



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

CITATIONS

F E B R U A R Y - T W O T H O U S A N D E I G H T

OFF-COURT WITH MARK HIEPLER

By *Eric R. Reed*

Page 9



MATTHEW P. GUASCO

MICHAEL C. O'BRIEN

MICHAEL A. STRAUSS

VERNA R. KAGAN

THOMAS E. MALLEY

STEVE HENDERSON

PRESIDENT'S MESSAGE	3
MEMORIES: THE FIRST LAW DAY 5K	18
CHANGES TO LOCAL RULES EFFECTIVE 1/1/2008	14
PROBLEM-GAMBLING AWARENESS WEEK	21
PRO BONO HIGHLIGHTS	22
EXIT PLANNING	26
CLASSIFIEDS	28
EXEC'S DOT... DOT... DOT...	30

DCR

Court Reporters & Interpreters

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

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

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

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

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



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



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

www.DCRCourtReporters.com



PRESIDENT'S MESSAGE

By Matthew P. Guasco

I have a confession: I watch television. Not all the time, mind you, but certainly enough. Recently, the strike by the Writers Guild of America has put a crimp in my entertainment: Jon Stewart isn't as funny without his team of writers, and "Pushing Daisies," like a lot of programs, isn't even on. Fortunately, this has increased the time I can devote to other things, such as this column. As I was sitting at the computer, my wife Susan, an appellate attorney, asked me what I was going to write. I told her I hadn't figured that out yet. She had an idea: What if, instead of the writers being on strike, it were all of us lawyers? What would our country look like without lawyers?

To hear some talk these days, this would be a dream come true. Our detractors say that lawyers have made society worse, that we are litigious to a fault, that we tear down without building up, that we line our pockets from the suffering of others. The popular depiction of lawyers in film or television is of amoral mercenaries bent on winning cases and gratifying their egos. You would think our profession is a problem to be eradicated. As Rodney Dangerfield might have said, "We can't get no respect."

So, assume that there are no lawyers, and that there have never been lawyers. There would be no United States Constitution. Many forget that the framers of the Constitution, such as Adams, Madison, Hamilton, Jay, Jefferson were lawyers. I suppose something as magnificent as the Constitution could have flowed from the pens of non-lawyers, but that is difficult to imagine; lawyers, unlike other professionals, are specifically trained to write laws. We may safely assume that the Bill of Rights, the separation of powers, the system of checks and balances, and the judiciary probably would not exist but for the work of lawyers. The treasury, the national banking system, a standing army, and the modern commercial system were the creations of one particularly gifted lawyer – Alexander Hamilton. The Declaration of Independence was the creation of another –

Thomas Jefferson. Modern America and its constitutional democracy would not exist but for the work and sacrifice of lawyers.

There would be no functioning civil or criminal justice system as we know it. I suppose that judges could try to handle all those cases alone, but that would be an unusual and terrifying prospect for them and us. Without lawyers, there would be no adversarial system, and the parties would not be represented by professionals trained in law and procedure. Thus, the ascertainment of the truth in, and the resolution of, criminal and civil cases would fall squarely upon the judges, who, overworked, would have to wear all the hats that lawyers in civil and criminal cases wear every day in prosecuting and defending actions. Wait a minute; judges would no longer be lawyers, either. I suppose that in this brave new world, all civil and criminal cases would be litigated and decided by pro pers. This is a nightmare surpassing anything George Bailey experienced in "It's a Wonderful Life."

This antipathy toward lawyers probably comes from somewhere. Maybe it comes from seeing one too many advertisements in the phone book. Or it could be one too many accounts of overly aggressive lawyers who ruin the lives or livelihoods of real people. Or maybe it comes from seeing the legal system misused on occasion to pervert rather than to serve justice. As bad cases make bad law, so do bad stories produce bad perceptions of lawyers. It is easy to overreact to the lesser, and to overlook the better, angels of our legal system.

Without lawyers, there would never have been a Darrow, or *Brown v. Board of Education*, or anyone to stand up to tyranny, oppression and injustice with the one equalizing power which has made this country the envy of the world even in today's troubled times: the rule of law. Countries like China come to us to learn what our tradition of obedience to the rule of law and justice looks like. Lawyers are creating new constitutions and laws in the emerging democracies of the world. While we lawyers sometimes fail the trust that society places in our hands, our contributions far outweigh our shortcomings.

Fortunately, we lawyers are not on strike. Monday morning, we will go to our offices or to court. We will open our mail, meet clients, write briefs, make arguments, pick juries, draft documents, research the law, advise our clients, negotiate settlements, write laws, decide cases, and perform the countless and thankless tasks that make up the average day in the average life of the average lawyer. Without our scripts, the production that is the justice system would simply stop. And that wouldn't be a happy ending.

Matthew P. Guasco is a mediator and arbitrator in Ventura. He is also Of Counsel to Norman Dowler, LLP, where he handles post-trial and appellate matters.

LEGAL MALPRACTICE EXPERT WITNESS and LAWYERS ADVOCATE STATE BAR DEFENSE

PHILLIP FELDMAN

B.S., M.B.A., J.D., AV.

Fellow American Board of
Professional Liability Attorneys

Certified Specialist
Legal Malpractice
(California & American Bar Associations)

Former Judge Pro Tem
Former State Bar Prosecutor

Fee Arbitrator 31 years
Litigator/Expert 40 years

Malp/Ethics Author

www.LegalMalpracticeExperts.com

Email: LegMalpExpert@aol.com

StateBarDefense@aol.com

(310) LEG-MALP (534-6257)

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

End-to-End Services from Discovery to Trial



Merrill Legal Solutions

Litigation Support

eDiscovery

Court Reporting and Legal Videography

Document Services

Language Translations

Trial Services

Terri McCubbin

Account Executive

1363 Donlon Street, Suite 8

Ventura, CA 93003

Ofc: 800-826-0277

Fax: 805-644-6582

Cell: 818-445-4883

terri.mccubbin@merrillcorp.com

20750 Ventura Blvd., Suite 205

Woodland Hills, CA 91364

Ofc: 800-826-0277

Fax: 818-593-2301

Cell: 818-445-4883

terri.mccubbin@merrillcorp.com

MERRILL LEGAL SOLUTIONS

Collaborative Family Law Professionals



Transforming family law into a collaborative process

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

Collaborative Family Lawyers

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

Allied Professionals

Mental Health Professionals

James Cole, Ph.D.
Deborah Huang, LCSW
Silvia Leidig, LCSW

Accountants

Susan Carlisle, CPA
Wayne Lorch, CPA

Financial Consultant

Helen Bass, CSA

www.collaborativefamilylawyers.com

Collaborative Family Lawyers, Inc.

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

2008 VCBA BOARD OF DIRECTORS

OFFICERS

President
Matthew P. Guasco

President-Elect
Anthony R. Strauss

Secretary-Treasurer
Kendall VanConas

Past President
Jonathan Fraser Light

Executive Director, CEO
Steve Henderson, CAE

Linda K. Ash	Barbara Macri-Ortiz
Claudia Y. Bautista	Joel Mark
Laura V. Bartels	David A. Ossentjuk
Marge A. Baxter	Mark R. Pachowicz
Mitchell F. Disney	Anthony M. Ramos
Amber A. Eisenbrey	Joseph L. Strohman
Mark M. Fang	Alfred Vargas
Robert L. Galloway	Michael G. Walker
Lilian H. Jiang	Carol A. Woo
Kathryn Pietrolungo, Barristers	

CITATIONS EDITORIAL BOARD

Managing Editor
Wendy C. Lascher

Co-Editor
Al Vargas

Publisher, CEO
Steve Henderson

Graphics/Production
J.P. McWaters

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

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

Submit all advertising, classified and calendar matters to:

Submit all editorial matters to:

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

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

As Local as the Courthouse.



YOU CAN BANK ON IT.

