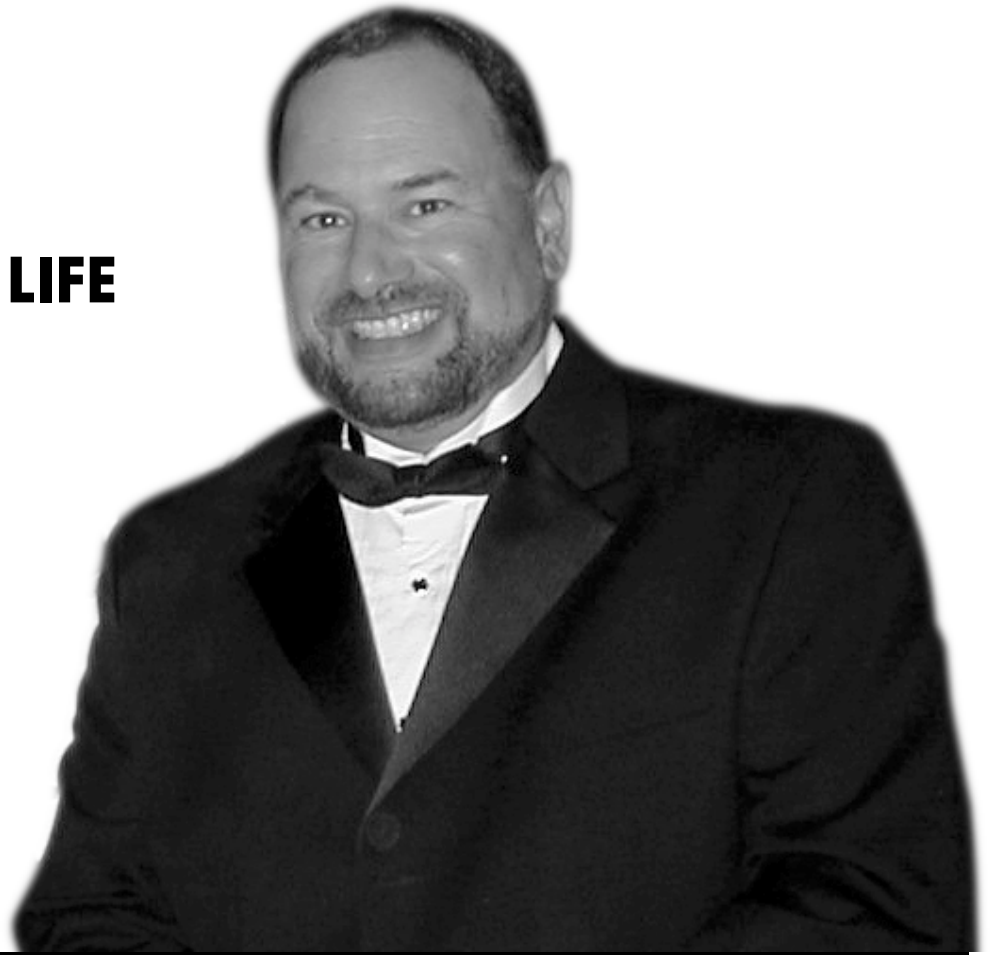


CITATIONS

PRESIDENT'S MESSAGE

THE SECRET OF LIFE

PHILIP G. PANITZ



PHILIP G. PANITZ

CLASS OF 2006

MELISSA HILL

LOUIS J. VIGORITA

STEVE HENDERSON

JAMES HEITING

<u>PRESIDENT'S MESSAGE – THE SECRET OF LIFE</u>	3
<u>VCL'S CIVIL PROCEDURE JEOPARDY CONTEST</u>	4
<u>50 YEARS AGO: VENTURA MUNICIPAL COURT RULES</u>	7
<u>DECEMBER 2003 SWEARING-IN CEREMONY</u>	9
<u>A DAY IN THE LIFE OF A RESEARCH ATTORNEY</u>	12
<u>WORKERS COMPENSATION REFORM?</u>	15
<u>EAR TO THE WALL</u>	16
<u>STREET LAW IS COMING TO VENTURA</u>	17
<u>EXEC'S DOT...DOT...DOT</u>	18
<u>IN FIRE'S AFTERMATH – WHAT LAWYERS CAN DO TO HELP</u>	20

The Secret of Life – VCBA President’s New Year’s Message

Philip Garrett Panitz



I awoke this morning the President of the Ventura County Bar Association. Although I feel honored and privileged to assume such a lofty perch, my coffee tasted no

different. When I arrived at my office, the standard twenty or so phone messages clamored for return calls and my e-mail box was still full of clients’ follow-up questions, interspersed with junk spam for Viagra, male enhancement promises, and mortgage-rate reduction come-ons.

After deleting the spam and responding to my clients’ calls and e-mails, I took a brief moment to reflect on the duties of office. I pondered how my life should now change with important work to be done on behalf of the VCBA.

What would, or should, define my term as President? In a membership survey that our executive board distributed last November, we inquired of you, our fellow attorneys, what issues were important to you, and how we could implement your suggestions. The first item of business, therefore, is to fully comprehend what it is that you want from us. The second item of business will be to accomplish what you want, if it is at all possible. By the time I write my February column I am hopeful that we will have correlated, indexed, and statistically analyzed each of the surveys to arrive at some epiphany.

My moment of presidential reflection on the future was brief and I turned back to nearer deadlines. One of my voicemail messages was from a client who had not paid taxes nor filed a return in seven years. He was demanding to know why I hadn’t yet “gotten the IRS off his back” in the week since he had retained me. Why was he still receiving levy notices? What good was I? He had paid me hard-earned money with pre-never-to-be-paid tax dollars and, damn it, he wanted results.

Another ‘follow-up’ call came from the president of a corporation in Holland I represent. He wanted to know how soon

he could see my draft of an exclusive distribution agreement that he had requested earlier — in an e-mail to me which arrived at approximately 2 a.m. California time *that very same morning!*

So far, life as VCBA President was proceeding along the same path as life as President-Elect had the year before. At the conclusion of the long day I drove home with a 200 lb. gorilla wrapped around my back and squeezing the air out of my lungs. I have grown accustomed to this gorilla. In fact I have even named him — I call him *Gorilla*. Once home, I snuggled into my favorite chair and tuned in the first sports programming I could find on the tube. A Laker game greeted me, and Gorilla’s attention seemed somewhat distracted. Before I knew it, Gorilla had morphed into a small, cute rhesus monkey, who was now sitting on my lap yelping with pleasure at how the Lakers were up by 22. We shared a beer.

