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# CITATIONS

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## PRESIDENT'S MESSAGE:

## THE INSECTARY - "GOOD BUGS" AND THE LAW

by Laura V. Bartels



While the drought is popularizing taking shorter showers and washing one's car less, it is also causing dust to accumulate on citrus trees. Trees left covered with dust are allowing aggressive Argentinean ant populations to flourish in their branches. These hostile ants are attacking good bugs that would generally be available to assist in the trees' ecological balance. Aggressive, territorial and single-minded, when an ant sees another insect on its branch, the ant rears up, grabs the tiny bug and flails it from the tree onto orchard floors. These ants are just the latest in the county's long history of bugs – good and bad – living amid our iconic agriculture. Here's a brief guide to this wide insectary and how we've used them:

### The Good Bugs to Eat the Bad Bugs

Starting in the early 1920s citrus acreage in Ventura County's Santa Clara Valley became a world renowned biological control district where insectaries were established and "good bugs," or "beneficials," were grown to eat bad bugs. Member citrus growers encompassing over 10,000 acres would pay an annual per-acre assessment and receive beneficial bugs released into their orchards at regular intervals to control the bad bugs. This was known as "biological control." Insectaries are overseen by the Ventura County Agricultural Commissioner's office, whose authority is granted from the California Department of Food and Agriculture (five volumes of Deering's codes). However, in order for beneficial insects to be effective, ants must be controlled. When ants are free to brazenly and methodically toss their enemies off

trees, the effectiveness of biological control drops from 30 percent down to less than one percent.

### Aphytis Melinus

California red scale used to be one of California citrus' most serious pests. Dangerous spray treatments were sometimes so strong they would not only kill the targeted scale but sometimes the trees themselves. The red scale damaged trees by settling in the crevasses of the leaves and sucking out plant tissues with its filamentous mouth, weakening the tree and causing a decrease in fruit production and lower fruit quality. To combat the red scale without dangerous and costly chemicals, the Fillmore insectary grew *aphytis melinus*, a beneficial general predator.

*A. melinus* is the smallest known wasp, only 1mm long. She controls the red scale by depositing her eggs under the red scale shell. Her larvae are dark colored, wingless, and blind. When they hatch, they eat the scale larvae, effectively decimating the red scale's reproductive cycle. When *A. melinus* grows past the larvae stage, she moves on to the next California red scale shell to start the parasitic process again.

### Decollates

Bread crumbs, parsley, white wine and garlic cooked with fat European brown snails are considered the French delicacy escargot. This dietary delicacy in Ventura County, however, is considered a pest in citrus populations because they climb into the trees and feed on the leaves and

fruit. Backyard gardeners have experienced the snails' damage to their gardens. For biological control, citrus orchards use decollate snails, ¼ inch spiral shelled snails, to control European brown snails. When an orchard has a snail issue, the insectary field managers toss handfuls of decollates into the orchard floor during irrigation. The ground dwelling decollates burrow into the irrigated soils and consume generous amounts of the European brown snails' egg masses. Walking through the citrus orchard after sprinkler irrigation, you can actually hear feeding snails crunch and move on the moist orchard floor. Decollate treatment of an orchard will bring European brown snail populations under control in four to ten years. In between irrigations, when the ground is dry, the decollates seal themselves into their shells and hibernate until significant water signals for them to emerge again. It is known that decollates will hibernate for up to one year. The extended drought has eliminated the assistance of the decollate snails in furrow orchards and it is unknown if decollate populations will emerge when it starts raining again.

### Balance

The principle behind biological control is a balance between the predator and the pest. There cannot be complete eradication of the pest or the predator will die. At the insectary, scale populations are actively cultivated because without the scale, the beneficials' egg masses could not be developed. The balance in biological control is to have enough scale in the trees to maintain a population that does not rise to a level at which it would become an economic pest.

So what does this have to do with law? Balance. We are in a drought. Attorney jobs are scarce. Litigation is pricing people out of filing law suits. Enrollment in law schools is down. Public opinion about attorneys in last year's Pew Research survey ranked attorneys dead last in favorability, right below business executives.

### Lawyers are Necessities

*Continued on page 8*

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## MEMORIAL TO VERNA

by Herman Kagan

*My dearest, darling Verna  
You loved with all your soul  
You were the inspiration  
To keep our family whole*

*You fought with many demons  
To lift your self-esteem  
Even divorced fighting parents  
Could not block your dream*

*We met while in college  
And took to each other fast  
But wondered after college  
If our attraction would really last*

*After my army stint was over  
We met again and then could see  
That staying together forever  
Was really meant to be*

*So, we married in LA  
Despite your mother groaner  
Then left on our honeymoon  
On our way to Arizona*

*While I studied hard at school  
Our daughter Batya arrived  
Our team-work was great  
And our marriage really thrived*

*After many years at school  
While you mothered every day  
I got a psychology internship  
And we drove back to LA*

*Should we stay on in LA  
We were greatly torn  
Because by that time  
Our son Ken was born*

*We finally moved to Ventura  
And bought a house with much glee  
I finally finished my dissertation  
And got my Ph.D.*

*When you practiced motherhood  
Fine skills did you employ  
As Ken and Batya grew  
They were your pride and joy*

*You were a great protector  
And helped when they got stuck  
You swam to their rescue  
So Ken called you mother duck*

*We loved to go tent camping  
And this became our creed  
We walked many wilderness trails  
With you always in the lead*

*You also became involved  
In the Temple Sisterhood  
When you became the president  
Everyone knew where you stood*

