



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

CITATIONS

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



JUDGE WRIGHT DISCOVERS THE BENCH'S PRIVILEGES AND CHALLENGES

By Kevin Daly Page 4

JOSEPH L. STROHMAN
 CAROL MACK
 MATTHEW P. GUASCO
 JOANNA L. ORR
 DON NELSON
 JESSICA ARCINIEGA
 NATALIE PANOSSIAN
 CHRISTINA S. STOKHOLM
 STEVE HENDERSON

| | |
|--|-----------|
| LAW DAY 5K RACE: THE 28TH ANNIVERSARY | 3 |
| TORN BETWEEN TWO LOVERS: NURSING AND LAW | 7 |
| MEDIATING PROBATE, TRUST & CONSERVATORSHIP DISPUTES | 11 |
| JUDGE REISER EMBRACES TECHNOLOGY | 12 |
| AN ALTERNATIVE TO RELIEF FROM STAY: MEET Hafa | 16 |
| HONORING HISTORY IN THE MAKING | 18 |
| LETTER TO THE EDITOR | 19 |
| BARRISTERS' CORNER | 22 |
| CLASSIFIEDS | 25 |
| EXEC'S DOT... DOT... DOT... | 22 |

SANGER & SWYSEN
ATTORNEYS AT LAW

233 EAST CARRILLO STREET
SUITE C
SANTA BARBARA, CALIFORNIA 93101
TELEPHONE 805/962-4887
FACSIMILE 805/963-7311
WEBSITE: <http://www.sangerswysen.com>

ROBERT M. SANGER* - E-MAIL: rsanger@sangerswysen.com
CATHERINE J. SWYSEN - E-MAIL: cswysen@sangerswysen.com
STEPHEN K. DUNKLE - E-MAIL: sdunkle@sangerswysen.com
SENIOR ASSOCIATE ATTORNEY
HEATHER E. GIBSON - E-MAIL: hgibson@sangerswysen.com
ASSOCIATE ATTORNEY
CHARLEY PAVLOSKY - E-MAIL: cpavlosky@sangerswysen.com
CHIEF INVESTIGATOR
*CERTIFIED SPECIALIST, CRIMINAL LAW
THE STATE BAR OF CALIFORNIA
BOARD OF LEGAL SPECIALIZATION

October 12, 2009

Jack Trimarco & Associates
Polygraph/Investigations Inc.
9454 Wilshire Boulevard, 6th Floor
Beverly Hills, CA 90212

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.

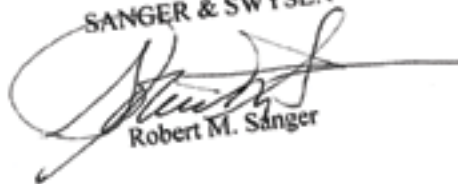
When we do decide to disclose the report in an attempt to convince a reluctant prosecutor of a client's innocence, a favorable polygraph report alone is not sufficient. The professionalism of the examination and the reputation of the polygrapher are critical.

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,

SANGER & SWYSEN


Robert M. Sanger

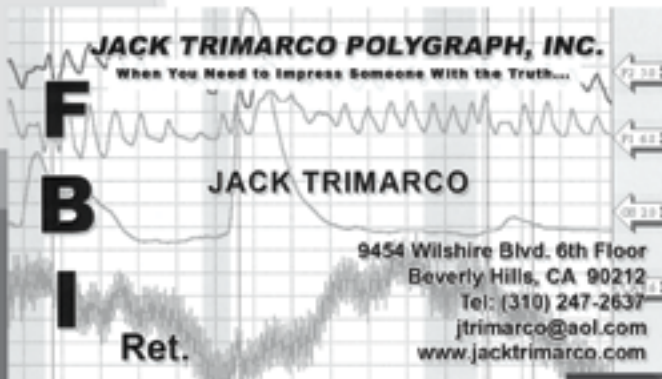
JACK TRIMARCO POLYGRAPH, INC.
When You Need to Impress Someone With the Truth...

FBI

JACK TRIMARCO

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

Ret.



