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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

M A Y - T W O T H O U S A N D S I X

LOYE BARTON, VCBA PRESIDENT: “FOLLOW YOUR DREAM”

By Panda Kroll

PAGE 8



LOYE M. BARTON

ROBERT M. SAWYER

SANDRA BOREL

SHARON D. NELSON

VERNA KAGAN

STEVE HENDERSON

PRESIDENT'S MESSAGE: CHIEF JUSTICE ROBERTS IN VENTURA COUNTY	3
WHEREVER YOU GO, THERE YOU ARE	5
EAR TO THE WALL	6
BRAZIL APPOINTS A WOMAN AS CHIEF JUSTICE	10
DISGRUNTLED EMPLOYEES IN YOUR LAW FIRM: THE ENEMY WITHIN	14
JUDICIAL PORTRAIT: JUDGE JOE HADDEN	16
PRO BONO HIGHLIGHTS	18
CLASSIFIEDS	20
EXEC'S DOT. . . DOT. . . DOT	22


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PRESIDENT'S MESSAGE: CHIEF JUSTICE ROBERTS IN VENTURA COUNTY

By Loye M. Barton

My phone rang sometime in early February with a reporter from the Ventura County Star asking me for my feelings about the new Chief Justice of the United States Supreme Court, John Roberts, Jr., making his first public address as chief justice at the Reagan Library in Ventura County. I did not know of the scheduled appearance and made some inane comment that would probably fall into the category of “blah, blah, blah,” and did not make the news. Then the significance of the visit hit me, and I tried to get a ticket to the event, which was sold out. Things change, and on March 8, several colleagues and I attended Justice Roberts’ first speech as chief justice.

Of the 1,000 people attending, about 100 were attorneys. I thought the audience would be filled with a nonpartisan delegation of mostly attorneys hungry to meet the new CEO of our business. That was not the case, as you can see from the relatively small percentage of attorneys attending the event. Among the Ventura County contingency were Judge Colleen Toy White, Greg Totten, Richard Norman, Matt Guasco, Tareq Hishmeh, Panda Kroll, Bill Fairfield, Jeff Bennett and Mike Bradbury. If you were there and I missed you, my apologies. The room was also filled with noted political dignitaries and a large number of students from Pepperdine University School of Law, my alma mater.

My first impression of the 17th chief justice came when he walked through the library and greeted the small number of surprised people milling about. How is that I am now older than the chief justice? Justice Roberts’ very youthful looks compounded the march of time for me. I was also struck by the sincerity of his response to the smattering of applause that rang out as he made his way through the foyer and the genuine smile he wore.

But the reason I went to the event was my curiosity of where this chief justice is headed and how his tenure might impact our practice and the laws that guide us. I hope that

it is not my Pollyanna side that grasped and held onto Justice Roberts’ remarks about the rule of law and our Constitution. I am paraphrasing and hope that I get this right. Justice Roberts said that our Constitution is different from other Constitutions because we have a government of laws, not of men. The rule of law and the constitution apply equally to the government and the governed, and it is critical that we have an independent judiciary who can apply the rule of law to both the government and the nation’s people. Justice Roberts contrasted the judiciary in other nations, where a ruling against the government might result in the judge’s imprisonment. He joked that when asked by a visiting Russian judge if he ever ruled against the government, he replied “three times before breakfast, just for spite.” The point was not Justice Roberts’ response, but the fact that the question would be asked.

I was encouraged by Justice Roberts’ comments about late Chief Justice William Rehnquist and retired Justice Sandra Day O’Connor. Most of you know that Justice Roberts clerked for Justice Rehnquist. He described Justice Rehnquist as unaffected, unpretentious and a patriot to the law. Justice Roberts commented that Justice Rehnquist was a member of the Lone Ranger Club. The Lone Ranger was one of my heroes growing up – I wanted to emulate his fight for justice and I loved his horse. I believe that Justice O’Connor will play out to be one of the most independent and important Supreme Court justices, and I was surprised at Justice Robert’s comment that 100 years from now, an audience like that on March 8, 2006, would know Justice O’Connor, even though the present audience might not know who was the chief justice 100 years ago. (It was Melville W. Fuller. He was appointed by Grover Cleveland. Justice Fuller’s tenure was 1888-1910, and he died in office. Matt Guasco looked it up). I interpreted the comment to mean that Justice Roberts has the same opinion of Justice O’Connor. (Coincidentally, my late friend, Jim Loebel went to law school with both Justice

O’Connor and Justice Rehnquist and celebrated his last law school reunion at the Supreme Court – nice).

