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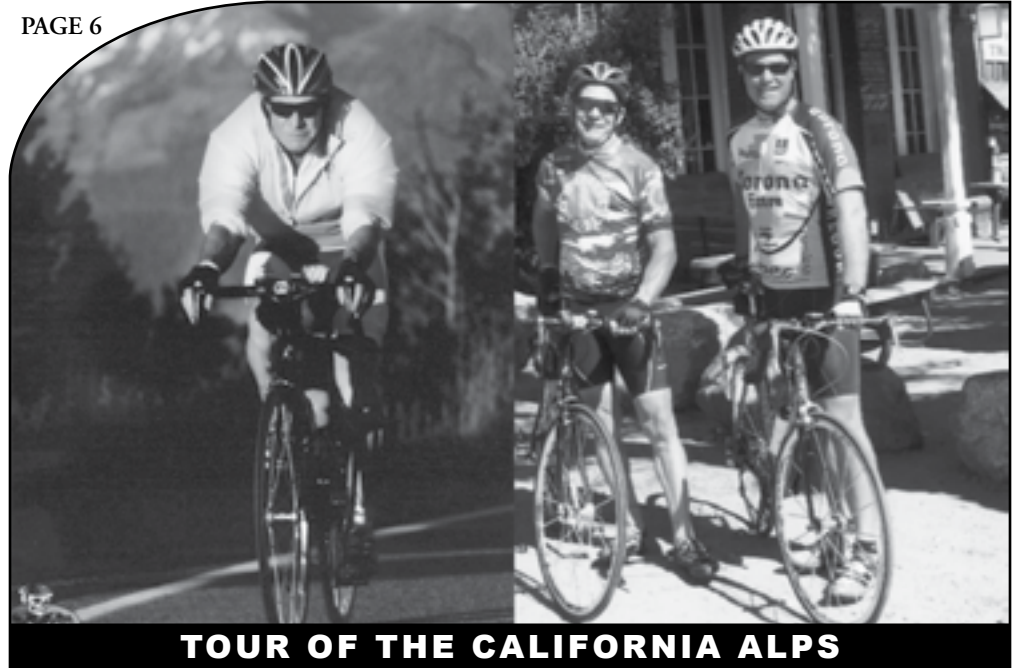
OCTOBER - TWO THOUSAND SIX

THE DEATH RIDE

It's All Commissioner Borrell's Fault

By Rick Loy

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TOUR OF THE CALIFORNIA ALPS

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PRESIDENT'S MESSAGE: What Would Ben E. Nordman Do?

By Loye M. Barton

Over twenty-one years ago, Ben Nordman created a trust that would provide the direction and the capital to honor a Ventura County attorney each year for outstanding public service. He intended the honor to encourage others to give back to the community.

By the time you read this article the twenty-first Ben E. Nordman Public Service Award recipient will have been named. First, a panel of past Nordman award winners, judges, members of VCBA's executive committee and representatives from charities and the public review all of the outstanding nominees and identify three finalists, one of whom will be selected as the 2006 honoree by the Chair of the County Board of Supervisors, the President of United Way of Ventura County and the President of the Ventura County Bar Association.

I wrote in my February article that I believe attorneys as a group are extraordinarily generous of their time, talent and money when it comes to public service, community causes, and just giving a helping hand. Sometimes I think that we keep this soft, cuddly, and utterly wonderful side of our profession a secret. But then I think of the past Nordman winners and the nominees who have not yet received the award, and know that those who give so much of themselves are the last to tell about all they do.

I believe Ben Nordman knew this when he created the award. Past honoree **Jim Loebel**, writing about **Bill Hair's** receipt of the Nordman Award, cited the late Chief Justice William H. Rehnquist's comment that "with an increased emphasis on maximizing billable hours, less emphasis is placed by many lawyers on public service." Jim noted that "the recognition the Nordman Award gives to those who have been active in public service in Ventura County appears to reverse that trend."

I suspect that all of the Nordman Award winners have some things in common. First, they do well at doing good. Second, they find the word "no" difficult to articulate. Third, they miss some family fun, Saturdays, and

sleep when they are needed for a greater cause. Fourth, they forget to tell their families and friends that they are president or chair of a special non profit organization again for a 4th or 5th term. Fifth, they do not stop at one extra job, and consider none of the extra work a job anyway. Finally, never in their wildest dreams do they think of receiving the Nordman Award.

Next month, we have the opportunity to celebrate all that is right with attorneys by honoring the newest Nordman Award winner at the annual dinner. It is our time to thank Ben Nordman for realizing that honoring one among many would honor all who make public service part of their practice and their life.

I am writing this message at 7:30 p.m. on September 11, 2006. One of my dogs has used my remote control as a chew toy, and I cannot change from the Food Channel, so the background noise is recipes and food preparation instead of the poignant tributes to the heroes of five years ago. But the thought of that day still is in the back of my mind. In the November 2001 edition of CITATIONS honoring the very deserving **Bill Hair** as the Nordman Award winner, then-VCBA president **Ron Harrington** (also a Nordman Award winner), wrote of his thoughts after the devastation of 9/11, "...When others talk of retribution, revenge and retaliation, I hope my colleagues and I will remind them of justice, the rule of law, civility, and moral rectitude. Racial, religious, ethnic and cultural profiling are still illegal. We don't defeat terrorists by stooping to their methods. The war against terrorism will not be won unless we institute, world-wide, the principles we have learned from alternative dispute resolution. The ultimate goal of this war has to be reconciliation, not retribution, revenge or retaliation."

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

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LETTERS TO THE EDITOR

Editor:

Just a year after Californians voted to defeat Proposition 73 with a resounding “no,” the same supporters of that initiative are back with Proposition 85, a nearly identical initiative that will put the lives of California’s most vulnerable teens at risk. Not only does Proposition 85 pose a threat to teens, it is part of a larger strategy to chip away at legalized abortion in the United States for all women.

Supporters of Proposition 85 include the Traditional Values Coalition, Evangelicals for Social Action and Right to Life of Central California. These are the same people who want to overturn *Roe v. Wade* and ban all abortions. This is not about parental rights, this is about their political agenda.

Most parents rightfully want to know if their daughter is considering an abortion and in fact, most do. But in the real world, some teenagers live in dangerous homes; some parents are violent or sexually abuse their daughters. Those teenagers can’t go to their parents. Proposition 85 forces those vulnerable teens to delay critical medical care or turn to self-induced, illegal back-alley abortions or even suicide.

Proponents of Proposition 85 claim that a teen can waive the parental notification through judicial bypass. But for many vulnerable teens judicial bypass is an impossible process. Just imagine a young scared pregnant teen who is afraid to tell her parents about her pregnancy trying to navigate her way through an already overcrowded court system. In fact the State’s juvenile court judges last November recommended that the California Judges Association take a stand against Proposition 73, the predecessor of Proposition 85, saying the measure regarding parental notification for a minor’s abortion “would impose substantial burdens” on an “already overburdened court system.” Pregnant teens don’t need a judge, they need counseling and access to timely, safe medical care.

The real answer to preventing teen pregnancy is caring families and good parent-child communication. Research shows the best way to protect our daughters is through strong family communication. Parents must begin talking with their teens at an early age about abstinence and responsible and appropriate

sexual behavior. Proposition 85 is misguided - no law can force families to communicate.

