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AND THE ACADEMY AWARD GOES TO...

by Rabiah Rahman

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PRESIDENT'S COLUMN:

THE BUTTERFLY EFFECT

by Charmaine H. Buehner

There is much to look forward to in 2016. We will see the election of a new U.S. president, the Summer Olympics in Rio de Janeiro, continued U.S. economic growth (albeit cautiously projected) and the arrival of spacecraft Juno, after a five-year journey, at the first planned orbit around Jupiter. At the same time, 2016 will undoubtedly see continued global, nationwide and local challenges as events and responses related to international conflicts, terrorism, climate change and global economic uncertainty continue to unfold. As my husband James and I have struggled to explain such events to our three children, who are ten, eight and five years old, I've found myself thinking about my own childhood and the words of Mr. Rogers:

"My mother would say to me, 'Look for the helpers. You will always find people who are helping.' To this day, especially in times of disaster, I remember my mother's words, and I am always comforted by realizing that there are still so many helpers — so many caring people in this world."

I tell my children to look for the helpers, and together, we have found that Mr. Rogers is right: they are always there. This is true globally, and it is certainly true in Ventura County. As a senior assistant civil attorney with the Ventura County Counsel's office, I often see firsthand the excellent work and volunteerism being done in our county by our legal community and beyond. For example, for the last few years, local attorneys with Women Lawyers of Ventura County (**Jacqueline Ruffin, Jaelyn Smith, Jill Friedman and Rennee Dehesa**) have volunteered their time at the Juvenile Justice Center through Girls, Inc., a wonderful program that provides education

and empowerment to incarcerated youth (both boys and girls) aimed at preventing recidivism.

This year will see the 20th anniversary of both Ventura County Legal Aid (aka Volunteer Lawyer Services Program) and Santa Clara Valley Legal Aid, the latter of which has been ably and conscientiously run in the City of Fillmore for several years by the 2015 Nordman Awardee, **Laura Bartels**. For twenty years, Ventura County Legal Aid has operated a direct representation program, pursuant to which thousands of cases have been vetted (the majority of these by the late **Verna Kagan**) and screened by nine dedicated emeritus attorneys who then find active members of our bar willing to take cases on a pro bono basis. As I write this article, there are more than 35 active pro bono cases being handled by lawyers in our community, such as by **Michael Sudman, Michael Christiano** and **Kathleen Nakos**. For the last several months, your excellent VCBA staff (**Steve Henderson, Sandra Rubio** and **Nadia Avila**) have done much to fill the large hole left by Verna. This year, however, to enable Steve, Nadia and Sandra to focus their efforts on the business of the bar (CLEs! Lawyer Referral Services! Citations! Coordinating the sections and affiliates! Law Day 5k! Inns of Court! The Annual Dinner!), you can anticipate some exciting changes in how Legal Aid, which is a separate non-profit organization from the bar, operates and what it does.

First, Camarillo-based tax-and-estate-planning attorney **Kevin Staker** has graciously agreed, after unanimous vote of the board, to serve as the president of Ventura County Legal Aid in 2016. Together with the

VCLA Board and emeritus attorneys, Kevin will continue the important work of Legal Aid's direct representation program. Second, Legal Aid will see the launch of a new free legal clinic in Ventura at the County Law Library beginning on **Feb. 2**, continuing on the first and third Tuesday of the month from **4 to 7 p.m.** Check out our plans for the clinic, sign up to volunteer or donate at www.vclegalaid.org, or contact me or the co-chair of the clinic committee, **Mark Kirwin**.

In closing, I declare 2016 to be VCBA's year of the focus on the helpers and more specifically, on the good community service work being done by our legal community. Do you know of a group's or person's efforts that you'd like to see highlighted? E-mail me at charmaine.buehner@ventura.org. Because, as Mr. Rogers said, "if you look for the helpers, you'll know that there's hope."

I look forward to 2016 and to being your bar president.

