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# CITATIONS

J U L Y - T W O T H O U S A N D T W E L V E

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## PRESIDENT'S MESSAGE: LEGAL CONCERNS AT SENIOR CONCERNS – A NEW PRO-BONO PROGRAM TO BENEFIT THE CONEJO VALLEY

By Dien Le



According to the U.S. Census Bureau, in 2050, the number of Americans aged 65 and older is projected to be 88.5 million, more than double that group's projected population in 2010. By 2030, nearly one in five U.S. residents will be aged 65 and older. With this trend, the demand for pro bono legal assistance to seniors and their caregivers in our communities is ever increasing. Those attorneys who practice in the area of estate planning, probate, and elder law know the extent of the need. With the guidance and support of **Cheri Elson**, who established the highly successful pro bono program at the Wellness and Caregiver Center in Camarillo, **Terri Hilliard Olson** wanted to replicate this same valuable service model in the Conejo Valley.

On April 17, Terri spearheaded the launch of Legal Concerns at Senior Concerns in Thousand Oaks. She serves on the board of directors of Senior Concerns, which is a private, non-profit adult day care facility for seniors, caregivers and their families dedicated to providing quality programs, support, information, resources and outreach since 1975. On May 31, Senior Concerns was honored with a Spirit of Community Award as Nonprofit Organization of the Year for 2012 by the Greater Conejo Valley Chamber of Commerce's Community Foundation.

Legal Concerns will provide free legal and mediation services on the first and third Tuesdays of each month from 1 to 4 p.m. at the Senior Concerns office (401 Hodencamp Road). Clients will have scheduled one-hour appointments with an attorney volunteer on the panel, who will provide direction on end-of-life issues, drafting essential documents (e.g., health care directives, durable powers of attorney), and issues related to conservatorships. Appointments are already booked through December. This service is *not* based on financial need.

When I attended the open house on April 17, I met a number of the volunteer attorneys who will serve on the pro bono panel, including **Grant Pederson**, **Andrea Place**, **Cristian Arrieta**, **Annabelle Blanchard**, and **Libby Barrabee**. At the open house, volunteers were given an orientation and training for the program and a tour of the Senior Concerns facility. Senior Concerns' advocates will receive calls from clients, schedule appointments, prepare the initial intake, and handle follow up confirmations. As the program coordinator for Legal Concerns, Terri will be reviewing the intakes, coordinating with the volunteers, training, developing the forms and procedures, and providing any other assistance as needed. The word is starting to spread and more attorney volunteers have already signed up and are scheduled for appointments.

Often, seniors are just not aware of less-costly options and legal solutions associated with planning ahead to ensure that they maintain control. Andrea Gallagher, president of Senior Concerns, and her team of advocates and care managers hear real-life problems that could have been solved or even avoided had these seniors or their caregivers been provided the proper advice and had the necessary legal documents in place. This pro bono service will help alleviate these issues and perhaps guide people in the right direction. The goal as stated by Scott Jones, an analyst for the Ventura County Superior Court, is to avoid having people go through the overextended and underfunded court system in terms of probate and court-appointed conservators. Programs like this will hopefully reduce the backlog of cases stuck in the courts. According to Gallagher, over 800 people are served/helped each year through Senior Concerns' various programs such as Meals on Wheels, adult day care, senior advocacy services, and support groups. They also benefit countless others through different fundraising and community outreach events throughout the year. That's why everyone is excited about this wonderful program, which will help keep vulnerable seniors safe and secure.

The response and support from the VCBA, the Estate Planning and Probate Section, VCBA members, as well as the court has been tremendously encouraging. VCBA's Volunteer Lawyer Services Program (VLS) will provide any administrative support including malpractice insurance to cover the volunteers. Terri sees this as a way for the public, who may not know which lawyer to call, to be able to tap into this resource of experienced, trusted and respected attorneys who can help answer questions and provide proper advice in a safe and comfortable environment. As volunteers in the pioneering Camarillo program can attest, a lot of advice can be given and many problems/issues can be resolved within the hour-long session. If clients need further assistance, however, the volunteer attorney can continue the relationship or refer them

*Continued on page 5*

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*President's Message continued from page 3*

to another attorney who can meet their specific needs.

In the future, Legal Concerns would like to expand this idea to other senior centers in the East County. If more volunteers are found, there is no reason why they couldn't have appointments on a weekly basis because the demand is certainly out there. If you are interested in assisting and would like to find out more information, please contact Terri Hilliard Olsen at [terri@terrihilliard.com](mailto:terri@terrihilliard.com) or (805)778-0111.

*Dien Le is a partner at Westlake Village-based Sullivan Taketa LLP, where he represents clients in business litigation, employment litigation, real property litigation and appellate matters in both federal and state courts. He also assists clients with registration of trademarks and copyrights.*

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## Family Companion or Coffee Table? The Growing Field of Animal Law

By Katie Hause

What is animal law? To most people, it is a trendy phrase with an ambiguous meaning. But those who have been paying close attention know that it is actually a very real movement in the legal world with exponential growth in its future.