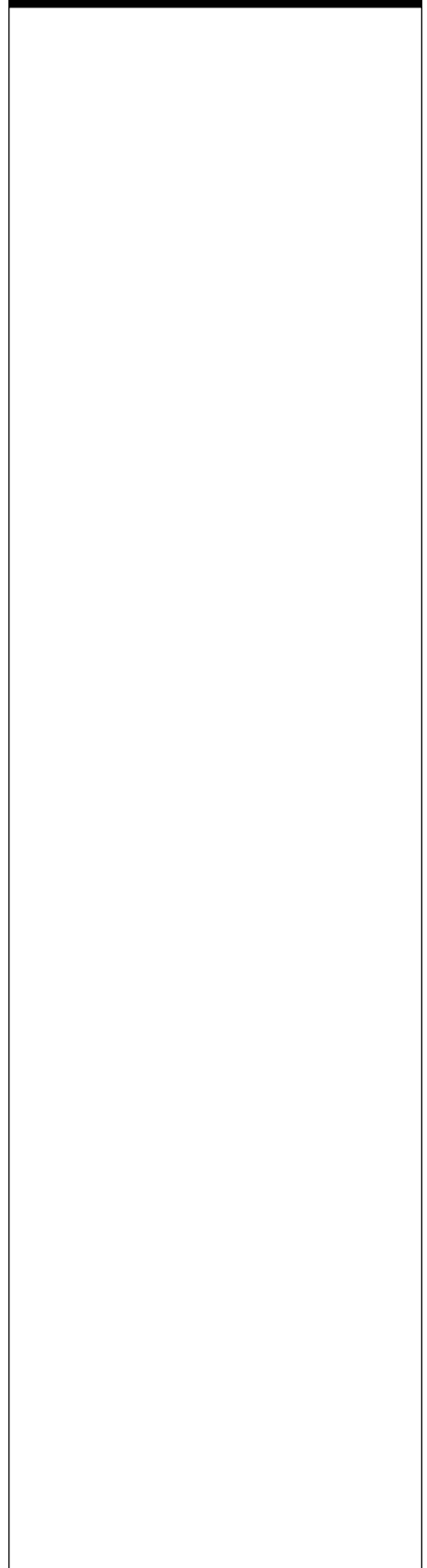
Which brings me to the secret of life. It was a lesson taught to me strictly through osmosis by my father: Play and watch sports as much as humanly possible. He lives by this code and his fortress of solitude was always the den with the TV tuned to some game. He preferred football. Second choice, baseball. But it didn’t matter. If all that was available was an amateur Hungarian lacrosse match, he would watch it. The lesson was learned.

If life is similar to a pressure cooker, then sports is the release valve. A round of golf for four and 1/2 hours cancels out exactly three days of stress. It’s a known fact. My mother never understood my father’s message. She would always worry and stress over life’s ups and downs. Her standard comment to us was: “I can’t understand why you guys like watching grown men run around in their underwear.” To my mother, uniforms were always underwear. She liked ballet, which to me always seemed closer to people running around in their underwear than sports ever did.

But I digress. I have figured out what my goal as President should be this year: I should set up an intermural sports league. I bet you we could beat up on the Yolo County Bar Association.

— : —

2004 Executive Committee



VCL Sees Birth of Civil Procedure Jeopardy Contest

Written 006

"I'll take Rule 12 for \$400," said **Steve Blum** — Steve was representing his team in Ventura College of Law's first ever Civil Procedure Jeopardy contest.

Steve's team consisted of all of the students who typically sat in Row 3 of Professor **Craig Smith's** civil procedure class. To his right sat **John McWhorter**, representing Row 2, and to John's right sat **Shawn White**, representing Row 1. The game had begun about ten minutes earlier, and in that time Steve had carried his team into the lead.

Christina Stockholm, the host of Civil Procedure Jeopardy, looked up at the Jeopardy game board affixed to the wall at the front of Professor Smith's classroom. The board set forth the categories that the contestants contemplated: Service of Process, Personal Jurisdiction, Subject Matter Jurisdiction, Venue, Removal, and Rule 12.

Christina pulled the Post-it note off the Jeopardy game board that corresponded with the \$400 answer under Rule 12 of the Federal Rules of Civil Procedure, and read the words from the back of it: ***Under Rule 12(h)(1) these four defenses are waived if not raised in the first responsive pleading to a complaint.*** Her brow furrowed as she said quietly, "Ooooooh that's a tough one."

After a few seconds the three contestants simultaneously hit the call bells in front of them. Not knowing which contestant had rung first, Christina turned to Professor Smith, the designated judge of the game, for a ruling. With the confidence one can only attain after having passed the California Bar Examination, Professor Smith announced, "Row 3."

Steve hesitated, trying as hard as he could to retrieve the details of Rule 12(h) from the recesses of his brain. Slowly, he uttered the words, "What is... *um...insufficiency of process,... insufficiency of service of process,... um...improper venue,...and...er...lack of personal jurisdiction?*"

"YES!" shrieked Christina. Facing tremendous pressure, Steve had added \$400 to his team's lead. His team members jumped from their third row seats and went crazy, applauding Steve's brilliance.

On November 13, 2003, the second-year class of Ventura College of Law, a few faculty members, and some students from other VCL classes, gathered to attend the Civil Procedure Jeopardy contest.

The idea for Civil Procedure Jeopardy had taken shape less than two weeks earlier when a few students in Professor Smith's class, overwhelmed by all the intricacies of the Federal Rules of Civil Procedure, decided to create the game as a way of motivating them to study.

When Professor Smith agreed to serve as the judge for the contest, several students worked together to make the game a reality. The students wrote the questions, created the game board, arranged for pizza to be delivered before the start of the game, and adapted the TV Jeopardy rules to suit the game.

On November 13, 2003, the second-year class of Ventura College of Law, a few faculty members, and some students from other VCL classes, gathered to attend the Civil Procedure Jeopardy contest. Second-year student **Pete Johnson** brought his guitar and played the Jeopardy theme at the start of the game and between the rounds.

Carla Hartley was tasked with operating the official game timer, and she watched the timer like a hawk as the time ran down, ensuring that each round was exactly fifteen minutes long. When the buzzer rang, signaling the end of Round One, Game Auditor **Wendy Zimmerman** confirmed the scores that hostess **Melissa Hatch** had posted on the board: Row 3 had a solid lead, with \$2,300. Row 2 was in second place with \$0, and Row 1 was in third place with a minus-\$900.

Next the three team representatives took their seats in the audience and each team sent up a new representative for Double Jeopardy: **George Galbraith-Albutt** for Row 1, **Debi Jurgensen** for Row 2, and **Randy Sutter** for Row 3. Christina pulled down the paper game board that contained the Round 1 answers, and uncovered the categories for Double Jeopardy: Erie Doctrine, Joinder of Parties, Rule 11, Pleading, In Rem Jurisdiction, and Joinder of Claims.

Carla started the timer, and play resumed. In this round the competition grew close, with the three competitors giving it their all to make sure they were the first to ring the bell each time an answer was read. At the end of Double Jeopardy, Wendy again confirmed the scores that Melissa had posted on the board: Row 1 had made an amazing comeback and was now in the lead with \$5,700. In second place was Row 2 with \$3,300, and in third place was Row 3 with \$2,000. It was anyone's game as the participants prepared for Final Jeopardy.

Finally the two representatives from each row who had played in Round-1 and Round-2 of Jeopardy took seats at the front table to represent their teams in Final Jeopardy. The entire room was silent as Christina revealed the Final Jeopardy category: Impleader. The members of each row who were sitting in the audience met and placed secret wagers on their respective representatives, who would attempt to provide the correct question to the Final Jeopardy answer. Once all of the wagers were secretly recorded and collected by Melissa, Christina uncovered and read the fill-the-blank Final Jeopardy answer.

Under Rule 14, a defendant may bring in a third party if the defendant claims that the third party is _____ for all or part of the plaintiff's claim.