And, the good news is that over the last 10 years teen pregnancy has declined by 46% in California, more than any other state. This decline is largely attributed to accurate sexuality education, abstinence and availability of family planning procedures. No constitutional amendment was necessary. Studies show that as unwanted pregnancies go down, so does the abortion rate.

Doctors, nurses and teachers, including the California Medical Association, the California Nurses Association, the American Academy of Pediatrics, and the California Teachers Association, all strongly oppose Proposition 85. I urge you to Vote No on 85 on November 7th.

Martha Wolter

===== =====

Editor:

Recently, I called upon an attorney to accept another of several pro bono cases that he has accepted in the past. I once tried to write an article about him, which he would not permit. Taking pro bono matters, in his opinion, was something he should do without accolades or honors. Since he did not want his name revealed at that time, I choose not to reveal it now.

The thrust of our conversation was that this very fine family law attorney is leaving the specific practice of law.

All of us who have practiced family law know the difficulties; we are meeting clients at perhaps the most vulnerable time of their lives. Full of anger, disappointment, grief over a failed relationship, it takes a lot of attorney energy to ask a client to let cooler heads prevail. Often, there is a temptation to take the client’s cudgels, which only intensifies the emotional quality of the matter. Years of this kind of high intensity practice can certainly wear a person down.

However, this gentlemen’s decision was motivated by a second aspect of this experience.

“The collegiality is gone. It is not like when you and I were opposing each other.”

My prayer is that his experience is unique and that those who are still in practice are treating each cordially. With the advent of collaborative law, I was really of the impression that we had become more communicative and able to take some of the pressures off of these cases. So much more, it seems, can be accomplished by virtue of our willingness to work with each other. Certainly, the fallout effect upon the children of a marriage is so much better when things are settled amicably.

Verna Kagan



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THE DEATH RIDE It's All Commissioner Borrell's Fault

By Rick Loy

One of the greatest athletic experiences of my life:

It was only going to cost \$83.00 plus gas and food . . . one of the premier cycling events in the West . . . approximately 16,000 feet of climbing in 129 miles, five mountain passes ranging from 5,000 feet to 8,500-foot summits – The Death Ride Bicycle Tour of the California Alps!

The Death Ride is a gnarly, grueling test of a cyclist's endurance and fitness. Thousands of riders enter a lottery for 2,500 available spots in this great support ride. Forty to fifty percent of the twenty-five hundred riders don't make the time cutoff for completing five mountain passes. Many riders don't even attempt all five passes. Hundreds of riders underestimate the degree of climbing difficulty – high altitude mountain passes with gradients ranging from 6% to 18%, six to ten miles of unrelenting steepness – five times. Brutal!

Cycling's main function (similar to law school) is to separate out the psychologically healthy. With that in mind I couldn't wait to sign up for the Death Ride. Surprisingly, **Commissioner Mark Borrell**, one of the most level-headed and judicious persons I know, joined the insanity. Once we signed up we discovered that to "finish," the Death Ride would require nine months of intense, incremental training!

In November 2005, I took a lactate threshold test to determine my maximum heart rate. Armed with this information, a training schedule was devised aimed at building up aerobic fitness and production of slow twitch muscles for climbing. The schedule commenced with LSD (long, slow, distance) riding, 11 hours per week for 12 weeks. After three months the schedule increased to riding 16 hours per week including 10,000 feet of climbing, which was accomplished on the various canyons coming off PCH in Malibu.

The "Near Death Experience"

In order to "finish" the ride we decided to go to a three-day training camp headquartered in the Kirkwood ski lodge and taught by Dr. Arnie Baker, a professional trainer for many pros, including Floyd Landis, winner of the 2006 Tour de France. Brilliant, an avid cyclist and trainer, Dr. Baker provided incredible amounts of information and personal advice to all the riders at camp. We rode the Death Ride passes and attended lectures with thirty other lunatics. Fabulous!

After riding beside me on Monitor Pass, Dr. Baker advised that I change the position of my handlebars and change out my gearing to make it easier to pedal. Cost – \$700 including food and lodging.

The Death Ride – July 8, 2006

Picture this: In the small community of Markleeville, California, 2,500 cyclists gather together to ride the passes. Monitor and Ebbett's Pass were closed off to all motor vehicle traffic, making for perfect riding conditions.

The official start time was 5:15 a.m. Many riders started earlier. The first leg of this adventure was an 8.7-mile jog along the Carson River, which takes you to the base of Monitor Pass, elevation 8,314 feet. Extremely fit cyclists reached the 8,300-foot summit in about 1.5 hours. It took Mark and me almost 2.5 hours.

There was a huge rest stop at the summit manned by 30 volunteers, with tented areas for food, water and sports drinks, and rows of porta-potties. Waves of hundreds of cyclists arrived and competed to park their bikes, fill their water bottles, fuel up and leave as soon as possible.

Before we left for the descent of the backside of Monitor we made sure we got our summit stickers. For every completed pass a different colored sticker is placed on each rider's number plate, which is worn on the back of the rider's jersey. This is how you prove you completed all five passes, which entitles you to a Death Ride pin and a studly Death Ride jersey. Cost of Death Ride Five Pass jersey and shorts – \$150.

Descending the backside of the eastern slope of Monitor Pass was a harrowing experience. The more proficient and crazy riders, those between the ages of 18-30, exceeded 50 miles per hour. On the descent cyclists were lined up as far as we could see, climbing up the right side of the double yellow line. Impatient riders were swinging out into the middle of the road passing slower riders on the way up. Hundreds and hundreds of fatigued cyclists were descending at speeds of 30 to 45 miles per hour on bicycles with tires 19 mm wide. Maniacs were passing slower-descending riders through turns and in the straights. Yelling "Left!", they went whizzing past, making loud swishing noises.

Often they did not yell "Left!" The high-pitched swishing sound of a cyclist passing within feet was the unsettling warning of someone on your left. As the descending hordes whizzed past, many more hundreds of sweating, air-gasping riders continued climbing up the backside of Monitor Pass, the second pass of the day. It was scary. It was incredible! It was a blast!

So we summited Monitor for the second time and evacuated fuel and consumed and gathered fuel for the next leg, the descent of the front

side of Monitor Pass, and the ride up to and over Ebbett's Pass.

- Estimated number of riders converging on Monitor Summit rest stop – 1,000 +
- Rest stop time – between 5 and 120 minutes (any longer and your body starts to rebel and you decrease the chances of making the next cutoff time).

This side of Monitor has longer and steeper sections. Now remember, the road was totally closed off to motor vehicle traffic. Here the crazy descenders can really take off. There were sections where they flew by at 60 m.p.h.-plus! Man, to hear and then see a rider pass you at these speeds is quite thrilling, if not a bit unnerving!