Charmaine H. Buehner is an Assistant County Counsel who adopted Ventura as her family's hometown in 2009, when the law firm of Myers Widders, et al., took a leap of faith by hiring her though she had no Ventura connection whatsoever. Before 2009, Charmaine practiced for seven years in San Diego. She graduated law school from American University in Washington, DC while her husband, James, finished his own graduate degree at Johns Hopkins University and ten-year stint in the Army. Both James and Charmaine are avid Duck fans, having met and obtained their undergraduate degrees at the University of Oregon. The couple lives in Ventura with their awesome children Nathan, Avery and Christopher, and an overly-friendly, 90-pound chocolate lab the kids named Cocoa.

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NEW YEAR, NEW MEET AND CONFER REQUIREMENTS

by Cari Potts

Beginning Jan. 1, attorneys must meet and confer prior to filing a demurrer.

Section 430.41 of the Code of Civil Procedure requires parties to meet and confer by telephone or in person at least five days before the date that the responsive pleading is due. Counsel for the demurring party must identify the deficiencies to be addressed by the demurrer and the legal support for the demurring party's objections. Counsel for the plaintiff, cross-complainant, or answering party must respond with legal support for the sufficiency of the challenged pleading, or proffer suggestions for curing the legal insufficiency of the challenged pleading. The conference must be documented in a declaration filed and served with the demurrer. Extensions for responsive pleadings are granted to those who declare they made a good faith but unsuccessful attempt to confer prior to the deadline.

The obvious clichéd take-away of the new requirement is: don't procrastinate! The more nuanced question is that of preparedness. To appropriately fulfill section 430.41's requirements, attorneys on both sides of the demurrer process must sufficiently research and garner support for their respective legal positions. Yet, the opposing party may not be informed of the demurring party's positions until five days prior to the filing deadline. Thus, the issue of timing might become a legitimate topic of dispute between the parties. As is normally the case with statutory procedural requirements, the effectiveness of this new legislation will only be determined once it is put into practice.



Cari Potts is an associate at Myers, Widders, Gibson, Jones & Feingold, L.L.P. in Ventura.

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Cover Story

AND THE ACADEMY AWARD GOES TO...

by *Rabiah Rahman*

“Mighty Times: The Children’s March” tells the little-known story of the children of the Civil Rights Movement. During a time when resistance was futile, over a thousand children chose to march in Birmingham, Alabama for desegregation and equal rights. As the associate producer, **Andrew Ellison** had the unique opportunity to see history come alive before his eyes during the creation of the film.

Born and raised in Ojai, Ellison always had an interest in the entertainment industry. After graduating from Villanova Preparatory High School, he attended Northwestern University in Chicago. Ellison was a little apprehensive about the marketability of a degree in film production, and therefore, he decided to double-major in Political Science and Economics.

While an undergraduate at Northwestern, Ellison’s passion for social justice was ignited. He was selected to spend a term in Northern Ireland with a non-governmental organization that worked in de facto segregated Protestant and Catholic schools, to produce a program designed to promote peace and reconciliation. Based out of Derry, Northern Ireland, Ellison’s team worked with students on both sides of the Foyle River. The Foyle River historically segregated the Protestants from Catholics in Derry, and it was not unheard of for people to live their entire lives without crossing over. “The strategy was to invite kids to break the cycle of hate and otherness and bring them into fun social settings where they could interact with kids from the other

side on neutral terms. During the semester we cultivated a group of kids that we were eventually able to bring to England for an immersive week of summer camp.”

Shortly after graduating from college, Ellison obtained an entry-level job with a documentary production company called Tell the Truth Pictures, based in his hometown. He started as an assistant but quickly proved his value by taking on important roles and completing challenging assignments. The production company had already produced an Oscar-nominated documentary based on the life of Rosa Parks. Ellison was eager to jump in and help produce the follow-up civil rights documentary chronicling the 1963 children’s march..

