



VCBA MISSION STATEMENT

To promote legal excellence, high ethical standards and professional conduct in the practice of law;
To improve access to legal services for all people in Ventura County; and
To work to improve the administration of justice.

CITATIONS

DECEMBER - TWO THOUSAND FIVE

INSIDE NEVERLAND

By Larry Nimmer

Page 8



DONALD O. HURLEY

MARK E. HANCOCK

JOHN PAUL MCWATERS

ELLEN M. MURPHY

STEVE HENDERSON

THE RED SWEATER	3
LETTERS TO THE EDITOR	4
THE LOCAL VOLUNTARY EARLY CIVIL MEDIATION PROGRAM	10
2005 ANNUAL INSTALLATION DINNER PHOTOS	14
WE READ SO YOU DON'T HAVE TO	18
EAR TO THE WALL	19
NEW FEDERALIST SOCIETY CHAPTER	20
EXEC'S DOT...DOT...DOT	22

Forensic Accounting

Economic Damage Calculations ♦
Business Valuations ♦ Family Law
Financial Issues ♦ Tax Issues




Michael C. Eulau, CPA

MBA, Finance, University of Chicago

MSc, Economics, London School of Economics

Over 14 Years Experience



Eulau Accountancy Corporation
200 E. Santa Clara Street, Suite 200
Ventura, CA 93001

Phone (805) 641-1040



RED SWEATER

By Don Hurley

Christmas at the Hurley household in 1951 followed a rigid schedule. All three children, my sisters Fran (age 11), Linda (age 10), and I (age 7) clustered together at the door of my bedroom awaiting the signal from my parents that we could spring forth to see what Santa had brought. We were not allowed into the living room until at least 6:30 a.m. although we had been waiting expectantly all night. During the lulls, my sisters would, as usual, use me for punching bag practice, and I would bide my time until I could wreck havoc on their dolls later in the day. (Someday I will have to share that with a psychiatrist.)

When the *ok* finally came, the three of us raced down the hallway, Linda taking her usual cheap shot at me, pushing me into the bathroom, to ensure I wouldn't beat her to the presents. Order reasserted itself when we actually arrived in the living room, first taking rapid visual inventory of the number and size of the wrapped presents and then settling in to see what *Santa* had left in our Christmas stockings. Mom prided herself on filling her nylons with an incredible variety of small items, nuts, fruits, toys, candy, etc., so that we would be further delayed in launching ourselves at the collections of presents under the tree.

Presents fell into several specific *want* categories: (1) money; (2) toys; (3) candy and all other items, with clothing coming in about number 127. While cash was number one on my list, it was seldom received, which was probably a wise decision on the part of the gift givers. Cars were always at the top of my toy list, destined to become part of the Hurley dirt hill and racecourse on the vacant lot next door. One of my early childhood mysteries was why so many of my relatives decided that I was in dire

need of pajamas. At a very young age, I had a collection rivaling that of a budding Hugh Heffner, although any new arrivals were destined for oblivion in my bottom drawer, never to be used.

Halfway through the ritualistic opening of the presents (each child opening one at a time), I grabbed a medium-sized parcel and, too late, noted that it came from my Aunt Kate and Uncle Bud, purveyors of countless clothing items for past birthdays and Christmases, including the cursed pajamas. As the momentary center of attention, I couldn't put the present back or hide it under the sofa. I had no other choice but to open it, which I did, slowly tearing away the ribbons and then the colorful wrapping.

I opened the box and peeked inside, perceiving that whatever it was, it seemed to be clothing, but at least it wasn't another pair of pajamas. When I finally pulled it out and realized what it was, my seven-year-old heart almost stopped. Aunt Kate had finally done it to me after years of being perceived as her favorite, the reality was right in front of me. A bright red and white heavy wool sweater with matching red socks, suitable for any occasion wherein I wanted to be completely embarrassed by my second-grade peers, an incredibly cruel group, even without such a tempting target. My belated attempt to hide the sweater under the pile of used gift wrappings was frustrated by Linda, who had instantly recognized this for what it was to become, my second-grade albatross.

Early January was somewhat cold and overcast, which was appropriate for the season, even in Southern California. After successfully dodging questions from my parents as to why I wasn't wearing the sweater, the day finally came when I had to wear it, with the matching heavy socks, to Willow Street Elementary School. My march into the classroom was akin to the *dead man walking* scenario, every step bringing me closer to my perceived ultimate humiliation.

The perception became reality when I walked through the door. First were mere stares. Then, when I couldn't hide the bright red matching socks under my jeans, came the laughter, giggles, and comments. It was difficult to deflect any of the foregoing in that no one had apparently received any presents to rival mine. Even my best friend, Sherman Morrison, couldn't avoid asking the obvious question, "*Who did this to you?*" But he stood by me, even during recess, a true test of courage under fire.

The sweater periodically reappeared for the next two years, and I was never able to wear it without being embarrassed. I tried to abuse it by wearing it when I played softball, sliding hard, repeatedly and without apparent reason, but in addition to being *see-in-the-dark red*, it proved to be extremely durable. I still wore it because it was from my Aunt Kate, who really did love me the best, and I forgave her for not understanding the harsh political realities of the second grade. The sweater eventually faded and was finally laid to rest, but not the memories, which may have even have been character building. Perhaps my aunt was smarter than that little seven year-old.

This is my last President's Column. As I noted in January, it was not my intention or expectation to write serious legal articles from the perspective of an attorney or as the President of the Bar but to reveal, through short and hopefully entertaining stories, events of my life that had a bearing upon who I would become, for better or worse. I leave this Bar Association in good hands, with Loye Barton filling my role for 2006, Jon Light serving as Vice-President, and Matthew Guasco having been elected as Secretary Treasurer. Thanks for allowing me to serve. Happy Holidays!



Don Hurley is an Assistant County Counsel for the County of Ventura and is President of the VCBA.

LETTERS TO THE EDITOR

After due consideration of the oft expressed mandate in Citations to engage in some form of pro bono work to benefit the community, I have decided to offer my services, free of charge, to represent the falsely accused Carolina Panther cheerleaders.

As the women appear to have no conflict, I would agree to represent both. I would also accept the appointment for the other cheerleader who allegedly supplied the false identification. This appointment would be contingent upon the authorities granting me unfettered access to the clients without supervision, and sufficient funds for costs associated with the defense.

As the publicity for the incident has obviously tainted the jury pool in Florida, I would also request funds to transfer the matter to Hawaii.

Please notify the Florida Bar Association of my offer, and thank you for your continued support of the pro bono cause.

Michael J. Smith

I was disappointed that there wasn't a featured speaker at September's Mexican American Bar Association (MABA) dinner. Last year's speaker – an immigration judge – was so stimulating that I couldn't calm down until his main ideas were safely on paper.

However, this year, Carmen Ramirez' admonition to the guests followed by an art curator's

comments prompted a stimulating discussion at our table. Before I relate that dinner discussion, I want to informally nominate Frank Urias as next year's featured speaker.

My husband, Ron Harrington, introduced Mr. Urias to me. He and his wife had brought some friends. Donna Santos's daughter and son-in-law completed the table for eight. I can't remember all the names because I am fifty-nine years old. In response to my questions, Frank shared that he was one of eight (or was it nine?) children born of migrant parents. His family followed the crops: lemons in Southern California, grapes in Northern California, somewhere else for apricots, and so on. Even though his parents frequently pulled him out of school to move to the next harvest, he graduated from high school with honors. His older brothers and sisters encouraged and tutored him through school. He accepted a scholarship to St. Mary's College and then went on to law school.

