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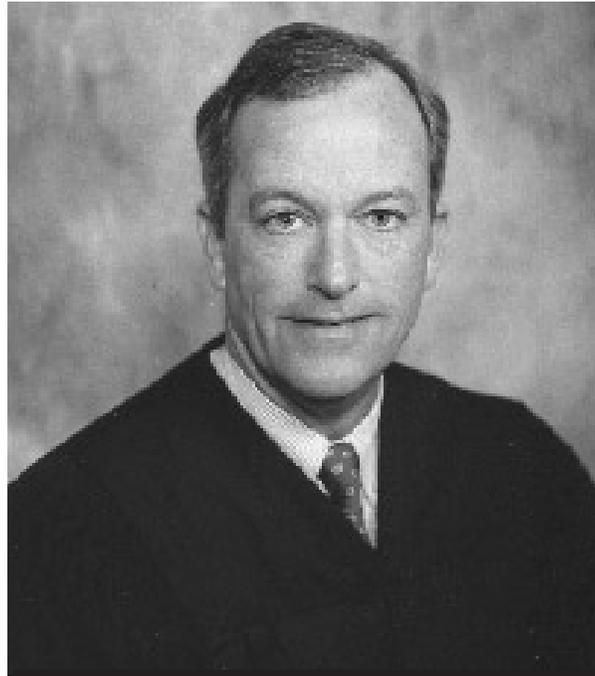
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CITATIONS

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PRESIDENTS MESSAGE: TRIBUTE TO TWO IMPORTANT ATTORNEYS IN MY LIFE

I believe that we are imprinted by the people who touch our lives deeply. In my early career as an attorney, I was fortunate to meet and work with two of the great attorneys and people in our county.

Both Margaret Keller and James D. Loebel served the Ventura County Bar Association as President and last practiced law at Norman, Dowler, where I have practiced or worked since my first year at Pepperdine School of Law. When I am in need of counsel, it is often their words I still hear.

Each of you may have a special person in your lives that you remember from time to time. As we begin the new year and I already feel defeated in my resolution to clean up my office, I smile and remember Margaret Keller's cluttered office and her many paper weights – which I inherited – that state “A cluttered desk is a sign of genius.”

I first met Margaret on December 7, 1992, and we became friends, lunch buddies (along with Peter Dowler), and colleagues.

Margaret Keller was renowned for her assistance to new attorneys. She shared all her knowledge, secrets, and ideas. And she was always ready with an introduction and advice. She played fair and stayed within the rules even when she used her amazing imagination to argue the rules in a manner that might be unexpected. She was always a lady and she was always an original.

I promised Margaret before she passed away in 1997 that I would care for her clients who chose to stay with Norman, Dowler. Margaret's files were an encyclopedia of how to treat a client. She was always responsive and thoughtful and caring, even if she was not speedy. Her files are filled with notes from her clients saying hi or saying thanks. These notes are the kind of tributes that no one else knows about.

Margaret was the first woman president of the bar association and it is some of her wisdom and grace that I aspire to reflect during this upcoming year.

I first met Jim Loebel in January 1993 when he started with Norman, Dowler. Jim and I formed a bond immediately. We were the two newest attorneys at the firm, and I had a bit of seniority over him. We laughed about him being the new kid on the block. It seemed funny to us that the two newest kids on the block had a number of years' experience on most of the other lawyers in the firm.

Jim was big man. Not just his towering height, but in his enormous love of life, events and people. He was the quintessential community servant. Jim was honored with the Nordman Award in 1996. What I remember most is how humble Jim was in this tribute. After Jim passed away, the Bar Association established the James D. Loebel Pro Bono Award to honor outstanding attorneys who provide significant pro bono service.

Jim had such a great way of making people feel good about themselves. He was also a master at finding a reasonable solution to every issue. I will always remember his sage advice to me when I was struggling with a particularly difficult question of whether to accept an invitation to participate in advising the current administration on small business

issues. Jim encouraged me to go and share my point of view, even though I was of the mind that my views would not be welcome. He also gave me invaluable advice on behavior at high level political functions, regardless of political affiliation, and it was his admonitions that allowed me to find wonder and some accomplishment in my foray into Washington politics.

Perhaps what I remember most about Jim was his sense of humor. He was always the one to don the santa hat at the firm's holiday party, he was always the one to tell a story or joke at the monthly attorney lunches, which he faithfully and cheerfully attended even when most of the attorneys complained about time intrusion.

I hope to reflect some of Jim's sense of humor and his reasoned solutions in the upcoming year.

Abraham Lincoln said, “In the end, it is not the years in your life that count. It is the life in your years.” Both Margaret and Jim had a lot of life in their years.

Welcome to 2006.

Loye Barton is an Attorney with Norman, Dowler, Sawyer, Israel, Walker & Barton.





