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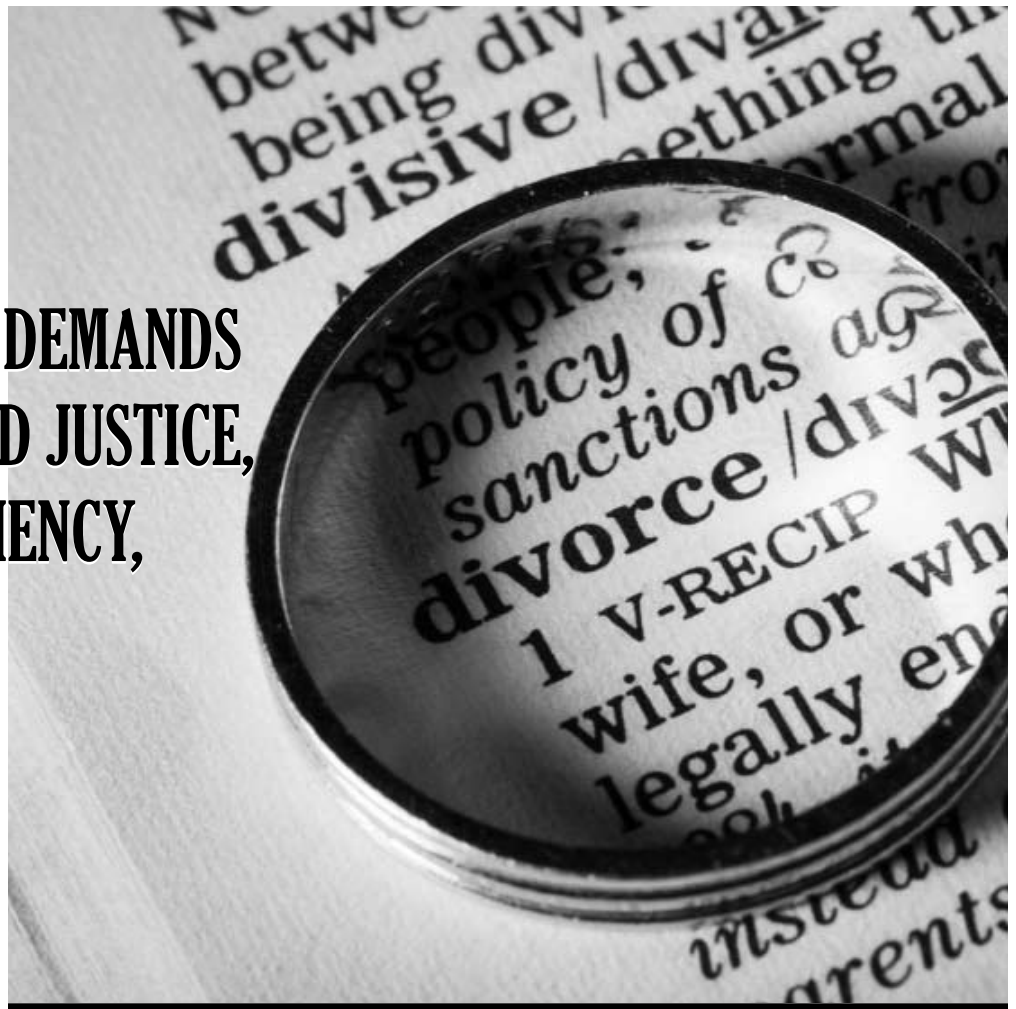
CITATIONS

S E P T E M B E R - T W O T H O U S A N D S E V E N

SUPREME COURT DEMANDS DUE PROCESS AND JUSTICE, NOT JUST EXPEDIENCY, IN FAMILY LAW

By Gregory W. Herring

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PRESIDENT'S MESSAGE

A TREE GROWS IN BROOKLYN (ACTUALLY, SEVERAL)

Jonathan Fraser Light

I spent the day in Brooklyn early last summer. I hadn't planned to, although the Brooklyn Botanic Garden (BBG) and adjacent museum had been highly touted. I also wasn't planning to make a pilgrimage to the site of Ebbets Field, despite my affinity for baseball, and my family thought of Brooklyn as a foreign and dangerous country. Not Iraq, but still...

The night before, at dinner in Manhattan with Angela and my 15-year-old twins, Elena and Katherine, I received a second call from the 917 area code within a few minutes of the first (which I had ignored). A bit concerned, I went outside and heard an African-American female voice say, "Do you know where your computer is?" My heart sank. I'd been keeping up with work via the Internet on my laptop. "Monique" said she had picked it up earlier in the day at the giant taxi stand at Penn Station, after arriving by train from Atlanta for a wedding in the city (we had arrived from Boston). It had been sitting by itself on the side of the street and she found my business cards inside. As a Boston porter had told us, there are two kinds of travelers: those who travel light, and those who wish they had. We were the latter, and my computer didn't make it into the cab.

