." Judge Saltzman's Riverside Division cases and proceedings will be reassigned to a new, as yet unannounced judge for that division, although she will retain a few matters.

Both Judge Carroll and Judge Saltzman will receive Chapter 7 and Chapter 11 bankruptcy case assignments at the Northern Division, while only Judge Carroll will receive Chapter 13 case assignments there.

Judge Carroll will be at the Northern Division courthouse full-time, while Judge

Saltzman will sit there occasionally, sharing a courtroom with the part-time Federal Magistrate, and retired Judge Riblet.

Judge Riblet, who was appointed as bankruptcy judge by the Ninth Circuit Court of Appeals in 1988 and reappointed in 2002, is leaving full-time status after 26 years on the bench, most spent in the Northern Division. Judge Riblet has accepted "recalled" status, and will handle assigned bankruptcy matters in the Northern Division.

The bankruptcy court has also been advertising for a new bankruptcy judge at its San Fernando Valley (Woodland Hills) Division. That position will provide a replacement for Judge Alan Ahart, who is also retiring after 25 years on the bench, and will be leaving in January, 2015. The Ninth Circuit is now interviewing applicants. A final decision is anticipated later in 2014.

**New Zip Codes** – The zip codes of several cities previously assigned to the San Fernando Division will now be assigned to the Northern Division "regardless of whether [those] cities or zip codes are in Los Angeles County or Ventura County."

The zip codes for the cities of Simi Valley, Thousand Oaks, Westlake Village, Newbury Park and Malibu, including 90263, 90265, 91319, 91320, 91358, 91359, 91360, 91362, 93062, 93063, 93064, 93065,

93094 and 93099, will now be assigned to the Northern Division. "All new bankruptcy cases for debtors in these cities and zip codes must be filed at the Northern Division. Pending bankruptcy cases and reopened cases will remain in their original filing jurisdiction."

These changes, with existing Ventura County, Santa Barbara County and San Luis Obispo zip code restrictions, will mean that more bankruptcy cases, particularly more cases for residents and businesses within Ventura County, will be filed in the Northern Division. These zip code changes expand the division's geographic boundaries significantly, including adding the Los Angeles County city of Malibu. The zip code changes were intended to balance the case filings with the San Fernando Division.

Increasing the zip code boundaries for the Northern Division will also mean that many eastern Ventura County residents and businesses will be forced to drive north to reach the Northern Division courthouse in Santa Barbara for cases, hearings and filings.

**New Fees** – Besides the other changes, the Judicial Conference of the United States has just announced its approval of miscellaneous federal and bankruptcy court fee changes (increases), effective June 1.

The new bankruptcy fees for cases filed on or after that date, are: Chapter 7 Petition –

*Continued on page 11*



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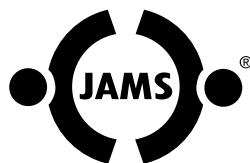
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*Continued from page 9*

**LOCAL BANKRUPTCY CHANGES:  
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\$335.00; Chapter 9 Petition – \$1,717.00; Chapter 11 Petition – \$1,717.00; Chapter 12 Petition – \$275.00; Chapter 13 Petition – \$310.00; Chapter 15 Petition – \$1,717.00; Complaints (Adversary Proceedings) – \$350.00.

The Central District’s *Abbreviated Fee Schedule and Court Manual Section 1.1* will be updated by the court to reflect these new fees.

The bankruptcy court also announced revisions to the central district’s *Guidelines for Allowance of Attorneys’ Fees in Chapter 13 Cases* (Guidelines), and that the revisions are now set forth in the *Court Manual Section 2*. Those revisions, governing the allowance of attorneys’ fees and costs for Central District Chapter 13 cases, became effective on March 4. The expanded *Guidelines* include a list of fees for additional services that would not require the filing of an additional fee application, and were removed as Appendix IV from the Local Bankruptcy Rules.

The updated *Court Manual, Guidelines and Fee Schedule* are available, with many other items, notices, rules and forms, on the bankruptcy court’s website at <http://www.cacb.uscourts.gov>.

As bankruptcy case filings change in type and quantity and frequency in response to the changing real estate and financial markets, more changes in national and local rules, fees and procedures should be expected.



**Michael R. Sment** is a member of the CITATIONS editorial board and chair of the VCBA Bankruptcy Section. He handles bankruptcy, bankruptcy mediation and real estate matters from his offices in Ventura.