His story is similar to that told by Francisco Jimenez, also the son of migrant parents, in *The Circuit*. Perhaps, the Jimenez family traveled the same circuit of harvests as the Urias family. Today, Mr. Jimenez is professor of Modern Languages at Santa Clara University.

Frank Urias and Francisco Jimenez illustrate what one can achieve through work and determination. Their stories remind us why people come to America. Because I want to hear more about his journey from fields to courtroom, I nominate Frank Urias for next year's MABA dinner speaker.

During dinner, Carmen Ramirez announced the two local recipients of the State Bar pro bono awards: Susan Ratzkin and Robert Guerra. She then said that although she didn't want to spoil our meal, she had to speak out against William Bennett's "unacceptable" recent statement about reducing crime. (I didn't have any idea who William Bennett was, let alone what he said. My husband told me). She urged us all to speak out against such reprehensible remarks since silence, she said, implies agreement. The irony is this: A few minutes later, a gentleman representing the Mexican artist whose works were on display in the foyer went to the podium to promote the art. He began by sharing that after some discussion, his table concluded that lawyers were more aesthetic than doctors. I don't remember if anyone laughed. After a pause he added, "I hope there aren't any doctors here."

I found that remark offensive. I was so bothered by it, I didn't hear anything else he said. Why would we laugh at a joke depicting doctors as less aesthetic than lawyers? It diminishes the dignity of a dinner of professionals when one profession demeans another profession, especially following Carmen's admonition to speak out against Bennett's demeaning remarks about Blacks. I am ashamed I didn't respectfully, but firmly, tell that gentleman on my way out, that his doctor put-down "joke" was not amusing.

Patricia Kochel

Past issues of CITATIONS may be found under "membership resources" on the bar's website at www.vcba.org



Robert A. Gardner, CPPP

Security Negligence Issues Forensic Consultant • Expert Witness

- Security Standards/Practices
- Crime Prevention Theory
- Crime Vulnerability
- Workplace Violence
- Security Adequacy
- Building & Site Design
- Security Office Conduct
- Negligent Failure to Plan

Authoritative
California
Security Solutions
101 E. 28th St.
P.O. Box 104
P.O. Box 102209 92244
Tel: 951.256.9093

Robert A. Gardner, CPPP

805.853.4294 • cppp@crimemba.com • www.crimemba.com
Offices in Ventura, CA & Las Vegas, NV



**SPECIALIZING IN LAW
FIRM COVERAGE-**

- Business Packages
- Earthquake
- Leasehold Interest
- Professional Liability
E&O, EPLI & Fiduciary
- Workers' Compensation
- Umbrella/Excess

**EXPERIENCED
INSURANCE
PROFESSIONALS**

**EXCEPTIONAL
PERSONALIZED
SOLUTIONS**



D E D I C A T I O N , E X P E R I E N C E & C O M M I T M E N T

Call today for more information.
Jane Gray
(805) 557-1433
jgray@gscosins.com

Since 1987, GSCO has been serving California's legal community. Our seasoned professionals will help you identify and manage the risks facing your law firm. We offer competitive quotes, low cost insurance and admitted, "A" Rated quality markets. We'll work with you to find the best coverage at the lowest available pricing.

CA Lic. # 0743298

FAX (805) 494-4835 • 275 Hillcrest Drive, Suite 250, Thousand Oaks, CA 91360

PAGLIA

CONSULTING GROUP, LLC



John K. Paglia, Ph.D., MBA, CMA, CFM, FRM, FRM

- Finance Professor, Pepperdine University
- Ph.D. in Finance, MBA, BS in Finance
- Certified Management Accountant (CMA)
- Certified Financial Manager (CFM)
- Professional Risk Manager (PRM)
- Financial Risk Manager (FRM)
- Economic Expert, Ventura Superior Court
- Over 10 Years of Valuation Experience

Dr. John K. Paglia
Managing Director

jkp@pagliaconsultinggroup.com | www.pagliaconsultinggroup.com

Serving all of Southern and Central California

Current Promotions

from
\$250/hr.

**Marital Dissolution
Financial Issues**

from
\$4,995

**Estate and Gift Tax
Business Valuations**

from
\$250/hr.

**Economic Damages
& Expert Testimony**

Call 805.231.9017
for a free assessment

INSIDE NEVERLAND

By Larry Nimmer

Recently, I had the opportunity to work with the Michael Jackson defense team, creating videos, photos and exhibits for trial. In particular, I produced a controversial video tour of Neverland Ranch that I narrated to the jury from the witness stand.

I was hired by Santa Barbara attorney Robert Sanger. Coincidentally, Sanger and his adversary, District Attorney Thomas Sneddon, both knew my father, Professor Melville Nimmer, from their student days at UCLA Law School. Bob Sanger told me that he and Tom Mesereau were hoping to have the jury visit Neverland Ranch, but if the judge denied such a request, he wanted me to produce a video tour as a back-up.

I found Bob Sanger to be an extremely capable and courteous attorney. While I saw him in some tense situations, he always kept his cool and fine sense of humor. After talking on the phone a couple of times, I met him for the first time at Neverland, along with Tom Mesereau.

At the appointed hour, I arrived at the gates with my video and still photography equipment. As is true for all guests entering the property, I was asked to sign a three-page document, stating that I would not take any pictures nor reveal private matters about “the owner” and his family. Even though my purpose there was in fact to take pictures, I signed the form, knowing that I had some persuasive legal firepower waiting to back me up should I be questioned.

I would describe Neverland as a cross between a Montecito mansion and Disneyland. The property was originally built by a golf course developer, with lakes, lawns, a Tudor mansion and guest houses. Michael Jackson did not significantly change the property. While the household furnishings are fairly traditional, the amusement park, zoo, video game arcade, theatre, trains and whimsical statues throughout the property are clearly out of the ordinary.

My main assignment was to document in video what it is like to be a visitor to the ranch. Bob Sanger gave me a brief tour of the property himself and then allowed me to document the property as I saw fit. While he told me that the prosecution had characterized Neverland as a sinister place, he was careful not to tell me how I should portray it. I was to give a feeling for what a visitor might experience.

The ranch manager and head of security took me wherever I wanted to go.

All in all, I made four visits to document the ranch. The finished video was 20 minutes in length. While my “minders” took me from place to place in a golf cart, and accompanied me into many rooms in the private quarters, I was also allowed to roam around some of the time on my own. While I didn’t run into “Mr. Jackson” at Neverland (I met him briefly in the courtroom) or see his children, I heard the kids playing upstairs and saw their toys around the house. There were also many photos of the kids around the house, but the staff was careful to remove them if they might appear in my shots. Michael Jackson is apparently very concerned about maintaining their privacy.

Like most videos I prepare for court, I made this one without audio, to be narrated on the witness stand by either “Mr. Jackson” or myself. In retrospect, the lack of audio might have worked in our favor as the only thing I found odd about Neverland was the Disneyland-like music that plays constantly from speakers throughout the grounds, whether or not anyone is around to hear it. I wondered how his kids react to it as it plays day and night.

I edited a short version of the Neverland tour that had been planned for use in Tom Mesereau’s opening statement. Apparently, the prosecution also had made plans to use a video in their opening. However, Judge Melville, who ran a tight ship, used a strategy that expedited the trial and had a bearing on what we could use. He told each side to share with the other the videos they wanted to use. After viewing them all, either side could veto the other side’s videos, but then they would also lose the chance to play their own. I was told that at the last moment, the prosecution vetoed our Neverland tour, so neither side showed video in the opening statement. Because of potential last minute changes I was there and had the opportunity to see Sneddon and Sanger being civil and playful with each other even though it was the day before opening.

