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CITATIONS

D E C E M B E R - T W O T H O U S A N D E I G H T

COMMISSIONER MARK BORRELL

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Well, I have finally come to my last column as President of the Ventura County Bar Association. It has been a pleasure writing these columns. I have approached that task with two goals in mind: writing something I would like to read and which is of interest to all VCBA members. There are a good many more things about which I would like to write, but my time has run out.

When my term as President began, my wife – an attorney herself – asked me a question: What *does* the VCBA do? Having been on the Board of Directors for some years, I knew the answer, but I was not convinced all of our members did. So, I decided to keep you advised of VCBA's many activities on behalf of all the lawyers of Ventura County, from MCLE programs on virtually every legal topic, to supporting the work of the sections and affiliates, to providing services to and a social network for our members, to being a voice for lawyers and the law. I hope this year's columns have given you a better appreciation of the many things the VCBA does to serve its members, the community, the courts and the law.

As my term draws to an end, I am proud to say with confidence that VCBA earns every single penny of the dues we pay. Frankly, I am surprised we are able to do so much with the funds we have. This is one of the most efficiently managed organizations with which I have ever been associated. In these times of economic uncertainty, that is a proud accomplishment.

There are a number of people I would like to thank for all they do each day to make VCBA one of the best Bar Associations in California: **Alice Duran**, an experienced legal professional and a top notch administrator; **Nadia Avila**, **Celene Valenzuela** and **Alex Varela-Guerra**, all of whom are cheery, professional and exceptionally capable staff persons; **Verna Kagan**, the director of our Volunteer Legal Services Program, and a person of uncommon understanding and compassion; and **Peggy Purnell**, who directs the Court Tour Program with grace and skill.

I also would like to thank our Board of Directors: President-Elect, **Tony Straus**; Secretary-Treasurer, **Kendall Van Conas**; Past-President, **Jon Light**; Directors **Linda Ash**, **Barbara Macri-Ortiz**; **Claudia Bautista**; **Joel Mark**; **Laura Bartels**; **Dave Ossentjuk**; **Marge Baxter**; **Mark**

PRESIDENT'S MESSAGE

By *Matthew P. Guasco*

Pachowicz; Mitch Disney; Anthony Ramos; Amber Eisenbrey; Joe Strohmman; Mark Fang; Al Vargas; Bob Gallaway; Mike Walker; Lilian Jiang; Carol Woo, and Katie Pietrolungo. Thank you all for taking this journey with me and for sharing my vision that the highest goal to which we can aspire is to serve our members, our communities and the law to the best of our abilities. We accomplished a lot this year.

Finally, I would like to thank my wife, **Susan Lascher**, and my daughters, **Emily** and **Anna**, who have put up with my frequent absences to attend early morning meetings and dinners, not to mention the time I have spent evenings and weekends attending to the numerous tasks assigned to me as President, among which this column is one.

We are in the midst of uncertain and challenging times. I cannot think of a better time for lawyers to come together to serve the rule of law, justice, our communities, and our country. It does not matter whether we are civil or criminal practitioners, family lawyers or transactional attorneys, public defenders or prosecutors, private practitioners or government lawyers, lawyers for profit or attorneys for the public good. We have a common education, a shared pledge to support

and defend the laws and constitutions of the state and federal governments, and the same vocation: counselor at law. We have much more in common than we may appreciate sometimes. And we need to remind ourselves of these shared bonds if we are to serve the great purposes to which we are pledged as lawyers: representing our clients with loyalty and competence, serving our communities with honor and integrity, and promoting the rule of law and the ends of justice. These are the principles which have guided me this year as your President. These values bind us together as stewards of the law.

Thank you for permitting me the very great honor of serving as President of the VCBA. Come New Year's Day, I will enjoy the prerogative of Past-Presidents: reading, rather than writing, this column. That and spending some time in my hammock with a good book. Have a wonderful holiday.

Matthew P. Guasco is the President of the Ventura County Bar Association, and he is Of Counsel to the law firm of Arnold, Bleuel, LaRochelle, Matheus & Zirbel, LLP, in Oxnard, where he handles appellate litigation as well as trial court litigation in business, real estate and probate matters. He is also a mediator and arbitrator.