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

LETTER TO THE EDITOR

Some people might be interested to know that a local judge pro tem in small claims court overruled a cruise ship company's arguments about jurisdiction and venue. The judge awarded the passenger plaintiffs their money back in a case where a medical emergency arose shortly before the departure date and the cruise ship filled the room with other people – even though the contract provided for no refund for cancellations within that time frame. The cruise ship company declined to appeal and paid the judgment! (Sometimes you get lucky when you stick up for yourself and don't let the fine print scare you off.)

Kudos to the judge.

Mark E. Hancock

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VCBA AFFILIATES FUND SCHOLARSHIPS

by Panda Kroll, Esq.

Does your bar group have a scholarship program? CITATIONS is aware of only three VCBA affiliates that provide scholarships to area students: Ventura County Paralegal Association ("VCPA" formerly "VALA"), Mexican American Bar Association ("MABA"), and the CPA/Law Society. The scholarships awarded by these groups not only contribute to the recipient's success, but also reflect well on the Ventura County legal community, and the profession of law.

Paralegal Association: Jami Knupp, Vice-President of Programs, reported that VCPA's scholarship program was formalized five years ago, when VCPA developed written guidelines and criteria to qualify. VCPA offers one examination scholarship to an individual taking the national Certified Legal Assistant exam, and one to a student in a paralegal program. Applicants must be Ventura County residents and meet the requirements of California Business & Professions Code, section 6450. Student applicants must be actively enrolled in the legal certificate program/paralegal programs at Oxnard College, UCSB - Ventura Campus or Santa Barbara Business College - Ventura Campus. The Examination Scholarship applicants must be registered to take the National Association of Legal Assistants CLA or CAS examination. None of the applicants can be a current VCPA board member. In addition to the Scholarship, successful applicants receive a free one-year student or associate membership to VCPA. For more information, contact Darlene Mosser at (805) 659-2989, or email dkm.hawaii.bound@sbcglobal.net. <http://www.vcparalegal.org>.

Mexican American Bar Association: Susan Ratzkin, President, reported that in 2005, MABA gave out five scholarships of \$1000 each, funded mostly from proceeds of tickets sold at MABA's Scholarship Dinner. MABA expects to give \$7,000 from this year's dinner. The scholarships are also funded through raffle tickets and auction items sold at the dinner, as well as through donations. MABA sends out applications to local colleges, law schools, and high schools. The most important factor in selecting award winners has been applicants' essays, along with the MABA selection committee's evaluation of the applicant's likely success at their stated goals. MABA offers award recipients free tickets to the dinners and informal mentoring.

CPA/Law Society: Douglas Kulper, President, reported that this year, the group gave out \$20,000, funded by matching grants from institutional and individual sponsors. Award winners hailed from: California State University, Channel Islands; the Santa Barbara and Ventura Colleges of Law; Pepperdine University School of Law; and the Accountancy department of University of California, Santa Barbara. The Society works with financial aid officers at each campus to publish the scholarship. Applicants must qualify with a minimum grade point average, and are each interviewed by members of the Society's scholarship selection committee. This year's award winners and their guest

were hosted at a luncheon at the Pierpont Inn, with celebrity speaker State Superintendent Jack O'Connell.

Scholarships Can Be Creative, Too: Each December, to honor the 2002 passing of Sarah Moody, a one-time Ventura College of Law student, who died the night of her last law school exam, a former classmate seeks tax-deductible donations for a scholarship which is awarded to "the person with the LOWEST gpa entering their senior year at Ventura College of Law." Checks should be sent to "Sarah Moody Memorial Scholarship," Ventura County Community Foundation, 1317 Del Norte Road, Suite 150, Camarillo, California 93010.

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ODE TO A SCHOLARSHIP

By Robert Krimmer

PART ONE

As I approached fifty
I thought it'd be nifty
To alter the course of my life.

Twenty years I had toiled
The kids I had spoiled
But little else showed for my strife.

I thanked God for my blessin's
For all of life's lessons
And even forgave my ex-wife.

With my goal still uncertain,
I opened the "curtain",
And a vision cut through -- like a knife.

PART TWO

A noble profession,
Caught my attention,
A dream for the future I saw.

To help those in crisis
By gaining a license
To practice the rigors of law.

A noble profession
Would be my intention
The plan had only one flaw.

My savings were dwindling
While my dreams were a'kindling
And I was loathe to stick out my paw.

PART THREE

I devised a great scheme
To live lean and mean
'Til I finished my law school learn'in.

I would battle my fears
For four or five years
And set my brain muscles a'churnin'.

It wouldn't be easy
Swift, simple, or breezy
And the wheels of time were a'turnin'.

It was full-speed ahead
No more to be said
The fire of desire was a'burnin'.

PART FOUR

I had to keep working
(My bills were still lurking)
There had to be a solution.

That allowed me to learn
While continuing to earn
And maintaining my family's nutrition.

If I studied at night
With goals clearly in sight
I knew I'd enhance my condition.

But what, during the day,
Would give reasonable pay
And preserve my financial position?

PART FIVE

It came in a flash
A plan for some cash
That demanded my persistence.