Music coordinator **Scott Taylor** then kicked off the 30-second Final Jeopardy theme, which played as the contestants wrote their questions on the papers in front of them. At the conclusion of the 30 seconds, it was time to see the questions that the contestants wrote down. The team from Row 3 went first. On its paper was written, “What is ‘derivative to the defendant’?”

“Incorrect,” said Christina. Melissa then announced the wager their team had placed — \$2,000. Row 3 had lost all their money and had dropped to third place.

Next the team from Row 2 revealed its question: “What is ‘litigated to completion’?”

“Incorrect,” said Christina. Melissa then announced their wager — \$3,300. Like the team from Row 3, Row 2 was now at \$0.

And then the team from row 1 revealed its answer: “What is ‘liable to the defendant’?” Christina then turned to the board and uncovered the correct question. The correct question was indeed “What is ‘liable to the defendant’?” Row 1 had wagered only \$1,000, but this was more than enough. Row 1 had become the Civil Procedure Jeopardy Champions!

And The Prize Winners Were....

To all of the members of three teams, prize coordinator Debi Jurgensen then distributed ball point pens, markers shaped like animals, and crayons that were molded in the form of cartoon characters. By then it was then 6:20 p.m. and the students had ten minutes to clean up the classroom and prepare for class.

At 6:30 sharp, Professor Smith began his lecture on the topic of the evening: Interpleader.

Perhaps next semester, Interpleader will be a category in the Civil Procedure Jeopardy rematch.

50 Years Ago: The Rules of the Ventura County Municipal Court

GENERAL RULES

The Rules for the Municipal Courts adopted by the Judicial Council of the State of California, effective January 5, 1953, and all rules hereafter adopted and published by said Judicial Council for the Municipal Courts, shall govern this Court.

LOCAL RULES

RULE 1: Calendars

A. The Criminal Calendar will be called daily at 9:00 A.M. and 1:30 P.M.

B. The Law and Motion Calendar will be called weekly on Monday at 11:00 A.M.

C. The Traffic Calendar will be called weekly on Tuesday at 10:00 A.M.

D. The Small Claims Calendar will be called weekly on Tuesday at 2:00 P.M.

E. Preliminary examinations will be set at any call of the Criminal Calendar for hearing after 10:30 A.M. on Wednesdays and Fridays.

F. Whenever the day appointed for the Law and Motion Calendar, Traffic Calendar, or the Small Claims Calendar

falls on a nonjudicial day, said calendars for that day will be called on the first judicial day thereafter.

RULE 2: Duplicate Papers

A. All forms of Orders intended for issuance by the Court and service or use outside of Court shall be presented in duplicate for the signature of the judge, who, if he signs either, shall sign both. One such Order, when signed, shall be retained in the files of the Court, and the other, when signed, shall be delivered for such service or use outside of Court, to the party presenting it.

RULE 3: Setting Civil Cases for Trial

A. Setting of all civil cases shall be made by the Clerk of the Court upon presentation to her of a Request for Setting filled in completely by the moving party with the exception of the date and time of trial; all such cases shall be set upon a date agreeable to the Court and moving counsel, and as soon as the business of the

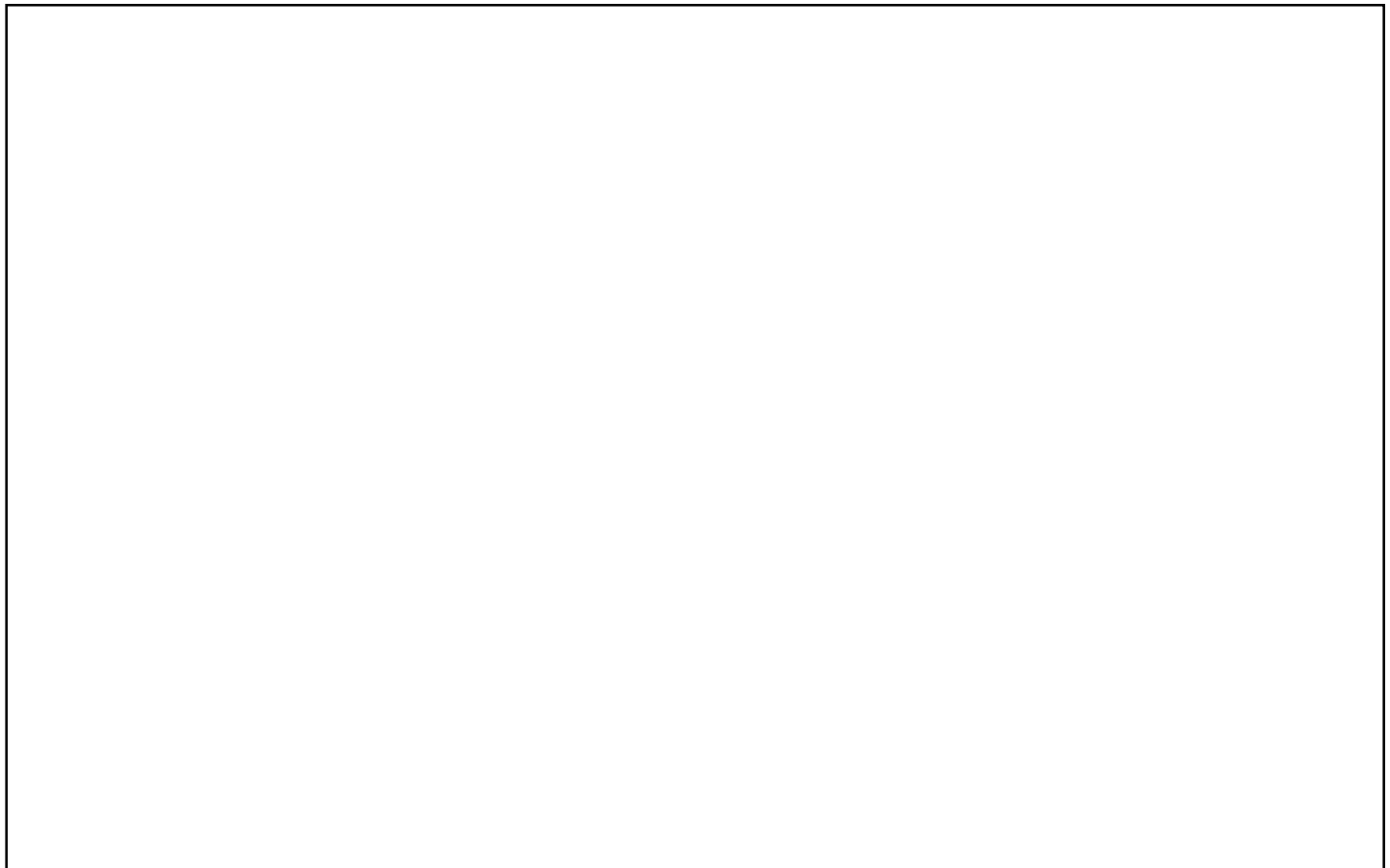
Court will permit. In case a jury trial is not demanded by the moving party filing such notice, any other party to the cause desiring a jury trial shall have five days after service of Notice of Trial within which to file and serve his written demand for a trial by jury; subject, however, to the provisions of Section 1013, Code of Civil Procedure.

B. The moving party shall promptly serve upon all other parties written notice of the date of the trial, and not less than five days' notice of such trial must be given. Unless service is admitted, proof thereof must be made by affidavit. Unless Notice of Trial, with proof of service, shall be filed with the Clerk not less than five days prior to the date of trial, the trial will be continued, unless, for good cause shown, the Court shall order the trial had upon the date originally set.