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COMMISSIONER MARK BORRELL

By Lou Vigorita



As we began our interview, I could not help but think that **Commissioner Mark Borrell** reminds me greatly of his father, **Roger Borrell**. I met Roger many years ago when I first came to Ventura as a new attorney. Roger was big in those days – both literally and figuratively. He had been around the block a few times, while I was still wet behind the ears – which is another way to say that I was young and thought he was old. I was fortunate to develop a professional relationship with Roger that lasted until his unfortunate car accident. We lost touch after that (Mark brought me up to date: Roger is spending more time fishing and hunting and resides primarily in Yuba City). Little did I know that decades later I would be interviewing his son for this profile and also filling in the blanks on some local legal history.

The first question I asked Mark was what single thing stood out now that he has a few years under his belt as a bench officer. His answer speaks highly not only of the young commissioner but of all our Ventura County bench. Without hesitation, Mark said that getting to know the other bench officers and staff behind the scenes has given him an appreciation of their integrity and congeniality that he was never able to see from the other side of the bar. “These are great friends and mentors,” he says, “one and all.”

When asked about the challenges he faces as a commissioner, Mark emphasized the ethical considerations involving his family and his interactions with the public. His spouse, Cindy, is a hairdresser and comes into contact with the general public on a daily basis. If a customer asks for some free legal advice by way of his wife, Mark addresses the issue over the dinner table in a way that avoids discord. He says he refers to David Rothman’s ethics book frequently. Life is different when you leave private practice.

Mark says that he has more control over his schedule now and he likes it that way. He values the time he spends with his wife and children, particularly now that there is only one child – his nine year old daughter – remaining at home. Mark tries to follow Ben Franklin by using his time wisely, juggling his duties on the bench with riding bikes, reading books, going to the park, and, most of all, making up fairy tales to tell his daughter.

Mark not only enjoys reading history; he recreates it. In 2000 and 2001, he participated in a fund-raising event for the Ventura County Museum of History and Art, an all-day event recreation of life in Ventura County in 1910. Participants were required to wear period costumes and have an understanding of the customs and events of the time. Both years, Mark assembled a law office that was fairly authentic to the period. The effort earned “Best of Show” in 2000. In the 2001 event – just weeks after the September 11 tragedy – Mark gave a speech about the bombing of the Los Angeles Times building in 1910, using the 1910 domestic terrorist attack as an opportunity to talk about 9/11.

College football is another of Mark’s vital interests. He has never forgotten seeing the green field in the Coliseum when, as a 10-year old boy, his father took him to a USC game. But although his father and uncle were Trojans, Mark attended the University of Colorado. As a loyal alum, he pulls for the

Buffalos, which can be humbling. “We’ve had good years and bad, mostly bad.” Mark says that his time at the University of Colorado were some of the best years of his life. He fondly recalls going out to the Rocky Mountain foothills during a purple dusk to watch deer collect in the meadows. He preferred the serenity of the Rockies to his prior outdoor experience – duck hunting with his father, where he froze waiting for dawn and the ducks to start flying. “These Colorado years were restorative for me. I have nothing against hunters, but I found that watching rather than shooting at nature was more to my liking.”

After college, Mark started his own business as a process server. He then decided to follow his father into the practice of law. He attended McGeorge School of Law in Sacramento, graduating in 1986. Mark then returned to Ventura County and joined his father’s firm, Borrell & Long, where future **Judge David Long** became a mentor and friend to Mark. In 1989, that firm dissolved and Judge Long went to Benton, Orr, Duvall & Buckingham. Mark remained with his father – the firm was then known as Borrell & Borrell – until his father retired in 1993. Mark did not want to take over his father’s practice, so when Judge Long was appointed Commissioner in 1993 there was an opening at Benton, Orr. **Jim Sherren** hired Mark, who was assigned to Judge Long’s very desk.

After lunch and while waiting for the check (which Mark insisted on splitting with me), I noticed something unusual: In an adjacent room there appeared an Abe Lincoln look alike speaking to the monthly meeting of the “General Patton Chapter of the California Society of the Sons of the Revolution.” Ironic that this history lesson was going on at the same time that I was eliciting a personal history from Mark. A parallel history lesson, if you will. I pointed this out to Mark and in his eyes I thought I saw a flicker of desire to step again into character again.

Lou Vigorita practices workers compensation and Social Security disability law in Ventura. He is a member of CITATIONS’ editorial board.

