



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

CITATIONS

OCTOBER - TWO THOUSAND SEVEN

NEW AND FAMILIAR FACES TAKE THE BENCH

Page 13



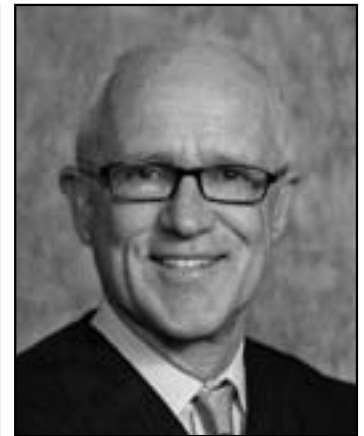
Commissioner Kevin G. DeNoce



Commissioner David R. Worley



Judge Bruce A. Young



Judge Douglas W. Daily

JONATHAN FRASER LIGHT

HAROLD K. KYLE

PAUL FARBER

VERNA R. KAGEN

ED POLL

ROBERT I. LONG

EDWARD T. BUCKLE

STEVE HENDERSON

PRESIDENT'S MESSAGE	3
LETTERS TO THE EDITOR	5
MEDIATION PROGRAM FOR SMALL CLAIMS COURT INSTITUTED	6
MANDATORY TRAINING FOR ELECTRONIC CASE FILING	9
STRUCTURED SETTLEMENTS SOMETIMES MISUNDERSTOOD	10
PRO BONO HIGHLIGHTS	11
BOOST YOUR PRACTICE AND YOURSELF THROUGH COACHING	16
GIZMOS AND GADGETS	18
COLLABORATIVE CORNER	20
EAR TO THE WALL	21
WE READ SO YOU DON'T HAVE TO	22
EXEC'S DOT... DOT... DOT...	26

DCR

Court Reporters & Interpreters

Serving all of California and Abroad
1 (800) DCR-3003 / (805) 267-1115

Behind every great DCR Court Reporter there is a great DCR team.

At Duke Court Reporters, our office staff is made up of former paralegals and legal secretaries who have an intimate knowledge of what is important to you.

Smooth coordination of depositions that require bridging in numerous participants from several locations simultaneously. DCR's deposition concierge oversees all critical support – photocopying, faxing, scanning exhibits – whatever you need, when you need it.

*Court Reporters • Interpreters • Conference Rooms • DCR Connect
Multi-Party Case Management • Deposition Scheduling: USA & Abroad
Online Repository • Videography/Digitized Synchronization*



Financial Plaza Tower
300 E. Esplanade Dr. #900
Oxnard, CA



Westlake Corporate Plaza
2625 Townsgate Rd. #330
Westlake Village, CA

www.DCRCourtReporters.com



PRESIDENT'S MESSAGE

Jonathan Fraser Light

Those of you who know me, and those of you who read my column regularly, know that I spend what some might assume is an inordinate amount of time at a Camarillo Starbucks. It is a great place for me to get some work done before I hit the office. I have picked up some good clients sitting in my usual corner, and I have sold several of my baseball books. I've become such a fixture that when I am out of town for significant stretches, I have had clients email asking if I am okay.

Every year or so I have to go home and change clothes, as someone has spilled their coffee at the condiment bar, splashing me. My partner, Ken High, once dropped his cup on my suit jacket. Most notably, boxer Fernando Vargas once dropped his drink at my feet, prompting perhaps an ill-advised comment by me, as I smiled and said, "I would have expected better hands from you." He laughed (I live another day) and the next time he turned with a drink in his hand, he made a motion as if he was going to spill it again. We bonded.

It never hurts to be friendly. For example, one very early Saturday morning, about 5:45, a scruffy looking biker came in dressed in black leather, helmet in hand, hair in twelve different directions, and three days' stubble. He was about my age, and asked "What do you do?" I told him that I was an attorney. "I thought so," he said. "What kind of attorney?" "Employment law," I replied. "Who do you represent, employers or employees?" I was just about to apologize and tell him that I only represent management, but instead I provided a more neutral response, indicating I was on the employer's side and generally didn't represent employees. "Good," he said, "because I've got 60 of them, and I've got a problem." Turned out he had recently sold one business for several million dollars, and started another. We became friends, I've done some legal work for him, and I am now his "trusted advisor" on such important issues as what precautions to take with his new 20-year old live-in girlfriend. My most sage thought: "get a vasectomy."

I have also recently become fast friends with James the Homeless Guy, after a few years only of casual hellos and the occasional cash advance. He has been a fixture in Camarillo for several years, keeping himself neat and clean, as

evidenced by the giant bottle of Tide that resides in his shopping cart. Early 60s, slightly built, weathered face. His familiar blue jacket (colder weather only) announces his arrival. He also has a pronounced limp from a bad hip. I tried to help James get some medical help with the VA, but he is not a fan of the VA ("they treat you like a second-class citizen there"). James is not a substance abuser, and not eccentric. He is also bright. A professed one-year drop out from the University of Vermont, he bangs out the Saturday *New York Times* crossword puzzle, usually leaving only one or two squares (given that the puzzles get progressively harder during the week, this is not a small feat). He also is well-read and listens to NPR regularly at night. I am not sure where he stays, but he always shows up at his appointed time at Starbucks and seems to have only one vice, smoking (Benson & Hedges).

James now approaches me regularly for assistance, "because, as you know, I do not have Internet access." No kidding. He often needs a quick look on Google to fill in the last couple of squares on the crossword (Shakespeare's mother's maiden name; William Paley's successor at CBS). He walked over just now, stumped on a Saturday *Times* crossword definition. We both learned that there is an animal called an aardwolf. Yesterday he was unhappy that the *L.A. Times* travel writer had confused the Adirondacks with the Catskills.

One day James came over and took a look at the shirt I was wearing and said, "Did someone pay you to wear that shirt?" It's not often that one's sartorial splendor is dissed by a homeless guy. This summer James was fascinated with the hot dog eating contestants and one day announced a segue to a new topic with, "but enough about the gustatory arts."

Recently he asked me if I was a USC fan. I regaled him with my UCLA pedigree. He replied, "well, then, I have something for you." He went outside and quickly returned with a new, clean UCLA sweatshirt. "I found this at the laundromat. I get all my good clothes there that people leave. American Eagle and Urban Outfitters. None of that Target or Kmart crap for me."

I do not know how James spiraled down to this position, but I do know that he was an aerospace

mechanic in Palmdale for many years. He seems now to have a small pension that kicked in this year and his meager budget allows for an old van that I believe he now may live out of. He was not as social 2-3 years ago, but I suspect that his new income has given him a measure of dignity absent for some time.

James delights in finding split infinitives in magazines and newspapers. He also brings over the occasional lawyer joke and cartoon ("this one is a bit overdrawn as a rule, but the message today is clever"). Recently, he pointed out that the *Ventura Star* had printed something about J. William Fulbright, erroneously referencing "William J." Fulbright. When I emailed the editor about the error, and informed him of the source for my information, the editor wanted to hire James as a proofreader, noting that most of his staff had no idea who J. William Fulbright was. I hope James forgives this split infinitive. (*Editor's note: I don't see a split infinitive here, Jon.*)

James is sometimes a bit grumpy, somewhat of a misogynist, but otherwise seems to do okay. Either he is getting free Starbucks drinks or has a regular supplier for his habit, because he is always sitting with a vente drink of some sort – that's "large" in regular coffee house parlance. Do not, I repeat, do not, use the terms "vente" or "grande" at a Coffee Bean.

In addition to James, I regularly see Bill Paterson relaxing at a table, cogitating on his upcoming movie review (no inference should be drawn from my segue from homeless guy to Bill), or my partner Ron Gill and his beautiful wife, Paula, walking their two shih-tzus – Ron resplendent in ragged shorts and a "Jammin' Jamaica" t-shirt. Paula told me recently that Ron is 92% retired. I don't know Bill's retirement level, but I estimate it at somewhere north of 82%. I aspire to at least that percentage. At the moment, however, I'm at negative 10%, with no foreseeable change (college, cars, laptops, weddings...).

There is no truth to the rumor that Jon has a part-time job at Starbucks. The photo above is of Jon at his real side job, supporting his 16-year-old dancer daughter, Elena, as production manager of the Footworks Youth Ballet (affiliated with the Oakley Ballet Center and owner Kirsten Oakley), screwing in screws for one of the two floors at the ballet's new facility behind Maverick's Gym in Ventura.



We provide the **most complete**
suite of services to support you
from discovery to trial.

- Global Court Reporting and Videography
- Electronic Discovery
- Document Copying, Scanning, and Coding
- Web Repository
- Trial Graphics, Preparation, and Presentation

1363 Donlon St,
Suite 8
Ventura, CA 93003
805.644.1986 Phone
800.438.2226 Toll Free
805.644.6582 Fax

20750 Ventura Blvd,
Suite 205
Woodland Hills, CA 91364
818.593.2300 Phone
800.826.0277 Toll Free
818.593.2301 Fax

www.merrillcorp.com/law

FREE CLE OFFER

Creating Compelling Technology Presentations for ADR
and Trial (1.25 CLE Credits)

Call (818) 445-4883 or email Terri McCubbin at
terri.mccubbin@merrillcorp.com

MERRILL LEGAL SOLUTIONS

LETTERS TO THE EDITOR

Dear Editor:

I notice with interest an article written by Andrea Meyer in the September issue of Citations. However, I am rather disturbed by the statement citing CRLA as "the sole provider of free legal representation in Ventura County."

Ms. Meyers would find an article each month called "Pro Bono Highlights" which gives honor to the dedicated men and woman of the Ventura County Bar Association who donate their time to represent our indigent applicants.