SANTA BARBARA BANK & TRUST

SINCE 1940

www.sbbt.com

COMMERCIAL BANKING SERVICES

- FINANCING SOLUTIONS
- ADVISORY SERVICES
- TREASURY SERVICES

Stacy Palomera

*Senior Vice President
Regional Manager*

805.373.0242

WEALTH MANAGEMENT SERVICES

- INVESTMENT MANAGEMENT
- TRUST SERVICES
- PRIVATE BANKING

Suzanne Chadwick

*Senior Vice President
Regional Manager*

805.384.2508

FOCUSED ON WINNING

Telegenics Legal Video and Visual Litigation Support services allow attorneys and law firms to stay FOCUSED ON WINNING through every phase of a case – from Discovery through Trial or Settlement. For more than 26 years, the experts at Telegenics have been relied upon to understand case objectives and develop end-to-end visual and presentation strategies to gain an edge and win the case...because there are **no second impressions.**



*“Craig and his staff at **Telegenics** are creative and work closely with trial counsel to maximize the impact of material to be presented at trial. We highly recommend Telegenics.”*

- **Peter Goldenring**, *Goldenring & Prosser*

Our comprehensive trial consultation technologies and responsive services include:

- Videotaped Depositions • Transcript Synchronization • Trial Consultation and Courtroom Presentation • Post Production Litigation Support • Site Inspections
- Day-in-the-life Documentaries • Living Wills • Full integration of digital and visual assets, including computer animations

TELEGENICS
LEGAL VIDEO & VISUAL LITIGATION SUPPORT

805.981.3994

Ventura: Financial Plaza Tower, 300 Esplanade Drive, Suite 900
Santa Barbara: 15 West Carrillo Street

BAR LEADERSHIP

ADR SECTION

Hal Kyle 477-0050

ASIAN BAR

Mark Fang 383-2788

BANKRUPTCY

Michael Sment 654-0311

BARRISTERS

Kathryn Pietrolungo 288-1300

BENCH/BAR/MEDIA COMMITTEE

Judge Glenn Reiser 654-2961

BLACK ATTORNEYS ASSOCIATION

Alvan Arzu 654-2500

BUSINESS LITIGATION SECTION

Dennis LaRochelle 988-9886

CITATIONS

Wendy Lascher 648-3228

CLIENT RELATIONS

Dean Hazard 981-8555

CONFERENCE OF DELEGATES

Joel Mark 988-8300

COURT TOUR PROGRAM

Thomas Hinkle 656-4223

CPA LAW SOCIETY

Douglas Kulper 659-6800

EAST COUNTY BAR

Roberta Burnette 497-1011

FAMILY LAW BAR

Sandra Bolker 652-0089

INTELLECTUAL PROPERTY

Chris Balzan 658-1945

J.H.B. INN OF COURT

Matt Guasco 654-0911

JUDICIAL EVALUATION COMMITTEE

Dennis LaRochelle 988-9886

LABOR LAW & EMPLOYMENT

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

LAW LIBRARY COMMITTEE

Eileen Walker 447-6308

LEGAL SERVICES FUND COMMITTEE

Donald Hurley 654-2585

MEXICAN AMERICAN BAR ASSOCIATION

Greg Ramirez 988-0285

PRO BONO ADVISORY BOARD

David Shain 659-6800

PROBATE & ESTATE PLANNING SECTION

Kendall VanConas 988-9886

PUBLIC EDUCATION COMMITTEE

Mark Pachowicz 987-4975

REAL PROPERTY

Jody Moore 604-7130

VCBA/VLSP, INC.

Matthew Guasco 654-0911

VLSP, INC. EMERITUS ATTORNEYS

Verna Kagan 650-7599

VC TRIAL LAWYERS ASSOCIATION

Joel Mark 988-8300

VC WOMEN LAWYERS

Jody Prior 582-7537

VCBA STAFF

650-7599

Steve Henderson - Executive Director

Alice Duran - Associate Executive Director

Celene Valenzuela - Administrative Assistant

Alejandra Varela - Client Relations Manager

Elizabeth Davis - LRIS Counselor

Verna Kagan, Esq. - VLSP Program Manager

Peggy Purnell - CTP Coordinator

Cunningham Earns Certified Specialist Designation

**BECOMES TOP 1% IN CALIFORNIA PRACTICING
ESTATE PLANNING, TRUST AND PROBATE LAW**



Cunningham & Associates is proud to announce James L. Cunningham, Jr. has been awarded the designation of Certified Specialist in Estate Planning, Trust and Probate Law, by the California Board of Legal Specialization. This exclusive honor is notable for a number of reasons including the fact that only 798 out of 165,000 practicing lawyers in California have earned this certification placing Cunningham in a small and preeminent group of practitioners. Moreover, there are only 19 lawyers in Ventura County who have achieved this distinction.

Cunningham practices in Camarillo. A true expert in the field, he exclusively practices Estate Planning, Probate, Trust Litigation and Will Contest matters so you can refer your clients with confidence.

CUNNINGHAM & ASSOCIATES
ATTORNEYS AT LAW

771 E. DAILY DRIVE, SUITE 350, CAMARILLO, CA 93010-0786
(805) 484-2769

WWW.CUNNINGHAMLEGAL.COM • INFO@CUNNINGHAMLEGAL.COM

OFF COURT WITH MARK HIEPLER

By Eric R. Reed

A phone call Mark Hiepler received nearly fifteen years ago paid homage to the cataclysmic effects of a single jury verdict.

The phone call found the young trial attorney in a victorious yet sober place. A Riverside County jury had recently awarded Hiepler's client—his sister Nelene—one of the largest verdicts in California history after hearing of her insurer's bad-faith denial of a life-saving breast cancer treatment. Cruelly, the verdict came too late for Nelene, whose cancer killed her only months before trial.

The caller kept it brief:

"Mr. Hiepler, this is, Vice-President of Blue Cross. Right now I'm heading to a Board meeting. We're going to discuss how to revise our policies because of your case. That is all."

This call signaled the start of the career he always wanted, but never expected.

Triumph from Tragedy

Mark and Michelle Hiepler founded their eponymous Oxnard firm in the wake of *Fox v. HealthNet*, a case that grew out of Mark's attempt to expedite his sister's treatment after her HMO refused to fund an advanced, yet clinically proven procedure. The story of Nelene and Mark's dogged fight for a \$150,000 bone marrow transplant touched a nerve among the millions of Americans who, by the early 1990's, belonged to the "managed care" health insurance plans they initially considered a panacea for the rising insurance costs of the 1980's. Nelene Fox was the type of patient most vulnerable in a system focused on minimizing costs: extremely ill and in need of cutting-edge treatment. The jury found that HealthNet deemed the treatment "experimental" for the purpose of avoiding its high cost, and awarded her estate an eight-figure verdict that included staggering punitive damages.

Mark found himself the subject of nationwide media attention that, among other things, provided the momentum to establish his own practice after only four years of practice. Prospective bad-faith and insurance denial claims quickly arrived at the new Oxnard office, followed by a steady stream of wrongful death and serious injury claims. The latter now form the bulk of Hiepler & Hiepler's 40-50 active cases.

"Our receptionist receives an average of seventy to eighty phone calls a month from individuals and families who have suffered everything from minor physical injuries to death. Out of those we can accept only one or two. The financial and emotional investment in these types of cases is enormous, so we need to choose carefully." However, the firm structures its vetting process in a way that guides potential clients to the next step—whether legal or non-legal—and provides them with a much-needed outlet for their frustration and fear. "Our office has an employee whose sole responsibility is listening to these people, gathering information and educating them about their options if we can't take the case. Each one gets an attorney on the phone if they want. It may take a few hours of our time, but we need to investigate anyway. We all benefit from the process."

The Politics of Change

Hiepler entered law school as many do; he viewed his *juris doctor* as the prudent first step for a person eyeing a career in politics or government. "I worked on political campaigns throughout high school and college. From what I saw, those influencing the process mostly came from a legal background, so I decided law school was the way to go."