Rule 4: Effective Date

A. These rules shall be come effective March 15, 1957.

— : —



Note: This column is continued from the back cover:

though. The disasters wrought upon these victims by the fires must not be compounded by disasters wrought upon them by merciless vultures and carpetbaggers who will prey on them in their confusion and need. We must insure that quality help is made available, and that those who would take advantage unfairly are dealt with quickly and effectively.

Very valuable educational outreach is being provided by the organizations listed above and by the "Disaster Legal Services Hotline Manual" published by FEMA and the ABA, and by volunteers at places like San Bernardino County Bar's "Volunteer Attorneys for Free Clinic for Fire Victims." Just knowing where to get help can be a key to the future for people who have lost so much. The lawyer referral services of our various counties should have panels that are of specific help in this situation.

Some of the areas of special needs involve insurance, mortgages and financing, landlord/tenant, contractors and rebuilding, employment, income resources and availability, temporary housing and schooling, education, FEMA services, small business issues, zoning, land use, permits, water and other rights, and the like.

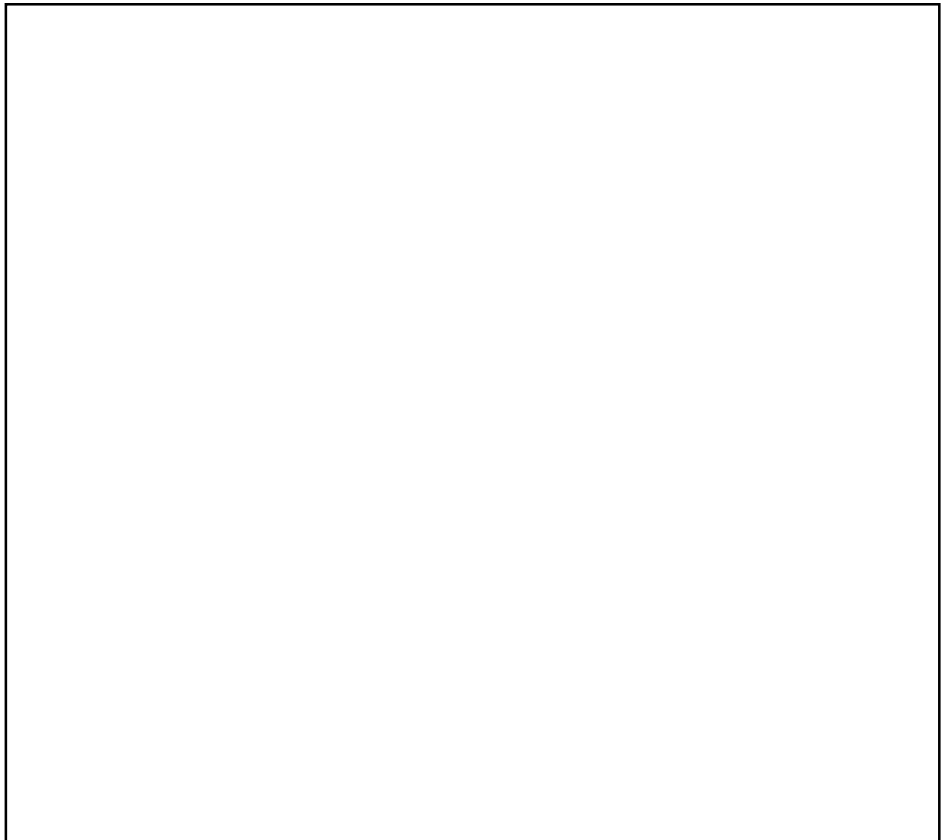
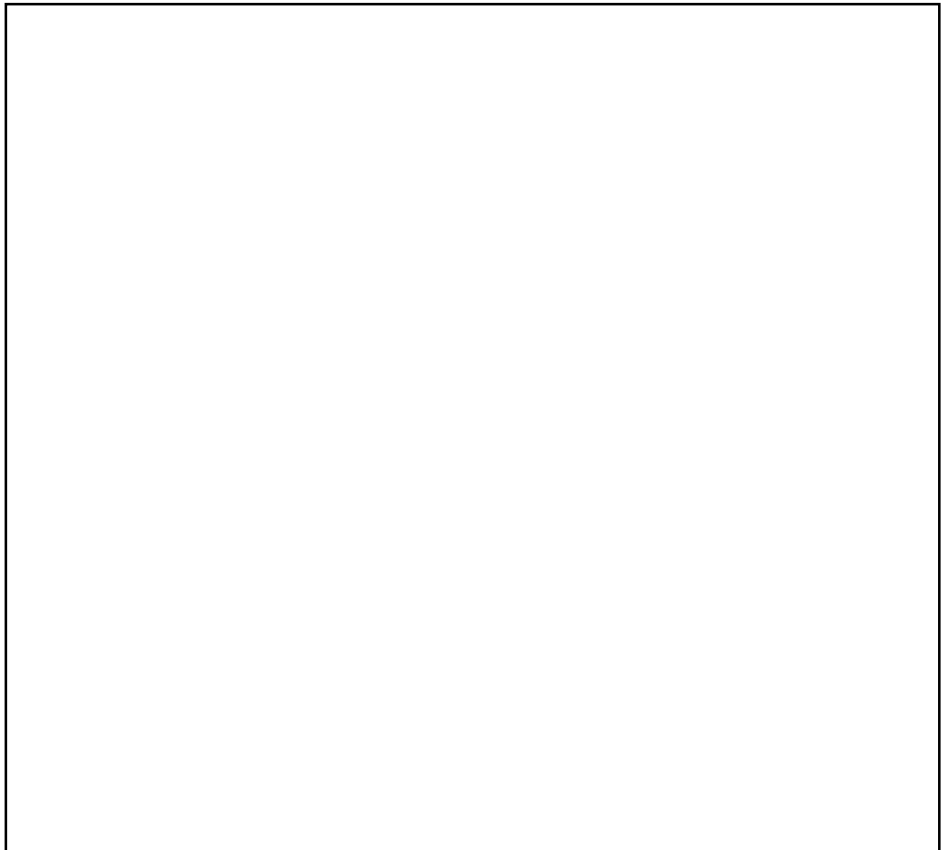
And we should not let those few that would take advantage fuel the fires of disdain for attorneys and spoil the ability and desire of those in need to get appropriate help by relying on responsible and respectable lawyers. The Office of Chief Counsel of the State Bar has put in place a strike force that addresses solicitation issues in disaster situations.

I close with Allen Turner's (San Bernardino County Bar executive director) letter to me, "extending our deepest sympathy to those who lost their homes and who were displaced by the fires. [We] especially appreciate and acknowledge the generosity of our Bar Members in providing support to our colleagues and counsel to the public."

You can help. Thank you.

— : —

James Heiting is the District 6 (including Ventura) representative on the State Bar Board of Governors.



December 2003 Swearing-In Ceremony

The Ventura County Bar Association sponsored a swearing-in ceremony on December 2, 2003. Twenty-one successful bar candidates took state and federal oaths to practice law in courtroom 22.

Court of Appeal Justice **Steven Z. Perren** officiated, joined by Superior Court Presiding Judge **Bruce Clark** and U.S. Magistrate **William McEwen** of the Central District of California. Each gave words of advice and encouragement.