By night, I could learn
By day, at a firm,
Be employed as a legal assistant.

Paralegal certification
Takes great dedication
And effort both strong and consistent.

Though my grades were a thrill
My experience was nil
Which left most employers resistant.

PART SIX

I never stopped trying
Though the law firms weren't buying
A dream is a strong motivation.

And finally one day
Came a job that would pay
Albeit meager remuneration.

My plan's nearly complete
Though I rarely do sleep
I work and study without hesitation.

With my IRA gone
And accounts overdrawn
I'm in a state of immense trepidation.

PART SEVEN

I've plenty of need
With four mouths to feed
And two years before the "Bar" test.

I'm not one to beg
But with all done and said
I respectfully submit this request.

To apply is unnerving
But I hope I'm deserving
Of your kind and thoughtful bequest.

I won't change the world
As my dream is unfurled
But, as always, I will do my best.

Robert Scott Krimmer is a Certified Legal Assistant. He received a CPA/Law Society Scholarship this year.

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WE READ SO YOU DON'T HAVE TO

Pursuant to the modified scheduling order, the parties in this case had until June 25, 2003 to file summary judgment motions. Any electronic document may be e-filed until midnight on the due date. In a scandalous affront to this court's deadlines, Microsoft did not file its summary judgment motion until 12:04:27 a.m. on June 26, 2003, with some supporting documents trickling in as late as 1:11:15 a.m. I don't know this personally because I was home sleeping, but that's what the court's computer docketing program says, so I'll accept it as true.

Microsoft's insouciance so flustered Hyperphrase that nine of its attorneys . . . promptly filed a motion to strike the summary judgment motion as untimely. Counsel used bolded italics to make their point, a clear sign of grievous iniquity by one's foe. True, this court did enter an order on June 20, 2003 ordering the parties not to flyspeck each other, but how could such an order apply to a motion filed almost five minutes late? Microsoft's temerity was nothing short of a frontal assault on the precept of punctuality so cherished by and vital to this court.

Wounded though this court may be by Microsoft's four minute and twenty-seven second dereliction of duty, it will transcend the affront and forgive the tardiness. Indeed, to demonstrate the even-handedness of its magnanimity, the court will allow Hyperphrase on some future occasion in this case to e-file a motion four minutes and thirty seconds late, with supporting documents to follow up to seventy-two minutes later.

Having spent more than that amount of time on Hyperphrase's motion, it is now time to move on to the other Gordian problems confronting this court. Plaintiff's motion to strike is denied.

Hyperphrase Techs., LLC v. Microsoft Corp., 2003 U.S. Dist. LEXIS 24345, 1-2 (D. Wis. 2003)

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PRO-BONO HIGHLIGHTS

*By Verna R. Kagan,
VLSP Senior Emeritus Attorney*

Admittedly, people who use our services tend to take them for granted.

One thank you came quite unexpectedly a few months ago when a gentleman appeared at our office, a thank you card in hand and a darling two-year-old boy in tow. He spoke with us for a while and thanked us energetically for referring him to Mr. Emmanuel Fobi, who is representing him regarding custody and visitation with this little boy.

On completion of the conversation, the gentlemen told us that he had other errands and now had to leave the office. With that, his son reached up for Daddy's hand – trusting, warm and loving. It was a beautiful scene and one that filled me with a sense that what our volunteer attorneys do is so important.



Custody and visitation cases are not easy and are often time consuming. Yet, Mr. Fobi's efforts are obviously productive to help preserve this significant relationship between father and son. The VLSP would like to

thank Mr. Fobi for his valuable time and effort.

EAR TO THE WALL

Ralph Chabot is pleased to announce his 10th anniversary of providing legal services to the Ventura County community. His practice is limited to trademark, patent and other Intellectual Property related matters. His office is located in Camarillo and can be reached at (805) 388-5028.

Newly-minted attorney **Rebecka Biejo** recently joined Wood & Bender LLP. She will focus on insurance and commercial litigation and may be reached at (805) 288-1300.