The animal law field began to take root in the 1970s with help from leading attorneys like Joyce Tischler. After learning of too many cases in which animals were subjected to lives in miserable, frustrating, and painful conditions, Tischler decided to give animals a voice and bring their needs and interests to the bargaining table. Today, the movement is gaining traction, and attorneys across the nation are researching and working on cases that are rapidly shaping the basic contours of animal rights.

Animal Law is a combination of statutory law and case law in which the fundamental nature—whether it is legal, social or biological—of non-human animals is an important factor. These laws cover a broad spectrum and may concern the treatment of animals as companions, wildlife, entertainment, food and/or research subjects. There are many intersections between traditional law and animal law. Today, the animal law field includes, but is not limited to, cases concerning housing disputes involving animals, criminal law involving domestic and animal abuse, custody battles over companion animals, pet trusts, veterinary malpractice cases, cruelty cases, endangered species issues, and damages cases involving the wrongful death of a companion animal.

The animal law movement today is often compared to the environmental law movement 30 years ago. In 1972, Professor Christopher Stone wrote an essay titled, “Should Trees Have Standing?” explaining, among other topics, that at different times in history, certain individuals including women, minorities, non-citizens, and children did not have equal rights or standing to sue on their own behalf. Each of these movements was originally confronted with strong opposition from individuals who called the proposed expansion of rights laughable or absurd, but with time, education, and debate, each of the aforementioned groups was given more substantial rights. We

are currently witnessing a similar debate regarding the rights of gay and lesbian individuals and couples.

I was drawn to the area of animal law while attending the Ventura College of Law, where I joined the VCL chapter of the Student Animal Legal Defense Fund, a student branch of the Animal Legal Defense Fund ([aldf.org](http://aldf.org)). Being involved in this organization and taking an animal law course opened my eyes to the many ways that our lives are intertwined with the lives of animals, and I felt a curiosity and a responsibility towards them. Much like my probate practice, where I handle conservatorships or trust estates for incapacitated persons, I believe that my animal cases help those who cannot speak up for themselves. Many people are deeply invested in their relationship with animals, and the animal law movement is working to protect that investment with more rights

for animals, both companion animals and others.

Pursuant to current property law, animals are chattel, the personal property of their owners. Statutes and cases refer to animals as “property,” therefore giving animals little to no value or legal rights. But we are witnessing a shift. In *San Jose Charter of Hells Angels Motorcycle Club v. City of San Jose* (9th Cir. 2005) 402 F. 3d 962, 975, the Ninth Circuit stated that “We have recognized that dogs are more than just a personal effect. The emotional attachment to a family’s dog is not comparable to a possessory interest in furniture.”

In 2005, the ALDF was granted a permanent injunction against Barbara and Robert Woodley in the largest civil animal cruelty case in history and given custody of the 325 dogs found on the property. In 2007,





Michael Vick was arrested and pled guilty for being involved in illegal dog fighting activities. Many campaigns against dog fighting rings since the *Vick* case have been successful. In 2008, California passed Proposition 2, which will ban some of farming's cruelest practices, including keeping baby calves in veal crates, pregnant sows in gestation crates, and egg-laying hens in battery cages. In 2010, the City of West Hollywood passed an ordinance effectively banning the sale of animals bred at "puppy mills". Later, in 2011, West Hollywood also banned the sale of fur apparel products within its city limits. In February, 2012, for the first time in U.S. history, a federal judge heard arguments in a case that could determine whether animals enjoy the same constitutional protection against slavery as human beings in the *PETA v. Sea World* case. Recently, nationwide media attention has been drawn to the process of factory farming, meat processing, and the infamous "pink slime."

The animal law movement is working diligently for animals on many fronts,

not only for companion animals, but to achieve basic rights for animals raised for food, used for entertainment, utilized in scientific experiments, and bred for our use, among others. We as lawyers have a unique opportunity to practice in this emerging area of law and help determine the rights that animals may or may not have. Numerous studies and documentaries (Goodall, Darwin, Disney) show that many animals are remarkably similar to us – they have social groups, they love and care for family members, they take care of their young, and have clear hierarchies and communication. We have also heard stories of animals who will risk their own lives for the lives of their "owners" or human companions. When all is said and done, we have to ask ourselves, why shouldn't animals have the right to live a comfortable life? Why shouldn't animals be considered more valuable than a piece of furniture?

