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# CITATIONS

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*By Ellen Hirvela Russell*

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October 12, 2009

Jack Trimarco & Associates  
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Dear Jack:

It was good to have a chance to talk with you today. I write to emphasize my appreciation for your good work on the cases on which you consulted with us.

I have found that your professionalism in conducting and scoring polygraph examinations is outstanding. Your reputation for integrity as a polygrapher was known while you were with the FBI and has continued into your years of private practice. Both your professional work product and your excellent reputation are particularly important to me as a criminal defense lawyer.

We do not routinely use polygraph exams but, when we do, we expect an honest confidential examination and report. Whether or not we choose to disclose the report, the examination and report are often very important to the client and often influence choices we make in strategizing with that client.

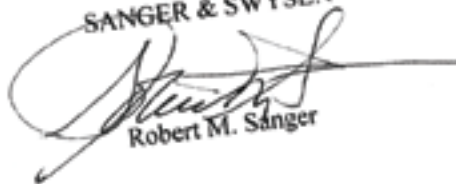
When we do decide to disclose the report in an attempt to convince a reluctant prosecutor of a client's innocence, a favorable polygraph report alone is not sufficient. The professionalism of the examination and the reputation of the polygrapher are critical.

In the recent case you worked on with us, we submitted your report along with witness interviews and other materials to the prosecutor. As you know, it was dismissed in its entirety on the day of trial. It was a felony case being vigorously prosecuted and the consequences of any conviction would have been devastating to my client's life and career. Being able to disclose your solid report backed by your substantial credentials was an important aspect of asserting our client's innocence.

Thank you again, Jack, and I will look forward to working with you in the future.

Best regards,

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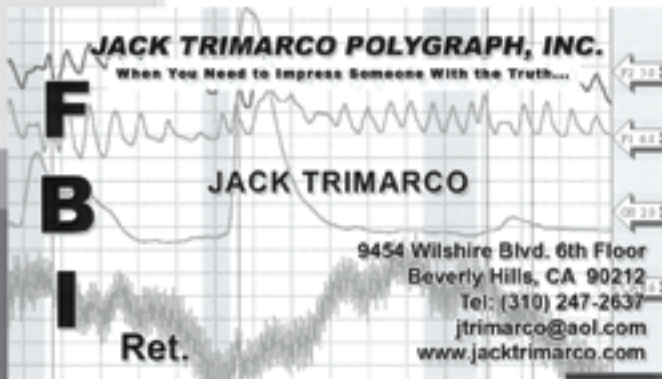
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## PRESIDENT MESSAGE: What I Did On My Summer Vacation

By Kendall VanConas



*Circa 1987.*

Summer is upon us. The long, lazy days of warm sun and cool ocean breezes. Plenty of time to relax, enjoy life and take it easy. Yeah, right.

There are few of us over the age of 8 that actually take the summer off. Apparently, the world has realized what I have known for years – it's really hard to relax! This seems to have become especially true for students. If high school students aren't working a summer job, they are looking for things to fulfill their community service credits for school, or things that will enhance their college applications. Undergraduate and graduate students are also interested in gaining work experience in preparation for graduation, and in today's economic climate you can pick up some remarkable talent for virtually nothing.

After completing my first two years of college at U.C. Irvine, I decided to transfer and complete my undergraduate work at UCLA. At the time, UCI was still largely a commuter school, and even though I loved my two years there, and made some of my closest lifelong friends, the school simply couldn't compete with the lure of Westwood. Plus, I had decided to go to UCI – at least in part – because I thought I wanted to go into some kind of computer science career. What was I thinking? My 'D' in calculus my freshman year pretty much knocked that idea

out of my head. Plus, computers were fun and all, but they were clearly just a flash in the pan, and not something one should make a career out of.

Along with everything else that UCLA had to offer, they had a vibrant summer internship program. When I transferred, I changed my major to political science, and applied through the program for an internship in Washington, D.C. The D.C. students were placed in different internship programs with government agencies all over the city, and I was placed in the Voting Section of the Civil Rights Division at the Department of Justice. I recall there being about ten of us from different schools around the country in the Voting Section, and we spent our summer at the DOJ, helping to enforce the Voting Rights Act. We would call districts around the country where people had complained about problems voting, or where there was a demonstrated history of challenges, gather information and pass it on to those in the Section who supervised us for the summer. In some cases, we would follow up to find out if earlier problems had been corrected.