Monique and I agreed to meet early the next day, a Friday, somewhere half way from where she was staying with relatives near Brooklyn. That morning at 6 a.m. I decided to make it easier on her by traveling by subway through lower Manhattan and across the river to Brooklyn. I'd then call her about 7 (we had discussed that time), meet up, I'd properly reward her, and be on my way. Most of the riders were asleep, and it was clear that New York white collar workers don't generally travel that early. No one spoke to anyone else, although one woman was helpful in directing me to the right subway connection.

Following the map and the advice from my hotel's doorman, I got off at the Franklin Street station, supposedly the closest to the BBG. Mistake. It was a wasteland, with several men wandering the trash-strewn street, conjuring up images of the movie *Fort Apache, The Bronx*. I found out later that not even the locals venture to this locale. I asked a woman for directions to the BBG and she pointed to what turned out to be the opposite direction. I scanned the opposite horizon and spied a man walking his dogs. That seemed a safer direction, despite noting, on closer inspection, that the dogs were pit bulls. As I walked at a rapid clip, I saw a couple of women jogging alone, not being chased. Must be safe here, I thought, and indeed it was. The buildings improved dramatically, and all was well. The BBG and museum came into view. Opened at 10 am. It was 6:30. Time to kill. I knew better than to ask for the local Starbucks, but a coffee house did exist a few blocks away, I was told by a female dog-walker.

I arrived at the Muddy Waters, home of "Beautiful People, Furry Friends and Great Mocha." The proprietor, who I learned managed three of these locations for the West Indian owners, was a striking African-American woman of extremely precise speech. Over the course of my two-hour stay, I learned that her mother was a local high school English literature teacher and that my host had an MFA degree and dreamed of writing the Great American Novel. We talked about the housing prices in the area (\$2 million and up for the local Brownstones), her astonishment at the price of the \$500,000 loft she thought about buying in the South Bronx ("the heroin addicts in front of the building were a bit disconcerting"), and of walking her big dogs at 3 a.m. as the prostitutes next door complained that she was interfering with business. Many of the buildings in the area were owned by West Indians and rented (two bedrooms for \$2,500/mo) by Cauca-

sians. I eavesdropped on her conversations with several locals, including a lawyer with his young twins whose nanny had called in sick.

After three on-the-hour fruitless calls to Monique, at 10 I embarked for the charm and serenity of the BBG to kill more time. The setting was beautiful, but I encountered hordes of boisterous students on field trips. I'm not sure they appreciated the hundreds of rose varieties, some going back to the 1830s, including the Bob Hope, the Ben Franklin and the Betty Grable (how Ben would have liked Betty!). The BBG also turned out to be a favored locale for graduation ceremonies, all in full cap and gown. There were three such affairs, from pre-school through what appeared to be 8th grade, accompanied by multitudes of family members in full regalia armed with all forms of camera and tripod.

At 11:30 I made another call, and heard the same answering machine again. As I contemplated a dejected retreat to Manhattan and a light rain started, Monique called. She had been doing errands, and now needed to get her hair done, as she was in the wedding party. We were on "Monique time," and it was to be another at least 1 1/2 hours. "No problem, Monique. I'll check out the museum."

The museum was a decent time-killer, but I kept encountering the same large group of special needs adults whose handlers were not quite in control. Raymond was particularly a problem, with his frequent outbursts that startled the out-of-towners. Average age of the museum attendees, other than Raymond and friends, was about 87. I'm not sure Raymond appreciated the "Tribes of the Northwest" exhibit.

At 2 Monique called, saying she was done with her hair and in nearby Bedford-Stuyve-

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sant, and could I meet her there via subway. Panic set in. I'd seen enough "Law and Order" episodes and Mike Tyson interviews to know that this was not a place I wanted to be. I asked a homeless man outside the museum how best to get to the proper subway entrance, and in his West Indian lilt he gave me accurate directions. After a 30 minute walk through some interesting commercial and residential districts (including some beautifully landscaped and manicured brownstones), observing the ethnically mixed locals at work and play, I found my subway entrance, waited another 15 minutes, and then embarked the six stops to Bed-Sty. I had described myself as 6'1" and looking something like Tom Hanks. No description was necessary, as no one remotely resembled me when I got off the subway. I saw Monique immediately (or rather I saw my computer case) along with her toddler, a nephew or two, and her "aunt" (east coast pronunciation). Not surprisingly, Monique picked me out immediately.