A new section of the Ventura County Bar Association is commencing this year, the Animal Law Section. The Section will be hosting lunch meetings at the VCBA office

in Ventura, the second Wednesday of each quarter. The lunches will include speakers, information and discussions regarding animal law and related topics. Their first lunch meeting will be held on October 10, 2012, and will be titled "Animal Law 101," with Jill L. Ryther as the guest speaker. She is an animal law attorney practicing in Canoga Park, California. If you are interested in more information, in attending the first meeting or in joining the animal law section, please email [katiehause@baslawoffice.com](mailto:katiehause@baslawoffice.com). Please look for their flyers in upcoming Citations issues. Also working on starting the Section are Deborah Parker (Camarillo) and Tom Adams (Ventura).

*Katie Hause received her BA in Sociology from Boston College and her JD from Ventura College of Law. She is now a partner at Ben Schuck & Katherine Hause, LLP, and practices in the areas of probate and trust administration, estate planning, business law and animal law.*

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## JUDICIAL PROFILE: JUDGE NANCY AYERS

By Jon Schwalbach



**Judge Nancy Ayers** grew up in the Central Valley. She obtained her undergraduate degree from the University of the Pacific, and obtained her law degree from Santa Clara University School of Law.

Shortly after graduating, Judge Ayers returned to the Central Valley, where she worked for a general practice law firm, first as a law clerk, then as an associate attorney. In March of 1984, she joined the Ventura County District Attorney's Office. For 23 years she served as a deputy D.A., finishing her tenure as Senior Deputy. While with the D.A.'s Office, Judge Ayers worked juvenile, sex crimes, misdemeanors, and third-strike cases. She also supervised both the misdemeanor and felony trial units. As a part of her duties as a deputy DA, Judge Ayers devoted a large amount of her time to developing a program to assist people with disabilities through the legal system – illustrating her all-encompassing vision of justice.

In 2007, Judge Ayers returned to Fresno County as a Deputy District Attorney. Then Governor Arnold Schwarzenegger appointed her to the Ventura County bench in September, 2009. She currently handles the preliminary hearing calendar for the criminal division of the Ventura Superior

Court. Two years into her judgeship, Judge Ayers appreciates her role.

"I feel fortunate to be working with so many people who are good attorneys and pleasant to work with," Judge Ayers said.

Recently assigned to handle the County's Drug Court, Judge Ayers said it is rewarding to work with the D.A.'s office, the public defender's office, and the probation department to help people take charge of their lives.

Judge Ayers commands a strict courtroom, but does so with an air of levity. Those who work with Judge Ayers admire her sense of humor and her easy-going demeanor. Carrie Vance, Judge Ayers' judicial assistant, admires how Judge Ayers goes out of her way to make those appearing before her feel comfortable and at ease.

While Judge Ayers can be easy-going as a justice, she commands her court with a firm gavel when necessary – Vance was quick to note that counselors and parties appearing before her definitely know when she means business. Vance describes Judge Ayers as being fair and just when sitting behind the bench.

"She is also known for being extremely knowledgeable and taking the extra effort to research and analyze each side's arguments," Vance said.

Fellow justices have come to admire Judge Ayers' easy-going attitude and her ability to efficiently manage her courtroom's calendar. **Judge Donald Coleman**, the Court's Supervising Criminal Judge, echoed Vance's statements about Judge Ayers' strong work ethic as a judge.

"She is a very, very hard worker and dedicated to trying to do the right thing," Judge Coleman said. On a personal level, Judge Coleman said that Judge Ayers "has a sweet soul about her," which is readily apparent in her activities outside the courtroom.

Combining her love of dogs with helping those in need, since 1996 Judge Ayers has participated in Guide Dogs of America, and has raised and trained ten puppies to assist those with disabilities. The program has given her a deeper appreciation for people with disabilities. Aside from providing an important service by helping to train dogs to assist those with disabilities, Judge Ayers also enjoys the fun that comes with raising a potential guide dog. One lucky puppy, Scarlet, was even allowed to sit with Judge Ayers behind the bench! She and the other justices enjoy having canine companionship in chambers, especially after days with particularly unruly counselors.

From her many years as a deputy DA to her devotion to the Guide Dogs of America program, Judge Ayers is a zealous advocate for justice, both in the courtroom and beyond.



**Jon Schwalbach** was an associate at Ferguson Case Orr Paterson LLP until commuting from Los Angeles got the better of him. As of July 1, he will be an associate at Reback, McAndrew, Kjar,

Warford & Stockalper, LLP in Manhattan Beach, where he will handle malpractice litigation.



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Ventura Superior Court Presiding **Judge Vincent O'Neill** urged a legislator not to support further cuts to California's judicial budget that O'Neill said in a June 4 letter would "unnecessarily hamper" efforts to make the most out of already limited court services.

In his four-page letter to Jeff Gorell (R-37), O'Neill detailed layoffs, mandatory furloughs, shuttered service centers and other suspended or impaired operations that have already disrupted the county's courtrooms. O'Neill also offered to make himself and court executive officer Michael Planet available to Gorell to discuss the court's budget situation and future.

