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VENTURA COUNTY'S TOP COP

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PRESIDENT'S COLUMN

A PRESIDENT'S LAST MESSAGE: BON VOYAGE!

by Charmaine H. Buehner



Charmaine and James Buehner, Chesapeake Bay, Maryland, Aug. 2000

During my first year in law school in Washington, DC, James and I acquired a solid, albeit slightly run-down, 40-foot sailboat named "Angel" and slipped her at Gangplank Marina in Southeast DC, where we became fulltime liveaboards. Angel combined our need for an economical living situation with one of our then-favorite past times. Like my term as your VCBA president, our time as liveaboards lasted about a year.

I have great memories of living on Angel: morning coffee on the deck in the spring surrounded by ducks swimming through a



Angel in ice (3rd from left), Potomac River, Washington DC, Feb. 2000

blanket of cherry blossoms from the tidal basin, the quiet clanging of the halyard on the mast as Angel rocked us to sleep at night, Thanksgiving with Cornish game hens (the only size bird that would fit in our tiny oven) and, in general, learning to gracefully and kindly negotiate a 13'6" x 40-foot living space with my beloved. There were also challenges: waking early to chip a buffer of water between our fiberglass hull and shards of freshly frozen-over Potomac ice; learning to cook a meal, do the dishes and take two showers on six gallons of hot water; being a little cold, damp and smelling a bit like diesel fuel all the time; and gaining first-hand bosun's chair experience during a windstorm. We ended the year by selling Angel to an experienced sailing couple who fully restored and sailed her to New Zealand.

My year as your bar president is also rich with good memories. And, though there were challenges, it was nowhere as challenging as living on Angel, thanks to the hard work of VCBA's staff, including **Nadia Avila** and **Sandra Rubio**, the VCBA Board and other dedicated volunteers. I also had the pleasure of serving with an excellent executive committee: past-president **Bill Grewe**, president-elect **Erik Feingold**, secretary-treasurer **Mark Kirwin** and your CEO **Steve Henderson**.

The executive committee worked through some challenging budget issues, worked to restructure the relationship between Ventura County Legal Aid and VCBA in effort to make both organizations stronger, and implemented a number of strategies to increase the Bar's revenue and increase and add value to our membership.

Several people were key to implementing the goals set by the executive committee. Throughout the year, the board held a series of successful membership drives, ably led by VCBA's membership committee chairs, **Josh Hopstone** and VCBA's incoming secretary-treasurer, **Doug Goldwater**. Each of these campaigns involved a substantial amount of work, which demands were met by an enthusiastic VCBA board and Bar staff. The Law Day 5K saw one of its most successful years, thanks to the tireless efforts of long-time committee chair **Joe Strohman**. As part of the effort to separate VCBA from VCLA in order for VCLA to seek grant funding, **Kevin Staker** graciously agreed to serve as VCLA's president in 2016, rather than having me serve as president of both organizations simultaneously, and he did a bang-up job. Also deserving of kudos is a special crew of people who helped to put on a fantastic Annual Dinner, notably **Amy Dilbeck-Kiesewetter**, **Tom Hutchinson**, **Don Hurley**, **Jaelyn Smith**, **Staker**, **Avila**, **Rubio** and **Henderson**.

One of the things I most enjoyed throughout the year was learning and writing about VCBA's terrific sections, affiliates and programs and the dedicated people who are responsible for running them, including **Dean Hazard**, **Mike Strauss**, **Linda Ash**, **Jacquelyn Ruffin**, **Lou Vigorita**, **Katie Clunen**, **Melanie Ely**, **Kate Neiswender**, **Cari Ann Potts**, **Marc Anderson**, **Amber Rodriguez**, **Heather Kadeg**, **Diana Mueller**, **Mae Brooks** and **Wendy Lascher**. These programs and groups are excellent, and your participation in them adds tremendous value to your Bar membership. I encourage you to make the most of your membership and get involved in one of the Bar's excellent

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VENTURA COUNTY'S TOP COP

by Rabiah Rahman



Ventura County's top cop starts his day like the rest of us. Waking up at 5:30 a.m., making a stop at Starbucks for his morning cup of coffee and, when he has a little extra time, he will go for a swim or quick fly fishing session. Along with hundreds of other county employees, he heads to the Ventura County Government Center. That may be where most similarities end.