Such a statement overlooks also the Santa Clara Valley Legal Aid, an all-volunteer program initiated by Laura Bartels and Debora Vierra who have now earned a fourth recognition for pro-bono services by the State Bar of California.

I do not wish by this letter to denigrate the works of CRLA. I am familiar with their activity and am very proud that CRLA is in our community and of the hard working people who populate the program.

Verna Kagan
Senior Emeritus Attorney

Dear Editor:

As most Court users have experienced, over the past few months, there have been changes to the Ventura Superior Court's website. Attorney Terence Geoghegan shared his experiences and concerns in using the new website in his July 2007 Letter to the Editor. His comments present a great opportunity for the Court to try and help all users by explaining some aspects of the design and operation of the Court's internet services.

First, web pages on the Ventura Superior Court internet site are not designed to be addressed directly by shortcuts; rather, they are designed to be accessed from the Court's main website by "point & click," beginning at the Court's home page (www.ventura.courts.ca.gov). The reason for this is that the Court's internet site is not static. Our web pages are frequently changed to add services, accommodate new needs, respond to constructive feedback, or meet legal requirements. By directing our users to access our Court home page before accessing other pages on our website, we make it possible to explain changes to the public, direct users to

new website locations as necessary, and present important disclaimers. For example, Attorney Geoghegan noted that he set up a shortcut on his PC to open a specific civil case inquiry page several layers deep in the Court website. Now, when he uses his shortcut, he no longer sees all of the case types that he used to see. The reason is that some case type information has been moved to another web page to accommodate the implementation of our new civil case management system. When users access our case inquiry screens from the Court's home page, they see an explanation of the change, and are directed to the correct source for the information they need.

Second, web pages on the Ventura Superior Court internet site often display information from several different sources at one time. However, for the users' convenience, we set up our web pages so it appears that the all the different information appears to be on one page. For this reason, users may notice that they can sometimes retrieve a variety of information without any change in the displayed web page address.

Third, the Court agrees that the addresses for specific web pages on the Court's website often have address names that can be confusing, (such as "venturamasterframes13.htm.") When the Ventura Superior Court website was originally designed, all of our web pages were intended to be accessed from the Court's home page by "point-and-click," and the specific address of each page was considered unimportant. When the Court website is redesigned in 2008, we plan to change the naming conventions for many of our most commonly accessed web pages to help to make our website more user-friendly for individuals that prefer to use shortcuts. Even so, as is the case with nearly all websites on the internet, there will always be some pages on our website with web page addresses that are technical in nature, and not particularly useful to commit to memory or use as shortcuts.

Thanks for the feedback, and we appreciate your patience as we work hard to implement new systems that will serve you better!

Michael Planet
Executive Officer/Clerk
Superior Court of California
County of Ventura

2007 VCBA BOARD OF DIRECTORS

OFFICERS

President

Jonathan Fraser Light

President-Elect

Matthew P. Guasco

Secretary-Treasurer

Anthony R. Strauss

Past President

Loye M. Barton

Executive Director

Steve Henderson, CAE

Benjamin J. Engle	Marge A. Baxter
Erik B. Feingold	Amber A. Eisenbrey
Gregory L. Johnson	Robert L. Gallaway
Jeanne M. Kvale	Lilian H. Jiang
Joel Mark	David A. Ossentjuk
Gregory D. Totten	Mark R. Pachowicz
Joel R. Villaseñor	Anthony M. Ramos
Linda K. Ash	Alfred Vargas
Claudia Y. Bautista	Michael G. Walker
Jesse E. Cahill, Barristers	

CITATIONS EDITORIAL BOARD

Managing Editor

Wendy C. Lascher

Co-Editor

Al Vargas

Publisher, CEO

Steve Henderson

Graphics/Production

J.P. McWaters

Karen B. Darnall	Michael A. Strauss
Terence Geoghegan	Gregory T. May
Mark E. Hancock	Michael L. McQueen
Aris Karakalos	Michael R. Sment
Panda L. Kroll	Michael A. Velthoen
Robert I. Long	Louis J. Vigorita
Angela V. Lopez	Joel R. Villaseñor

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

**Submit all advertising,
classified and calendar
matters to:**

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

**Submit all editorial
matters to:**

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

MEDIATION PROGRAM FOR SMALL CLAIMS COURT INSTITUTED

By Harold K. Kyle

On June 15 of this year, a new Small Claims Mediation Program was launched at the Ventura County Superior Court in Ventura. Initial results show that the settlement rate for cases that have been shifted from the Small Claims Court to mediation has been quite impressive.

The program is a result of a year-long Multi-Option ADR Project (M.A.P.) instituted by the Ventura Center for Dispute Settlement (VCDS) in conjunction with Judges David Long and Colleen Toy White and Commissioner Mark Borrell.

Currently, mediators from the program are present and available for Commissioner Borrell's Small Claims calendar at the Ventura courthouse every Friday. A supervising mediator, provided by VCDS, oversees a group of about ten volunteer mediators who have been specially trained for this program. The program is provided at no cost to the litigants.

When the Small Claims litigants arrive at the courthouse, as a part of the normal pre-hearing overview provided by the bailiff, the supervising mediator describes the mediation option to all the litigants, and asks those who are interested to provide him/her with their names. After advising the judicial assistant of those cases where both sides have opted to try mediation, a mediator is assigned to the case and they immediately proceed outside the courtroom to commence the mediation.

If the mediation is successful, a form settlement agreement provided by the program is completed, signed, and given to the bailiff. If settlement is not achieved, the litigants return to the courtroom, and are given preference in having their case heard promptly in consideration of them having volunteered to participate in mediation.

Mediation of these cases is uniquely challenging, as the mediators are only allocated twenty minutes to mediate each case, since the litigants retain the right to have their case heard by the judge that same morning if mediation is not successful. Those of us familiar with traditional mediation sessions, which typically range from three hours to a full day or more, can recognize that these program mediators must be particularly efficient and persuasive, and this makes their mediation resolution rate of more than 75% even more noteworthy.

Based on the success of the program, Commissioner Borrell now encourages mediation to small claims litigants where it appears it would be helpful. For example, when a case involves a dispute between neighbors who will continue to live next to each other, a resolution based on mutual agreement has a much better chance of long term success than a court-imposed decision.

The initial success of the Small Claims Mediation Program has been particularly gratifying, as it has introduced mediation to many people in the community who had previously been unaware of the process. In particular, their exposure to one of the core benefits of mediation, that the parties themselves work out a resolution rather than have a judge or jury impose a decision, will hopefully have a long-term benefit for the court. Perhaps more people will thereafter attempt to negotiate a resolution of disputes themselves or with the assistance of a mediator

or mediation provider, rather than immediately running to Small Claims Court or commencing civil litigation.

In addition to Commissioner Borrell and Judges Long and White, Gil Campos, Cheryl Allain-Mee and Marge Baxter of VCDS, as well as the late Holly Spevak, were all instrumental in the creation and implementation of this program. There are plans to expand the program to additional days of the week, as well as to the Simi Valley courthouse, and to possibly provide similar mediation services for Spanish-speaking Small Claims litigants.

For additional information on the Small Claims Mediation Program, please contact Sandra Rubio at (805) 384-1313 or at srubio@vcds.biz.

Hal Kyle is a mediator and attorney practicing in Ventura. He is currently Chair of the ADR Section and on the Board of Directors of VCDS.

Need an experienced and affordable Mediator and/or Arbitrator?

Call... Our highly qualified panel also speaks:

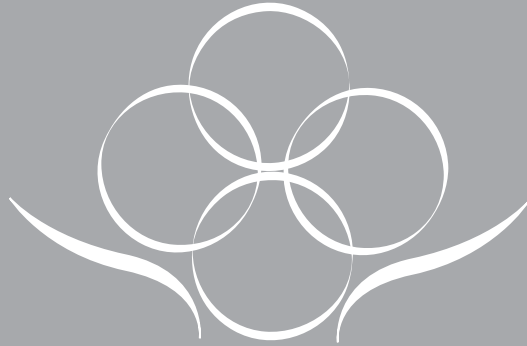
- Farsi
- French
- Japanese
- Portuguese
- Spanish
- Turkish

VCDS has a 80% settlement rate!

Ventura Center for Dispute Settlement
(805) 384-1313 • (866) 745-9625
SRubio@vcds.bz



Collaborative Family Law Professionals



Transforming family law into a collaborative process

- Private
- No court battles
- Collaborative
- Creative
- Win-win climate
- Clients in charge
- Faster
- Child sensitive

Collaborative Family Lawyers

Robert Bayer	Steve Mitnick
Joseph Beltran	Herman Mora
Paul Blatz	Mark Nelson
Sandra Bolker	Marsha Niedens
Terry Anne Buchanan	Gary Norris
Ed Buckle	Michael Percy
Rebecca Calderwood	David Praver
Michael Christiano	Richard Rabbin
Steve Debbas	Donna Santo
Tom Hutchinson	David Schwartz
Pat Lamas	Sylvia Soto
Jan Loomis	*Holly Spevak - In memoriam
Patti Mann	Randall Sundeen
Jeanne McNair	Richard Taylor
Paul Miller	

Allied Professionals

Mental Health Professionals
James Cole, Ph.D.
Deborah Huang, LCSW
Silvia Leidig, LCSW
Accountants
Susan Carlisle, CPA
Wayne Lorch, CPA
Financial Consultant
Helen Bass, CSA

www.collaborativefamilylawyers.com

Collaborative Family Lawyers, Inc.

dba Collaborative Family Law Professionals, a California tax-exempt public benefit corporation

