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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

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PRESIDENT'S MESSAGE: SIGNING OFF

By Loye M. Barton

This has been one of the fastest years of my life—filled with opportunities, laughs, challenges and rewards. My heartfelt thanks to each of you who encouraged, advised, and otherwise supported me in my best and worst moments. You make me a better person.

I owe more gratitude than I can express to a number of people. At the top of the list is our illustrious director, **Steve Henderson**, and the entire VCBA administrative staff. Steve faithfully attends three 7:30 a.m. meetings each month, without complaint, prepared to patiently deal with the sometimes unfocused executive committee and the always focused joint meeting of the bar and the Volunteer Lawyers Service Program. Steve and the entire bar association are the reason VCBA works so well.

Verna Kagan, Earl Price and the emeritus attorneys pave the road for any VCBA president by heading up the best pro bono lawyer program in the nation. It is a proud moment when your bar association's reputation precedes you. Steve and staff also need to take a bow for this one.

To **Wendy Lascher** and **Al Vargas**, who have one of the most demanding volunteer jobs editing CITATIONS each month, a special thank you for

graciously ignoring my lack of timeliness in submitting articles and for putting together a great edition month after month.

Don Hurley faithfully kept his promise to be there to help me. His and Carol's friendship and guidance are treasures. And then there is the balance of the executive committee. I could not imagine having so much fun at a 7:30 a.m. meeting. Steve suggested that I write about the meetings in this column—but what goes on at Norman Dowler on Thursday mornings, stays at Norman Dowler. To **Jon Light** and **Matt Guasco**, there are 100 bubbles in each block. You can stop counting. To **Tony Strauss**—your balance is wonderful.

Family, friends, Norman Dowler, and various boards, all of whom are unlikely to read this column, allowed me the time and space to make this year happen. I owe you so much.

To each member of VCBA, thank you for the honor. I truly enjoyed serving this year. It was an opportunity to learn and grow that I will cherish.

We are in good hands with Jon, Matt and Tony in 2007.

Loye Barton's term as VCBA President is about to end. She remains a partner at Norman, Dowler, Sawyer, Israel, Walker & Barton in Ventura.

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LETTERS TO THE EDITOR

Dear Editor:

In the "What's up with Human Embryos" article in your October issue, the writer states that it is nearly impossible to freeze human oocyte for use in creating embryos through IVF. However, over the past two years a very significant break through has occurred in the development of a medium that is successfully allowing for the thawing of oocyte at very high rates. I in fact created a company last year called The Donor Egg Bank and in conjunction with a leading researcher in this field at the USC School of Medicine, we are presently selling frozen human oocyte to IVF practices around the country and expect to expand internationally.

Our pregnancy rates using frozen oocyte have in fact been higher than with traditional egg donation which eliminates the scheduling and other obstacles involved with synchronizing the cycles of the donor and recipient. This will also be a significant help to same sex couples seeking to have children.

Another major benefit from this development in reproductive medicine is that women who

wish to postpone motherhood but are concerned of the risk of the loss of their own fertility may now freeze their own eggs so if nature does not do the trick when the time comes, she will have her own frozen eggs to use rather than looking for a donor. This same benefit will accrue to women facing possible loss of fertility due to cancer or other treatments that may affect oocyte development.

Reproductive medicine is a very interesting in both the medical and legal fields. I believe most people would be surprised at how many children are conceived through IVF. Newspaper articles discussing the birth of children to people in the entertainment industry at seemingly any age give the false appearance that medicine has solved all fertility related problems but you can be pretty sure that any actress having a child after the age of 40 has probably used donated eggs.

Very truly yours,

Frederick Rosenmund

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COLLABORATIVE CORNER

Mental Health Professionals and Collaborative Family Law

By Dr. Jim Cole

Have you ever considered the idea that a divorce is fundamentally an emotional/interpersonal transition (crisis) that, in our culture, is principally handled as a legal transaction?

Seen from this perspective, judges and attorneys serve as the high priests of a proceeding emphasizing civil law and the division of property. The tremendous psychological upheavals affecting both the parents, but especially the children, are given secondary consideration. Collaborative Family Law (CFL) seeks to rectify this error. This approach reprioritizes the focus of the family break-up onto the current and future emotional, social and financial needs of each member of the family. What a challenge! What a revolution!

CFL attorneys and their clients frequently work together as part of a team consisting of financial and mental health professionals. (The role of the financial consultants will be discussed in a future column.)