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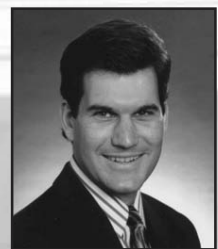
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# DOs & DON'Ts

## FOR EFFECTIVE LAW AND MOTION PRACTICE

**Michael Mayer**, research attorney for the Ventura County Superior Court, provided these tips at the April meeting of the Ventura County Trial Lawyers Association.

1. Please call the legal research department (654-2470) if a matter is being taken off calendar. The department does not always receive the written notices (required by the Local Rule 8.04) in a timely fashion and appreciates courtesy calls.

2. Unsurprisingly, in reviewing conflicting opinions from the Second District, the research attorneys pay particular attention to the views of Division Six.

3. The research attorneys believe, in general, that attorney declarations contain too many statements that are not in fact known by personal knowledge.

4. Judicial notice is a big issue right now and RJNs are receiving extra scrutiny. See, *Jolley v. Chase Home Finance* (2013) 213 Cal. App.4th 872.

## DO

• Caption your motions clearly, and:

1. List parties by name (e.g., Smith) not just their role (e.g., cross-complainant).

2. Include the hearing date on the papers.

3. Be precise: motions to compel discovery are not the same as motions to compel *further* discovery.

• Update your “stock” motions periodically to make sure you are using current law. The common law evolves; statutes and court rules change over time.

• Use exhibit tabs. This is a CRC requirement (3.1110(f)) that makes review of exhibits much easier. Separate out declarations with tabs indicating the declarant’s name.

• Use official citations for case law, and cite page numbers for the quotes or propositions from the cases. CRC 3.1113(c).

• Cite recognized legal authority; persuading the Court of your position requires legal authority, not just recitation of the facts. Recognize when a statement in a case is dicta.

• Apply the legal authority to the facts of your case. Explain why the legal citations support the situation presented in the papers. Don’t just assume the Court understands why you think the authority is applicable.

• Support the evidentiary statements in your papers with declarations, documents, and transcripts. Stating facts without supporting evidence is a common error that leads to motions being denied.

• Authenticate your documents! Ev. Code §1400, et seq.

• Proofread your papers: typos occur, but make sure you don’t make errors concerning the critical information in your papers.

## DON'T

• Don’t use footnotes. If the matter is important include it in the body of your papers.

• Don’t single space (or use footnotes) as a means of exceeding page limits. Bring the proper application to file a longer memorandum. CRC 3.1113(e).

• Avoid using illegible copies of exhibits. Make sure you haven’t omitted an exhibit you intend to offer.

• Avoid: “As the Court is aware...” You may be before a different judge or a different research attorney may be looking at your papers. If you are citing something that has occurred on the record in your case, provide the file date of the document or order at issue.

• Don’t include a request for judicial notice as part of your motion or bury it in a declaration. Make such requests in separate documents. CRC 3.1113(l).

• Don’t attach documents you intend to lodge to documents that are to be filed.

• Don’t attach proposed orders to documents that are to be filed. CRC 3.1113(m).

• Don’t cite civil jury instructions as authority for your motion.

• Don’t forget to consult the CRC and the local rules. Don’t just rely on the codes and common law.

• Don’t cite web addresses in lieu of providing copies of documents. There is no guarantee that legal research can access the site or that the site won’t disappear/change before the Court has a chance to review it.

• Don’t forget to file the motion if the Court grants an order shortening time on the filing/service/hearing of the motion. The ex parte application is not the motion, unless the Court so directs.