Monique told me that she needed a computer and thought about keeping it (encouraged by some of her relatives), but that "good things would happen" if she returned it. After she insisted on inspecting my ID to ensure I was Jonathan Fraser Light, I rewarded her and took my case. We exchanged pleasantries as we all rode together on the subway a few stops before they got off, and then I sat back and contemplated my day. Before I closed my eyes for the trip back to the Upper East Side, I saw several ads in Spanish on the subway ceiling announcing, "No 1 attorneys for Hispanics in accidents. Call 888. MARGARITA." Memorable.

Jon Light is on vacation and has been saving this column for a rainy day (i.e., he wanted a break from the rigors of column writing, and lacking a "best of" store of material, here we are).

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EAR TO THE WALL

The Santa Barbara Women Lawyers are putting together the annual Continuing Education Event for November 10, 2007 at the Santa Barbara Courthouse. One of this year's speakers will be Michael Case, who will introduce the State Bar's New Civility Guidelines, "Navigating the California Attorney Guidelines of Civility and Professionalism."

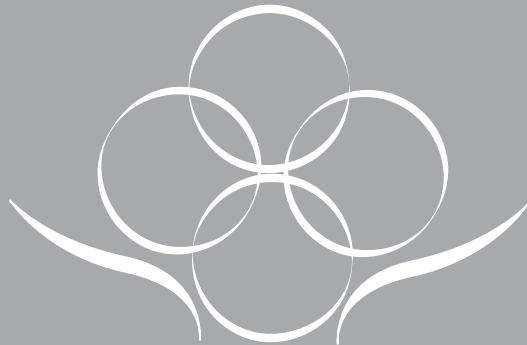
Robert (Bob) Boehm is now engaged in the private practice of law offering services to the general public as well as public agencies following a June retirement from his position as the Ventura City Attorney.

Bob has spent the last 30 years of his legal career as a public lawyer. In Ventura he served as the council appointed city attorney for 10 years. Previously, he was the council appointed city attorney of the City of Chico for 18 years.

Bob extensive experience as a public lawyer exposed him to virtually all areas of law. However, most of his on-hands legal work was devoted to all of the real property regulatory actions and litigation common to cities and counties. In addition, he has drafted countless real property transactional documents. As a consequence, the main focus of his private practice will be all aspects of real property law.

Bob can be reached at 1000 Town Center Drive, Suite 300, Oxnard, CA 93036; Phone (805) 351-3726; and, Cell (805) 910-8093.

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SUPREME COURT DEMANDS DUE PROCESS AND JUSTICE, NOT JUST EXPEDIENCY, IN FAMILY LAW

By Gregory W. Herring

The superior courts face a heavy volume of family law matters, and the caseload is made all the more difficult because 80% of the cases have at least one unrepresented party by the time of disposition. (*Report on Statewide Action Plan for Serving Self-represented Litigants* (2004), Judicial Council of California). Although family and juvenile cases represent 7.5 percent of the total filings, they account for nearly *one-third* of the trial courts' judicial workload. (*2006 Annual Report*, Judicial Council, emphasis in original).

Visit Ventura Superior Court Family Law courtrooms 32, 33 or S-2 on a law and motion calendar morning and one will find them substantially more crowded and stressed than their counterparts in the Civil Department. The judicial officers of our Family Law Department routinely struggle to find dates months into the future for evidentiary hearings and short-cause (two days or less) trials. Non-custody

issues, which lack the statutory preference of custody disputes, have to wait even longer. Long-cause trials (of three days or more), are sent to the Civil Department for adjudication before judges who, while certainly competent, are not family law specialists.

This is not to fault the administration of the Ventura County system. Rather, resources are limited; for instance, some jurisdictions, including Santa Barbara County, lack even a separate family law department.


Especially due to the vicissitudes of the family law practice, the lack of resources takes a toll on litigants, counsel, judicial officers and, not least, the general public's perception of the judicial system.

In response, some judicial officers, and even some entire jurisdictions (through local rules), have cut corners by ignoring the rules of evidence and creating their own rules of

evidence and procedure. This has had the effect of eroding the general standards such that, as just one local example, Judge Walsh recently felt it necessary to post notices in Department 32, *reminding* counsel that the Evidence Code still applies there!

In its August 6 opinion in *Elkins v. Superior Court (Elkins)*, the California Supreme Court denounces this trend in striking down a Contra Costa Superior Court "local rule" that, among other things, required family law litigants to present their cases at trial through written declarations. *Elkins* prohibits the courts from allowing family law to slip into an administrative style of practice. It insists that family law cases and lawyers be treated the same as any others in the courthouse. It also requires family law litigants to be provided their day in court.

The Court emphasized that "... a fair and full adjudication on the merits is at least as important in family law trials as in other



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civil matters, in light of the importance of the issues presented such as the custody and well-being of children and the disposition of a family's entire net worth." The Court stated that this means that, "[a]lthough some informality and flexibility have been accepted in marital dissolution proceedings, such proceedings are governed by the same statutory rules of evidence and procedure that apply in other civil actions . . ."