We got to the bottom of Monitor and proceeded south along the river to the infamous, doubly-gnarly, Ebbett's Pass – summit 8,731 feet, the crown of the day's climb. The unrelenting climb is narrow, steep and curvy – a butt-kicker of a ride. As we slowly peddled up Ebbett's (we're talking 3.5 to 4 m.p.h. in the steepest sections) we began noticing more and more ascending riders passing us at incredible speeds, talking to each other without any hint of fatigue. Mark and I were working so hard we could barely grunt. We also noticed other riders who were starting to get the "1,000-yard stare." Some were breathing so hard we could hear them from a hundred yards away; others simply got off their bikes and started walking. We kept pedaling and gasping for breath. The summit was a madhouse of exhausted, blown-out riders attempting to:

- Get off their bikes
- Find a spot to lay their bikes
- Breathe enough oxygen (8,500 feet) to walk across the road to the rest stop
- Cross the road without getting hit by exhausted riders coming up Ebbett's
- Cross the road without getting hit by flying descenders
- Cross the road without getting their clip-ins stuck in the cattle guard
- Stand in long lines at the porta-potties
- Get food and drink to calm a queasy stomach or try to hydrate, or grab food to take to avoid the next rest stop
- Maneuver through the maze and not step on or be stepped on by a fellow cyclist

The volunteers did a great job of directing the crazed riders through this equally crazed mass of humanity.

We had now completed pass number three and gathered another sticker on our jersey.

- Riders at Ebbett's rest stop – 1,000 +
- Time spent at rest stop – 10 to 15 minutes

We descended Ebbett's, got to the bottom, gathered sticker number 4 and proceeded back up to the summit of Ebbett's.

- Average gradient – 8%
- Distance – 4.3 miles

At the summit there were even more people than before. We descended without stopping. This was the hairy part. Steep gradient, cliff edge drop offs, some of camber, hairpin turns. Mark, the safest descender led the way. We got to the bottom of the pass, blew past the lunch stop and proceeded back up the river to our parked car where we fueled up with our own supplements, water and caffeinated drinks. Then we headed north along the river to the fifth and final pass – Carson.

- Temperature – low 90s
- Miles completed – 69
- Miles to go – 60
- Our self-provided lunch stop – 15 minutes

At this point in the ride, approaching Carson Pass, we weren't sure we would make the cutoff time. At Woodford's rest stop we consulted our "gauge" sheet, provided by Dr. Baker. The "gauge" sheet charts the time, distances and barely-make-it cutoff times.

The Last Pass

We were really, really tired. It was very hot. We were riding on brand new, scorching hot, black asphalt. We had a heck of a long way to go and the last climb of the day, Highway 89, winding its way 16 miles up Kit Carson

Pass, was not closed to traffic. That meant we could look forward to RVs, semi-trucks, and loud Harleys on the road.

We dragged ourselves to the last cutoff point, Pickett's Meadow. I tried to find a spot to park my bike. I was so tired my bike fell from the bike rack and landed on the delicate derailleur and chain side. This could be bad.

- Bike inspection – looks OK to me.
- Reality check – I am an awful mechanic and haven't a clue as to whether or not I have created a ride-ending problem.
- Next move – get some food with lots of salt in order to help hydration.
- Wended my way to the food table, picked up a very salty-looking kind of bread thingy. Took a bite and almost threw up. Spit the stuff out. Whew, that was close. Ralphing would be bad.
- Drank a sports drink. Squeezed some Power Gel/caffeinated into my mouth and started to feel better.
- Had a mechanic check out my bike. "Your bike is fine pal . . . you know, it wouldn't be a bad idea to learn the basics of bicycle mechanics." Great, my bike was OK but I had once again demonstrated what a total idiot I am when it comes to machinery of any kind.

Back on the road we made the cutoff time to Pickett's Meadow by a fat 30 minutes. Barring mechanical problems, we should make the summit of Carson Pass and collect our fifth sticker, or Death Ride pin, and the right to wear the "Five Pass" jersey. We mounted up and proceeded with the last climb: 10 miles to go, average gradient 7%, many segments between 10-13%, the very steepest coming on the last mile.

The suffer-fest continued but still we were absolutely positive we would succeed. I noticed, however, that I was riding so slowly mosquitoes were attacking at will! Now, that's slow riding.

Elapsed Time: We had begun riding at 4:30 a.m. and peddled up to the summit of Carson Pass at 6:00 p.m.

Time in the saddle so far -13.5 hours. We collected our fifth sticker and the coveted Death Ride Pin. We ate ice cream. We filled up our water bottles and got ready to descend the 16 miles back to the Markleeville cutoff.

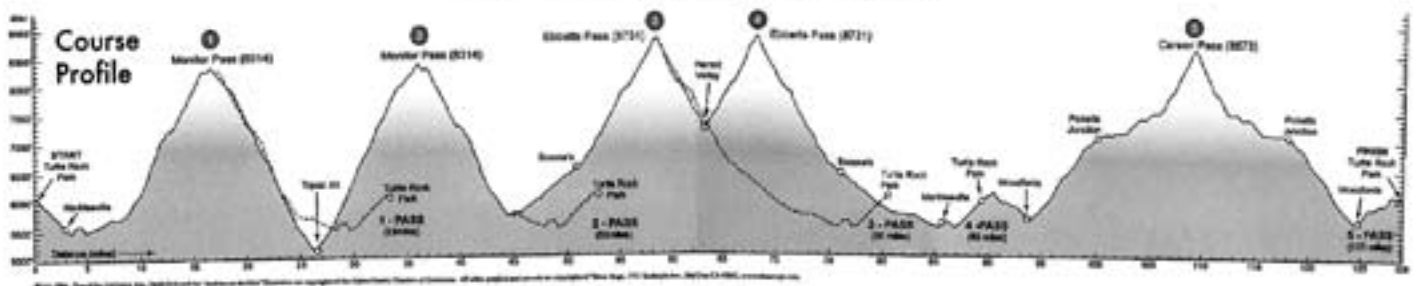
Exhausted and shaky, we began the long descent. I kept thinking, "Hey, you haven't made it yet. Can't you just imagine crashing because you're so tired and your judgment is shot?" Not there yet . . . and then there was one more climb. It was just a quarter mile in length and no more than a 9% grade – ordinarily a piece of cake. At this point in the ride it looked like the Alpe d' Huez.

We crested, and then descended for three miles to the finish with time to spare. Arriving at our car I shouted, "We did it. This is fantastic!" or words to that effect. And it was.

Rick Loy practices criminal law in Ventura.



129 MILES - 5 PASSES - 1 DAY



MY YEAR OF FAMILY LAW

By Lynn Duryee

“Midway through the journey of life,” begins Dante’s *Inferno*, “I found myself in a dark forest, where my way had become completely lost.” Substitute “family law assignment” for “dark forest,” and Dante has perfectly captured my first year as a family law judge. By turns engaging and challenging, sad and draining, the family law assignment – coming after twelve sure-footed years on the bench – has left me feeling completely lost.

“Abandon hope all ye who enter,” is the standard warning from colleagues to those embarking on the assignment, although it is expressed more modernly as, “Dividing the pots and pans – yecchh!” I braced myself for the battle of *The Calphalons vs. The Cuisinarts*, the *Lladro vs. Hummel* figurines, but these battles never materialized. Instead I faced truly insoluble questions, never tidily divisible by two. Where should the toddler attend nursery school? Which religion should the children be raised in? When should permanent support end? What is the self-employed spouse’s true income? I want to ask, “How am I supposed to know?”