Matt and I talked after the speech and agree that Justice Roberts did a yeoman’s job of not revealing too much. But what he did reveal was done in a most effective manner. It was exciting to be part of this new history.

Loye Barton is VCBA President and is a partner at Norman, Dowler, Sawyer, Israel, Walker & Barton in Ventura.

Supreme Opportunity:

The California Supreme Court is visiting Santa Barbara October 2 and 3 this year. The organizers are looking for judges and attorneys to be responsible for a justice during his or her visit. If you would like more information, give me an email or a call.



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WHEREVER YOU GO, THERE YOU ARE

By Robert M. Sawyer, Esq.

When sharing last year's Christmas vacation plans with friends, my announcement that I was heading to Uganda produced some strange looks. Perhaps it was the distance. Perhaps it was the mystery. Perhaps it was because those who knew something about the country knew mostly about the horrors of the Amin years, or had heard scary stories about tropical diseases, AIDS, or civil war. I saw the trip as an once-in-a-lifetime opportunity to have my eyes and ears and heart opened by a new and wonderful place.

I promised myself that while traveling to and in Uganda, I would follow the advice of superhero Buckaroo Banzai in the wonderful 1984 film "The Adventures of Buckaroo Banzai Across the Eighth Dimension." (Information at www.banzai-institute.com.) "Always remember," Buckaroo counseled, "wherever you go, there you are." Wherever I went, there I'd be. In other words, no matter what the trip threw at me, I would be fully involved. I wouldn't fight it or judge it, I would just let it be.

For example, at beautiful Lake Bunyonyi the electricity went out, including the electricity that powered the pump that pumped the water into the rooftop tank that fed the flush toilets in our bathrooms. (Primitive as they were, the pit toilet facilities at many of our stops had the practical advantage of being "off the grid.") But the candles and kerosene lamps set out along the pathways were far prettier than the bare electric light bulbs strung overhead, and helping staff members haul five-gallon gerry cans of water to the rooms to fill the toilet tanks gave me an chance to meet more great people, and learn more about the lake and local history. (And to top it off, the hostel had a small portable generator hooked up to the cooler at the canteen where they keep the beer.)

Guidebooks claim that the "pace is slower" in Uganda. It's not really. People walk faster than in the U.S. It's just that that where we walk slowly to our cars, and then drive frantically from one place to the next, most Ugandans just keep walking. For hours. Everywhere. And rather than yak on cell phones, wolf down fast food and honk at other drivers, they talk with each other, and watch the countryside around them. They don't have a lot of our "labor saving devices." So they cook over open fires, and haul water from community wells, rather than

simply turn on taps in the kitchen. Clothes are washed in tubs, rather than washing machines. On one of our backcountry dirt-road drives we came across a group of young men making gravel. By hand. They sat on the side of the road cutting large stones with hammers and chisels to produce the gravel used in the concrete bridges over the creeks and streams. And talked, and watched people, and birds, and monkeys go by.

I recently had the opportunity to hear Ugandan musician Samite Mulondo, for whom upstate New York has for many years been home base. Someone in the audience asked him if he suffered culture shock upon his arrival in the U.S. Samite said that one thing he noticed right away was how, in the U.S., if you visit someone and stay for more than an hour or two, everyone gets a bit antsy. But in Uganda, if you go to someone's home for a meal and you don't stay for at least five or six hours, your hosts wonder what they did wrong. We experienced that same feeling while we were there. Here in the U.S. we often declare that "time is money." It seemed that in Uganda people understood that time was far more precious. And so rather than waste it by hurrying it, they lived fully in each moment. I hope we learned a thing or two from them.

Rob Sawyer specializes in real estate, land use, environmental and water law, at Norman, Dowler, Sawyer, Israel, Walker & Barton in Ventura.

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EAR TO THE WALL

Engle & Bride is pleased to announce that **Andrew H. Covner** has become a partner. Mr. Covner specializes in civil litigation, medical malpractice defense, and employment law. 353 San Jon Road, Ventura 93001. Phone 805-643-2200; email andycovner@engleandbride.com.

Navendu Joshi has opened his own office at 7334 Topanga Canyon Blvd., Suite 112, Canoga Park 91303, handling homeowners' association law, immigration, and mediation. Phone 818-206-5862; fax 818-743-7433; email njoshi@818law.com.

It is with both excitement and regret that I announce that I am leaving **Silver & Arsh**, as a result of a family decision to relocate to Portland, Oregon. I have had the pleasure to be associated with Silver & Arsh for over 12 years, and the decision to leave an office where I have developed everlasting relationships was not easy. I have accepted an of-counsel position with the Chenoweth Law Group, where I will continue to focus on civil litigation, with an emphasis on business, real estate, commercial, construction, corporate, environmental and contract disputes. The

Chenoweth Law Group practices in Oregon, Washington and California.