Specially trained mental health professionals (MHP) may serve several functions. First, they support the parties in dealing with their emotional reactions to the divorce so that they are able to successfully complete the process. Related to this, the MHP works hand-in-hand with other members of the team, identifying issues that may interfere with the collaborative work, and helping to construct strategies to successfully deal with them. Second, the MHP may serve as a neutral evaluator assessing psychological problems manifested by either the parents or their children. The therapist could

either address these difficulties directly, or refer the family member for concurrent or future therapy. Third, the MHP serves as a model and instructor, developing and enhancing respectful, non-judgmental, effective and empathic communication among all members of the team. This not only enhances the probability of success for attaining the team's goals, but also lays a vital foundation for the parents to begin a successful co-parenting relationship.

Dr. James Cole is a clinical psychologist who has worked in Ventura County since he was licensed in 1980. His specialties are in child psychology, mediation, and family law. Currently the co-chairperson of Collaborative Family Law Professionals, he can be reached at jcolepsy@avenuecable.com.



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CALIFORNIA LEGISLATURE—2005–06 REGULAR SESSION

House Resolution

No. 36

1 WHEREAS, Recent astronomical discoveries, including
2 Pluto's oblong orbit and the sighting of a slightly larger Kuiper
3 Belt object, have led astronomers to question the planetary status
4 of Pluto; and

5 WHEREAS, The mean-spirited International Astronomical
6 Union decided on August 24, 2006, to disrespect Pluto by
7 stripping Pluto of its planetary status and reclassifying it as a
8 lowly dwarf planet; and

9 WHEREAS, Pluto was discovered in 1930 by an American,
10 Clyde Tombaugh, at the Lowell Observatory in Arizona, and this
11 discovery resulted in millions of Californians being taught that
12 Pluto was the ninth planet in the solar system; and

13 WHEREAS, Pluto, named after the Roman God of the
14 underworld and affectionately sharing the name of California's

HR 36

– 2 –

1 most famous animated dog, has a special connection to
2 California history and culture; and

3 WHEREAS, Downgrading Pluto's status will cause
4 psychological harm to some Californians who question their
5 place in the universe and worry about the instability of universal
6 constants; and

7 WHEREAS, The deletion of Pluto as a planet renders millions
8 of text books, museum displays, and children's refrigerator art
9 projects obsolete, and represents a substantial unfunded mandate
10 that must be paid by dwindling Proposition 98 education funds,
11 thereby harming California's children and widening its budget
12 deficits; and

13 WHEREAS, The deletion of Pluto as a planet is a hasty,
14 ill-considered scientific heresy similar to questioning the
15 Copernican theory, drawing maps of a round world, and proving
16 the existence of the time and space continuum; and

17 WHEREAS, The downgrading of Pluto reduces the number of
18 planets available for legislative leaders to hide redistricting
19 legislation and other inconvenient political reform measures; and

20 WHEREAS, The California Legislature, in the closing days of
21 the 2005–06 session, has been considering few matters important
22 to the future of California, and the status of Pluto takes
23 precedence and is worthy of this body's immediate attention;
24 now, therefore, be it

25 *Resolved by the Assembly of the State of California*, That the
26 Assembly hereby condemns the International Astronomical
27 Union's decision to strip Pluto of its planetary status for its
28 tremendous impact on the people of California and the state's
29 long term fiscal health; and be it further

30 *Resolved*, That the Assembly Clerk shall send a copy of the
31 resolution to the International Astronomical Union and to any
32 Californian who, believing that his or her legislator is addressing
33 the problems that threaten the future of the Golden State, requests
34 a copy of the resolution.

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MEET BRENDA McCORMICK

Interviewed by Michael Velthoen

CITATIONS recently sat down with Brenda McCormick, the Court Managing Attorney for the Ventura County Superior Court, to learn more about what she does:

What does the Court Managing Attorney do?

My primary job is to manage the attorneys who are employed by the court. We have sixteen attorneys – ten research attorneys, one case management attorney, two Self-Help attorneys and three Family Law facilitators. I am also involved with a number of other court projects, including working with the judges on various committees. For example, I serve as the administrator for our temporary judges program.

How does the research attorney program work at the court?

Every motion in probate or civil is assigned to a research attorney for work-up. Cases are randomly assigned, based upon the last two case numbers. Criminal and family law matters are only referred to the research attorneys if the judge makes a special request. We have six full-time research attorneys in Ventura and two full-time and two part-time research attorneys in Simi Valley.