At the time, I was naïve enough to think that things I had only read about in my history books were a thing of the past. Yet there I was, a 21-year-old UCLA student from Southern California, talking on the phone with people in Mississippi or Georgia about their challenges trying to vote. I've never missed voting in an election since that summer.

Early on in the summer, the Civil Rights Division held a reception for all the summer interns. Along with the undergraduate students, there were also graduate students working in different places, and the reception hosted all of us. We had heard rumors that John F. Kennedy, Jr., a student at NYU School of Law at the time, was interning at the DOJ over the summer, but it was never confirmed, and we certainly never expected that he would show up at the reception to mingle, nibble on cubed cheese and crackers, and make idle chitchat.

I was talking to a small group of girls, all of whom were interning in the section with

me. Shortly into the reception, we felt the whole dynamic in the feeling of the room change. Even though I hadn't seen him, I knew he was there. He was one of those people who exuded such confidence and presence, he changed the feeling in the room the moment he walked into it. You could feel it. I guess you'd say he had personal magnetism, and here he was, headed right for our small group.

"Hi, I'm John." And he shook my hand.

No, you're not "John." You're John F. Kennedy, Jr.!! Texting wasn't around in 1987, but it was a definite OMG moment. I introduced myself and he spent a few minutes talking to us before he politely excused himself and moved on. Idle chitchat.

Some weeks later I was on my lunch hour at the Old Post Office building, an historic D.C. building that had been turned into a venue for shopping, restaurants and entertainment. After doing my shopping, I was walking through the food court with my lunch and a book, and as I was scanning the room for an empty table, I passed by John. He was sitting alone at a table, simply eating his lunch. I think it was Chinese. I'm sure I had that stupid look on my face that he probably saw a million times a day when recognition hit people.

"Oh, hi Kendall."

Seriously, this guy is unbelievable. He remembered my name? And was polite enough to say hello, not put his head down to avoid having to talk to people?

I said hello and we chatted for a minute about our summer work. No, he didn't ask me to sit down and have lunch with him, thank God, and I never ran into him again after that. But I'll never forget my internship in D.C. that summer.

Three years later found me at the end of my first year in law school at Southwestern University School of Law. My dad had died suddenly in August of the previous year,

*Continued on page 8*

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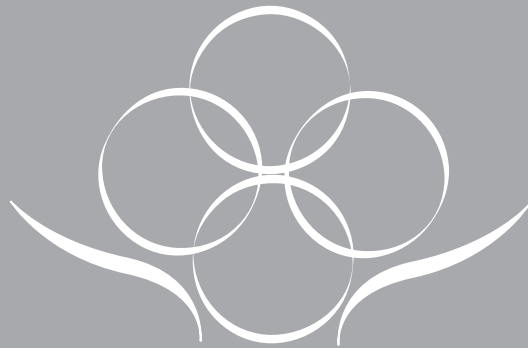
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## LETTER TO THE EDITOR

After almost 27 years working with the legal community in Ventura County, I have closed my appointment book effective June 30. When I first began calling on lawyers in late 1983 representing Bancroft-Whitney, the most current publications we offered were the advance sheets for the Official Reporter which were mailed once every ten days or so. The delivery of information with respect to speed was only a concept as the fax machine had yet not made its way into any law firms. While many lawyers used dictating machines, the most important advancement at that time was the introduction of a "self-correcting" typewriter by IBM. From then to today, the pace at which law firms have implemented change has been nothing short of meteoric.

I have been extremely fortunate to have been part of this evolution from the legal publishing point of view. Watching Glenn Miller work over a large counsel table spread with several volumes of cases, codes, digests and Shepard's books was all too common a sight. In the early 90s we

introduced CD-Rom research for cases, codes and Witkin, which sped up the process considerably. The fact that the hardware requirements were a four-drive CD tower that spun slower than the vinyl records I listened to was just a mere inconvenience. It was in 1996 Thomson purchased West publishing and the idea of offering smaller size law firms an affordable option for online legal research through Westlaw really took off.

During my career I have had the opportunity to work with paralegals, office administrators and lawyers in their private practices, non-profit entities, house counsel, law schools, government agencies as well as those on the bench. Without exception, the relationships that I have built in the county's legal community have been the envy of my colleagues throughout my company. It was these continued relationships during the last quarter century that made the topic of discussing legal research significantly more than just a job, but an extremely worthwhile and highly satisfying career.