MABA AWARDS

By Carmen Ramírez



Almost 200 people helped the Mexican American Bar Association raise more than five thousand dollars for the MABA Scholarship fund at an October dinner honoring MABA founders **Frank Urias, Robert Garcia, Eloy Molina, Robert Guerra, and Herman Mora.** Judge **Charles Campbell** won the group's first Access to Justice award for expanding the Superior Court's services to those without legal counsel. Twelve Superior Court judges attended the event and witnessed the award of MABA Scholarships to Aiden Castillo, Erica Fernandez, Jacqueline Jiminez, Marisela Ortis, Jessica Peña, Sean Perez and April G. Retes.

Sponsors included Commercial Process Servers, American Association of Retired Persons (AARP), BancoBuenaventura, Cabrillo Economic Development Corporation, **California Rural Legal Assistance, Inc.,** Daly Family Companies, Inc., Law Offices of **Gabriella Navarro-Busch,** Attorney **Mark Flores,** Attorney **Carmen Ramírez,** Reiter Affiliated Companies, and the Law Firm of **Wasserman, Comden & Casselman, L.L.P.** Saul Medino donated a new laptop computer to scholarship winner Jessica Peña.

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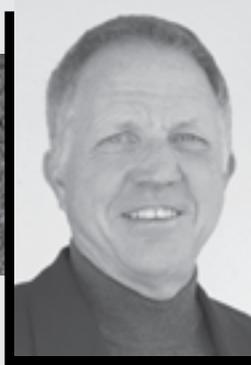
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Julie A. Saltoun has joined the Ventura law firm of Myers, Widders, Gibson, Jones & Schneider, L.L.P. as Of Counsel. She focuses on corporate, transactional, general business and municipal law, with a specialty in technology-related transactions. Saltoun previously served as regional director for the Tri-Counties Office of the Anti-Defamation League. 5425 Everglades Street, Ventura, California 93006. Phone (805) 644-7188; fax (805) 644-7390.



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For the Love of Birds

By Gina Britt

Little "goodnesses" we perform collectively make a difference...somewhere, somehow, for someone. "It is the greatest mistake to do nothing because you can only do a little"...
Sydney Smith (1771-1845)

In her spare time, **Diane L. Rowley**, co-owner of the 12-lawyer firm Van Sickle & Rowley, LLP, takes in injured or abandoned doves and pigeons and rehabilitates them or provides them with a loving home. Rowley is part of an online, international network of pigeon keepers who scour local shelters for abandoned birds, rescue them from the shelter, treat them, and then find them a home. She does not race, show or fly her birds. Her mission is solely to rescue.

Rowley explained, "A family friend asked if he could gift a pair of rescued racing pigeons to my daughter for Christmas several years ago, knowing that we were animal lovers. We agreed to give them a home, which led me to start doing some research. I ran into a website/messageboard called 'Pigeon-Talk' that provides a clearing house for rescues world-wide. Over time I have become their 'local' (Ventura to West LA) go-to person when birds are rescued/found in our area. I get private notifications of someone finding a downed pigeon and then I make arrangements to collect the bird from the finder or the shelter and take it to a vet or give it treatment and then a home, if it cannot be released, or transport it to a licensed rehabber in Lake Forest.

"For example, a few months ago a nice young man found a pigeon on the street near the Staples Center. Through the website, he was directed to me and he drove the bird all the way up to Simi Valley. Its leg was broken in two places. I set the break near the bird's pelvis by wrapping his wing and 'thigh' against his body with masking tape each day for three weeks. When that break healed, I built a 'cast' for his ankle by carving a thin wood platform about the size of a quarter and taping it to a stiff wire bent at 90 degrees, and taping the foot and ankle to this for another three weeks. Both breaks healed fine. The bird is named after the young man who found him, 'Zach.'

"Another time a lady in Newbury Park picked up a pigeon at the Target store because it was just way too friendly. Birds like that are easy targets for prey and may be sick or weak, or just not scared enough for their own good. I got the call and the bird now lives in my aviary with others who, for their own safety, are better off in 'captivity.'

"It just sort of snowballs. Those two original birds, are now 35 or 40 pigeons....plus 14 doves, and my Christmas list now includes a new, larger walk-in aviary for the doves..."

The majority of Ms. Rowley's birds are handicapped and non-releasable. She and her husband and law partner, **Richard Van Sickle**, have a pair of doves who live in their daughter's bathroom. This spring, they also fostered two families of mallard ducklings (16 ducks total) from hatching



to migration-ready. They have all now since "flown the coop," subject of course to periodic "visits."