An extraordinary aspect of the *Elkins* opinion is the Court's direction to the trial courts to refrain from obscuring the source of their difficulties by devoting efforts to " . . . allocating or securing the necessary resources." In doing so, it quoted an advisory committee comment to the California Standards for Judicial Administration, calling for the family law trial courts to constantly exert pressure to maintain resources so as to fight the "historic trend" to give less priority and provide fewer resources to the family courts. It called for the Judicial Council to establish a task force to assist family law trial courts to achieve fairness and efficiency, and to ensure access to justice. The Court even suggested that such a task force might wish to consider proposals for the adoption of new rules of court in specified areas " . . . from the initiation of a family law action to post-judgment motions."

In demanding due process and justice, not just expediency, in the family law trial courts, *Elkins* is a tonic for the family law practice. Especially if the bench and bar take up the challenge of fighting for resources and considering new rules for fairness and efficiency, the opinion will inure to the benefit of all family law litigants, counsel and judicial officers.

Greg Herring is a Certified Specialist in Family Law (State Bar Board of Legal Specialization) and is the family law partner at Ferguson Case Orr Paterson LLP. He serves on the Board of Directors of the Southern California Chapter of the American Academy of Matrimonial Lawyers, and is a member of the Association of Certified Family Law Specialists. Both groups submitted *amicus curiae* briefs that were cited in the *Elkins* opinion. He can be reached at gherring@scoplw.com.



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ENHANCING CALIFORNIA'S PAYROLL COMPLIANCE REGIME: SECTION 226 RECOVERY IN SMALL CLAIMS COURT

By *Andreas Meyer*

Most employees in the state of California probably take their pay stubs for granted. Before I began interning for California Rural Legal Assistance, Inc. (CRLA), the sole provider of free legal representation in Ventura County, I know I did.

One of my first assignments at CRLA was to draft wage claims for underpaid and unpaid employees. The only evidence my clients had were pay stubs that, among other defects, reported a week's wages earned on one day, did not include the number of hours worked, and omitted the inclusive dates of the pay period for which each check was made. The California Labor Code requires accurate pay stubs and that employers make personnel records available upon an employee's request. In this case, the lack of information frustrated my attempts to draft accurate and thorough wage claims, and I ultimately filed the claims with little data and lots of estimates.

California Labor Code Section 226(a) directs employers to provide employees with pay stubs at each payment of wages that include the worker's gross wages, deductions, hours worked, rate of pay, the employer's correct address and the inclusive dates of the pay period. Sections 226(b) and (c) require employers to promptly comply with reasonable requests by employees to review their payroll records. Sections 226(e) and (f) impose penalties upon employers who refuse to comply with the mandates of sections (a) and (b). In addition, Section 226.3 subjects a delinquent employer to a civil penalty for failure to maintain the records required by section 226(a). Together, these penalties can amount to as much as \$5,000 or more per employee.

Sections 226(e) and (f) and section 226.3 give teeth to the requirement that employers maintain and release payroll records. Without significant penalties for refusal to comply, employers have no incentive to provide their employees with records until ordered to do so by the Labor Commissioner or a civil court. Unfortunately, because of administrative complications and a heavy caseload, the Labor Commissioner

will not hear claims based on any of these three remedies, thus rendering section 226 effectively powerless against noncompliant employers.

Those of us who have never missed a pay stub may not realize how important this document is. Employees depend on pay stubs to verify their wages, track deductions, and plan for tax season and retirement. When their rights are violated, employees need documents to prove they were paid less than minimum wage, prohibited from taking rest and meal periods, or deprived of social security benefits they earned.

In 2004, California passed the Labor Code Private Attorneys General Act (PAGA), codified at Labor Code Section 2699. PAGA permits an aggrieved employee to recover through civil action those penalties that the Labor Commissioner does not intend to pursue. Employees may file in small

claims court for the amount of the penalties. CRLA has developed materials to enable workers to pursue such claims in small claims court as well as information for small claims judges to quickly review the pertinent Labor Code sections while they consider our clients' claims.

For over forty years, CRLA has represented California's working poor in state and federal court, at Labor Commission hearings, and in arbitration. Twenty-two offices across the state provide free legal services in five areas of work: Labor, Housing, Education, Family Security, and Civil Rights. For more information about our services, please call us at: (805) 486-1068 or visit our offices at 338 S. "A" Street in downtown Oxnard.

Andreas Meyer is interning with California Rural Legal Assistance, Inc. in Oxnard this summer. He has a bachelor's degree from USC and is a rising 2L at the University of Michigan Law School.

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Hon. Melinda Johnson (retired) and Jay Johnson (newly retired) at her birthday and his retirement party last month.