Many of you know that my wife and I own a home in Kauai and we are planning to move there by spring of next year. For any of you who find yourselves in Hawaii, please give me a call, as the first round of drinks will be on me (**Steve Henderson** is pushing for three rounds)!

Beginning July 1, Stan McConnell, who has been with Thomson for more than 10 years in Southern California, will be responsible for any of your legal publishing needs. Please offer him a warm welcome when he calls. In an attempt to keep the transition as smooth as possible, Stan has elected to continue with the same telephone number currently associated with me, (805) 654-7027.

It has been an absolute pleasure sharing such an integral part of my life with such a fine group of individuals as the lawyers and legal professionals of Ventura County.

Mahalo,  
Gregg B. Kravitz

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## What I Did On My Summer Vacation

*Continued from page 3*

just as I was beginning orientation week at Southwestern. His death was shocking and unexpected, but I managed to make it through my first year, and actually came out better than expected academically. But I had no interest in staying in Los Angeles for the summer, and wanted to come home and spend some time with my mother. Plus, there was this guy named Andrew that I had met the year before who was living in Santa Barbara, and being in Camarillo would shave an hour off our commute time to see each other.

My mother made some calls to inquire about summer job opportunities for me, and I ended up in an internship at the Ventura County Public Defender's office, working under the supervision of **Duane Dammeyer**. I didn't know if I was interested in a criminal law practice. In fact, at the time, I didn't know if I was even going to practice law at all once I got out of law school, but this opportunity was something totally new for me, and I was happy for the experience.

That summer, Duane and his colleagues were defending Gregory Scott Smith, a young man accused of the murder of Paul Bailly, an 8-year-old boy who had gone missing from his daycare center in Northridge and been found hours later near Simi Valley. Greg Smith was accused of killing the little boy during a kidnap, and setting his body on fire. The charges would result in the death penalty if he were convicted. The circumstances of Paul's death were horrific. Again, my naiveté: Can people really do things like this?

I'm assuming that Duane needed all the help he could get for this case, or he just simply was looking for a task that would keep his first year law clerk out of the way. Either way, my very first task in my very first assignment at the office was to sort through the crime scene photos in preparation for the preliminary hearing. It was horrible, as you can imagine. Some of those images have stayed with me to this day.

I moved on to other tasks in other assignments in the Public Defender's office, but obviously none of them affected me as

much as that first assignment. Aside from the impact of the crime and my small task in the defense of the accused, the lawyers defending Greg Smith impressed me. They were committed to making sure their client received the representation to which he was constitutionally entitled, and I learned, in a real world way, to appreciate the impact of the law I had learned during my first year of law school.

20 years have passed since I was at the Public Defender's office. Duane went on to become Public Defender, and retired earlier this year after 35 years with the office. Greg Smith pled guilty and was sentenced to death. I never practiced criminal law.

*Kendall VanConas is president of the Ventura County Bar Association.*

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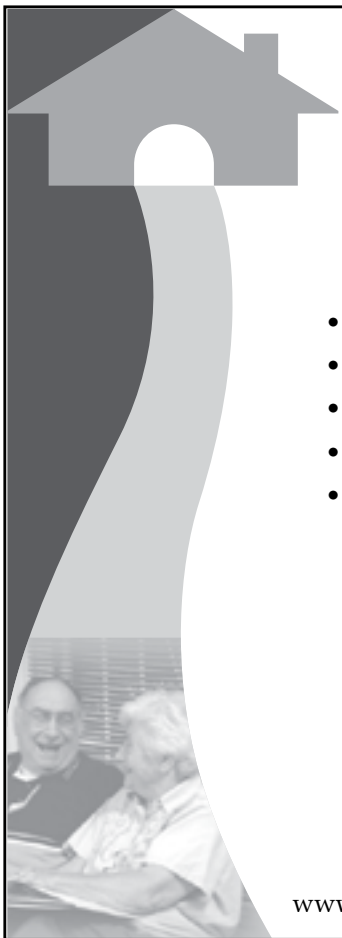
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# DIVORCE INDIAN STYLE

By Valerie C. Gregson



“I would like to file for divorce but before I do, I have to be assured that doing so won’t cause my mother, father, and sister to be put in jail,” says the client, who goes on to present the following facts:

He came to California from India five years ago and has been working legally in the U.S. since then. Two years ago, he agreed to allow his family to arrange a marriage for him in India. They selected five prospective brides. He went back to India, met with each woman for about fifteen minutes and declared his choice. After a traditional wedding ceremony and celebration wherein no dowry was given or taken, they stayed in India for a week and then made their home in Ventura County. However, the parties were incompatible and the wife returned to India after only ten months.