Statewide, judicial budget cuts have totaled \$653 million over the past four fiscal years, of which all but \$606 million of those cuts have occurred in trial courts. A proposed budget released in May details hundreds of millions of dollars in further cuts for the 2012-2013 fiscal year. These possible losses would leave the Ventura Superior court with a \$13.3 million shortfall.

O'Neill's letter disputes a claim in the proposed budget that trial court funding has increased since the 2007-2008 fiscal years.

"The conclusion is wrong because it is premised on the inclusion of facilities expenditures as part of trial court operations expenditures," O'Neill wrote. Facilities expenditures have grown from \$27 million to \$195.5 million in that time period as the state took over 500 facilities from counties, but those funds don't offset the \$606 million in trial court reductions because courts can't use facility funding to pay for operations.

## JUDGE O'NEILL TAKES CASE FOR COURT BUDGET TO GORELL

"Thus, the perception that trial courts have been 'held harmless' from funding reductions is an inaccurate observation," O'Neill wrote.

Calculations from the Department of Finance are inaccurate, the letter says, because they don't address unavoidable increases in trial court expenses. These include \$2.8 million in salary and benefit increases in the Ventura Superior Court over the last three years due to contracts arranged before the recession and \$500,000 in increased costs for essential services like telecommunications and postage.

"Now it becomes clear why trial courts have been shedding staff, reducing services, and closing courtrooms: we have been subject to both significant cost increases and budget reductions," O'Neill wrote.

The letter also details problems court officials anticipate with the revised budget's plan to either use fund balances or allow them to revert to the state.

"Courts, like any public agency, cannot implement policy changes as far reaching as those proposed instantaneously," the letter says. "Trial courts would be given less than 45 days notice that they may have to completely revise their spending plans. Moreover, as of yet, there is no detail as to how the fund balances will be allocated, or how the myriad of technical details will be addressed. In other words, real planning cannot begin until after the fiscal year has already started and the new policy already applies."

Details of problems posed by the proposed budget revisions were accompanied in the letter by descriptions of how the Ventura Superior Court has already changed its business practices and used technological innovations to reduce staffing and implement other cuts. The letter listed 13 steps the court has taken over the past four years to "operationalize" these cuts. Among them were a 20 percent reduction in the size of court operations staff, reductions in hours

of service, closing the Colonia Self-Help Center, suspension of a host of operations at the East County Courthouse in Simi Valley, and other limitations and delays on services and operations.

Staff reductions required by the budget cuts led to an inability to support the Simi Court's three bench officers, the letter said.

"This decision has understandably caused great concern among county, city and law enforcement officials in the east county," the letter says. "There will be significant costs to those agencies if traffic and code enforcement officers must spend time driving to Ventura for trials. There will also be additional cars on the roads and much inconvenience to citizens involved in small civil disputes, landlord-tenant issues and victims of violence and other abuse who need restraining orders on an emergency basis."

The letter also says limits on court-provided court reporters will lead to higher costs for family law litigation and this could mean a loss of control over how official records for civil and family law proceedings are produced.

O'Neill urged Gorell to vote against language for a "trailer bill" in the proposed budget. That language would mean the judicial branch would lose much of its ability to decide how new cuts are distributed in the judicial branch, the letter says, and would mean that trial courts will continue to absorb future cuts.

"In sum, I urge that you carefully consider the importance of a fully-functioning judiciary as you deliberate and vote on the 2012-13 state budget," O'Neill wrote. "As explained above, continuing cuts will have continuing local consequences for the citizens of Ventura County. These consequences can be minimized if trial courts retain the ability to maintain and fund balances and the judiciary is not stripped of its discretion to allocate any cuts in the best interest of the people of our state."



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## FILM REVIEWS

By William E. Paterson

### “The Best Exotic Marigold Hotel”

As best I can tell, the producers of “The Best Exotic Marigold Hotel” had the following goals in mind: showcase some of the cream of British acting talent; provide a vivid portrait of India’s vibrant and colorful culture (with the grating poverty and squalor airbrushed out); and create a film in which there are few surprises on the journey to the ultimately predictable happy ending. Ordinarily such shameless predictability would earn my critical scorn and there are a couple of scenes the film could have done without. But overall, I must confess that “The Best Exotic Marigold Hotel” is a film whose charms are nearly impossible to resist even if one was churlish enough to want to do so.

The film follows a group of British retirees who have responded to a glossy Internet ad touting a bargain priced luxury retirement community in Rajasthan. What they have failed to appreciate are the Photoshop skills and hyperbole of the enthusiastic young proprietor, Sonny Kapoor (Dev Patel of “Slumdog Millionaire”). Evelyn (Judi Dench) is a recent widow who has decided that for the first time in her life she will break out of the mold and seek adventure. Graham (Tom Wilkinson) grew up in India and longs to return for reasons that become apparent later in the film. Douglas (Bill Nighy) and Jean (Penelope Wilton) are a not so well-matched couple trying to stretch their retirement budget. Muriel (Maggie Smith) is an unreconstructed Imperialist who would not be caught dead in India except for the fact she can get a quick hip replacement rather than waiting in the endless National Health Service queue. This group of mismatched Brits is rounded out by an aging would be Lothario and a woman who has run through so many husbands she is looking for new territory to explore.