Another question often pondered last year: Where is the law in family law? There’s a fat code book devoted to family law and several related appellate decisions published each week, yet lawyers rarely place the law before the family court judge. In the piles of motions and hours of argument the judge encounters each day, all “points and authorities” can be boiled down to this: the other parent is evil. The sole code section cited by both sides again and again is Family Code §271, governing the award of attorney’s fees when one side is unreasonable.

Dante’s guide through the underworld is the wise poet Virgil, whereas the judge’s guide through the heart-wrenching world of marital dissolution, child custody, visitation, and support is the family law lawyer. The skilled lawyer-guides seem to have a therapeutic way of helping their clients reach resolution and move on, whereas the less skilled ones seem to keep their clients in a perpetual state of angry agitation. These are the lawyers who file motions to restrain the other party from cutting the child’s hair, serving the child dairy, and enrolling the child in taikwondo; followed by a second wave of motions for modification, sanctions, and reconsideration. In court, this lawyer raises the room tempera-

ture from uncomfortably warm to Dante-esque hot by acting out his client’s feelings of fear, frustration, and rage. Both parties suffer mightily as insults and accusations are hurled across a public arena. The least competent lawyers burn through lottery-sized fees, only to dump the case before trial because the retainer is exhausted. When the abandoned, unrepresented party files a motion for more fees, the other party is incensed – his fees are ten times bigger than mine, and he caused all the conflict! What’s the right ruling? Could I please divide the pots and pans instead?

Any arduous journey teaches the traveler something about herself, and here’s where the family law assignment has loads to offer the curious judge. She might discover, for example, that she routinely awards spousal support to stay-at-home moms but gulps at giving it to a suspiciously indolent stay-at-home dad. She might find she is uncharacteristically antagonistic when a lawyer-mother balks at returning to work following a generous maternity leave. She might notice how she came completely undone by one couple’s squabble over driving responsibility for their young daughter soon after she left her own daughter at college. Most surprising of all, she might discover that the less she judges in a settlement conference – by staying quiet, listening carefully, and keeping an open heart – the more successful she is in helping the parties achieve a settlement.

The Bickersons notwithstanding, there are not a lot of hilarious moments in this assignment – although, admittedly, it does seem funny when embittered spouses, after settling all their issues, have one final blow-out over the wedding pictures. The judge presiding over the settlement conference would never laugh, of course, but might appreciate the irony.

As Dante tours the nine circles of hell, he witnesses unbearable suffering. Sinners die a thousand deaths – tormented by furies, chewed to pieces, attacked by vipers. Except for the vipers, Dante’s tour is not so different from the family court OSC calendar. Each week offers a new installment of dark tales: fathers unilaterally denied visitation with their children by out-of-state mothers; stepfathers sexually abusing their pre-school stepdaughters; brilliant professionals devising insidious new ways to avoid paying child support; stressed-out kids

falling apart in tragic ways. Of all the aspects of the assignment, witnessing the relentless suffering and sadness is the hardest for me.

Borrowing from W.B. Yeats, my friend, Judge Mike Naughton, describes the family law assignment as “the rag and bone shop of the heart.” Here is the place people come, battered, bruised, and brokenhearted, hoping for some relief. As poets have struggled for centuries to understand the mysteries of the human heart, it is little wonder that in presiding over its passions and perfidy, I, too, find myself lost. Yet I sense my journey into “the rag and bone shop” is helping me grow in the complex and ever-challenging job of judging.


Lynn Duryee is a Marin County Superior Court judge. This article first appeared in the San Francisco Recorder. Judge Duryee can be reached at lynn_duryee@marincourt.org.

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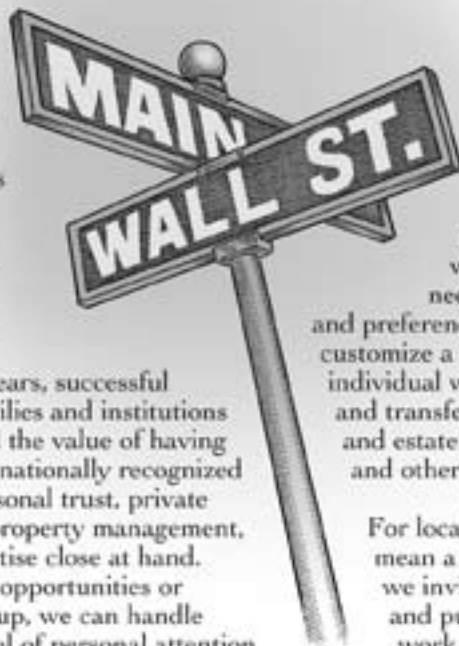
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PRO-BONO HIGHLIGHTS

By Verna R. Kagan

Our program is twice blessed within a couple of months.



The first blessing comes by way of a man called **Marc Dion**. Marc was born and raised in Ventura County and returned here after several years in Colorado.

There he served as Chief of Police in Holyobe and received a Master's Degree from the University of Colorado in Public Administration. A career change included legal education at Creighton University, and passing the California Bar on the first try. Marc was admitted to practice in 2005. Marc, ever the volunteer, honed his family law skills under the tutorage of a Superior Court judge for whom he clerked, and with the Self-Help Legal Access Center.

He came aboard as soon as he opened his office, promising one open space at a time to pro-bono practice. We have already sent him two of the most difficult matters we have and he is now working on a third. Not only is he a consummate attorney producing astonishing work but also a delightful person with whom I always enjoy speaking. Thank you, Marc for becoming an important part of our program.

Our second blessing is our newest Emeritus Attorney, **Gail Boreman Bird**.

I had the pleasure of receiving a call from Gail a few weeks ago when she expressed an interest in volunteering for our program. A little conversation and a lunch date later, Gail came on board.



Gail comes to us by way of San Francisco. Hastings College had the benefit of her legal skills; she taught Wills and Trusts, Community Property, Real Property, Real

Estate Finance and English Legal History from 1979-2004. Gail has won numerous awards and has also been a visiting professor at University of Colorado, McGeorge School of Law, University of Leiden, Netherlands and UCLA. She is a graduate of University of California at Berkeley and Hastings College of Law, admitted to the Bar in 1974.

Gail jumped right into the program, has already served weekly sessions and attended a lunch meeting. We are pleased and proud to have her with us.

Verna Kagan is the VLSP Senior Emeritus Attorney

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A NEAR DISASTER IN BUDAPEST

By Phil Panitz

Four years ago, while traveling through Eastern Europe with my buddy Tom, we stumbled into Budapest, Hungary in time for their national holiday in honor of their patron saint, St. Stephen. "Are you here for the fireworks?" the hotel clerk had inquired. We had no idea what the celebration was about, or what to expect, but we had a balcony room overlooking the Danube so we settled in with a good bottle of "Bull's Blood" (a local Hungarian red wine) to enjoy the show. We were startled when at 9 p.m. sharp all the lights in the city went dark, and green laser lights flashed from both banks of the Danube, projecting images of animals and people on the buildings on each opposite side. Classical music began to play, piped in over loud speakers throughout the city. Then fireworks erupted both from the bridges and the hills. The show lasted almost an hour and a half, with the culmination being a cascade of fireworks like a waterfall of fire off both the Chain Bridge and the Elizabeth Bridge that cross the Danube in the center of Budapest. It was one of the most beautiful celebrations I had ever witnessed, putting our July 4th festivities to shame.