Ventura County attorneys welcomed the new admittees. **Tina Rasnow** addressed them as the President of the Ventura County Bar Association. **Meghan Clark** spoke on behalf of California Young Lawyers and **David Cunningham** represented the American Bar Association. James O. Heiting sent a letter from the State Bar Board, and Edward C. Stark of the Committee of Bar Examiners moved to admit the candidates.

Justice Perren invited the new lawyers to introduce themselves and acknowledge their families and friends.

The new attorneys, representing twelve law schools from across the U.S., including four graduates of local Ventura County law schools, are:

David P. Avila
Sean R. Burnett
Kelley Boland
Shannon Nicholas Byrd
Nami Cho
Kassandra Clingan
Naomi Cohen
Samuel E. Gasowski
Karli Jun Gwirth
Jennifer Macke
Mario A. Mejia
Christine Mae Nguyen
Edward R. Noriega
Jemma Parker
Cynthia Ann Pyle
Bevin Ann Steensen
Susan Brooke Thompson
Alfred Vargas
Casey Yourn
Young Yun

and one party to be named later.

Congratulations! Your bar numbers will be higher than 227000.

A Day in the Life of a Research Attorney

Melissa Hill



I walk to the office, the day new, the sky blue with a bite in the air. I am remembering why I chose this career niche: for the intellectual pursuit, and for a respite from the 80-hour weeks I put in as a litigator. I reach the Hall of Justice (“HOJ” to us denizens), enter through Security, head to the “Court Personnel Only” door, press my finger on the scanner, wait for the buzz, and go in.

On tap today are two MSJs, two demurrers, a motion to compel further, a few name changes, and an attorney withdrawal motion. I greet my colleagues (there are six of us now at the HOJ), flip on my computer, and get to work. I handle the easy stuff first — the name changes and the attorney withdrawal take just minutes using a checklist.

The attorney wishing to leave her client states adequate reason — most reasons are adequate so long as the client isn’t abandoned on the eve of trial — but she forgot to prepare her motion on Judicial Council forms, and forgot to direct her notice to the client. I recommend denying without prejudice.

The name changes are all *pro per* parents, and they have done a pretty good job (perhaps with assistance from the Self-Help Center). I recommend granting them all.

I move on to the first MSJ. I look for the moving party’s separate statement. It’s not there. I log onto our CATS system, type in the case number and scroll through the entries for this case. No separate statement was ever filed. I recommend denial. CCP 437c mandates a separate statement of fact.

It’s 10:30 a.m. I e-mail my colleague across the narrow aisle, “Coffee?” He types back, “In about 10 minutes.”

I start on the first demurrer. It’s unopposed. I take a peek at the next MSJ. That one will be demanding. Both parties filed their separate statements and each party lodged numerous evidentiary objections. There are two requests for judicial notice. I turn back to the demurrer. CATS shows there really is no opposition. I pick up the phone and call demurring party. Sometimes when a big workload is facing me, such a

call saves time. “Plaintiff just served an amended complaint,” he tells me. I make note of this and e-mail the clerk’s office. I have saved a couple hours. I send the file and my notes to chambers.

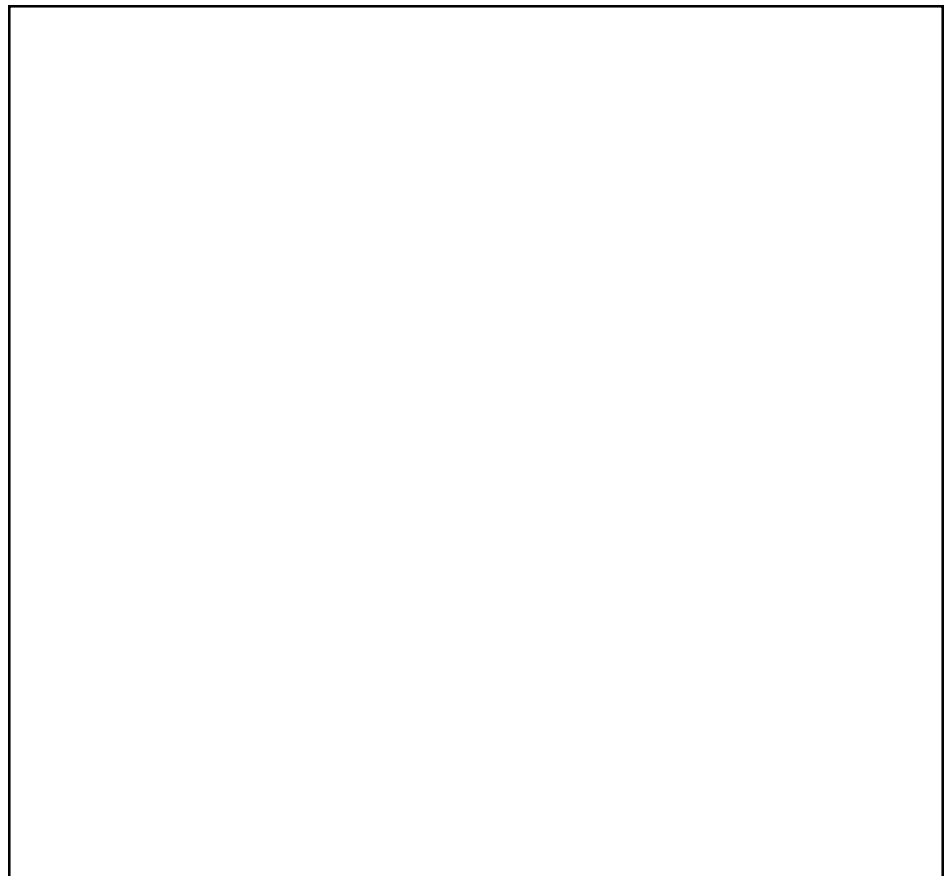
My colleague is ready for coffee. I grab my big yellow cup and we head downstairs. This coffee break is sometimes a good opportunity to share our thoughts on cases. It’s a short break — unless our timing is wrong we arrive at the cafeteria during the jury pool’s break. Then we must wait in line.

When we return I analyze the second demurrer. It challenges six out of 10 stated causes of action. I complete it in an hour and a half. Next I focus on the second MSJ, taking the separate statements, the evidentiary objections, and the requests for judicial notice to the copy machine. After I’ve made my “working copies” I start in on them and the volumes of evidence. First I determine which objections are sustainable and which are not, and on which grounds. Then I determine which

items the court may judicially notice.

I dig into the statements of fact, marking those that are undisputed. Then I determine which of the others are established and, of those, which were rebutted by opposing party. I make note of these recommendations, then read the points and authorities, researching the law and considering the arguments as I go. The motion is won or lost, however, on the separate statements. Here both parties have provided excellent papers and it makes a complex case much easier.

It’s now 3 p.m. I have not eaten lunch. The cafeteria closes at 4 o’clock. I run down and grab a sandwich. Five o’clock will come quickly and I’d better make sure I have everything I need for the evening before the clerks leave. I open the file with the compel further motion and check the documents. It’s all there: motion, opposition, separate statements of items in dispute, proof of service, supporting declarations. I turn back to the MSJ. I type up my research results and thoughts, make my recommendation, and take the file to the judge.