The client remained in the U.S., worked hard and managed to accumulate some savings and retirement benefits, hoping to return to India and live comfortably in three to five years. Communication between the parties was nonexistent and the client/husband decided to file for divorce in order to protect his assets in California.

The lawyer, having had no experience in a case where one of the parties resides in India, researched the issues and soon learned about Indian Penal Code § 498A, which states:

“Whoever, being the husband or the relative of the husband of a woman, subjects such woman to cruelty shall be punished with

imprisonment for a term which may extend to three years and shall also be liable to fine. Violation of this is a criminal offence. It is a cognizable, non-bailable and non-compoundable offence.”

Dowries have historically been common in many Indian marriages. Dowry is the payment, in cash and/or property, by the bride’s family to the bridegroom’s family in consideration of the marriage. Although the government has, by various methods, attempted to eliminate this practice, it remains common in certain parts of India. In those regions, the husband might demand additional payment of dowry even after the marriage, applying increasing amounts of pressure and abuse upon the bride which, in some cases, results in her death. According to a recent report by The National Commission for Women, as many as 5,000 women a year are killed in what is termed a “Dowry Death.”

The Indian government, in an attempt to address the problem, adopted a set of laws in 1983, including Penal Code § 498A, often referred to as the “Dowry Law.” The goal was to protect women from such violence by subjecting the husband and his family to severe criminal penalties upon the giving or taking of dowry by the husband. Ironically, the law actually handed women and their families a powerful advantage, essentially providing them with the opportunity to use it vindictively or to obtain a powerful bargaining advantage by making false or frivolous charges which could not easily be

disprove by the husband and his family. On the other hand, if the wife files for divorce she subjects herself to the possibility of certain consequences, some of which are serious enough to give her cause to delay taking any action. As a result, the Dowry Law creates a Catch-22 situation – each party waits for the other to file, often using subtle and not so subtle tactics.

In our client’s case his family feared that the wife would go to her local Indian police station and file a complaint against the husband’s family. There is no presumption of innocence until proven guilty; the husband and his family are subject to immediate arrest (the husband’s recourse is to sue the wife for malicious prosecution if he can prove that the complaint filed by the wife was unfounded). Out of an excess of caution, the husband’s family in India went into hiding until their lawyer could file a motion to set “anticipatory bail.” Yes, anticipatory bail is as it sounds – a request to set bail when no charges are pending “just in case.” The local prosecutor is not obliged to oppose the motion of anticipatory bail; his duty is limited to informing the court as to whether or not a criminal complaint has been filed against the person requesting the anticipatory bail and whether or not the charges in the complaint permit granting of bail, since in some instances, the section under which a person is charged under the Indian Penal Code would not entitle the person to be released on bail prior to the investigation being complete. Needless to say, the client decided not to go forward with his divorce, hoping that the wife would file first.

So in the end, the husband is still married, the mother, father and sister are still afraid of being dragged into frivolous §498A proceedings, and the author will write another article if and when the standoff is resolved.



**Valerie C. Gregson** works at The Law Office of Arthur Wilkof in Westlake Village. She has no plans to either get married or visit India.

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*Gregory L. Johnson is the recipient of the prestigious VCTLA "Trial Lawyer of the Year" Award presented during the annual dinner held May 25. Pictured with Mr. Johnson are VCTLA President James Prosser and Greg's wife Lisa.*

## SWEARING-IN CEREMONY



*Judge Mark Borrell is sworn-in by the Hon. David Long inside the City of Hope in Duarte, CA. Mark's father, Roger Borrell, witnessed the event.*

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# 2010 Law Day 5K

*Photo Credit: Craig Bates with Telegenics*







2010 Law Day 5K Champions: Michael Chavez of Fullerton (14:24) and Juliane Masciana of Anaheim (16:32). Both Law Day 5K records.



# SPOTLIGHT ON CHRISTINA STOKHOLM

By Ellen Hirvela Russell



This month the spotlight is on one of our newer attorneys, **Christina Stokholm**. Christina has served on the board of directors of the Ventura County Barristers since 2006, and is currently the Barristers' Vice President. Christina will serve as the group's president in 2011.

You may not have known that Christina was a competitive gymnast until the age of 14.