National Geographic aired a special last spring about the homing instincts of pigeons. The program recounted a series of tests to determine how the birds navigate back to their home after being transported hundreds of miles away. The researchers were not able to reach a consensus. Some conjectured that an advanced sense of smell was the answer. Others believed the birds have a

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small, internal magnetic “compass.” Their legendary homing abilities remain a mystery of nature.

Rowley says that the new book *Superdove*, by Courtney Humphries, provides a “really wonderful description of doves and pigeons, their history, characteristics and how their evolution as a species has been altered by interaction with humans...all written by a scientist.” She feels that the book confirms what people who keep pigeons already knew: These birds are much smarter and more social than one would think from watching them hover over the local grocery store. Laboratory tests show that these birds can remember up to 1000 images for years at a time and fly long distances from strange locations to reach a specific nest box (unlike the general migration of geese and ducks). They are wonderful, loving companions who will sit on your shoulder, follow you around the house, and nibble on your ear for treats.

Rowley also notes that pigeons and doves “do not screech like parrots!” She says, “I know they are ‘just birds,’ and some of my colleagues will think I am nuts (and not just because of the birds!), but little things add up.”



Rowley’s husband, law partner, and fellow bird keeper **Richard Van Sickle** built this aviary.

Gina Britt practices with the Law Offices of David Karen.

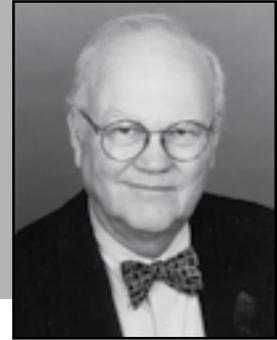
CITATIONS wants to cover other Ventura County lawyers who have unique hobbies, practice extreme sports, otherwise make interesting use of their downtime, as well as “wired” Ventura County lawyers who use the Internet to advance their law practices or hobbies. Please contact ginabrittlaw@yahoo.com with names and URLs.

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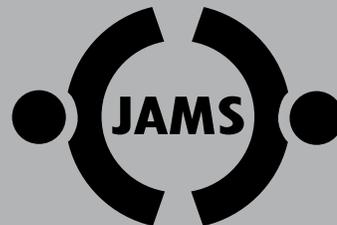
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PRO BONO CORNER

By Verna Kagan

When I read in *CITATIONS* that Justice Arthur Gilbert's book, *Under Submission*, is on sale for \$20 with all proceeds going to the V.L.S.P., I quickly bought my own copy.

NOT JUST ANOTHER TOME

The book is a compilation of Justice Gilbert's *Daily Journal* columns, but when I first saw it I thought, "Oh no, not another pedantic series of case studies." To my most delighted surprise, in the pages of *Under Submission*, I met a man of erudition, humanity, wit, charm, graciousness and humility.

To begin, it was interesting to learn that **Justice Gilbert** is a fine jazz pianist. (Thus, he joins the ranks of other theatrically and musically talented jurists including Justice Steve Perren, retired Judge **Roland Purnell**, and Santa Barbara Superior Court **Judge George Eskin**.)

Justice Gilbert amuses us with stories of not once but twice being ticketed for speeding on PCH and becoming a student at traffic school. He tells of his pet cats, including the one he found at court that lived with him for 16 years, followed by another cat who showed up on his doorstep. He pays sincere and beautiful tribute to, among others, Bernard Witkin (whom he knew as Bernie), Justice Stanley Mosk, Governor Pat Brown and Justice Otto Kaus. I learned that we have an addiction in common – both of us are devotees of "Jeopardy." No one dares to interrupt me while I am watching.

Under Submission also challenges our legal thinking. Justice Gilbert wrote about Tookie Williams, a defendant on death row for murder and who turned his life around to the extent that he was considered for a Nobel Prize, but was eventually executed. He also discussed a defendant who murdered his parents for his inheritance.

Justice Gilbert, I thank you, not only for your generous donation to VLSP, but also for more than a few hours of wonderful reading.

CLIENT APPRECIATION

Mr. Norris:

I just wanted to thank you for all the work that you have done for me. I truly believe that I would have lost my son without you. You were truly a god send for me, and Juan Jr. again thanks you for all your hard work and your great staff.

Gary Norris received this letter at the close of almost two years of work on a most demanding child custody case.

