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 To work to improve the administration of justice.

CITATIONS

OCTOBER - TWO THOUSAND SEVEN

NEW AND FAMILIAR FACES TAKE THE BENCH

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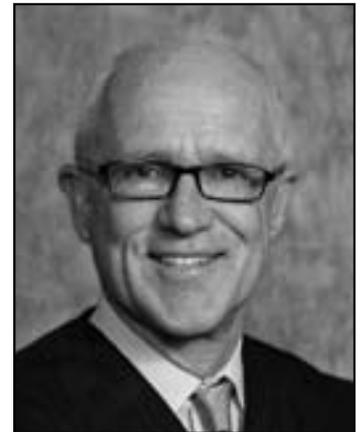
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PRESIDENT'S MESSAGE

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.



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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
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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.

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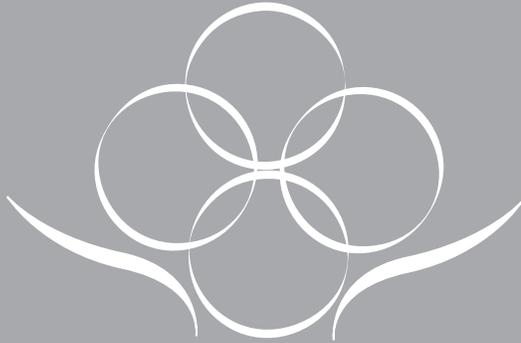
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Beginning on January 1, 2007, the District Court required all criminal case documents to be filed electronically. Starting November 1, 2007, all IP case filings will need to be filed electronically and all other civil case filings will follow suit 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.

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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.

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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.

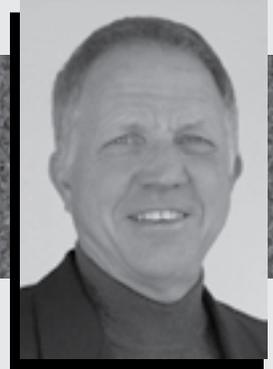
Carmen was also most instrumental in thwarting natural gas drilling in Oxnard, an event that would have had untoward impact on the environment as well as the destruction of natural habitat.

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.

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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



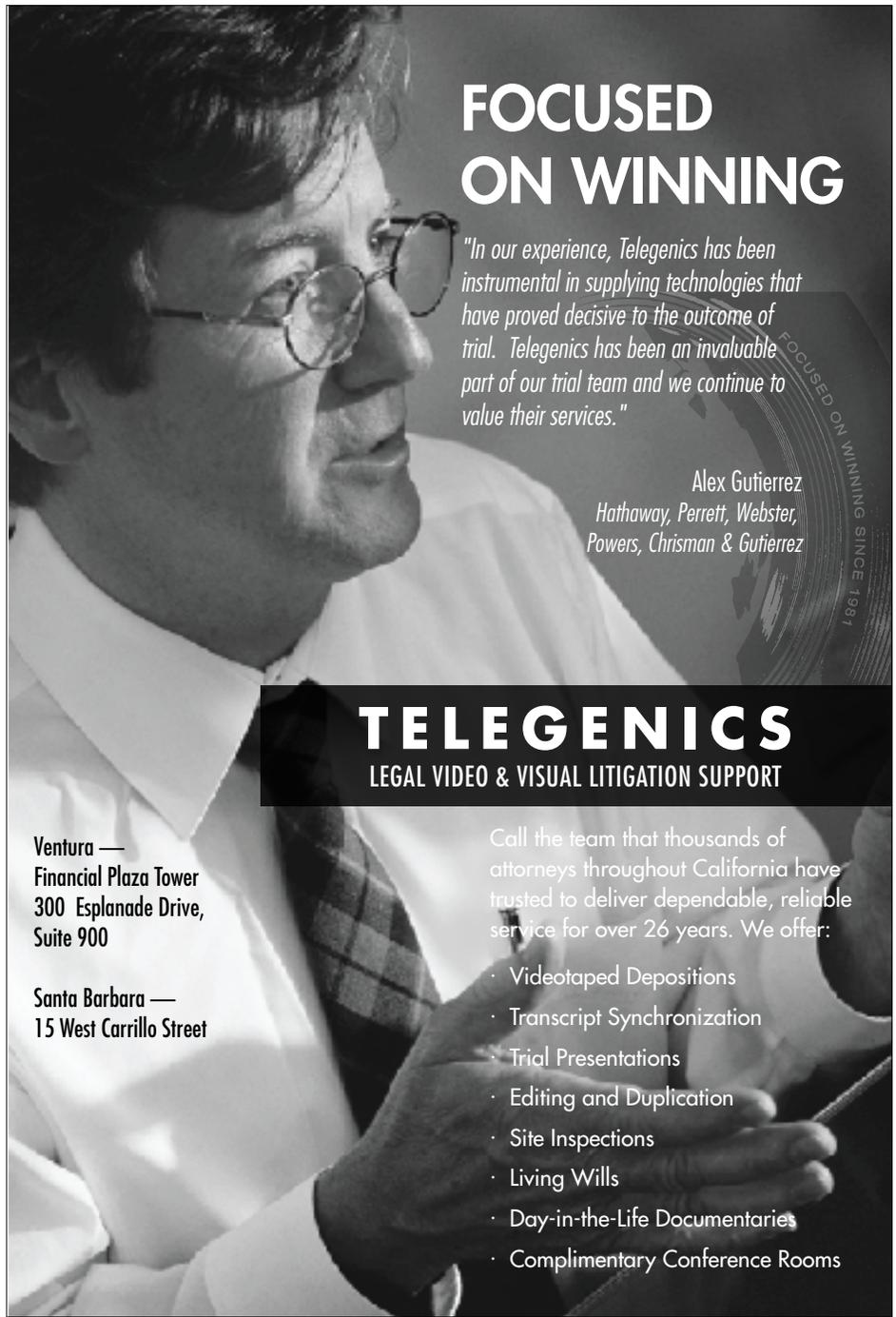
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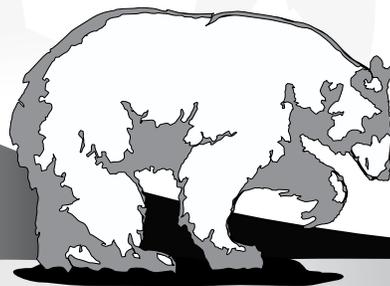
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Boost Your Practice and Yourself Through the Power of Coaching