Born in San Francisco, she grew up in the suburb of Pleasanton. Christina's parents were both accomplished pianists, and in their youth, they were part of a group of young classical performing musicians. Later, Christina's father became a concert pianist and her mother was a registered nurse. Christina has a brother who is two years older and a sister twelve years younger than she. She left home at 17, halfway through her senior year. She graduated high school a few months later, landing a job as a bank teller.

## BANKING BEGINNINGS

For the next few years after graduation Christina worked her way up the corporate ladder in banking. In 1995, Christina accepted a position as an operations supervisor for City Commerce Bank, a very small bank headquartered in Santa Barbara preparing to open a branch in Oxnard.

Within her first year with the bank, Christina began to manage bank-wide projects

that often involved the bank's computer systems. She eventually became the bank's information systems officer. It was about 1999 when she accepted an offer for the position of vice-president and chief technology officer for Business First National Bank in Santa Barbara.

## BECOMING AN ATTORNEY

Christina received a jury summons in the summer of 2000. It changed the course of her life. She was selected for the jury. It was a medical malpractice case before **Judge Henry Walsh**. Fascinated by the trial, she then decided she wanted to become an attorney. Christina researched and learned there is a process in California for a person to become an attorney without having completed undergraduate work. That process involves taking a number of tests (several College Level Examination Program tests as well as the LSAT) and then meeting certain requirements for admission to a law school willing to accept a "Special Student." She learned that Ventura College of Law did accept a limited number of Special Students. Spending the next year taking all the tests necessary to apply to law school, Christina was accepted into Ventura College of Law in 2002. "It was perfect for me because I could attend classes at night and continue to work during the day."

After her first year of law school, she began working part-time as an independent contractor law clerk for various attorneys and law firms, including Schley Look & Guthrie LLP, the firm that had served as corporate counsel for City Commerce Bank. She also worked as a volunteer law clerk for the Assistant Public Defender of Santa Barbara, Greg Paraskou, who is now Santa Barbara's Public Defender. While still a law student, Christina became certified to represent clients in court, and as such, she was able to write and argue many motions, make numerous court appearances, and she even argued one case at the Court of Appeal.

By the beginning of her third year of law school, Christina was law clerking full time. She gained invaluable experience as a law clerk, with assignments for criminal lawyers,



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civil lawyers, probate lawyers, and business lawyers. She says the variety helped her to decide which area of the law she wanted to practice. Graduating from law school in January 2006, Christina took (and passed) the bar exam the following month.

**PRACTICING LAW**

Christina has been in the local news recently for winning some interesting verdicts. In one case, reported in April, a jury awarded her clients \$18,000 in damages from an Agoura Hills law firm that overbilled and double billed while representing them in a refinance of their home. In another case, reported in May, a jury awarded her client \$5,700 from Oxnard Union High School District, finding the district was negligent for failing to remove a teacher's aide from the classroom of an autistic student when the aide, who was using methamphetamine at the time, was caught on video stealing the student's lunch money daily for over two months.

Christina is currently a senior associate attorney with the Law Offices of **Mark Pachowicz**, one of the attorneys for whom she was a law clerk.

"Mr. Pachowicz embodies the kind of attorney I want to be: hard-working, passionate, intelligent, and always striving to do what is right," Christina says.

Christina handles "a mix of cases, primarily criminal defense and civil litigation. I have tried a number of criminal cases, both bench trials and jury trials. My first civil trial was in February 2010 and it lasted nearly a month."

What Christina likes most about being an attorney is "assisting people who are facing very difficult and scary times, most notably with respect to the criminal defendants I represent: Some of them face the possibility of prison; some face deportation; some will lose their careers as a result of a criminal conviction; and some may lose their driving privilege for months or years. Some people, in fact, are innocent of the crimes with which they have been charged. I meet almost all of my clients during a time of crisis for them.

It is fulfilling to me to be able to help them through it and see them get back on their feet."

Christina enjoys the camaraderie of Barristers. She told me one of her favorite events that is hosted annually by Barristers is Bowling Night. Christina says it is a lot of fun. Like many Barrister-sponsored events, she said, "All judges and attorneys in Ventura County are encouraged to participate."

When she is not busy working, Christina likes to spend time walking with her two dogs, Rocket and Briscoe. She also devotes some of her weekends to judging gymnastics competitions throughout Southern California.