Effective April 24, 2006, my new office address will be 601 SW 2nd Ave., Suite 1940, Portland, Oregon 97204. My new office telephone number will be 503-221-7958. My new office e-mail address will be jfrasier@northwestlaw.com.

I want to take this opportunity to thank the members of the bench, bar and court staff. It has been a privilege to work and associate with you. I can honestly say that I have never had an unpleasant experience (other than a few defeats in the courtroom) in over 13 years of practice in the Ventura County Court system. The congeniality of the bench and bar makes the practice of law in Ventura County a true joy, and I am honored to be able to say that I have been associated with such a congenial and professional brethren.

Please feel free to contact me if I can be of assistance to you in the Oregon or Washington legal market.

Sincerely,
Jeff Frasier

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Loye Barton, VCBA President: “Follow Your Dream”

By Panda Kroll



CITATIONS interviewed Loye at her favorite lunch spot, “Hook Line & Sinkers,” in Oxnard. In addition to sharing her personal history, Loye explained the VCBA leadership process and described the role and current goals of this year’s Board.

In January 2006, after serving for two years as a VCBA officer, Loye Barton ascended to the position of VCBA President. Loye had no qualms about filling the top leadership role of VCBA/VLSP, the two corporations representing Ventura County’s 1200+ member attorneys. She states that after having previously served as CITATIONS’ editor for four years, “any other assignment would be less daunting.”

THE VCBA LEADERSHIP PROCESS AND 2006 EXECUTIVE COMMITTEE*

“Ascension” to the VCBA presidency is a four-year process.

Year One – Serve as VCBA Secretary/Treasurer

2006 Secretary/Treasurer: Matt Guasco

Year Two – Serve as VCBA Vice-President (President Elect)

2006 Vice-President: Jonathan Light

Year Three – Serve as VCBA President

2006 President: Loye Barton

Year Four – Serve as VCBA Past President

2006 Past President: Don Hurley

*Steve Henderson, Executive Director of the VCBA serves as an ex officio member of the VCBA Executive Committee.

Additionally, Ten new VCBA Board of Directors members are nominated each July for staggered two-year terms by a committee comprised of VCBA past presidents.

Loye explained that the more we put into the VCBA, the more we get out, and that within the framework of the VCBA’s thirty-seven (and counting) distinct committees/affiliates/sections, every one of us can find a meaningful way to involve ourselves with our professional community. Through this involvement, we associate ourselves with our colleagues, thereby enriching our practice and our life. One of Loye’s favorite tasks as VCBA President is meeting and interacting with elected and other professionals locally and in Sacramento. According to Loye, our local attorneys exhibit some of the highest ethics and civility in the state, and she enjoys advocating for comrades of such quality.

Loye was born in Hollywood, California, the second eldest of five children (two brothers and two sisters). She was bused to an integrated school, San Fernando High. She found the diversity of students exciting, but was also awakened to the inequities in our society. Like many people who came of age in the ‘60’s, Loye hoped to change the world for the better, and dreamed of doing so as an attorney. After graduation, she was anxious to make a living and move out of her modest family home, which was bursting at the seams. She took a job in Texaco’s customer service department and was made a supervisor at age 19. She worked with Texaco for twenty-one years, and lived in Houston, Texas after the company transferred her there.

Throughout this time, however, she continued to nurse her dream of becoming an attorney. As she neared 40, she realized it was time to act, or risk giving up her dream forever. She anticipated attending University of Texas School of Law, but accepted with great pleasure when Pepperdine University School of Law offered her a full scholarship that would bring her back to California. Previously, Loye had taken night classes in Houston to attain her Bachelor’s degree while working full time. In law school, freed from financial constraints, Loye was able to fully immerse herself in academia for the first time, and to participate in all the extra-curricular activities that Pepperdine

had to offer. She served as Managing Editor of the Law Review, and graduated *magna cum laude* in 1992.

Loye has fond memories of her semester interning with Judge Rea of the United States District Court for the Central District of California, where her background in business destined her to become staff “expert” in the new ERISA lawsuits that were flooding the courts. In 1990, Loye served her first-year summer internship at the Norman Dowler law firm, and returned the following summer. Loye accepted a position with the firm after graduation and has remained ever since. Loye will never forget the date of her first day of work at the firm, December 7, 1992, because her father passed away that day. His probate was the first one that Loye ever handled. Loye is comforted by her belief that her dad passed knowing that she had finally achieved her dream of becoming an attorney.