**JACK TRIMARCO
& ASSOCIATES**

www.jacktrimarco.com

A proud member of the Ventura County Bar Association

LAW DAY 5K RACE: THE 28TH ANNIVERSARY

By Joe Strohman, Race Director/Bar President



On May 21, we celebrate the 28th Anniversary of the Law Day 5K (www.lawday5k.com). I've been there all 28 years as either a runner or race director. Here's a little race history from my recollection and Steve Henderson's historical research.

I came to Ventura in 1983 and remember **Judge Fred Bysshe** telling me about a "new" 5/10K race that was taking place that year. That was when I was in better shape and actually ran in the race. That year we had a big crowd of 150–200 runners and both a 5K and 10K race.

Genie Gable of Noon & Pratt Court Reporters conceived and organized the race that first year. Genie awarded large "revolving trophies." The winner each year had their name engraved on the trophy and all trophies were returned and reused each year. A lot of runners like **Rob Sawyer** and **Howard Asher** took pride in winning back the trophy each year. We retired the trophies around 2000.

After the first year, Genie said the race was a lot of work and asked for help from the Ventura County Bar Association. **Phil Moncharsh, Justice Steve Perren, Donna DePaola** and I formed a committee in 1984 to help out.

In 1985, the race committee included **Greg Totten, Phil Moncharsh, Donna DePaola, Robert Owens, Terry Ayala, Gigi Keller, Karen Kurta** and **Carol Shively**. Later, Irene Abbey of Noon & Pratt (later Corpus Juris) became a key sponsor. Irene was a hard worker and valuable committee member

for many years. The Ventura County Legal Professionals Association and Ventura County Paralegal Association have provided race volunteers every year and have made a major contribution to the race.

For years, **Greg Totten** and I used to "chalk the course" the day before the race. **Dave Cunningham, Doug Kulper** and my daughters Olivia, Hannah and Marie performed this task for years as well. A police officer once pulled over and questioned me at length about marking up the sidewalks.

The race budget in 1988 was \$1,319. That year, the race generated a profit of \$168.18. We have done much better over the past ten years. Since 1998 the race has contributed more than \$40,000 in proceeds to the VCBA's Volunteer Legal Services Program. We hope to raise more in the future.

The most significant evolution the race has experienced is the corporate underwriting. In addition, in 1993 we added Race Patrons who paid \$100 to have their names on the shirts and help increase revenue. Those original 11 are a who's who in the Ventura legal community. Also, Lawyers' Mutual, as the primary benefactor and lead race sponsor, generously donates \$2,500 each year. Additionally, there are more than 30 other businesses and firms that provide either cash or in-kind services. We now have loads of raffle prizes and giveaways at the race. Take a look at our race flyer for all of the sponsors who make the race possible.

After 25 years, some things are predictable, but others occur simply as surprises and

glitches. One year, despite the clear markings, five or so runners took a "big" wrong turn and ended up at the finish line ten minutes early. I was just thankful no one else was following them.

There have been freezing conditions, fog and rain. But usually we get those great sunny May mornings perfect for a run. We've had religious debates, too. For years the race was held on Saturday. In an effort to try to attract more runners, we moved to a Sunday in 1989. Several lawyers voiced their objections to a Sunday race. Several years ago we switched back to Saturday.

We've had pancake breakfasts and barbecues. We've had live bands (Old Country Trio Plus One) and a DJ (Big Ed). Yes, we have had some really fast runners. The 5K course record was set in 1987 by Jim Tripplett at a blistering time of 14:54 until Michael Chavez of Fullerton lowered it to 14:24 in 2010. Gary Tuttle and his wife Ruth have jumped in the race many years and usually push the pace.

Virtually all walks of life have participated in our event over the years. Judges, lawyers, police officers, legal secretaries, high school and college students, and the legal community. We promote countywide and now nationwide, but the vast majority of participants have a legal connection. It is still great to see entire families appear, run and have fun. The race has always been a fun family event. Judges **Back, Bysshe, Cloninger, Cody, Curtis, Kellegrew, Long, McGee, O'Neill, Reiser, Johnson, Lewis, and Hadden** have crossed the finish line. **Justices Stone, Perren, Yegan, and Judge Young** have as well. I don't really know if anyone has made all our races. I do know there are some automatics. **Wendy Lascher, Bart Bleucl, Howard Asher, John Scoles, Joe O'Neill, Rob Sawyer, David Cunningham, Don Hurley, Mike O'Brien, David Praver, Joe Hadden, Dennis LaRochelle, Susan Siple, and Amy Albano.**

Inside Track and Gary Tuttle, and Josh Spiker were with us for 25 years as the official timer and supporter of the race. In 2010 we switched to chip timing with SB Timing.