*Then you dreamed of a law career  
We saw a shining star  
So off you went to law school  
And on the first try passed the bar*

*You set up a private practice  
Family law was your forte  
You helped many families  
When they could hardly pay*

*When you retired you sparked  
Like a Western Tanager  
You flew to the Bar's pro bono program  
And then became its manager*

*You mothered this program  
For more than a decade  
You were praised and loved by all  
And earned the highest grade*

*Now your body has grown weak  
And your energy is gone  
While your body may give out  
Your loving spirit still lives on  
My dearest darling Verna  
In my heart you stand so tall  
You were my inspiration  
You'll be greatly missed by all*

*Herman Kagan is the widower of Ventura County Bar Association Attorney Emeritus, Verna Kagan. Verna managed the Volunteer Lawyer Services Program. She passed away in September.*

## VERNA ROSE KAGAN: A LIFE OF SERVICE IN THE LAW

by *Carmen Ramírez*



I was completely taken by surprise to learn that my friend and true colleague **Verna Kagan** had passed away [Sept. 6 - *ed.*]. She was such a strong presence in our county and our profession, providing daily access to justice to those marginalized individuals who have no means to hire private counsel.

I actually met Verna when she was practicing law many years ago. She once offered the opinion that I was a bit too zealous on behalf of my client or at least against her client. I didn't remember it quite that way but maybe she was right.

Our relationship grew in the past decade. In 1996 she became the VCBA's first Emeritus Attorney and then she became the bar's Volunteer Lawyer Services Program (VLSP) manager in 2002. From that time on we had many conversations in person or on the phone. When I worked for the court's Colonia Self-Help Legal Access Center, I sent probably hundreds of people to Verna. Then, later in private practice, and even just weeks ago, she turned the tables on me, persuading me to take a number of cases that were usually right up my alley. But more often than not, we would have conversations about how to take care of the individuals who sought the VCBA's free legal services. And Verna had a host of attorneys that she persuaded and cajoled into doing more for those without the ability to pay for private counsel. It was hard to say no to her.

Some potential clients of VLSP were difficult or compelling, quirky, demanding, even impossible. Some were simply hard-working people who fell on hard times and needed some legal help with an ex-partner, ex-boss, ex-landlord, or roommate. Verna did as much for them as was possible.

She was there to screen the matter, connect them with one of the numerous volunteer attorneys or to gently and firmly advise them that there was no legal remedy available for the situation they were in, and other avenues must be followed.

Verna's approach was reasonable, wise and compassionate. Not everybody needs a lawyer, but almost everyone needs someone to listen to their difficulties. Verna would do that and try to figure out how best to help them.

Verna leaves a huge hole with her absence from the Bar offices, where she worked for more than 12 years. Besides being a consummate professional, always showing up exactly at nine every morning, she brought food and delicacies for the staff. She treated Sandra, Alex, Nadia, Alice, Celene, and Michael "like her own children." It is also rumored that she and Herman named their dog "Stevie" after our executive director, Steve Henderson.

Steve got a kick out of teasing Verna for her infallible punctuality, even once setting the

clock ahead 15 minutes to try to convince her that she was tardy. She was totally relieved to learn that he had played a joke on her. Steve will miss Verna's "bright, sweet and beautiful" presence at the bar office.

VCBA president **Laura Kline Bartels** calls Verna "a passionate advocate, tenacious for what was right, gentle and kind and caring and funny. Generous, tireless, gracious and always had dog treats with her."

She received accolades from the courts, the bar and many clients for her tireless efforts of matching lawyers to poor clients.

When Verna was recognized by VCBA for her efforts in 2012, she received this praise from **Judge Vincent O'Neill**, Presiding Judge of the Superior Court: "[O]n behalf of the bench officers as well as the Court's entire staff, it is my pleasure to commend and thank you for your stellar career and tireless pro bono work...Your trailblazing career as a practitioner was characterized by integrity and informed by your varied life experiences. In recent years your leadership has inspired a sense of service to those in need of legal assistance.... We thank you for your many contributions to the cause of justice in Ventura County."

Judge O'Neill said it all. Verna, you inspired us all to do more for our fellow human beings. You inspire those of us in our shared profession to rise to its highest ideals.

As **Lou Vigorita** says, "our world just got dimmer."

But let's not let the light go out. Let us support the efforts that Verna was so enthusiastic about through the VLSP.

We send our deep condolences to her husband of 56 years, Herman Kagan, and to all of her grieving family members.

Verna, we will miss you but not forget.

*Carmen Ramírez is an attorney and the Mayor Pro Tem for the City of Oxnard.*

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**THE INSECTARY -  
"GOOD BUGS" AND THE LAW**

*Continued from page 3*

Justice Hugo Black said in the famous *Gideon* decision: "Lawyers to prosecute are everywhere deemed essential to protect the public's interest in an orderly society. Similarly, there are few defendants charged with crime, few indeed, who fail to hire the best lawyers they can get to prepare and present their defenses. That government hires lawyers to prosecute and defendants who have the money hire lawyers to defend are the strongest indications of the widespread belief that lawyers in criminal courts are necessities, not luxuries." Lawyers are necessities.

At a recent swearing in ceremony for new bar admittees, **Presiding Justice Arthur Gilbert** commented on the famous "Let's kill all the lawyers" quote, garnering nervous laughs. He contextualized the comments, explaining how the quote is taken out of context in lawyer jokes and lawyer maligns because in the Shakespeare play, the rebel Jack Cade is trying to overthrow the government and wreak havoc and chaos on society, and in order to destroy the machine of society, how convenient it is to destroy the noble profession that helps keep society stable and civilized: the lawyers. Stable and civilized lawyers are necessities. Like water, lawyers keep things civilized and balanced.