As the Sheriff of Ventura County, Geoff Dean is responsible for managing a \$285 million budget and overseeing a staff of approximately 1,200, including more than 700 sworn deputies. Ventura County covers approximately 1,882 square miles, with a population of around 750,000 people. The Sheriff's Department serves the County's unincorporated areas, and has contracts with Thousand Oaks, Camarillo, Moorpark, Fillmore, and Ojai to provide police services. The Sheriff manages the County Jail and provides deputized bailiffs to protect our County courtrooms.

A young Dean could not have foreseen his future as an elected official, nor could he have foreseen a future in law enforcement. He grew up in the San Fernando Valley in a working class neighborhood. His father was absent from his life and his single mother was a secretary. From an early age, Dean observed his mother's strong work ethic and saw hard work pay off when she managed to save enough money to move them to Simi Valley for better schools and opportunities.

Dean was always a good swimmer. When he was thirteen, he signed up to participate in the Amateur Athletic Union's swim

team in Simi Valley. His swim coach, Walt Noisette, took him under his wing and stepped in as the positive male role model in his life. Walt showed him what it meant to be a good person. He inspired him to work hard and to live up to his potential. It was a personal loss for Dean when Walt passed away last year.

While in high school, Dean volunteered with the Simi Valley Police Department through their law enforcement explorer scout program. This experience sparked his interest in law enforcement as a career option. After high school, however, he attended Ventura and Moorpark Community Colleges and joined their swim and water polo teams. Education was not his primary focus, so he took a few classes in general education before teetering off and pursuing a cosmetology license. In fact, Dean completed cosmetology school and worked at a salon cutting hair for three years before deciding to reevaluate his career prospects.

The Sheriff enjoyed cutting hair and has fond memories of his experience working in the salon, but he knew his heart was never in it. He had a lingering interest in law enforcement, so when he caught wind that the Ventura County Sheriff's Department was hiring new recruits, he jumped at the chance to apply. Dean became a sworn deputy with the Ventura County Sheriff's Department at the age of 21.

Dean went on to complete his bachelor's degree from the University of Redlands and master's degrees from California

State University, Northridge in Public Administration and Cal Poly Pomona in Management. Dean's drive to better himself and his community serves as an inspiration to the community, and perhaps more relevant, to the entire Sheriff's Department. "I think the Sheriff's positive approach to pursuing his goals and the goals of the Sheriff's Office are somewhat contagious in that it spreads to those who meet him and work with him and for him. For most of us, if we can learn to keep our focus on how we'd like things to be and keep working toward that end, no matter the obstacles, I think we'll find more success and satisfaction in what we do," said Rick Shimmel, Executive Director of the Ventura County Deputy Sheriff's Association.

Running for Sheriff was admittedly one of the most challenging periods of Dean's life. When faced with the decision to run for Sheriff or retire, he chose to run. He was motivated by his love for the county and his commitment to public service. "I care about the people. I want to make sure people feel safe where they live, safe leaving their homes and walking down their streets," says Dean.

Even though the political process was less than ideal, his light-hearted and positive disposition remained intact. "Sheriff Dean is amazing. He always puts his best foot forward with a calm demeanor and great attitude," said Angela Daniel-Gibson, Assistant to the Sheriff. Therefore, it was no surprise when he quickly garnered the support of the Ventura County Deputy

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VENTURA COUNTY'S TOP COP

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Sheriff's Association in his bid for Sheriff. "The Sheriff is a friendly and outgoing person and probably knows most of his employees by name. He doesn't just sit in his office. He takes a personal interest in how people are doing and is always among the first to show up and offer support," added Shimmel.