Ellison had been a student of the Civil Rights Movement and admired Dr. Martin Luther King, Jr., but taking California crews into the Deep South was an unexpected cultural and learning experience. The project reminded him how close in time we still are to such a tragic part of our Nation’s history. Ellison had the unique opportunity to see history come alive before his very own eyes. “Working with individuals who helped fundamentally change our country reminded me how close we were in the context of history to this horrible period in time, how far we have come, and how far we still have to go.” This film’s production gave him an opportunity to dig a lot deeper into the movement’s leadership and the different challenges involved in each of the Civil Rights campaigns in Alabama, from Montgomery, to Birmingham, to Selma.

Ellison understood the significance of telling this unknown story of the Civil Rights Movement and the importance of telling it with integrity. “We knew that the story was so powerful, and the opportunity so special, that we’d be doing a tremendous disservice if we didn’t communicate it effectively. We owed it to those people who deserved to finally have their story told, and we owed it to the kids all over the world who would be empowered by learning the history.”

“Mighty Times: The Children’s March” won the Academy Award for Documentary Short in 2004, and continues to be distributed to classrooms all over the world through Teaching Tolerance, a subsidiary of the Southern Poverty Law Center, a non-profit that is dedicated to fighting hate through education.

Ellison was fascinated by the achievements made through the courts codifying the victories achieved by activists in the streets. When he completed the film, he decided to get more directly involved with the legal system. Ellison went on to graduate from Sandra Day O’Connor School of Law at Arizona State University. He is an associate at Strauss & Palay, APC and focuses his practice in the area of employment and labor law. He now has the opportunity to represent individuals who are being taken advantage of by unfair labor practices, who are not receiving the benefit of the bargain that the system purports to offer. “The social justice aspect of our day to day work is immensely rewarding. It’s a special privilege to be able to enforce workers’ rights.”

Ellison spends his free time at home with his wife and two young children. He also enjoys playing tennis and riding long distances on his bicycle.



Rabiah Rahman is an associate attorney at Strauss & Palay, APC.

EAR TO THE WALL



The Law Office of Ben Schuck & Katherine Becker, LLP is pleased to announce that local attorney **Rennee R. Dehesa** has joined their firm. As of Jan. 1, the firm will be known as Schuck, Becker & Dehesa, LLP. The firm handles estate planning, probate, trust administration, conservatorship, business, real estate, and bankruptcy matters. It is located at 120 North 10th Street in Santa Paula. Please visit www.venturaestatelegal.com for more information.

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NEW REVISED AND MANDATORY OFFICIAL BANKRUPTCY FORMS

by Michael R. Sment

The United States Bankruptcy Court for the Central District of California has approved revisions to the Official Bankruptcy Forms. The new revised forms are “mandatory” for most cases effective Dec. 1, 2015. The old forms will be replaced.

The new official forms appear on the court’s website at www.cacb.uscourts.gov/form-changes-2015. Available information includes a video overview of the forms, a forms numbering conversion chart, redline revisions to the Court Manual (section 2) for new case commencement requirements, updated petition packages for commencing new cases, instructions for forms, and a link to the U.S. Courts website for additional information.

The public and practitioners have been warned that, **“The Bankruptcy Court will issue deficiency notices, starting Dec. 1, 2015, if older outdated Official Forms are filed on or after Dec. 1, 2015.”**

All but six of the existing official forms are being replaced by modernized versions, and the U.S. Courts have announced that these other six forms (20A, 20B, 25A, 25B, 25C and 26) will be revised “in 2016 or later.”

Some of the revised Official Forms include: Voluntary Petitions, plus new Exhibits A-D; Petition for Recognition of Foreign Proceeding; Summary of Assets and Liabilities; new Schedules A/B, E/F and J-2; Schedules I and J for “your” income and expenses; among many others. Other official forms have also been re-designated as “Director’s Bankruptcy Forms” or “Director’s Procedural Forms.” These forms are issued by the Director of the Administrative Office of Courts, “as an accommodation for the courts and the parties.” Virtually all of the Director’s Forms will be replaced by updated and renumbered versions along with some new forms that have been recommended. The procedural forms “may be altered as needed and their use is not mandatory, unless required by local rule.” The Director’s Forms include: Orders in Ch. 11 Plan cases, Discharge Notices, Notice Required by 11 U.S.C. section 342(b), various Orders, Summons, Subpoenas, General and Special Powers of Attorney.