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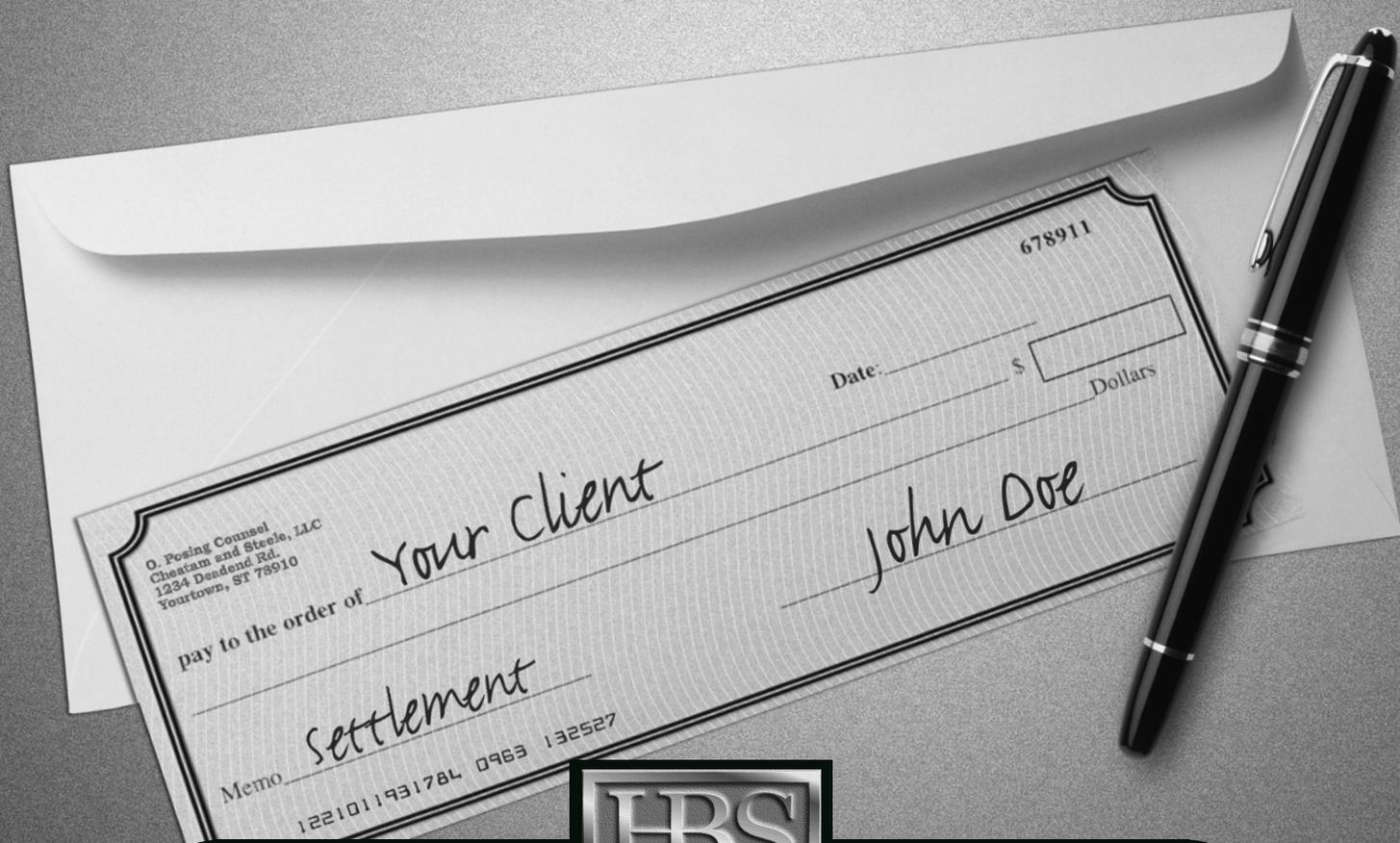
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ROTATION, NOT REVOLUTION: Judge Smiley Reports on Judicial Reassignments

By Panda Kroll



Effective January 30, 2006, Judge Ken Riley will preside over civil trials in Courtroom 43, while Judge Harry Walsh will preside over family law trials in Courtroom 32.

Judge Brian Back will move to a criminal assignment, while Commissioner Manuel Covarrubias will move to juvenile delinquency in J3. Judge Kevin McGee will supervise the criminal division and be assigned to Courtroom 14.

A principal task of the presiding judge is to make judicial assignments. In Ventura County, this requires staffing three court-houses (Main, East County, and Juvenile) and four divisions (family law, criminal, civil, and juvenile). Besides the obvious

considerations of judicial interest and/or experience in a given division, other considerations come into play. For example, child support cases must be resolved by a commissioner rather than a judge, else certain federal funds are forfeited.

While judicial reassignments were at one time done annually, Judge Smiley reports that he is among many California presiding judges who have elected to rotate judges on a more flexible schedule. Rather than an eight-judge "revolution" on the Monday closest to February 1st – the court's traditional rotation day – four Ventura County Superior Court judges took new assignments in anticipation of that date last November. Reassigning judges in two stages facilitates the transition and permits a more timely response to the Court's needs, reports Judge Smiley.

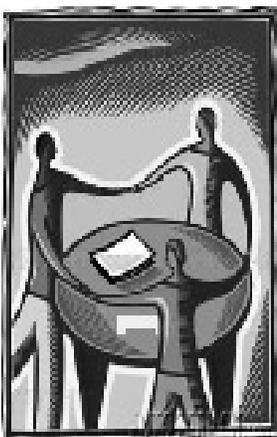
Reassignment allows judges who are ready for a change to be able to gain experience in a new area. Such a change can have a positive effect on enthusiasm, reports Judge Smiley. Judicial preference is also a consideration, as some judges prefer high volume courtrooms and others prefer trials. Case load statistics and policy changes also drive court assignments.