When they all arrive at the “Best Exotic Marigold Hotel” it becomes painfully apparent that they have not washed up at the “Four Seasons”. How they react to their new change of circumstance is the core of the film. One of them refuses to leave the hotel for fear of the imagined dangers which lurk in the crowded and pulsating streets of the city. Some are initially hesitant to venture forth but are willing to at least dip their toes into the cultural strangeness of their new

home. Others revel in the opportunities for a world of new experiences. For many of them, their stay at “The Exotic Marigold Hotel” will be a life changing experience.

It is hard to imagine there will be a film out this year with a more appealing ensemble cast. Tom Wilkinson is incapable of giving a bad performance; Judi Dench is nothing short of charismatic; and Bill Nighy makes the most of the great comic lines gifted him by the screenplay. The rest of the cast also hit all their marks. In this era of youth culture (and here I know I am showing my age), there is a pleasure in seeing a film which focuses on the hopes, dreams and aspirations of those who have long since left youth behind them.

### “Bernie”

Who would have thought a film based on a murder in a small Texas town would be the best comedy to come along in some time? It owes that honor to a killer script and pitch perfect performances by Jack Black, Shirley McLaine and Matthew McConaughey. All three of them, however, are given a run for their money by the interviews of the real life citizens of Carthage, Texas. Their steady stream of local folk wisdom and wry observations on life in small town Texas is but one of the many delights of “Bernie.” Bernie Tiede (Jack Black) arrives in Carthage as a newly-minted mortuary school graduate who is hired as the assistant director of a funeral home. Whether he is shilling caskets (his sales patter is a wonder to behold), comforting grieving widows or orchestrating the departed’s final send off, Bernie is a marketing master. But, to quote late night TV ads, “Wait, there’s more.” Bernie is also a one man organizational and philanthropic whirlwind. His sonorous voice rings out at church on Sundays; he organizes and acts in little theater presentations; raises money for the new church wing; and works with little leaguers. But, in what is seen as his most selfless act, Bernie befriends Marjorie Nugent (Shirley McLaine), the aging and misanthropic widow of a local oil tycoon. Marjorie is woman whose death would probably prompt the good citizens of Carthage to organize a parade in celebration of her passing.

To the wonder of the townsfolk Bernie has a more charitable view of Marjorie and he is soon her constant companion. He accompanies her on expensive overseas vacations and starts to lead the high life. But there is a worm in the apple. Before long Bernie is subject to Marjorie’s every whim, and she is a woman with a seemingly inexhaustible supply of whims. Tired of being under her thumb as a combination 24/7 gofer and pedicurist, Bernie snaps one day and Marjorie is sent off to meet the grim reaper. Bernie is now knee deep in a cover-up seeking to explain Marjorie’s sudden disappearance. It works for a while, but justice finally catches up with Bernie when he finds himself in the gun sights of Danny Buck (McConaughey), the local prosecutor and media hound. What happens next is not what you would expect from the law abiding folks of Carthage.

“Bernie” is one of those films in which you vainly try to remember at least a fraction of the paralyzingly funny dialogue. This includes a scathingly colorful description of the redneck local jury pool in an adjoining county and observations about Jesus which are meant to put to rest any notion that Bernie is gay. Jack Black tones down his usual comic mayhem persona to give an exceptionally nuanced performance. Shirley McLaine channels the witch in “The Wizard of Oz” and Matthew McConaughey’s showboating D.A. is a comic delight. Along with the leads are dead-on performances from the supporting players. The funeral home owner is wonderfully droll and Bernie’s defense attorney is the epitome of a grizzled and cynical trial lawyer. But special praise must be given to the addictively entertaining interviews of the locals laced throughout the film. Thanks to all of them, Bernie is a comic oasis.

### DVDs to rent

Monsoon Wedding (2002) – This enchanting tale of an arranged wedding in modern day India contains a silent marriage proposal which has stayed in my mind to this day as one of the most singularly romantic scenes I have ever seen on screen. The music is infectious and your only regret at the end the film is that you were not one of the wedding guests.