Official Forms have been revised to make them “easier to read, and as a result, likely to generate more complete and accurate responses. Many of the open-ended questions and multiple-part instructions have been replaced with more specific questions.”

To further assist debtors and counsel, the Bankruptcy Court has included the revised Official Forms and instructions in “Petition Packages” for use in filing Chapter Seven/Liquidation and Chapter Eleven/Reorganization Cases (Individual and Non-Individual Debtors) and Chapter Thirteen/Adjustment Cases (Individuals only.) No packages are available for Chapter Twelve/Family Farmer cases. The Court Manual for filings and proceedings has also been updated to reflect the revised and new Official Forms. Two new forms are the “Initial Statement About An Eviction Judgment Against You” (new Official Form 101A) and the “Statement About Payment of An Eviction Judgment Against You” (new Official Form 101B). These replace the prior “Certification by a Debtor Who Resides As A Tenant of Residential Property,” and apply only in individual cases. Form 101A must be completed if a debtor wishes to stay in their residence for 30 days after filing a bankruptcy petition, and it specifies when a debtor-tenant subject to eviction may remain in a residence after filing a bankruptcy case. Debtors must certify that they have paid their 30 days’ rent to the court. Form 101B must be filed and served if the debtor wishes to stay in a residence for more than 30 days after filing.

Questions about the revised or new Official Forms may be directed to the Bankruptcy Court at ECF_Support@cacb.uscourts.gov.

Separate from the forms revisions, the Bankruptcy Court announced that effective Oct. 23, all checks accepted at the Los Angeles Division of the court will be processed as electronic funds transfers. Any check submitted, by mail or at intake, will be scanned and converted into an electronic funds transfer, and “the check amount will be **immediately** debited from the account identified on the check.” Scanned checks will then be shredded. This new check process is intended to result in improved efficiency and cost savings for the court. (Presumably, this process, after being implemented in Los Angeles, will be used in the court’s other divisions also.)

More bankruptcy changes can be expected in 2016, as the U.S. Courts and U.S. Bankruptcy Court continue to change, simplify and modernize their electronic systems and processes.



Michael R. Sment is a regular contributor to *CITATIONS*, and a longstanding member of its Editorial Board. He handles bankruptcy, bankruptcy mediation and real estate matters from his office in Ventura.

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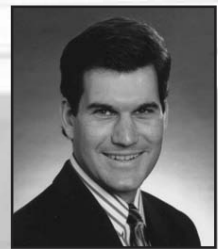
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SPOTLIGHT

by Bill Paterson

In 2001, the Boston *Globe* was covering the prosecution of a local priest accused of sexually abusing children. The paper's new editor thinks there may be more to the story and asks the *Globe's* investigative reporting crew (the "Spotlight" team) to dig deeper. Through patient and persistent footwork, they discover that over many years, thirteen priests have been suspected of molesting children. That leads to an obvious question – has there been a cover up by the Boston Archdiocese? The Spotlight Team's search for the answer earned them a Pulitzer Prize and makes for one of the most compelling stories of the year.

Where do they start? For years, the Archdiocese has taken great pains to conceal the truth. As with many organizations caught up in scandal, justice for the victims too frequently takes a back seat to protecting the reputation of the institution. It was no different in Boston. Victims' families were bought off with confidential settlements that left no paper trail, and the priests involved were either moved to other parishes where they could continue to prey on children or to Church "recovery centers."

As the Spotlight team soon discovers, neither the Archdiocese nor Boston's political establishment are interested in "raking up the past." Pursuing the story will be a risky journalistic endeavor. It will require a significant investment in time and money; the backlash from Boston's large Catholic population could cut into both circulation and advertising revenue; and there is no guarantee that they won't come up empty-handed at the end. But the editor gives them the green light, and their long investigation ultimately uncovers a systemic pattern of abuse and concealment involving almost 90 priests.