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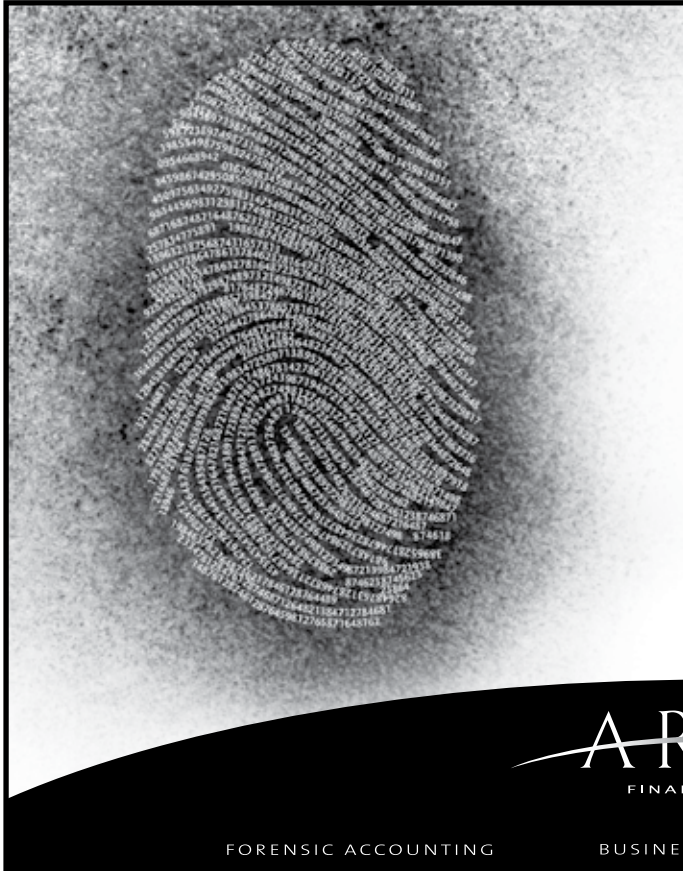
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## TREASURE AND TENURE

by Wendy Lascher

When I reviewed Charles Rosenberg's *Crime on a High Floor* (CITATIONS, March, 2012) I wrote, "I hate Jenna" about its protagonist. But now that Jenna is a UCLA law professor rather than a Big Law associate, she has mellowed. I find myself more sympathetic to her.

Rosenberg's recent thriller, *Long Knives* (Thomas & Mercer, 2014), explores the life of a law professor, or more accurately, several: Jenna; the professor across the hall who has been Jenna's boyfriend but is leaving the state to move up the academic ranks; a faculty member who clearly dislikes Jenna; and the wishy-washy dean. Until I read this book, I had no idea a law school might offer not only admiralty law, but such specialized seminars as The Law of Sunken Treasure. (Justice Scalia might disapprove; see, 2014 commencement speech at William & Mary, <http://law.wm.edu/news/stories/2014/documents-2014/2014WMCommencementSpeech.pdf>) This is the course that gets Jenna in trouble.

I am unschooled in academic politics, let alone the fine points of admiralty and poisoning. Perhaps that is why I did not feel the same sense of identification with *Long Knives* as I had with its predecessor. Still, Rosenberg – who teaches law as well as practices it – is a master of detail who takes pains to be accurate. For example, until now I had no idea that the General Archive of the Indies even existed, let alone how fascinating a history it contains. I want to learn more.

I admire Rosenberg as a historian, as well as for his exquisitely clear writing. Although I am less willing to suspend disbelief than some mystery readers might be, *Long Knives* is a welcome diversion that would make a fun TV crime show.

*Wendy Lascher is the editor of CITATIONS. She is a partner at Ferguson Case Orr Paterson, LLP in Ventura, where she specializes in consulting with trial lawyers and handling appeals. [wlascher@fcoplw.com](mailto:wlascher@fcoplw.com)*

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## LEGAL BUSINESS: WHERE’S THE RISK?

*by David Laufer*

As lawyers compete for business, it is important to know and focus on where the action is.

Carlton Fields published “The 2013 Carlton Fields Class Action Survey.” It is available on the firm’s website: [www.carltonfields.com](http://www.carltonfields.com).

Here are the findings based on the responses of more than 360 companies:

- \$2.1 billion was spent on class action lawsuits in 2012.
- Companies had an average of 5.1 class actions per year.
- Consumer fraud and employment matters account for more than 50 percent of all class actions.
- Securities class actions account for ten percent of all class actions.
- Companies devote at least one full-time employee to manage class actions
- Law firms were paid \$1.9 billion by the companies to defend class actions.
- More class actions are anticipated in data security, wireless, untested technologies, food safety, labeling, health care and environmental issues.
- Companies spent \$671,100 annually per class action in 2012.
- Substantial savings are generated by using rigorous case assessment and modeling to calculate financial exposure early.
- Companies that employ this strategy spend 38 percent less per class action and 42 percent less on outside counsel than companies that do not rigorously assess financial exposure.