I was so taken by the events and the power of the show that I had been talking about it ever since, and my now-wife, but then-girlfriend, Molly, heard about it for the last four years. St. Stephen's Day is on August 20th each year, which coincided with our wedding anniversary. Since we were going to be on vacation in August, why not wind up our trip in Budapest for the celebration, so that Molly could witness what I had seen, and share the experience with me?

Unlike four years ago, I was not able to obtain the room with a view that I had procured previously. We had a balcony overlooking the Danube, but it was only a partial view in one direction, not the entire panorama. The concierge counseled us that the hotel had the ability to reserve room on one of the few boats permitted to be on the Danube during the celebration, so we signed up for it. It included dinner and all the alcohol you could consume for one fixed reasonable price. Also, it would give me an entirely different perspective on the festivities, which I was looking forward to as well. During the day leading up to the show, the banks of the Danube and the roads and trains are shut down for a street festival. Temporary tents are constructed for the

purpose of selling various merchandise and food. The smell of cooked corn and kielbasa and gyros, wafts through the air. The streets and piers are filled with people, including roving acts such as jugglers and people walking on stilts in full costumes. Drifting through the crowds was like a walk through Europe itself, listening to the multitude of languages spoken in every direction. It seems that the entire continent was in on the secret of St. Stephen's Day.

At 8 p.m., we boarded our special permit boat with maybe forty other passengers. The police close down the river, and no through traffic is allowed. Maybe only twenty or thirty boats are allowed to be between the two bridges. We were treated to a delicious buffet-style dinner, and the drinks flowed freely. Molly and I sat with two other couples at the same table, both from England but not knowing each other prior to boarding. Our open air boat let the breeze flow across our faces, and we all toasted our good fortune and they toasted to our first wedding anniversary.

Along the banks of the Danube, hundreds of thousands of people sat together ready to observe the show. At 9 p.m. promptly, the show commenced. Fireworks exploded first from the Elizabeth Bridge, then from the Chain Bridge. They seemed to alternate, then the lasers started to perform. It had only just begun, when I noticed a bolt of lightning that seemed to come out of the skies and hit the Danube up river. I almost doubted it, it was so sudden, and the day didn't have a cloud in the sky. Everybody was oohing and aaahing the show, as I saw another lightning bolt hit the river, this time much closer. I looked up in the sky but it was pitch black out, and I couldn't tell what was going on. Nobody seemed to be that concerned. Having sailed through tropical rain squalls, I was starting to feel a bit anxious.

Then, as if someone had pressed a button or flipped a switch on the weather, the wind began to gust like we were just hit with a tornado. Bottles were flying and silverware, off the boat, tablecloths spinning and flipping overboard, and people started to scream. The crew worked immediately to roll the boat's fiberglass windows down along the sides which sheltered us quickly. I hadn't even been aware that the boat could be enclosed. Then the rain came. It hit the boat hard, like we were proceeding directly under a waterfall. It was so hard, that

it reminded me of driving through a car wash. Visibility was down to zero. It was like the city of Budapest had been wiped out of view, and we were alone in this storm. But not for long. Suddenly, out of the complete darkness of rain on our starboard side appeared another boat. In the tenth of a second it took to recognize its form, it hit us hard but parallel. Then a wave brought the other boat crashing into us again. I wondered if people in the United States would be reading about us in tomorrow's paper: "Tour boat sinks in Danube, thirty drowned," crossed my mind.

By this time, many people on our boat were in a complete panic. One of the Englishman that we had only minutes earlier been drinking and laughing with stood up on our table and started screaming at the crowd to "sit down and shut up, not to panic and remain calm." But he didn't quite say it like that, what he really said was unprintable. It got most of the passengers' attention and they obeyed. We later found out he was in the Merchant Marine, and was not a character to be reckoned with. Our captain made haste for dock, and in about ten minutes we were already at our pier. Everybody was evacuated from the boat. The rain and wind stopped as quickly as they had started.

The scene on the shore was even more unbelievable. What had only an hour ago been a giant celebration with tents and people was completely gone. No people, hundreds of thousands had seemed to have disappeared. Tents were blown completely away. Merchandise was strewn everywhere, completely destroyed, laying in dark foreboding black puddles of rain water. We walked gingerly among the ruination, back to our hotel. When we got back there, we were even more shocked. The beautiful marble lobby of the Budapest Marriott, an immense cavernous room with numerous couches and a piano bar, had been completely taken over to be used as a MASH unit. Hundreds of people were lying everywhere, most bleeding from either their head or feet. It reminded me of the scene from *Gone With The Wind*, where the Confederate soldiers were all lying wounded and being medically attended. The people here had been the victims of flying debris, hit in the head by glass or merchandise that had become projectile-like shrapnel. Others had simply stepped on broken glass in the mad dash to safety. The generosity of the Marriott was remarkable. Not only were they using

their magnificent lobby as a hospital staging area, but they also were donating all the towels and linens to dress wounds until emergency crews arrived.

It was a disaster, and a tragedy, though based on what I could gather the next day from hotel personnel, nobody lost their life on St. Stephen's Day.

That night, as Molly and I finally climbed into bed to hours of police and ambulance sirens wailing near and far, she asked me what I had planned for our second anniversary.



Phil Panitz is a lawyer in Westlake Village, a former VCBA president and a past editor of CITATIONS.



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A VISION OF CALIFORNIA?

By Wendy Lascher

What if Southern California were not a collection of subdivisions and strip malls laced together by freeways? What if we could live on the land as it was a hundred years ago?

When the “June gloom” fog lifts, Santa Cruz Island offers a tantalizing suggestion. Beyond the oil platforms in the Santa Barbara Channel, the island boasts a 2,470-foot peak; “marine terraces; . . . rolling hills colored with the annual grasses; chalky white diatomaceous outcroppings; jagged canyons; soft, serene valleys; expansive white beaches; majestic Caribbean-like sea coves; meandering creeks; thick closed-cone pine forests; . . . massive cylindrical eucalyptus trees; . . . and along the majority of the coastline, steep volcanic cliffs rising vertically from the water.” So writes Santa Barbara attorney John Gherini, whose family owned the eastern end of the island for almost seventy years.

How could such a paradise survive only twenty-two miles offshore? Why wasn't the island developed before the Coastal Commission came into existence? And why, in any event, is such a beautiful, isolated place featured in a bar association newsletter?

The title of Gherini's recently reprinted book alludes to the answer: *Santa Cruz Island: A History of Conflict and Diversity*. This thoroughly researched chronicle of eight thousand years of island history discusses eight California Supreme Court decisions concerning the island's contested ownership, not to mention six U.S. Supreme Court cases and a host of federal and state trial court and intermediate appellate decisions – all listed in an appendix. According to Gherini, a Santa Barbara estate planning and probate lawyer, “[t]he attraction of the island . . . routinely led people into conflict. . . . The modern history of the island would witness the passion to own it, to protect it, to use it, and to fight over it.”

Gherini's report on island-related conflict goes back in history to a Chumash civil war legend and archeological finds that suggest combat among indigenous tribes

long before the first Spaniards arrived. Conflict continued between the Chumash and Spaniards until the last of the Chumash left Santa Cruz Island in 1822, shortly after Mexico's independence from Spain.