An unpaid clerkship with the Ventura County District Attorney's Office opened the courtroom door earlier than he expected. "The clerkship provided me the chance to argue and even try cases during law school. I loved it." Hiepler described his next career move with typical self-deprecation. "For whatever reason, the L.A. office of a large San Francisco-based firm offered me a position after graduation. I took it, but I didn't see the inside of a courtroom very

frequently." The large-firm route also introduced Hiepler to the niche in which he has now settled, albeit from a different perspective. "I defended bad-faith and wrongful death cases. After two-and-a-half years Michelle and I decided to move back to Ventura County."

Mark joined Oxnard's Lowthrop, Richards, McMillan, Miller, Conway & Templeman upon their return in January of 1992. Around this time, he learned of his sister's illness and agreed to represent her out of necessity. Two years later he and partner Al Templeman arrived in Riverside to try the case that Nelene would have settled at the outset for the cost of her transplant. The verdict that followed showed Mark that his not-quite-expected turn in trial work had already achieved what many in government and politics would consider a career-capping victory: the reform of an industry affecting millions of people.

"Verdicts are a vehicle for your message. One jury vote can change how companies do business in America. It can change how people are treated for cancer or other serious illnesses. As a trial attorney you can effect political and social change without being in politics."

Although partial to the scythe of aggressive litigation, Hiepler still respects the traditional political process and frequently takes the issues closest to his profession (and heart) to Sacramento. "The firm's courtroom victories allow me to meet with legislators and officials and recommend reforms and new laws to address the industry practices I encounter. To prepare, I can refer to the network of experts our firm has developed over the past fifteen years and take their research directly to the decision makers."



Susana Goytia-Miller, Esq.
300 Explanade Dr., Suite 1760
Oxnard, CA 93036
Tel. (805) 488-2700
Fax (805) 488-2751

Sgmillerlaw@aol.com
susana@vcanagoytiamilerlaw.com

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

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

susanagoytiamilerlaw.com



**It hits you at 3 AM:
"DID I MISS A DEADLINE?"
Better check DOD!**

**IN THE MIDDLE OF THE NIGHT IT HITS YOU —
"Oh no! Did I miss a deadline?"**

Relax! Just use Deadlines On Demand ("DOD"), the nationwide legal calculation service. Even at 3 AM, you can check DOD's website to see your deadlines.

DOD is fast, inexpensive and accurate. It's powered by CompuLaw[®]—the same rules-based calendar technology used by the big firms for decades.

With DOD there's no need to buy, install and learn expensive and complex software. The DOD website is fast and easy to use, so you save countless hours of time. Simply charge your credit card for the results, and bill the minimal fee as a research charge.

You can also import the results to Outlook[®] or any application that supports iCalendar files.

Think about it—no more worries about calendar vs. court days, local vs. federal holidays, or counting backwards and forwards. DOD does it all for you.

Protect your clients and your firm—DOD all of your dates—and sleep better at night!

**DEADLINES
ON DEMAND**
a CompuLaw company

The Premier
Legal Deadline
Calculation Service[™]

(888) 363-5522 | www.deadlines.com

For a FREE PREVIEW: Use Promo Code VCBA2008



MEDIATION/ ARBITRATOR

Richard M. Norman

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

Richard M. Norman
Of Counsel

Norman Dowler, LLP
840 County Square Drive

Ventura, California 93003-5406

(805) 654-0911 RNorman@normandowler.com

Upscale Office Space for the Attorney.



NOW LEASING

River Park
EXECUTIVE SUITES

- Full-Time Office Space
- Part-Time Office Space
- Virtual Office Plans
- Video Conferencing

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

805-351-3700
www.rpexecutivesuites.com

A Family Affair

Enter Hiepler & Hiepler and you immediately feel as though you are a visitor among an extended family. Mark admits it's intentional. "My wife and I started the firm and we refer to Nelene as our silent partner. Most of our employees have been with us for many years and turnover is low. Each one knows they are part of something larger. Everyone belongs to our profit-sharing program, and the firm provides them with the resources they need to perform their jobs well. For example, if an employee believes a new computer or software program might help them, we just purchase it. As a small firm we have that flexibility."

The congenial office atmosphere belies the serious nature of the work. Mark developed his own method that helps him burn steam, if not slow down. "The stress is constant and heavy. If I spend all day in a tough depo, having a drink sounds like a great thing. Unfortunately, I'm the type of person who always takes things up a notch, so one drink would turn to eight. Instead, I balance myself with fun activities. I spend weekends coaching basketball with my kids and if I have a hard day we might head to L.A. to catch a Lakers game. I feel better and my family gets great memories."

Mark isn't shy about exposing his three children (a daughter and two sons; eighth, fifth and third grade respectively) to the adversarial world of litigation. "A while back I attended a deposition at ExxonMobil in Houston. My son went with me to the deposition so we could take in NASA that afternoon. Opposing counsel didn't know what to do, and couldn't believe that he'd sit there with his homework for half the day. I told them he'd be fine. You know what? That was one of the most courteous, professional depositions I ever participated in."

The Strategy

Hiepler is asked how one can remain affable, courteous and utterly committed after fifteen years of fighting cases in which a father is dead, a child blinded or sister left untreated while cancer eats her bones. He paraphrases a principle explained in Tony Dungy's recent memoir, *Quiet Strength*: "You need to serve where your experience and your love intersect. I've found this in my practice, and I've found this in things such as coaching my children's sports teams. I love it, and although my job is stressful, I can fire on all eight cylinders because of this dynamic."

Eric Reed is an associate at Lascher & Lascher in Ventura, and a member of CITATIONS' editorial board.

INJURY & DISABILITY EXPERT

Determining Impairments & Disabilities

ORTHOPEDIC NEUROLOGICAL MUSCULOSKELETAL



Karen Lockett
OTR, CHT, CLCP

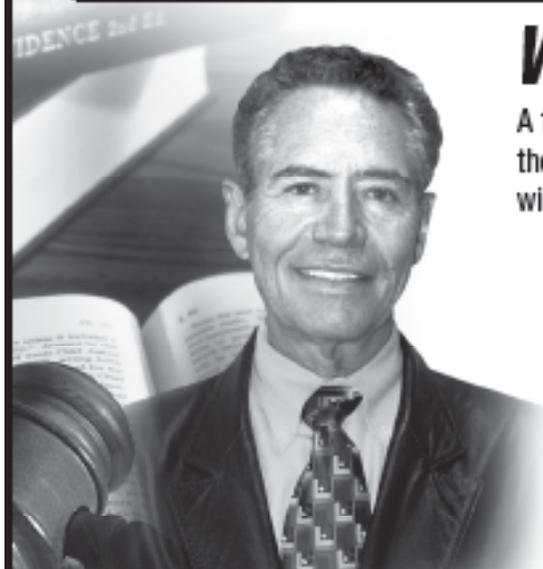
- Life Care Planning
- Medical Cost Reports
- Medi-Care Set-Asides
- Day-in-the-Life Videos
- IME/DME Observations



(310) 201-8478 • (805) 570-0306

IRWIN R. "ROB" MILLER ESQ.

MEDIATION • ARBITRATION



Want to settle that case?

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

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

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

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

Email: irmmediation@aol.com

300 Eaplanade Drive, Suite 1760, Oxnard, CA 93036



WORKING
WEALTH™

AT SMITH BARNEY

I am Working Wealth.



EARN YOUR FIRST DOLLAR BY YOUR LABORS.