## EAR TO THE WALL

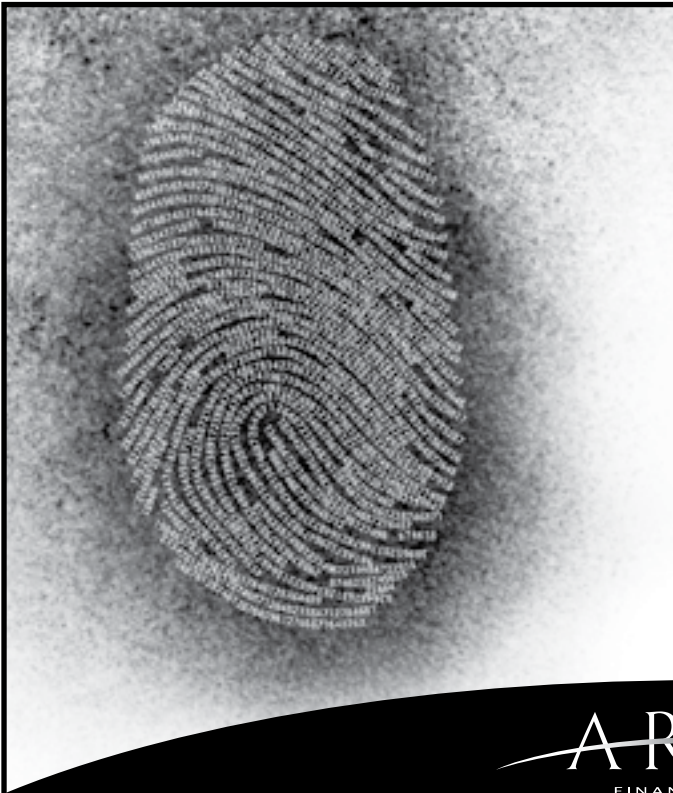
*Cedar Rapids* (2011) – Tim Lippe (Ed Helms) is a hopelessly naive insurance salesman in small town Iowa. His sheltered existence and Boy Scout mores are going to be put to the test when the company sends him to a convention in that hotbed of sin, Cedar Rapids. By the end of his stay Tim will find himself in any number of adventures for which small town life has left him ill-prepared.



*Adaptation* (2002) – The very definition of off the wall comedy, “Adaptation” follows the varying fortunes of two identical twins (both played by Nicolas Cage). Charlie is a neurotic closet case with both writer’s block and terminal ineptitude when it comes to trying to meet women. His brother Donald is a lady’s man and effortlessly churns out a hack screenplay which provides him with a gusher of money. With Meryl Streep, Tilda Swinton, Chris Cooper and Brian Cox. A consummate send up of the screen writing trade.

**Nicholas Le Du** and **Anna Bijelic**, both USC Law students, are clerking at Ferguson Case Orr Paterson. After graduating from Claremont McKenna College in 2008, Le Du worked in Jordan on humanitarian relief projects for internally displaced Iraqis, and then in Baghdad on a US-funded legislative strengthening program, where he was responsible for coordinating a training program for newly elected parliamentarians. Bijelic, who is involved with the law school’s


Review of Law and Social Justice and the Entertainment Law Society, organized a school trip to the Sundance Film Festival and wrote a journal note examining the policy and practical implications of the American Horse Slaughter Prevention Act. Some of her recent expeditions include an Amazon River trek through Colombia, Peru, and Brazil, and a jet-ski safari around the Fijian islands. She will be studying in Gold Coast, Australia in the fall.



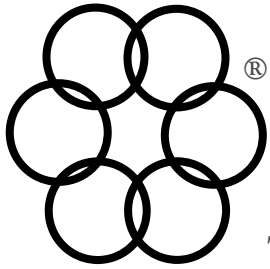
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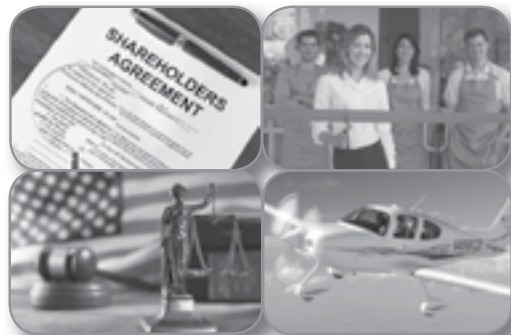
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*By Katie Pietrolungo Clunen*

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# Letter from The Ventura County Diversity Bar Alliance

## MEMBER ORGANIZATIONS

Mexican American Bar Association  
*Rennée Debesa, President*

Women Lawyers of Ventura County  
*Jill Friedman, President*

Ventura County Asian American Bar Association  
*John Fukasawa, President*

Ventura County Black Attorneys Association  
*Alvan Arzu, President*

## COMMITTEE MEMBERS AT-LARGE

Jessica Arciniega  
Jodi Prior  
M. Carmen Ramirez  
Tina Rasnow

The following contact may be used to reach the Ventura County Diversity Bar Alliance:

*Dien Le, President*  
Ventura County Bar Association  
4475 Market Street, Suite B  
Ventura, CA 93003  
Tel: (805) 650-7599  
Fax: (805) 650-8059

March 20, 2012

Governor Edmund G. Brown, Jr.  
Governor's Office  
Judicial Appointments Unit  
State Capitol  
Sacramento, CA 95814

Dear Governor Brown:

Re. Appointments to the Ventura County Superior Court Bench

The Ventura County Diversity Bar Alliance (VCDDBA or Diversity Alliance) is comprised of the Mexican American Bar Association, the Women Lawyers of Ventura County, the Ventura County Asian American Bar Association, and the Ventura County Black Attorneys Association. The VCDDBA was recently formed to address the pressing issues that the minority bar associations of Ventura County see as common to all our individual organizations, our members, and to our community at large.