In 1839, Mexico granted all of Santa Cruz island to Andrés Castillero, as a reward for having twice brokered peace between the Mexican government and the Californios from Monterey after the latter proclaimed the province of Alta California to be a sovereign state. The Treaty of Guadalupe Hidalgo, ending the Mexican-American



War in 1848, left questions about land ownership in California. Congress required claims of California land under Spanish or Mexican title to be confirmed by the newly-created Land Commission. The Commission upheld Castillero's title to Santa Cruz Island in 1855. The federal government appealed the decision to the Supreme Court, unsuccessfully, in *United States v. Castillero*, 64 U.S. 464 (1860). (That was not the last claim made to ownership of the entire island. In 1984, Chumash natives asserted they they held “aboriginal title” superior to the land grant. The Ninth Circuit rejected the claim on the basis that the Chumash had failed to present a claim to the Land Commission in the 1850s. See *United States ex rel. Chunie v. Ringrose*, 788 F.2d 638, 644 (9th Cir. 1986).)

In 1857, Castillero sold the island, which by then was largely devoted to sheep ranching. A few years later, it ended up in the hands of San Francisco investors who incorporated as the Santa Cruz Island Company. One of them, Justinian Caire, was author Gherini's great-great-grandfather. When the other shareholders encountered business setbacks, Caire acquired their interests in the corporation. Under his management, in addition to wool, the island produced wheat, corn, potatoes, beans, barley, hay, alfalfa, tree fruit, olive oil, and wine. It was Caire's kingdom. “[N]othing was done, changed,

or performed in the least detail without his wish,” Gherini relates.

Caire wanted his six children to share equally in the island after his death, but – for reasons Gherini does not fully explain – Caire's widow tried to exclude two married daughters, Amelie Caire Rossi and Aglae Caire Capuccio, from ownership or control. These circumstances set off twenty years of litigation over ownership of the island, facilitated by the marriage of Amelie's daughter to a Yale Law School graduate, Ambrose Gherini.

Over the course of sixteen years, the California Supreme Court heard five Caire family cases on the merits. The first set dealt with issues involving the corporate ownership of the island. As a result of this litigation,

the corporate charter was forfeited, a right to an accounting was established, and the corporation's assets were ordered distributed. A second set of cases involved partition of the land. A motivation all too familiar to today's bench and bar stoked the conflict: According to Ambrose Gherini, opposing counsel blustered that "his clients would rather pay their attorneys" than the Rossi and Capuccio families. No surprise, then, the issue of attorneys' fees also came before the California Supreme Court, twice.

The island was divided into seven parcels, with the two at the eastern end going to the Rossis and Capuccios (and Ambrose Gherini receiving a fractional interest as payment of his contingent fee). Justinian Caire's widow and his other four children received the other five original parcels, which constituted about ninety percent of the island.

Ambrose's wife, Marie Rossi Gherini, eventually acquired the balance of the Rossi and Capuccio interests. The Gherini family ended up owning the eastern end of the island when Ambrose Gherini settled a quiet title action brought by the heirs of his co-counsel and Aglae Caire Capuccio sold her interest to her sister Amelie's children, including Marie Gherini. The Gherinis continued sheep ranching for seventy years, flirted with the idea of residential development until Coastal Commission restrictions made it unfeasible, and finally sold their interests to the National Park Service. In 1937, the other owners sold their interest to Edward L. Stanton of Los Angeles. After even more discord and litigation among the Stanton family, the Nature Conservancy purchased part of the Stantons' nine-tenths of Santa Cruz Island and acquired the remaining portion upon Dr. Carey Stanton's death in 1987.

The possibility of creating a Channel Islands National Park was explored as early as 1933, and the environmental movement of the 1970s rekindled interest. Francis Gherini, one of Ambrose's children and the author's uncle, invoked his personal friendship with former California Supreme Court Justice William P. Clark, Jr., then serving as President Reagan's Secretary of the Interior,

to try to speed acquisition of the Gherinis' parcels by the National Park Service. It was not until 1989, however, following the death of Ambrose's other son, Pier Gherini, that the Park Service began purchasing the Gherini parcels. After many years of complicated negotiations (and, of course, more lawsuits), the National Park Service now owns one quarter of Santa Cruz Island and the Nature Conservancy the other seventy-five percent.

John Gherini, who sacked many tons of wool during weekends and summers on the island, used a treasure trove of family memorabilia, private correspondence, contemporaneous newspaper accounts, and scholarly literature to write in exhaustive detail about the history, genealogy, ranching and agriculture, geography, weather, transportation and communications, and politics of the island. For more than thirty years, Pier Gherini kept notes of twice-daily radio transmissions to and from the island, filling thirteen notebooks with more than fifteen thousand entries logging the work and the workers on the island. John Gherini's law office shelves are lined with leather-bound Supreme Court reporters back to 1 Cal., bearing Ambrose Gherini's name stamped in gold on the spine. The walls are decorated with island maps, paintings, and photographs.

Author Gherini also made extensive use of probate and litigation files and court transcripts. One lesson of this book is its demonstration of how valuable case files can be as original historical documents, an important point at a time when lack of storage resources at courts around California are leading to the destruction of these files. For example, Gherini found the inventory of personal property on the island on November 30, 1911, in the appellate briefs of the accounting case.

Gherini's thorough documentation of every fact gives *Santa Cruz Island* unique credibility, although the book's wealth of detail leaves the reader craving additional context and analysis. Over a pleasant



Santa Barbara lunch, Gherini told me that the hardest aspect of writing the book was knowing when to stop researching and how to contain the details. He has many unwritten stories of Santa Cruz Island left to tell. Meanwhile, this history of conflict and diversity is a fascinating study about Southern California that raises yet another question for every answer it provides.

Wendy Lascher is an appellate lawyer in Ventura. Her only prior knowledge about Santa Cruz Island stems from her involvement in the trial and appeal of People v. Roebler, 167 Cal. App.3d 353 (1985).

Gherini, John, *Santa Cruz Island: A History of Conflict and Diversity*. Spokane: Arthur H. Clark Company, third printing, 2005, 271 pages.

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WHAT'S UP WITH HUMAN EMBRYOS?

By Karen Darnall

Political jockeying for power over embryos began when President Bush announced, on August 9, 2001, that federal funding for human embryonic stem cell (hESC) research would be restricted to old cell lines.

California legislators wrote a resolution rejecting President Bush's message, and this retort was followed by a majority of California citizens voting "yes" to Proposition 71.

Conservative public interest groups then filed lawsuits to challenge the constitutionality of California's \$3 billion research program. (This battle is ongoing.)

In July 2006, Congress wrote new legislation to facilitate hESC research. After one day of deliberation, Bush used his veto pen for the first time.

Two days later Governor Schwarzenegger authorized a \$150 million loan to circumvent ongoing litigation. The deadline for research applications is already posted on the California Institute for Regenerative Medicine (CIRM) website, www.cirm.ca.gov.

Reproductive cloning and fetus farming are prohibited.

It's important to keep in mind the fact that California's hESC research program is limited to embryos obtained from infertility clinics by in vitro fertilization (IVF) techniques.