**Laura Bartels'** family belonged to the biological control district for many years before it closed due to shifts in farming. She practices estate planning in Fillmore and can be reached at: [LBartels@FillmoreLawyers.com](mailto:LBartels@FillmoreLawyers.com).

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# PROFILE: Judge Gilbert A. Romero

By Alfred Vargas



**Judge Gilbert A. Romero**, a third-generation Ventura County resident, understands the importance of an education and deeply appreciates the effect role models have in shaping a young person's life. Judge Romero graduated from CSUN and UC Hastings Law School before working at the Ventura County District Attorney's office. After fourteen years trying criminal cases, Governor Brown appointed him to the Superior Court bench in November of 2012.

Judge Romero's maternal grandmother emigrated from Jalisco, Mexico to Oxnard. She embodied perseverance and by example imparted this trait to Judge Romero. "She is my hero. She toiled in the fields of Oxnard picking fruits and vegetables so I would not have to," he reflects.

Judge Romero grew up without his mother and father, who were dealing with alcohol and addiction issues in their own lives. "I know first hand the devastation alcohol and drugs can cause a family." Grandmother, and extended family members not much older than he, did their best to raise Judge Romero. The value of an education was

less important to them at that time than survival.

In high school, Judge Romero did not know which path he would follow. Sophomore year he learned about the Upward Bound Program at CLU through friends and joined. He spent three years in the program, which exposed him to people and ideas he would not have otherwise experienced. He realized, through Upward Bound, that while he did not chose the life he was born into, he got to decide where it would lead. He decided senior year to attend college.

Judge Romero put himself through college and law school. He recalls, "It was simultaneously exciting and scary, but a wonderful challenge that gave me a chance to learn who I really was." He enjoyed the entire law school experience: learning the law, the critical thinking and reasoning. While at Hastings he interviewed with then-Chief Deputy District Attorney, and now-**Judge, Jeffrey G. Bennett**, for a job at the District Attorney's Office. Judge Romero started working there after graduation.

Even though Judge Romero credits the entire DA's Office experience with honing his legal skills and providing another great education, he always insists that on a fundamental level, his grandmother influenced him most. "I remember, as a child, her coming home from work, her boots caked with mud and clearly tired, but she still found the time to talk and read to me. Throughout my professional career, whenever I found myself tired or less than fully motivated, I would drive out to the fields where she worked and I would watch the field laborers. That has provided all the motivation I have ever needed." That motivation continues to this day.

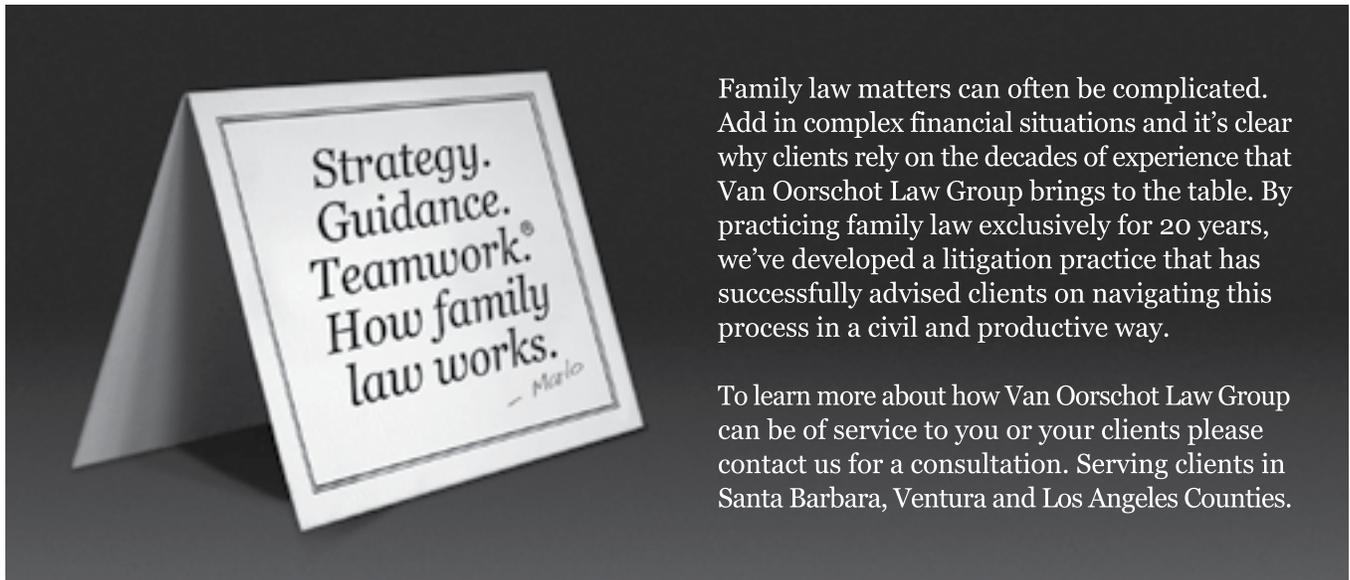
While in law school, Judge Romero always knew he would come back home to Ventura County and raise a family. His wife, local attorney **Sandra Romero**, born and raised in Ventura, shared his sentiment. They have an energetic two-year-old boy, Steven, who occupies most of Judge Romero's time outside of the courthouse. "But I still try to find time to volunteer, although not as often as I could before the birth of my son," Judge Romero says.