It's 4:45 p.m. I turn to the discovery motion. But then the incoming e-mail box flashes on my screen. It's the judicial secretary telling me she just received a phone call from counsel. The MSJ I worked on for almost five hours is off-calendar — the parties settled late yesterday. It does no good to feel irritated but I can't help thinking that I am staying late because of late notice of the settlement.

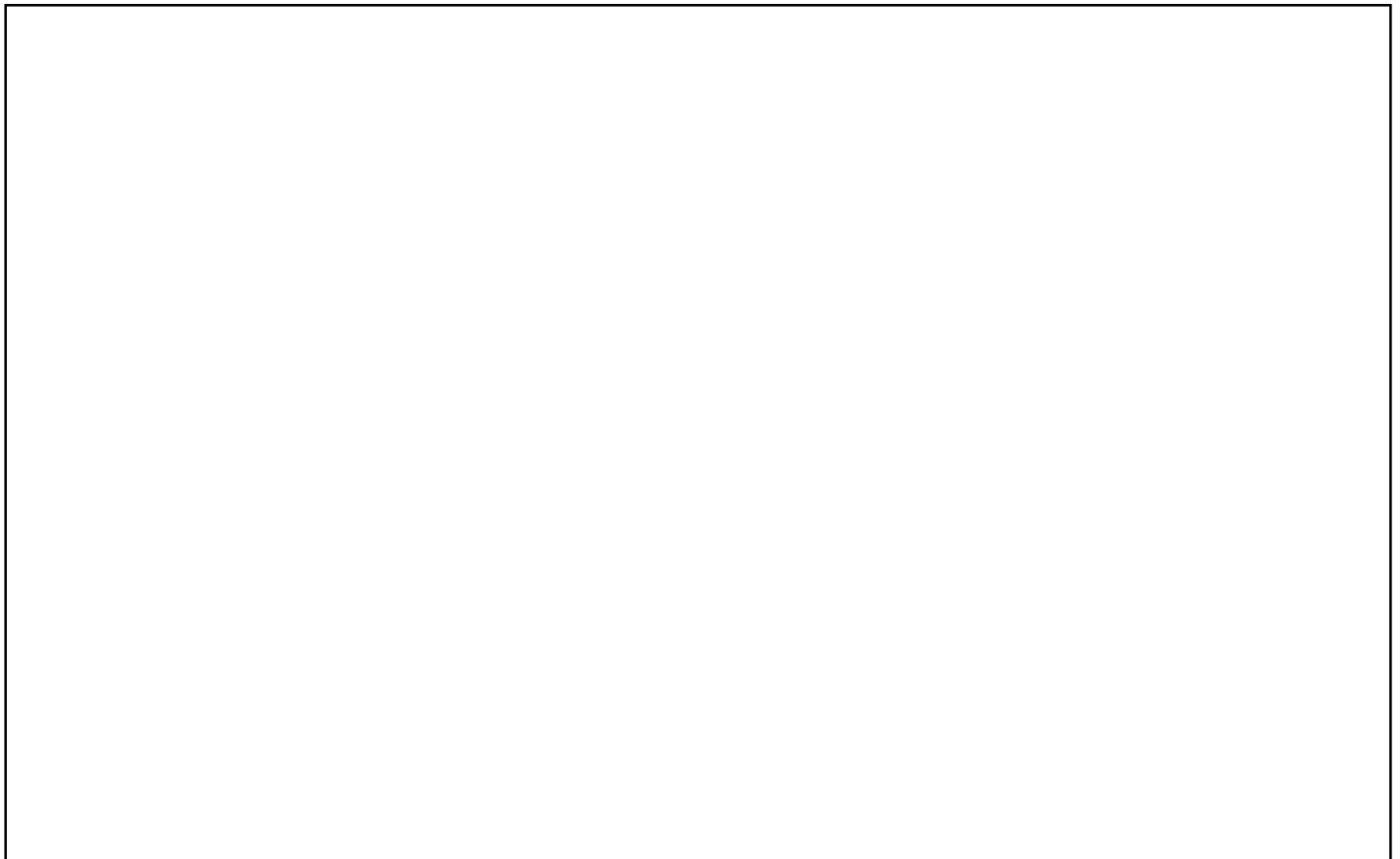
I start in on the compel further. I'm finished at 6:45 p.m. It was a fairly straightforward motion: only two categories of evidence being sought, and no strong argument backing up the objections. I type it up, deliver the file, come back to my desk and pack up to go home.

It's dark outside. I am anxious to get home to my pup, Roma, to see her gleeful dance and receive her licks.

When I hit the parking lot, it is clear, and dark, and chilly. The moon is hanging just over the circle of palm trees at the end of the east walkway.

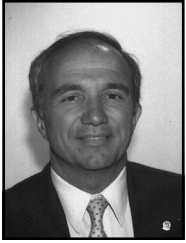
It is the end of a long day.

— : —



Workers Compensation Reform?

Louis J. Vigorita



On September 30, 2003, former Governor Gray Davis signed a series of bills designed to effect major reforms to California's Workers Compensation System. AB 227 and SB 228 reported out of conference committee. Obviously these reforms lacked sufficient political impact to forestall the recall vote a few days later, but the impact on the practice of workers compensation law is significant.

The bills contain provisions promising to produce savings of five to six billion dollars per year, coupled with radical reform to vocational rehabilitation, reductions in existing medical fee schedules and the development of fee schedules for outpatient surgical centers. Providers will receive 20% over what Medicare charges, chiropractic and physical therapy visits will be limited, utilization guidelines will be implemented, and carve-outs — a type of option by which certain employers can exempt themselves from workers compensation rules will be expanded. The retroactive repeal of the presumption of correctness of the primary treating physician promises to produce an additional onetime savings of two billion dollars.

The goal of this legislation was to create savings for carriers and employers. The actual effects will be major losses for injured workers.

One of the main issues of contention has to do with the repeal of Labor Code section 4062. The new section attempts to limit control of the treating physician regarding spinal surgery. In healthcare outside of workers compensation, a patient needing spinal surgery may just be diagnosed by his family doctor, who then would make a referral to an orthopedic specialist for a second opinion. But under new Labor Code section 4062, if the treating physician recommends but the employer objects (note — this is not an objection from a medically trained professional but merely any agent of the employer such as an insurance adjuster) then both parties may seek an agreement within ten days to obtain a second opinion from a board eligible orthopedic or neurosurgeon.

TEN DAYS! This might as well be ten seconds, because no party — especially an insurance company — seems able to act within ten days. The new section goes on to state that if the employee is “not represented by an attorney, an orthopedic surgeon or neurosurgeon shall be randomly selected by the administrative director to prepare a second opinion report resolving the disputed surgical recommendation.” I am troubled by the “random” selection especially since there is no employee input on the list of doctors. “Random” merely adds ambiguity and uncertainty.