A gestated embryo grows for 8 weeks within the uterus until it becomes a fetus. Frozen-thawed embryos are cultivated in the laboratory for less than a week. Stem cells used for research are removed from 4 to 5 day-old blastocysts (early-stage embryos) having only 50 to 150 cells. Embryos that already have a primitive streak may not be used for research according to proposed CIRM regulations.

In July 2006, President Bush signed the Fetus Farming Prohibition Act that forbids the use of tissue from "fetuses gestated for research purposes."

Federal and California law likewise prohibit human reproductive cloning, which involves manipulating egg cells to initiate pregnancies for the purpose of creating a human fetus that is identical to a previously born human being. (H & S Code § 24185)

How many extra embryos are available for research?

As of this date, CIRM does not have an official estimate for the number of unused embryos that might be available for research in California. CDC's most current data reveals approximately 16,000 IVF cycles were started in California during 2003. Three years ago, nearly 400,000 embryos were stored in the U.S., with 2.8% allocated for research. So it's possible that CIRM might supervise a few thousand embryos (assuming roughly 100,000 frozen human embryos are stored in California tissue banks today).

Eleanor Nicoll of the American Society of Reproductive Medicine (ASRM) confirmed that frozen embryos for research may be in short supply. She wrote, "People do not make plans to donate their embryos until they are absolutely certain that they are not going to have more children. And then, they are often conflicted about donation to other infertile people v. donation for research or disposal. It could be that we will see an increase of people interested in donating embryos in a few years, as patients who stored embryos 10 to 15 years ago decide finally that they will not use them for another pregnancy and get tired of paying storage fees." (8/22/06 email)

Is reproductive tissue a commodity?

California's Health and Safety Code acknowledges that embryos may have commercial potential. Physicians have a duty to discuss the disposition of stored frozen embryos during the informed consent process before couples undertake IVF treatment. Each patient is required to sign an advance directive for unused embryos. When patients select the option of disposition for research purposes, then the health care provider must disclose to donors that they will not receive financial or any other benefits from any future commercial development. (H & S Code § 125315)

Male zygote ("sperm") banks have been around since the late 1950s. Designer sperm can now be purchased with a guarantee that the donor has a particular eye color, height, intellectual attributes and other traits.

Female zygotes ("oocytes"), in contrast, are not fungible. Current methods of freezing

and thawing usually destroy all but 1-5% of oocytes. The chances of pregnancy are better if the donor and recipient's menstrual cycles are synchronized so embryos can be transferred to a receptive uterus.

For reasons dictated by nature, women are not able to produce marketable reproductive tissues. Egg donation services, however, are widely advertised on the web, with a going rate of \$5,000 to \$15,000 for healthy women between 21 and 29 years old. (18-to 20-year-olds like Hillary Duff and the Olsen twins—though competent enough to negotiate merchandise deals with Wal-Mart—are considered to be too immature to sign egg donation contracts.)

Common law contracts generally control third-party reproduction agreements between zygote donors and "gestational carriers" (PC for surrogate mothers). *Johnson v. Calvert* (1993) 5 Cal. 4th 84 is the leading case for surrogacy contracts in California.

Does the rule against perpetuities apply?

No one knows if there is a biological expiration date for frozen embryos. The California Legislature recently solved this problem by prescribing a form that is signed by all parties, which states the time limit on storage of the embryos at the clinic. (H & S Code § 125315(b))

Embryos that are left over from the mid-1980s and 1990s are somewhat in limbo. The cost of cryopreservation is often a key factor that motivates people to choose whether to donate or destroy their embryos.

Some foreign countries issue licenses for a given number of years of cryopreservation service. On the other hand, California allows couples to store embryos beyond the life span of both partners. California is one of a few states that allow estate plans to include provisions for posthumously conceived children, so long as the decedent has designated a person to control the use of the genetic material after they are deceased. (Prob.Code §§ 249.5-249.8)

What about embryo adoption?

Florida and Louisiana are the only states so far that have statutes for embryo adoptions. California's Health & Safety Code §125315 provides authority for IVF patients to donate embryos to other couples and irrevocably relinquish their parental rights.

In April 2004, the Bush administration offered \$950,000 in grants for one-year projects to "develop and implement public awareness campaigns regarding embryo adoption." (*See FR Vol. 69, No. 70.*)

NARAL, a pro-choice organization, criticized the President's use of the word "adoption" as an attempt to establish the concept of fetal-personhood in an effort to roll back *Roe vs. Wade*.

Others have praised the idea of embryo adoption because it provides a way for IVF patients to avoid the emotional stress of having to destroy unused embryos, and at the same time, gives infertile women a chance to experience pregnancy and the birth of a child.

Some people argue that President Bush is misusing public funds by attempting to impose personal views of morality in a way that violates the Establishment Clause. Bioethics specialist Dr. Jeffrey P. Kahn has labeled embryo adoption "...a short step to lab freezers being called orphanages, and social workers assigned to look after the interests of their frozen charges." (CNN.com)

Whether human embryos are characterized as life or property, Proposition 71 has provided California with an opportunity to create ethical boundaries for exploiting unused embryos where none have existed before.

Karen Darnall is a lawyer practicing in Camarillo, and a member of CITATIONS' editorial board.

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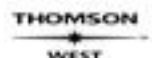


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Jeff Coyner and **Daniel Stevens** are the newest attorneys at **Procter, McCarthy & Slaughter**. They can be reached at 789 S. Victoria Ave., Third Floor, Ventura 93003, ph: (805) 658-7800, fax: (805) 644-2131.

Douglas H. Ridley has joined **Drescher, Quisenberry, Ridley & Shiffman, LLP** in Agoura Hills. His new contact information is: 30343 Canwood Street, Suite 206. Agoura Hills, CA 91301 805-208-8437 (Direct) 818-991-2919 (Office) 818-991-5078 (Fax)



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THE SANTA BARBARA SUPERIOR COURT CMADRESS PROGRAM: ONE YEAR OLD AND GOING STRONG

By Paul Bielaczyc

The Santa Barbara Superior Court Case Management Alternative Dispute Resolution Early Settlement Session (CMADRESS) program, spearheaded by Judge J. William McLafferty, can be considered a success after its first full year.

Assignment to CMADRESS begins at a Case Management Conference. The program is used for all civil cases the court determines have a value in excess of \$50,000.00. At the CMC when the case is ordered to CMADRESS, the parties can also expect that the court will set a Mandatory Settlement Conference date as well as a corresponding trial date.

Once ordered to CMADRESS, the CADRe office must be contacted within 10 days for assignment of a neutral. Contact must then be initiated with the facilitator to schedule a session. When the scheduling is arranged within the time line allowed by the court, the CADRe office must be notified of the date, time and place of the session.

If the session cannot be conducted within the court's 60-day deadline, parties may request an extension of time, explaining briefly the reason for delay. Approval is obtained from Judge McLafferty only, in Dept 5, not the trial assigned judge. This rule applies to cases in the North as well as South County. The extension of time to complete CMADRESS does not apply to the MSC or trial dates; those will remain unchanged if the court approves the request for an extension of time to conduct a CMADRESS session.

The CMADRESS is similar to any Mandatory Settlement Conference or mediation. The trial lawyers and necessary parties with full settlement authority are required to attend. Telephonic appearances are not allowed. All sides are encouraged to submit briefs to the facilitator.