*Ellen Hirvela Russell practices collaborative family law in Camarillo.*

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# EMPLOYING THE HIRE ACT

By Joanna Orr



The Hiring Incentives to Restore Employment Act (HIRE Act) was signed into law by President Obama on March 18. Title One provides tax breaks to employers to promote hiring and continued employment. Specifically, it creates the payroll tax holiday, the work opportunity credit and the retention tax credit.

## Payroll Tax Holiday

Almost any employer other than the United States, state or local governments or their instrumentalities, does not have to pay its share of Old Age, Survivors, and Disability Insurance (OASDI) between March 18, 2010 and December 31, 2010 for workers hired after February 3, 2010 who were unemployed during the 60 days preceding the hire date. (IRC §3111.) As a refresher, The Federal Insurance Contributions Act (FICA) is comprised of OASDI (Social Security) and HI (Medicare). OASDI is the larger part of the FICA payroll taxes. Generally, employers and employees must each pay 6.2 percent of compensation – wages, bonuses, gifts, cash and remuneration paid in mediums – up to \$106,800 for OASDI and 1.45 percent of compensation for HI. The maximum reduction of the OASDI an employer pays per employee is \$6,621.60 because of the salary cap on OASDI. There is no change

to the employee's portion of OASDI that the employer must withhold. Neither the employee nor the employer's portion of Medicare FICA is reduced.

The requirements for this payroll tax reprieve are (1) an affidavit by the employee signed under penalty of perjury that he or she was not employed for more than 40 hours during the 60 days preceding the first day of their new employment (Form W-11, or similar statement); (2) the employee cannot be hired to replace another qualified employee unless the other employee voluntarily quit or was fired with cause; and (3) the new employee cannot be related to the employer. Related persons include: parents, grandparents, children, grandchildren, siblings, nieces, nephews, etc. (basically grandparents and their issue), along with spouses, in-laws, stepchildren, stepparents, stepsiblings and household members of employers, and persons owning more than 50 percent of corporate employers.

Because the employer's portion of OASDI is deductible as a business expense, the net benefit to the employer is less than the full amount of reduction in OASDI paid. The particular benefit of this payroll tax holiday is that employers do not have to wait until their 2010 tax return to feel the savings. They can claim this reduction on their next Form 941 "Employer's Quarterly Federal Tax Return."

## Work Opportunity Tax Credit

Under IRC §51, employers can opt out of the automatic payroll tax holiday in favor of the work opportunity tax credit, one component of the general business credit embodied in IRC §38. As a refresher, a tax credit is a dollar-for-dollar reduction in an employer's income tax liability but cannot be claimed until the employer files its income tax return.

The work opportunity tax credit is available only to employers hiring individuals who are certified as eligible for the credit by a state employment security agency. These

include members of target groups, such as unemployed veterans, people with disabilities, residents of disadvantaged communities or recipients of particular government benefits. The individuals must begin employment between February 3, 2010 and January 1, 2011. In order for the employer to claim the full credit, the employee must work at least 400 hours for the employer. Partial credits are available to employers who employ individuals for 120 to 400 hours. The credit is equal to 40 percent of wages up to \$6,000 paid to a qualified worker, for a maximum credit of \$2,400.

The requirements are the same as those detailed above for the payroll tax holiday. Employers must reduce the amount of their business deduction for wage or salary expense by the amount of the credit claimed.

Assuming the new employee meets the qualifications for both, deciding between the default of taking the payroll tax holiday or electing to take the work opportunity tax credit should be based on a determination of how many hours the employee is anticipated to work and how much the employee will be paid. The work opportunity tax credit becomes lucrative quickly because it offers a full tax credit of \$2,400 on the first \$6,000 of wages. By way of comparison, the savings under the payroll tax holiday on the first \$6,000 of wages is a \$372 reduction in payroll taxes.

## Retention Tax Credit

Under HIRE Act §102, employers can also claim up to \$1,000 as part of the employer's general business credit for retaining new full or part time employees for at least 52 weeks. Specifically, the available credit is the lesser of 6.2 percent of wages for 52 weeks or \$1,000. The \$1,000 cap will apply when an employee earns more than \$16,130 per year, which roughly equals a full-time employee earning the current California minimum wage of \$8.00 per hour. The credit is not available for hiring a "related person" as defined above regarding the payroll tax holiday.

One requirement is that the wages paid in the second 26 weeks must be at least 80 percent of the wages in the first 26 weeks. Keep this requirement in mind, for example, in deciding how much or when to award an employee a bonus or a raise. This credit is available for each new hire. Employers should carefully consider whether to hire one full-time employee or multiple part-time employees, as more employees mean a higher credit.