Spotlight has all the elements of a top-notch police procedural. But instead of detectives piecing together a crime, we get a bird's eye view of the painstaking day-to-day work of investigative reporters. Their first task is how to locate the victims years after the fact. Once the team finds them, how do they build a bridge of trust so that these now-grown men will be willing to go public with traumatic memories they have spent years trying to bury? Doors are slammed in

Continued next page

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the team's faces; public records are virtually non-existent and various community movers and shakers pressure the team to let "sleeping dogs lie." Undeterred, they forge ahead, but the investigation is losing traction until a lawyer with a cause, a victim's rights advocate, and an ex-priest who has spent years investigating the issue provide the keys to break the conspiracy of silence.

The ensemble cast (Michael Keaton, Liv Schreiber, Mark Ruffalo, Rachel McAdams and Stanley Tucci) is of the first order, and the performances run the gamut from the sphinxlike Schreiber as editor Marty Baron, to the adrenalin-fueled Russo as reporter Michael Rezendez, and Tucci as an irascible and monomaniacal attorney determined to obtain justice for his clients. Equally impressive is the care given to the secondary roles. There is a painfully awkward gay man whose insecurities are palpable. When he is finally persuaded to tell his story, we understand why young children were so susceptible to clerical predators. On the other side of the divide is an elderly priest who tries to minimize his conduct by telling the reporter that he never "raped" a child. It is a pathetic rationalization from a hapless old man who has blinded himself to the moral consequences that wrecked young lives. These performances are achingly real.

Then there is what the film does not do. Given the subject matter, *Spotlight* could have easily given into the temptation of histrionic overkill. It rigorously resists that temptation and tells a straightforward story that never strikes a false note. It is hands down one of the best films of the year.

Final Note - When the film ends, do not leave your seat until the credits unroll. They contain some startling information.

DVD - For a portrait of Catholic priests who were the epitome of selflessness and devotion you cannot do better than *Of Gods and Men*. For years, these monks lived in harmony with their Muslim neighbors, but all of that changed when war swept across Algeria. *Of Gods and Men* is based on a true story and is a resonant portrayal of monastic life and a tribute to a group of men who lived up to the best principals of their religious calling.

Bill Paterson is a retired attorney, formerly a partner at Ferguson Case Orr Paterson LLP in Ventura.

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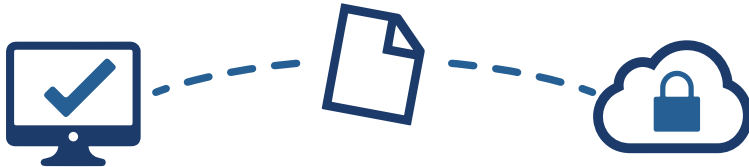
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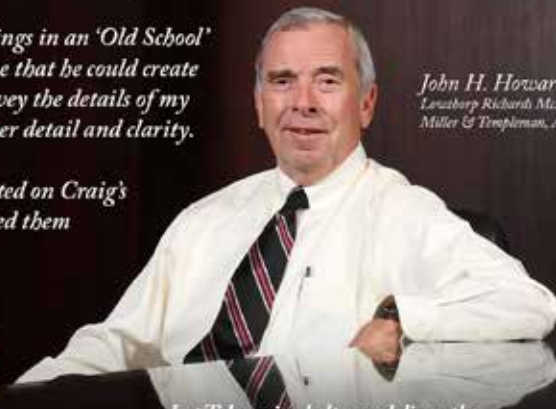
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*John H. Howard
Lawson, Richard, McMillan
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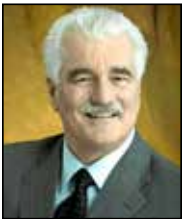
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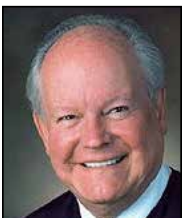
by Steve Henderson, Executive Director, M.A., CAE



On Dec. 4, A to Z Law Partner **Dennis LaRoche** (Bar President in 1993)



received the Civility Award from the California Coast Chapter of the American Board of Trial Advocates (ABOTA) at the organization's holiday dinner meeting at the Santa Barbara Biltmore. Ventura County Superior Court **Judge Fred Bysshe** presented the award to LaRoche. The Civility Award is regarded as one of the top honors that can be bestowed upon a member of ABOTA because it demonstrates that the recipient has achieved a high degree of respect among his or her peers for professionalism, honesty and integrity... Care to view the Ventura Superior Court Local Rules effective Jan. 1. www.ventura.courts.ca.gov/localrules.html...