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COLLABORATIVE CORNER

By Edward T. Buckle

In the fictional divorce “The War of the Roses,” we come away with the message that “Nothing can kill your net worth like a nasty divorce.” The question is, how can we change that perception? Collaborative Family Law is a beginning. “Nonadversarial Representation.”

Many if not most divorcing couples are unaware that there is an alternative to a nasty fight. At the initial client interview the Collaborative lawyer must present this process as an alternative, while clearly advising the client of the law, and actively developing a relationship to work with the couple toward a solution that will serve the best interests of the family. Most clients, when presented with an alternative to dragging their children and personal lives through the court system, will sit up and take notice.

In all collaborative proceedings the parties and their attorney will meet in a four-way conference. Before that meeting, the respective attorneys will typically meet without their clients to discuss needs and concerns. Sound simple? It’s not, though. Lawyers were trained to be adversaries. One of the stumbling blocks in this process is trust that the fellow Collaborative lawyer has made the paradigm shift away from confrontation to mediation. It can be difficult because it’s easy to revert to old habits.

This reversion in form is altogether too common with lawyers who are not adequately trained in the process, have not formed a bond of trust with their Collaborative counterpart, or a Collaborative lawyer who lets their client quietly shift the focus from mediation to confrontation. This happens when without reflection the lawyers slip into the adversarial mode by not keeping the clients invested in the process by talking together rather than using email or faxes.

The process is representation at all times, providing counsel, and in many cases a rebalancing of power within the process. In addition to legal representation, the parties have additional collateral sources available to them at all times. There are mental health

and financial experts who are available in an interdisciplinary form, or as a referral for counseling. It is non adversarial in that it is akin to mediation. We counsel, support, and work collectively to reach a settlement that belongs to the parties and not to the lawyers.

These comments are a brief reminder that trust and commitment to the process can work wonders toward resolving the devastation of “The War Of The Roses” outcome. For those lawyers who rely on citations, I give you the following for your reading edification with publication comments by CFL member Susan Carlisle CPA: “Lessons,” Los Angeles Times (Aug 5, 2007), section C3, p. C8.

Ed Buckle is a Collaborative Family Law attorney and may be reached at (805) 653-2505.

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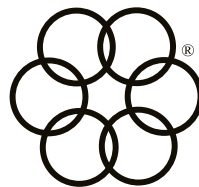


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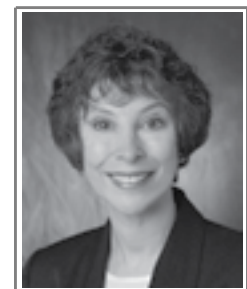
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TO THE TOP

Photo Credit: Wendy Lascher and Gabriele Lashly





Gabriele Lashly and Wendy Lascher reached the summit at Half Dome 12:30pm August 20th. Is Mt. Whitney next?

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PRO BONO HIGHLIGHTS

By Verna R. Kagan



The VLSP would like to welcome a relative newcomer to our pro-bono panel. His name is Barton Michael Pokras.

Mr. Pokras volunteered his services in the most desperately needed area of family law. He has been, since that first call, most generous with his time and very hard-working on the matters assigned to him.

Mr. Pokras comes to us from an interesting and varied background. While involved in a very active practice in San Francisco for over 20 years, he became an intense adherent to Orthodox Judaism. At the same time, he became a Talmudic scholar studying with an Orthodox Rabbi.

Mr. Pokras has a son. He decided shortly after the son was born that it was difficult to raise a child in San Francisco. He saw the struggles other attorneys were having raising their children in that city. So, after several visits to Israel, he decided to move there. He remained for eleven years and studied for and passed the Israeli Bar.

Family circumstances brought him back to the United States. Traveling to Mexico, Mr. Pokras and his wife found and purchased a boat on which they have been living for the past five years. As they traveled up and down the coast they found a boat slip in the Ventura Harbor and decided to stay.

Mr. Pokras believes that he is well suited to family law matters. He is a congenial person who tends to be a problem solver rather than a person who aggravates problems. He is sympathetic to people who are going through the most emotionally trying time of their lives. Surprisingly, he believes that the most irascible client is the one who needs attorney services the most.

We would like to thank Mr. Pokras for the services already extended to us and look forward to a long relationship.

Verna Kagan is VLSP Senior Emeritus Attorney.

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Barristers' Bowling Night



Photo by Alfred Vargas

Katie Pietrolungo, of Wood & Bender, with her trophy and grand prize custom bowling ball from Barristers' Bowling Night held recently.



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Women Lawyers of Ventura County Honors Melodie Kleiman; Spevak Award to Be Presented

By Tina L. Rasnow

On Wednesday, September 5, 2007, Women Lawyers of Ventura County (WLVC) will honor Melodie McLennan Kleiman as the recipient of its first annual Legacy Award, to be presented at an evening reception in Wood Ranch in Simi Valley.