*Joanna L. Orr is a business and tax attorney at Ventura-based Ferguson Case Orr Paterson, LLP.*

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## EAR TO THE WALL

Engle Carobini Covner & Coats LLP is pleased to announce their hiring of **Melanie J. Murphy** as their newest associate attorney. Murphy, a recent graduate of Ventura College of Law, has been employed by the firm as a legal assistant for the past four years. She plans to specialize in medical malpractice defense, general civil litigation, estate planning and probate. Phone (805) 643-2200; www.ec3law.com.

Ventura-based Muegenburg Estate & Trust Attorneys (META Law, Inc.) welcomes associate attorney **Dianna M. Wilke**, a specialist in Estate Planning, Trust & Probate Law, certified by the State Bar of California Board of Legal Specialization. Before joining META Law, Dianna was a senior vice president and wealth management director at Wells Fargo Private Bank in Roseville, California. Wilke is a graduate of Arizona State University and Southwestern University School of Law. Phone (805) 856-3400; www.metalawinc.com.

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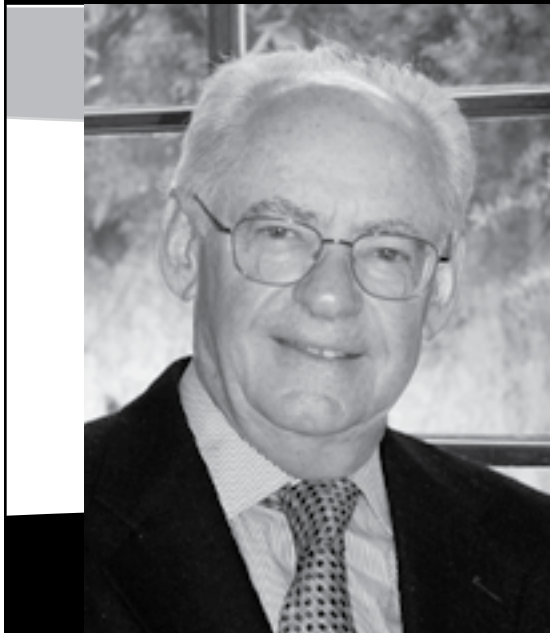
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Enrobing ceremony for newly appointed judges **Mark Borrell** and **David Hirsch** is scheduled for Friday afternoon, July 30, beginning at 4:00 p.m. inside Courtroom #22. If you have not attended one in the past, you may want to do so. It's a roller coaster ride of emotions...In a year of turmoil, State Bar Governors went with familiarity choosing former State Bar President James Towery as the agency's chief prosecutor. The longtime partner with San Jose's Hoge Fenton Jones & Appel, where he has chaired the litigation practice group, said he expects to take office July 12. Towery, 61, was president in 1995-96 and replaces Scott Drexel, who was let go one year ago. Bar leadership never explained why Drexel wasn't retained. I LOVED this quote from Towery in response to being paid more than \$183,000 annually: "It will be a significant cut from my Hoge Fenton pay."...**James Casey** opened up his own shop in Ojai, James Casey Law, practicing criminal, family, and personal injury. Jim has resided in Ojai since 1988. He remains Of Counsel with Bamieh & Erickson. james@jamescaseylaw.com or 646.5997...

The Ventura County Criminal Defense Bar Associations Annual Awards Dinner was held June 11 at the Crown Plaza Hotel. The Joyce Yoshioka Award was presented to **Mike McMahon**, while the Richard Erwin Award was presented to **William "Willy" Quest**. The Lifetime Achievement Award and Special Recognition went to **Jim Farley**...San Diego patent lawyer Matthew Pequinot had asserted a right to trillions of dollars in damages after realizing that patent markings on the lid to his daily cup of coffee had actually expired several years before. He lost his quest in a ruling June 10 by the U.S. Court of Appeals for the

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

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

Federal Circuit, the *National Law Journal* reports. The court found Pequinot failed to prove the defendant company intended to deceive the public with its false mark, a requirement under the recovery statute. Pequinot had sued Solo Cup...Japan, South Korea and 15 feet into North Korea? **Steve Feder** at stevefeder@gmail.com. Peru? **Dien Le** at dien.le@callawcounsel.com... FCOP is hosting a party to honor **John Orr** as Chairman, Museum of Ventura County Board of Directors. It will happen July 8, beginning at 5:00 p.m. in the new Museum Plaza Pavilion – kgooding@fcoplaw.com...