BAR LEADERSHIP

ADR SECTION

Hal Kyle 477-0050

ASIAN BAR

Mark Fang 383-2788

BANKRUPTCY

Michael Sment 654-0311

BARRISTERS

Jesse E. Cahill 659-6800

BENCH/BAR/MEDIA COMMITTEE

Judge Glenn Reiser 654-2961

BLACK ATTORNEYS ASSOCIATION

Alvan Arzu 654-2500

BUSINESS LITIGATION SECTION

Dennis LaRochelle 988-9886

CITATIONS

Wendy Lascher 648-3228

CLIENT RELATIONS

Dean Hazard 981-8555

CONFERENCE OF DELEGATES

Joel Mark 988-8300

COURT TOUR PROGRAM

Thomas Hinkle 656-4223

CPA LAW SOCIETY

Douglas Kulper 659-6800

EAST COUNTY BAR

Roberta Burnette 497-1011

FAMILY LAW BAR

Sandra Bolker 652-0089

INTELLECTUAL PROPERTY

Chris Balzan 658-1945

J.H.B. INN OF COURT

Matt Guasco 654-0911

JUDICIAL EVALUATION COMMITTEE

Dennis LaRochelle 988-9886

LABOR LAW & EMPLOYMENT

D. Palay/R. Burnette 641-6600/497-1011

LEGAL SERVICES FUND COMMITTEE

Donald Hurley 654-2585

LRIS ADVISORY BOARD

Steve Henderson 650-7599

MEXICAN AMERICAN BAR ASSOCIATION

Susana Goytia-Miller 485-2700

PRO BONO ADVISORY BOARD

David Shain 659-6800

PROBATE & ESTATE PLANNING SECTION

Kendall Van Conas 988-9886

PUBLIC EDUCATION COMMITTEE

Mark Pachowicz 987-4975

REAL PROPERTY

Jody Moore 604-7130

VCBA/VLSP, INC.

Jonathan Fraser Light 988-8305

VLSP, INC. EMERITUS ATTORNEYS

Verna Kagan 650-7599

VC TRIAL LAWYERS ASSOCIATION

Joel Mark 988-8300

VC WOMEN LAWYERS

Susana Goytia-Miller 485-2700

VCBA STAFF

650-7599

Steve Henderson - Executive Director

Alice Duran - Associate Executive Director

Celene Valenzuela - Administrative Assistant

Alejandra Varela - Client Relations Manager

Elizabeth Davis - LRIS Counselor

Verna Kagan, Esq. - VLSP Program Manager

Peggy Purnell - CTP Coordinator

INJURY & DISABILITY EXPERT

Determining Impairments & Disabilities

ORTHOPEDIC NEUROLOGICAL MUSCULOSKELETAL



Karen Lockett
OTR, CHT, CLCP

Life Care Planning

Medical Cost Reports

Medi-Care Set-Asides

Day-in-the-Life Videos

IME/DME Observations



(310) 201-8478 • (805) 570-0306

Sometimes numbers are the only prints left behind.

Arxis Financial is a proven forensic accounting and litigation specialist. We will examine the financial data and help you determine the "bottom line." Arxis provides financial and valuation analysis needed to resolve a variety of legal disputes from family court to civil, criminal, and probate courts. In many cases our experts can help you reach a settlement. If trial or arbitration is required we give you the support you need to win.

Chris Hamilton, CPA, CFE, CVA

805.306.7890

www.arxisfinancial.com

chamilton@arxisgroup.com

ARXIS
FINANCIAL, INC.

FORENSIC ACCOUNTING

BUSINESS VALUATION

FRAUD ANALYSIS

MANDATORY TRAINING FOR ELECTRONIC CASE FILING

Attorneys appearing before the United States District Court, Central District of California, must attend a 3-hour mandatory training session for the Case Management and Electronic Case Filing (CM/ECF).

Beginning on January 1, 2007, the District Court required all criminal case documents to be filed electronically. Starting November 1, 2007, all IP case filings will need to be filed electronically and all other civil case filings will follow suit January 1, 2008. Excepted from the new requirements are pro se litigants and cases involving habeas corpus petitions.

In order to use the CM/ECF system, or add an attorney to a pleading, the named attorney will need to attend a free 3-hour training session at the Los Angeles or Santa Ana courthouses. A second option is the Court can send a trainer to our county to train a group of 13 to 15 attorneys or staff. The third option is to take a class from a third-party vendor. While the court eventually wants the classes offered on-line, this option will not be ready anytime soon.

Pro hac vice attorneys are not excused. Nor will a certificate from another jurisdiction excuse the training requirement in the Central District. Please visit www.cacd.uscourts.gov for further details.

The VCBA, in an effort to meet its members' needs, requests you email bar@vcba.org with a subject line USDC TRAINING if you are interested in attending a training session in this county. Please include your name and preference for the location, i.e. Oxnard, Westlake Village, etc. Depending on the responses, there may be a need for multiple sessions in various locations. Please respond with your interest as soon as possible.



MEDIATION/ ARBITRATOR

Richard M. Norman

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

**Richard M. Norman
Of Counsel**

**Norman Dowler, LLP
840 County Square Drive
Ventura, California 93003-5406
(805) 654-0911 RNorman@normandowler.com**

Your Legal Staffing Partner

Confidential Legal Placement for Law Firms & Corporations

- Attorneys
- Legal Assistants/Secretaries
- Office Administrators
- Paralegals



Whalen Bryan, INC.

whalenbryan.com



Kathi Whalen, C.A.C.

Ventura (805) 389-3663 Santa Barbara (805) 965-2020

STRUCTURED SETTLEMENTS

Sometimes Misunderstood

By Paul Farber

When faced with the prospect of a significant cash award for an injury claim, a client will have to make some well-informed decisions as to how to best provide for his or her financial future. Structured settlements offer many benefits to all parties involved in the settlement process. However, there are times when the related benefits are not fully understood. Here are some important issues to consider when evaluating whether a structured settlement would be beneficial.

The benefits that injured parties receive when structuring their settlements include guaranteed tax-free benefits at a rate of return typically higher than what is available to the general public. Since annuity companies are investing hundreds of millions of dollars at a time over long periods, they are able to get the best return rates.

Structured settlements provide tax advantages.

A lump-sum cash payment for someone suffering an injury is tax free but any earnings are taxable. Due to specific IRS regulations, when the case is structured, the entire structured settlement payment – principal and interest – is tax-free. The lifetime benefit to the client of not having to pay taxes on the entire amount can be significant.

Structured settlement payments are guaranteed.

While stock markets can rise and fall and interest yields on bonds or CD's may fluctuate, the benefits of a periodic payment plan are known and guaranteed for the term of the structure. Clients can better plan their financial futures by removing the uncertainty of other types of investments while still enjoying the tax free benefits. Unlike a managed broker account, there are no administrative fees for handling the structure, thus preserving all the benefits for the client.

With a lifetime payout plan, the plaintiff won't outlive his or her money. Most structured settlements include cash at settlement plus deferred payments. These cash payments usually involve cash for attorney fees, liens and some "discretionary" cash. The injured party receives both cash and guaranteed tax-free payments, even for life.

Structured settlements help preserve public benefits. Plaintiffs receiving public assistance may stop receiving full benefits on receipt of a settlement until the injured person again comes within the needs-based rules. The rules prescribe strict resource and income tests, as well as a waiting period before payments can resume. A structured settlement combined with other planning tools can provide supplemental income to make the benefit recipient's life much more comfortable.

Attorney fees may also be structured.

Attorneys who structure their fees get the benefits of tax-deferred income, security and high returns (though attorneys who consider structuring their fees should consult a tax expert in advance of structuring all or any portion of their contingent fees). Additionally,

self-employed lawyers may get two extra benefits. First, structuring allows attorneys to put aside retirement funds without regard to IRS rules about contribution limits or payout timing. Unlike qualified benefit plans, attorneys who structure their fees need not put aside a like amount for their employees.

Structured settlement brokers can facilitate the settlement process in several ways. They can help evaluate cases, attend mediations, arbitrations, settlement conferences and other settlement forums. There is no charge for their services. The life companies providing the settlement annuities compensate settlement annuity brokers.

Paul Farber is a Settlement Annuity Specialist with Ringler Associates.

Upscale Office Space for the Attorney.



NOW LEASING

River Park
EXECUTIVE SUITES

- Virtual Office Plans
- Video Conferencing

1000 Town Center Dr., Ste. 300
Oxnard, CA 93036

805-351-3700

www.rpexecutivesuites.com

PRO-BONO HIGHLIGHTS

By Verna R. Kagan, VLSP Senior Emeritus Attorney

It is often easy to forget how hard people work or how seriously they take their positions simply because they are employed, as opposed to being volunteers. We fail under these circumstances to honor their endeavors both within the course and scope of their employment and in the context of the other community services they perform.

I would like to honor to two women of valor, namely Carmen Ramírez and Tina Rasnow, directors of the Self-help Legal Access Centers.

As readers can well imagine, I have frequent telephonic communications with these ladies. I often hear the care and concern in their voices as they reach out to give the people they serve that extra assistance needed. So to begin, both ladies reach out to community resources to arrange help for those in need.

Tina has been instrumental in arranging several educational opportunities for our emeritus attorneys and interested attorneys in the community, thus widening our sphere of influence and increasing the population that we can help. Beyond that, she makes herself available for assistance and advice whenever I call on her.

Carmen serves on the Board of Governors of the State Bar of California, which means that in addition to her job, she is subject to travel and time to attend meetings.

Carmen was also most instrumental in thwarting natural gas drilling in Oxnard, an event that would have had untoward impact on the environment as well as the destruction of natural habitat.