Loye’s primary areas of practice are estate planning, probate, conservatorships, guardianships and corporate planning. She teaches corporations at Ventura College of Law and is a member and past officer of Easter Seals. Loye served as a Big Sister to an at-risk teenager in Houston, and found that relationship both challenging and rewarding. Loye now lives in Ventura with her sister, nephew and four “big beautiful dogs who love to clown at high speeds”: Koko, a black lab mix; Bella and Niki, Siberian Huskies; and Lucy, a Weimaraner.

Loye doesn’t regret her twenty-one years learning business and corporate practices at Texaco (although she recalls that when she was there, it was “an old boys’ network”). She does wonder what it would have been like had she retired at Texaco years ago. She doesn’t see retirement anywhere near in her future, because she doesn’t want to stop doing what she loves. Loye’s willingness to postpone retirement to attend law school, and her success in law school, in her practice, and in her community work exemplify her advice to others: “You’re never too old or too busy to follow your dream.”

ROLE OF THE VCBA PRESIDENT AND LEADERSHIP

Although Steve Henderson, Executive Director of the VCBA, and his capable staff handle the many day-to-day aspects of managing the VCBA, the President and Board have important roles. Among the VCBA President's many roles:

- Attend the swearing in of new attorneys;
- Attend the enrobing in of newly appointed judges;
- Sit on the nominating committee for the Ninth Circuit Judicial Conference, which selects representatives to address the needs of the courts, bench, and bar;
- Represent all VCBA member attorneys to the California State Legislature;
- Preside over both the VCBA's 501(c)(6) mutual benefit corporation and its affiliated 501(c)(3) public benefit, tax exempt corporation (the VCBA/Volunteer Legal Services Program);
- Meet monthly with the Board of Directors, and several additional times each month with VCBA's officers;
- Review VCBA financial reports with the Board; and
- Plan VCBA fundraisers with the Board

Additionally, each year members of the VCBA Board and affiliates meet to determine the VCBA's direction. President Loye Barton reported that over 50 VCBA leaders met at River Ridge on February 11. Among the topics discussed were how to strengthen the connection between VCBA and members of the East County Bar Association, an affiliate of VCBA. A proposal under consideration is to create a satellite office of the VCBA in East Ventura County.

Panda Kroll is an associate in the Litigation Group at Nordman Cormany Hair & Compton, LLP in Oxnard. She is a member of CITATIONS' Editorial Board.

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BRAZIL APPOINTS A WOMAN AS CHIEF JUSTICE

By Sandra Borel

Last year both Brazil and the U.S. witnessed the confirmation of new Chief Justices in their respective Supreme Courts; the one, John Glover Roberts, Jr., was nominated by President Bush, while the other, Nelson Azevedo Jobim, was elected by Brazil's highest court, the Supreme Federal Tribunal ("SFT").

In Brazil, to qualify for a judiciary position on the SFT, one must be between 35 and 65 years old, possess superior judicial knowledge, and be held in high regard by his/her peers. Brazilian law also requires that all judges be born in Brazil, be nominated by the president, and be approved by the Senate. Meanwhile, the Chief Justice of the SFT is elected by his/her fellow Justices for a single, nonrenewable, two-year term.

Brazil also has a unique judicial structure that affords ample opportunity for lateral entry by distinguished attorneys and members of the public ministry. Federal judgeships are very competitive in nature, requiring applicants to pass rigorous oral and written examinations to qualify. Before taking this exam, applicants must have at least two years of practical legal experience. Those skilled enough to pass their judicial exams begin their careers as entry-level district judges and move up the ladder based on merit and seniority. After two years as judges, they are granted tenure, fixing a permanent salary floor, and precluding their involuntary transfer. Brazilian judges are required to retire at the age of 70.

In Brazil, the Public Ministry, an autonomous institution headed by the procurator general, runs parallel to the judiciary. Its responsibilities include defending the legal order, as well as instituting policies to defend public patrimony, the environment, and prosecuting crimes. Meanwhile, the Union is represented in Brazilian courts by the advocacy general, a separate institution.

Brazilian students interested in pursuing a career in law apply to, and enter, law school straight from high school. Unlike three-year programs in the U.S., law school is a five-year program in Brazil. Like the U.S., Brazil-

ian law mandates that law students pass a regionally administered bar exam before becoming licensed to practice. While top law schools in Brazil have very high passage rates, the overall national passage rate hovers around a mere 40 percent. The passage rate for judicial entrance exams is even lower.