I was also very impressed with Thomas Mesereau. He is very modest and down to earth and has a sweet twinkle in his eyes. He is not the kind of lawyer that is always selling you on his strategies. He’s open to input and

frequently solicited thoughts from me, the paralegals and others around him, especially his partner, Susan Yu. Tom has an incredible work ethic and power of concentration. At one point, he asked me to review outtakes from the Martin Bashir documentary showing Michael Jackson as a more sympathetic, family man. I sat down and furiously scribbled notes as Tom stayed in one body position for over 3 hours, never looking away from the screen, never allowing any distractions from the “war room” around him. During trial, Tom rose at 3 a.m. every morning to prepare for the day’s work and while he has a warm humanity about him, he also has a fierce determination to thoroughly represent his client. Tom didn’t even take the time to watch the news reports about the trial. When I asked him if he had seen the actor playing him on E Entertainment’s trial reenactments, he told me he hadn’t but that he had gotten a number of messages from the actor playing him, asking Tom for his astrological sign.

Mesereau, Yu and Sanger were also very cost conscious. While our fee of \$100/hr may have been modest compared to other experts, the attorneys did not have us do some of the planned exhibits as they would have gone “over budget.” We didn’t produce any timelines or diagrams, but we did make some oversized charts that the jury could use during their deliberations.

On the day I was to take the witness stand, I still had not met Michael Jackson. While waiting for Larry King to complete his courtroom visit, I saw outside the witness waiting room a boy scout in the hallway. Looking closer, I saw that it was actually Michael Jackson, dressed with a boy-scout like armband, going into the men’s room. When he came out, he briefly said “hi” to me. The poor guy seemed overwhelmed with sadness and anxiety but he also seemed humble and kind. He’s taller than I imagined and his face looks a bit like a mask. He quickly returned to the elevator to avoid another late entrance to the courtroom. Later, when I was sitting on the witness stand, waiting for the judge and attorneys to decide a procedural matter, he clasped his hands in prayer and bowed briefly to me as a greeting from across the room.

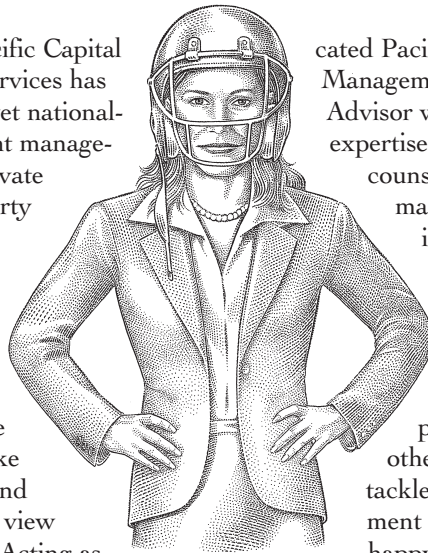
It was hard to imagine how much money was spent on reporters from all over the world, “sky booths,” temporary offices, microwave

Continued on page 8

Who's Quarterbacking Your Wealth Management Team?

For nearly 50 years, Pacific Capital Wealth Management Services has fielded a team of local, yet nationally recognized, investment management, personal trust, private banking and trust property management banking expertise for successful individuals, families and institutions.

However, most sophisticated investors also have other trusted advisors like attorneys, accountants and spouses whose points of view need to be understood. Acting as your financial quarterback, a dedi-



cated Pacific Capital Wealth Management Services Client Advisor will coordinate all our expertise, and your other good counsel, to administer a wealth management plan that takes into account your unique asset management goals challenges and opportunities.

If you are looking for pros to team up with your other trusted advisors to tackle your wealth management needs, we would be happy to put our minds at work for you.

 **PACIFIC CAPITAL**
Wealth Management Services

INVESTMENT MANAGEMENT • TRUST SERVICES • PRIVATE BANKING

Minds at Work

Call us locally at 805.564.6209

Santa Barbara • Montecito • Monterey • Westlake Village • Encino • Beverly Hills • San Diego

Also available through

**SANTA BARBARA
BANK & TRUST**

INSIDE NEVERLAND *Continued*

dishes and so forth. As I walked into the courtroom, I was asked to put my cell phone in a plastic tub with what appeared to about 100 other cell phones. I wondered how many court visitors got the wrong cell phones back at the end of the day. The contrast between the noisy carnival atmosphere outside the courtroom compared to the quiet, contained energy inside the well appointed Santa Maria courtroom was dramatic. While I have testified as an expert witness in other trials, I expected to be nervous for this one. But, I was too interested to worry and I warmed to my job. Sanger started off, asking me to describe my qualifications, but he was interrupted by the defense, saying they would stipulate to my expertise. I thought that was a good start.

We had anticipated that the prosecution might object to certain scenes in the Neverland Ranch video tour, so I produced two versions. As expected, they objected to the complete video but the judge ruled that we could play the complete version, saying that "I anticipated having a video like this" when he denied the jury an on-site visit to the ranch. One scene that stayed in was a series of slow pans showing the books in Michael's personal library. There were books on child rearing, Christianity, movies and art, among others. And while there were some odd groupings like a "Three Stooges" book displayed next to a Michelangelo book, the library made our point. We wanted to convey the fact that this was a wholesome man who had many more books, thousands in all, than the few legal porno magazines they found in his bedroom and that the prosecution had suggested were ubiquitous on the property.

The other important scene that stayed in the tour video was a note from Michael's daughter, Paris. My assistant Tom Friedman and I were invited into the Neverland private den/kitchen to have lunch and shoot footage. While there, Tom noticed a sign on a chalkboard next to the kids' things, written in a child's scrawl, that said, "Get well Daddy, I love you . . . Paris." It helped convey the warm relationship Michael has with his family and gave them a presence in the video without actually seeing them. The prosecution claimed the scene was staged.

The second video I made for trial was an alarm test video taped in Michael Jackson's bedroom. I positioned my camera over Michael's bed and had the maid walk into the downstairs bedroom suite, triggering the alarm. This was

to help refute testimony from the accuser's brother that he had surprised Michael by walking into the bedroom and saw him in the act of molesting his brother. The alarm test showed that Michael knew if people were approaching the area where he sleeps.

Tom Sneddon cross examined me regarding both videos. His questioning focused on the alarm test video. He tried to imply that I was hiding something because I did not record the test with a decibel meter in addition to the standard microphones we used. While I had discussed renting one, we felt it was not necessary as decibel numbers would be meaningless to the jury compared to hearing a video re-creation. I don't believe Sneddon made much headway with this argument. I was disappointed that during the playback of the alarm test video somebody in the audience coughed during the brief alarm sound, somewhat obscuring it. It was important for the brief alarm sound to be clearly audible. I later learned that the cough came from somebody sympathetic to the prosecution. The only reaction I heard from Michael about my testimony was that he told Bob Sanger that he could have loaned me a decibel meter.

I left the witness stand feeling good as Laurie Levenson winked at me from the audience. The frosting on the cake was having Michael's bodyguard offer to give me a ride to my car in Michael's SUV. The photographers' cameras whirled as I climbed into the car. It was nice to be on the other side of the lens for a change. And there on the seat next to me was Michael's picnic basket filled with all kinds of goodies.

Increasingly in our courts, video is an integral part of trial materials – from opening, to testimony, to closing arguments, as a tool to persuade juries by communicating in an entertaining yet probative and concise manner to an increasingly visual populace. And while I often produce videos for settlement conferences where there are no admissibility issues, video can inform within the confines of the law like no other medium. With video as such a powerful tool, I hope I don't lose my job to Steven Spielberg in the next high profile trial.



Larry Nimmer is a principal of Nimmer Legal Graphics of Carpinteria, California (www.nimmer.net). His company specializes in demonstrative evidence for settlement conferences and trial use.