The Sheriff is always looking for ways to grow and to be better, and he places a strong emphasis on life experiences. "Work will always be there. We are what we experience." Dean loves to hire deputies with a little more life experience under their belts. "Life experiences help to bring a different level of compassion and knowledge to the job," said Dean. "They bring a different perspective, so [deputies] can relate to inmates in the jail having a crisis," he added. Dean also reaches out to the community and strives to encourage county residents to be active participants in maintaining the peace. "[Dean] is a tremendous believer in community policing and involving residents in developing a dialogue with the Sheriff's Office to engage them in keeping

their own community safe. [H]e very much supports a method that looks at the root causes of why people are offending in the first place," says **Michael Powers**, Ventura County Executive Officer.

Dean does not take his health for granted. In 2013, while on a business trip to Sacramento, Dean suffered a heart attack. Not even a heart attack could keep him from the job for more than a week. His mantra is, "No whining!" He has a difficult time tolerating excuses. He believes leaders should be decisive and not afraid to "get in the batter's box and swing." Leaders need to try new things and not be governed by a fear of failure. In fact, one of his biggest regrets is not pursuing higher education at a younger age. He feared he would not be a successful college student, so he did not try. Looking back, he would tell an 18-year-old Dean to not be so afraid to fail, to at least try.

Dean loves to laugh. He strives to create a light-hearted environment to help deal with the harsh realities his department faces on a day-to-day basis. "By nature, I think

the Sheriff is a positive and inspirational person. He is a realist, and people genuinely appreciate that," said Shimmel. This about a guy whose biggest goal as a kid was to just stay out of trouble.

"What's amazing about [Dean] is his broad definition of public safety. He is one thousand percent personally and professionally committed to ensuring the safety of our community. As a citizen of this County, frankly, it is very reassuring," said Powers.

Dean has been married to his wife, Marlene, for 29 years. Together, they have two children. Lindsey is an attorney in Chicago, IL, and Andy works in sales and lives in Hermosa Beach, CA.



***Rabiab Rahman** is an associate at Strauss & Strauss, APC and a member of the Citations Editorial Board.*

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PRESIDENT'S COLUMN

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programs. Enroll yourself as an attorney with the LRIS, sign up to be an arbitrator with the Bar's fee arbitration program, or join a board or committee, such as the Citations Editorial Board or the Judicial Evaluations Committee. Your membership will be greatly enhanced by the effort you put into it.

Finally, thank you to the 88 volunteers who made the opening and continued operation of VCLA's Free Legal Clinic possible. And, special thanks to the committee who helped get the clinic off the ground, most of whom continue to volunteer at the clinic: Kirwin, **Oliver Hess**, Feingold, **Alfonso Martinez**, **Jodi Prior**, **Kata Kim**, **Jaclyn Smith**, **James Buehner**, Clunen, **Laura Bartels**, Ely, **Rod Kodman**, **Dolly Knight**, **Gabriella Navarro-Busch** and **Maria Valencia**. To date, the clinic has advised 299 clients. I look forward to continuing this good work with all of you as next year's VCLA president and past-president of VCBA. Thinking of volunteering? Sign up at vcleralaid.org.

When our year as liveboards ended, James and I were happy to move back to dry land, though we were also a bit sad to see Angel go. We take solace knowing that she is with experienced sailors who have taken her on what we hope have been great adventures. I feel much the same about wrapping up my year as VCBA President and know the bar will be in good hands under the leadership of incoming President Feingold. Thank you for the memories, good luck Erik and bon voyage!



Charmaine H. Buehner is a Senior Civil Attorney with the Ventura County Counsel's office. This month, she looks forward to testing for her black belt in Taekwondo with her children, Nathan and

Avery, and to celebrating the holidays with her family, staycation style. You can reach her at charmaine.buehner@ventura.org.