What do the Self-Help and Family Law facilitators do?

They help self-represented litigants find their way through the system. Around eighty percent of all family law litigants are self-represented, so there is a tremendous need for this service. We have facilities in the Ventura and Simi Valley courthouses and in Oxnard. We also have the mobile unit, which goes to Santa Paula, Ojai and the military bases. We are very lucky to have dedicated attorneys running these programs for us.

You mentioned the temporary judges program. How are the training requirements for temporary judges working out?

We were a little concerned that the new state mandated training requirements might be too much of a burden for the attorneys. We were pleasantly surprised when almost 130 attorneys showed for two days of training in September. The feedback has been positive. I think it shows the dedication that our local bar has to our justice system. Now we need people to follow through and submit their applications so that they may become eligible to sit as a temporary judge. The new requirements take effect on January 1. Our challenge will be to maintain the supply of eligible attorneys in the future. The new rules require training every three years for temporary judges, so there will be additional opportunities for training in the future.

What other things are you working on at the courthouse?

The Judicial Council regularly asks the court to comment on things like proposed rule changes or jury instructions. I am responsible for coordinating the court's responses to these requests. I am also working with the court's local rules committee to revise our own local rules. The court revises the local rules twice a year. As the new California Rules of Court will be renumbered January 2007, we are going through our local rules to make sure they conform to the new numbering system.

Does the committee take input from the local bar on the rules?

We do. We are required to send out any proposed changes to the local rules for public comment. We send them to the bar association and to the various bar sections asking for comment. If anyone has any suggestions or comments on the local rules, they should send them to Judge Long or me

You were formerly a litigation partner at Benton, Orr, Duval & Buckingham in Ventura. How does this job compare?

I started this job in November 2005. I really enjoyed working with the people at Benton, Orr and liked being a litigator. I wasn't looking for a change. This opportunity just sort of presented itself. I work with a lot more people here on a day-to-day basis than I did as a litigator. I have been really impressed with their dedication, knowledge of the law and desire to assist the public. Of course, I also enjoy not having to bill for my time and I like that I have a more predictable schedule. I don't have to go back to work at ten at night to finish a brief anymore. That was really tough to do with twin boys.

I understand that you are married to Kevin McCormick, who is also a lawyer.

Kevin and I actually worked together at Benton, Orr. He joined the firm while I was on maternity leave with our twin sons five years ago. We worked together on cases at Benton, Orr, which I really enjoyed. But it's also nice to have different jobs, so we do not talk the law 24-7.

What do you guys like to do when you are not being lawyers?

Most of our time is taken up by our twins. Kevin and the boys are really into trains, especially narrow gauge steam trains. It seems that all of our trips and family outings have some sort of train connection. Of course, I still live for Nebraska football, which has been a little rough the past five years.

Michael Velthoen is a partner at Ferguson, Case, Orr, Paterson, and Cunningham in Ventura. He is a member of CITATIONS' editorial board.



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GEORGAKIS ACCEPTS APPOINTMENT AS DEAN

The Santa Barbara and Ventura Colleges of Law have appointed Heather Georgakis as Dean to succeed the late Richard Goldman.

Georgakis, a Goleta resident, was the Colleges' Dean from 1996 to 2001, and has served as interim Dean since Goldman's death on September 28. Georgakis practiced law with Archbald & Spray in Santa Barbara, and has taught legal writing and research at the Colleges for nearly 20 years. The first person in her family to graduate from college, she has three degrees from UCLA, including a bachelor's, master's in library and information studies, and juris doctorate.

"We are delighted that Heather Georgakis has agreed to become Dean," said Wendy Lascher, president of the Colleges' Board of Directors. "Along with her proven leadership and teaching abilities, Heather has the vision and the perspective to advance the Colleges' programs. We are lucky to have her back."

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CHANGING LIVES UCSB Extension UNIVERSITY OF CALIFORNIA SANTA BARBARA

WHAT GREAT BIG TEETH YOU HAVE

Lynn Duryee

My high-school English teacher had a difficult time coaxing his know-it-all seniors into understanding Gregor Samsa, the protagonist of Kafka's novella "The Metamorphosis." Poor Gregor woke up one morning after a tough night's sleep to find he'd turned into a huge, slimy bug. Long after he started crawling across the ceiling and eating fetid vegetables for breakfast, Gregor continued to have human thoughts and feelings.

