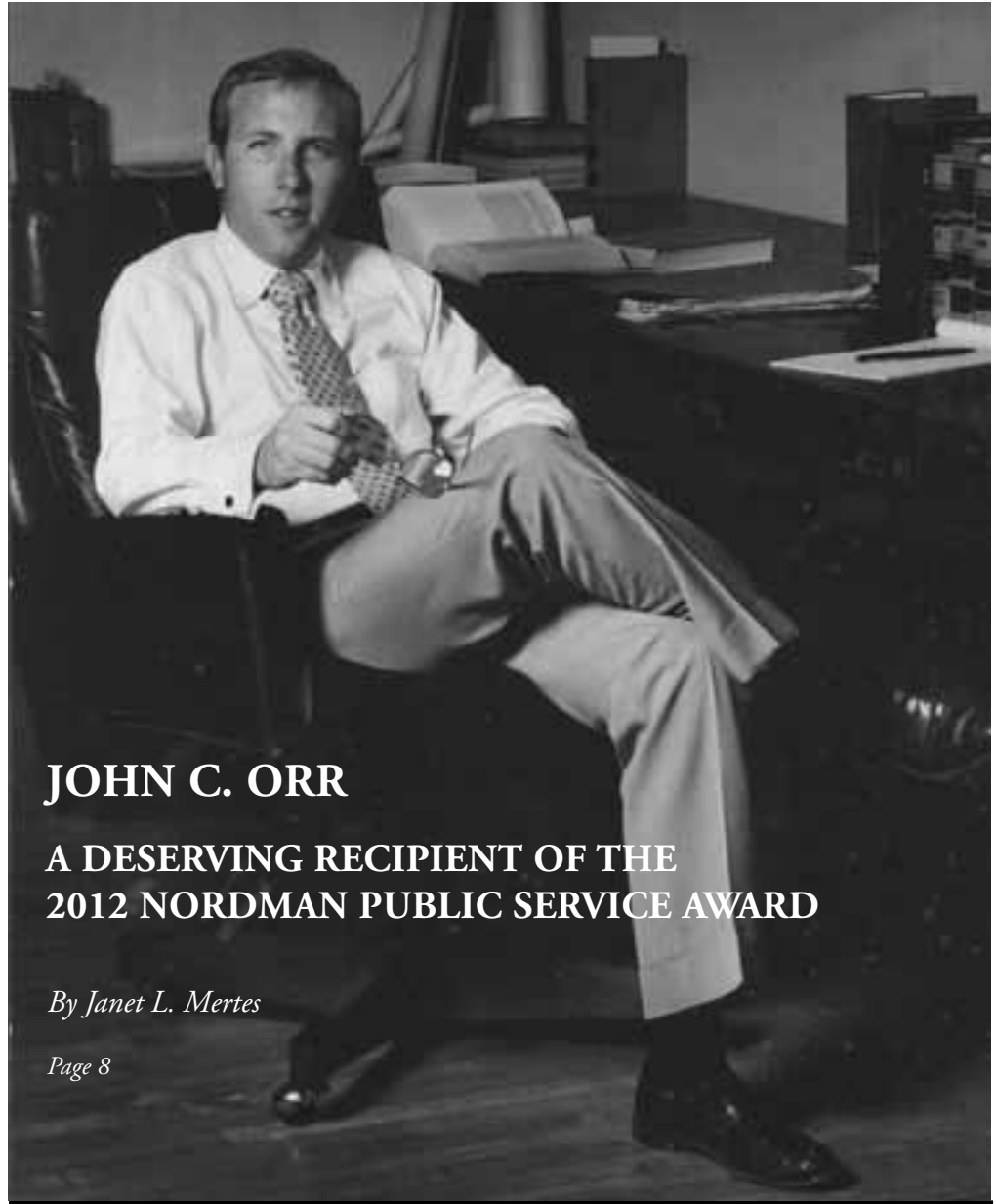




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PRESIDENT'S MESSAGE: VCBA ANNUAL DINNER – HONORING THOSE COMMITTED TO PUBLIC SERVICE, AND SUPPORTING OUR PRO BONO PROGRAM

By Dien Le



One of my first executive decisions was to change the venue of VCBA's Annual Installation and Awards Dinner for the first time to the *Hyatt Westlake Plaza*. I've been informed that the last time that the annual dinner was in the East County was more than 17 years ago (when **Wendy Lascher** received the Nordman Award), when it was held at the Reagan Library. The annual dinner will take place on Saturday, Nov. 17.

To fulfill my mission of proving that the East County can make a great showing of support for the dinner, I formed an ad hoc Sponsorship

Committee to get members from this side of the Conejo Grade involved. The sponsorship committee set its goal high by aiming to raise \$20,000 in sponsorship from local firms and companies. This committee, which has been working hard since January, is comprised of:

Bret Anderson, Jason Burrows, Jim Dawson, Marc Dion, Kevin Dorhout, Kata Kim, Shane Loomis, Al Martinez, Kevin Shaw, Mark Suzumoto, and Scott Williams. We also have two non-attorney committee members: Chai Balke of Merrill Corporation, and Brandon Matloff of Northwestern Mutual. From all the sponsors secured to date, special recognition is due to our most generous sponsor at the Platinum level (\$2,500): *Creative Dispute Resolution*, which retired **Judge David Long** took over after **Paul Fritz** passed away. We always appreciate Judge Long's endless support of VCBA.