MEDIATOR/ARBITRATOR

Richard M. Norman

- 40 years litigation experience - AV rated.
- Personal injury, business, construction, employment, real estate, probate/trust, partnership and corporate disputes and dissolutions
- Member: American Board of Trial Advocates
- Past president Ventura County Bar Association and Ventura County Trial Lawyers Association
- American Arbitration Association and NASD arbitrator
- Trained Mediator - Peppending University Strauss Institute
- Reasonable fees and flexible scheduling. No administrative charges.

Richard M. Norman
Of Counsel

Norman, Dowler, Sawyer, Israel, Walker & Barton, LLP
840 County Square Drive
Ventura, California 93003-5406
(805) 654-0911 • RNorman@normandowler.com

Accident Reconstruction



FPO

Marc A. Firestone
Ph.D.

FORENSIC ENGINEERING

**300 Esplanade Drive
Suite 1180
Oxnard, CA 93036**

NEW ADDRESS

e-vi-dence: n., something that tends to furnish proof

The word "evidence" is rooted in the medieval latin "evidentia," meaning "to make obvious." The ability to get evidence from the myriad of sources is critical yet often under appreciated.

Our efforts have contributed to the success of numerous cases and millions of dollars in favorable settlements and judgments, and we can "make obvious" that which will help win your case.



From Computer Forensics to Environmental Liability to Due Diligence investigations, we offer the right solutions to obtain evidence in support of your case, quickly and discreetly.

Call us: (805) 445-1997

VERDICT RESOURCES
Investigations And Professional Research
1000 Paseo Camarillo, Suite 206, Camarillo CA 93010
<http://www.verdict.net>

2005 VCBA BOARD OF DIRECTORS

OFFICERS

President
Donald O. Hurley

President-Elect
Loye M. Barton

Secretary-Treasurer
Jonathan Fraser Light

Past-President
Philip G. Panitz

Executive Director
Steve Henderson

BOARD OF DIRECTORS

Nancy D. Aronson	Michael A. Rodriguez
Steven S. Feder	Gilbert A. Romero
Mary C. Shea	Matthew P. Guasco
Melissa J. Hill	Kenneth W. Kossoff
Kevin G. Staker	Anthony R. Strauss
Cheri L. Kurman	Russell H. Takasugi
Gregory D. Totten	Michael C. McMahon
Jody C. Moore	Kendall A. VanConas
Susan H. Ratzkin	Michael A. Velthoen
Joel R. Villaseñor, Barristers	

CITATIONS EDITORIAL BOARD

Managing Editor
Wendy C. Lascher

Co-Editor
Al Vargas

Publisher
Steve Henderson

Graphics/Production
JP McWaters

Kristine Anderson	Ellen M. Murphy
Karen B. Darnall	Gregory T. May
Terence Geoghegan	Michael L. McQueen
Mark E. Hancock	Michael R. Sment
Robert I. Long	Michael A. Velthoen
Joel R. Villaseñor	Louis J. Vigorita
Panda L. Kroll	

CITATIONS is published monthly by the Ventura County Bar Association. Editorial content and policy are solely the responsibility of the Ventura County Bar Association

Submit all advertising, classified and calendar matters to:

Submit all editorial matters to:

VCBA
4475 Market St., Suite B,
Ventura, CA 93003
Attn: Executive Director
t: 805.650.7599
f: 805.650.8059
e: bar@vcba.org
w: www.vcba.org

Al Vargas
Co-Editor
CITATIONS
P.O. Box 25540
Ventura, CA 93002
t: 805.648.3228
f: 805.643.7692
e: Alfred@lascher.com

THE LOCAL VOLUNTARY EARLY CIVIL MEDIATION PROGRAM: TEN QUESTIONS ANSWERED

By Mark E. Hancock

As of July 1, 2005, the Ventura County Superior Court enacted local rules 24.00 to 24.10 providing for a new voluntary early civil mediation program. These rules may be viewed at www.ventura.courts.ca.gov.

Though participation in mediation under this program is voluntary, there are three mandatory requirements. First, all plaintiffs filing new civil actions after July 1, 2005 must serve a Voluntary Early Civil Mediation Questionnaire (Form No. VN-183) along with the summons and complaint (Rule 24.03). Second, the parties or their counsel must meet and confer, at least by telephone, to discuss participation in the program (Rule 24.04). Finally, the parties must fill out and file a questionnaire by the time of the last defendant's initial appearance, indicating whether the parties agree to, or decline the program (Rule 24.04 A and B). This questionnaire may be obtained from the court's website.

This new program supplements rather than replaces mandatory mediation under Rule 3.24. As most local litigators already know, many lawsuits - including neighbor disputes, business disputes, real estate disputes, breach of contract other than collections, code enforcement disputes, sexual harassment disputes, employment disputes, discrimination claims - may already be ordered to participate in mandatory mediation and/or a mandatory early settlement conference under Rule 3.24.

While the two mediation programs coexist, there are some important differences between them. One difference is that the new program extends, if the parties agree, to civil cases of all types. Under the mandatory program, the parties get the person the court assigns as mediator. Under the new program, the parties are free to choose the mediator.

The court will maintain two lists of potential mediators for the new program: free mediators and "party pay" mediators. While the parties are not restricted to those on either list, one consideration to weigh is that

mediators on both lists charge less than many other mediators typically charge. The "party pay" mediators have agreed to provide three hours of services at the rate of \$150 per hour, although the rules do not explain what happens if the case is not resolved at that point, but the parties desire to continue. The lists of mediators may be found at the court's website.

Mandatory mediation under Rule 3.24 does not change a case's time limits under fast track. The new voluntary mediation program, however, creates a new track for cases in it. Under the new program, all fast-track deadlines are stayed for 150 days from the filing of the defendant's answer to allow the mediation to take place. During this period, discovery is restricted to limited civil case discovery. Rule 24.02 B states that discovery disputes during this time are to be resolved informally, but the court has said that it will entertain a motion to compel, though this is "discouraged." If the case does not resolve during the mediation period, the time limits for completion of discovery are extended and, if the case is an unlimited case, the parties may then engage in regular discovery.

I posed ten questions about the new mediation program to the Court, and Judge David Long, Court Deputy Executive Officer Tonna Brodie and Court Program Manager Patti Morua-Widdows were gracious enough to respond.

1. Assuming the case doesn't resolve at the mediation or within 150 days, are those days added back for the purposes of the normal fast-track deadlines?

Opting into the program and going to mediation extends the life of the case by an additional 150 days beyond the normal fast track schedule.

2. Is the Court essentially creating a new track, i.e., a 1 year, 150 day track, for cases in which the parties and their attorneys agree to participate in Voluntary Early Civil Mediation?

Yes, the Voluntary Early Civil Mediation Program is a new track.

3. I've heard civil case filings are down, meaning that there are fewer cases in the courts. What was the reason for implementing this program?

Although civil filings are down, we still have many cases beyond our fast track time standards. This program is a tool to get cases into mediation early and assist the court in meeting the fast track goals.

4. Has this program been tried in other courts, and, if so, where? What have the results been?

The court looked at different mediation programs across the state while developing this program. We believe there is a similar program in Los Angeles County.

5. Who originated the program here?

The Superior Court Mediation Committee worked together to develop the program. The Ventura Superior Court has a mediation committee made up of the supervising civil judge, mediators, private attorneys and representatives from court administration.

6. Has any grant been obtained for this program?

Yes, the court received a grant from the Administrative Office of the Courts for this program.

7. What process was followed in deciding the need for and in setting up the framework for this program?

The mediation committee met many times and explored other mediation programs. Brown bag lunches were held with the existing mediators and the program was discussed at bar functions.