As sensible and sophisticated seniors in an Advanced Placement English class, we found Gregor's inability to accept his buggy existence highly annoying. Why was it so hard for him to accept the fact he'd become a really gross roach? I did not understand Gregor at all, until something similar happened to me recently.

The president of our local bar association asked whether I'd be willing to serve on the bar board of directors. Before my appointment to the bench, I'd been president of the bar association, had devoted countless hours to committee meetings, Law Day events, mock trial competitions, continuing education programs and pro bono activities. And yet, as much as I had enjoyed my years as a bar leader, I wasn't ready to recommit. That unmistakable feeling of "Been There, Done That, Bought the T-Shirt" haunted me. Still, it was an honor to have been asked, and after all, I am a public servant who wants to Do the Right Thing. Eventually, I turned

to my husband for guidance. Not only does he unfailingly deliver solid advice, he actively supports any decision to Just Say No.

"Do it!" he exclaimed, without the slightest hesitation. "It's great PR. It'll be good for you and for the bar. Absolutely, positively, yes." Gosh, 19 years of marriage, you'd think I'd know the guy better.

After checking with the judicial ethics committee to make sure there were no constraints in serving on this board of directors (Where are those canonical restrictions when you need them?), I braced myself for another lunchtime commitment and called the president to inform him of my decision to accept his kind offer.

"Oh, J-J-Judge, I was just about to call you," he stammered. "You know, we've never had a judge serve on our board, so I ran it by my executive committee. Don't take this personally or anything, but they are completely opposed to having you join us. I'm sorry. They said we'd be letting the fox into the henhouse."

"Not a problem," I answered cheerfully, suddenly seeing myself with beady, darting eyes, vicious, sharp teeth and a big, drooling tongue. "Uh, thanks for thinking of me."

Perhaps he had spared my feelings by jettisoning the vampire-guarding-the-

bloodbank analogy, but fox in the henhouse? It was stunning and unwelcome news. Somehow, I had been completely unaware that judges and lawyers had become archenemies. I'd always considered lawyers and judges members of the same family, each with different roles to play but connected to each other by mutual respect and a belief in the rule of law. The judge needs the lawyer to frame the issues and provide zealous representation of the litigant, and the lawyer needs the judge to provide a dignified forum for presentation of the case, to preside over and decide a dispute. Such was my naiveté.

If the fox-in-the-henhouse analogy is apt, lawyers and judges are clearly not members of the same family - they're not even members of the same species. They are hunter and hunted, predator and prey. It was hard not to think back on poor verminous Gregor. Even though he scuttled under the furniture when his mother came to feed him, he still thought of himself as a member of the Samsa family, still kept his bedroom door open a crack to hear the dinner conversation, still adored his sister's violin music. The Samsas, however, did not share his tender feelings. They started referring to their once-beloved Gregor as "it."

Should my metamorphosis from productive, clannish hen to nasty, loner fox have been more obvious to me? In retrospect, I must admit that some of my attitudes have undergone marked changes since becoming a judge. As a lawyer, I thought that a

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personal-injury jury trial would require a minimum of six days. Now I know it should take no more than three. I vaguely recall signing well-researched motions that I considered thrilling. Now I must confess it's been a while since a demurrer made my heart skip a beat. As a lawyer, I sometimes thought that the judge was abrupt and impatient, whereas I now tend to think that lawyers are repetitive and perhaps less organized than they could be. And, OK, I no longer have a breezy, casual regard for 170.6 challenges, and I definitely have updated my views on the validity and effectiveness of judicial surveys.

Perhaps this attitudinal shift made my transformation as obvious to lawyers as Gregor's was to everyone but him. This is worrisome, because things didn't work out so well for Gregor. One night, his family couldn't take it any more, and they squished him - ick! - like a bug. I ardently hope for a less-Kafkaesque fate for judges and lawyers. In fact, it wouldn't hurt me to get out a little more often, maybe even attend today's bar luncheon. At least they're serving my favorite entree, coq au vin, which has me practically drooling.

Lynn Duryee is a judge in the Marin County Superior Court.

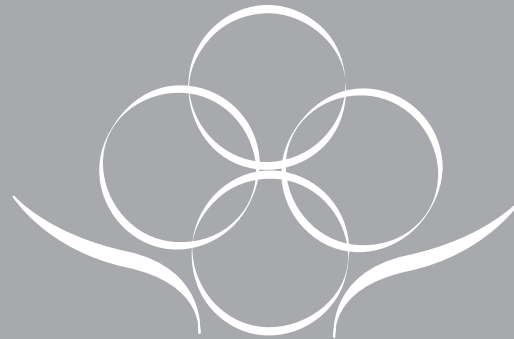
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PRO BONO HIGHLIGHTS

By Verna R. Kagan

To Janet Lawson we referred the most difficult matter we have received in the pro bono department. It was a bankruptcy case, a field of law in which Janet specializes – but that was not the main difficulty.