Cross-training is especially valuable to newly-minted commissioners. We have four commissioners, and when assigning courtrooms Judge Smiley keeps in mind the continuing dynamic of judges through the system of appointment, elevation, and retirement.

Panda Kroll is an attorney at Norman, Dowler, Sawyer, Israel, Walker & Barton and a member of CITATIONS' editorial board.

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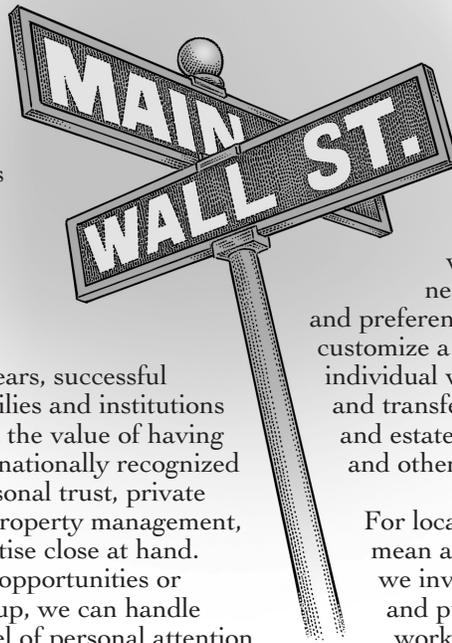
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TAXATION AND TRANSFER OF DOMESTIC PARTNERSHIP PROPERTY

By Maria Capritto

In Citations' October, 2005 issue, Commissioner Young reported on dissolutions filed pursuant to California's Domestic Partnership Act. Taxation presents another issue for nontraditional families.

Property Tax Reassessment Resulting from the Transfer of Real Property. Family Code section 297.5, which sets out the rights of domestic partners, explicitly states that it does not amend or modify any provisions of the California Constitution or any provision of any statute that was adopted by initiative. Fam. Code, § 297.5(j). One such law adopted by initiative, and thus unchanged by the Domestic Partnership Act, is Family Code section 308.5, which states that, "Only marriage between a man and a woman is valid or recognized in California." Thus, domestic partners do not presently get the benefit of constitutional (Cal. Const. art. XIII A, § 2(g)) and statutory (Rev. & Tax. Code, § 63) provisions exempting real property transfers that are "between spouses" or "interspousal" from the property tax reassessment that is normally triggered by a change of ownership. The net effect is that a transfer of real property between domestic partners will cause an increase in the property tax on that parcel, whereas a similar transfer between spouses will not. This dichotomy exists for testamentary and *inter vivos* transfers alike.

Protection against property tax reassessment on real property transferred between domestic partners has thus far been limited to intestate succession. In 2003, the California State Board of Equalization changed Property Tax Rule 462.240, which now provides at subdivision (k) that "any transfer of separate property inherited by a surviving domestic partner, as defined by subdivision (b) of section 37 of the Probate Code, by intestate succession upon the death of a registered domestic partner" is not a "change in ownership" (Cal. Code Regs., tit. 18, § 462.240(k).)

However, domestic partners will soon benefit from similar protection for testamentary and *inter vivos* transfers. New Revenue and Taxation Code section 62(p) provides, *inter alia*, that a change in ownership "does not include any transfer between registered domestic partners, as defined in Section 297

of the Family Code." Thus, effective January 1, 2006, transfers between domestic partners – whether testamentary, *inter vivos*, or by intestate succession – will be treated the same as similar transfers between spouses for purposes of property tax reassessment.

Community Property and Transmutation of Property Between Domestic Partners. Unlike property tax reassessment, domestic partners and spouses have the same rights and restrictions with regard to community property and transmutation between community property and separate property. The domestic partnership law extends community property rights to domestic partners. If a domestic partner wants to transmute real or personal property, the transmutation must meet the requirements of Family Code section 852(a), which requires the transmutation to be in writing by an express declaration that is made, joined in, consented to, or accepted by the domestic partner whose interest in the property is adversely affected.

Gift Tax Considerations. A transmutation of real or personal property between domestic partners may be a gift taxable event if the transferred property interest exceeds the annual exclusion amount of \$11,000. Beginning on January 1, 2005, a unilateral gift of community property by a domestic partner may be declared invalid. The non-consenting domestic partner may seek to void the gift to the extent of the non-consenting Domestic Partner's one-half community property interest. Domestic partners will not be protected from gift taxation of transfers incident to the dissolution of the domestic partnership because Internal Revenue Code §2516 does not apply to domestic partners.

Beneficiary Designations on Non-Probate Transfers. Effective January 1, 2005, a non-probate transfer of community property by a domestic partner will require the consent of the other domestic partner. Differences in federal and state treatment of such pension and retirement accounts will affect the need to designate a domestic partner as a beneficiary or for domestic partner consent for third party beneficiary designation.