Continued on page 5

2011 VCBA BOARD OF DIRECTORS

OFFICERS

President

Joseph L. Strohman

President-Elect

Dien Le

Secretary-Treasurer

Joel Mark

Past President

Kendall VanConas

Executive Director, CEO

Steve Henderson, CAE

| | |
|---------------------|------------------------|
| Bret G. Anderson | Deborah E. Jurgensen |
| Alvan A. Arzu | Cheri L. Kurman |
| Linda K. Ash | Alyse M. Lazar |
| Laura V. Bartels | Susan L. McCarthy |
| Maria L. Capritto | Joseph D. O'Neill |
| Michele M. Castillo | Kathryn E. Pietrolungo |
| Josef M. Dion | Eric R. Reed |
| Erik B. Feingold | Christina S. Stokholm, |
| Lee A. Hess | Barristers |

CITATIONS EDITORIAL BOARD

Managing Editor

Wendy C. Lascher

Publisher, CEO

Steve Henderson

Graphics/Production

J.P. McWaters

Assistant Editor

Bill Lascher

| | |
|---------------------|-------------------|
| Karen B. Darnall | Rachel Coleman |
| Michael L. McQueen | Mark E. Hancock |
| Michael R. Sment | Aris E. Karakalos |
| Michael A. Velthoen | Panda L. Kroll |
| Louis J. Vigorita | Robert I. Long |
| Eric R. Reed | Gregory Herring |
| Al Vargas | Carol Mack |
| Valerie Gregson | |

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

Submit all advertising, classified and calendar matters to:

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

Submit all editorial matters to:

CITATIONS
P.O. Box 25540
Ventura, CA 93002
t: 805.648.3228
f: 805.643.7692
e: wendy@lascher.com

JUDGE WRIGHT DISCOVERS THE BENCH'S PRIVILEGES AND CHALLENGES

By Kevin Daly

I immediately noticed how friendly and down-to-earth **Judge Ryan Wright** is when I sat in his chambers at the Ventura courthouse. Elected to the bench in 2010, Judge Wright began serving his judgeship in small claims court in January.

Judge Wright, A Ventura native, graduated from St. Bonaventure High School in 1990. He attended Pepperdine Law School from 1994-1997. While a student at Pepperdine Law School, Judge Wright volunteered in a program for youth offenders who were incarcerated at Camp Gonzalez, a Los Angeles County youth correctional facility.

The program offered job skills, interviewing, education and tattoo removal programs. Mr. Wright emphasized that he spent "more time volunteering with the youth offender program than studying while in law school." "All the volunteers were deputized as reserve sheriff's deputies so we could take the inmates to attend their classes at local junior colleges," Wright recalled.

While attending Pepperdine Law School, Judge Wright clerked at the Ventura County Public Defender's Office in 1995 and at the Ventura County District Attorney's Office in 1996. For the next 13 years, Judge Wright served as a prosecutor for the D.A., leaving the office on Dec. 31, 2010. Assigned as the Ventura County Drug Task Force's main prosecutor for five years, Wright became quite animated when discussing being present at the scene of a number of organized drug busts.

During his time as a member of the drug unit, Judge Wright was responsible for the extradition and prosecution of "Don Pepe" following a five-year wiretap investigation into a ring that brought an estimated 50 kilos of methamphetamine from Mexico into California every month.

Other prosecutors asked Judge Wright what

theory he would use to prosecute Don Pepe. He told them that he would prosecute Don Pepe on the theory of conspiracy to transport methamphetamine into the state of California.

It was very difficult to get the Mexican government to take Don Pepe into custody, Judge Wright said. He had to present the Mexican government with enough documented evidence to show that Don Pepe was guilty of criminal activity. It was even more difficult for Judge Wright to get the U.S. State Department to formally extradite Mr. Pepe from Mexico because the suspected drug kingpin had never stepped onto U.S. soil.