Planning for VCBA's biggest event of the year is done by the Annual Dinner Committee, which has been chaired by **Eric Reed** since 2010. Eric wanted to be involved because it was an opportunity to help raise funds for VLSP and because of the dinner's long history. Other members of the dinner committee include **Steve Henderson, Jeff Loebel**, and myself. Besides handling all the details, Eric has viewed the role of the committee as providing institutional knowledge and giving the event continuity. While the theme and style may change depending on the preferences of each president, one thing that has remained the same is the \$100 cost per person to attend. If last year was any indication, Barristers have been making an increased presence at the dinner (Barristers only pay \$65).

A popular and entertaining feature of the dinner is the silent auction, which has been chaired by the extraordinary efforts of past VCBA president **Don Hurley**. For the past ten years, Don and his wife Carol have done all the legwork, from collecting the donated items to setting up the table displays for the items. Don has also had the assistance of representatives

Continued on page 4

Sometimes numbers are the only prints left behind.

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PRESIDENT'S MESSAGE: *Continued from page 3*

from Santa Barbara Bank & Trust as well as VCBA staff to help with logistics during and after the event. Each year, the silent auction has raised between \$4,000 and \$10,000 for VLSP. The big ticket items (e.g., condo, Staples suite) have certainly helped with raising the most funds, but many of the smaller items (\$100-\$150 range) make the auction attractive to all pocketbooks. It is clear that Don has a great system in place that has proven successful year after year.

Of course the main focus of the annual dinner is to honor the recipient of the **Ben E. Nordman** Public Service Award. Mr. Nordman, a past VCBA president, was committed to public service, and inspired others to get involved and give back to the community. After Mr. Nordman passed away in 1985, it was only fitting that an award be named in his honor to carry on his legacy. Since 1986, it is the highest honor that the VCBA can bestow on an attorney. This award serves "to recognize outstanding contributions made by a lawyer to his or her community by means of community, charitable, or other public service activities. By such recognition to publicize and encourage such activities by members of the legal

profession." A trust fund was also established to underwrite the \$1,500 honorarium given to the recipient. The process for recommending the recipient is done by a distinguished ad-hoc group comprised of past recipients, community leaders, and VCBA Executive Committee. The logistical coordination of this gathering is handled by **Kevin Staker**, who has volunteered his assistance since 1990. This group gives an advisory vote to the three-person Selection Committee made up of the VCBA President, Chair of the County Board of Supervisors, and Chair of United Way, who make the final decision. The designated *ex officio* secretary of the Selection Committee helps keep us in check with the spirit and purpose of the award. **Mike O'Brien** currently holds that position. Every year there is an impressive slate of nominees, which makes the selection of the winner difficult. This year was no exception, and the Selection Committee felt that **John Orr** was well-deserving of this honor.

At the annual dinner, VCBA also awards several **James D. Loeb/VLSP** Awards. These pro bono awards, named in honor of Jim Loeb (a past VCBA president and Nordman Award recipient), were first given in 2003 after he

passed away. The idea for these awards is credited to past VCBA president **Loye Barton**. Each year, the Loeb Family contributes \$1,500 to the Annual Dinner, and Mr. Loeb's son, Jeff, has the honor of handing out these awards. Recipients are recommended by **Verna Kagan**, VLSP Program Manager/Emeritus Attorney, and ratified by the VLSP Advisory Board. As the recipient of a prestigious 2012 State Bar President's Pro Bono Service Award, **Leslie McAdam** will also receive a Loeb/VLSP Award. The other worthy honoree this year will be **Harveen Simpkins**.

Please join us for this auspicious occasion so that we can celebrate and honor such shining examples of our profession.



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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JUSTICE FOR THE INNOCENT *By Gregory D. Totten*

Last year, a man was released from a Texas prison after serving 30 years for a rape and robbery he did not commit. Another inmate was released after 35 years in a Florida prison for a kidnap and rape he did not commit. In both cases, and in a number of other cases throughout the country, DNA and other new evidence has exonerated defendants years after their convictions.

We are aware of no such cases in Ventura County. But the possibility of such a tragedy occurring here serves as an important reminder that we must remain vigilant to avoid the conviction of an innocent person. Accordingly, I have designated a Conviction Integrity Deputy to review claims of factual innocence and have formalized a process to review such claims. Similar programs have been created in other prosecutors' offices throughout the country.

Several years ago, I was appointed by the President Pro Tem of the California Senate to serve on the California Commission on the Fair Administration of Justice. The commission recognized that the criminal justice system is a human institution and cannot be perfect. This office has previously examined cases in which

the defense has presented evidence of factual innocence, whether before or after conviction. We have now formalized that process by designating an experienced prosecutor to review meaningful claims of factual innocence and determine whether additional investigation is required. Evidence of factual innocence should be forwarded to Special Assistant District Attorney **Michael Schwartz**. The fact that claims have been previously rejected by a trial court or appellate court will not necessarily preclude further inquiry. Whether a case should be dismissed after conviction based upon factual innocence will be carefully considered by a designated review committee.