Both women are frequent attendees at various bar sections, such as the Mexican American Bar, Woman Lawyers, Asian American Bar, etc.

Tina continues to give her valuable time to the Board of Directors of the Volunteer Lawyers Services Program.

I commend both ladies for their services to the community way above the call of duty. I do not know what I would do without them.

Paul Bielaczyc Mediator



Private and Court panel Mediator for the Ventura, Santa Barbara and San Luis Obispo ADR programs



Personal Injury
Real Estate
Contracts
Employment
Construction

Tel./Fax. 805-565-8725

pbielaczyc@msn.com
www.tricomediate.com

Theresa M. Robledo, GRI REALTOR®

*I am a Ventura County Native
and proud member of:*

- *National Association of Realtors
- *California Association of Realtors
- *Ventura County Bar Association
- *Ventura County Regional Data Share and Multiple Listing Service
- *Ventura County Data Share
- *Ventura Chamber of Commerce
- *Fillmore Chamber of Commerce

I attribute my success to the attorneys I have worked with in Ventura County for the past 19 years as a legal secretary/paralegal and of course, my clients. I am familiar with conservatorship/probate listings, family law listings and many more.

For your convenience, I am mobile and also have 6 offices to serve you! Ventura, Ojai, Santa Paula, Fillmore, Piru and Camarillo.



Century 21
Buena Vista
(805) 625-4450

Please contact me for a free market analysis!

Email: Theresa@realestatemagic.com Website: www.TheresaRobledo.com



No two success stories are alike.

Every road to success is unique. We believe that no two clients, no two problems and no two solutions are alike. We respond with local solutions and local decisions from local bankers. We offer all the capabilities and products of a big bank along with the friendly, responsive service of a community bank. Stop by or call and see how we can help you achieve your financial success.

-
- **Personal Banking**
 - **Small Business Banking**
 - **Commercial Banking**
 - **Wealth Management Services**
-

Offices throughout Ventura County. Call for a location near you.

888.400.7228

www.sbbt.com

**SANTA BARBARA
BANK & TRUST**

NEW AND FAMILIAR FACES TAKE THE BENCH

Last month, Governor Schwarzenegger named two Ventura Superior Court Commissioners to the Superior Court. Judge Bruce Young is now sitting in Courtroom 33 in Ventura, and Judge Douglas Daily in Courtroom 26.

Judge Daily, who lives in Camarillo, was admitted to the bar in 1978 after graduating from Loyola Law School and earning a bachelor's degree at USC. He formerly practiced at Grey Law, Inc., and was a Senior Deputy Public Defender before becoming a Superior Court Commissioner in 2003.

Judge Young, a Superior Court Commissioner since 2002, joined the District Attorney's Office in 1999. He became a lawyer in 1978, practicing in a variety of civil law fields. Judge Young is a graduate of Cal Poly, San Luis Obispo, and Pepperdine Law School.

The appointment of two commissioners as judges left open two commissioner positions. The Ventura Superior Court has hired Kevin DeNoce and David Worley to fill those slots.



Judge Bruce A. Young



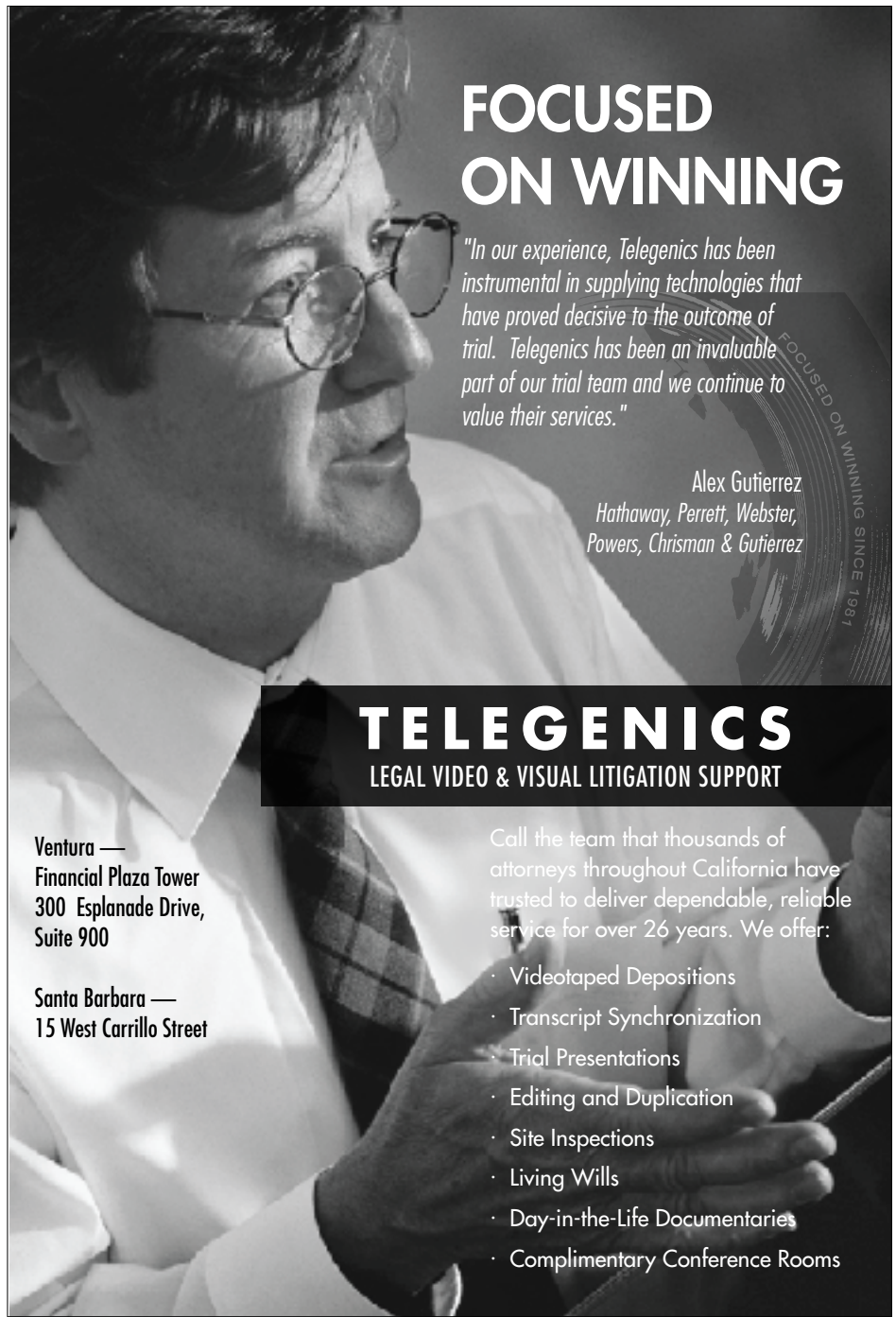
Judge Douglas W. Daily



Commissioner Kevin G. DeNoce



Commissioner David R. Worley



FOCUSED ON WINNING

"In our experience, Telegenics has been instrumental in supplying technologies that have proved decisive to the outcome of trial. Telegenics has been an invaluable part of our trial team and we continue to value their services."

Alex Gutierrez
Hathaway, Perrett, Webster,
Powers, Chrisman & Gutierrez

TELEGENICS

LEGAL VIDEO & VISUAL LITIGATION SUPPORT

Ventura —
Financial Plaza Tower
300 Esplanade Drive,
Suite 900

Santa Barbara —
15 West Carrillo Street

Call the team that thousands of attorneys throughout California have trusted to deliver dependable, reliable service for over 26 years. We offer:

- Videotaped Depositions
- Transcript Synchronization
- Trial Presentations
- Editing and Duplication
- Site Inspections
- Living Wills
- Day-in-the-Life Documentaries
- Complimentary Conference Rooms

805.981.3994

Since 1981

LAWYER APPROVED— Procter, McCarthy & Slaughter · Hatch & Parent · Rodgers & Sheffield Nye, Peabody & Stirling · Nordman, Cormany, Hair & Compton · Benton, Orr, Duval & Buckingham Haffner, Haffner & Kirwin · Norman, Dowler, Sawyer, Israel, Walker & Barton · Goldenring & Prosser · Lowthorp, Richards, McMillan · Ferguson, Case, Orr, Paterson & Cunningham · Law Offices of John Howard · The Strauss Law Group · Arnold, Bleuel, LaRochelle, Matthews & Zirbel Law Offices of Christopher Nettesheim · Wood & Bender · Myers, Widders, Gibson, Jones & Schneider · Hathaway, Perrett, Webster, Powers, Chrisman & Gutierrez · Law Offices of Kevin Chaffin · McTague & Palay · Law Offices of Patrick Garofalo · Orrrock, Higson & Kurta · et al.,



Craig Bates,
Principal



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

Barry A. Cane

**Disability Income Insurance
Business Overhead Expense**

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



Lic. #0740274

240 Lombard St., #100, Thousand Oaks, CA 91360

Registered Representative Park Avenue Securities (PAS), 7 Hanover Square, New York, NY 10004. Securities products and services offered through PAS, 1-888-600-4667, Member NASD, SIPC. PAS is an indirect wholly owned subsidiary of The Guardian Life Insurance Company of America. Representative of The Guardian Life Insurance Company of America, New York, NY and other fine insurance companies.

Michael P. Kenney*, CLU

**Group and Individual Health Insurance
Business and Personal Life Insurance**

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

www.kenneycompany.com



Lic. # 0688916

Securities offered through a registered representative of Royal Alliance Associates, Inc., member NASD/SIPC.
Branch Office: 100 E. Thousand Oaks Blvd., Suite 152, Thousand Oaks, CA 91360 • (805) 496-4600

Integrity . . .