Melodie Kleiman served as Chief Assistant County Counsel for the County of Ventura for more than ten years and she was a founder and one of the first presidents of California Women Lawyers. She served on the executive committee of the Ventura County Bar Association and on the Committee for Administration of Justice for the California State Bar, as well as the Monterey Committee which was formed by the Conference of Delegates to study the scope and function of the State Bar. She also was a founder of our local WLVC and has mentored countless women attorneys over the years.

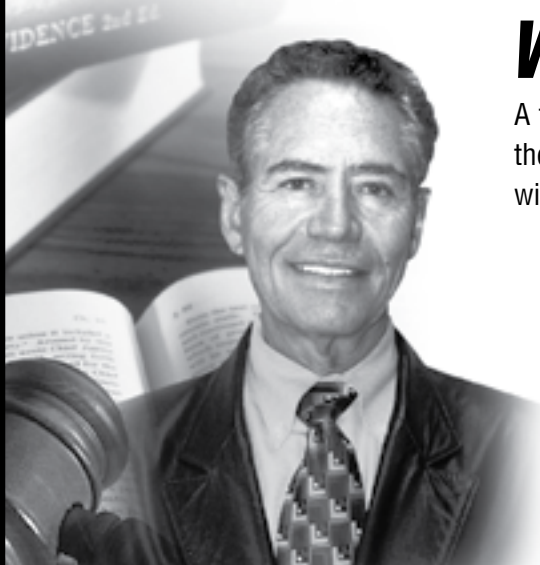
Ms. Kleiman graduated from Stanford Law School and was admitted to practice by the State Bar of California in 1972. Following twelve years of corporate and general practice, she joined the Ventura County Counsel's office. A year later she became the Chief Assistant County Counsel where she supervised a law office of 19 attorneys handling issues ranging from adoption to zoning with an average office case load of 900.

In addition to her legal career, Ms. Kleiman is an award winning photographer and has served on the boards of a number of local artistic groups including the Ventura County Ballet Company, the Rubicon Theatre Company, San Buenaventura Music Festival, and the San Buenaventura Foundation for the Arts. She served as well on the board of the Ventura County Red Cross and was a founder and president of Child Abuse and Neglect. She also served on the Board of

Directors, Women's Law Institute, Western State University College of Law; as a volunteer attorney for the Ventura Free Legal Clinic; a member of the Los Angeles County Bar Association Prison Reform Project; was a co-chair of the Conference on Women and the Law in Ventura; the co-chair of a major fundraiser for the American Diabetes Association, Ventura County Chapter; was the Chair, major gifts committee, Landmark School, Prides Crossing, Massachusetts (school for dyslexic children); and a member of the Board of Directors, Oxnard College Foundation.

In 1992, Ms. Kleiman was diagnosed with an incurable, progressively debilitating neuromuscular disease and was told her life span would be about three years. While her diagnosis forced her to retire in 1995, it did not cause her to quit in any sense of the word. The same tenacity and perseverance that served her so well in the practice of law

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has enabled her to successfully battle her illness, and to give those of us in the legal community who have benefited in countless ways from Ms. Kleiman's work over the years, an opportunity to recognize her for her many and generous contributions by presenting her with the first WLVC Legacy Award.

Also at the event WLVC will present its first annual Holly Grace Spevak Memorial Award in memory of our former member, friend and colleague, Holly Spevak, whose life was brought to an early close on May 9th of this year after a long battle with cancer. Holly was an active member of WLVC while a law student, and following her graduation as class valedictorian from the Ventura College of Law, she worked with the WLVC scholarship program, helping to award scholarships to other women law students. During her all too short legal career, Holly donated countless hours of pro bono services and volunteered with many bar programs. She is sorely missed by all who worked with, and loved, her. Each year WLVC intends to present an award in Holly's memory to an attorney in her early years of practice for outstanding pro bono and/or community service work.

Please join us on September 5, 2007 at 6:00 p.m. at *Viva La Pasta*, located at 525 Country Club Way in the Wood Ranch community of Simi Valley, as we honor Melodie Kleiman and her valuable legacy to the legal and larger community, and the memory of Holly Grace Spevak for her extraordinary service and inspiration.

Tina L. Rasnow is Senior Attorney with the Ventura County Superior Court and coordinator of the Ventura Self-Help Legal Access Center and Homeless Court programs.

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What not to say to the judge.