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MAJOR CHANGES FOR MEDI-CAL ESTATE RECOVERY

by Stephen M. Wood



Federal law requires that states recover Medicaid (Medi-Cal in California) benefits paid to an individual for nursing home care. After a Medi-Cal recipient dies, recovery occurs against assets owned by the recipient at their death. An asset that is frequently used to pay back Medi-Cal is the recipient's home, which is not counted for eligibility purposes during the recipient's lifetime.

For example, Fred is single and the only assets that he has are his bank account with under \$2,000 in cash and his home, which he owns outright. If Fred goes into a skilled nursing facility, Medi-Cal will pay for his monthly bill. When Fred dies, Medi-Cal will seek reimbursement for everything it paid to Fred while he was in the nursing facility. If the amount of recovery is \$100,000 then Fred's home will have to be sold to pay back the recovery amount if Fred's heirs can't otherwise come up with the \$100,000.

In 1993, California adopted optional expanded recovery provisions under federal law. Among other things, expanded recovery requires the state to recover Medi-Cal benefits paid for all health services to an individual over the age of 55. Accordingly, if Fred is over 55 and receiving Medi-Cal for doctor's visits, hospital stays and other health services, Medi-Cal will recover against Fred's assets upon his death for all

of the health services Fred received while on Medi-Cal.

Medi-Cal will waive its recovery claim if certain exemptions apply or if there is nothing left in the recipient's name upon death. Since most Medi-Cal recipients have nothing but a home, recovery can be avoided if the home is transferred out of the recipient's name during their lifetime. Despite avoiding recovery, this may have adverse tax consequences and will make the house vulnerable to the new owner's creditors. Currently, advanced strategies may be employed to avoid these problems as well as the Medi-Cal recovery claim. However, newly adopted laws will make it easier than ever to avoid recovery.

This year, Governor Brown signed SB 833, which will significantly change Medi-Cal estate recovery laws beginning Jan. 1. The new law essentially limits estate recovery to the bare minimum required by federal law and will apply to Medi-Cal recipients who die after Jan. 1, 2017.

Some of the key changes brought about by SB 833 include:

I. The state cannot recover when there is a surviving spouse or surviving registered domestic partner

Current Law: When a Medi-Cal recipient dies leaving a surviving spouse or registered

domestic partner, the state will seek recovery but wait until the surviving spouse dies to enforce their claim.

SB 833: The state's recovery claim will be waived indefinitely when there is a surviving spouse or registered domestic partner. If a Medi-Cal recipient dies prior to 2017, leaving a surviving spouse, it is unclear whether there will be recovery once the surviving spouse dies. Of course, if the surviving spouse was also on Medi-Cal, then there may be recovery at least for the benefits the spouse received.

II. Recovery is limited for Medi-Cal recipients 55 years of age or older to nursing home and home- and community-based services

Current Law: The amount of recovery is equal to the payments received for all health care services by a Medi-Cal recipient over the age of 55.

SB 833: Only benefits paid out for nursing facility services, home- and community-based services, and related hospital and prescription drug services are recoverable when a Medi-Cal recipient is over the age of 55.

III. Only assets that go through probate will be recoverable

Current Law: Upon a Medi-Cal recipient's death, the state is required to recover against all property in which the recipient had any legal title or interest. This includes assets passing through probate and assets conveyed through non-probate methods.

SB 833: Limits recovery to the Medi-Cal recipient's probate estate. This is a big change! There will be no recovery against out-of-probate transfers such as assets transferring through a revocable living trust or joint tenancy with right of survivorship. Thus, in order to avoid recovery, a Medi-Cal recipient's assets need to transfer to their heirs through non-probate methods.

There are some unresolved issues with this provision that have yet to be clarified. For example, it is unclear whether a Probate

Code section 13100 small estate affidavit transfer or if a Heggstad petition under Probate Code section 850 to transfer property to a trust without a probate will avoid estate recovery.

IV. Waiver of recovery claim for “homestead of modest value”

Current Law: There is no waiver of claim for a homestead of modest value.