Reliability . . .

Performance . . .

*"Integrity is what we do,
what we say,
and what we say we do."*

— Don Galer

Lawyers' Mutual Insurance Company

Professional Liability Insurance

1978 • *Legal Malpractice Insurance Crisis*
• LMIC born out of insurance crisis

1979 • First policy issued

1980 • Loss Prevention Programs launched

1983 • Bar Association Errors and Omissions Programs introduced
• Lawyer Referral Service Programs offered

1985 • LMIC provides a market for lawyers abandoned in another
Legal Malpractice Insurance Crisis

1990 • Preferred Policyholder and Longevity Credits inaugurated

1991 • New Admittee Program introduced

1998 • Return of Contribution to Surplus approved by Board of Directors

1999 • Criminal and Insurance Defense Programs introduced

2000 • Appellate, Immigration, Mediation and Arbitration Programs added

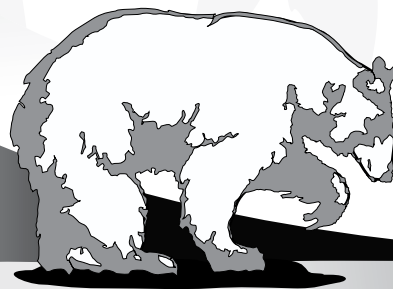
2001 • LMIC flourishes in spite of yet another *Legal Malpractice Insurance Crisis*
• Strong Start Program (formerly New Admittee) reintroduced

2003 • Online MCLE offered

2006 • 11th straight year of dividends
— over \$30,000,000 paid to policyholders

News Flash . . .

. . . 12th straight year
of dividends
just now declared!



2007 . . .

Lawyers' Mutual Insurance Company

3110 West Empire Avenue, Burbank, CA 91504

A.M. Best Rated "A" (Excellent) California Admitted

call 1.800.252.2045 or visit www.LMIC.com

Boost Your Practice and Yourself Through the Power of Coaching

By Ed Poll

People engaged in the professions increasingly see the wisdom of what athletes have known for decades: the right coach can enhance performance for anyone willing to accept help and guidance. Coaches show attorneys how to make their practices better and more effective. Lawyers can dramatically increase their revenues as the result of having an independent, objective ally who can provide a sounding board. The effective coach provides the kind of honest feedback and support that helps people do great things.

What Is a Coach?

A coach is quite different from a mentor, the senior lawyer who, while cruising at 35,000 feet, offers firm-focused career advice to a junior one. A coach operates at ground level to provide life-enhancing guidance. A real coach is, in the words of Harvard Business School Professor Thomas DeLong, a truth speaker. If you listen, you will benefit more than you imagine.

Coaches work with people in real life, discussing and exploring roadblocks as they are encountered and working to remove them. The coaching experience is an active process—a partnership, not an event. The foundation is trust, as the coach learns what the client really wants and works in partnership to achieve it. While maintaining objective detachment, a coach gives clients

perhaps their only conscious opportunity to think, dream and plan. The typical coaching conversation starts with the ideal end in mind, then combines experience and questioning to help clients access their own wisdom and unique abilities. The coach offers support so that the client follows through with action and changes.

How Can a Coach Help?

Coaching is an “investment,” an investment in yourself. You should engage a coach from the point you decide you want to be successful. A coach can help you achieve that success more quickly than you would on your own. A coach might make such concrete suggestions as: defining revenue and net income goals and the types of clients and matters that would support them; hiring an assistant who could handle administrative chores and allow the lawyer to do the work only he or she can do, serving existing clients and marketing to new ones; or using a project management system to keep track of case details.

Coaching is convenient; there are no time-consuming office visits and little or no stress. Coaching provides instant support and feedback through regular meetings that often can be conducted by phone.

The interaction between the coach and the lawyer being coached may be as simple as a shoulder to lean on, or as complex as having assignments made by the coach with the expectation that the results of the assignment will be discussed the following week. After an initial session that includes going over the relationship and the options for dealing with the primary concerns, each coaching session usually lasts no more than 30 minutes. Weekly contact keeps the attorney on track with actions as needed. Of course, the coach is also available at other times as required.

What to Look for in a Coach

First and most important, what is your gut feeling about the person? Do you have a good rapport with him or her, even without personal contact?

Do you respect the person's reputation and experience?

Has this person walked in your shoes before? Is this person a lawyer (not just a law degree, but an honest to goodness practicing lawyer)?

If your coach is not a lawyer, why did he or she leave the practice of law? Seems to me that it's disingenuous to advise people to be lawyers if the person didn't like law practice in the first place.



Central Coast Appraisals

Professional Real Estate Appraisal Services
Serving All of Ventura County

Phone: 805 656-6610 • Fax: 805 985-2158

www.VenturaCountyHomeAppraisals.com • centralcoastappraisals@yahoo.com

What has been the experience of the person as a coach, not just as a lawyer?

If you're looking for a particular trait, for example business or life balance, or career change, or marketing, what has been the track record of the coach in this area of experience?

Does your coach believe in the value of the coaching process so much that he or she also has his/her own coach in order to constantly improve in the coaching and consulting business?

One of these points, background in the law, requires elaboration. The coach who was not / is not a lawyer must be familiar with the rules of professional conduct. Other than that, a coach who is experienced in the areas of greatest interest to the lawyer client - marketing, finance, technology, psychology - can be a worthwhile choice.

Why Don't More Lawyers Use Coaches?

If coaching helps, why don't we take more advantage of it? These are the objections to coaching that come up time and again, and responses to them:

If I seek coaching it means I'm personally inadequate. *Actually, engaging a coach means you've decided to succeed, because you'll improve more quickly than you would alone.*

Engaging a coach is too expensive. *Actually, coaching is an investment in yourself. The ROI is how much more you can earn, or reduce your stress level.*

I can't commit to the time that a coach demands. *Actually, no commitment, no success. The price is the time required to do what's necessary to improve.*

Coaches too often try to intimidate people. *Actually, a good coach is neither a buddy nor a mentor nor an assistant. A coach offers leadership that compels you to be better.*

I can't take direction from someone I don't know personally. *Actually, a personal relationship is unnecessary. You can develop a relationship of increasing trust as time passes.*

If everything suggested by the coach or committed to by the lawyer is not achieved, that does not denigrate the value of the coaching process. Without the coaching (and accountability to yourself through the accountability to the coach), less would be accomplished.

Ed Poll is an attorney, management consultant, and coach. See www.lawbiz.com.

When you need to impress someone with the truth...

POLYGRAPH

JACK TRIMARCO & ASSOCIATES POLYGRAPH / INVESTIGATIONS, INC.




9454 Wilshire Blvd. 6th Floor
Beverly Hills, CA 90212
(310) 247-2637
email: jtrimarco@aol.com
www.jacktrimarco.com

*Jack Trimarco, President
Former Polygraph Unit Chief
Los Angeles, F.B.I. (1990-1998)*


C.A. P.I. #20970

Member Society of Former Special Agents
Federal Bureau of Investigation

Former Inspector General Polygraph Program
Office of Counter Intelligence



RUBENSTEIN SORENSEN MEDIATION




JUDITH RUBENSTEIN
AND LOL SORENSEN
ARE PLEASED TO ANNOUNCE
THE FORMATION OF
THEIR MEDIATION PRACTICE

READY TO SETTLE YOUR CASE

JUDITH RUBENSTEIN, J.D., M.A., PSYCH.
JUDITH@RSMEDIATE.COM
WWW.RSMEDIATE.COM
T 805.569.2747
F 866.423.9058

LOL SORENSEN, J.D., M.S.W.
LOL@RSMEDIATE.COM
WWW.RSMEDIATE.COM
T 805.649.1389
F 866.423.9058





\$400 for an iPhone™? First consider how you will use it. If just for calls, don't bother. But if you're like me and occasionally get lured by the latest gadgets out there, consider some of the alternate do-everything-but-your-laundry devices entering the market. Recently, after much inveigling by Verizon to sign a new wireless contract, I was coaxed into a Samsung SCH-u620 in place of my old flip-phone. After a promise of a free month of service, a steep discount on the retail price of the phone and a rebate to boot, I am not sure how much I actually ended up paying for the phone, but think Verizon paid me \$125, which I spent on a wireless stereo headset and a Gig of memory.

GIZMOS AND GADGETS

By Robert I. Long

The u620, which fits in the palm of my hand, is much more than a phone. The first month included all available accessory services free of charge. Sitting recently in the Atlanta airport, I pulled out the antenna on one side, set it sideways and watched TV on the 1½-inch-wide screen. It receives 10 channels in major metropolitan markets. Channels include ESPN, the Comedy Channel, Nickelodeon, Fox News and MTV. The picture is crystal clear, but I needed earphones to hear it in loud places because the on-phone speaker is not very loud.

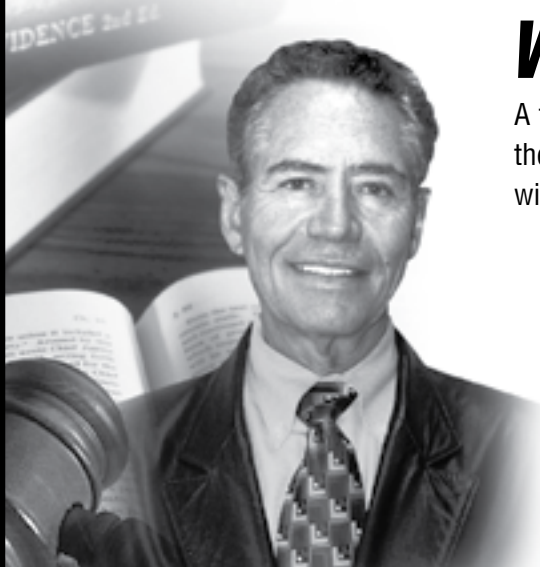
It is also a 1.3 megapixel (1280 x 960) camera and a video camcorder that shoots at 320 x 240 (highest resolution), and can be set to send video text messages up to 15 seconds in length at a lower resolution. Of course, that requires that the phone I am sending it to is capable of receiving video messages. If so, instead of typing out a message, I can simply aim the camera at myself or whatever it is I want to include in the video clip, speak my message while shooting, then send it like an ordinary text message. Pretty cool.