8. If the parties and their attorneys agree on Voluntary Early Civil Mediation and commence CCP 94 discovery (as allowed under Rule 24.02 A.) and a basic discovery dispute develops, say over the discovery of the plaintiff's private insurance information, which a "meet and confer" process does not resolve, can the parties move the Court for a discovery order during the 150 day period?

Although discouraged, there is nothing in the local rules that prohibits such a motion.

9. Is being a lawyer a requirement for being on either list of mediators?

It is not a requirement that mediators be lawyers. Mediator applicants must have completed 25 hours of formal training by a recognized mediation training/education provider to be on the pro bono panel. To be on the party pay panel, the applicant must have completed 25 court assigned mediations with a minimum hearing time of two hours each from any California Superior Court.

10. What are the benefits to litigants and their attorneys from participating in this program?

One of the benefits of this program is to resolve the case in its early stage. The mediation may not dispose of the case in its entirety, but can resolve some of the issues. Also, participating parties may schedule mediations directly rather than the court scheduling the matter. Early civil mediation also allows an additional 150 days to settle the matter.

Mark E. Hancock is an attorney with offices in Ventura and a member of the CITATIONS editorial board.



"Paralegal classes at UCSB Extension immediately increased the level of my professional self-confidence, and gave me the necessary knowledge and skill to perform my everyday paralegal tasks at work."

—Maria Klachko, Garrison Law Corporation

It Pays to be a Paralegal

Depending on the level of a paralegal, professionals in the Santa Barbara area receive median salaries that range from \$43,270 to \$72,192. Learn more about this provocative and rewarding field. Source: Salary Wizard®

Paralegal Professional Certificate Program

Classes begin January 9th. For questions regarding the program, contact Craig A. Smith, J.D., program director, 893-7440, paralegal@els.ucsb.edu

To enroll call (805) **893-4200** or visit www.extension.ucsb.edu

CHANGING
LIVES

UCSB
Extension

UNIVERSITY
OF CALIFORNIA
SANTA BARBARA

**Neil Krupnick & Associates
takes pride in announcing the
newest member of our firm**

William R. Chapman

**Formerly of Grassini & Wrinkle
as a trial attorney.**



- We are very experienced at Automobile, Motorcycle, and Pedestrian Injuries
- Refer your serious cases to Neil Krupnick & Associates for paid professional referrals and the satisfaction of knowing that your clients will be well represented.



NEIL KRUPNICK & ASSOCIATES
A Professional Law Corporation

805-495-7651 www.neilkrupnick.com

340 N. Westlake Boulevard, Suite 220
Westlake Village CA 91362



AS A SIGNIFICANT BENEFIT TO OUR MEMBERS...THE VENTURA COUNTY BAR ASSOCIATION HAS IDENTIFIED THESE INSURANCE AND FINANCIAL PLANNING PROFESSIONALS TO ACCOMMODATE YOUR INSURANCE NEEDS. THESE BROKERS ARE RECOGNIZED FOR THEIR INTEGRITY, KNOWLEDGE AND EXPERIENCE IN SERVING THE LEGAL COMMUNITY. THEY CAN ASSIST YOU IN THE AREAS OF LIFE, HEALTH, DISABILITY INCOME, LONG-TERM CARE INSURANCE, ANNUITIES AND INVESTMENTS. YOU CAN OBTAIN STATE AND COUNTY BAR PLANS AT DISCOUNTED RATES THROUGH THESE BROKERS.

Barry A. Cane

Disability Income Insurance
Business Overhead Expense

(805) 496-5537 Fax: (805) 496-5598



Lic. #0740274

240 Lombard St., Suite 100, Thousand Oaks, CA 91320

FPO

Registered Broker/Underwriter, California
through TAG, 1-800-638-4687, Main
America. Represented by The

Insurance Co., 7 Pa
D, SFC, 655, d
Life Insurance

of New York, 254
of Law
of America, New

04, Secur
of Law

Products and services offered
Life Insurance Company of
insurance companies.

Michael P. Kenney*, CLU

Group and Individual Health Insurance
Business and Personal Life Insurance

(805) 497-7407 Fax: (805) 494-1363

www.kenneycompany.com



Lic. # 0688916

Securities offered through a registered representative of Royal Alliance Associates, Inc., member NASD/SIPC,
Branch Office: 100 E. Thousand Oaks Blvd., Suite 102, Thousand Oaks, CA 91320 • (805) 496-4600

LAWYERS' MUTUAL INSURANCE COMPANY

Policyholder Update

*"Integrity is what we do,
what we say, and
what we say we do."
- Don Galer*

"A Decade Of Dividends"

2005 will mark the 10th straight year of Dividend Payments to our policyholders!

MARK NOVEMBER 1, 2005 ON YOUR CALENDAR

While a ten year anniversary can be thought of in traditional (tin/aluminum) or more modern (diamond jewelry) terms, your Board has voted to mark this occasion in the most stable and recognizable way it knows: by issuing a dividend* of 8% of your total policy premium to all policyholders of record as of November 1, 2005 and who paid a premium during the 12-month period prior to 11/1/04.

COOL HOLIDAY WISHES

Although your check will not arrive until the December holidays, we certainly don't think it is too early to wish you healthy and prosperous thoughts. And while we can now proudly declare a "**Decade of Dividends**", it is worth remembering that LMIC has been a provider of professional liability for decades . . .

MCLE! As a State Bar of California approved MCLE provider, we are pioneers in loss prevention education and offer a range of seminars and self-study programs exclusively for our members at little or no cost.

Claims-Free Longevity Credits can start after the first year and you may be eligible for "Preferred" status after just 4 consecutive years - resulting in a 15% (or more) Premium Credit.

A.M. Best's Rating of "A" (Excellent) . . . we are insurance specialists. Professional Liability coverage for California lawyers is the only product we offer. Through sound and disciplined underwriting, our Standard Program rates have been the same for over 15 years . . . imagine that!



LMIC . . . it pays to stick around!

Visit us at — www.LMIC.com or call (800) 252-2045

LAWYERS' MUTUAL INSURANCE COMPANY

3110 West Empire Avenue, Burbank, CA 91504

* Dividends are paid at the sole discretion of the Company's Board of Directors, and past dividends do not guarantee the payment of future dividends.

2005 ANNUAL INSTALLATION AND B



LEN E. NORDMAN AWARDS BANQUET



**LEGAL MALPRACTICE
EXPERT WITNESS
and LAWYERS ADVOCATE
STATE BAR DEFENSE**

PHILLIP FELDMAN

B.S., M.B.A., J.D., A.V.
Fellow American Board of
Professional Liability Attorneys

Certified Specialist
Legal & Medical Malpractice
(California & American Bar Associations)

Former Judge Pro Tem
Former State Bar Prosecutor

Fee Arbitrator 30 years
Litigator/Expert 38 years

Malp/Ethics Author

www.LegalMalpracticeExperts.com
Email: LegMalpExpert@aol.com
StateBarDefense@aol.com

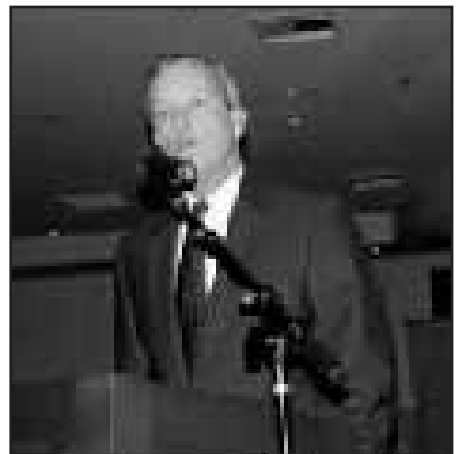
(310) LEG-MALP (534-6257)

**ALSO FEE DISPUTES,
PREVENTATIVE LAW & RISK
MANAGEMENT CONSULTATIONS**

VCDS National Conflict Resolution Day Celebration

By Sandra D. Rubio, Executive Director

The Ventura Center for Dispute Settlement celebrated National Conflict Resolution Day by hosting its first annual dinner on October 20, 2005 at the Sterling Hills Golf Club. President James P. Lingl spoke of the Center's 15 year history and introduced guest speaker Justice Richard D. Aldrich. VCDS secretary Gil Campos presented Judge David W. Long with the 2005 ADR Advocate of the Year Award and Presiding Judge John "Jack" Smiley presented Nina R. Meierding with the 2005 ADR Practitioner of the Year Award.