Gary is a former *Pro Bono* Award winner. His dedication to all the matters he accepts, and particularly to this one, is outstanding. There are not enough thank yous in this department to express our appreciation for what Gary does.

I often hear from our *pro bono* attorneys that our applicants are unappreciative, often insisting that although we are a volunteer organization, we have an obligation to provide service and they have a right to representation. Fortunately, now and then a letter like the above comes along and makes all our efforts seem worthwhile.

AND MORE THANKS

On another note: I also owe a thank you to **Michelle Erich**, author of October's *Pro Bono* column. The overwhelming cost of adoption needs to be addressed. In the present financial crises, things can only get worse.

Verna Kagan is the Senior Emeritus Attorney at the Volunteer Legal Services Program.

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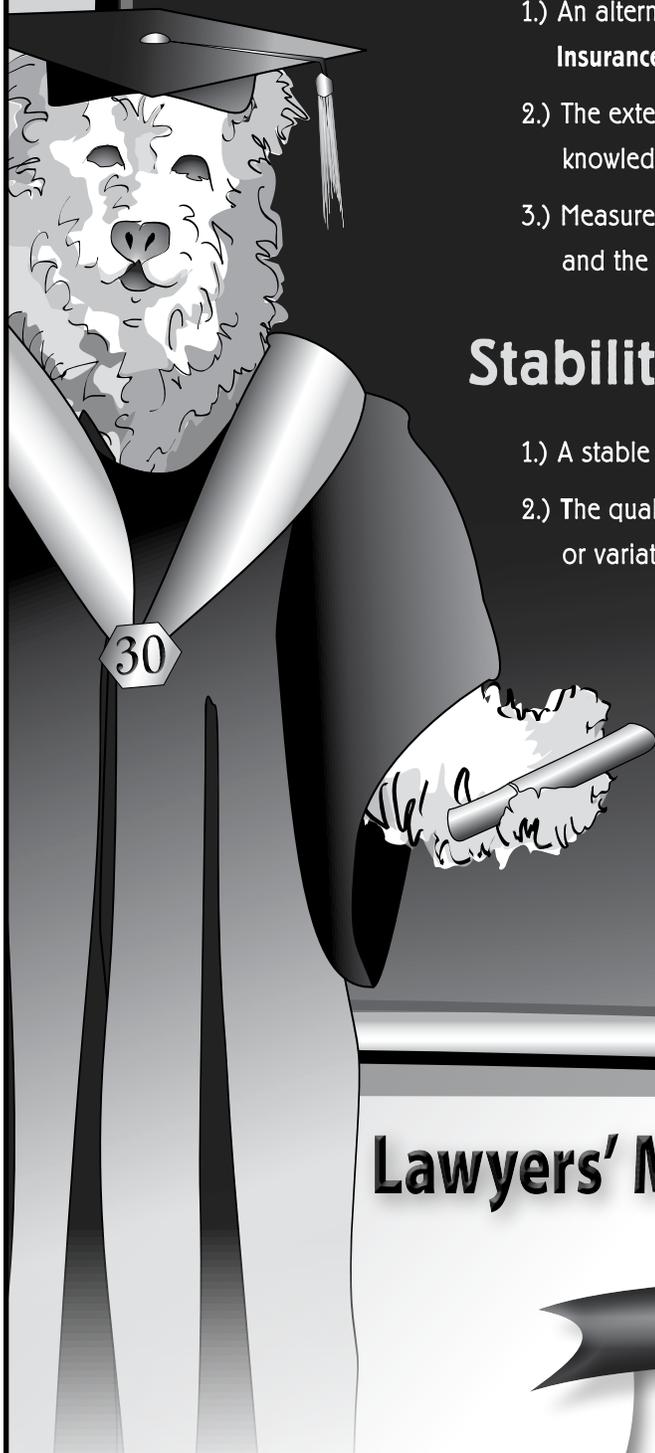
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- 2.) The extent to which future states of a system may be predicted based knowledge of current and past states of the system. ie – **LMIC**
- 3.) Measured by the variability in achieving cost, performance objectives and the quality of being predictable. – syn: **LMIC**

Stability — sta'·bil'·i·ty, noun

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WE READ SO YOU DON'T HAVE TO

These stories were among the ABA Journal's "top 10 legal stories of the week" for the week of November 14. *CITATIONS'* comments are in italics.

1. "After 170 Layoffs, White & Case Pares Down \$250K Holiday Party; No Fireworks."