SB 833: The state will waive recovery on a “homestead of modest value,” which the new law defines as a home whose fair market value is 50 percent or less than the average price of homes in the county where the homestead is located, as of the date of decedent’s death. “Fair market value” would generally mean minus encumbrances. A methodology for determining the average price of homes in a county should be put in place by Jan. 1.

Under the new laws, Medi-Cal recovery will probably occur much less frequently than before, but planning to avoid recovery is still essential. If you have a client who is on Medi-Cal, be sure to determine whether the benefits they receive will be recoverable and if the client’s assets will be vulnerable to recovery. By planning ahead, you could save your client’s estate from a hefty recovery claim. For those who want more information on the new changes and to see the text of the new law, visit goo.gl/5wQi1i (please note that this web address is case sensitive).



Stephen M. Wood is an attorney at Cunningham Legal in Camarillo, where he handles estate planning, trust administration, elder law, and probate matters.

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by Lauren E. Sims

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Lauren E. Sims is an associate at Ferguson Case Orr Paterson LLP.

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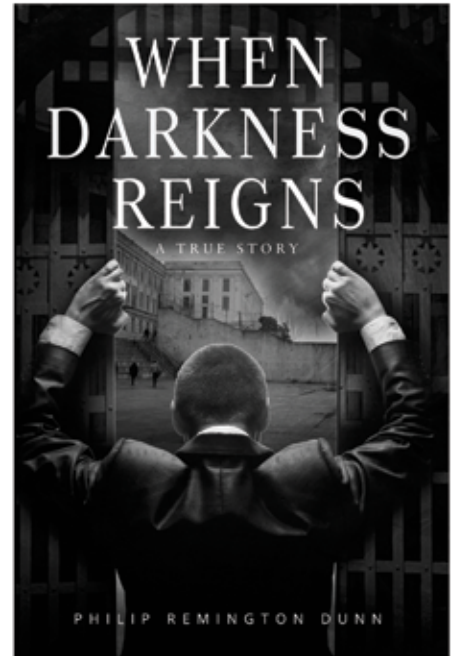
Dear colleagues in the Ventura County Bar Association,

It has taken me sixteen years, but I have finally completed my opus and feel the time is right to release it into the literary world. Representing an innocent man is the scariest moment in my profession and when that man had been sentenced to forty-four to life in prison for a murder he didn't do, the intensity was off the charts. Thankfully I had help from our District Attorney's office, local law enforcement, and another defense attorney who is now a judge. "When Darkness Reigns" is a complete expose on a criminal justice system run amok. From the streets of the Colonia in Oxnard California, to Pelican Bay State Prison, to the Hall of Justice in Santa Barbara this book covers it all. It is now available through Amazon / Kindle . I would be honored if you gave it a read.

All the best,
 Phil

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When I was considering applying to law school, **Bill Fairfield** took me to lunch at Eric Ericsson's on the Ventura Pier. Bill told me that he loved being a lawyer, but that the law was a "jealous mistress." When you accepted somebody as a client, you assumed responsibility for their well-being. He explained that you could always work more or think about a problem. And, if you really cared, you could not leave work at the office. I decided to go to law school anyway. Before he passed away on July 25, I told Bill that his advice was spot on. He smiled and said, "But you are still glad you went, aren't you?"

To his clients, Bill was more than a lawyer. He was a counselor, a mentor, and a trusted friend. While he specialized in estate planning, he counseled clients on a wide range of issues. If a client had a problem, Bill would try to solve it. He loved to give advice. Bill often represented multiple generations of families. As his clients aged, he attended – and officiated – more funerals than he cared to admit. Even when he was very weak in his final days, he was intent on getting to the office to make sure that his clients were taken care of.

Bill's legacy extends far beyond the law. He was a mentor to many young men and women, several of whom are now accomplished attorneys in Ventura County. At his memorial service, several people spoke about how Bill gave them guidance and support at critical points in their lives. He understood that the most important part of giving advice is to listen to the person who needs it.