The phone has a rudimentary web browser. It does not have "push" technology like a Blackberry®, but if you set up a Yahoo! account and have targeted e-mail forwarded to it, you can, with some difficulty, at least check your essential e-mail. If you need to see your e-mail instantly, "push" technology, available in the iPhone and Blackberry, is the only way to go.

The navigation system on the u620 is superb. It gives audible turn-by-turn directions and lists all nearby attractions, such as restaurants. On my recent trip, approaching the lunch hour one day, my brother-in-law was trying to remember the name and location of a restaurant. I was able to bring up a list of nearby restaurants and take him directly to it. We were both impressed by how quick and easy it was to obtain the information.

Not only will this device replace your camera, camcorder, GPS and even TV, you can also leave your iPod at home. With next-generation stereo BlueTooth®, coupled with a pair of cordless Motorola headphones, the fidelity

IRWIN R. "ROB" MILLER ESQ. MEDIATION • ARBITRATION



Want to settle that case?

A trial lawyer for over 35 years, I have successfully ***tried*** and ***settled*** the ***million and multi-million dollar cases***. My experience and training will help settle your case.

- ***J. D. Univ. of Cincinnati - Law Review Editor***
- ***"AV" Rated Martindale-Hubbell***
- ***Pepperdine Univ. School of Law – Straus Institute***
- ***Arbitration Panel Ventura County***
- ***Ventura Center for Dispute Settlement***
- ***Member of VCBA, LACBA, ATLA***
- ***Past President Hollywood Bar Association***
- ***Million and Multi-Million Dollar Advocates Forum***

IRWIN R. "ROB" MILLER ESQ.
MEDIATION • ARBITRATION

(805) 485-2700 Fax (805) 485-2751

Email: irmmediation@aol.com

300 Esplanade Drive, Suite 1760, Oxnard, CA 93036

is awesome and, because it uses removable micro-SD memory, it will hold way more than every song I ever wanted to listen to while riding the bicycle trail. If a call comes in while riding, I just tap the earpiece to take the call. When the call concludes the music resumes. Nifty. The headphones were \$70 at the Verizon store.

You can purchase songs directly from the Verizon Music Store and have them downloaded directly into the phone, no computer needed, or you can put your existing music collection (or Books-on-CD[®]) into the phone using your computer and an accessory package containing a cable and software. By the way, the only time I am using minutes on my cellular plan, other than during calls, is for the time it takes to download a song or video clip, check my e-mail or, with the navigation system, just the time it takes the device to locate and hook up with the satellite, usually less than a minute. Apart from that, taking pictures, shooting video, playing music or navigating with the GPS will not eat into my minutes.

The device has features barely mentioned in the literature that comes with it. While in Canada, I discovered that the currency converter automatically updates the current exchange rate. Later, when I needed to convert inches to centimeters, it was a snap. The intuitive menu and simple two-step table made it almost automatic.

I wrestled with whether to get a larger unit with a QWERTY keyboard such as the Blackberry, the Treo or my phone's bigger brother, the u740, but decided I do not do enough e-mail on the go to justify the increased expense and size. The tipping point, however, was the advanced speech recognition built into the u620. After training it, and provided I am in a fairly quiet location, it will accurately type out what I speak, provided I pause between words. It also has a program called "Word," which allows typing using the numerical keys without having to push any key multiple times to reach the intended letter. For example, type 3, 4, 4 and the word "egg" appears. It just knows. I essentially traded e-mail for Text Messaging. The u620 also comes with MobileIM and Chat, but I haven't investigated those features.

By the end of my two-week vacation, I had hours of video, hundreds of photographs and dozens of songs stored in the device, but had used just a fraction of my available memory. As long as one doesn't show or print the photos

larger than about four by six inches, run the video any larger than about four by four inches, or save music at anything less than 128-bit rate, the quality is pretty good. Oh, and because it holds virtually unlimited contact information, calendar entries, notes and memos, it can also replace that old PDA. Addresses, however, have to be inserted into the "Note" field, and there's no convenient docking station for your secretary to enter the data, so maybe don't toss that PDA just yet.

You can also drag and drop MSWord and Acrobat documents into a file viewer, but you can't work with the documents and even reading them is laborious with the small screen, constant zooming and moving around the page.

As if all those features were not enough, I downloaded Sims 2 from the Verizon site for ten bucks, giving me a distraction for those long waits at airports. So it replaces the Gameboy,

too, unless you're a serious gamer. Once my free evaluation period was up I promptly canceled the V-Cast package and Mobile Web (\$15/mo.) but kept the navigation for \$10/mo. You can add or drop the accessory packages without a charge other than the monthly fee for the service being added, meaning you can activate things like navigator, e-mail and V-Cast TV for just the month you will be traveling.

A useful tool and a cool toy. At times I forget it is also a phone which, so far, works fine, but seems a little quieter than my old one, and the speaker phone doesn't work as well, but I think I'll adjust to those minor shortcomings. I'll trade it in a couple years for one with satellite radio, an electric razor and a Taser[™]. Hmm, better be sure I have it set right before shaving!

Rob Long is in practice by himself. He is a member of CITATIONS' editorial board.

**Don't miss the October 17 LiveNote seminar
in Ventura! See enclosed flyer for details!**

Legal resources for California

- Westlaw[®] – KeyCite[®]
- Public Records
- Legal Solutions[™] Plus
- The Witkin Library
- LiveNote[®]
- Cowles Legal Systems[®]
- The Rutter Group California Practice Guides[™]
- Miller & Starr
- West LegalEdcenter[®]
- ProLaw[®]
- CFLR DissoMaster[™] Suite

**For details, contact West Law
Firm Sales Representative**

Gregg Kravitz

- In-office training
- Free consultations!

Phone: 805-654-7027

E-mail:
gregg.kravitz@thomson.com

Going places with West.

THOMSON
WEST

COLLABORATIVE CORNER

By Edward Buckle

Can we talk? Catch phrases work, just ask Joan Rivers. But this is not necessarily a universal truth.

Maslow proposed a hierarchy of needs which must be satisfied as one progresses toward a goal of self-actualization. Clearly Maslow's theory is applicable in the collaborative process, providing a process by which needs are uncovered and satisfied in a safe environment, leading to a mutually satisfactory settlement. But what if one party has a hidden agenda and seeks, consciously or unconsciously to thwart the process?

This factor begs the question... Is this truly a collaborative case? While the client may wish to avoid the financial and emotional cost of court intervention, he/she harbors a motive that will sabotage the process. One example is revenge. Whether it is for an actual or perceived wrong, it is poisoning the entire process.

It is true that the majority of divorcing couples are unaware of an alternative to court proceedings. The collaborative professional must be in the forefront of the "Can We Talk Revolution," presenting collaborative family law as a viable alternative to the devastation of litigation. But is it not equally important to be certain that this case is appropriate for the collaborative process?

Once having accepted the case as collaborative, the attorney must be very much aware that this is truly a represented non-adversarial proceeding. It is easy to lose sight of this fact when the client seeks to "prove an allegation" or "set time limits" on the process. At this point we may tend to revert to the adversarial process through the subtle but intense urgings of the client for vindication, which consequently undermines our credibility and commitment to the process.

When you recognize this happening, are you not obligated to call a "time out", and together with the client reassess what it is that you are trying to accomplish? Have you made the paradigm shift, or are you simply participating in a settlement conference?

When confronted with these issues, call on your resources, including fellow collaborative attorneys, mental health and financial professionals who are available for assistance. Participation in training programs and group meetings are essential, especially for those attorneys who have not been active in, or who have had limited exposure to the collaborative process. Often an interdisciplinary approach will help uncover a "best interests" solution that will give real meaning to the catch phrase, "can we talk?"

Ed Buckle is a collaborative family lawyer in Ventura.

Intellectual Property • Patent • Trademark



- Patent Applications
- Trademark Applications
- Counseling for Patent and Trademark Infringement Litigation
- Trademark Opposition and Cancellation Proceedings
- Clearance Searches
- Counseling on Trade Secret
- Unfair Competition
- Licensing of Intellectual Property
- Foreign Patent and Trademark Filings
- 12 Years Experience

RALPH CHABOT
ATTORNEY AT LAW

805.388.5028

email: rdc@chabotlaw.com 2310 East Ponderosa Dr., Suite 4
www.chabotlaw.com Camarillo, CA 93010

EAR TO THE WALL

Neil L. Krupnick and William R. Chapman are pleased to announce the formation of **The Law Offices of Krupnick & Chapman**. The firm will continue to handle major tort litigation with an emphasis on automobile, motorcycle and pedestrian accidents. Krupnick & Chapman, 340 N. Westlake Village Boulevard, Suite 220, Westlake Village, California 91362. Phone (805) 495-7651 Fax (805) 494-4410.

The Law Offices of Bamieh & Erickson, PLC are pleased to announce their relocation to 692 E. Thompson Boulevard, Ventura 93001. Phone (805) 643-5555; fax (805) 643-5558. www.bamieherickson.com.