As the United States Supreme Court recognized in *Berger v. United States*, the twofold aim of the prosecutor "is that guilt shall not escape nor innocence suffer." This program will help reach our goal that justice be done in every case.



Gregory D. Totten is the District Attorney of Ventura County.

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A DESERVING RECIPIENT OF THE 2012 NORDMAN PUBLIC SERVICE AWARD - JOHN C. ORR

By Janet L. Mertes



"We are fortunate to be lawyers," says **John Orr**, one of the principal partners of Ferguson Case Orr Paterson LLP. Over the years, John has come to recognize that his education and skills have afforded him many opportunities to serve our local community, and serve he does! John donates his time, resources, and legal talents to the Museum of Ventura County, several Ventura and Ojai schools, sports teams, our agricultural community and colleges, to name just a few. He serves on several boards of directors and feels that board service is his niche to giving because he enjoys the full gambit of board activities, from group interaction and decision-making through the drafting tasks lawyers are frequently asked to take on.

John says he believes "Everybody has a unique fit for giving, just find your place and be generous with your time and resources," and he is proud of how legal professionals support Ventura County.

GETTING TO KNOW JOHN...

John is a 4th-generation Ventura County lawyer and 3rd-generation farmer. His law career follows those of his great-grandfather, **Orestes Orlando Orr**, grandfather, **H. Frank Orr**, and father, **Frank E. Orr**. John attended USC, where he majored in history, followed by Santa Clara School of Law. After graduating law school, John returned to Ventura. Here, he joined his family firm of Benton, Orr, Duval &

Buckingham, which was founded by his great-grandfather in 1882. When he joined the firm, John committed to his father to practice law for five years. "After that, who knows," John recalled thinking at the time.

In 1982, John left his family's firm to co-found Case, Orr & Cunningham, which would later become Ferguson Case Orr Paterson LLP. This move symbolized the first time he made the personal commitment to practicing law as a career. John currently practices estate planning, trusts and probate. His firm is among the most active in the county. It generously sponsors and donates to numerous Ventura County charities.

Partner and friend **Michael Case** expresses pride when describing John's achievements. Case says that John has made generous personal donations under the name of the firm so as to not draw attention to himself. If you ever have the opportunity to visit their office, you will find wonderful photos and paintings depicting historic building and farming scenes throughout the county, many of which are provided by John.

In addition to practicing law, John is a local avocado and lemon rancher. His wife, Stephanie, is also a local rancher. Their 20-year-old son, Nick, attends Middlebury College in Vermont. John enjoys traveling with his wife, collecting local art, duck hunting and entertaining friends and family at his Faria Beach home.

Getting to know John means knowing that he is as generous as he is friendly. Friends and business associates describe John as "humble," "visionary," "humorous" and "just a good guy." John believes that donating time, skills, and personal funds is an important part of his responsibility as a person.

In the early 1980's, John's friend Frederick Twichell, gave John the idea that donating ten percent of one's income to charities is part of our civic responsibility. John took this advice, and more, to heart.

A colleague described a recent weekend when John scheduled an impromptu event at his Somis avocado orchard. It was time to take the tomato plants out for the year, so he naturally thought to invite some friends and their children to clean off the remaining fruit before removing the plants. The guests arrived to find John cooking a spectacular outdoor breakfast for all 25 of them, including omelets, quesadillas, bacon, and locally grown fruits and vegetables. He taught the children about the ranch, and even delighted the adults by providing quad runners to use in the orchard for entertainment. The morning activities are typical of John's gracious demeanor. John also frequently provides donations from his orchards to our local food banks and schools.

PERSONAL BEST...

John has local roots and a deep appreciation of Ventura County history. He was a history major in college. This combination made him the perfect person to serve on the board of directors of the Museum of Ventura County, as he has for several years. In 2008, when the recession was at its height and construction costs were soaring, the Museum was expanding. Through John's guidance, the Museum raised funds to complete its much-needed Phase I expansion and remodel. The improvements were completed during his tenure. John is most proud of this achievement because of the contribution the museum makes to Ventura County. The Museum is not only a cultural gathering place for the Ventura County community but also a highly sought-after venue for weddings and other celebrations. Members of the board of directors have said that completion of the project would not have been possible had it not been for John's leadership and ability to bring people together to make things happen. John describes his contribution to the project as his, "way of committing and being of use to the community." The remodeled facility with a new pavilion and courtyard is truly John's legacy.

CAREER BEST...

Bringing people together is what John does best, and his most rewarding career moment exemplifies the passion John has for helping others. About 30 years ago, an older woman was referred to John to prepare a Will. Her husband had put her in convalescent care, a decision with which she didn't agree. In interviewing the woman, John learned his client wanted to leave all her assets not to her husband, but to her daughter, with whom the woman had not been in touch for 52 years, and whose whereabouts were unknown. Furthermore, the lack of communication within the family was due to racial tension between the mother, her daughter and her son-in-law. John describes the distance as a result of the era in which the client came of age. He decided to conduct extensive research for his client and located the daughter, who lived thousands of miles away. By using a series of lawyers to maintain confidentiality, John was able to determine that the daughter wanted to reunite with

her mother, and his client wanted to do the same. John proceeded to arrange the meeting in California. The clients were so thankful for his efforts that they invited him to attend their reunification. He said that witnessing this event was one of the greatest days of his life

As it turned out, the client's daughter was suffering a terminal condition and passed away within a year of their reunification. The client also passed shortly thereafter. However, the daughter's children were entering their college years at the same time, so the funds passed down to the grandchildren to fund their college educations. To this day, John is in touch with the extended family.