Our applicant/client suffered a stroke severe years ago and his short term memory was drastically affected. Though referred out, he called this office almost daily often at very odd hours, and did the same to Janet.

For his first visit with Janet I arranged with a social worker to take him to Janet's office. After that, he would ask me to make an appointment for him with Janet only to discover that he had already done so. I would remind him daily of his appointment time. The day after, I called to ask how his appointment went and he told me he didn't go.

So I called Janet back only to find that in fact, he had kept his appointment but didn't remember it. He would consistently return to Janet paperwork she sent him, and call her line at all odd hours.

Now came the problem became getting our applicant to Santa Barbara for his court hearing. I advised him of available public transportation yet I was positive he would get lost.

Fortunately our applicant had a brother living in Northern California. The brother has been most kind. He has made a contribution to our program and we have kept him informed of all activities in the matter. The brother made arrangements for transportation. Now imagine if you will, a client arriving at the Bankruptcy Court door in a white chauffeur-driven stretch limousine.

Throughout these proceedings Janet Lawson, though a very busy attorney, was patient and understanding and handled her role in this matter efficiently and completely. Our thanks to Janet for a job well done.

Verna Kagan is VLSP Senior Emeritus Attorney

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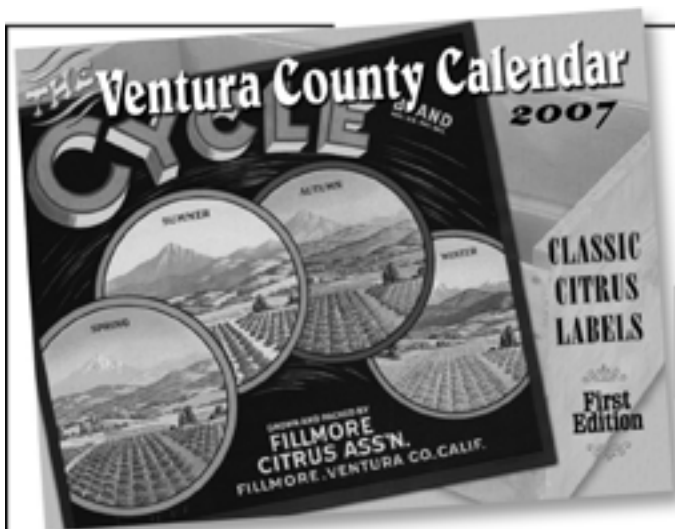
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Welcome new Presiding Judge, the honorable **Colleen "Toy" White** and Assistant PJ, **Judge Kevin McGee**, effective Jan 1...East County Bar Association President, **Marge Baxter**, announced the board of directors for '07. Marge will remain as a vibrant and unrelenting president while **Al Keep** and **Gordon Lindeen** return as officers for the umpteenth year (simply heroic). **Janie Beach**, **Matt Hicks**, **Dien Le**, **Roberta Burnette**, and **Denise Houghton** will begin their first terms Jan 1...From John Quincy Adams: "The mere title of lawyer is sufficient to deprive a man of public confidence. The most innocent and irreproachable life cannot guard a lawyer against the hatred of his fellow citizens."... **Michael Walker**, of **NDSIW&B** fame since 1989, begins his career at the County Counsel's office the end of January. He's started clerking with Norman in 1989, became an associate in 1990, and a name partner 1998.

DDA David Lehr finally had a boy after four girls. David Michael Lehr the Second, was born on September 8 at 8:03 a.m. and weighed 8 pounds, one ounce and a slim 20.5 inches in length. His four sisters ages 8, 6, 5, and 3, wait on him hand and foot. Papa Lehr and wife Jennifer are also fond of the new baby... Q: What do you get when you cross The Godfather with a lawyer? A: An offer you can't understand. From Will Rogers: "The minute you read something and you can't understand it, you can be sure it was written by a lawyer. Then, if you give it to another lawyer to read and he don't know just what it means, then you can be sure it was drawn up by a lawyer. If it's in a few words and is plain, and understandable only one way, it was written by a non-lawyer."...Barristers' Board of Directors 2007? **Jesse Cahill**, president; **Aris**

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

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

Karakalos, VP, **Rebecca Bradley**, Secretary, and Members at Large, **Christian Arrieta** and **Mike Masters**. **Al Vargas** will serve as immediate past-president if he survives his marathon challenge. He completed #4 in Long Beach and #5 Nov. 4 in Santa Clarita...