Get up early, work late. Get up the next day and do it again. Keep doing it, even after the dollars start adding up. **SMILE AT CHALLENGES CURSE AT IDLENESS.** Be true to your dream. Don't stop until

you achieve it. Then dream another dream. And work to achieve that. **PASS ON YOUR VALUES.**

NOT JUST YOUR ASSETS. Give your family a

better life. And the world a better life, too. Leave no statues. Leave signs of significance. Working wealth wears no uniform and meets in no club. But you know who you are. We at Smith Barney would like to say one thing to you. **WELCOME.**

Stephen M. Chadbourne, Financial Advisor

1000 Town Center Drive, Suite 225

Oxnard , CA 93036

(805) 988-3515

stephen.chadbourne@smithbarney.com

http://fa.smithbarney.com/steve_chadbourne

**Come to Smith Barney.
Where wealth works.™**

 smith barney

Changes to Local Rules Effective 1/1/2008

By Michael Strauss

The coming of the new year has brought revisions to our local court rules. These rules have changed as of January 1:

3.10 – Deleted: there is now no local rule regarding filing a civil case information sheet with the first document in a lawsuit;

9.03.1 – Implements a new and detailed case review system in family law cases;

9.03.2 – Renumbers the rule regarding service of process in family law cases;

9.05 – Sets new requirements for *ex parte* notice in family law cases;

9.10(B) – Deleted: there is no local rule allowing requests for prior review of pleadings as they relate to family law motions and orders to show cause;

9.12 – Stipulations to continue hearings on family law matters must be filed within two days of the hearing and may be submitted to the Family Law Case Review Coordinator or the secretary of the assigned family law judge.

9.19 – New requirements for MSC statements in family law cases; also states that, if the MSC does not resolve all issues, the court will set a family law case for trial only on a showing that the case is ready for trial.

17.00 – Provides that the sheriff may now conduct pat-down searches and otherwise search the possessions of visitors to the Juvenile Courthouse; and

18.00 – Court reporters are now required during proceedings of all juvenile calendars, except for cases filed under Welfare & Institutions Code section 601.

Finally, please note that about 20 local forms – including some mandatory ones – have changed, and there is a new fee schedule for filings in all state courts. You can find all of this information at <http://www.courtinfo.ca.gov>.

Michael Strauss is a lawyer at Strauss Law Group in Ventura, and a member of CITATIONS' editorial board.

2151 E. Gonzales Road • Oxnard, CA Professional Space for Lease



- 3,000 square foot usable space
- Beautifully furnished with great presence and elevator access
- 4 Private Offices; 8 administrative workstations
- Reception, waiting area and private conference room
- Convenient location between Rice and Rose Avenue in Oxnard



CBC
FEDERAL
CREDIT UNION

Contact: Wesley Walton
Vice President Finance
805.988.2151, ext. 5709
wesley.walton@cbcfcu.org

JACKMAN SADLER INCORPORATED

CONTRACT PARALEGAL SERVICES



- ✓ Trial Preparation
- ✓ Trial Support
- ✓ Document Management
- ✓ Summation Proficient
- ✓ Case Chronologies
- ✓ Deposition Summaries
- ✓ Financial Declarations
- ✓ Motions to Compel
- ✓ All Forms of Discovery

Call today to find out how your practice can benefit from the assistance of experienced, capable contract paralegals. Visit us on the Web for a comprehensive list of services, fee information, and answers to FAQs.

(805) 560-7674 • www.jackmansadler.com
Ventura and Santa Barbara paralegals available



RINGLER ASSOCIATES®

STRUCTURED SETTLEMENTS

www.ringlerassociates.com

SERVING the VENTURA COUNTY AREA

Personal Injury • Medicare Set-Asides
Workers' Comp • Medical Malpractice
Product Liability • Special Needs Trusts
Commercial Cases • Non-Physical Injuries
Structuring Attorney Fees

EXPERIENCE MATTERS

30 YEARS of EXPERIENCE:
INSURANCE, CLAIMS and
STRUCTURED SETTLEMENTS



PAUL FARBER
PaulFarber@ringlerassociates.com
Calif. Insurance License 0F82495

ALL SERVICES PROVIDED AT NO COST

800-734-3910 • 949-833-3687 fax • 11301 Wilshire Blvd. • Suite 508 • Los Angeles, CA 90064



Central Coast Appraisals

Professional Real Estate Appraisal Services
Serving All of Ventura County

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

www.VenturaCountyHomeAppraisals.com • centralcoastappraisals@yahoo.com



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

Barry A. Cane

**Disability Income Insurance
Business Overhead Expense**

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

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



Lic. #0740274

Registered Representative Park Avenue Securities (PAS), 7 Hanover Square, New York, NY 10004. Securities products and services offered through PAS, 1-888-800-4667, Member NASD, SIPC. PAS is an indirect wholly owned subsidiary of The Guardian Life Insurance Company of America. Representative of The Guardian Life Insurance Company of America, New York, NY and other fine insurance companies.

Michael P. Kenney*, CLU

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

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

www.kenneyins.com



Lic. # 0688916

Securities offered through a registered representative of Royal Alliance Associates, Inc., member NASD/SIPC.
Branch Office: 100 E. Thousand Oaks Blvd., Suite 152, Thousand Oaks, CA 91380 • (805) 496-4600

To All Concerned California Lawyers



LAWYERS' MUTUAL INSURANCE COMPANY

Greetings,

Over 30 years ago, the State Bar of California was faced with a legal malpractice insurance crisis of the first magnitude. Carriers were abruptly abandoning the market and their policyholders. Legal malpractice claims were burgeoning. A responsible legal malpractice carrier capable of weathering any storm was desperately needed. Out of this pressing need, Lawyers' Mutual was born. We created a mutual company where member/policyholders could invest and benefit from the company's financial stability. Now, nearly 30 years later, LMIC remains committed to its policyholders and the market.

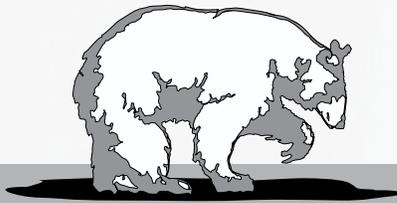
LMIC's reputation is one of its greatest strengths. Its service and high ethical standards are the cornerstones of that reputation. Our reputation is based on the honesty and integrity that we have demonstrated over a period of three decades. This public viewpoint is due to the employees and producers solving the policyholders' problems and satisfying their needs. LMIC operates entirely through the people it employs and producers it recognizes. The responsibility for LMIC's success and longevity rests with those individuals. This group of professionals has contributed to the high ethical standards of LMIC and continues to enhance its reputation in the legal and insurance communities.

We thank our employees, policyholders and producers for their unfailing support and dedication. With this continued support, LMIC enters into its 30th year of business in the legal community with great expectations.

We look forward to another thirty years of unparalleled success. We invite you to visit your newly enhanced website at LMIC.com and see our "new" look for the future.

Sincerely,

Thomas H. Ault
President, CEO
LAWYERS' MUTUAL INSURANCE COMPANY



For all the right reasons . . .
we made history!

Call 800.252.2045 or visit www.LMIC.com

Lawyers' Mutual Insurance Company — 3110 West Empire Avenue, Burbank, CA 91504

**Theresa M. Robledo, GRI
REALTOR®**

I attribute my success to my clients and the attorneys I have worked with for the past 19 years.

- *Short Sales
- *REO
- *Probate
- *Divorce
- *Bankruptcy

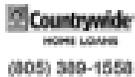
Please contact me for a free market analysis!
Theresa@RealEstateMaglo.com
www.TheresaRobledo.com



Dawn Peck

Represents Countrywide Home Loans by working with builders, real estate professionals and prospective home buyers to provide information on a variety of home financing options. She specializes in programs for first time home buyers and she is a top producer in her field.

- *Home loans
- *Refis
- *Construction Loans
- *Reverse Mortgages



Dawn.Peck@Countrywide.com
www.DawnPeck.com

**MEMORIES: The
First Law Day 5K**

By Michael C. O'Brien



circa 1982

Yes, I do recall the first Law Day 5K held in 1982 at the County Government Center. I was still relatively young – 35 years old. A few years earlier, I realized that even though I was playing tennis on a regular basis, I was not in very good shape, so I started jogging on a regular basis with my friend, Spencer Garrett, at the Pierpont Racquet Club, and participating in the mini-triathlon the club had started a few years earlier.