**11TH HOUR
TRIAL & MEDIATION**
DAVID M. KAREN, ESQ.
805.988.4848
dk4law@aol.com
www.dk4law.com

Probate and Estate Planning Appraisals in Ventura and Santa Barbara Counties

brianSISK
Appraisals

Brian Sisk License # AL026146
Office # 805-653-6680 Fax # 805-653-6613
www.Briansiskappraisals.com, Brian@Briansiskappraisals.com

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

PHILLIP FELDMAN
B.S., M.B.A., J.D., AV.
Fellow American Board of Professional Liability Attorneys

Certified Specialist
Legal Malpractice
(California & American Bar Associations)

Former Judge Pro Tem
Former State Bar Prosecutor

Fee Arbitrator 31 years
Litigator/Expert 40 years

Malp/Ethics Author

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

(310) LEG-MALP (534-6257)

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

Accident Reconstruction

"I approach forensic engineering not as a narrow vocational activity but as a scientific inquiry."

**Marc A. Firestone
Ph.D.**

**Von Haenel
&
Associates, Inc.**

FORENSIC ENGINEERING

Objective Analysis and Scientific Integrity

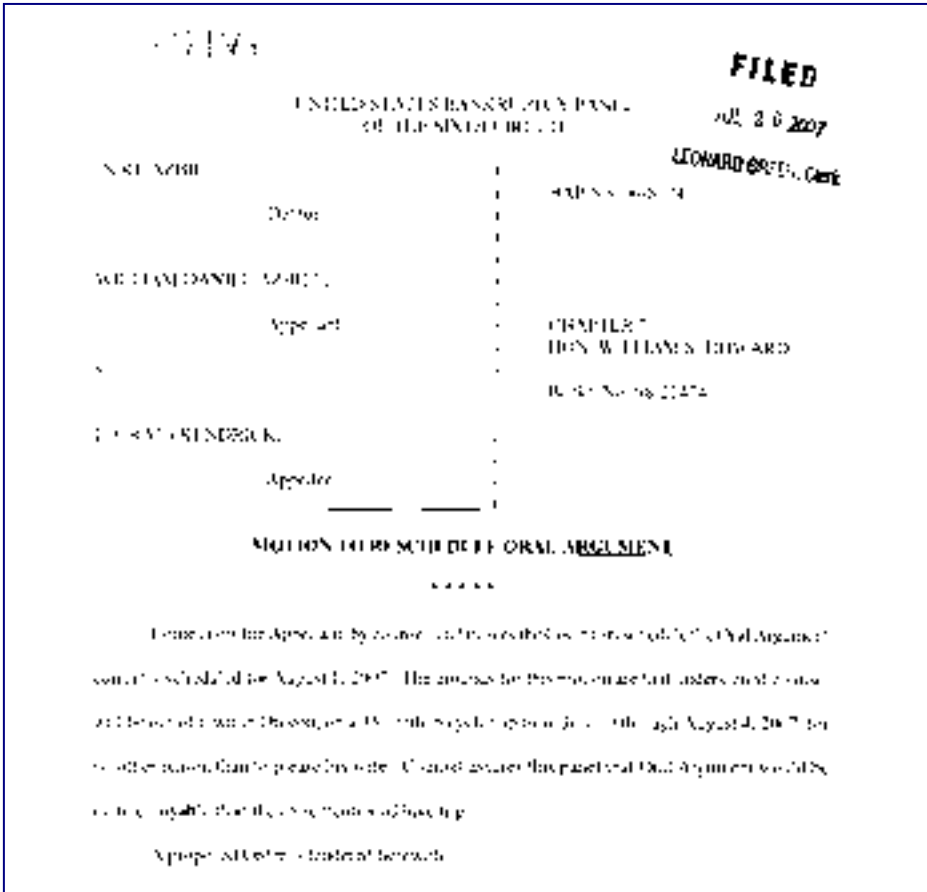
Combines over 20 years of experience as a professional research scientist with a 40 year old forensic engineering firm. I have handled hundred of cases in:

- Vehicular accident reconstruction
- Slip/Trip falls
- Product defects
- Fires
- Unusual cases requiring a broad scientific background

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

Phone: **(805) 388-7123**
Fax: **(805) 988-4948**
E-Mail: fireball@mailaps.org

WE READ SO YOU DON'T HAVE TO




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



NEED CLIENTS?

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

For more information call Alex Varela

(805) 650-7599

www.vcba.org

LRIS Needs More Attorneys In The Following Areas:

- Civil Rights
- Education Law
- Government Benefits
- Intellectual Property
- Taxation Law
- Tenant Rights
- Malpractice

*East County Attorneys in all areas

*Spanish speaking in all areas



LRIS
LAWYER REFERRAL & INFORMATION SERVICE



State Bar Certified #0059 and ABA approved.

*Participate in
the VLSP*

*Become part of the
legal community
serving low-income
residents of Ventura
County. The bar
association encourages
your involvement in
the county's only
private attorney
Pro Bono Program,
the VCBA/VLSP, Inc.*

**FOR MORE
INFORMATION
CALL**

**Verna R. Kagan,
Esquire
Program Manager
(805) 650-7599
bar@vcba.org
www.vcba.org**



Martin Basaldua Agent/Owner
Insurance Lic. #1840584

Reliable • Qualified • Courteous

(805) 641-Bail (2245)



Claudia Basaldua, Agent
Insurance Lic. #1840782

Se habla español

ALWAYS OPEN

WWW.805BAIL.COM

674 County Square Dr., 209-B, Ventura, CA 93003



Susana Goytia-Miller, Esq.
300 Esplanade Dr., Suite 1760
Oxnard, CA 93036
Tel. (805) 485-2700
Fax (805) 485-2751

Sgmillerlaw@aol.com
susana@susanagoytiamillerlaw.com

**FAMILY LAW MEDIATION
Susana Goytia-Miller
ATTORNEY AT LAW/ PHD**

- *Professional Trained Mediator Pepperdine University
- *Bilingual (English & Spanish)
- *President of Woman Lawyers of Ventura County (2005- Present)
- *President of The Mexican American Bar Association (2007)
- *Member of The American Immigration Lawyers Association
- *Member of The National Lawyers Guild
- *Member of The Ventura Center for Dispute Settlement
- *Member of The Association for Conflict Resolution

susanagoytiamillerlaw.com

COURT APPOINTED RECEIVER/REFEREE

*"Mr. Nielson is more than just a pretty face.
He is one of our best receivers."*

(Hon. John J. Hunter, October 8, 1998)

The Superior Court has appointed Mr. Nielson in over 200 cases involving the sale of real property, partnership or business dissolutions, partition actions and matters requiring a referee.

**LINDSAY F. NIELSON
Attorney at Law**

770 County Square Drive, Ventura, CA 93003
(805) 658-0977

Forensic Accounting

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



Michael C. Eulau, CPA

MBA, Finance, University of Chicago
MSc, Economics, London School of Economics
Over 16 Years Experience

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

Phone (805) 641-1040



CLASSIFIEDS

EMPLOYMENT OPPORTUNITIES

Experienced Paralegal - Full or Part Time. Needs great people and writing skills. Email résumé to Claudiajot@cs.com.

Litigation Associate - Ten-attorney general-practice firm in Ventura seeks associate with 2-5 years' experience in civil and business litigation, with an emphasis in employment law. Excellent writing and research skills required. Send résumés to Hiring Partner, Norman Dowler, LLP, 840 County Square Drive, Third Floor, Ventura, CA 93003, or e-mail to thutchinson@normandowler.com.

Business Transactional Attorney - Established AV rated, Oxnard Financial Plaza law firm seeking an attorney with 3 to 10 years of real estate and corporate transactional experience. Tax experience is desirable. Ability to research and write well is a requirement. Will have responsibility for client contact, development and representation. Send résumé to garnold@atozlaw.com.

Land Use and Public Attorney - Ventura County's leading law firm seeks associate for its land use and public agency practice. Prefer lateral candidates with two to five years' experience, and extensive background in public sector and development issues. Please send or email resumes to Hiring Partner, Nordman Cormany Hair & Compton LLP, 1000 Town Center Drive, 6th Floor, Oxnard, CA 93036, humanresources@nchc.com.

Experienced Family Law Paralegal needed for busy law office in Westlake Village. Must be able to prepare legal pleadings, discovery, research and meet with clients. Friendly and professional person able to complete all assignments accurately and quickly with good follow-up and return feedback on all assignments. Full-time position and free parking. Salary depends on experience. Health benefits offered. Please fax résumé to (818) 707-4262.

SERVICES

Contract Attorney - 20+ years of experience: pleadings, motions, briefs, discovery, trial prep., trial assistance; general civil, business, and real estate litigation. Reasonable rates. Nancy A. Butterfield, (805) 987-3575.

Attorney - Recent bar admittee with 30+ years experience in Ventura County as a Certified Public Accountant and Real Estate Broker seeks employment as an attorney. Strong background in business accounting, oil, construction, tax, real estate, and agriculture. Personable, out-going, hard-working, with good communication skills. Contact Alda Perry at alda.perry@verizon.net.

OFFICE SPACE AVAILABLE

Two available offices - One with window, one without. Located in the Ventura Professional Center. Conveniently located minutes from Government Center. Friendly atmosphere. Services: conference room, receptionist, photocopy, mail, storage space. Contact Kay at (805) 654-0200.

Oxnard office space available - Elegant, professional setting available in the Morgan Stanley Tower, Oxnard. Full amenities available in multi-conference room, full attorney suite, and secretarial space. Call (805) 485-8696.

Office space available - Across the street from courthouse in the Norman Dowler building. Please call Fred Rosenmund at (805) 486-2500 for information.