**Bill Corbett** checks in with a newspaper account of one of his NMSU student's quote of how they overcome anxiety – "I study beforehand and take two shots of Pendleton Canadian Whiskey the night before I take the test." Billy can be reached at 2010 Payne Court, Las Cruces, NM 88001 or wcorbett@nmsu.edu...A drug-sniffing dog checking inmates waiting for court appearances in a lockup at the LA courthouse focused instead on a visiting lawyer, resulting in his arrest on a charge of narcotics possession. Deputies searched lawyer Michael Inman after the dog alerted and found heroin and meth. Go figure – the Beverly Hills lawyer has been disciplined twice before and remains active as of this writing...**Matt Haffner** ran a remarkable 5:53 in the State Street Mile held June 6 in SB, good for 31st place in the 40-49 category. The winner? The same dude that ran and won our Law Day 5K Race which drew over 400 participants 5.22. His name is Michael Chavez in 14:24, a course record. 2nd place went to Ezkyas Sisay in 14:35. He is from Ethiopia! The woman runner who placed 3rd, Mary Akor, is entered in the U.S. Women's Olympic Marathon Trials in Boston...

**Bart Bleuel** entered six events and medaled in four at the U.S. Masters National Short Course Meet held in late May in Atlanta... Movie Quote of the Month: "If my hands weren't tied by the unalterable fetters of the law, then I would invoke the tradition of our illustrious forebears, reach back to a purer, sterner justice, and have you burned at the stake!" From *Ghostbusters 2* as a judge sentences Dr. Peter Venkman (Bill Murray)

as his phantom-chasing colleagues after they cause a blackout...Quote of the Month: "We shouldn't have to be burdened with all the technicalities that come up from time to time with shrewd, smart lawyers interpreting what the law or what the constitution may or may not say." From Dan Quayle and thanks to **Monique Hill** for the reminder...

**Judge Mark Borrell** was officially sworn into office with fashionable taste. It took place at the City of Hope in Duarte on May 17. **Judge Long** presided, accompanied by Shirley. They very graciously took a detour from a trip to Sacramento. Also in attendance were Mark's wife, Cindy and two of his three daughters. **Roger Borrell**, the patient, is doing fine...Since May 21, attorney Jim Carney has been biking with his wife and children on a transcontinental trip from Astoria, Ore., to Yorktown, Va., taking a long-held dream vacation that he began working toward after completing the Boston Marathon in 2005. As of June 16, the family was nearing an 11,500-foot pass in Yellowstone National Park. But despite the challenges of biking an average of more than 60 miles a day during the 70-day trip, Carney, who practices at Carney, Davies & Thorpe in Jamesville, is still working two hours a day with the help of modern law practice technology...A 3rd Generation Venturan, **Dianna Wilke**, has joined **Ted Muegenburg** at Muegenberg Estate and Trust Attorneys this past June. Ted hosted a very nice reception for Dianna June 23... License Plate of the Month: ZIDELAW, on a 2008 Mercedes C300 and driven by **Jennifer Zide** (she still has the old jeep as a primary)...

*Steve Henderson has been the executive director and chief executive officer of the bar association and their affiliated organizations since November 1990. As a 17 year-old, he sailed around the globe and did not have to be rescued by a French vessel in the Indian Ocean. Additionally, Henderson is an avid, loyal, Lakers fan and predicted the victory with certainty early in the season. Lastly, Henderson was a member of Argentina's World Cup Soccer team in 1980. He may be reached at steve@vcba.org, Twitter at stevehendo1, FB, LinkedIn, or preferably at 650.7599.*



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*Mr. Nielsen grew up in Thousand Oaks, and graduated from Westlake High School. He received his Bachelor of Arts from the University of California at Santa Barbara, and his Juris Doctorate from the Santa Barbara College of Law. He received the Witkin Award for Academic Excellence and the CALI Excellence for the Future Award in Remedies, and Academic Achievement Awards for the Highest Grade in Contracts, Legal Writing, Torts and Remedies. As an attorney, Mr. Nielsen worked in Construction Litigation and as a Ventura County Deputy District Attorney, where he received 24 hours of P.O.S.T. Certified Standardized Field Sobriety Test Instruction. Mr. Nielsen is now using his experience to help clients facing DUI charges.*

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