"There is nothing like giving back to the community that you grew up in. I feel an obligation to give back, especially to our youth. Over the years I have spent time volunteering for various organizations like the Upward Bound Program at CLU, Mock Trial, Boys and Girls Club, and even with our youth in juvenile detention. I try to reach the kids who may be in the same situation I was in."

He rarely passes up an opportunity to work with kids. "A little time and positive words can have a profound way of changing lives," he opines.

Did any other professions interest him? Judge Romero replied, "I knew that I had to get through school quickly and start working because I had two little sisters that I wanted to help raise, but I would have liked being a writer – traveling the world, experiencing life and writing about it. I

*Continued on page 11*



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## PROFILE: Judge Gilbert A. Romero

*Continued from page 9*

may not have been able to do that, but the greatest gift I am going to give my son is the opportunity for him to follow his dreams, whatever they may be.”

Judge Romero did consider running for political office at one time. However, that likely would have required him to be away from his family often. Husband and father are his most important roles.

Before their son's birth, the Romeros travelled to Turkey and Greece, and had plans to visit Egypt. The region's instability made Egypt too dangerous, but the Romeros hope to eventually make the trip with Steven. Egypt is first on the list, but certainly China and New Zealand are not far behind. Judge Romero says, “I am a big believer in taking your children whenever you can. They are always experiencing and learning, and observing that through their eyes is amazing.”

While Judge Romero basks in being a father, he clearly has less personal time. He recently started playing golf, and took sailing lessons and finds the open water rewarding. He tries to hit the gym a couple times a week or at least go for a good run.

He has always been a voracious reader. At night, usually after Steven and Sandra are asleep, Judge Romero spends an hour or two pleasure reading, particularly history.

Steven prefers Dr. Seuss, with a nightly diet of Green Eggs and Ham and There's a Wocket In My Pocket, followed by music and dancing.

Judge Romero thinks everyone can spare even a little time to try and make a difference in someone's life. He says, “I always remember and appreciate the sacrifices my grandmother made for me. When I get home from work I feel blessed

that I am not as physically tired as she was and I get to appreciate the time I have with my son.” Judge Romero encourages anyone willing to effect change in a young person's life to contact: The Upward Bound program at CLU, (805)493-3350; the Mock Trial program, (805)437-1501; Boys and Girls Club, (805)641-5585; Big Brothers Big Sisters, (805)484-2282.

In parting, Judge Romero remarked, “Life is about more than just you, nobody accomplishes anything alone.” So true.



*Alfred Vargas practices in Ventura, handling consumer issues, appeals and administrative matters. Email him at [avargaslaw@gmail.com](mailto:avargaslaw@gmail.com) or call (805)415-7837.*

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## PERSONAL INJURY PRACTICE: BETTER HANDLED BY ADJUSTORS?

by Mark E. Hancock

Tort plaintiff practice in California has been impacted by a number of state and federal court cases in the past several years. On the state level, *Howell v. Hamilton Meats & Provisions, Inc.* (2011) 52 Cal.4th 541 held that a plaintiff whose medical expenses are paid by private insurance cannot recover more than the amount actually paid or still owing for past medical expenses. *Corenbaum v. Lampkin* (2013) 215 Cal.App.4th 1308 did away with post-verdict reduction hearings, holding that the full amount billed is not relevant at trial on the issue of past or future medical expenses, if the amount for which they were settled was less. The full amount billed is likewise inadmissible for arguing, quantifying, or proving pain and suffering damages.

On the federal level, in *Sereboff v. Mid Atlantic Medical Services, Inc.* (2006) 547 U.S. 356, the United States Supreme Court held that an ERISA health plan fiduciary may sue a plan participant or beneficiary in federal court, to enforce a third party liability provision, under §502(a)(3) of ERISA; The

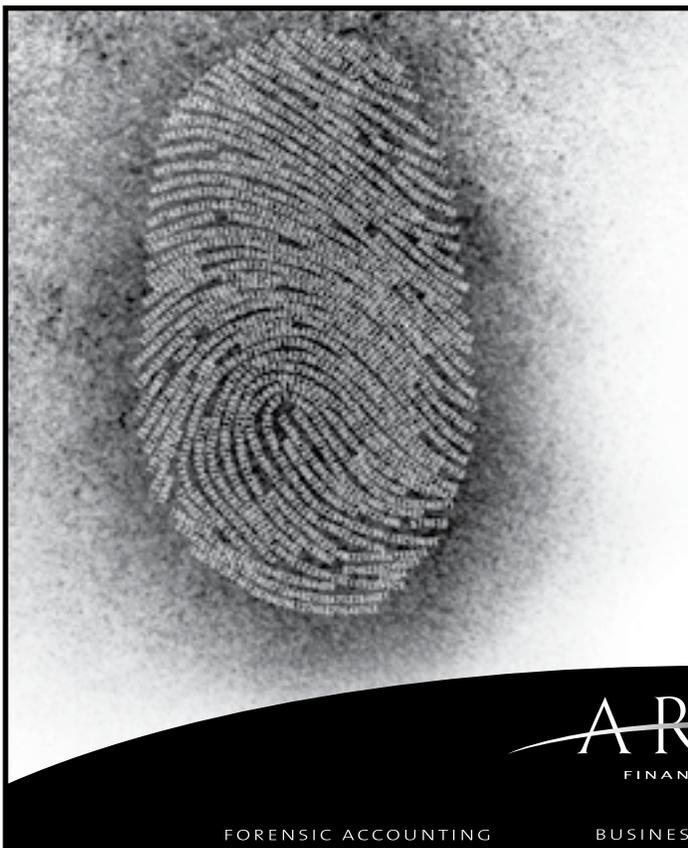
court held that such an action seeks equitable relief. This decision resolved a conflict among the circuits. In the subsequent case of *U.S. Airways v. McCutchen* (2013) 569 U.S. — the court noted that without the common-fund doctrine “the insurer can free ride on the beneficiary’s efforts” and that a beneficiary otherwise could be made worse off for having pursued a responsible third party. Nevertheless, the Court held that if, in a health plan governed by ERISA the third party reimbursement provision provides that the common fund doctrine (or the make whole rule) do not apply, they don’t. According to the Court, while the enforcement action is “equitable” because it is enforcing an equitable lien “by agreement,” the plan terms are primary and govern what happens in such an “equitable” action.