REAL ESTATE SERVICES WHEN EXPERIENCE AND TRUST MATTERS!!! CALL: EMMANUEL F. FOBI

- Whether Buying, Selling or Refinancing
- Probate or Divorce
- 1st time home buyer
- Investment property
- Rebates/Bonus up to \$1995*



(805) 914-1017
Email: Efobi@aol.com

Paradise Estates
770 Paseo Camatillo, Ste. 120
Camarillo, CA 93010

DRE# 01494662



Emmanuel F. Fobi, Esq.
Real Estate Broker

From conference room to courtroom, Pacific Coast has got you covered!

Pacific Coast has been
the most trusted name in
court reporting in Ventura
County for over 30 years.
We can support you...



- ▶ Complimentary, well-equipped conference rooms in both our Ventura and Woodland Hills locations
- ▶ Videoconferencing capabilities
- ▶ High-quality realtime court reporting
- ▶ Complete in-house videography and trial presentation capabilities
- ▶ Full-service document depository including document storage and retrieval, document identification, scanning and copying



**PACIFIC COAST
COURT REPORTERS**



A LEGALINK COMPANY
www.legalink.com

Pacific Coast Court Reporters

1363 Donor St, Suite 8
Ventura, CA 93003-5038
tel (800) 438-2226

20750 Ventura Blvd, Suite 740
Woodland Hills, CA 91364
tel (818) 715-9122

Free CLE Offer

Learn more about the latest in
technology and receive
1.0 hours of CLE credit.

Call **(818) 802-8781** or email us
at sreed@legalink.com.

WE READ SO YOU DON'T HAVE TO

What's love got to do with it? Nothing to do with juror bias, ruled the Ninth Circuit, even after Juror #9 penned a love letter to the prosecution's star witness following her testimony in a criminal trial.

In the hopes of securing a date with a woman of "sophistication" and a "very 'kind' aura," Juror #9 wrote a lengthy letter of introduction after trial to Special Agent Bridget O'Keeffe. Agent O'Keeffe was a summary witness for the government and testified as to defendants' tax fraud and money laundering schemes in *United States v. Smith* (2005) 2005 Daily Journal DAR 11276.

Apparently this impressed Juror #9, who suggested that he and O'Keeffe "get acquainted [sic]" about a month after the jury returned a guilty verdict. Juror #9 fondly remembered that he "purposly [sic] gave you a smile" and noted that it "appeared that you returned a smile back to me." He encouraged O'Keeffe to "send an email" if she didn't find his approach "odd, tasteless [sic], or in anyway [sic] out of line."

Not surprisingly, O'Keeffe promptly reported the letter to prosecutors who, in turn, reported the letter to the court and opposing counsel. Two defendants moved for a new trial based on Juror #9's alleged bias.


The trial court denied the request for new trial and an evidentiary hearing on the issue. The Ninth Circuit affirmed. Judge Hawkins wrote that even if Juror #9 "had something of a crush on Agent O'Keeffe, his letter made it clear that he diligently performed his duty as a juror, never speaking to Agent O'Keeffe during the trial, and at most exchanging a smile with her." After all, noted the court, "[i]t is unlikely that any trial goes by without one juror finding one witness nice or attractive. The only unusual thing about this case is that Juror #9 put his feelings in writing."

And with that, CITATIONS leaves the reader with one parting thought: maybe "the office" isn't such a terrible place to meet prospective mates – court now seems like kind of a creepy alternative. . .

Angela Lopez is an associate at Nordman, Cormany, Hair and Compton in Oxnard.

JAMES P. LINGL & ASSOCIATES

Over 25 years experience in Community Association Law



Community Association Attorneys Providing

- MEDIATION SERVICES
- EXPERT WITNESS SERVICES
- CONSULTING SERVICES
- GENERAL LEGAL COUNSEL

For more information call (805)482-1903

www.lingllaw.com e-mail: lingllaw@aol.com

DAVID M. KAREN, ESQ.

(805)988-4848

TRIAL • LITIGATION • MEDIATION

WWW.DK4LAW.COM

Got Case?



Whalen-Bryan, INC.
 Confidential Providers of Legal Personnel
 for Law Firms and Corporations

www.whelanbryan.com



**Kathi Whalen, C.A.C.
 President**

Ventura County
Call (805) 389-3663

Santa Barbara County
Call (805) 965-2020



EAR TO THE WALL

Cheri Kurman has branched out on her own and opened a law firm in Camarillo. Cheri's business address is 1200 Paseo Camarillo, Suite 275, Camarillo, California 93010; phone number is (805) 445-7670; email address is: ckurman@kurmanlaw.com (website www.kurmanlaw.com coming soon!). Cheri continues to practice in the areas of estate planning and probate law, guardianships, conservatorships, estate administration, and business incorporation.

PRO-BONO HIGHLIGHTS

By *Verna R. Kagan*

Last year's Pro Bono Service award winner, Pardeep Joshi, continues to honor us with his assistance. One of the matters he handled was an appeal in a landlord/tenant matter. The client literally deserted Mr. Joshi and by all rights, Mr. Joshi could have withdrawn. Nevertheless, he felt bound by ethical duty to see the matter to conclusion. A second client in a custody dispute failed to appear at a scheduled hearing, Mr. Joshi obtained a new date and will be going forward. Mr. Joshi is always congenial and cordial and it is always a pleasure to work with him.

We are very happy to welcome aboard our newest member of the pro-bono staff, Don Greenberg. Don comes to us after 14 years as City Attorney, City of Ventura and 13 years as Assistant County Counsel, County of Ventura. He has also had many years in Private Practice. He has served on the Board of Governors of the Ventura County Bar Association. We welcome his pleasant personality and his team spirit. It is hoped that when he calls upon you that you will be able to give him your attention and assistance.

Verna Kagan is the VLSP Senior Emeritus Attorney

A SALUTE TO THE LRIS STAFF

By *Alice Duran*

Day after day the LRIS staff helps the public find attorneys. Occasionally callers are upset and do not know where to turn.



Elizabeth Davis, our LRIS counselor, handles the majority of the referrals. Elizabeth listens patiently, recognizes the assistance needed, and refers the individual to the appropriate attorney or agency. Nadia Avila and Sonia Hernandez handle the Spanish calls in addition to their regular VCBA duties. The LRIS is grateful for their patience and understanding.



These ladies go above and beyond the call of duty. Their efforts do not go unnoticed. Thank you for all that you do!



The LRIS can be reached at (805)650-7599 or www.vcba.org.

Alice Duran is Client Relations Manager for VCBA.

NEED CLIENTS?

Become a Member and let the LRIS get clients for you!

LRIS Needs More Attorneys In The Following Areas:

Civil Rights

Education Law

Government Benefits

Intellectual Property

Taxation Law

Tenant Rights

Malpractice

***East County Attorneys in all areas**

***Spanish speaking in all areas**



LRIS

LAWYER REFERRAL & INFORMATION SERVICE

For more information call Alice Duran

(805) 650-7599

www.vcba.org



State Bar Certified #0059 and ABA approved.