*David Laufer is the CEO of Laufer Specialty I-Risk LLC, based in Oxnard.*

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



If you are wondering where appellate lawyer **Lisa Spillman** is plying her skills these days, look no further than Cheyenne, Wyoming. Lisa and her brood settled into their digs May 5 and she immediately hung her shingle. Hubby Paul scored a keen job at FE Warren Air Force Base. They'll be back in 3-5 years. Looking to rent their home in Ventura too. Her new address is PO Box 2573, Cheyenne, WY, 82003. She may be reached at the friendly area code (805)861.0159 or [lisajerdespillman@sbcglobal.net](mailto:lisajerdespillman@sbcglobal.net). Here she



is on Mother's Day taking in six inches of snow...

The U.S. Senate on May 14 confirmed

three nominees to federal judgeships, including a former prosecutor who will be the first Native American woman to serve as a federal judge. A member of the Hopi tribe, Diane Humetewa was approved in a 96-0 vote. She is special counsel at Arizona State University and a law professor at ASU's Sandra Day O'Connor College of Law...China? **Wendy Lascher** at 659.6800 or [wlascher@fcoplaw.com](mailto:wlascher@fcoplaw.com)...

Of course I failed to mention other women lawyers in last month's column who made the Top 50 Women in Business awards in addition to **Renee Dehesa**. Left out were **Nancy Schreiner**, **Karen Gabler** and **Melissa Sayer**. Non-attorney **Kathi Whalen** also made the list. Congrats!...An attorney who called a parent a "chubby wubby" during a break in an upstate New York school

board meeting has resigned from his post as board president. Raymond Cote also has withdrawn as a candidate for re-election to the Mahopac Board of Education. Cote's words about an unidentified mother of six and PTA volunteer were picked up by an open microphone and broadcast on live coverage of the April 8 meeting, eliciting public outrage after a resident posted a clip on YouTube. Although the YouTube video is difficult to understand, a transcript quotes Cote as saying "Oh I know, I know. This one here, Chubby Wubby. She gets fatter and fatter at every meeting. She really does!"... Palmer Drug Abuse Program (PDAP) of Ventura County honored Ventura Superior Court **Judge Manuel Covarrubias** at their annual Celebration of Hope and Healing



Dinner on May 9. Judge Covarrubias was recognized for his respectful and supportive style of communication towards youth, and for being a model for all members of the juvenile drug court team by encouraging patience and understanding combined with accountability and fair consequences for all behaviors...



Pepperdine University selected law school grad **Mark Hiepler** to interview Justice Alito of the U.S. Supreme Court at an April dinner. Mark has worked with Justice Alito for the last eight years to send several 8th graders on a tour of the Supreme Court and ask questions of Justice Alito...New California lawyers will soon have to swear to be courteous and dignified under a change in the legal oath approved by the California Supreme Court. As of May 22, the oath required of lawyers admitted to the California bar will include a so-called civility pledge, official announced. The court adopted it at the urging of the American Board of Trial Advocates, which has pushed

for the change nationwide. In the future, the lawyers will have to make one more promise. "As an officer of the court, I will strive to conduct myself at all times with dignity, courtesy and integrity." The new language was the first major change to the lawyers' oath since it was codified into law in 1872... VCBA/VLSP, Inc. Emeritus Attorney **Pat**



**Zebker** was honored by her congregation May 31 at special Shabbat Service and Luncheon celebrating Age and Wisdom...

The Tri-Counties Chapter of the American Red Cross honored VCBA board member **Mark Kirwin** for establishing the Kirwin International Relief Foundation



in the aftermath of the tsunami in Thailand. Mark's wife, Angela, also shared in the award...The County of Inyo is inviting applications

for Deputy County Counsel, I-IV. Information at [www.inyocounty.us](http://www.inyocounty.us)...Quote of the Month: "The whole thing smells of a fee." From Steve Patterson, University of Texas AD, in an *ESPN.com* interview about the push by college athletes to unionize... The legal profession ranks fourth for its high rate of suicides, according to age-adjusted information provided to CNN by the Centers for Disease Control and Prevention. #1 are dentists, followed by pharmacists and physicians. #5? Engineers...New Admittee Swearing-In ceremony is June 3 beginning at 4:00 p.m. in Courtroom #22...

**Steve Henderson** has been the executive director and chief executive of the bar association and its affiliated organizations since November 1990. He interned for Donald Sterling in the late 90s while pursuing his degree in communications. Henderson may be reached at [steve@vcba.org](mailto:steve@vcba.org), FB, Twitter at [stevehendo1](https://twitter.com/stevehendo1), LinkedIn, or better yet, 650.7599.

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