So much for equity and the concern for fairness. These cases reduce a plaintiff’s damages and recovery, because they reduce the amount a plaintiff can ask for to begin with and increase the amount that he or

she has to pay back if there is a recovery. Undiscussed or unaddressed, however, are the facts that the reduction in medical expenses often comes about because the plaintiff, or family members of the plaintiff, paid hefty premiums for that private health insurance (toward which the defendant and/or defendant’s liability insurance company did not contribute) and that the third party recovery was obtained only because the plaintiff hired and paid for counsel. It may also be somewhat of a legal fiction to say that plaintiffs really “agreed” to the fine print of the third party reimbursement clause in their voluminous, adhesive and possibly unconscionable health plan.

Several things are ironic and unfair about these developments. The first is that it is insurance companies that often benefit from these changes. Health insurance companies pay less and get more back. They pay less to doctors and other health care providers and then get to ask for all of what they did pay

*Continued on page 16*



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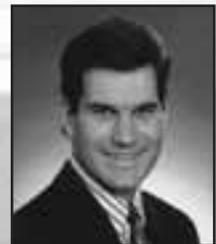
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**PERSONAL INJURY PRACTICE:  
BETTER HANDLED BY ADJUSTORS?**  
*Continued from page 13*

back. They charge for risk, but where's the risk in that? They may even try to avoid paying any of the attorney's fees that it took to achieve the recovery to which they lay claim. They all seem to have been to the seminar about the *McCutchen* case. Liability insurance companies, for their part, get the benefit of the lower rate paid out to the health care providers, even though they paid none of the health care premiums that earned that benefit. What's equitable, much less fair, about this state of affairs?

The second ironic thing is that these changes came not from the legislature, or the will of the people. These changes all came from the judiciary and case law. Why? Would some in the judiciary like to see personal injury litigation eliminated and/or turned into subrogation claims and credit swaps between insurance companies? If not, where is the concern that the plaintiff be made whole, or that reimbursement claims made by health insurers be reduced by a proportionate share of the fee the plaintiff paid to the attorney to recover that compensation for him or her?

The third ironic thing is that, from appearances, neither property/casualty nor health insurance companies are hurting. Property and casualty insurance companies, for example, earned more in premiums, paid less in losses and almost doubled their net income in 2013 (according to an industry overview from the Insurance Information Institute, [www.iii.org/fact-statistic/industry-overview](http://www.iii.org/fact-statistic/industry-overview).) Someone might fairly ask: why the changes and how do these changes benefit the public?

Do you think the world would be a better place if personal injury recoveries were administered by claims adjustors, with no recourse?



**Mark E. Hancock** is an attorney with offices in Ventura. He represents insureds, plan participants and beneficiaries in insurance and ERISA plan claims, such as LTD appeals and cases, and plaintiffs and defendants in personal injury cases.

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## Ventura County Veterans Legal Clinic

The Military and Veterans Legal Clinic Ventura County (MVLVCV), a free legal clinic for active duty military members and veterans, begins serving the needs of the military and veterans community of Ventura in October. To support the legal concerns of military members and veterans, the clinic will provide an initial free one-hour consultation with an attorney for those on active duty, members of the National Guard and Reserves, veterans and military retirees.

Kim Evans Logie, liaison to the Veterans Court and director of the Ventura County Military Collaborative, has spearheaded the formation of MVLVCV. She announced that the first clinic will be held on October 17 and 18, 2014, at the office of the Gold Coast Veterans Foundation, located in the Ventura County Community Foundation Non-Profit Center in Camarillo. One-hour appointments will be scheduled for those who wish to discuss their legal concerns in a confidential environment. Appointments will be scheduled between 1 and 5 p.m. on Friday, October 17, and the hours of 9 a.m. to 1 p.m. on Saturday, October 18, 2014. There will be no charge to the veteran or member for the initial consultation.

The clinic will be held once a month on dates that will be announced. Staffed by volunteer local attorneys and supported by law students and interns, the clinic will be open to discuss matters of driving offenses, including traffic citations or driving while intoxicated; child custody, support and family law; credit and bankruptcy matters; domestic violence; expungement of convictions from military records; landlord/tenant disputes; powers of attorney and estate planning; workers' compensation; federal benefits; unemployment benefits, among others.

According to Logie, legal services needs following the initial clinic appointment may include retaining an attorney to represent the veteran or member, referral to other attorneys or agencies with necessary

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## WASTE NOT, WANT NOT: IS IT SAFE TO DONATE LEFTOVERS?

by Wendy Lascher

*This article originally appeared in the Fall, 2014 issue of Edible Ojai. It appears here with permission.*

Every day, Ventura County stores, restaurants, caterers and food trucks send hundreds or even thousands of pounds of unused but perfectly edible food leftovers to landfills. Some sources put the amount of food waste nationally at 14 billion pounds each year.