BILL FAIRFIELD: A REMEMBRANCE

by Michael Velthoen

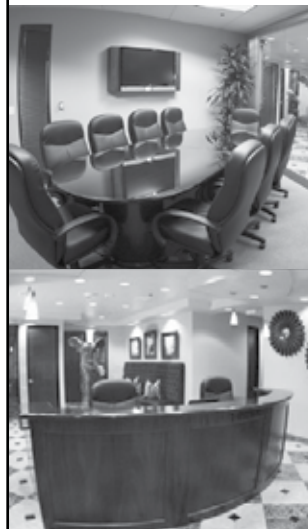
Bill was surprised to live into his 70s. He had a major heart attack at age 40 that required triple bypass surgery. Bill always said that he was just happy to be alive. Thinking he was short on time, Bill did not waste any. He traveled frequently to Lanai and Costa Rica, where he had property. Bill skied and snowmobiled in Idaho. He fished with friends in Alaska and Baja. Bill became an accomplished photographer and maker of Bloody Marys. All of his activities had one common element – he liked to do them with other people.

His love of people is reflected by his family. The Fairfields are a rowdy bunch, full of energy and fun. They have strange nicknames for each other that do not seem to make any sense. His wife Donna always has a smile for you. And his kids, Stephanie, Mitch and Megan, exhibit the unique mix of irreverence and seriousness that Bill taught them.

Bill's friendships did not wane; they endured and grew. When my dad became ill and unable to get out of the house much, Bill stopped by my parents' home almost every day for a visit and a drink. Like Bill, my dad was a vigorous man. Age and health problems had taken their toll on both. But the two of them sat and reminisced about the adventures they had together and apart. And sometimes they were both quiet. During these visits, I got to see the depth of Bill's kindness and loyalty. I will always remember and appreciate him for those visits. And the advice he gave me 25 years ago.



Michael Velthoen is managing partner at Ferguson Case Orr Paterson. He handles employment and business litigation matters.



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APPELLATE COURT: TRUSTEES CAN'T ARBITRARILY WITHHOLD CHILD SUPPORT

by Maya Shulman

On Sept. 6, the Fourth District Court of Appeal ruling in *Pratt v. Ferguson* (2016) 3 Cal.App.5th 102 (“*Pratt*”) gave more muscle to support orders, holding a trustee for the parent owing the support can’t arbitrarily withhold monies from the trust estate. Specifically, the court found that a court may order payment of child support from the obligor’s share of a trust, regardless of any clause barring the trustee from making distributions subject to claims by the beneficiary’s creditors.

In this case, the trust contained a standard spendthrift clause, along with a “shutdown” clause, which read:

“All provisions for the payment of periodic installments of principal to any beneficiary shall become inoperative during any period when and to the extent that, if paid, they would become subject to the enforceable claims of creditors of the beneficiary.”

The court affirmed a 2004 holding of Division Six of the Second District Court of Appeal that, under Probate Code section 15305, subdivision (c), “A court may overcome the trustee’s discretion under the narrow circumstances present here: when there is an enforceable child support judgment that the trustee refuses to satisfy. Under these circumstances, the trial court may order the trustee to satisfy past due and ongoing support obligations directly from the trust.” (*Pratt, supra*, at p. 111, citing *Ventura County Dept. of Child Support Services v. Brown* (2004) 117 Cal.App.4th 114, 155.)

I anticipate that this ruling will have ripple effects far beyond cases that involve trusts and shutdown clauses, especially where the obligor uses other legal maneuvers (and not a spendthrift trust) to avoid paying support. *Pratt* may lead to other courts in other matters ordering the trustee to satisfy other judgments, not just probate and family court judgments, as long as the judgments themselves are valid within the context of that particular case. For example, courts may order trusts be used to satisfy attorney fee, PI and malpractice judgments. The more “creative” judgment debtors become,

the less tolerance the courts are likely to show.

What exactly is the significance of *Pratt*?

California law requires courts adhere to statewide uniform guidelines in setting child support orders, which are based on the current income of both parents, or, under appropriate circumstances, imputed income of one or both parents.