If a domestic partner has an ERISA qualified plan, such as a 401(k) plan, the nonparticipant domestic partner does not qualify as a spouse under ERISA rules. The nonparticipant domestic partner will have no interest in the plan at dissolution of the relationship nor will he or she have any interest at the death of the other domestic partner unless the nonparticipant domestic partner is the named beneficiary of the plan.

The result is different for an Individual Retirement Accounts (IRA). California law recognizes a community interest of a spouse or domestic partner in the individual IRA of the other spouse or domestic partner. Thus, to ensure that the designation of a third party beneficiary will be deemed valid, the non-owner domestic partner should consent in writing to the designation of the beneficiary on a community property IRA owned by the other domestic partner.

Until Federal law recognizes domestic partners, this and similar dichotomies will continue in such areas as income taxes, estate taxes and property taxes. Many practitioners recommend that domestic partners enter into pre- and post-registration agreements to address uncertainties created by the new law. Eligible domestic partners should consider registering only after being fully advised of their new rights and obligations under the new law and the possible adverse legal consequences.



Maria Capritto is a lawyer at Nordman, Cormany, Hair & Compton. Maria is also a CPA.

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Judge Ross. . . You're Fired

By Jason M. Adams

On November 16, 2005, Judge Kevin Ross was removed from the bench in large part for his participation in a reality television show, "Mobile Court." The premise was for an actual judge to resolve real cases at the scene of a disputer (Think "People's Court" on wheels.) The pilot featured Judge Ross "presiding" over two cases.

The first one involved teenagers vandalizing a vehicle. The show took place on the residential street. O.K., not so bad. The second dispute, however, was entitled "Beauty and the Beast" and the show was held at a strip club. "Erotic Model" Angel Cassidy sued the Dream Girls adult club in San Diego, claiming that the club cheated her out of prize money. Ms. Cassidy alleged that the security guard, "Wolverine," improperly disqualified her from the final round of the "Miss Wet on the Net" contest.

Judge Ross rendered verdicts on both matters and signed a document for each case entitled "ARBITRATOR'S AWARD." He received \$5,000.00 for his work on the Mobile Court pilot. Sadly, the Judicial Commission Report is silent as to Judge Ross' ruling on the matters, so we will never know if Wolverine got his comeuppance.

Judge Ross was alleged to have violated Judicial Canons 1 and 2A by creating an appearance of impropriety and undermining the integrity and independence of the judiciary; Canon 2B(2) by using the prestige of office to advance his and others' pecuniary interests; Canon 4A(2) by engaging in off-bench activities that demeaned the judicial office; Canon 4D(1)(a) by engaging in financial and business dealings that may reasonably be perceived as exploiting the judicial position; Canon 4(D)(2) by participating in a business venture or commercial advertising, or permitting others to use the judge's title, or otherwise lending the prestige of office to promote a commercial venture; and Canon 4F by acting as a private arbitrator.

Three special masters were appointed to hold evidentiary hearings and report to the Commission on Judicial Performance. Not surprisingly, the special masters and the Commission concluded that Judge Ross violated all of the foregoing Canons in considering that the Canons appear to have been drafted to prevent this exact situation. No plausible arguments can be made for Judge Ross' defense, as is obvious when examining his defenses.

First, Judge Ross claimed that he did not know that he was acting as an arbitrator. After some significant brow-beating by the Commission on this claim, Judge Ross stated that "he now understands that private arbitration is prohibited, and that he fully understands that he acted as an arbitrator." Not persuaded by the after-the-fact acknowledgment, the Commission noted that Judge Ross' "belated concessions. . . miss the point that Judge Ross has repeatedly refused to concede in the face of compelling evidence that he had to have known at the time of the filming that he was engaging in arbitration."

Judge Ross then claimed that he asked and expected the producer not to use his title in promoting the show. The Commission summarily dismissed this defense as well, concluding that since Judge Ross failed to have this limitation reduced to writing, his efforts were inadequate to ensure that a violation of the Canons would not ensue. The Commission went on to say that Judge Ross' claim was "inherently unbelievable" due to the underlying premise of marketing him as a real judge as a way of selling the program.

Judge Ross' final defense was that it was acceptable for him to participate in the pilot because he "never made a final decision to do the show." The Commission dismissed this argument in three short sentences, basically stating that Judge Ross entered into a binding contract and contractual formalities were irrelevant to the ethical violations.

The Commission disagreed with the special masters only as to the degree of misconduct committed by Judge Ross. The special masters concluded that Judge Ross committed only prejudicial misconduct in connection with arbitrating the Mobile Court cases. The Commission, on the other hand, determined that Judge Ross' misconduct was willful. The Commission noted that Judge Ross' "pervasive lack of candor and accountability" throughout the proceedings was "especially pronounced" with respect to the Mobile Court charges.

The four counts of misconduct (count four being the Mobile Court arbitrations) levied against Judge Ross resulted in his removal from judicial office and disqualification from acting as a judge.