Every day, nonprofit organizations in the county feed hundreds of hungry people. So wouldn't it make sense to donate the excess food to local food banks and other nonprofit organizations instead?

Too often, business owners decline. "We might get sued if someone gets sick," they say. "If something happens, we could be liable."

It's easy to see how headlines about food poisoning litigation might give rise to these

concerns. Fortunately, federal and California laws provide some measure of protection for food donors who fear lawsuits.

President Bill Clinton signed the "Bill Emerson Good Samaritan Food Donation Act of 1996" to encourage donations of healthy food that would otherwise be wasted. That law, named after a Missouri Congressman who fought for the law but died before its passage, protects retail grocers, wholesalers, restaurants, caterers, gleaners, organizations and individuals from damage awards and criminal prosecutions when they donate "apparently wholesome food" to a nonprofit organization for "ultimate distribution to needy individuals."

Nonprofit organizations receiving the food are likewise protected from liability based on the food donations they accept. Because the Emerson Act protects organizations, it applies when one nonprofit organization donates food to another.

The Emerson Act does not immunize food terrorists. It does not protect against intentional misconduct (donating something the donor knows is harmful) or against gross negligence (acting or failing to act knowing that the action or inaction is *likely* to be harmful.) Additional fine print somewhat limits how far the Emerson Act goes.

It defines "donate" to mean giving "without requiring anything of monetary value from the recipient." So, making a product available at a reduced price would not qualify under the Emerson Act.

"Apparently wholesome food" means the food has to meet "all quality and labeling standards imposed by federal, state, and local laws and regulations." If you take the time to look them up, there are shelves (or at least flash drives) full of those laws and regulations.

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

## DONATION DO'S AND DON'TS

The Emerson Act does not supersede state or local health regulations, so it is important to consider California laws that regulate food facilities and agricultural products. (A food facility is “an operation that stores, prepares, packages, serves, vends or otherwise provides food” directly to consumers.)

When a “food facility” donates food fit for human consumption to a nonprofit organization or food bank for distribution free of charge, California law protects the donor from civil liability and criminal prosecution for labeling or packaging violations that occur after the donation.

Retail food facilities may not be held liable for injuries due to donated food unless the injury resulted from negligence (acting or failing to act below the standard of care of reasonable people in the same circumstances), recklessness or intentional misconduct. The nonprofits receiving the donated food are also immune from civil liability for injuries caused by the food, so long as they are not negligent or reckless, and do not intentionally hurt anyone.

Let's see what we can all do to reduce food waste and help feed people who are hungry.

### FOOD SAFETY STATUTES

Bill Emerson Good Samaritan Food Donation Act of 1996 – 42 U.S.C. §1971

California Retail Food Code – Health & Safety Code, §113700 et seq. See also Civil Code, §1714.25; Food and Agricultural Code, §58501, et seq.



*Wendy Lascher is an appellate lawyer and partner at Ferguson Case Orr Paterson LLP, in the Ventura office. She is editor of CITATIONS. Contact her at wlascher@*

*fcoplaw.com or (805)659-6800.*

What does the Bill Emerson Good Samaritan Food Donation Act of 1996 mean to Ventura County residents who'd like to donate food? Here are some examples of donations that are – or are not – covered by the law.

#### YES:

- If your grocery store has bakery products that are going to be thrown out, they can be donated without concern about packaging and labeling, so long as the products have been handled with care.
- If a nonprofit group (such as a religious or service organization) has a fundraiser and there is extra food, it can be donated as long as it has been handled with care. This includes food prepared by a caterer, but not food prepared by volunteers in their homes.
- If you have a large catered party in your home, the caterer who sold you the food may donate the leftovers to a nonprofit, again provided the food has been handled with care.
- A nonprofit community garden, such as Color Gardens in Downtown Ventura, and home gardeners may donate produce to nonprofits, under the protection of these food donation laws.
- An individual may donate unexpired, nonperishable food to nonprofits, under the protection of these food donation laws.

#### NO:

- If you cook a huge meal for your family and have leftovers, your food donations may not be protected by California law because private homes are not “food facilities.”
- If you operate a beer- or wine-tasting room that also serves snacks, you may not give away leftovers to nonprofits under these laws because these tasting rooms also are not considered “food facilities.”

Like everything involved with the law, there are many qualifications and limitations in these laws, and this article is not intended to be treated as legal advice. If you are a retail food provider or a nonprofit organization with questions about food donations, please consult your own attorney.

*Consult the local nonprofit organizations' websites to learn about their specific policies and guidelines regarding food donations: Food Share (FoodShare.com), RAIN Communities, Inc., (RainCommunities.org) and Ventura County Rescue Mission (VCRescueMission.org).*



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## Barristers' Corner

by Rachel Coleman

On October 16th from 5:30 to 8 pm, the Barristers will host their free annual Judges' Pizza Night. The event will take place at Discovery Ventura located at 1888 E. Thompson Blvd. in Ventura. This is the only Barrister event that is exclusive to judges, justices, Barristers and law students. Barristers are any member of the bar who is under 36; or has been admitted to practice law for seven years or fewer; or has been in practice for a total of seven years or fewer. No RSVP is necessary. Please refer to our flyer enclosed in this issue of *CITATIONS* for more information or contact Barristers President **Rachel Coleman** at [rachel@davidlehrlaw.com](mailto:rachel@davidlehrlaw.com).