Family Code section 3900 codifies the general obligation of both parents to support their minor children in the manner suitable to the children’s circumstances. This general obligation is also reflected in the legislature’s statement of intent that, in implementing the child support guideline, courts shall adhere to the principles that a parent’s first and principal obligation is to support their minor children according to the parent’s circumstances and station in life; and that both parents are mutually responsible for the support of their children. (Fam. Code, § 4053, subds. (a) & (b); see also Hogoboom & King, Cal. Practice Guide: Family Law (The Rutter Group 2016) ¶ 6:137.)

Prior to *Pratt*, trustees commonly withheld distribution of income from a trust, or sometimes even the trust res itself, also known as the trust corpus. Such withholding may have occurred because the beneficiary exerted pressure on the trustee, in the case of a familial or familiar relationship between trustee and beneficiary; or because the trustee, in their discretion, did not feel support payments from the trust were warranted and felt the trustee’s duty is to preserve the trust solely for the benefit of the direct beneficiary.

Often, too, the settlor provided the trustee with authority to exercise their absolute discretion regarding claims for payment requested of the trust including, but not limited to, requests for the payment of past or even current ongoing child (and often spousal) support.

Section 15305 of the Probate Code changed California law. Code of Civil

Procedure section 709.010 formerly included a provision giving the court discretion to divide periodic payments from a trust (including a spendthrift trust) between the beneficiary and the person(s) entitled to child or spousal support from the beneficiary. The amount that could be applied to child or spousal support was limited to the amount that could have been applied to child or spousal support on a like amount of earnings. This provision has been removed from Code of Civil Procedure section 709.010, leaving Probate Code section 15305 to govern.

In *Pratt*, David Pratt obtained final orders requiring his ex-wife to pay child support and expenses. Ex-wife is the beneficiary of a trust established by her grandparents.

Pratt filed a petition to compel the trustee of the trust at issue to satisfy the orders from ex-wife’s share of the trust estate. The trial court denied the petition based on the shutdown clause previously cited, finding it prohibited the trustee from making certain distributions if they would become subject to ex-wife’s creditors claims (the shutdown clause).

After considering Probate Code section 15305 and the legislative intent behind it as well as out-of-state cases, the appellate court opined a beneficiary should not enjoy their trust benefits to the detriment of their dependents. Finding the trial court’s failure to exercise discretion is itself an abuse of discretion, *Pratt* essentially held a trustee may not exercise their discretion to avoid trust distributions if improperly motivated to prevent the estate from being used to satisfy child support obligations.



Maya Shulman is principal of the Shulman Family Law Group of Calabasas, and is an expert in interstate and international divorce and custody cases and interstate adoptions. She can be reached at mshulman@sflg.us.



2016 VENTURA COUNTY BAR



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December Question of the Month:

How do you expect the results of the presidential election to affect your practice in the next year?

November Question of the Month:

July bar exam results will be released Nov. 18. What advice do you have for new admittees?

Top Answer:

Get involved with our legal community as quickly as possible. Don't be afraid to ask for help, there are many great attorneys in our community who are more than willing to help.

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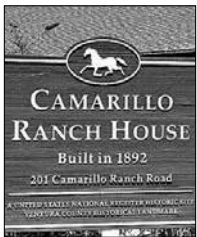
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Exec's Dot...Dot...Dot...

by Steve Henderson, M.A., CAE



Over 250 folks attended the Bar's Annual Installation and Awards Dinner Nov. 19 inside the Mandalay Bay Resort. Special warm kudos for President **Charmaine Buehner**, **Amy Keisewetter**, **Jaclyn Smith**, **Miles Lang**, **Laura Bartels**, **Sandra Rubio**, **Nadia Avila**, **JP McWaters**, **Craig Bates** and **Don Hurley**. Hugs to Justice **Steven Perren** and Judge **Brian Back** for their dignified and compelling moments on the podium. They remain easy on the ears of our membership. And lastly, thanks to **Don Greenberg** for his succinct, thoughtful and humble acceptance speech. Save the date: Nov. 17, 2017, at the Ranch House in Camarillo. Beware: it's a FRIDAY night!...