The SFT is comprised of eleven justices, seated in rotating panels of five. In most instances only a single justice, designated as the reporter for the case, reviews the briefs and prepares a written order. The remaining justices vote orally, while the procurator general is entitled to attend and voice his opinions without voting. Each justice is appointed by the Brazilian president and is approved by an absolute majority of the Senate. Interestingly enough, while the U.S. Federal Court of Appeal for the Third Circuit is comprised of 45 percent female judges, the first female justice was just recently appointed to the SFT in 2000.

Having served eight years on the SFT as a justice, Nelson Azevedo Jobim was elected Chief Justice of the SFT by his peers on June 14, 2005. Born on April 12, 1946 in Santa Maria, Rio Grande do Sul State, to Helio and Nancy Azevedo Jobim, he graduated from the Law School of the Federal University of Rio Grande do Sul, in Porto Alegre. While in school he received his bachelor's degree in the fields of judicial and social science.

In February, 2006, Nelson Jobim announced his retirement. On March 16, 2006, the void left by justice Jobim's retirement was filed by justice Ellen Gracie Northfleet. Justice Northfleet's election to Chief Justice is a landmark moment in Brazil's judicial history, as she is the first female to occupy the post of Chief Justice of the SFT.

Justice Northfleet, 58, was born in Rio de Janeiro, Brazil. Ironically enough, she is of American ancestry, as her great-grandfather was a Confederate officer who migrated to Brazil after the Civil War. An alumnus of the Law School of the Federal University of the State of Rio Grande do Sul, she graduated with a degree in social anthropology.

Justice Northfleet's resume is very impressive. As a member of the Bar Association of the Rio Grande do Sul, she was founder-director of its Superior School of Advocacy and was elected Vice-Chair of its Lawyers Institute in 1988. As a member of the Federal Public Ministry (1973-1989), she was appointed to a judgeship in the Federal Court of Appeals for the Fourth Circuit, a position reserved for highly distinguished lawyers and members of the Public Ministry. Active in the academic field as well, Justice Northfleet has taught constitutional law at the University of Vale do Rio dos Sinos, been a Humphrey Fellow at the American University in Washington, D.C., and been a visiting scholar at the Library of Congress' law library. She has also served as a Federal Attorney and assistant to the Attorney General for the State of Rio Grande do Sul.

As Chief Justice of the SFT, Justice Northfleet also presides over the National Justice Council (NJC), a judicial watchdog organization. Her oversight of the NJC was unanimously approved by the Brazilian senate.

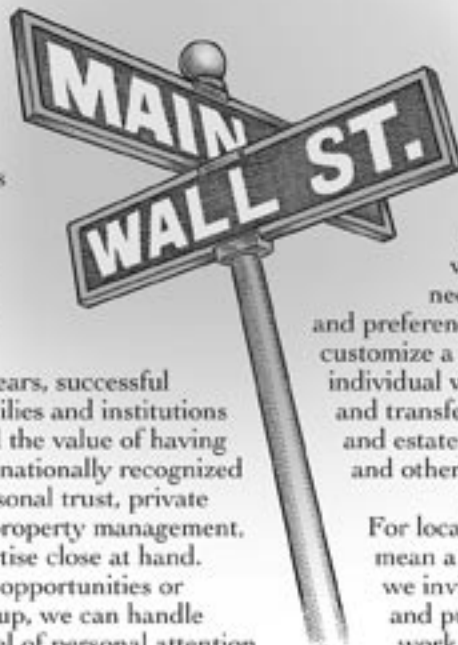
Justice Northfleet's status as Chief Justice reflects an enormous improvement in the status of women in Brazil in the twentieth century. Moreover, it highlights Brazil's modernization and break from its long history of patriarchal traditions. The election of Chief Justice Northfleet, reaffirms the improvement of women's civil rights in Brazil ever since they were given the right to vote in 1932. More importantly, it is a testament to the integration of women into all aspects of Brazilian social affairs.

Sandra Borel is a Brazilian lawyer awaiting California bar exam results.

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DISGRUNTLED EMPLOYEES IN YOUR LAW FIRM: THE ENEMY WITHIN

By Sharon D. Nelson, Esq. and John W. Simek
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"I can take these guys out of business anytime I want"

- a law firm system administrator

If that doesn't chill your bone marrow, you need to lower your dosage of Xanax! The truth is, most law firms give the keys to their kingdom (their data) to their IT employees and pay very little attention to the inherent dangers in trusting them. Hackers and other external intruders surely remain a legitimate threat, but the greatest threat invariably comes from within.