Adoptions by Janie Beach 805-527-9392

All matters handled with tender loving care. Representing adoptive, birth, step and grandparents.

Trial Graphics

Over 20 years of multimedia service to the legal community. Call us for video and still photography, diagrams, timelines, charts, maps, schematics and image editing.

www.nimmer.net/legal_graphics

Phone 805-566-0163

E/mail nlg@nimmer.net

Nimmer
Legal
Graphics

Tri-County Sentry Newspaper

LEGAL / PUBLIC NOTICES

We can publish your Trustee's Sales, Probate Notices and Change of Names. Court Order No.125431

Rates:

Trustee's Sales...\$225 approx

Petition to Admin \$180

Change of Name...\$110

Legal Notices...\$850

For the best
service call
486-8430

We file your Affidavit of Publication with the court

Versatile, Attentive, Fair Kay Wilson-Bolton, GRI

A Broker
Serving West
Ventura County
Real Estate Since
1976



Standard of Care
Discovery, Probate,
Foreclosure Sales

CENTURY 21 Buena Vista

805.340.5025

www.readysetkay.com

TRACY COLLINS

Attorney At Law



ERISA



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

5699 Kanan Road, Suite 415

Agoura Hills, CA 91301

(818) 889-2441

Fax: (818) 889-1210

erisadisability@aol.com



As Vin Scully would say, “Pull up a chair.”... **Kevin Staker** gallantly took a pretty severe spill on his mountain bike over the challenging Sycamore Canyon terrain. He suffered numerous cuts and abrasions, but the serious and inconvenient injury was a separated shoulder. Yes, he had his helmet on and rode to medical attention afterwards. Kevin, for a dozen-plus years, has administered the Ben E. Nordman Public Service Award selection process. Speaking of – **J. Roger Myers** was selected September 6 to receive the Nordman Award at our annual dinner November 17. Roger, with a generous community service pedigree too long to summarize, will be profiled in the November issue by **Erik Feingold**. Roger’s only flaw? He was on the search committee that hired me in ’90...In Case You Missed It – A magnificent article in Column One of the *LA Times*, September 10. A respected scholar and USC law professor reveals her journey through the horrors and demons of mental illness. She has schizophrenia. (www.latimes.com, authored by John Glionna)...Q: What happened to the lawyer when he took Viagra? A: He got taller... From Earl Warren: “In civilized life, law floats in a sea of ethics.”...**Mary Jane Miller**, a SB lawyer, has recently been elected president of the Santa Barbara and Ventura Colleges of Law. The VP is **Robert Monk** and the secretary is **Marilyn Anticouni**...

Carmen Ramirez is coordinating an excursion to Cuba beginning November 18. The legal endeavor with lots of business and a smattering of social events, takes place in Havana, but they will visit Cienfuegos and Trinidad, too. In order to travel to Cuba, U.S. law requires the participant be a full-time legal professional. Carmen may be reached at 483-1464 or Carmen.Ramirez@ventura.courts.ca.gov. The

EXEC’S DOT...DOT...DOT...

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

over/under that Castro is still alive when they arrive is 8 to 1...Dennis G. Jacobs, the chief judge of the federal appeals court in New York, stated in a speech last year that he and his colleagues had “a serious and secret bias.” “Quite consistently,” he stated, “judges can be counted on to rule in favor of anything that protects and empowers lawyers.” Find it in the *NY Times*, 8.27.07 or www.nytimes.com/adamliptak....**Eric Reed** has departed **Wasserman, Comden & Casselman** of Oxnard to join **Lascher & Lascher**...

A torts professor at Pace University School of Law in White Plains, New York, was sued by a former student for allegedly injuring her during a re-enactment of a classic torts case. The professor was teaching *Garratt v. Dailey*, 279 P.2d 1091 (Wash. 1955), the famous “intent” case in which a five-year-old boy was sued by an elderly woman for pulling a chair out from under her as she attempted to sit in it. The plaintiff alleges the professor caused her severe pain and mental anguish when he called her up to the front of the room, told her to sit in a chair, and then pulled it out from under her. According to the plaintiff’s lawyer, she fell to the floor with a thud, causing her skirt to fly up in front of her peers and aggravating an existing back injury. Among other claims, the student sued for battery, the same claim pressed by the plaintiff in *Garratt v. Dailey*...

Earnie Bell is winding down his practice in five months, eventually calling it quits. Earnie and his wife plan on residing in Ventura, but doing a whole lot of traveling...Do check out the Website of the Month: www.abovethelaw.com/2007/08/lawyer_of_the_day_peter_pta_mo_1.php...The hourly rates of the country’s top lawyers are increasingly coming with something new – a comma. A few attorneys crossed into \$1,000-per-hour billing before this year, but recent moves to the four-figure mark in New York, which sets trends for legal markets around the country, are seen as a significant turning point. On September 1, New York’s Simpson Thacher & Bartlett LLP raised its top rate to more than \$1,000 from \$950. (www.wsj.com – 8.22.07)...**Joel Villaseñor** has been appointed to the American Bar Association’s Young Lawyers Association representing our state...

The Ventura County Maritime Museum hosted a party to celebrate the 217th Anniversary of the founding of the U.S. Coast Guard. The VCMM presented a model ship, built by **Richard Walton**, to the Commanding Officer of the USCG – a USCG 83-foot patrol craft. The craft performed rescue service at the D-Day invasion of Normandy during WWII...

Law in the Movies: “Let me tell you what justice is. Justice is the law. And the law is man’s feeble attempt to lay down the principles of decency. Decency! And decency isn’t a deal, it’s not a contract or a hustle or an angle! It’s in your bones! You go home now. Go home and be decent people. Be decent!” – Judge Leonard White (Morgan Freeman), *The Bonfire of the Vanities*, 1990. Morgan Freeman co-starred in another of my Top 20 films, the 1989 beaut, *Driving Miss Daisy*. Hoke Colburn was perfect, and have you ever heard of the name Boolie, played by Dan Aykroyd?... OK, I give. Being nagged to death for another of my Top 20 films. Lots of brilliant male performances over the decades, but Henry Fonda (Norman Thayer) is flawless in the 1981 charmer, *On Golden Pond*. Remember when Fonda says to his young teenage visitor, Billy Ray, “Ethel Thayer, it sounds like I’m lisping doesn’t it?” Hepburn wasn’t bad either and the slap to Jane Fonda’s face was real...What were you doing at 19? Micah Stanley began law school when he was 14 years old. He attended a correspondence law school and passed California’s bar exam when he was only 19. He’s returned to his hometown in Minnesota to practice...CPA Law Society guru, **Doug Kulper**, has geniusly devised a comedy show on the evening of 10.19 to raise money for the society’s scholarship fund for law school students. **Justice Art Gilbert** and **Bill Paterson** are co-Emcees – enough said. Tickets through dkulper@fcoplaw.com...And lastly, **Al Vargas** will be appearing in the *Pirates of Penzance*, as a pirate of course, October 26 and 27 at the Ventura College Theatre...

Steve Henderson has been the executive director of the bar association and its affiliated organizations since November 1990. He will be dressed in a judge’s robe for the Halloween festivities. Did you catch the score of the Trojan v. Husker game? I’ll take a sixer of Corona Light please. Baseball playoffs are here so Henderson will be taking some well-deserved time off.

Personal

COURT REPORTERS, INC.

Want to get away from working with the "Corporate Giants" and get back to the comfort of working with a local company with the *Personal* touch?

- Certified Real Time Reporters
- Complimentary Conference Rooms
- Professional Videographers
- Video Synchronization
- E-Transcripts via the Internet
- Exhibits on CD-ROM
- Complimentary Condensed Transcripts & Indices
- In-house Videoconferencing
- Password protected internet-accessible transcript and exhibit archival
- Case Management
- Mastercard, Visa and American Express accepted

"Document Depositories In Ventura, Santa Barbara, and Van Nuys"



Ventura
Three Conference Rooms



Santa Barbara
Four Conference Rooms



Van Nuys
Four Conference Rooms

Ventura
801 S. Victoria Ave.
Suite 306
Ventura, Ca. 93003
805.654.1050

Santa Barbara
411 E. Canon Perdido
Suite 21
Santa Barbara, Ca. 93101
805.966.0177

Van Nuys
14545 Sylvan Street
Van Nuys, Ca. 91411
818.988.1900

www.personalcourtreporters.com

THE LAW OFFICES OF DAVID LEHR, INC.

“David’s departure is a great loss to our District Attorney’s office. I hired him as a young Deputy District Attorney in 1993. He served the people of this community well and with distinction. He is very bright and an outstanding trial lawyer. This, combined with his high ethical standards and work ethic, will make him one of the county’s premier private practitioners as well.

I am very proud of his accomplishments.”

~ Michael D. Bradbury, Esq.

“As a practicing attorney for 33 years (including 25 years in private criminal defense practice, following 9 years in the Ventura District Attorney’s Office), I have had the unique opportunity to meet and observe many attorneys. David Lehr is one whom I can recommend with great confidence. David is an experienced, top-level trial attorney and will provide excellent representation to any person facing a criminal charge of any nature or degree of seriousness. It is a great advantage to a criminal defense attorney’s client to have an experienced trial attorney who is able to analyze a case from the unique perspective of the prosecutor in planning strategy and anticipating tactical moves.”

~ Louis “Chuck” Samonsky, Esq.

I would appreciate your criminal law referrals.

789 S. Victoria Avenue, Suite 202, Ventura, CA 93003 ♦ 805-477-0070
www.DavidLehrLaw.com



*Advice you can trust
when the stakes are high.*

CITATIONS

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

PRSR STD
US POSTAGE

PAID

PERMIT NO. 507
OXNARD, CA 93030