COMMUNITY ELEMENT...

John is a unique recipient of this award in that he represents a significant local link in our global farming economy. As a rancher, John is always looking for ways to make growing and harvesting more effective. Through his board work with Index Fresh, he discovered that Chileans have innovative approaches to farming avocados. John reached south of the equator and made connections by partnering with Chilean farmers to expand his knowledge base. John has repeatedly made trips to Chile to learn cultural growing practices that he employs in his own avocado orchards and shares with other local farmers.

Additionally, John supports the Ventura High School's girls basketball team by donating chopped wood each year for the girls to sell as fire wood. They pre-sell pick up truck loads of wood, go to the orchard and help load the trucks for pick up by local families. Their coach loves this local "quirky" fundraiser. She says it has not only supported athletics over the years, but has provided "country life" exposure to many on the team who have never left the beach city. The team looks forward to their trip to John's ranch every year

In addition to the wood donations, John regularly hauls avocados to The Thacher School in Ojai for the kitchen staff to use in food preparation. The students look forward to the guacamole parties hosted by John.

John is an avid supporter of education. In the 1990's, he spearheaded an effort by his firm to voluntarily support the History Department at Ventura High School during



a time funding was being withdrawn by the State. He has quietly provided scholarships to needy students at Ventura College for decades and in one case made an anonymous donation so one of the firm's employees could complete her education at Sonoma State.

Currently, John also serves the Del Norte Water Company (President of Board of Directors), Oxnard Drainage District No. 2 (Secretary and General Counsel), Ventura County Game Preserve (Member), Index Fresh (Member of Board of Directors and Treasurer), Museum of Ventura County (Chairman of Board of Directors), and the Ventura County Community Foundation (Member of the Technical Advisory Board).

Modestly, John accepts this award on behalf of all Ventura County's lawyers who provide countless hours of volunteer service. He says that the efforts he has made over the years and continues to make are a product of his responsibility and desire to serve the community that has, in turn, given him a great deal of joy. In his words, "I represent all of us."



Janet L. Mertes runs the Camarillo-based bankruptcy, estate and family law practice of *The Law Offices of Janet L. Mertes*.

CA Homeowner Bill of Rights (More Foreclosure Reform) - Too Little, Too Late?

By Michael R. Sment

The statutory procedures for California non-judicial foreclosures have dramatically changed in recent years, caused in part by the Great Economic Recession and related efforts to slow the tide of California residential foreclosures. California lawmakers have made several attempts to address the increasing volume of loan defaults, the overwhelming number of non-judicial foreclosures, the loss of hundreds of thousands of California homes, and the countless borrower claims about bank and lender abuses.

In addition to 2008-2009 revisions to the Civil Code (relating to timing, phone calls and notice requirements for foreclosures), California was also one of the largest recipients of benefits from the National Mortgage Settlement of 2012. That multi-state settlement, involving five major banks (Citibank, JP Morgan Chase, Bank of America, Wells Fargo, Ally), resulted in payments of over \$25 billion from the banks to several states for various loan, homeowner and foreclosure claim purposes. The stated goals of the settlement, which gave the participating lenders nearly unlimited releases from all borrower and foreclosure-related claims, estimated to be in potential

excess of \$1 trillion, included: more and simpler modifications of residential loans, more borrowers being allowed to stay in their homes and, in some cases, even new loans with reductions of principal.

The California, and claims submission, portions of the settlement have not yet been made active. See settlement website, www.nationalmortgagesettlement.com, and the California Attorney General's site, <http://oag.ca.gov/nationalmortgagesettlement.com>. (As predicted by some, the settlement will be slowed down and burdened by its administrative aspects, which will result in costs and expenses which reduce the net funds available to individual borrowers.)

California Attorney General Kamala Harris, one of the principal negotiators, was not satisfied with the settlement. She is concerned about ongoing lender abuses and broad releases of liability, and the continued loss of California residential properties. As a result, Harris promoted the California "Homeowner Bill of Rights" ("HBOR") package of laws which was introduced in the Legislature in 2011 (SB 900 and AB 278) to correct some of those lender-

homeowner problems, and to continue the reform of California foreclosure laws. These new HBOR laws (primarily for residential property owners and borrowers) consist primarily of changes to the California Civil Code. Signed into law by Governor Jerry Brown on July 11, the legislation will go into effect on January 1, 2013.