May 21, 2007
David M. Smith
David M. Smith, Judge
United States Bankruptcy Court

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SOUTHERN DISTRICT OF FLORIDA
MIAMI DIVISION

IN RE:
SOUTH BEACH COMMUNITY
HOSPITAL LLC

Plaintiff
vs.
DEBTOR
ALAN GOLDBERG, Chairman
Mount Sinai Medical Center of
Greater Miami, Inc. a Florida
corporation

Defendant
MOUNT SINAI MEDICAL CENTER OF
GREATER MIAMI, INC. a Florida
corporation

ORDER TO SHOW CAUSE WHY WILLIAM P. SMITH, LSC
SHOULD NOT BE SUSPENDED FROM PRACTICE BEFORE THIS
COURT INCLUDING REVOCAION OF HIS CURRENT PRO HAC VICE

This matter came before the Court and reports for the Court
that William P. Smith, Esq. of McDermott, Will & Emery is selected to

show cause why he should not be suspended from practice before this Court, including
revocation of his current pro hac vice admission. The basis of this Order is as follows:

1. On or about April 25, 2007, the Trustee Alan Goldberg filed an
Emergency Motion of Chapter 11 Trustee for Temporary Restraining Order (JCP #21)
2. On May 7, 2007, counsel for Mr. Smith filed a motion to admit William P.
Smith pro hac vice (JCP #10) which motion was granted (JCP # 11)
3. On Monday May 7, 2007, Mr. Smith appeared before this Court on behalf
of Mt. Sinai with respect to the Emergency Motion and a related motion filed by the
Trustee in the instant case. In response to a statement by this court, Mr. Smith replied "I
suggest with respect Your Honor that you is a few French fries short of a Happy Meal
in terms of what's they to take place". A copy of the relevant page of the transcript is
attached to this Order as Exhibit "A".
4. All attorneys appearing before this Court are governed by the Model Rules
of Professional Conduct of the American Bar Association, as modified and adopted by
the Supreme Court of Florida, as well as this Court's "Guidelines for Courtroom
Decorum", Local Rule 2090-211, and (L)1. All attorneys seeking admission pro hac vice
certify and agree to be governed by these rules of professional conduct. Local Rule
2090-113.1(2).

Accordingly, it is ORDERED and ADJUDGED that
William P. Smith, Esq. of McDermott, Will & Emery shall appear before this Court
on June 25, 2007 at 11:30 a.m. U.S. Bankruptcy Court, Courtroom 1408, 615 S.W. First

Avenue Miami, Florida to show cause why he should not be suspended from practice
before this Court, including revocation of his pro hac vice admission with similar for
conduct that appears to be inconsistent with the requirements for professional conduct
by which Mr. Smith agreed to be governed when he sought permission to appear before
this Court.

- Copies to:
- Honorable A. Jay Cusco
 - Honorable Robert A. Mark
 - Honorable Mary G. Hyman
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 - Honorable Raymond B. Ray
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Slaying two dragons at once, **Jay Johnson** celebrated his retirement while her retired Honor, **Melinda Johnson**, partied for her 60th. A staggering 175 people attended the bash at the Orchid Room in Camarillo and of course, awash with legal bodies including Judges **Walsh**, both **Rileys**, **Back**, **Campbell**, **Young** and Santa Barbara's **Eskin**. Commissioner **Conroy** too. Retirees **Hintz**, **Steele**, and **Soares** showed up, an appearance by our previous executive officer, **Sheila Gonzalez Calabro**, and a battleship of lawyers too many to identify. I wasn't invited by the way (I'll make sure their directory photos are botched next year), so one of my moles captured the vitals. Melinda started her career in December 1972, appointed to the bench in 1982, and on to JAMS in 2005. Jay was admitted in 1971. Enjoy the greener pastures, you two...From Henry Kissinger: "The illegal we do immediately. The unconstitutional takes a little longer." People remember Kissinger for winning the Pulitzer Prize, détente and the secret bombings of Cambodia. Not me. He dated Candice Bergen, Jill St. John, Marlo Thomas, and Shirley MacLaine. He's also attributed with this: "Power is the ultimate aphrodisiac."...**George Galbraith** has joined **Sullivan Taketa LLP** as an associate. Prior to that, he worked in the field of special education, graduated as valedictorian from Ventura College of Law, and competed with his wife Lydia in the UK Latin and Ballroom Dance competitions...

Kate Neiswender and **DarAnn Dearing** have won the prestigious State Bar Pro Bono Public Service Award to be presented at the annual conference in Anaheim September 28. **Senior EA Verna Kagan** nominated Kate, while **Laura Bartels**, of Santa Clara Valley Legal Aid fame, nominated DarAnn. Kate logged about \$65K in donated billable hours going after a few corrupt predatory lenders stealing a home from a migrant farm worker's family. DarAnne, in addition to her 55-hour-work-week at Ventura County's Child Protective Services Agency, volunteers each week at SCVLA providing assistance in the areas of domestic violence, landlord-tenant and

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

consumer law. Both Kate and DarAnn will be honored at the bar's annual dinner November 17th too...From William Shakespeare: "We must not make a scarecrow of the law, Setting it up to fear the birds of prey, And keep one shape, till custom make it Their perch, and not their terror."...Funny Law Review Title from Lawhaha. com: Erik S. Jaffe, "*She's Got Bette Davis [s] Eyes: Assessing the Nonconsensual Removal of Cadaver Organs Under the Takings and Due Process Clauses*, 90 Columbia Law Review 528 (1990)...**Mark Masters** has departed **Procter, McCarthy, et al**. Stay tuned...