A paramount issue for the Diversity Alliance is the historical lack of cultural, ethnic and gender diversity on the Ventura County Superior Court Bench. According to the 2010 census, the population of Ventura County was 823,318, comprised of nearly 50% people of color (40.3% Hispanic or Latino origin, 6.7% Asian, and 1.8% Black). Females made up 50.3% of the population.

As to diversity on the Ventura Bench, the 2006-2007 Ventura Superior Court Annual

Report ("Ventura Report") indicated there were six female judges, two male Hispanic judges, and one African American judge out of a total of 31 (see Attachment A). Currently, only one Hispanic judge remains on the bench, and there are no African American judges.

Of the ten appointments made from 2007 through 2011, two judges were female and one said he was of more than one race. Consequently, despite so many recent appointments, there has been a net loss of two persons of color on the bench (one Hispanic and Ventura County's sole African American) and a gain of one female judge.

In contrast, neighboring Santa Barbara County, with a population of 423,895, which is 49.85 female, and is comprised of 42.9% Hispanic or Latino origin, 4.9% Asian, and 2% Black, has three Hispanic and one Asian judge on the bench: half the population yet four times as many persons of color on the bench.

The historical lack of diversity in Ventura County is absolutely unacceptable. The Ventura Report cited to the Judicial Council's Strategic Plan and noted under the subheading "Access, Fairness and Diversity," at page 14 of the Ventura Report: "The makeup of California's judicial branch will reflect the diversity of the state's residents." The Judicial Council's strategic plan is intended to guide the local courts and assure that they implement the stated goals to achieve access,

## Attachment A

### Ventura County Superior Court Judicial Appointments by Race and Gender (2006-2012)

2006	Judges
<b>TOTAL</b>	<b>31</b>
Males	25
Females	6
Males of Color (2 Hispanic, 1 African American)	3
Females of Color	0

### JUDICIAL APPOINTMENTS 2007-2010:

(Includes 1 elected)

<b>TOTAL</b>	10
Males	8
Females	2
Males of Color	0
Females of Color	0

### 2011 Judges

<b>TOTAL</b>	<b>29</b>
Vacancy	1
Male	21
Female	7
Males of Color	1 (Hispanic)
Females of Color	0

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fairness, and diversity in the courts. In our case, the judicial branch should reflect the diversity of Ventura County.

Despite this stated goal by the Ventura Courts, the ten recent appointments demonstrate the lack of commitment to the strategic plan of the Judicial Council and to diversity on the Ventura County Bench. As the Judicial Council has emphasized in its reports and Strategic Plan, and as has been confirmed in published scholarship, a lack of diversity impacts the quality of justice itself because a homogenous bench tends to reinforce its own internal attitudes, often based on stereotypes, without the benefit of diverse cultures and life experiences informing the group. This is particularly true in terms of developing court policy around access to justice issues for underserved populations.

The Ventura County Diversity Bar Alliance asks that your office address this long-standing inequity in our county courts at the earliest opportunity. We have qualified applicants who have been overlooked so many times that they have given up applying. We are losing good candidates who have a real sense for their communities and would reflect those communities commendably if given the opportunity to serve.

The VCDBA looks forward to collaborating with your office and requests a meeting with your Senior Advisor Joshua Groban. Our membership remains committed to advancing the goals of the Judicial Council of the State of California and to promoting fairness and justice in our communities.

Sincerely,  
Renee Dehesa  
*Mexican American Bar Association*

Jill Friedman  
*Women Lawyers of Ventura County*

John Fukasawa  
*Ventura County Asian American Bar*

Alvan Arzu  
*Ventura County Black Attorneys Assoc.*

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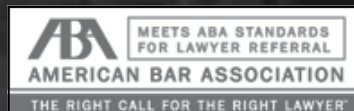
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## ENTRY LEVEL

### ASSOCIATE ATTORNEY

Recently admitted attorney seeking transactional law firm. I am seeking a position which would allow me to learn and grow with the firm. Resume and references available upon request. [lisa82683@gmail.com](mailto:lisa82683@gmail.com)

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

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



**Katie Pietrolungo**, a past president of our Barristers and current president of California Young Lawyers Association, now goes by **Katie Pietrolungo Clunen** after marrying Tim June 16... You'd think the trial of two-legged monster Anders Breivik, the man who allegedly massacred 77 people in Norway last summer would be enough to hold your attention especially if you were one of the judges. Ernst Henning Eilsen, one of the three lay judges involved with the case, was caught on camera playing computer solitaire, shifting his cards around in the courtroom for 16 minutes. In the Norwegian court system, lay judges are present to "represent ordinary people during trial." Yes, he has been suspended... **Allen Ball** cycled with more than 2,225 riders and 550 volunteer "roadies" with the annual AIDS/LifeCycle – Ride to End Aids fundraiser. The seven-day, 545-mile trek started in San Francisco and ended in Los Angeles, with the crowd's last over-nighter right here in Ventura.