On November 13, from 6-8 pm, the Barristers will host Trivia Night at Garman's, 932 E. Main Street in Santa Paula. This event is open to everyone. I believe there will be an exciting rematch between the local bench and bar that you don't want to miss. A \$10.00 donation to benefit the Barristers is requested.

The Barristers Board is up for re-election in December. If you would like to be nominated to be a Board member or secretary, treasurer, vice-president, or president, please come to our next Board meeting on November 4, at 12 pm at the Ventura County Bar Association office, 4475 Market Street in Ventura.



**Rachel Coleman** is a Ventura criminal defense attorney and an associate at the Law Offices of David Lehr



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## Ventura County Veterans Legal Clinic

*Continued from page 17*

expertise, or other services which may or may not require fees for such additional services.

The MVLCVC is a wholly voluntary effort supported by a number of local agencies and individuals devoting volunteer time to support active duty military and veterans in connection with their legal needs. It is anticipated that future affiliation with the Ventura County Military Collaborative, with its charitable 501(c)(3) status pending, will provide the essential administrative support for the clinic. Other Ventura County agencies involved in and supporting this new effort include the Ventura County Bar Association, the Veterans Court, the Public Defenders Office, RSVP Oxnard, the Veterans Treatment Court, the Military Collaborative, the Veterans Services office, the Ventura Center for Dispute Settlement, and several others.

Though the clinic has no budget or funding, it has been established to address a growing need for affordable legal services for vets and active duty members. "Though we are not able to provide services to the dependents of our veterans and active members at present, we plan to seek future funding that will hopefully allow us to expand our reach. At present, we can only do so much," said Logie.

Further information and appointment scheduling may be accessed online at [www.military411.org](http://www.military411.org). Attorneys who wish to volunteer to assist in the clinic may sign up at that site as well.

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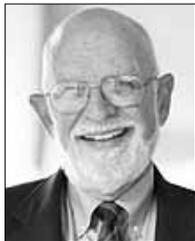
by Bill Paterson

“Boyhood” is one of the year’s most acclaimed films. It chronicles the life of a boy from the age of six until he leaves home for college. In an audacious artistic choice, director Richard Linklater used the same actors and shot the film over a twelve-year period. The result is a film in which we watch the protagonist grow up before our eyes.

The boy is Mason (Coltrane Ellar). His parents are divorced and he and his sister Samantha (Lorelei Linklater) live with their mother (Patricia Arquette). His dad (Ethan Hawke) is a genial slacker who gradually evolves into a more serious and caring man. His mom is the rock of the family, but she hits a number of rough patches in life. Then there is Mason, the center of the film. He is the embodiment of both the idyllic period of carefree childhood and a reminder of how difficult life can be as a confused teenager.

“Boyhood” treasures the small moments of life that are woven into the fabric of every family. When you are watching Mason and his family negotiate the uncertain shoals of life you will no doubt be reminded of some of the joys, and the not so joyful moments, of your own life.

“Boyhood” is a unique and rewarding film-going experience.



*Bill Paterson is Of Counsel at Ferguson Case Orr Paterson in Ventura, where he is a founding partner.*

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## JEWISH FAMILY JUSTICE CLINIC NEEDS VOLUNTEERS

by Julie Saltoun

Ventura County Jewish Family Service (JFS) provides a variety of counseling services and related programs on a non-denominational basis to strengthen the fabric of our community, one person at a time. The JFS Justice Clinic was started over 20 years ago based on a need for free legal advice to low-income individuals. Unfortunately, the need for legal clinics where the poor can readily receive legal assistance has recently grown in Ventura County. JFS would like to increase the times when its clinic is open to help fill this gap. Clients are referred to the JFS Justice Clinic by the Ventura County Bar Association, 211 Social Service Line, social service agencies, and by word of mouth. Attorneys volunteer their time one evening a month at the JFS Office near downtown Ventura.

Among the attorneys who have volunteered over the years is long-time volunteer **Terry Viele**. Attorneys **Patrick Cherry**, **Martin Rosenberg** and **Seth Shapiro** currently provide services in rotation. Clients are seen by appointment, currently one Monday evening a month at the JFS office. Once at the clinic, clients present a variety of legal issues. Many have received a summons or other legal document and need assistance understanding their rights and obligations. Legal issues frequently brought to the volunteer attorneys include disputes related to custody (both parental and grandparents' rights), child support, guardianship, divorce, fraud, credit and financial issues, landlord-tenant disputes, consumer matters, small claims disputes, wills, health care, and disability rights. Volunteer attorneys review the client's legal documents and paperwork, and provide advice and referrals. The volunteer attorneys do not represent clients in court.



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*Continued on page 25*

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## JEWISH FAMILY JUSTICE CLINIC NEEDS VOLUNTEERS

*Continued from page 23*

The majority of the clients using the services of the JFS Justice Clinic have very low incomes and would be unable to readily afford private legal consultation. The list of clients wanting an appointment at the Clinic has grown considerably. In order to expand the hours of the Justice Clinic, more attorneys are needed to volunteer their time one evening a month.

If you are interested in serving as a volunteer attorney, please call the JFS office at 641-6565. You can learn more about Jewish Family Service and the JFS Justice Clinic by visiting the JFS website at [www.jfsvc.org](http://www.jfsvc.org).