Karen Gabler of NCHC, gave birth to Sarah Barbara at 12:53 a.m. on September 27. She was 6 lbs., 13 oz. and 19.5 inches in length. Everyone doing well...Injudicious: In August of this year, in Lowell, Mass., judge James McGuinness Jr. quixotically relieved Ms. Grimary DeJesus of all responsibility for failure to pay earlier court fees (which followed four arrests in eight years) provided that she recite the Pledge of Allegiance. She was only 12 words into it before she faltered, but McGuinness said, "Congratulations, ma'am, never heard it said better," and released her anyway. {Boston Herald, 8.17.06}...From Judge Don B. Morgan: "Talent whips truth every time."...License Plate of the Month: ITRY4IT, on a black Mercedes driven by **Marco Turk**. Marco's a visiting attorney from Cal State Dominguez Hills teaching a course at the bar offices...Lawyer: "Trooper, when you stopped the defendant, were your red and blue lights flashing?" Witness: "Yes." Lawyer: Did the defendant say anything when she got out of the car?" Witness: "yes, sir." Lawyer: "What did she say?" Witness: "What disco am I at?"...**Karen Darnall** will perform solo for Vivaldi's "Winter" on Dec. 3, 4:00 p.m., at 1st United Methodist Church in Ventura. She'll be playing with the Channel Islands Chamber Orchestra...

Stuart Nielson has joined his dad, **Lindsay Nielson**, in his real estate law firm. Stuart, formally with Latham & Watkins and Hatch and Parent, states that he does not really mind the 60% cut in pay so long as he can learn at the feet of the Master. Lindsay will continue to be more than just a pretty face around the office...Did you know that the Association of Trial Lawyers of America is changing its name to the American Association of Justice, catching the attention of some disbelievers (New York Times, Op-Ed, 10.24)?...**Kendall VanConas** of the **A-Z** firm has been elected as president of the Estate Planning and Probate Section. She has a pair of difficult shoes to fill as County Counsel **Mary Shea** worked prudently and effectively in '06. Other members of the

board are **Bart Bleuel**, **Maria Capritto**, **Davis Esquibias**, **Don Hurley**, **Roger Lund**, **Ruth Morrow**, **Tom Olson**, **Cheri Kurman**, and **Russ Takasugi**...

James D. McGinley (SB#158913) of **Hiepler & Hiepler**, deployed to Iraq mid-October as a Colonel in the Reserves. A Marine helicopter pilot, he previously spent two months at Camp Pendleton and then shipped over. Hopes to return February or March. Jim is married with no children...From Gracie Allen: "Education is worth a whole lot. Just think, with enough education and brains the average man would make a good lawyer – and so would the average lawyer."...The IP Section has also announced is officers and directors for '07. **Chris Balzan**, will remain president; **James Dawson** and **Jaye Heybl**, vice-presidents; **Glenn Dickenson**, secretary; and **Doug English**, treasurer...This from the January 1988 issue of CITATIONS: "Ventura County Bar members and guests in the know will wear brand new Marvin Lewis t-shirts to the March 26 Bar Show/Tribute to Marvin Lewis (sort of). Don't be left out; order yours now through the Bar Office. These high quality shirts are available for \$10 each in adult sizes S, M, L and XL."...

Welcome if you will please, **Celene Valenzuela**, the bar's new Administrative Assistant. Celene is replacing **Nadia Avila**, who is studying for the bar exam in February and did a remarkable job for us. Call Celene at 650-7599 for a hearty howdy...John Paul Getty, the oil executive and billionaire, once received a request from a magazine for a short article that explained his tremendous success. The billionaire obligingly wrote: "Some people find oil while others don't."... Surf Site of the Month: www.renfaire.com/Language/insults.html. This one speaks for itself, but a great place to locate a Shakespearean insult...

Steve Henderson has been the executive director and chief executive officer of the bar association and its affiliated organizations since November 1990. None of you acknowledged his 16-year milestone November 16 other than to offer offensive quips, snide remarks, and abrasive criticisms about his tenure. So, he plans on taking the kids skiing in Colorado to ring in the New Year.

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