That's down from \$500K last year.

2. "Narcissists with Big Egos Lead Many Law Firms, Consultant Says."

Who but a narcissist with a big ego would throw a \$250K party, with or without fireworks?

4. Note on Chair Informed Cohen Milstein Head of His Expulsion From Firm.

So much for the big ego.

7. Legal Futurist: 'The Party is Now Over.'

See no. 1. above

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**Speakers: Scott B. Garner, Attorney at Law
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**Speakers: D. Alan Rudlin and
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This program will survey and discuss recent developments affecting lawyer ethics in civil litigation. The program will focus on those areas with the greatest potential to give rise to attorney liability, including a wide ranging discussion of conflicts, disqualification issues, and ethics in settlement negotiations. The program will also include a substantial discussion of ethical concerns arising from the intersection of technology and litigation, particularly the use and abuse of "hidden" metadata in computer files and ethical issues more generally in electronic discovery practice. Over two days, this program will provide you a substantial review of ethical issues affecting your civil litigation practice.

**Speaker: William Freivogel,
John M. Barkett, and Lucian T. Pera**

Transactional Tribulations When the Trustor Gets Strapped for Cash Short Sales, Deeds in Lieu of Foreclosure, TSGs, Litigation Guarantees, Foreclosures Sales and the Aftermath

1 Total CLE Units

Attendees will learn how to contend with homeowners who are approaching or actually in preforeclosure. Various options available to the trustor will be explored, from 'curing' to 'modification of loan terms' to 'bankruptcy'. Focus will also be given to title and escrow ramifications, pitfalls in the disposition of the defaulted property including obstacles for the lienholders, escrow, and purchaser. Finally, sample documents will be presented and explained in practical terms and usage.

**Speakers: Dale Pitman and
Paul E. Stansen**

LLCs and Insolvency: Bankruptcy and Tax Aspects

1.0 Total CLE Units

What are the entity-level and member-level implications of an LLC entering the zone of insolvency – and filing for bankruptcy? As LLCs have become the default entities of choice for many businesses, practitioners are increasingly confronting major insolvency, bankruptcy and tax issues as their clients fall into insolvency and file for bankruptcy. Integrating bankruptcy and tax law, this program will guide business counsel through the heightened duties of managers as the LLC enters insolvency, the increased risk of liability, and the real-world tax and bankruptcy implications for both the entity and its owners as each file for bankruptcy. This program is essential learning for attorneys advising LLCs!

Speakers: Mark E. Leipold and Steven C. Gustafson

Estate Planning in Prenuptial Agreements

1.0 Total CLE Units

The prevalence of divorce and remarriage have made the use of prenuptial agreements commonplace. The challenge for estate planners is accommodating the motivations giving rise to the prenuptial agreement with effective estate planning for both parties to the agreement, and beneficiaries from earlier marriages. This program will cover the gamut of issues involved in integrating prenuptial agreements into larger estate plans, including tax and non-tax issues arising during and after the marriage, and while both parties are alive and after one party has died. Join us on January 9, when you will learn more about:

- Disclosure, separate legal representation and ensuring enforceability
- *Martial v. separate property*
- Issues during marriage – taxes, living expenses, incapacity
- Trust and inheritances
- Debts – joint and separate
- Surviving spouse rights

Speaker: Bridget Sullivan

Crimes & Immigration: Preventing Removal and Preserving Relief Pre- and Post-Conviction

3 Total CLE Units

This seminar is geared for both immigration and criminal defense attorneys as an advanced study to protect the immigration rights of both legal immigrants and intending immigrants charged with, or convicted of, a crime. Panelists will provide California criminal defense and sentencing strategies to prevent deportability of lawful permanent residents, and preserve immigration admissibility for undocumented intending immigrants; discuss mandatory detention and immigration bonds, and maintaining eligibility for the various forms of immigration relief including waivers and naturalization; and present the different post-conviction relief vehicles and strategies available when necessary to safeguard a client. Analysis of recent case law will be incorporated throughout the seminar.

Speakers: Mark Davis, Alison Daw, Henry Posada, and Mike Razi

Recent Developments: Race and National Origin Discrimination

1.0 Total CLE Units

The nature of racial and national origin discrimination in the workplace is changing. Rarely anymore are their complaints about overt discrimination based on race or national origin. Instead, issues of discrimination take on a much subtler form. Is an English-only requirement a form of national origin discrimination? Can an employer prohibit certain types of non-conventional dress in the workplace? What is the relationship between discrimination and new patterns of immigration and enforcement action against illegal immigrants? For employers seeking to establish best practices and avoid liability these are complex questions with sometimes frustratingly uncertain answers. This program will guide you through new developments in national origin and racial discrimination in the workplace.