My nemesis in the PRC Triathlons for years was also my nemesis in the first Law Day 5K... none other than Pete Dowler. I was still doing family law back in the early 80's, so Pete and I ran in the same category or competed for the same ribbon. Pete was running marathons at the time, while I was struggling to run three or four miles in my training sessions. Even though Pete was barely warmed up by running a 5K, he beat me that year and won the section race for several years thereafter.

I remember the race being a great deal of fun. People of all ages, sizes and speeds participated, all in good humor. Either that year or a few years later, I recall Gary Tuttle being the honorary starter and shooting the gun which started the race, if you could call it a race.

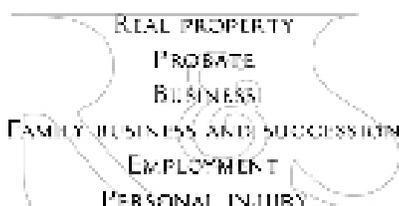
There were several outstanding runners. Rick Hawley, in the Public Defender's Office at the time, stands out in my mind running a blistering 15- or 16-minute 5K, whereas I was somewhere around 24 minutes.

**RUBENSTEIN
&
SORENSEN
MEDIATION**

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



READY TO SETTLE YOUR CASE



JUDITH RUBENSTEIN, J.D., M.A., PH.D.
JUDITH@RSMEDIATE.COM
WWW.RSMEDIATE.COM
T 805.500.2747
F 800.423.9058

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

I also recall several judges participating in the race, including Judge Hadden, who was and is a very good runner, and Steve Perren, who also ran on a regular basis with Bill Paterson and others, although it may not have been until the following year that Steve was elevated to the bench.

The shirts we got were very well received and worn by me throughout the years to advertise the event.

I do recall one year, which may have been the first year, that one of the lawyers from our firm, Paul Kurzeka, put his name in the patent lawyer category because he figured he might have a chance to win a ribbon because there would be very few lawyers in that category. Well, he won the race but it backfired on him. The lawyer who really did do patent work called up Ron Gill and complained, "Who is this guy Paul Kurzeka who doesn't do any patent work?" Ron and I made Paul give the trophy to the real winner.

Michael O'Brien is a partner at Nordman, Cormany, Hair & Compton in Oxnard.

START TRAINING NOW!

The 25th annual Law Day 5K will be May 17.

TRACY COLLINS

Attorney At Law



ERISA



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

5699 Kanan Road, Suite 415
 Agoura Hills, CA 91301
 (818) 889-2441
 Fax: (818) 889-1210
 erisadisability@aol.com

Legal resources for California

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

For details, contact West Law Firm Sales Representative

Gregg Kravitz

■ In-office training

■ Free consultations!

Phone: 805-654-7027

E-mail:

gregg.kravitz@thomson.com

Going places with West.



© 2007 West, a Thomson business. L-35979-02-07

ANDREA L. JACOBS

DIVORCE, PROBATES & REO'S

FORECLOSURES ARE NOW AN EXCELLENT INVESTMENT OR OWNERSHIP OPPORTUNITY.



Call me for my complete inventory
 (805) 230-3348 • (818) 606-7515 Cell
 andrea.jacobs@earthlink.net

See Page 23

The Legal Aid Foundation of Santa Barbara County
presents

WIN A LEXUS Raffle

Drawing: March 16, 2008

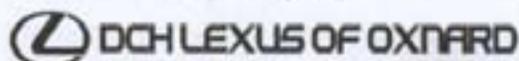
Early Bird Bonus Cash Drawing: 2/12/08

Only 3,000 tickets to be sold!

1 for \$100.00, 3 for \$275.00, 6 for \$500.00

1st Prize: 2008 Lexus
RX400h Hybrid

Courtesy of



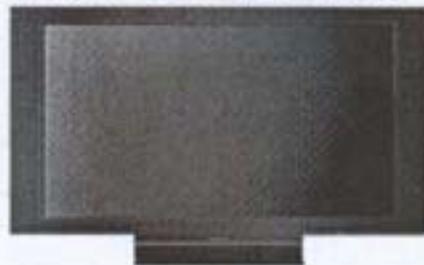
2nd Prize: 2008 Vespa LX

Courtesy of



3rd Prize: Sony 52-inch
XBR4 LCD Television

Courtesy of Creative Stereo & Video



To purchase tickets over the phone, in person or for more
information call (805) 963-6754 x109

All proceeds benefit the Legal Aid Foundation of Santa Barbara County, which has been providing free civil legal assistance to low income families and victims of domestic violence and elder abuse since 1959.

Sales must equal 150% of raffle costs or the income will be split 50/50.

Winner must be at least 18 years of age, a California resident, and is responsible for taxes & tag.

To purchase tickets return with payment to Legal Aid Foundation, 301 E. Canon Perdido, Santa Barbara, CA 93101

Name: _____ Address: _____ CVC Code: _____

Phone: (____) _____ Credit Card #: _____ Exp Date: _____

of Tickets: _____ Total Price: _____ Signature: _____

Problem-Gambling Awareness Week

March 9, 2008, marks the start of Problem-Gambling Awareness Week, a public education campaign about the warning signs of problem gambling and the help – and hope – available for those with gambling problems.

Problem gambling impacts people of all ages, backgrounds and professions, including attorneys, whose clients may have financial or legal issues due to gambling. But many California attorneys are also personally affected by their *own* problems with gambling.

As pathological gamblers, they have an increasing preoccupation with gambling and need to bet more money more frequently. They continue to gamble despite growing negative consequences, including serious financial troubles, family problems, and risk to their careers.

Maybe you are not sure there is a problem. If so, consider the following questions: (1) Do you lie to those close to you about your gambling? (2) Do you have to gamble more and more to get the same level of excitement? Answering “Yes” may be a good indication that you have a problem.

You are probably familiar with the State Bar’s Lawyer Assistance Program (LAP), which provides confidential rehabilitation support for attorneys dealing with substance abuse or mental illness. What you may not know is that LAP also offers help with problem gambling. Again, participation is strictly confidential, and because problem gambling can severely impact families and relationships, family members are strongly encouraged to participate in treatment programs.

If you need help with problem gambling, call 1-877-LAP-4-HELP or e-mail LAP@calbar.ca.gov. You can obtain general information from the California Office of Problem Gambling at problemgambling.ca.gov. Gamblers or concerned friends or family members may also call 1-800-GAMBLER for assistance.

Pathological gambling (“persistent and recurrent maladaptive gambling behavior”) may be indicated by five (or more) of the following criteria. The problem gambler:

1. Is preoccupied with gambling (e.g., reliving past gambling experiences, handicapping or planning the next venture, thinking of ways to get money for gambling).
2. Needs to gamble with increasing amounts of money in order to achieve the desired excitement.
3. Has repeated, unsuccessful efforts to control, cut back or stop gambling.
4. Is restless or irritable when attempting to cut down on or stop gambling.
5. Gambles to escape from problems or relieve feelings of helplessness, guilt, anxiety, or depression.
6. After losing money gambling, often returns another day to get even (“chasing” one’s losses).
7. Lies to family members, therapists or others to conceal the extent of involvement with gambling.
8. Has committed illegal acts such as forgery, fraud, theft, or embezzlement to finance gambling.
9. Has jeopardized/lost a relationship, job, or educational/career opportunity because of gambling.
10. Relies on others for money to relieve a desperate financial situation caused by gambling.

Tax Audits Tax Litigation

Law Office of Gregory Arnold

Counsel on 18 U.S. Tax Court Opinions

Ten Years in Private Practice

Former IRS Senior Trial Attorney

Former U.S. Tax Court Clerk



510 Castillo Street, Suite 304
Santa Barbara, CA 93101

805-560-8200

Arnold@ArnoldTax.com

Representative Cases:
www.ArnoldTax.com

PRO BONO HIGHLIGHTS

By Verna R. Kagan

Dear Verna,

Thank you all for your help. You and everyone at the Ventura County Bar Association were helpful and kind. Have not found this at other services I have turned to for help. Ms. Susan Siple was also helpful and kind. This means more to me than you know. What a wonderful world this would be if everyone was helpful and kind to each other.