The facilitator is paid by the court for the three-hour CMADRESS session. Thereafter,

if the parties agree to use an alternate ADR method enlisting the services of the assigned facilitator, payment to this neutral becomes the responsibility of the parties. The parties are also entitled to arrange for someone other than the assigned CMADRESS facilitator should they intend to pursue other alternate ADR methods in lieu of or in addition to the CMADRESS session.

At the conclusion of the CMADRESS session, the facilitator serves and files a CMADRESS report with the court listing those in attendance, whether any future ADR is being considered and if any extensions of time will be necessary. The parties and/or attorneys are requested to complete a CMADRESS evaluation of the neutral to be returned to the CADRe office.

Paul Bielaczyc is a civil litigation attorney and mediator in Santa Barbara.

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LAW PRACTICE FOR SALE

Scott F. Dool is retiring after practicing law in Ventura County since 1962 and is selling his law practice as a going concern with almost all assets (except accounts receivable and very personal items) included. Mr. Dool will be available for three (3) months on-call to answer questions concerning the firm's procedures and clients. Estate planning (wills & trusts), probate, real estate and corporations/business have been his areas of legal concentration since 2001. From 1962 to 1969 he was a Ventura County Deputy District Attorney and an Assistant County Counsel. During the years of 1969 to 2001 he operated a general practice firm employing up to five (5) lawyers. Individual clients over the years exceed 5500. Please direct all inquires to Crystal Dool, Bkr., at (805) 495-0624.

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President-elect of VC Trial Lawyers, **Dennis Jones**, is pictured on the cover of the *Verdict*, a quarterly publication of the Association of Southern California Defense Counsel. The article, "Sonic Justice: Lawyers Who Play", covers four lawyers who are serious musicians. Dennis' band, Tom Thumb & the Hitchhikers, is an 11-piece rock and soul band that formed in 1984. They've played in plenty of venues including The Jonathan Club and the Bel-Air Bay Club. Read the article? www.ascdc.org (click *Verdict*) or ask Dennis at djones@mwgsj.com to send it to you directly . . . From H.L. Mencken: "A courtroom is a place where Jesus Christ and Judas Escariot would be equals, with the betting odds in favor of Judas" . . . According to **Liana Johnsson**, six new lawyers have joined the PD's office. They are **Olivia Rodriguez, William Lenehan, Paul Baelly, Paul Drenstedt, Travis Daily** and a recovering DA, **Lara Anderson** . . .

Favorite Surf Spot of the Month: www.tarlton.law.utexas.edu/pop/. The Tarlton Law Library, University of Texas School of Law, houses this unique collection dedicated to describing studying the historical development of the image of the lawyer through popular culture media, including books, film, artwork and poetry . . . Something in the copy machine? At **FCOPC**, two births to report. First, **Leslie McAdam** gave birth to Joseph Thomas on August 21. Joseph was born at 9:30 p.m., weighed 6 lbs., 9 oz., and 20 inches. This was the first for hubby Tom, too. Second, **Jackie Wright**, delivered Cassandra Elizabeth on August 23. Born at 9:30 p.m., little Cassandra weighed in at 6 lbs., 13 oz., and 19 1/2 inches long . . .

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

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

Terence Geoghegan and his climbing partner, Mike Stubblefield, a named plaintiff in the Rio School District litigation, completed their annual training hikes on all of the "plus tens" of So. Cal. with 11,501-foot Mt. San Gorgonio (15.4 miles; 10,800' vertical) on August 13. They had done 10,064 San Antonio ("Baldy") and 10,804 San Jacinto on May 28 and July 9. They completed a three-day assault on Langly and Whitney August 25. Shasta beckons. Terence and his triathlon buddy, **Ryan Schaap**, of **PanitzSchaap**, once again tackled Ventura's annual Dina LaVigna "Breath of Life" fundraiser for primary immunodeficiency on June 23. Both beat their personal records . . . "Q: What do you call a smiling, sober, courteous person at a bar association convention? A: The caterer" . . . From Honoré Daumier: "My dear sir, it is quite impossible for me to take on your case. You lack the most important piece of evidence. Evidence that you can pay my fee!" . . . **Bart Bleuel** completed his ninth consecutive La Jolla Rough Water 3-Mile Swim in a personal record 1:30:42 capturing 2nd Place in his division . . .

Circa 1987 via CITATIONS: Bob Holt (retired courthouse reporter for the Ventura Star-Free Press) was asked how times had changed from the old courthouse to the new – "Bailiffs were retired persons then, mostly ex-deputy sheriffs. Some had a bottle in their desks." . . .

Two good lawyers leaving the **County Counsel's office**. **Rachel Van Mullem**, tired of the commute, is hooking up with the Santa Barbara CC's office. Deputy CC **James R. Ross** is returning to the Shasta County County Counsel's office . . . Speaking of County Counsel, **Don Hurley** is still seeking auction items for the annual dinner benefiting the pro bono program . . . Recommended Reading: *A Good Lawyer®: Secrets Good Lawyers [and their best clients] Already Know*. This book generates discussions between and among attorneys and their clients. Cheap too, \$10. www.agoodlawyer.com/ . . . **Ron Harrington** fractured his elbow falling off his bike. Evidently, his foot got stuck in the pedal loop and over he toppled. At least he was in his front yard! . . . Who owns the late model Rolls Royce with personal plates DIVRLAW? . . . We've determined **Tina Rasnow's** date for

her retirement party. Mark your calendars for October 24, 2008 . . . Attributed to Otto von Bismarck: "Laws are like sausages: It is better not to see them being made." . . . **Errol Berk** tells me that his two sons are in the military. Benjamin, in the Navy, and Jonathan, in the Army . . .

License Plate of the Month: Z5RDHDS on a PT Cruiser driven by **Martin Zaehringer** . . . TV Law: "Love and law are the same. Romantic in concept but the actual practice can give you a yeast infection" – Ally McBeal, *Ally McBeal* . . . From the LA Times: "August 31 in LA was Love Litigating Lawyers Day. This is easy in California, where there is one lawyer for every 180 or so people. This means that you're related to one or live near one or are frequently in the cereal aisle with one. So we won't print any lawyer jokes (Q: What's wrong with lawyer jokes? A: Lawyers don't think they are funny and nobody else thinks they're jokes) and suggest you spend the holiday watching movies of the profession: 'To Kill a Mockingbird' (good lawyer), 'The Devil's Advocate' (bad lawyer) and 'Liar Liar' (humorous lawyer)." . . . The law firm of **Wasserman, Comden & Casselman** recently finalized what is believed to be the largest settlement in Santa Barbara County history. Oxnard lawyer **David Casselman** confirmed a settlement on the eve of trial in the amount of \$80,970,000 for major landslide damages. *Marc Alexander, et al. v. State of California Department of Transportation* . . . The Gullede Law Group, **Woody** and **Linda Gullede**, hosted the Ventura Chamber monthly Business Connection Breakfast in August . . .

Steve Henderson has been the executive director and chief executive officer of the bar association and its affiliated organizations since November 1990. Do not attempt to contact him during the World Series and he loathes the fact AYSO consumes his Saturdays. Recently spotted out on the town with Paris Hilton, Henderson admitted to having one margarita.

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