Considered by some as "California Foreclosure Reform 2.0," the new HBOR package of laws would, among other things:

- Emphasize that California foreclosures have had "a devastating economic impact on state and local governments;"
- Distinguish between "smaller" and "larger" residential mortgage lenders, with more detailed procedures for the larger lenders (Civ. Code, §§2923.4, 2923.5, 2923.55);
- Place legal compliance burdens on the "mortgage servicer," not the lender (Civ. Code, §2920.5);
- Prohibit "dual-tracking" (where loan modification negotiations are ongoing, the lender may not record foreclosure



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documents or conduct a nonjudicial foreclosure sale) (Civ. Code, §§2923.5, 2923.55, 2923.6, 2924.11, 2924.18);

- On a borrower's request for a "foreclosure prevention alternative," a larger lender must establish a "single point of contact" (individual or team) for each borrower with a "direct means of communication." (Civ. Code, §2923.7) [Note: the new laws do NOT specify any requirement that a borrower actually receive a "foreclosure prevention alternative," like modification. They simply give a borrower "the opportunity" to discuss any available alternatives with its lender before foreclosure. But, that does NOT mean that an alternative has to be given by the lender.];
- Prohibit "robo-doc" signing of ALL foreclosure-related notices or declarations, and provides penalties of \$7,500 per loan for "multiple and repeated uncorrected violations" (Civ. Code, §2924.17);
- Provide for a "private right of action" for borrowers to seek a court injunction and attorneys fees for "material violations" of the new laws, "up until a foreclosure sale is completed" (Civ. Code, §§2924.12, 2924.19), or to sue "after sale" for actual damages resulting from a material violation that was not corrected, including attorneys fees and civil penalties or treble damages (Civ. Code §§2924.12, 2924.19);
- Allow violations of the HBOR to be deemed violations of California charters or licenses and subject to California administrative agency enforcement and cessation of "continued engagement in California lending or servicing business (Civ. Code §§2924.12, 2924.19).

Some attorneys have queried whether providing California homeowners with new rights to sue will be effective in a California court system that is facing massive budget cuts, layoffs, closures and delays. Putting troubled homeowners and borrowers into a judicial system facing its own current and future challenges and problems does not seem like the wisest of solutions. Why wasn't a foreclosure court created, as in other states? The 2013 effective date for HBOR makes it too late for the more than 1 million

California homeowners who have already lost their homes through foreclosure or illegal lender practices. Who is HBOR actually going to help? Its provisions for maximum \$7,500 penalties for lender violations, per loan, seem extremely deficient. [Practice Note: Some analysts have also suggested, in light of HBOR language and its effective date, that most borrowers should avoid applying for, or making, a modification decision until after December 2012, so that some of the HBOR protections might be applicable and available to them.]

Other proposed California legislation would also work with the new HBOR laws to:

- Reduce, and provide measures to combat, crime in foreclosure-caused areas of blight (a problem in several California cities, including Stockton which has recently been forced to file bankruptcy) [AB 2314; SB 1472].
- Provide further protections for tenants living in foreclosed, or to-be-foreclosed, properties [AB 2610; SB 1473].
- Strengthen law enforcement tools to response to mortgage and foreclosure fraud [AB1950].

- Enhance grand jury processes to deal with complex, multi-jurisdictional fraud and crimes [AB 1763; SB 1474].


There may also be some remedies available, under federal law, to California homeowners who have lost their homes through, or dealt with, improper foreclosure. One soon-to-expire option is a claims and foreclosure review process that was created by the U.S. Office of the Comptroller of the Currency and the Federal Reserve Bank. It has recently been extended until Dec. 31. Under that agency-imposed process, 14 major residential loan servicers must now employ "independent consultants" to review borrower claims about foreclosure actions and proceedings that took place as to "primary residences" from Jan. 1, 2009 to Dec. 31, 2010. The foreclosure reviews are free and could result in payments of \$500-\$125,000 per loan for lost homes or damages. There are also other possible remedies, including loan modification, credit report corrections or readjustment of deficiency balances. Information about requesting a foreclosure review, which servicers are participating, and required forms, can be obtained at independentforeclosurereview.com and (888) 952-9105.

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6TH ANNUAL WOMEN LAWYERS OF VENTURA COUNTY LEGACY DINNER

By Katie Hause



Judge Ellen Gay Conroy

The Women Lawyers of Ventura County (WLVC) will honor **Judge Ellen Gay Conroy** and **Laura Bartels** Nov. 29 at Herzog Wine Cellars in Oxnard. Conroy will receive the WLCV's Sixth Annual Legacy Award. Bartels is the recipient of the **Holly Spevak** Memorial Award.

The Legacy Award honors a pioneer woman attorney, one of our "founding mothers" who was a leader among women lawyers, a strong supporter of women's rights, an advocate for diversity in the legal profession, and a proponent of advancing the interests of women and girls.

Judge Conroy was born into a low-income family living on the Monterey Peninsula in 1943. Her father was a commercial fisherman, providing for the family by catching sardines for the local canneries. Her mother set a good example for Judge Conroy, who describes her as "overachieving;" her mother was a schoolteacher, author, and artist. When her mother decided that she needed to be home to take care of Judge Conroy and her three siblings, she transformed the family's barn into a nursery school to provide for other children in the community as well as her own.

Judge Conroy excelled in high school and was offered a scholarship to University of California, Santa Barbara, where she met her husband, John Conroy, to whom she has been married for 47 years. Judge



Laura Bartels

Conroy describes her husband as good, patient and supportive. In fact, it was not until Judge Conroy was thirty-five years old that she decided to go to law school. John was indeed supportive, and helped with the house and with raising their two children. He became an expert at cooking, at least with hotdogs in the microwave.

While attending the Ventura College of Law, Judge Conroy knew that she had chosen the right path for herself and felt like she could finally settle down into a career. While continuing to work full-time in the Welfare Department, Judge Conroy breezed through law school, graduated in December 1981 and passed the February 1982 bar exam.