Considering the allegations against Judge Ross, the outcome of the Commission's decision is relatively unsurprising. Judge Ross testified that he knew he would need to resign from the bench if he was chosen to host the Mobile Court series. He also testified that a television career was very appealing to him because it would "only require [him] to work six months out of the year."

These comments illustrate that Judge Ross apparently made the conscious decision to gamble his seat on the bench on the remote possibility that he would become famous as a result of a reality show. The spellbinding allure of Hollywood is ever fascinating. Whether it's the teacher from Minnesota eating bugs on an island or an esteemed judge risking his career, the things people will do for the mere chance at celebrity never cease to amaze.



Jason M. Adams is an attorney at Adams Noblin Vrataric in Ventura and a former cast member of the reality-TV show "The Law Firm" featured in Citations, September 2005.



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ED MASRY

Westlake Village attorney Edward Masry passed away on December 5, 2005. The L.A. Times described Ed as the “flamboyant, crusading environmental lawyer” portrayed by Albert Finney in the Erin Brockovich movie. As anyone knows who is familiar with the film or the actual court case, Ed took on the representation of the little guys against a corporate giant to stop toxic poisoning of groundwater, and won. Masry, a practicing California lawyer for 44 years, provided legal representation to celebrities, including actress Pamela Lee, Merlin Olsen of the Rams and televangelist Gene Scott, but never imagined he would become a celebrity in his own right for his work as a lawyer, representing residents in Hinkley.

While many lawyers approaching 70 are either contemplating retirement or have retired, Ed not only continued practicing law, but entered the world of politics, becoming a councilmember and mayor of the City of Thousand Oaks. Upon Mr. Masry’s death, Thousand Oaks Mayor Claudia Bill-de la Peña described Edward Masry as “a fervent protector of open space, the environment and small business.” During his 5 years on the City Council, Ed stood firm on these convictions, actively pushing for the acquisition of more parkland for the community. He was a strong, courageous man who always spoke his mind regardless of the popularity of his opinions. While those who disagreed with him were often quick to criticize, Ed always took the high road. He was a true gentleman. The voters believed in Ed and his leadership qualities, re-electing him to the council in unprecedented numbers in the fall of 2004.

I had the privilege of knowing Ed Masry as an incredibly talented lawyer, civic leader and friend. The Erin Brockovich movie was something Ed was proud of, not just because it added to his wealth and notoriety, which he did enjoy, but mainly because it heightened the awareness of people around the country regarding toxic contamination issues. Ed and his law firm, Masry and Vittoe, have made great strides in making accountable many companies who had polluted the land with impunity for years.

Closer to home, Ed generously and selflessly contributed his time and resources to local issues and lawsuits to protect the health, the

safety and the fundamental constitutional rights of local residents. Ed was instrumental in saving the 5400-acre Ahmanson Ranch open space from a massive development proposal of 3000-plus homes. Not only was he a lawyer for some of the plaintiffs in the litigation, but also effectively used his clout as a public figure. He and Erin went to Sacramento and got Governor Grey Davis interested in having the State acquire Ahmanson Ranch by using his skills of persuasion as well as providing the Governor with signed copies of the movie and poster. In assisting supporters for the preservation of Ahmanson Ranch, Ed and his firm even found themselves in World Court, successfully protecting the rights of a community group to keep using their website domain name.

Ed Masry was truly an inspiration to all who knew him well. Thank you Ed for exemplifying what all lawyers should strive to achieve in their careers and their lives. You will be missed.

By Alyse Lazar

JUIN BARKER

Juin Barker, who practiced law in Simi Valley with her brother-in-law partner, Jim Barker, lived in Simi Valley. She was a board member of Women Lawyers of Ventura County, and torts professor at Southern California Institute of Law. Juin was a regular at bar functions and a member of the LRS panel. She is survived by her 15-year-old son Samuel.

By Karen Darnall

DICK RICHARDS

After battling cancer for nearly 15 years, Richard “Dick” Richards died December 2. Dick was admitted to the State Bar in 1962 and was elected twice to terms on the VCBA board of directors. Dick also served as president of Ventura County Legal Aid. After leaving Los Angeles, he joined the law firm of Lowthorp, Richards, McMillan, Miller, Conway and Templeman in Oxnard where he practiced 37 years. An article about Mr. Richards will appear in the February issue of CITATIONS.

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

By Steve Henderson, Executive Director

Got MCLE? Attorneys with last names H-M take note. Bridging The Gap© is January 28th in the Jury Assembly Room. In addition to the eight other cle offerings during the month, the Gap will offer seven including the hard-to-gets. Flyers contained herein or call the bar office at (805)650-7599. . . Those fleeing the Ventura flames November 18 included **Blake Wade, Mike Velthoen, Mindy and Jay Johnson, and Mike O'Brien** . . . According to the LA Times: "A lawyer imprisoned more than a decade for allegedly hiding \$2.5 million during his divorce was back in court December 9, but H. Beatty Chadwick failed again to persuade judges to release him. Attorneys say Chadwick, 68, may be serving the longest stretch in U.S. history for civil contempt. The judge who sent him to jail in 1995 found that he had hidden his wealth in overseas banks rather than allow his ex-wife to get it. Chadwick has been kept in jail by a series of judges if he'll just reveal what happened to the money." . . . Kwanzaa party was held at **Tina Rasnow's** home New Year's Day. It was sponsored in part by the Black Attorneys Association and the Asian American Bar Association. **Liana Johnsson, Mary Tatum, Dien Le, Carmen Ramirez, Earl Price, Gary Windom** were a few of the notables. . .