Boston? Plymouth and Cape Cod? Martha's Vineyard? **Dien Le** at 1.818.889.2299 or dien.le@calawcounsel.com... License Plate of the Month – SUSTAIN on a late model Cayman S Porsche steered by the **Honorable Joe Hadden**... Movie quote of the Month: "What I love most about

the law? It's that every now and again, not often, but occasionally, you get to be a part of justice being done." In *Philadelphia* (1993), attorney Andrew Beckett (Tom Hanks) sues the law firm that terminated him after learning its rising star suffers from AIDS... **Katherine Edsall Wells** has joined Edsall Law in Camarillo, marking a return to the city where she was raised. Joining the firm founded by her father, **David Edsall**, who has practiced law in Camarillo for more than 30 years. She may be reached at 484.9002 or Katherine@edsalllaw.com...

If you are interested in being on the bar association board of directors, let me know so I may bring your name to the attention of the nominating committee when they convene July 16. The secretary/treasurer position will be vacant. There are also ten board vacancies... A former Wisconsin district attorney who said he has already paid a steep price for his behavior is taking a plea in a legal ethics case brought over his claimed sexual harassment of multiple women. Kenneth Kratz announced June 15 that he has reached an agreement with the Office of Lawyer Regulation to plead no contest to three counts that allege he sent what amounted to sexually harassing text messages to a domestic abuse victim. One of the texts: "I'm the attorney. I have a \$350,000 house. I have the six-figure career. You may be the tall, young, hot nymph, but I am the prize..."

Partner Larry O'Bryan understands that the \$10,000 a year his small Boston law firm wants to pay a new associate isn't a big enough salary for most new law graduates to live on, since many have hefty student loans. In fact, he may well understand that better than most, since he himself started "under similar terms and conditions." But as with many other young attorneys that Gilbert & O'Bryan has trained over the years, the low-paid starting associate job positioned him to move up the legal career ladder. So far, over 50 applicants!...

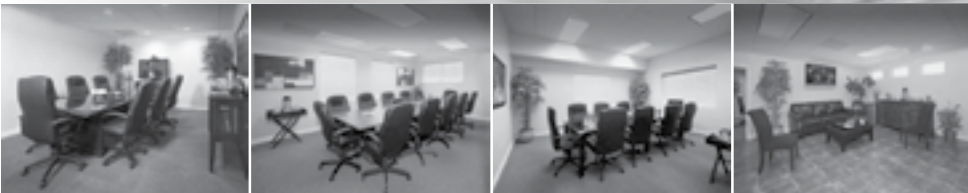
Twenty new admittees took the oath from **Justice Steven Perren** during a ceremony June 5 inside a packed Courtroom #22. He was capably assisted by **PJ Vince O'Neill**. Presenters included **Dien Le**, **Katie Pietrolungo**, **Robert Krimmer**, **Jill Friedman**, and **Dave Cunningham**. Two favorite moments – The young man with an undergraduate degree from UCLA and his law degree from USC, and the woman who got her undergraduate degree at Princeton and law degree from Georgetown declaring they were seeking employment... Only slightly more than half of 2011 law grads were able to snag full-time, long-term legal jobs, according to an analysis of new ABA data by Law School Transparency... Mark Your Calendars – Barristers' Bowling Night is scheduled for Thursday evening, July 19, at Harley's Bowling Center in Camarillo. For details contact **Christina Stokholm** at 987.4975 or Christina@pachowicz.com. Proceeds benefit the Make A Wish Foundation... And lastly, don't forget, the Mexican American Bar Association and the Ventura County Women Lawyers meet the first and second Fridays respectively of each month beginning at noontime at the bar offices. Contact **Renee Dehesa** at 988.8324 or rdehesa@nchc and **Jill Friedman** at 644.7188 or jfriedman@mwgjs.com... **Sandra Rubalcava Romero** and **Deputy D.A. Gil Romero** are the proud parents of Steven Christopher Romero, born 5/27/12, eight pounds, three ounces.

*Steve Henderson has been the executive director and chief executive office of the bar association and its affiliated organizations since November 1990. He correctly called the Miami Heat to win the NBA title and sat as the primary at Roger Clemens' defense table. Henderson may be reached at steve@vcba.org, FB, Twitter at stevehendo1 or vcba1, or better yet, 650.7599.*

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