Thank you all.

It is always very gratifying to know from an applicant that we have performed a fine service and that the applicant appreciated what happened. This is true especially when we find a way to help beyond the legal question presented.

In this particular situation the applicant spoke to me about two non-legal concerns. The first one was that she was a single lady, living alone, her only companion being a small pet dog. She was deeply concerned about what would happen to the dog if she died before the dog did. I was able to direct her to the non-profit organization H.A.R.T., which takes dogs under just those circumstances. They try to adopt the dog out. If unsuccessful, the dog lives out its life at the facility due to a "no-kill" policy.

On another issue, I was able to direct her to some written material and some people dealing with the same issue. And, finally, we must express our gratitude to Susan Siple and her work on our applicant's legal issue.

Verna Kagan is the VLSP Senior Emeritus Attorney

Trial Graphics
 Over 20 years of multimedia service to the legal community. Call us for video and still photography, diagrams, timelines, charts, maps, schematics and image editing.
 www.nimmer.net/legal_graphics
 Phone 805-566-0163
 E/mail nlg@nimmer.net



Accident Reconstruction



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



Von Haenel & Associates, Inc.
FORENSIC ENGINEERING
Objective Analysis and Scientific Integrity

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

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

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

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

Without your mind, it's impossible to reconstruct with the truth.

POLYGRAPH

JACK TRIMARCO & ASSOCIATES POLYGRAPH / INVESTIGATIONS, INC.




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

*Jack Trimarco, President
 Former Polygraph Unit Chief
 Los Angeles, F.B.I. (1980-1998)*

CA. PI. #20970

Member Society of Former Special Agents
Federal Bureau of Investigation

Former Inspector General Polygraph Program
Office of Counter Intelligence

Tri-County Sentry Newspaper

LEGAL/PUBLIC NOTICES

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

Rates:

Trustee's Sales...\$225 approx

Petition to Admin \$180

Change of Name...\$110

Legal Notices...\$850

For the best
service call
486-8430

We file your Affidavit of Publication with the court

Adoptions by Janie Beach 805-527-9392

All matters handled with
tender loving care.

Representing
adoptive, birth,
step and grandparents.

ANDREA L. JACOBS
YOUR REAL ESTATE EXPERT FOR

**DIVORCE, PROBATE &
REAL ESTATE ATTORNEYS**

I Can Assist Your Clients
In Keeping Their Valuable Equity.

(805) 230-3348 • (818) 606-7515 Cell
andreajacobs@earthlink.net

See Page 19

**Sometimes numbers are
the only prints left behind.**

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

Chris Hamilton, CPA, CFE, CVA
805.306.7890
www.arxisfinancial.com
chamilton@arxisgroup.com

ARXIS
FINANCIAL, INC.

FORENSIC ACCOUNTING BUSINESS VALUATION FRAUD ANALYSIS



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



SaraCare Co.

Sarah J. Hardcastle
Registered Conservator

Specializing in:

- **Conservatorships**
- **Trusts**
- **Administrations**
- **Private Case Management**

**Bonded with over 15 years
experience.**
(805) 279-7595



Pueblo Radiology Medical Group
Your Trusted Experts

**Pueblo Radiology
SANTA BARBARA**
2320 Bath St., Suite 113
Santa Barbara, CA 93105
tel: (805) 682-7744
fax: (805) 682-3321



**Pueblo Radiology
VENTURA**
4516 Market St., Bldg. 1A
Ventura, CA 93003
tel: (805) 654-8170
fax: (805) 654-8173



www.pueblo-radiology.com

Medi-Legal Services & Support

Pueblo Radiology provides state of the art diagnostic imaging facilities and expert radiologists. Get the advantage that comes from thoughtful application of latest radiology procedures and technology.

Case Evaluation Consultation

- Choose the Correct Medical Imaging Procedure for Your Case
- Review and Analysis of Prior Imaging Procedures
- Prompt Reports

Board Certified Radiologists are Sub-Specialty Trained

- Neurological Imaging
- MSK Imaging
- Body Imaging
- Interventional Imaging Procedures

Operates Full Outpatient Imaging Facilities in Santa Barbara and Ventura Providing Local State-of-the-Art Diagnostic

- MRI
- CT
- Ultrasound
- Fluoroscopy
- X-ray

Tax Preparation & Planning

Individual ♦ Corporate
Partnership ♦ Estate & Fiduciary
Offer in Compromise



Michael C. Eulau, CPA

MBA, Finance, University of Chicago

MSc, Economics, London School of Economics

Over 17 Years Experience



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

Phone (805) 641-1040

EXIT PLANNING

By Thomas E. Malley

For many years I have conducted annual shareholder meetings for corporate clients interested in leaving their businesses. Each year I would inquire, make some suggestions, they would listen and that would be it. At the next annual meeting a similar discussion would take place with minimal or no progress occurring. There were many excuses, as founding principals were routinely distracted from strategic thinking by the daily need to manage the business. The exit process would cost money for appraisers, attorneys or brokers. There was uncertainty about how the founder would adjust to retirement and a suspicion that retirement income would be insufficient. Often they believed with some legitimacy that no one would want their business. After all, they were already sliding toward reduced revenue as they throttled back, fatigued by years of hard work.

In an effort to provide a solution for these clients I attended a program on exit planning strategies conducted by Business Enterprise

Institute (B.E.I.), a Colorado firm established by John Brown, an attorney with decades of estate planning and corporate succession planning experience behind him. I later became a member of B.E.I. and obtained ongoing training on the systematic approach to the succession needs of businesses. I have since formed Business Exit Advisors, Inc., a consultancy providing systematic planning for businesses in conjunction with their incumbent legal, accounting and financial professionals.

Various authorities examining Baby Boomer demographics and business trends note that a majority of closely held and family owned businesses will change hands within the next five years, though many owners have not taken active steps to transition out of ownership. Too many founders work in, not on, their businesses. The business has become a job rather than an enterprise. I find this description to be even more accurate for older business owners than for those in their forties or fifties.

Too often a business is sold by an exhausted owner at virtual garage sale prices. It is sold to someone who comes by making an offer when the owner is tired or fed up. Yes, in their asset sale agreement the founder will get something for good will in some instances, but they do not sell a going enterprise with audited financials, a legal audit, and a diversified customer base in a stock sale transaction with key management employees held in place through a variety of golden handcuffs. They therefore receive much less and payment is often stretched over years with a loan backed by questionable security. To receive top dollar in a well positioned sale the process must be conducted with careful tax consideration and terms tailored to the founder's customized needs in a bank-funded transaction.

This outcome is possible if the founder positions the business for sale over a period of years. The founder must reduce the reliance of the business on him/her so that the business is viable absent the founder. It turns out that the buyer will be willing to pay a premium if

MJB

Real Estate Services, Inc

Your "All In One" Professional Real Estate Source

- Real Estate
- Brokers
- Loans
- Appraisals
- Foreclosures



Jim Mackelburg
SRA, ASA, IFA

When you need a Professional **Real Estate Appraiser, Broker or Loan Officer** for your Estate, Divorce Probate, or other Real Estate issues, look to Jim Mackelburg who is a professionally designated member of the Appraisal Institute, American Society of Appraisers, and National Association of Independent Fee Appraisers (3 professional designations).

Jim has passed the California **State Probate Referee Exam**, and is also a member of the American Bar Association, and the Ventura County Bar Associations, along with being a Realtor and Broker member of NAR and CAR. Jim has also served as a strong **Expert witness in State and Federal Courts**, and has the ability to address matters in which real estate and valuation plays a central role, including:

- Estate Appraisals/Divorce Appraisals
- Forensic Appraisals/Probate & Bankruptcy Appraisals
- Real Estate Sales via our Full Services Brokerage Division.
- Loans via our Mortgage Brokerage Division (A-D paper), and personal loans.
- Property Tax Appeals

When you seek solutions to real estate problems Jim has the Knowledge, Expertise, and Integrity to ascertain your needs, and assist you in making smart real estate decisions. Make a smart decision by selecting **Jim Mackelburg**, a designated professional on your side. With Knowledge, Experience, Integrity on your side, Jim can support all your professional real estate needs, **call today!**

888-520-0225

www.Mackelburg.com

key management employees are held in place following the close and capable of serving the needs of the customers. Of course the buyer could be the key employees or the family of the founder. Those are all considerations to be examined in the process.