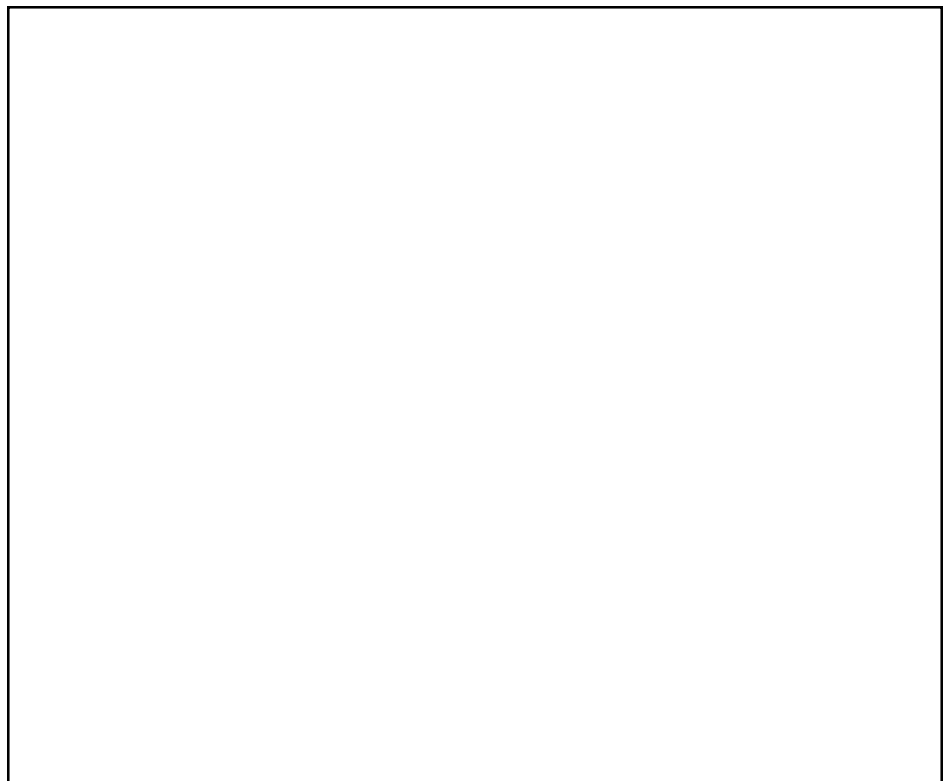
If the report recommends surgery then the employer shall authorize surgery. There is no option here for the employer to further challenge the second opinion. If the report does not recommend surgery the employer shall file a DOR and place the matter on the court calendar. This will take up to 45 days. In the mean time the treating doctor has recommended surgery and the client is in pain. Do you think the client might be a little frustrated at this point?

The employer shall not be liable for any treatment on a lien basis even if the treating doctor was willing to provide treatment and wait to receive payment. Therefore the injured worker is without treatment unless he has health insurance, but such insurance is not mandatory for California employers. At this point the client will head to the already-overburdened Ventura County Medical Center. The cost then is passed to taxpayers. Disregard for the treating doctor. Random selection. No opportunity to depose the second-opinion doctor. Workers compensation judges will ultimately decide these medical issues.

Does this sound like a reasonable medical care solution?

— : —

Louis J. Vigorita is a *Certified Specialist in Workers Compensation Law*, California Board of Legal Specialization, and a member of the *CITATIONS* editorial board.



Ear to the Wall

Kate Neiswender and **Alyse Lazar** are the co-recipients of the 2003 Carla Bard Advocacy Award from the statewide organization, Public Officials for Water and Environmental Reform (POWER). The award recognizes outstanding achievement in advocating for environmentally protective policies regarding California's dwindling water supply. The award is given in memory of **Carla Bard**, a former chair of the State Water Resources Control Board and Ojai native.

Koppel, Jacobs, Patrick & Heybl is pleased to announce the opening of their Santa Barbara office at 812 Presidio Avenue, Santa Barbara, California 93101. (805) 569-1964. The office will be attended by Jaye G. Heybl. jheybl@Koppelpatent.com. Practice restricted to Intellectual Property.

Lawrence C. Noble attended October's national Consumer Rights Litigation Conference in Oakland. He participated in a full-day seminar entitled "Saving Homes: Predatory Lending Mortgage Litigation" followed by two days of seminars on auto fraud investigation and litigation techniques, forced arbitration, credit math, and consumer protection bankruptcy: Chapter 13.

Brook Carroll recently joined Nordman, Cormany, Hair & Compton, as an associate in the Litigation Group. Prior to joining the firm, Carroll was an associate at Hill, Farrer & Burrill LLP in Los Angeles, where he practiced in the areas of business and real estate litigation, successfully defending and prosecuting actions in state and federal courts. A Ventura County native, Carroll spent his early childhood on an avocado and citrus ranch in Fillmore, and later moved to Ventura, where his family still lives. He earned his degree in political science with honors at the University of Arizona, and his law degree at Loyola Law School in Los Angeles.

Wolpert & Niedens has relocated to 445 Rosewood Avenue, Suite N, Camarillo, CA 93010. Telephone and fax numbers remain the same.

— : —

TUNNO CONSULTING

WHALEN BRYANT

MATT GUASCO

Classified Ads

SERVICES OFFERED

Highly motivated, detail oriented '01 Indiana University J.D./M.B.A. graduate seeking associate position in Ventura County. Approx 2 yrs experience including civil defense, health care, med mal, subrogation, bench trials, motion & discovery hearings, small claims and transactional work. Interested in business & commercial litigation, business transactional work & IP. Admitted: Indiana, 11/01. Please contact Sam Gasowski @ (805) 499-3149 or samgasowski@adelphia.net

Highly motivated and hardworking law school graduate (Feb. 04 Bar) is seeking litigation position with law firm or governmental agency. Strong Qualifications: class rank: 1; certified law clerk (drafting and arguing motions as well as preliminary hearings); editor on law review; best oralist runner-up on moot court

traveling team & honors moot court; many CALI Awards; internship at two district attorneys' offices. Michael A. McGill 805-377-3663; mcgillm@ulv.edu

OFFICE SPACE FOR RENT

Prime location at 950 County Square Drive #202. Large office, walk to court; large view windows, sec/recep. & client waiting area, built-in book cases, newly remodeled, great parking area. In an established Law Firm, reasonably priced. Contact David J. Follin, Esq. 805/658-8691.

POSITION OPEN

Established Law Firm in Westlake Village specializing in representation of Public Agencies seeks Attorney with 5+ years experience to handle litigation. Please call Bonitta @ 805/495-4770.

Street Law Coming to Ventura County

"Street Law" is a year-long curriculum designed to allow law students and young attorneys to teach high school students the everyday practicalities of law, lawmaking, and dispute resolution. The program offers much-needed practical information about crimes, defenses, and the criminal justice process; contracts, warranties, credit, housing, and consumer law; the legal aspects of marriage, parenting, and children; free speech; discrimination; workplace rights and responsibilities; and when to call a lawyer.

Ventura County attorneys and law students who want to launch a local Street Law program will gather January 15, to brainstorm practical ways to bring this program to our high schools and junior colleges. Bring your ideas to the Ventura College of Law faculty conference room at 5:30 p.m. for the first planning meeting. For more information, contact **Rich Goldman** at 658-0511 or **Wendy Lascher** at 648-3228.

— : —

Sara Care

Phillip
Feldman

exec's dot...dot...dot...