NEW FEDERALIST SOCIETY CHAPTER

The Federalist Society is a group of conservatives and libertarians interested in the current state of the legal order. It was founded on the principles that the state exists to preserve freedom, that the separation of governmental powers is central to our Constitution, and that it is the province and duty of the judiciary to say what the law is, not what it should be. The Society seeks both to promote an awareness of these principles and to further their application through lectures and debates. To learn more about the Federalist Society, please visit www.fed-soc.org.

Anyone interested in serving on either the Board of Directors or the Steering Committee of the newly formed Ventura/Santa Barbara County Chapter of the Federalist Society for Law and Public Policy Studies should please contact Natalie Panossian, Esq. at napanossian@juno.com or at (805) 217-2465.

FEDERAL BAR ASSOCIATION UPDATE

The Central Coast Chapter of the Federal Bar Association is co-sponsoring a dinner honoring Judge Consuelo Marshall on December 6, 2005. For information, contact FBA president Catherine Swysen at (805) 962-4887.

The FBA is opposing the new 9th Circuit split legislation, which would leave California, Guam, Hawaii and the Northern Marina Island in the 9th Circuit, and create

a new 12th Circuit for Alaska, Arizona, Idaho, Montana, Nevada, Oregon and Washington. The measure would authorize five new judges for permanent 9th Circuit seats, along with two other temporary seats.

EVANS

Tax & Accounting Services

CTEC Registered

805.340.8822

- Tax Preparation
- Tax Planning & Consulting
- Electronic Filing **e-file**
- Out of State Returns
- Payroll Services
- Work Comp Reports
- Notary
- Small Business Setup
- Bookkeeping & Accounting
- Specializing in Non Profit

Fax: 805.649.3377
Website: evanstax.net
Email: evanstax@avenuecable.com

Contact Mediators
INSTITUTE



TRANSFORMATIVE MEDIATION

COLLABORATIVE NEGOTIATION and TRANSFORMATIVE MEDIATION TRAINING For Attorneys & Mediators with Judith Rukenstein Mediator and trainer for over 20 years. Trained as a Transformative Mediator and Trainer by Bush and Folger, authors of The Promise of Mediation (seminal text on Transformative Mediation), October 20-21 Collaborative Negotiation & Introduction to Transformative Mediation October 22-23 Transformative Mediation Skills Fee with lunch certificate, and manual: 2 days: \$750 1 day: \$1475 (Mediation certificate) MCTE Credit: 26 hours Held at La Casa de Maria, Montecito Please register [online at \[online.at.ccmwcalifornia.com/education\]\(http://online.at.ccmwcalifornia.com/education\)](http://online.at.ccmwcalifornia.com/education) Or call 562-2747 for details.

I provide solutions that help you meet your bottom line.

Offering the right environment for your practice.

- Westlaw® KeyCite®
- Public Branches
- Legal Solutions
- The Value Library
New eBook Summary of California Law
not now available!
- The Butler Group
California Executive Guides™
- Miller & Starr
- West LegalEdcenter™
- eLawyer
- C.H.R. DraftMaster Suite™

Call for:

- In-office training
- Free consultations!

Gregg B. Kravitz

West Law Firm Sales Representative

Phone: 818-457-0906
E-mail: gregg.kravitz@thomson.com

Personally serving the legal research needs of Ventura County for over 20 years.




© 2005 West Group. All rights reserved. 12/05/0508

CLASSIFIEDS

Employment Opportunities

PART-TIME CLERK/PARALEGAL - West-lake-based solo seeks part-time clerical/paralegal help; possible full-time later. Independent contractor per 1099 only. Legal experience not necessary; geek-level computer ability, as position involves telecommuting. (Daily office attendance NOT necessary – hence not critical where based.) Ability to learn quickly, follow instructions and checklists, and pay attention to detail. Pay DOE; up to \$20/hour with experience to begin; more in a hurry if it's earned. Email information to tg@iswest.com.

Services Offered

SEEKING ASSOCIATE POSITION - Hard-working, dedicated recent Loyola graduate looking for business, real estate, IP, litigation job in Ventura County. Willing to work long and hard for firms willing to grant that first job opportunity. Looking for good benefits and average salary. Interested? Please contact - Bryan Zaverl, bczaverl@hotmail.com.

Office Space Available

OFFICE FOR RENT - Ventura Law Office, County Square Professional Office Bldg. Underpass to Court House. First floor, large window, phone, intercom, DSL, garden atmosphere. Call 642-2025, \$595/mo.

ATTORNEY HAS OFFICE SPACE AVAILABLE - Near Ventura Harbor, use of receptionist, reception area, conference room, and office equipment. Contact Michele 650-6640.

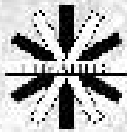
CONFERENCE ROOMS AVAILABLE - The Ventura Center for Dispute Settlement, centrally located in Camarillo is currently accepting reservations for our 2 private soundproof conference rooms. For further information regarding pricing and availability please contact Mathew Spevak at 384-1313.

DIRECTLY ACROSS FROM COURT-HOUSE Attractive, fully furnished and equipped Law Offices, approx 645 square feet. Ideal for 1 or 2 professionals. Wonderful, experienced Secretary/Receptionist (23 years) also available. Terms negotiable. Contact Theresa or Keith at 877 So. Victoria Avenue, Suite 206, Ventura - (805) 656-0180

Discounted collection fee for VCBA members!

We appreciate the time and effort it took for you to build your business and reputation. Our entire staff is dedicated to providing discreet, sensitive, professional collection services

- Established since 1978
- No upfront fees or start-up costs
- No minimum number of account placements
- Accept accounts up to five years old
- Excellent "skip tracing" capabilities
- Ongoing status reports
- You only pay for success!



Diversified Services Group

Specializing in Fee Recovery for the Legal Profession

Toll Free (888) 494-7900 • Fax (847) 926-0362
jmk@divservgrp.com • www.divservgrp.com

TRACY COLLINS Attorney At Law

ERISA

*Representing claimants
in the denial of group
disability and life
insurance claims.*

Referral fees paid.



5699 Kanan Road, Suite 415
Agoura Hills, CA 91301

(818) 889-2441

Fax (818) 889-1210

erisadisability@aol.com

TRUST DEED FORECLOSURES

Industry Specialists For Over 20 Years

At First National T.D. Service we specialize in the Non-Judicial Foreclosures of obligations secured by real property. When your client needs a foreclosure done professionally and at the lowest possible cost, please call us at:

(805) 339-0892

Fax (805) 339-9674

First National T.D. Service

A Real Estate Foreclosure Company

950 County Square Drive, Suite 106, Ventura
KENNETH T. RICHARDSON, REAL ESTATE BROKER



EXEC'S DOT...DOT...DOT...

By Steve Henderson, Executive Director

After 17 years, **Brenda McCormick** departed Benton, Orr, Duval & Buckingham and has accepted the position of managing attorney with the VC Superior Court. She started Nov 1st. Brenda will oversee the research attorneys, family law center and the Self Help Legal Access Centers' braintrust . . . *From Actual Court Records*: Judge: "Why did you kick Mr. Smith in the crotch?" Defendant: "How was I supposed to know he was going to suddenly turn around?" . . . Women's issues comprise a tiny percentage of the U.S. Supreme Court's docket and in most cases there is no correlation between gender and judicial philosophy. From the *New York Times*: "Between 1994 and 2004, it turns out, Sandra Day O'Connor voted less frequently with the other female justice, Ruth Bader Ginsburg, than she voted with any other justice except John Paul Stevens. Additionally, studies of federal district court judges have found that no evidence of gender affects judicial decisions in cases involving discrimination and civil rights." . . . From Groucho Marx: "Military justice is to justice what military music is to music." . . .