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.



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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.

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\$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.

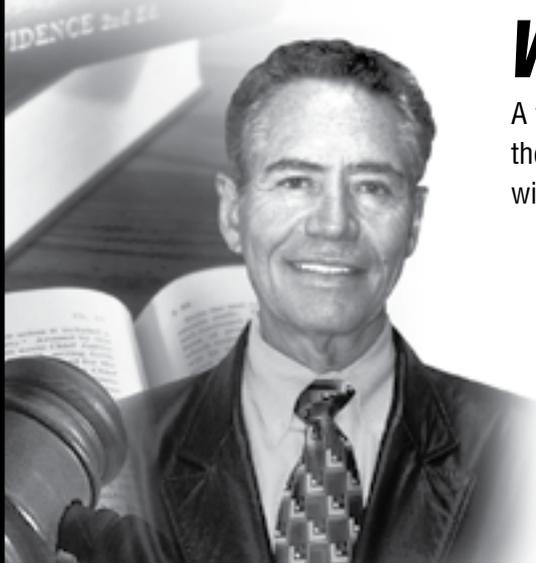
It is also a 1.3 megapixel (1280 x 960) camera and a video camcorder that shoots at 320 x 240 (highest resolution), and can be set to send video text messages up to 15 seconds in length at a lower resolution. Of course, that requires that the phone I am sending it to is capable of receiving video messages. 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.

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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.

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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.

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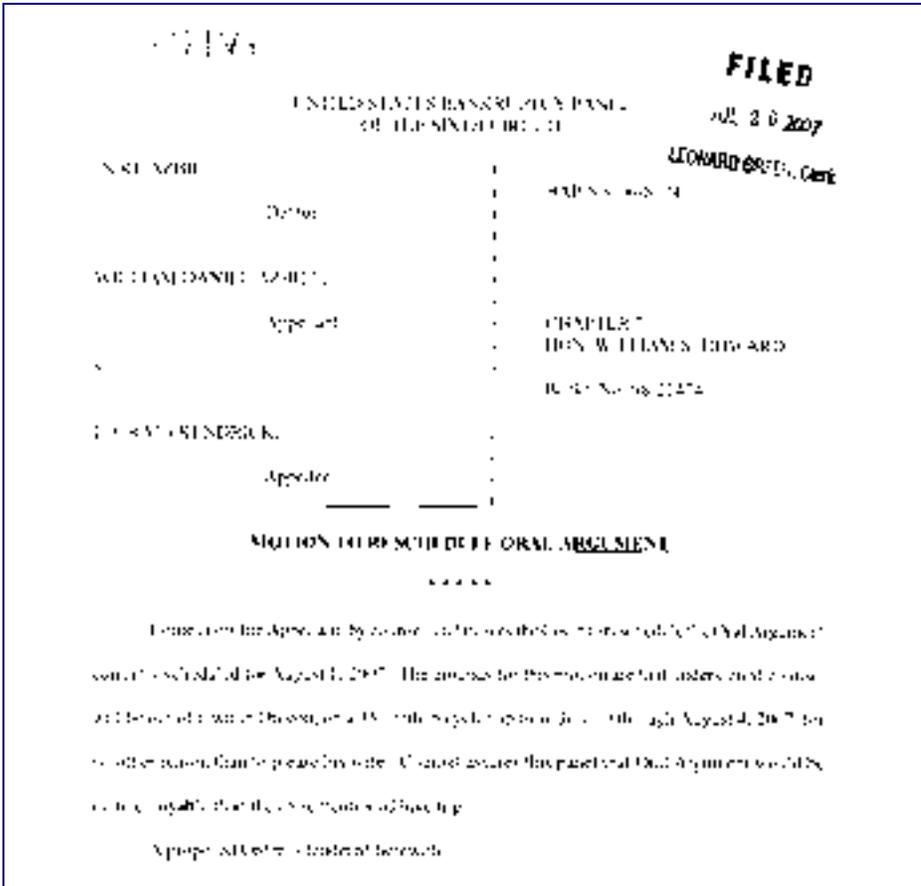
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- *Bilingual (English & Spanish)
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- *President of The Mexican American Bar Association (2007)
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As Vin Scully would say, “Pull up a chair.”... **Kevin 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.

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I am very proud of his accomplishments.”

~ Michael D. Bradbury, Esq.

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