Judge Conroy worked mainly in family law and had a significant impact on how family law cases are handled in Ventura County.

She was appointed by Judge Colleen Toy White to a panel tasked with determining how to offer better services to self-represented family law litigants. Through the work on this panel, the Court's Family Law Self-Help Center was born. Judge Conroy was the driving force behind the Self-Help Center and its weekly clinics for self-represented litigants. This experience was such a highlight for Judge Conroy that she left private practice and took the position of Family Law Facilitator when it was created, so that she could help self-represented litigants full time.

Judge Conroy was appointed as a Ventura County Court Commissioner in 2006, and then was appointed as a Superior Court Judge by Governor Schwarzenegger on July 21, 2008. She has been in Courtroom 32 ever since, overseeing a family law calendar.

Judge Conroy has two daughters, no grandchildren, and a "cute but ill-behaved dog." She loves traveling, and has been to Africa, South America, the Middle East, the Far East, Europe, the Caribbean, French Polynesia and Mexico. Other personal accomplishments include appearing on three TV game shows, jumping out of a plane on her 50th birthday, singing at Erik Estrada's wedding, and rafting level four rapids in Costa Rica. While Judge Conroy loves all of these memories, she says that she would change nothing about her career, and believes that being a judge is her true calling in life. She has mentored women considering law as a career, including yours

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Continued on from page 11

Recent federal laws regarding foreclosures, and to assist homeowners, include the 2009 "Economic Stabilization," "Troubled Assets Relief Program (TARP)," and the "Helping Families Save Their Homes Act." Some protections for tenants and renters were set forth in the federal "Protecting Tenants From Foreclosure Act of 2009," 12 U.S.C. §5220, Note: Sections 701-704. (That law primarily gives additional time to tenants in foreclosed-on homes and allows for the remaining terms of their existing leases, and requires written 90-day notices before eviction proceedings can be commenced.) Those rare non-state law tenant protections are set to expire on Dec. 31, along with many other federal foreclosure-related protections, like the IRS exemption for foreclosure sale and short sale income taxes, unless Congress sees fit to extend them. Unfortunately, those needed legislative changes or extensions are not likely to be approved during the 2012 election year.

Few things are certain, but it is fairly predictable that there will continue to be a significant number of foreclosures in California. It is uncertain, however, whether the new HBOR or other laws will actually help stem the foreclosures, or help people stay in homes, or provide any relief to the millions of California "homeowners" who have been affected during the recession. With the continued loss of California residential properties, there will assuredly continue to be problems, and additional legislative and administrative efforts to fix or avoid them. More California foreclosure reform is as certain as the future large number of more California foreclosures, but will those future and additional changes in laws be any more successful, in keeping California property owners in their homes, than the past and recent changes of California Foreclosure Reform 1.0 and 2.0?



Michael R. Sment is a member of the CITATIONS Editorial Board, and practices Real Estate and Bankruptcy Law in Ventura. He specializes in CA Foreclosure matters and issues.



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6TH ANNUAL WOMEN LAWYERS OF VENTURA COUNTY LEGACY DINNER

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truly, and gives realistic but optimistic advice. She is constantly thinking of others and wishes that she had more time in her day to help litigants get through the legal system. Her commitment to her position, the people appearing in her courtroom, and to the general public, is unparalleled.

The Holly Spevak Memorial Award honors the memory of a woman whose short time as an attorney brought lasting contributions to the community and access to justice through pro bono work. This award is presented to a new or “newish” attorney who exemplifies the commitment to serve others.

Laura Bartels began working for Taylor & Scoles in Fillmore as a paralegal in 1988, and decided that she wanted something else – to be an attorney there. She decided to attend law school, and graduated from Ventura College of Law in 1997. Thereafter, she became an attorney and partner at Taylor, Scoles & Bartels in 1997. Bartels later attended the Santa Barbara Conflict Management Institute, where she

received her mediation certificate in 2005. She has now been practicing law in the Santa Clara Valley for 15 years.

Laura has devoted her practice to assisting people through very difficult situations – whether through bankruptcy, public interest matters, probate, or estate planning. She is known throughout the county as an incredibly hard working attorney with a stellar reputation. Her colleagues call her “empathetic, thorough, compassionate and intelligent,” and report that she “has a deep appreciation for her clients’ needs and desires.”

Because of her passion for helping others, Laura joined fellow attorney **Debora Vierra** in growing Santa Clara Valley Legal Aid in 1996. Laura, Debora, and other volunteer attorneys have worked with thousands of families and individuals seeking aid in legal matters. Unlike most legal aid programs, Santa Clara Valley Legal Aid has no regular funding. Donations fund only one paid translator, and most of the contributions come from grateful clients. Laura and the

other volunteer attorneys work with clients, not only to help them with their legal issues, but to teach them about the justice system and their own case, so that they feel like they have an “ownership” of outcome.

Laura exemplifies the principles that Holly Spevak worked for, to make a better way for others and to dedicate her law practice to the greater social good.

Please join us on Nov. 29, 2012 to honor these remarkable and inspirational women. Please see the enclosed flyer for details.