*Julie Saltoun practices law in Ventura. She can be reached at [jasaltooun@gmail.com](mailto:jasaltooun@gmail.com).*



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

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



By now most of you have heard our Emeritus Attorney extraordinary, **Verna Kagan**, died at 1 a.m. Saturday morning, September 6, at Community Memorial in Ventura. Her tribute

was held September 16 at Temple Beth Torah with Rabbi Lisa Hochberg Miller facilitating. **Carmen Ramírez** spoke on behalf of the bar. Verna was the face and brand of the VLSP, Inc., the bar's cherished Pro Bono Program. In many, many ways, Verna will be irreplaceable. Please read Herman's (Verna's husband of 53 years) poem inside this volume of *CITATIONS*. ... Told by an Indiana judge that a local court rule requires lawyers to wear socks, Todd Glickfield resisted. "I hate socks," he told the Blackford Circuit Judge Dean Young, who at first saw to it that the attorney was privately advised during a break about the need to don the footwear. After Glickfield said he didn't intend to comply with the no-socks rule unless it was proven to him, Young documented their conversation in an August 26 court order. It requires Glickfield to wear socks in all future court appearances, along with a business suit and tie. Except for his missing socks, the attorney was appropriately attired on the day in question, the judge notes, but he has appeared in the past without a tie and in an open-collared shirt. In the future, should Glickfield appear in court sans socks, "he will be subject to sanctions from the court which may include a delay ordered by the court in presenting his case, fines, and continuances of pending proceeding(s)." Save the date: **Judge Kent Kellegrew** has just announced that 2015's mock trial competition will be held February 23, 24, 25 & 26. ... Turkey? **Dien Le** at 818.889.2299 or [dien.le@calawcounsel.com](mailto:dien.le@calawcounsel.com)...



From July 22-28, **Terence Geoghegan** was in Rome, as Chief Center Referee for the World Championship of International Taekwon-Do Federation. Here he is announcing Arjun Dhingra, of Reno, NV, as

Gold Medalist in 6th Dan Senior Patterns. Terence recently closed his office in Westlake, and can now be found sharing office space with **Ed Elrod** and **Nancy Jacobs** at (**John Howard's** old address) 3585 Maple Street, Suite 228. (Insert photo here emailed 910 am)...Spain/Seville? **Andy Viets** at [aviets@ca.ventura.ca.us](mailto:aviets@ca.ventura.ca.us) or 340.8394...I don't know why this irritates me so. Judge Judy is offering advice to women free of charge. Television's most popular judge is celebrating the 19th season opening of her syndicated show by offering her new book, "What Would Judge Judy Say: Be the Hero of Your Own Story," for free to anyone who wants it. The book offers plainspoken advice primarily for women, telling them not to let anyone besides themselves define what makes them happy. It is filtered through stories of the charmed life of the retired New York Family Court Judge Judy Sheindlin. She can afford to be generous. With "Judge Judy" atop the daytime ratings, *TV Guide* reported that Sheindlin is by far the highest paid person on television with an annual salary of \$47 million...If you'd like to weigh-in on the proposed revisions to local court rules and revisions to local forms for the Superior Court of California, County of Ventura go to [www.ventura.courts.ca.gov](http://www.ventura.courts.ca.gov) or *Victoria Borjesson@ventura.courts.ca.gov*...



**Robert Kwong**, who has been with the Count Counsel's office since 2003 has joined the Oxnard law firm of Arnold LaRochelle Mathews VanConas & Zirbel. Robert started August 20 and may be reached at 988.9886 or [rk Wong@atozlaw.com](mailto:rk Wong@atozlaw.com) ...

Two sitting California judges were sanctioned last month in unrelated legal ethics cases for in-chambers sexual activity, as well as other misconduct. The Commission on Judicial Performance said Kern County (go figure) Superior Court Judge Cory Woodward became involved with his married court clerk during portions of 2012 and 2013, engaged with her in sexual activity in chambers, resisted suggestions that she should be reassigned to another judge,

sent her sexual notes during court and misled the county's chief executive about the relationship. Woodward was censured only. The Commission also said Orange County Superior Court Judge Scott Steiner had in-chambers sex in 2012 with two of his former law students, tried to arrange a job with the District Attorney's office for one woman with whom he was having an affair and failed to step down from hearing a case involving a close friend. He too was only censured and remains on the bench... Iceland/Dublin/Paris? **Katie Becker** at 525.7104 or [katie@baslawoffice.com](mailto:katie@baslawoffice.com)...



MEA CULPA – I got a phone call from a very worthy attorney pal, **Marc Charney**, informing me he was feeling, "left out." When I asked why, he retorted, "Since 1970, I have been in every single issue of the bar's Legal Services Directory, but not this year." That was all on us. He is indeed alive and well at 1000 Town Center Drive, Suite 300, Oxnard, [marc@mcharneylaw.com](mailto:marc@mcharneylaw.com) or 351.8278... One day after Attorney General **Kamala Harris** announced she'd take legal action to defend California's much-debated death penalty law, Harris quietly tied the knot on 8.22 at the Santa Barbara Courthouse with **Douglas Emhoff**, a Los Angeles attorney...Over the next several months, the Santa Barbara bench will lose two judges with 53 years of combined experience. The first to step down will be **Judge Denise de Bellefeuille**, who retired September 24 after 21 years on the bench. **Judge Frank Ochoa** will retire in January 2015 after a 32 year career. Can you believe he was appointed by Gov. Jerry Brown in 1983?

*Steve Henderson has been the executive director and chief executive officer of the bar association and their affiliated organization since November 1990. He will spend the better part of October at Dodger Stadium cheering for the visiting team and later basking in the sun in Aruba. He 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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