So how can the founder avoid the garage sale outcome of a life's work? The founder avoids that fate by adopting a planning process that the founder controls. The exit planning process begins with the founder asking him or her these questions:

1. Do I know my retirement goals and what it will take – in cash – to reach them?
2. Do I know how much my business is worth today, in cash?
3. Do I know the best way to increase the income stream generated by my ownership interest?
4. Do I know how to sell my business to a third party and possibly lower my taxes?
5. Do I know how to transfer my business to family members, co-owners, or employees while lowering taxes and potentially enjoying financial gain?
6. Do I have a continuity plan for my business if the unexpected happens to me?
7. Do I have a plan to help secure finances for my family if the unexpected happens to me?

These questions are almost misleadingly simple to ask, but to answer them affirmatively requires thought and action on the founder's part.

Creating and implementing an exit plan may be the most important business and financial event of your client's life.

Thomas E. Malley practices business, real estate and estate planning law in Camarillo.

Paul Bielaczyc Mediator



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



Personal Injury
Real Estate
Contracts
Employment
Construction

Tel./Fax. 805-565-8725

pbielaczyc@msn.com
www.tricomediate.com

Your Legal Staffing Partner

**Confidential Legal Placement
for Law Firms & Corporations**

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



Whalen Bryan, INC.

whalenbryan.com



Kathi Whalen, C.A.C.

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

CLASSIFIEDS

EMPLOYMENT OPPORTUNITIES

Associates – Unique opportunity to join an established AV-rated firm that appreciates a Ventura County lifestyle. Firm seeks one attorney with 1 to 5 years of real estate or business law experience and one attorney with 1 to 5 years of public entity, land use or environmental regulatory experience. Associates are responsible for client contact and representation. See www.atozlaw.com. Send résumé and writing samples to jmathews@atozlaw.com.

Family Law Attorney – Thousand Oaks AV-rated firm seeks family law associate with excellent research, writing, discovery and advocacy skills. Excellent benefits. Email résumé to acmw.ljm@verizon.net.

Legal Assistant/Office Administrator – Immediate opening for P/T or F/T position at IP law office in Ventura (all transactional, no litigation); *must* have attention to detail, computer/internet savvy, strong writing skills, and be capable of independent work. Program experience preferred: Word, Timeslips, Quickbooks, Excel, and WordPerfect; bookkeeping/financial skills attractive; compensation commensurate with ability; fax résumé to (805) 654-9984 or email patents@balzanip.com.

Receptionist / Front Desk – We are a well-established law firm in Ventura, seeking F/T receptionist. This entry-level position requires a pleasant, detailed individual, interested in learning the legal field. Responsibilities include greeting clients, handling incoming calls, faxing, photocopying, filing, and light typing. Must be PC literate and able to multi-task. Please email your résumé and/or questions to dhigson30@aol.com.

Part-Time Immigration Law Clerk – needed at Westlake Village office. Contact Lil at (805) 493-1144.

SERVICES OFFERED

Paralegal – Newly certified paralegal needs entry-level position by April 1, 2008. Willing to negotiate salary while gaining experience. All fields of law accepted and willing to “apprentice” for up to one year, if that is what it takes. Leave word at (805) 570-8618.

A Broker's Broker
Kay Wilson-Bolton, GRI
 Versatile, Attentive, Fair
 Serving West Ventura County Since 1976

- ♣ Standard of Care Consultation
- ♣ Discovery
- ♣ Probate Sales
- ♣ Foreclosure Sales
- ♣ Short Pay Negotiations



CENTURY 21 Buena Vista 805.340.5025
kay@readysetkay.com www.readysetkay.com

**11TH HOUR
 TRIAL & MEDIATION**

DAVID M. KAREN, ESQ.

805.988.4848

dk4law@aol.com
www.dk4law.com



Victory Video

- ✓ depositions
- ✓ documentaries
- ✓ site surveys

Wayne P. Marian, CLVS
victoryvid@mac.com
805.404.5345

Medi-Cal Eligibility Assistance

Elder Law Attorney Craig R. Pines specializes in assisting individuals to obtain Medi-Cal Long Term Care (LTC) benefits to cover the costs of skilled nursing care.

Services include:

- a complete detailed eligibility analysis & qualification plan for LTC benefits
- preparation and filing of Medi-Cal Applications; represents applicant during entire process
- notification of Medi-Cal Financial Duties/Plans and Protections upon receipt of Medi-Cal beneficiary
- appealing denied claims of LTC benefits and Financial Duties/Plans

Law Office of Craig R. Pines
 399 High Court, Suite 130, Ventura, CA 93003
 • Tel 805-404-4477 • Tel Fax 805-404-4477 • Fax 805-404-4389 • Email cpines@pineslaw.com

Entry-Level Attorney - Hard working and highly motivated new bar admittee seeks employment in real estate law, civil litigation, business law, or related fields. Seeking firm that will provide a solid foundation for an entry-level attorney. Pepperdine graduate. Work experience includes clerking with litigation firm and ownership of real estate brokerage. Salary commensurate with experience. Résumé upon request: chris@delaplanchomes.com

LAW PRACTICES

Established Westlake Law Practice For Sale – Prestigious Westlake Village location. Most desirable office location within the Westlake Corporate Center on the county line of Ventura and Los Angeles. Ability to accommodate staff of 7. Turnkey business in same location for six years. Intellectual property, business, corporate, civil litigation and family law practice. Top established marketing sites and URLs along with print advertising welcomes many new clients. Firm's credit is Dunn and Bradstreet rated. Income stream analysis available with serious inquiries. Contact Tamara Harper at (805) 370-1350.

OFFICE SPACE AVAILABLE

Office Space – Office space and/or secretarial space available on County Square Drive at desirable location across from the courthouse. Rent includes use of reception area, conference room and law library as well as other amenities. Estimated rent approximately \$1,000 a month plus utilities. Contact Donald M. Adams, Jr. at (805) 650-9900, by fax (805) 644-6006, or by email at dmadamsjr@msn.com.

Office Space – available at 840 County Square in Ventura (across the street from the courthouse). For information, call Fred Rosenmund at (805) 486-2500.

Office Space – Westlake Village center location has attractive office with utilities included. \$550/month. Contact Lil (805) 493-1144.



Martin Basaldua
BAIL BONDS

20% Discount
Retained Attorney

Reliable • Qualified • Courteous

(805) 641-Bail (2245)



Martin Basaldua, Agent/Owner
Insurance Lic. #1841584

Se habla español



Claudia Basaldua, Agent
Insurance Lic. #1840782

ALWAYS OPEN
WWW.805BAIL.COM
674 County Square Dr., 209-B, Ventura, CA 93003

J. D. H. LEGAL SERVICES
LEGAL WORD PROCESSING
Serving the Ventura County

- Legal Experience– 6 years
- Work from home
- Pick up and deliver
- Email Transcripts

Cell: 661-618-4458
Email: jdhlegalservices@yahoo.com



"I have been a legal assistant/paralegal for 6 years specializing in civil litigation, construction law, employment law and eminent domain and working in General practice law firms. I am able to transcribe any type of legal document as well as preparing many types of legal documents."