License Plate-of-the-Month: JST BABA on a 1992 Ford Explorer clunker driven by **Justice Paul Coffee**. It's a family thing, and yes, you may inquire . . . From Rudy Baylor, *The Rainmaker*: "Sworn in by a fool and vouched for by a scoundrel. I'm a lawyer at last." . . . California Supreme Court Associate **Justice Ming Chin** attracted 75 legal types on a Saturday night at the Mandalay Resort in Oxnard. All our Court of Appeal justices were present (**Coffee, Perren, Gilbert and Yegan**) and a load of judges and commissioners including **O'Neill, Long, Cody, Walsh, Back, Reiser, Daily, Bohren, Gavron, and Ling**. Breaking a record previously held by **Doug Kulper** for emails launched in a ten-day period, Asian American Bar Association honcho, **Dien Le**, led the charge. Some of the other bar leaders in attendance were **Glenn Kelble, Gabriella Navarro-Busch, Stanislaus Pulle, Des O'Neill, Paul Fritz, Don Greenberg, Lillian Jiang, Marc Charney, Mitch Noda, and Meghan Clark**. Governor

Carmen Ramírez introduced Justice Chin to the assembled (she was on his committee to re-elect in 1994) and the Honorable Chin joined Justice Coffee on his boat for breakfast Sunday morning. The Asian American Bar elected officers for 2006. They are: **Dien Le**, president; **Mark Fang** and **Kevin Suh**, vice-presidents and presidents elect; **Brian Nomi**, secretary; and **Gene Le**, treasurer. There are an additional 14 board members too. . . From Daniel Kaffee, *A Few Good Men*: "It doesn't matter what I believe. It only matters what I can prove! So don't tell me what I know, or don't know! I know the law!" . . .

Judge Dave Long shot a hole in one on the #4 at the Saticoy CC November 6 . . . Got a letter from ex-commish **John Pattie** who tells me he has established a new permanent address at the confluence of the Tennessee and Tombigbee Rivers. After "sojourning 4,000 miles by water from Oklahoma to the Gulf of Mexico," John decided it was time to establish "a home place." Over the last two years he's managed to dodge hurricanes, tornadoes, hailstorms, and blizzards. John wants his pals to know he may be reached at 24 Contreau Lane, PO Box 61, Counce, Tennessee, 38326. His phone number is (850) 889-5737. . . From Abraham Lincoln: "In law, it is good policy to never plead what you need not, lest you oblige yourself to prove what you can not." . . .

Don't forget the Barristers are once again coordinating **Bridging The Gap**® scheduled for Saturday, January 28. It's intended for virgin-type lawyers (Barrister eligible), but many have found solace in receiving 6 units of cle, especially for the attorneys with last names H-M, or Group 2. Barristers' cost will be nada and the seasoned veterans will pay significant dough. . . Because of the holidays, **VC Trial Lawyers** is meeting on the evening of the 6th this month, combining their normal 4th Thursday in November and December into one dinner event. Check out the flyer and embrace the substance abuse too . . . From Don Corleone, in *The Godfather*: "A lawyer with a briefcase can steal more than one hundred men with guns . . ."


Bridget and **David Esquibias** are pleased to announce the birth of their son, Avery, October 19th. Avery joins their four-year-old daughter, Liza, three dogs and a cat. David is a partner at **Staker & Esquibias** in Camarillo . . . **Mart Susi** (98722) died after a sudden illness October 19. Mart co-starred in two Bar Shows, directed by **Nancy Aronson**, during the-mid 90's. In lieu of flowers, memorial donations may be directed to the Kara and Holly Susi Trust (his daughters) at Washington Mutual, Thousand Oaks . . . From Henry Kissinger: "The illegal we do immediately. The unconstitutional takes a little longer." . . . Q: Why don't you ever see lawyers at the beach? A: Cats keep covering them with sand. . .

After nearly two years associated with Cunningham and Associates, **Cheri Kurman** is opening up her own shop in Camarillo... From William Shakespeare, *Measure for Measure*: "We must not make a scarecrow of the law, Setting it up to fear the birds of prey, And keep one shape, til custom make it, Their perch, and not their terror." . . . **Holly Spevak** received a plaque from the student body for her efforts to the Class of 2006 through the Academic Enrichment Program at the Ventura College of Law. **Mark Pachowicz** received the Professor of the Year Award at the school's annual banquet in early November. . . From District Court Judge John Anderson, Cañon City, Colorado: The young female lawyer, engaged in her first jury trial, nervously commences her portion of the jury selection: Lawyer: "This is called *voir dire*, and this is my opportunity to speak with you as jurors. After this point in the trial, I won't have any opportunity to ask you any questions or to have intercourse with you." The Court: "Discourse." Lawyer: "I didn't mean that." The Court: "And we send them to law school to learn all these words." . . .


Steve Henderson has been the executive director of the bar association since October 1917. A life-long White Sox fanatic, he typically spends the holidays with la familia on the island of Maui. His twins, Max and Megan, celebrating their 9th birthday on the 19th, are attempting to complete the second half of third grade. Megan Rose adores reading and the performing arts, while Max Stephen is passionate about sports and annoying his sister.

SWITCH
gears to State Farm
AND SAVE
up to 25%.

Find out why more people trust State Farm for their insurance. See if you qualify for Multi-Car and Multiple Line Discounts.



Gary Reed, Agent, CUI LITE CARGO
Insurance Lic. # 0146601
2472 Eastway Ave.
Ventura, CA 93003
Tel: 805.658.2777



EVERY YEAR'S SURETY IS THERE
NEVER AGAIN IS THERE
Protecting Your Home and Business Interests

© 2005 State Farm Mutual Insurance Company

Mediation *Arbitration*

in association with *Former Jurists*

CREATIVE DISPUTE RESOLUTION

PERSISTENCE!

No one accepts the first number.



www.adr-fritz.com

877-CDR4ADR • 805-963-8789

225 East Carrillo Street • Suite 202
Santa Barbara, California
93101

Paul D. Fritz, Esq. *Since 1986*

devine-hall **& associates, ltd.**
CERTIFIED COURT AND REALTIME REPORTERS

- Locally owned and independently operated since 1978
- Member of the Ventura County Bar Association, Founding Member of VALA/Ventura County Paralegal Association, Past President of the Ventura County Legal Secretaries Association
- A Full Service Court Reporting Firm Offering an *Accountability Plus Pledge*
- Hearings • Private Trials • Transcription • Depositions
- Work with the Hearing-Impaired/CART

Devine-Hall is a member of the Alliance for Independent Reporting Excellence (AIRE), an independent network of court reporting firm owners that share the same values and goals when it comes to the people they serve. AIRE's network now covers 287 countries, allowing it to cover every key metropolitan area in the United States.



5450 Telegraph Road
Suite 100
Ventura, California 93003-4144
805.658.CSRS (805.658.2777)
800.660.CSRS (800.660.2778)

depos@devine-hall.com
www.devine-hall.com

Quality: Your Work Demands It; Our Work Reflects It!



Joseph Liebman

Mediator

*Specializing in the Resolution of
Real Estate, Defective Construction,
Earth Movement, Inverse
Condemnation, Insurance and
Business related Disputes*



Service: Ventura, San Luis Obispo and
Santa Barbara Counties

Please Call

HartADR

(866) 427-8237

4255 Mariposa Ave., Santa Barbara, CA 93116

CITATIONS

Ventura County Bar Association
4475 Market Street, Suite B
Ventura, California 93003

PRSR STD
US POSTAGE

PAID

PERMIT NO. 507
OXNARD, CA 93030