Katie Hause is a partner at Ben Schuck & Katherine Hause LLP, and practices in the areas of probate, estate planning, conservatorships, and animal law. Katie is also the Treasurer of WLVC.



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Chaos Perfectly Captured: "Argo"

By Bill Paterson

Imagine you want to make a film about the only six Americans who escaped the takeover of the American Embassy in Tehran in 1979. To the degree anyone even knows the story, how would you build tension and suspense when the outcome is known? And, since you are making a political thriller, how would you stir in some of the most uproarious dialogue to appear on screen this year? Lastly, since you have decided the film is going to be a major Hollywood production, how would you avoid flag waving clichés? Well, hats off to actor/director Ben Affleck, who has solved all those problems in "Argo." Hands down one of the most exciting films of the year.

It is 1979. The Ayatollah Khomeini has deposed the Shah and the U.S. has provided sanctuary to a man we put in power who is despised by most of his countrymen. The mullahs know that a sure fire way to consolidate their power is to focus on "The Great Satan," and the crowds start to gather around the American Embassy. The chants of "Death to America" are soon not enough to slake the thirst for vengeance and the mob storms the U.S. Embassy. The chaos of that moment is perfectly captured. It is not as if you are watching a film. It is what it must have been like to have been trapped in the Embassy as Iranian zealots poured in like water over a collapsing dam. In the confusion, however, six Americans escape through an unguarded door. Alone, afraid and conspicuous, they manage to make it to the home of the Canadian Ambassador. While they are safe for the moment, it is only a temporary respite. Back at the Embassy a crew of Iranians is painstakingly reassembling shredded documents and it is only a matter of time before they discover that they have not captured all of the embassy staff.

So what do you do if you are back in Washington? Six Americans are hiding in Tehran, one of the most virulently anti-American regimes on the planet. How do you spirit them out? Enter CIA "extrication" expert Tony Mendez (Ben Affleck). After shooting down any number of half-baked

Continued on page 20

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schemes, he has a brainstorm. He will fly to Tehran posing as a location scout for a science fiction film and whisk his countrymen out of the country as part of his Canadian film crew. Once he gets grudging approval for what many think is a hare-brained scheme, his next step is to quickly set up a fake film company. Enter makeup artist John Chambers (John Goodman) and schlock movie producer Lester Siegel (Alan Arkin). What is there to say about this magical pairing, other than to speculate that they may have paid for the privilege of uttering the best lines of the year about the inner workings of the celluloid kingdom. Some of Arkin's riffs (look for the line about Warren Beatty) are priceless.

The humor ends, however, when Mendez gets to Tehran. The streets are alive with gun-toting Revolutionary Guards, and perceived enemies of the new regime are either summarily executed by firing squad or hung from construction cranes. Through adroit camera work and a sure sense of editing, Affleck has created a world that never seems less than hyper-real. All the details are perfectly captured. There are the elaborate back stories each of the six have to burn into their brains to convince any questioners that they are Canadians fully versed in their supposed film profession. Then there is the palpable fear of venturing outside in a city in which every Westerner is under suspicion and all captured Americans are assumed to be spies. Equally impressive is the portrayal of what is happening back in Washington as last minute snafus and "political considerations" threaten to undo all of Mendez's efforts. I am sure poetic license was taken in the film and the final escape scene has no doubt been hyped to ratchet up the tension. By that time, however, I was so invested in the film that I wouldn't have wanted it any other way.

Bottom Line: **Run, do not walk, to see "Argo"**



Bill Paterson is of counsel to Ventura's Ferguson Case Orr Paterson LLP.



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

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



Please make every effort to attend the bar's Annual Installation and Awards Dinner scheduled for Saturday evening, November 17, beginning at 6 p.m. at the Westlake Hyatt Hotel. We will be honoring **John Orr**, **Harveen Simpkins**, and **Leslie McAdam** for their voluntary efforts in our community. All proceeds benefit the bar association and the Volunteer Legal Services Project, Inc., so contact Nadia Avila at 650.7599 or bar@vcba.org to register asap... Hangover Heaven, a Las Vegas-based bus service equipped with nurses and intravenous medications, promises to take you from a "semiconscious, porcelain-hugging, hit-by-a-truck hangover to feeling like you're ready to take on the world," says Dr. Jason Burke, a licensed anesthesiologist. For \$99, you board the bus, cruise the strip and get plied with IV fluids and anti-nausea drugs. For another \$100, the "Rapture" package includes heartburn meds, oxygen and a "super B shot"... License Plate of the Month: CNZ ESQ on a Grand Marquis LS and driven by **Connie Zarkowski**...

Vancouver? **Richard Hanawalt** at 642.0179 or attorneyhanawalt@sbcglobal.net... Pennsylvania's Court of Judicial Discipline says a Philadelphia traffic court judge brought his judicial office into disrepute when he showed photos of his genitals to a government contractor. The court found that the mens rea requirement was established when Judge Willie Singletary displayed two pictures of his privates. Singletary claimed he had completely forgotten about the pictures and he unintentionally displayed them. "We think that the public – even those members of the public who register the lowest scores on the sensitivity index – do not expect their judges to be conducting photo sessions featuring the judicial penis," the opinion said. Singletary resigned after

he was suspended from his judicial duties. This isn't the first time Singletary has run afoul of disciplinary authorities. In 2009, he was reprimanded for suggesting at a biker rally that those who donated to his judicial campaign would get favorable treatment from him once he was elected...