Speaker: David J. Goldstein

Family Law Trial Institute 101: Trial in Progress

1.5 Total CLE Units

The First Annual Family Law Trial Institute 101 is a must for family law attorneys and other attorneys who handle family law matters and who are seeking to enhance their family law trial skills. The program will focus on immediate preparation for trial, commencement of trial, and the concluding aspects of the trial. Topics to be covered include trial briefs, trial books, witness and exhibit lists, stipulations, motions in limine, subpoenas, opening statements, live testimony, direct and cross-examination, objections, the use of experts, use of discovery, rebuttal testimony, argument, statement of decision, fees, and post-trial considerations. The panel will cover experts, exhibits, foundation, objection to exhibits, use of discovery, and subpoena duces tecum

Speakers: Debra S. Frank, CFLS, Hon. Don Christian, Bruce E. Cooperman, CFLS, and Lance S. Spiegel

Ethics in Employment Law & Litigation

1.0 Total CLE Units

Employment litigation exposes legal counsel to very sensitive information that, if exposed, would have a major negative impact on employers and employees alike. This program will examine how attorney ethics rules apply to the most common and ethically fraught situations confronting employment law practitioners. The program will focus on managing conflicts and waivers in employment litigation, ensuring confidentiality of sensitive personnel issues and avoiding liability, duties of loyalty, and ethical issues arising in discovery.

Speaker: Jeffrey Wohl

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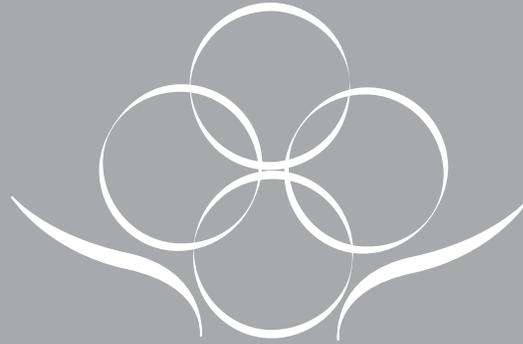
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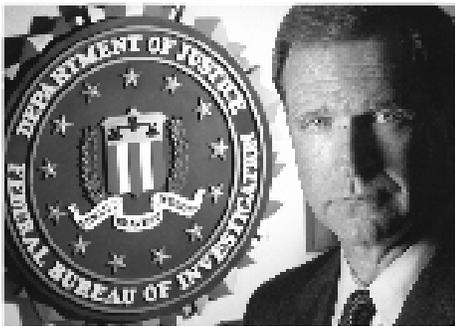
LOST AND FOUND

Found at VCBA Annual Bar Dinner – A woven gold hoop earring was found in the women's bathroom at the Crowne Plaza during the VCBA Annual Bar Dinner 11/15/08. If you are the owner, please contact Cheri Kurman at (805) 445-7670 or clk@kurmanlaw.com.

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214 folks gathered for the 22nd annual installation and awards banquet held Saturday evening, November 15, upstairs at the Crowne Plaza. Many were there to honor **Kathleen Back** as the recipient of the Ben E. Nordman Public Service Award. **Bill Paterson's** introduction of Kathy was heartfelt and warm. Kathy's acceptance speech was sincere, enlightening and succinct. The bash was over at by 9ish and lots of the attendees escaped to such local watering holes as Watermark, Café Fiore and Aloha. Kudos to **Cheri Kurman** for organizing the entire event and **Don Hurley** for raising over \$10,000 through the silent auction benefitting the bar's pro bono program

From Alexander Pope: "The hungry judges soon the sentence sign, And wretches hang that jurymen may dine."...Law in the Movies: "They say that a man who represents himself in court has a fool for a client. And with God as my witness, I am that fool!" – Gomez Addams (Raul Julia), *The Addams Family*, 1991. Remember Julia in Sesame Street? If you have not seen *Kiss of the Spiderwoman* (1985), do so now...Law on TV: "It's not my nature to engage in post commentary but since you're well traveled in legal circles, I'd appreciate you tell all your friends exactly what happened in here, you sneaky, arrogant, bad faith bastard." – John Cage (Peter MacNicol), *Ally McBeal*... In addition to his production manager duties, **Jon Light** will be dancing in Footwork Youth Ballet's *The Nutcracker* December 13-14 at the Oxnard Performing Arts Center. I feel a YouTube moment coming on...