COURT APPOINTED RECEIVER/REFEREE

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

(Hon. John J. Hunter, October 8, 1999)

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

LINDSAY F. NIELSON
Attorney at Law

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



It's none of my business of course, but I believe **Duane Dammeyer** will be a fine replacement for **Ken Clayman** in the PD's office. Duane's been a member of the bar and served in a leadership capacity; he's thoughtful, articulate and is a consensus builder...License Plate of the Month: ROKNESQ driven by new Ventura County Trial Lawyers President, **Dennis Jones**. It's located on the behind of a 2006 Mercedes 500 CLS...From Joseph H. Choate: "You cannot live without the lawyers, and certainly you cannot die without them."... The Ventura County Women Lawyers have selected their new officers for '08 and they are **Jodi Prior**, President; **Laurie Nintcheff**, Vice-President; **Robert Guerra**, Secretary; and **Nancy Goldstein**, Treasurer. **Susana Goytia Miller** will fill the role of Immediate Past-President. Am going to research the last time a male served as an officer...

Glenn Dickinson, of NCHC, has been elected Chair of the Board of the Ventura County Taxpayers Association for '08. Glenn serves on the board of the bar's Business Litigation Section too...From Groucho Marx: "Military justice is to justice what military music is to music."...The Ventura County Trial Lawyers have elected their new officers for 2008 and they are **Dennis Jones**, President; **Jack Futoran**, Vice-President and President-Elect; **Becky McCarthy**, Secretary; and **Jim Prosser**, Treasurer. **Joel Mark** will serve as Immediate Past-President. New board members are **Alan Templeman** and **Susan McCarthy**. After 10 years on the board, **Michael Walker** has graciously stepped aside...U.S.A.! U.S.A.!! In an average year, the United States has about 40,000 liability lawsuits filed. Britain has about 200...

Need to let you know when I mentioned that **Greg Herring** and **Wendy Lascher** were listed as two of Southern California's best lawyers in an advertising piece in the L.A. Times

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

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

Magazine, they did not pay for that mention. Some of you were confused...The lawyer read the will and all codicils that left money to members of the family. Finally, he read the last codicil: "And to my secretary, Miss Ritter, whom I promised to remember even though she resisted all of my advances— Hi there, Miss Ritter!"...From Actual Court Records: *Counsel*: Judge, may I be heard on the matter of bond on appeal and possible stay of execution of this sentence? *The Court*: Yes. Denied...Ever since *Bonanza* and *The Beverly Hillbillies*, I've been keeping a list of notable sitcom theme songs. Top Three? *Cheers*, M*A*S*H, and *Hill Street Blues*. Willing to hear others...Going to Cabo? (lbarton@normandowler.com)...

Robert Long is quite sure his attorney friends realize the practice of law has become increasingly competitive, and clients have grown to expect immediate response, and not just during conventional office hours. In response to these changes, Robert is proud to announce that his office will, beginning February 1, be open for business 24/7. That's 24 hours per week, 7 months of the year... From John Sterling: "The ideal client is the very wealthy man in very great trouble."... Law in the Movies: Edward (Richard Gere): "What makes you think I'm a lawyer?" Vivian (Julia Roberts): "You have that sharp, useles look about you." — *Pretty Woman*, 1990. Am not a big Roberts fan, but was there a better paralegal presence than Julia in *Erin Brockovich*? Won the Academy Award and, of course you remember the Ed Masry connection. Did enjoy her only in *Mystic Pizza*, *Steel Magnolias*, and *Notting Hill*...From Mark Twain: "The departmental interpreters of the laws in Washington can always be depended upon to take any reasonably good law and interpret the common sense all out of it."...

Jenna Strauss joined the Law Offices of **McTague** and **Palay** January 3 after a year plus stint at **NCHC**. She will provide some much needed time off for Kevin...The judge was finishing his oral charge to a jury. Being a judge who keeps up with the times, he pointed out in the verdict form where the "foreperson" should sign the verdict. When the verdict was delivered later to the courtroom deputy, four persons had signed their names to the form. He now uses the old-fashioned word foreman... In late November, **Loye Barton** became the proud momma of an 8 year-old gelding, named Chance...From Will Rogers: "The minute you

read something you don't understand, you can almost be sure it was drawn up by a lawyer."... Law in the Movies, Take 2: "I see disaster. I see catastrophe. Worse, I see lawyers!"—Cassandra (Danielle Ferland), *Mighty Aphrodite*, 1995...

Greg Ramirez is the newly installed president of the Mexican American Bar Association. MABA meets the first Friday of each Month at Ruby's in Oxnard. **Al Vargas** is the new vice-president and **Michele Castillo** will be the secretary. **Andres Garcia** was elected treasurer while **Susan Goytia-Miller** will be the immediate past president...This is fun. Check out the newly married couple's first dance at www.glumbert.com/com/media/wedding/firstdance... Fine article in Ventura Life Magazine about **Ted Muegenburg** and his META practice. You can find it at www.ventutalifemag.com. I also noticed in the masthead NCHC provides their legal assistance...

Most of you are aware **Judge Vince O'Neill** has replaced **Judge David Long** in Courtroom #22. Judge Long's last day in Department 22 is February 1...**Robert Guerra** has replaced **Carmen Ramirez** as coordinator of the Oxnard SHLA Center. Robert's number is 483.1464, while Carmen's new one is 658.0810...After successfully trying her case, Clarence Darrow was embraced by his lovely client, who thanked him expansively and desired to know, "How can I ever thanks you?" "My dear," replied Darrow, "ever since the Phoenicians invented money, there has only been one answer to that question."...**Sandra Ruvalcaba** has joined **Wasserman, Comden & Casselman** in their Oxnard office...Quote of the Month, from presidential candidate Mike Huckabee: "But I believe it's a lot easier to change the Constitution than it would be to change the word of the living God. We need to amend the constitution so it's in God's standards." (on the campaign trail—January 16, 2008)...

Steve Henderson has been the executive director and chief executive officer of the bar association and its affiliated organizations since November 1990. Bar officers, directors and leaders will be meeting February 2 making their long-term goals and strategic planning. Henderson hopes he will be part of that plan. Additionally, he picked the Giants back in August and will never watch another presidential debate during the '08 run.

**Dissatisfied working with large
"Corporate Giants"? Get back to the
comfort of working with a
local court reporting firm,
one with that *Personal* touch.**

Personal Court Reporters is a full-service court reporting, video, and litigation support firm ready to serve you in California and affiliates in all 50 states. We provide our clients with an effective combination of technology, competitive pricing, and quality service for all your litigation needs.

We offer conference facilities at our Los Angeles, Van Nuys, Ventura, and Santa Barbara locations for depositions and hearings.

For all your out-of-state requirements, *Personal Court Reporters* has established affiliate agencies nationally, allowing us to hand select court reporters for depositions anywhere in the country.

At *Personal Court Reporters* we offer the following services at all of our locations:

- *Certified Real Time Reporters*
- *Complimentary Conference Rooms*
- *Professional Videographers, Videoconferencing & Video Synchronization*
- *E-Transcripts via the Internet*
- *Exhibits on CD-ROM*
- *Complimentary Condensed Transcripts & Indices*
- *Case Management*
- *Mastercard, Visa, and American Express accepted*

The next time that your firm needs court reporting services, give us a call at any of our locations and we'll provide the services that you need with that *Personal* touch.

www.personalcourtreporters.com

Personal Locations:



LOS ANGELES
4727 Wilshire Blvd., Suite 401
Los Angeles, CA 90010
323.857.1010



VAN NUYS
14545 Sylvan Street
Van Nuys, CA 91411
818.988.1900



VENTURA
801 S. Victoria Avenue, Suite 306
Ventura, CA 93003
805.654.1058



SANTA BARBARA
411 E. Canon Perdido, Suite 21
Santa Barbara, CA 93101
805.966.0177

Personal
COURT REPORTERS, INC.

THE LAW OFFICES OF DAVID LEHR, INC.

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

I am very proud of his accomplishments."

— Michael D. Sullivan, Esq.

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

— Lucie "Cluck" Semmler, Esq.

I would appreciate your criminal law referrals.

789 S. Victoria Avenue, Suite 202, Ventura, CA 93005 ♦ 805-477-0070
www.DavidLehrLaw.com



*Advise your case first
when the stakes are high.*

CITATIONS

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

PRSR STD
US POSTAGE

PAID

PERMIT NO. 507
OXNARD, CA 93030