Mike and Jenna Strauss are a mom and dad for a second time with the birth of Henry Michael October 5 at 12:02 a.m. Mom and dad are fine and first-born Miles gave his ultimate approval (which was not a foregone conclusion), when he said Henry can go into the castle... The Barristers are providing free legal assistance to the RAIN organization November 14 beginning at 7:00 p.m. If you are a Barrister and want to assist, contact **Matt Purcell** at 987.8809 or mattpurcell@hotmail.com...

Panda Kroll, noted *CITATIONS* contributor, had an article published October 2 in the *Los Angeles Daily Journal*. "Fixing Fixers: Lawyers as Professional Coaches"... Carl Funk, 58, told Broward County, Fla., judge John Hurley (on a video feed from jail to a courtroom) that he is innocent of the seven-year-old charges (trespassing and open-alcoholic-container counts) and that, besides, he is now wheelchair-bound in pathetic medical condition and should be allowed to go home. The judge was skeptical, but finally, he offered to fine Funk only \$50 on the charges, and Funk agreed to plead guilty. "Good luck, Funk," said Judge Hurley. At that point, Funk rose from his wheelchair and quickly walked away. Wrote the *Sun-Sentinel*: "Raising both hands, Judge Hurley declared, "He's been cured."... Because of the holidays, the Probate and Estate Planning Section will hold their monthly luncheon on November 15 beginning at noontime inside the Wedgewood Banquet Facility. Watch for the promotional brochure contained inside this edition or register with Nadia Avila at 650.7599 or bar@vcba.org...

Leslie McAdam and **Meghan Clark** won awards for their paintings at the 60th Annual Meeting of the State Bar held in Monterey. Leslie brought home a third place and an honorable mention while Meghan's honorable mention hangs on her office wall... A New Orleans attorney was cited for marijuana possession after a joint tumbled out of his pocket in front

of police. Police say Jason Cantrell, who has a private practice but also serves as a part-time assistant city attorney, was in the magistrate section of criminal court chatting with police officers when a joint fell out of his pocket and onto the floor. Cantrell, 43, was a first-time offender and was cited, and issued a summons to appear in court for simple possession. Cantrell's wife, LaToya, is a candidate for a district seat on the City Council. "I absolutely do not condone his actions."...

New York State's chief judge, Jonathan Lippman, is moving ahead with his groundbreaking rule requiring law students to perform 50 hours of pro bono legal services as a condition of admission to the state bar... Be very careful out there. On October 3, the State Bar announced that it has filed disciplinary charges against attorneys as a result of stepped-up enforcement of Minimum Continuing Legal Education requirements. The attorneys falsely reported to the bar that they had fulfilled the requirement to complete 25 hours of MCLE. A total of 27 lawyers were referred to the Office of Chief Trial Counsel as a result of last year's random audit of 635 lawyers...

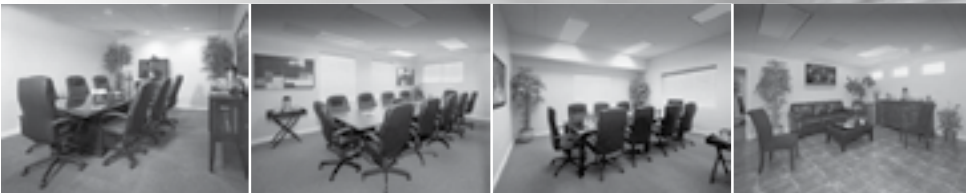
Arnold Gross is now hanging his hat at Wilshire Law Firm in downtown LA. He may be reached at 213.381.9988 or arnold@wilshirelawfirm.com... In 20 years on the bench, a Washington state judge says, he's never used a court summons and threat of criminal prosecution to deal with jury service scofflaws. But he's doing so now, Okanogan County Superior Court Judge Jack Burchard tells the *Wenatchee World*, because so many residents feel free to ignore calls to appear for jury duty. Of 240 individuals who received notices to show for service in September, 100 failed to appear... **Jesse Cahill** made partner at FCOP some months ago...

Steve Henderson has been the executive director and chief executive officer of the bar association and its affiliated organizations since November 1990. He will be celebrating his 10 years of service November 16 by debating Alex Rodriguez on ESPN. Henderson may be reached at steve@vcba.org, FB, LinkedIn, Twitter at [stevehendo1](https://twitter.com/stevehendo1) or [vcba1](https://twitter.com/vcba1), or better yet, 650.7599.

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Rachel Coleman, Esq.

New Associate:

We are happy to announce the arrival of a new associate attorney, Rachel Coleman. Rachel graduated from Ventura College of Law in January 2010. Over the last two years, Rachel published several judicial profiles and legal articles in Citations. In her spare time, Rachel sits on the Citations editorial board and the Ventura County Barristers board. In addition, Rachel teaches at the UCSB Paralegal Extension Program.



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(805) 477-0070



David Lehr, Esq.

New Baby Boy:
David and his wife Jennifer welcomed their eighth baby. In case you are not keeping score that's five girls and three boys.



Joseph Michael Lehr
(12/14/11)

We would appreciate your criminal law referrals.