Why do employees become disaffected? Perhaps they didn't get a raise, or feel they are not treated with sufficient respect. Perhaps they want to prove their machismo or illustrate how stupid their high paid bosses are. Some are not disgruntled but greedy, and seek to win the lottery by lifting their employer's data. The worst threat of all is the fired employee. This employee is always unhappy, and sometimes vengeful. What better way to seek revenge than to bring the law firm's technology to its knees? Without its networks, the average law firm today is virtually paralyzed.

So what can happen? Here is an example that we once had to cope with. The head of a local lawyer referral office resigned under pressure. Angry at her bar association, she performed wholesale deletions on the server, wiping out agency forms, procedures, correspondence, and historical records. Fortunately, she was not technically adroit and, with a little technical wizardry, all the deleted material was recovered despite the inexplicable absence of backup tapes. Not every employer is that lucky.

What law firms tend to worry about are power failures, system crashes, hackers, spyware and viruses. To be sure, those are all things that can and should be worried over, but the greatest danger is often close to home. It is much easier to create all manner of mayhem from within given an insider's knowledge.

REAL LIFE NIGHTMARES

An AOL software engineer stole the personal information of 92 million (million!) customers in May, 2003 and sold the data to various and sundry spammers. He originally sold the data

for the less than princely sum of \$28,000 but got smarter along the way and began charging \$100,000 per sale. By the time this article is published, Mr. Jason Smathers is expected to be a guest of federal authorities for an anticipated 18-24 months.

Apple filed two lawsuits in December 2004 accusing insiders and partners of leaking proprietary information.

A Forbes computer technician, angered at his termination, brought down five of eight network servers. All the data in those servers was deleted and none of it was recoverable. Forbes was compelled to shut down its New York Office for two days and sustained losses of more than \$100,000.00.

A Lockheed Martin employee crashed its e-mail system by sending 60,000 colleagues a personal e-mail message requesting an electronic receipt. Lockheed Martin had to fly in a Microsoft emergency response team to repair the damage.

Prudential Insurance Co. had an employee merely frustrated with his sense that he was underpaid. His revenge consisted of purloining electronic personnel files for more than 60,000 Prudential employees. He not only sold the information over the Internet, but incriminated his former supervisor in the theft.

Omega Engineering suffered \$10 million in losses when a network engineer, agitated about his termination, detonated a software time bomb that he had planted in the network he helped to build. The bomb paralyzed Omega, which manufactures high tech measurement and control devices used by the Navy and NASA. When the bomb went off in the central file server, which housed more than 1,000 programs as well as the specifications for molds and templates, the server crashed, erasing and purging all programs. The incident resulted in 80 layoffs and the loss of several clients.

As horrific as these stories are, they are only the tip of the iceberg. If you want the hair on the back of your neck to stand up still further, check out the stories at <http://www.cybercrime.gov/cccases.html>.

Don't assume that disgruntled employees are all you have to worry about! There are other, often overlooked, "insiders" such as independent contractors, vendors and clients - and yes, those cleaning folks who come in late at night. If you left everything up and running, you have no idea what your computer may be doing at midnight.

STATISTICS

The Gartner Group reports that 84% of high-cost security incidents occur when insiders send confidential information outside the company. It's easy to see why. Hacks have to figure out how to break into the network, then locate, obtain and distribute the target data, all without being detected by increasingly sophisticated security systems. People within the firm have authorized access to data AND access to the Internet - a deadly combination from a security standpoint.

The Computer Security Institute/FBI 2003 Computer Crime and Security Survey found that of 488 companies surveyed, 77% suspected a disgruntled employee as the source of a security breach. Vontu, a company which makes software designed to prevent confidential data loss, conducted assessment studies which showed that one out of every 500 outbound e-mails contains confidential data.

A 2004 study by the Pokemon Institute clearly indicates that the great threat to law firm security comes from within, whether the employee action is malicious or merely inadvertent.

THE DARK SIDE OF SECURITY

All law firms have come to recognize glumly that some level of security is necessary. With further reluctance, they acknowledge that they will have to spend serious sums on security. But they usually underestimate their needs, especially if they have not yet been burned by a security breach. It's no joke to say that security comes at a price, both literally and figuratively.

Security done right can be doggone expensive. Without question, it is always an extensive burden, and the aggravation factor doesn't

decrease over time. Implementing security can slow systems down and impair productivity. There is almost always a tradeoff between security, system access and productivity. Yet the absence of security is always sorely lamented - after the fact. Tracing security breaches, remedying their effects and preventing recurrences - all of this costs a great deal more than careful preventive measures.

HOW TO ACHIEVE SECURITY AND SLEEP AT NIGHT

Have strong, enforced policies about computer, e-mail and Internet usage.

Have computer security training for new employees, particularly emphasizing the dangers of social engineering.