Steve Henderson, Executive Director

group...On a very early Friday morning, I witnessed **Judge Fred Byshe, Mike O'Brien, Pete Dowler, Joe Henderson, Tom Malley, Eugene Radding, Marvin Jacobs, Lou Vigorita, and Miriam Arichea** all sweating at the Pierpont Racquet Club...**Mike Ford** received the 2003 Human Rights Award from the Bahá'í of Ventura Dec. 7 for his "tireless and selfless efforts on behalf of the homeless"...Remember former VCBA member **Robert Weiss**? Bob worked in the county for several years before accepting a position as a Deputy County Counsel in Lake County in April 2000. In November he garnered 59% of the vote to win a seat on the local school board, beating an incumbent. It was his second attempt and he won handily over three other candidates. He's building a home on six acres, and if you're jealous and want to tell him so, he may be reached at camprbob@pacific.net...

DDA Terry Kilbride will be retiring July 9, 2004, after 29 years on the job. **Michael Bradbury** literally hired him during a telephone conversation way back when...**Cyndi Adams, CLA**, is going to be the new President of the California Alliance of Paralegal Associations (CAPA) and **Renee Mercado, CLA** from **FCOP&C**, will be the CAPA Representative from Ventura County...**The first graduating class** of Ave Maria School of Law nabbed Michigan's highest pass rate on July's bar exam. The Catholic school, founded by former Domino's Pizza owner Tom Monaghan, enjoyed 93% success among its 30 test takers...

Debora Vierra is looking forward to taking Spanish immersion classes this month in Guatemala. She notes, however, a course entitled "Human Resource Personnel and Human Attorneys." She hopes it will teach phrases specific to our profession...The 2004 edition of the Women's History Calendar produced by the National

Women's Political Caucus called "Eleven Remarkable Women & One Good Guy", displays two lawyers. **Gabriella Navarro-Busch** and **Hannah-Beth Jackson** are featured in May and June respectively...**Former Chief Justice Earl Warren** is credited with this gem in 1976: "I always turn to the sports page first, which records people's accomplishments. The front page has nothing but man's failures."

The Barristers are hosting **Bridging The Gap 2004** January 31 in the Jury Assembly Room. It's the ideal way for new admittees and young attorneys to get acquainted with the courts and learn more completely the local legal system from experienced attorneys. Let's not downplay the idea — it's a fine way to receive **six hours of CLE** the very last day of the reporting period for attorneys with a last name beginning with A – G. Details may be had by calling **Leslie McAdam** (659-6800) or **Cheri Kurman** (654-0911). Check out the flyer inside this issue of CITATIONS or you can register online at www.vcba.org too...

— : —

Steve Henderson has been the executive director of the bar association since November 1990 and has witnessed the bar grow from 658 members to 1227 lawyers. And for even scarier news — Al Vargas' new State Bar number is 226609. Karen Darnall's number is 150646 — issued the year Steve was hired.

A federal prosecutor who allegedly **Arubbed his crotch** against a woman on a bus is facing charges from the Seattle city attorney's office. Hugh Berry, who resigned as an Assistant U.S. Attorney Nov. 29 this year, faces two counts of misdemeanor assault and two counts of unlawful bus conduct, reports the *Seattle Post Intelligencer*...After 27 years, **Bob Davidson's** last day at **BOD&B** included taking a deposition Nov. 26 in Santa Maria. Bob came over from the DA's office and has certainly pursued excellence since his days of laboring as a conductor on the Disneyland Park railroad...VCBA/VLSP, Inc. Emeritus Attorney **Al Yablon** celebrated 61 years of marriage Oct. 18. His wife, Marion, wishes he'd spend more time at the bar office...**Ron Harrington** has been appointed to the State Bar of California's Mandatory Fee Arbitration Program for a two-year term effective Oct. 20. Ron joins current committee members **Joel Mark** and **Charlene Andrews**...E-Mail of the Month: orca.esq@verizon.net owned by **David Follin**...Quote of the Month: "She's what every macho lawyer wants to be. The only difference is, she's a chick..." That one uttered by Gerry Goldstein, a lawyer, on **Pamela Mackey**, the attorney defending Kobe...

In a December 2 ceremony, 21 new admittees were sworn-in by **Justice Steven Perren** and capably assisted by **PJ Bruce Clark**. **U.S. Magistrate Judge Willard McEwen** provided the oath for the federal court. Of the new admittees, 12 were women — a record 8 ceremonies in-a-row where the females outnumbered the males. Additionally, I counted nine minorities. A refreshingly diverse

Tri County
Sentry
Newspaper

In Fire's Aftermath – What Lawyers Can Do To Help

James Heiting

A barrage of smoke and flame so intense there is no looking up. Like fist after fist after fist in the face. And then into the gut when you realize that all you treasured, all your history, your pictures of your mom and dad and you on your family's first vacation when you were one year old, your pictures of your children as babies, and when they took their first steps, and when they were in the school play.

And the wedding album, and the palm print in plaster of Paris of your middle child; the letters from your first love, the poetry from college, the drawings and paintings that meant so much; the deeds, the will, the birth certificates.

Your first baseball glove and your letterman's jacket; Grandma's diamond and rose brooch, your dad's wristwatch, your mother's wedding ring, your anniversary crystal; the Bible that held the births and deaths of your family; even the piano that you practiced on when you were six and your first and third children practiced on...all of it gone.

I cannot begin to imagine the loss suffered by those whose homes were consumed in the recent fires. I know it pulls at me, though, and tears at my heart. I can only imagine the confusion, fear, and darkness that has descended on the lives of those souls displaced and rendered without home or roots by those voracious flames: "Where do I go? Where do I begin? Who can help me? Who will help me? All that I

am or have ever been...did it ever, does it still exist?" These questions must swirl like swarming bees, requiring every moment and effort of thought, but seeming to have no respite, no immediate or clear answer.

But we have answers for them. We have the strong shoulders to lean on, and the arms to put around our brothers and sisters in need. We have the ability and the right to say, "Life will be okay again. It will be all right. Lean on us while you need to; we will be there for you as long as you need us. Let us help." And I am proud that we *are* helping.

Our local bar associations were immediately up and running with the State Bar and the American Bar Association in developing programs and assistance for fire victims. Attorneys did not hesitate in volunteering at Evacuation Centers and doing whatever they could to assist, from digging ditches and manning hoses, to rounding up animals and donating clothing, toothpaste, soap and other necessities. We have taken advantage of the work the Young Lawyers Division of the American Bar Association, the State Bar and FEMA have put into place for natural disasters generally, and for the California wildfires specifically.

Information hotlines have been activated; volunteers have been working in the communities and in places like the

County of San Bernardino's "One-Stop Help Center"; and county bars and legal services staff and volunteers have been meeting and organizing information centers and action plans.

The following groups immediately organized and set up a Disaster Services Conference that took place with all these participants November 3: members of the San Bernardino, Riverside, Los Angeles, San Fernando Valley, Ventura County, and San Diego bar associations, along with representatives of the American Bar Association Young Lawyers Division, Neighborhood Legal Services, the Legal Aid Foundation of Los Angeles, the Riverside Public Services Law Corporation, Inland Counties Legal Services, the San Bernardino County Barristers, the Legal Aid Society of San Bernardino, the Legal Aid Society of San Diego, the California Indian Legal Services, the California Young Lawyers Association, and the State Bar Office of Legal Services.

Listening to the participants as they put in place the distribution of information, and made available necessary services, experience and talent, was comforting and gratifying. These volunteers are quick, dedicated and without any request for recognition. What a credit they are to our profession. What a wonderful group of people.

Our help continues to be needed,

Continued on page 8

CITATIONS

Ventura County Bar Association

4475 Market Street, Suite B
Ventura, California 93003