A very nice tidbit from a past bar president letting me know that the Court of Appeal opinion that skewers the NCAA in the Reggie Bush-USC sanctioning affair was written by a former Ventura Superior Court judge, now on the Court of Appeal, Second District, Division Three, the **Hon. Richard Aldrich**. www.usatoday.com/story/sports/ncaaff/2015/12/07...Quote of the Month: "You think your average juror is King Solomon? No, he's a roofer with a mortgage. He wants to go home and sit in his Barcalounger and let the cable

TV wash over him. And this man doesn't give a single, solitary droplet of shit about truth, justice or your American way." Jury consultant Rankin Fitch (Gene Hackman) in *Runaway Jury* (2003)...

On Dec. 1, **Justice Steven Perren** swore-in 25 new admittees in a ceremony held in Court Room #22. Ten women and thirteen guys. More than half looking for work. Representing the Bar Association:



Charmaine Buehner, Melanie Ely, Kathryn Hause, Katie Clunen and Kathleen Smith... *Sacramento Bee* columnist Dan Walters writes compellingly about the continuing slugfest between the Judicial Council (San Francisco based administrative super structure) and hundreds of rebellious local judges. "This is a genuine administrative and financial chaos, and the longer it remains unresolved, the more the court systems' vital functions suffer." sacbee.com—Nov. 26...

Welcome new officers and directors of your Ventura County Bar Association: **Charmaine Buehner**, president; **Erik Feingold**, vice-president; **Mark Kirwin**, secretary-treasurer and board members, **Lane Lopez, Jacquelyn Ruffin, Kevin Staker** and **Kathleen Smith**. Their first official actions will be our regular monthly board meeting Jan. 13...Second Quote of the Month: "There ought to be a law against a laser pointer at an aircraft. In fact, there is, and it's designed for knuckleheads like him." From Ninth Circuit Judge Barry Silverman, explaining that the defendant violated a federal statute that makes it illegal to knowingly aim the beam of a laser pointer at an aircraft...

Take advantage of this very special event (you A-G lawyers) being sponsored by the

Barristers and scheduled for Saturday, Jan. 16, at the County Government Center. Six CLEs including Competence (formerly Substance Abuse), Bias and Ethics. Barristers: \$50. VCBA Members: \$75. All others: \$100. Contact bar@vcba.org or Nadia Avila at 650.7599...Since no Division I school offered him a football scholarship (Illinois offered him a walk-on opportunity), the five foot, ten inch, 165 pound QB considered going to law school before attending a small JC, Butte College, in Butte County, California. This quarterback was not even scouted by UC Berkeley, where he became a starter. His name? Aaron Rodgers... A North Dakota judge returned to work after a two-month leave of absence when a sports injury eliminated much of his vision in both eyes. "I knew right away it was bad – boom, lights out right away," said Fargo District Judge John Irby. A freak basketball injury that eliminated his vision in his right eye and reduced vision in his left eye occurred when he was playing a lunchtime game. As the judge and another player went for the ball at the same time, the other player's hand hit Irby's right eye, rupturing it. The basketball hit his left eye, detaching the retina...

Steve Henderson has been the executive director and chief executive officer of the bar association and its affiliated organizations since 1990. His friends and mentors, Odell Beckham and Steve Harvey, visited him Dec. 21 for some advice. Henderson may be reached at steve@vcba.org, FB, LinkedIn, Instagram at [steve_hendo](https://www.instagram.com/steve_hendo), Twitter at [steve/hendo1](https://twitter.com/hendo1) or better yet, 650.7599.

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