Old pal **Dick Chess** retired at the end of last year and we had a chance recently to catch up. He went to work for the Justice Department in 1962. His first case? Prosecuting a teacher for failure to register as a communist. He figures he got the case because of his experience in the Marine infantry. He also spent two weeks escorting James Meredith at the University of Mississippi. James was the first black enrolled at the school in '62 – <http://afroamhistory.about.com/cs/jamesmeredith/a/jamesmeredith.htm> – Dick's endured a couple surgeries and will continue donating his time to the bar's Fee Arbitration Committee and accepting fee arb cases. On behalf of the entire bar, thanks for the work. Mr. Chess resolved dozens of matters for the association. He may still be reached at 643-2465...Case Citation of the Month: *United States of America v. Rayburn House Office Building* – <http://caselaw.findlaw.com/data2/circs/dc/063105Apdf...>Law in the Movies: "Sworn in by a fool and vouched for by a scoundrel. I'm a lawyer at last." – Rudy Baylor (Matt Damon), *The Rainmaker*, 1977. Damon has appeared in three of my Top 20 All-Time Movies – *Saving Private Ryan*, *Field of Dreams*, and *Good Will Hunting*...Two License Plates of the Month: galatty, on a 2006 Volvo driven by **Kendall Van Conas**. The plate previously belonged to her mother, Grace. Kendall has been nominated to be Secretary/Treasurer of the bar in 2008. PITZKLE, which is Yiddish for tiny, on a '06 Mini Cooper driven by **Cheri Kurman**...

Check out a very talented **Duane Dammeyer's** (of the PD ilk) website. He's been sculpting for many years now and you can view it all at dammeyersculpture.com...And speaking of public defenders, why were there so many of them at a Beach Boys concert at the fairgrounds when not a single DA was spotted?...Ok, it's not a legal funny, but a chuckle nonetheless. According to the U.K. newspaper, The Guardian (July 19), David Lassman, director of Britain's Jane Austen Festival, sent slightly amended chapters of Austen classics to publishers in a bout of frustration of their rejections of his own novel. Apparently, only one of 18 publishers and agents recognized the

plagiarism, while the rest sent polite rejections. One rejection letter said that the work "seems like a really original and interesting read."...Law and the Movies: "Goddammit, when is somebody going to go on the record in the story?! You guys are about to write a story that says the former Attorney General, the highest-ranking law enforcement officer in the country, is a crook! Just be sure you're right." – Ben Bradlee (Jason Robards), *All the President's Men*, 1976. Wasn't Robards perfect in *Philadelphia* (a Top 20 also) as lawyer Charles Wheeler and as a dad in *Parenthood*? I believe Springsteen (A Top 10 All-Time Vocalist List) won an Academy Award© for best musical score too...

Check out the Community Focus in the August 9 issue of the Ventura County Star (www.venturacountystar.com) and read the good news piece about the 15 lawyers and staff from **Wood & Bender** helping build two Habitat for Humanity homes in Oxnard. **Caroline Hurtado** even had her picture snapped to compliment the article. Caroline has a history of this kind of community outreach in Peru...Web Site of the Month: Lawbizblog.com by lawyer Edward Poll. Everyday useful stuff...From Niccolo Machiavelli: "It is necessary for him who lays out a state and arranges laws for it to presuppose that all men are evil and that they are always going to act accordingly to the wickedness of their spirits whenever they have free scope"... Our lowest bar number and member, **Frank F. Chuman** (19457, admitted June 1947), has gone inactive. That leaves our EA pal, **Eugene Radding** (21593, admitted January 1950), at or near the top of our list of active attorneys with lowest bar number. Want an amazing read? Google Mr. Chuman including civil rights and internment camp language...From www.nbc4.com/news/13804037/detail.html: "A judicial panel is deciding whether D.C. administrative law judge Roy Pearson should keep his job. Pearson gained notoriety when he sued a dry cleaner for \$54 million over a missing pair of pants. He lost the suit."...p.s. Loye Barton eloped to the top of their ranch and married John on August 8th.

Steve Henderson has been the executive director and chief executive officer of the bar association and its affiliated organizations since November 1990. He will celebrate his 54th on the 15th (My gosh, only 11 more years!). Beer (Red Stripe, Sapporo, and Hinano are acceptable) may be delivered to his office or a financial contribution made to the VCBA/VLSP, Inc., is tax deductible. This is the last time you view Vick and Rizzuto in the same sentence.

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