Ojai Valley School has named its newest lecture hall the **William H. Hair** Lecture Hall, in honor of Hair's nearly 30 years of service on the board of trustees. . . Great bar friend **Ed Lacey** retired December 31. After six years of talking about it, he finally did it. 25 stellar years providing services to our community. . . From Jonathan Swift: "Law is like a cobweb, which may catch small flies, but lets wasps and hornets break through." . . The State Bar of California has vacancies on COPRAC, the standing committee on Professional Responsibility and Conduct. Applications are available on-line from the bar's website at www.calbar.ca.gov. Submission deadline

is February 1st. . . An interesting decision from our District 6 Court of Appeal as it is highly unusual for them to get testy. The court found that LA attorney Debra L. Koven should be sanctioned for filing two petitions for rehearing that, "in no uncertain terms accuses us of 'deliberate judicial dishonesty'." Koven's pattern of abuse and unsupported accusations of judicial misconduct are patently outrageous, she has also impugned the integrity of the trial judge, opposing counsel, and counsel's expert witnesses." Located entirely at www.courtinfo.ca.gov/opinions/documents/B184017.PDF. . . **DDA Tom Harris** celebrated his retirement party in style with 60 colleagues, friends and family December 8 in the County's Administration Building. Joining Tom were **Greg Totten, Mike Bradbury, Noel Klebaum, John Flynn, Bill Hair, Mike Frawley, Tony Trembley, Undersheriff Craig Husband, Leroy Smith,** and the former city manager of Stockton, where Tom served as city attorney for a time. . .

Bill Schneberg's son, Kyle, passed the July '05 Bar exam and was sworn in December 2 at Pepperdine. Bill added that Kyle will not be working with dad, nor will he practice landlord law . . . A dated, anonymous source: "Arguing with a lawyer is like mud wrestling with a pig: after a while you realize that the pig actually enjoys it." . . . From Actual Court Records: Lawyer: "Did you actually see the accident." Witness: "Yes, sir." Lawyer: "How far away were you when the accident happened?" Witness: "Thirty-one feet, six and one-quarter inches." Lawyer: (Thinking he's trapped the witness) "Well, sir, will you tell the jury how you knew it was exactly that distance?" The Witness: "Because when the accident happened, I took out a tape and measured it. I knew some annoying lawyer would ask me that question." . . . License Plate of the Month: LTHR BR, a Chevy Blazer driven by **Joe Rund**. . .

Stephen Millich, Assistant City Attorney, City of Simi, now hosts "The Blues Shack" every Sunday from one to four p.m. on KCLU, 88.3 FM in Ventura County and 102.3 FM in Santa Barbara. Steve's a veteran of several blues shows and worth the listen. . .

From Anatole France (The Red Lily, 1894): "How noble the law in its majestic equality, that both the rich and the poor are equally prohibited from peeing in the streets, sleeping under bridges, and stealing bread." . . . **Richard Goldman** is recovering well from intestinal blockage surgery just before Thanksgiving . . . The Judicial Council of California and the State Bar of California recently collaborated on a landmark statewide survey of California residents and active members of the State Bar. The focus was trust and confidence in the California courts. The results of the study are summarized in *Trust and Confidence in the California Courts: A Survey of the Public and Attorneys*. Amazing finding? Public trust and confidence in the California courts has improved over the past 13 years. Go figure? Attorneys are more positive about the courts than the general public. Find it at www.courtinfo.ca.gov/reference/4_37pubtrust.htm. . . From Ralph Waldo Emerson: "No law can be sacred to me but that of my nature." . . .

From Lewis Carroll, Alice's Adventures in Wonderland: "In my youth", said his father. "I took to the law, and argued each case with my wife; and the muscular strength, which it gave to my jaw, has lasted the rest of my life." . . .

From Actual Court Records: District Attorney— "Your Honor, prior to calling my first witness, I'd like to state for the record that immediately prior to starting this proceeding and in open court while His Honor was in chambers, defense counsel called me a punk three times and called me a s—t once. I don't know what explanation he has for that, but I wanted to put it on the record before we started this." . . .

Steve Henderson has been the executive director of the bar association since November 1990 and expects you to submit your dues now or all kinds of things can go wrong in your life. Additionally, all those saps that took the Trojans can pay him directly. Finally, he thanks all the members for the holiday cards, candy, floral arrangements and food baskets which appeared while he was on vacation. Dennis LaRochelle delivered a fruitcake upon return.

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