Check references, and run background checks on system administrators!

Use firewalls and specialized software designed to prevent your data from leaving your firm, such as products from Vontu, Vericept, Authentica, Liquid Machines and Websense. Modern software can do such things as look for contextual clues in messages to see if they are ok to send or be coded such that particularly sensitive files can be identified and blocked from transmission. Software has evolved to the point where it can analyze a range of variables, from content patterns and relationship to sender and recipient attributes, as well as network protocols and gateway locations. Of course, this doesn't prevent a miscreant from putting the data on a thumb drive and walking out the door.

Back up your data and do test restorations religiously.

Use off-site "cold" storage as well as "warm" storage onsite.

Run virus/spyware protection software that self-updates on a regular basis.

Restrict employee access to confidential information.

Require the use of strong passwords and regular password changes.

Physically secure your servers and make sure all workstations are turned off when employees leave for the day.

Monitor/filter employee activity and announce your intention to do so, making that notice a part of the dialog box when employees log-on to the network.

Terminate employees carefully, without notice and requiring the immediate return of any company property, including laptops, PDAs, cell phones, loose media, etc. Do not allow the employee access to a computer while packing personal belongings (or have those items pre-packed) and make sure their ID is disabled so remote access is no longer possible. If misconduct is suspected, take the computer out of service until the machine can be forensically imaged and analyzed.

Check out cyberinsurance (which we will cover in another "Hot Buttons" column) and make sure you have coverage appropriate for your firm.

In the end, the best prophylactic is using the suggestions above and constant vigilance. Disgruntled employees are a constant, but their ability to inflict severe financial damage has increased exponentially with the technological juggernaut. Only eternal vigilance really works - and even that only buys you a better shot at avoiding or surviving technological assaults.

The authors are the President and Vice President of Sensei Enterprises, Inc., a legal technology and computer forensics firm based in Fairfax, VA. 703-359-0700 (phone) www.senseient.com

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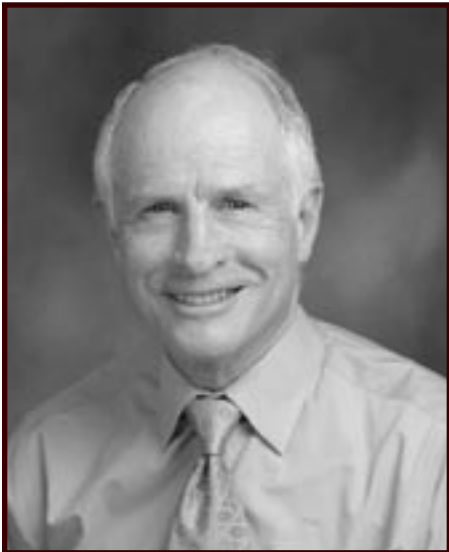
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PRO BONO HIGHLIGHTS

By Verna R. Kagan

At Judges' Night in March, Honoree Judge Manuel Covarrubias made a strong plea to the attendees to enlist their services to the pro bono program whenever they can.

One lady who does not need to be pushed into volunteering is Ana Aparicio. For several years Ms. Aparicio has consistently signed up with pro-bono services for short cause matters. We would almost guess that the word 'no' is not in her vocabulary.



One client is memorable. In spite of being offered pro bono services, she missed appointments, and rather than apologize, she was quite rude. Ms. Aparicio persevered nonetheless, and made the necessary appearances for her with a most satisfactory result. The applicant called me to thank me for her services though I am unaware of whether or not she thanked Ms. Aparicio.

Ms. Aparicio has always been kind enough to make herself available to answer questions. That saves us an inordinate amount of time searching for information, which is instantly available to her.

Our efforts are blessed by her presence in the program and we are most thankful to have her among us.

Verna Kagan is VLSP's Senior Emeritus Attorney.

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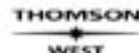
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Panda Kroll started her new job as an associate at **Nordman, Cormany, Hair & Compton** April 24. This after two years at **Norman, Dowler, Sawyer, et al.** . . Prolific With A Pen: A man who faced sentencing on graffiti violations now faces another accusation – that he tagged his jail cells too. Troy Lee Mosby of Wauwatosa, Wisc., had been scheduled for sentencing on 14 misdemeanor graffiti counts, until authorities allegedly found his signature "Syrup" tag on the walls, beds, tables, locker and mirrors of six cell blocks. The 20-year-old has now been charged with habitual criminality, a felony, and faces up to two years in prison on the new charges. . . **Bill Short**, formally of **Myers, Widders, Gibson, et al.** has opened his own shop in Ojai. He can be reached at BillShortEsq@earthlink.net or 640-7640. . .