Exec's Dot...Dot...Dot...

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

Bar staff bigger by one! Client Relations Director **Alex Varela-Guerra** delivered little Gerardo, Monday, October 6. He weighed-in at 6 pounds, 11 ounces. It's Alex's first and daddy Angel is doing well. Alex returned to the office November 24... The *New York Post* published a story about a 47-year-old attorney who filed suit against his wife of 22 years, charging that her straying had left him with Herpes Simplex 2 virus, an STD that caused him to experience "pain, suffering, emotional, mental, psychological and physical injuries and the loss of enjoyment of life."...From George Eliot: "When one wanted one's interests looked after whatever the cost, it was not so well for a lawyer to be over honest, else he might not be up to other people's tricks."... VCDS executive director (and previous administrative assistant at the bar) **Sandra Rubio** gave birth to her third child, James Manuel, November 6. Big brothers Jacob and Joshua helping out and daddy Joey wonders if he is ever going to have a daughter...

100 people representing all walks of our legal lives attended a memorial at **Judge Fred Byshe's** magnificent Ojai home Sunday afternoon, November 16, in honor of **Bruce Johnston**. Bruce did not want a service or a big matter made of his death. Bruce's wife, Mary, allowed Fred to host a potluck letting people to share memories. There was a moment of silence at the bar's annual dinner, as Bruce was the first recipient of the Nordman Award in 1986. From Felix Frankfurter: "If one man can be allowed to determine for himself what is law, every man can. That means first chaos, then tyranny. Legal process is an essential part of the democratic process."...An excerpt from the will of a citizen of Rome: "I, Lucius Titus, have written this, my testament, without any lawyer, following my own natural reason rather than excessive and miserable diligence."...**David Follin** got to witness in person the presidential acceptance speech by Barack Obama early in the evening, November 4th, in Chicago...

Erik Feingold has agreed to take over as chair of the Business Litigation Section. He has the difficult task of replacing **Dennis LaRochelle**, who single-handedly resurrected the section. Since September 2004, Dennis and his committee have organized 41 programs, all

of them with CLE. Erik has been a member of the committee for several years..." We have nothing to fear but declining revenues, being hit with a big malpractice suit, having our insurance canceled, insolent staff, disloyal clients, losing our lease, disbarment, defections to other firms, the Senior Executive Secretary, and ourselves." – A managing partner's opening statement at the annual partnership meeting in *Inexplicable: The Rodent's Guide to Lawyers*...Sixty people attended the Women Lawyers' annual banquet honoring **Carmen Ramirez** and **Tina Rasnow**, who won the Legacy Award. **Debi Jurgensen** accepted the Holly Spevak Memorial Award. Hats off to **Jodi Prior**, **Laurie Nintcheff** and their team of organizers.

Maria Wusinich has joined the Law Offices of Hiepler & Hiepler. Specifically, she will be working with **Mark Hiepler** in representing twelve victims of the tragic September 12, 2008 Metrolink accident. Maria had been employed in the Los Angeles area and previously labored in the U.S. Senate as a Legislative Correspondent...Old Chinese Proverb: "It's better to enter the mouth of a tiger than a court of law."...These are words and phrases Oxford University says people are sick of hearing: 1. At the End of the day. 2. At this moment in time. 3. Like. 4. With all due respect. 5. To be honest. 6. Touch base. 7. I hear what you are saying. 8. Going forward. 9. Absolutely. 10. Blue sky thinking...From George W. Bush: "The legislature's job is to write law. It's the executive branch's job to interpret law."...Big congrats to **Steve Debbas** and **Rick Chaidez** for being members of a 50+, 4.5 tennis team, and making it all the way to the U.S.T.A. Sectional Finals, one win away from going to the Nationals...*Liar*, n. A lawyer with a roving commission – Ambrose Bierce...

Steve Henderson has been the executive director and chief executive officer of the bar association and its affiliated organizations since November 1990. His twins, Max and Megan, turn 12 on the 18th, seven days shy of Christmas. They expect separate and competitive parties. Henderson's holidays include a Mexican cruise, college football and basketball, and reading mindless press accounts.

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