The VCBA Board of Directors Holiday Celebration is scheduled for Dec. 15 and hosted by President Buehner at Four Brix Winery in Ventura beginning at 5:30 p.m. Board members, spouses and significant others only...



A disbarred Ohio lawyer was sentenced on Nov. 21 to twelve years in prison based on allegations that he hypnotized clients for his sexual gratifications. Visiting Judge Patricia Cosgrove sentenced Michael Fine of Sheffield after one victim read a victim impact statement in court and two other victims' statements were read into the

record... **Lauren Wood** and **Earl Schumer** played at the LA Trial Lawyers Charities golf tournament at the El Caballero Country Club and later a tournament at the Glenn Annie GC in Goleta. Yes she did! Wood won the Longest Drive competition in both tournaments...



John Negley took a little excursion to Nepal in Nov. and climbed Mt. Everest. Interested? john@negleylaw.com or (805) 644-4222 .



Baby boy **Conner James Clunen** was anxious to join the world and was born three weeks early on Oct. 21 weighing in at 6 pounds, 8 ounces and stretching 19 inches. Momma **Katie Clunen**, with the Dion Law Group, doing very well with hubby Tim...



Quote of the Month—"We hang the petty thieves and appoint the great ones to public office."—Aesop...

During our recently-held Installation Gala, the 2017 Slate of Officers and Directors were approved on a motion by **Ron Harrington** and seconded by **David Shain**. It was unanimously approved of course, and our new board members are: **Marc Anderson**, **Juan Higuera**, **Rabiah Rahman** and Smith ... AND my apologies to **Lane Lopez**, a returning member of the board whose first name in the program was Jane. Obviously a typo, I missed it and the poor guy suffered teasing by the FCOP folks. And by the way, nice guy Lane never said a word about it to me... A Florida judge should not have barred a lawyer from arguing a summary judgment motion after his bathroom break made him late for the hearing, a state appeals court has ruled. Florida's Fourth District Court of Appeal ruled for lawyer Jeff Tom Berg of Boynton Beach Nov. 16. The court ruled that a Palm

Beach County judge abused his discretion when he refused to allow Tomberg to argue the motion and granted summary judgment to his opponent... Omnipresent Hurley, who assisted with the Ventura County Legal Aid, Inc. Silent Auction, came to the office right after our dinner and presented two bottles of sparkling wine each to Rubio and Avila for their assistance. Always a class act that huggable Hurley!



A federal magistrate in San Antonio delivered a message to new citizens at an induction ceremony Nov. 18. U.S. Magistrate Judge John Primomo said the new citizens have only one choice if they don't like President-Elect Donald Trump. "I can assure you that whether you voted for him or you did not vote for him, if you are a citizen of the United States, he is your president. He will be your president and if you do not like that, you need to go to another country." Primomo also criticized NFL players who kneel during the national anthem to protest brutality with this beauty, "I detest that, because you can protest things that happen in this country; you have every right to. You don't do that by offending national symbols like the national anthem and the flag of the United States."...

On a personal note, for those of you who endured an inedible entree during the annual dinner, and there were many, rest assured we will not be returning to that venue for any meal-related events. I fully recognize our membership does not go to our dinners for the food, but the servings were inexcusable and they got my money up front, including an unprecedented gratuity of 22 percent...

Steve Henderson has been the executive director and chief executive officer of the Bar Association and its affiliated organizations. He will be spending the holidays with Vin Scully, Kareem Abdul-Jabbar and Michael Jordan. He may be reached at steve@vcba.org, FB, LinkedIn, Twitter at [steve_hendo1](#), Instagram at [steve_hendo](#), Snapchat at [iamhendo1](#), or better yet, (805) 650-7599.

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October was a busy month: Patrick was diagnosed with diabetes, Kaylene joined the Army, and I went back to handling only criminal defense! Thank you for your continued support!



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