Bill Corbett was selected Government Professor of the Year at New Mexico State University. . . From Ralph Waldo Emerson: "The man for whom the law exists – the man of forms, the conservative – is a tame man." . . Law Firm Malady: Pre-Filing Phobia (PFP): Inability to stray more than five feet from your secretary while she is preparing pleadings that have to be filed by the end of the day. – *Explaining the Inexplicable: The Rodent's Guide to Lawyers.* . .

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

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

From Wang Hui-Tsu: "If the nature of the encounter cannot be made clear, the facts can easily be distorted at the time of trial." . . . The bar's own **Sonia Hernandez** finished her first marathon, the LA Marathon, along with first-timers **Scott Johnson** and **Gary Crowder**. **Al Vargas** finished his second and even paused for a couple of beers at mile 20.5. . .

Westlake lawyer **Richard Hoefflin** was elected chairman of the board for the Alliance for the Arts at the organization's annual meeting last month. An Alliance board member since 2000, Hoefflin was elected to the Performing Arts Center board of governors and to the Civic Art Plaza Foundation, where he will represent the Alliance. . . From Mark Twain: "We have a criminal jury system which is superior to any in the world; and its efficiency is only marred by the difficulty of finding twelve men every day who don't know anything and can't read." . . Bizarre Case Names: State of Indiana v. Virtue. . . From P.J. O'Rourke: "Society holds trials for the same reason that Shakespeare had comic relief in *McBeth*. So (if you are on trial) try to make everyone laugh. Pleading innocent is usually the best way to do this." . . **Ken Kossoff** scribes, "Your mention of the judge v. the lawyer in the April issue reminds me of what Jim Valvano did once when he was coaching at NC State. A ref made a call. Valvano jumped up. The ref said, "if you say anything I'll call a technical." Valvano said, "Can I think something?" The ref said "yes." Valvano said, "I think you stink." . . .

Denise Malan, master receptionist for 18 years at **Benton, Orr, Duval and Buckingham**, has taken a new job with the county as a Courts Processing Assistant. . . Movie Law: "Love, love, you know what love is? Love is an illusion created by lawyer types like yourself to perpetuate another illusion called marriage to create a reality of divorce and the illusionary need for divorce lawyers." – *Kevin Dolenz*, St. Elmo's Fire... More From Ralphie Emerson: "There is something servile in the habit of seeking after a law which we must obey." . . . Question: Why is an avocado like a lawyer? (both are "avocat" in French) Answer: Both have hearts like stones. . . From Ambrose Bierce: "Liar, n. A lawyer with a roving commission." . . Had hot chocolate with a very fit **Bruce Johnston** the other day,

and while he is enjoying retirement, he had to let me know he has a son that is 54, eclipsing the record off-spring age of 49 by **Bill Hair**. Bruce donated his winning Dodger tickets to charity as you might expect. . .

John Sheldon Robinson, 55, passed away suddenly at his home March 12. John was born in Oxnard, one of five children born to H.F. "Robbie" and Donna Robinson. He graduated from the Ventura College of Law and survived by his wife of 14 years, **Hilary Shankin**. . . From David Letterman: "In St. Paul, Minn., City Hall removed a display of an Easter bunny, pastel eggs and a sign with the words 'Happy Easter' because they might offend non-Christians. Good thing. You certainly don't want anything Christian tainting a city called St. Paul." Question: What do you call an automobile accident between two lawyers? Answer: A Saab story... From the San Jose Mercury News: A woman who defaced a traffic citation and refused to sign a second one written in its place changed her mind and finally complied when a supervising officer, who arrived on the scene and listened to her complaints, offered her a ride to jail." . . **Meghan Clark** of NCHC has been appointed to the Cal Lutheran University School of Business Board of Counselors. . .

Robert Blinn Maxwell (19838) was admitted to the State Bar in July 1948 and declared inactive status January 1, '06. He's 87 years old and experienced a major stroke in December. His 1950 bar directory photo hangs in our offices. . . George Bernard Shaw sent Winston Churchill two tickets to the opening of his play, Saint Joan, with a note: "One for yourself and one for a friend – if you have one." Churchill replied that he regretted being unable to attend the opening, but asked if it would be possible to have tickets for the second night – "If there is one." . . .

Steve Henderson has been the executive director and chief executive officer of the bar association since November 1990. He won several March Madness pools by primarily going with his beloved Gators. Additionally, leaks from his administration were done with complete and legitimate authority. The family dog is named "Scooter" and he illegally entered the country 15 years ago. Henderson can be reached at steve@vcb.org.

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