Judge Wright is also proud of his prosecution of J.J. Martinez after a two-year investigation. Martinez was found responsible for supplying juveniles in the Thousand Oaks area with illegal drugs.

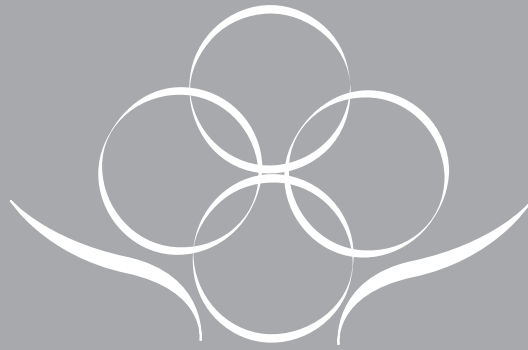
On a personal note, Judge Wright is married. He has three children: two girls and a boy, all three of whom Judge Wright has coached youth soccer. He is also very active in the PTA of his children's school, as well as his son's Cub Scout program.

Reflecting on his profession, Judge Wright emphasized "how helpful and supportive the other judges on the bench have been," and "what a wonderful group of people he is privileged to work with on a daily basis." When asked what stood out most to him when he first started as a judge, Mr. Wright said "he had no idea how hard judges worked" until he sat on the bench.



Kevin Daly is a 2007 graduate of Southern California Institute of Law and a graduate of Cal State Dominguez Hills Alternative Dispute Resolution Program, serving as a professional mediator specializing in business and contract disputes.

Collaborative Family Law Professionals



Transforming family law into a collaborative process

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

Collaborative Family Lawyers

| | |
|---------------------|-------------------|
| Leonard Alexander | Steve Mitnick |
| Paul Blatz | Mark Nelson |
| Terry Anne Buchanan | Marsha Niedens |
| Ed Buckle | Gary Norris |
| Rebecca Calderwood | Guy Parvex |
| John Castellano | Michael Percy |
| Steve Debbas | Barton Pokras |
| Douglas Goldwater | David Praver |
| Thomas Hutchinson | Richard Rabbin |
| Patricia Lamas | Richard Ross |
| Jan Loomis | Donna Santo |
| Patti Mann | Keri Sepulveda |
| Julianna Marciel | Hillary Shankin |
| David Masci | Sylvia Soto |
| Edward Matisoff | Randall Sundeen |
| Jeanne McNair | Richard Taylor |
| Paul Miller | Marguerite Wilson |

Allied Professionals

Mental Health Professionals

Robert Beilin, Ph.D.
James Cole, Ph.D.
Deborah Huang, LCSW
Nancy Lopez, MFT
Diana Nolin, Ph.D.

Accountants

Susan Carlisle, CPA
Wayne Lorch, CPA

Vocational Consultant

Gabrielle David

www.collaborativefamilylawyers.com

Collaborative Family Lawyers, Inc.

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

LAW DAY

Continued from page 3

Judge David Long has been acting as Master of Ceremonies for many years and has become a welcome race fixture in that role.

I would like to acknowledge the race committee members this year. They are: **Cyndi Adams, Bret Anderson, Steve Blum, John Cross, Alice Duran, Barbara Gutierrez, Doug Kulper, Olivia Newton, Don Zrehigian, Joe Wells and Steve Henderson.** Our lead cyclist is Dave Redmond. Our official race photographer is again Craig Bates of Telegenics. The starting official this year is Ventura County Sheriff Geoff Dean.

This year we will also feature and promote the many efforts of Cops Running for Charity (CRFC) and the Big Brothers Big Sisters of Ventura County at our event.

The **28th Annual Law Day 5K Race Walk** is **Saturday, May 21, beginning at 8:30 a.m.** at the County Government Center. You can run or walk the 5K and join your kids for the one mile fun run which follows. This race has great raffle prizes, gifts and lots of good food. The very generous Ortiz family, owners of El Pescador Restaurants, will again be providing free breakfast burritos. Our race is considered by many to be one of the best in the County. We think it *is* the best in the County.

Registration materials are available at our website created and managed by **Bret Anderson** of our firm. The web address is www.lawday5k.com. Our lead race sponsor is again Lawyers' Mutual Insurance Company. You can see a list of all our sponsors on the race flyer, the website and our race day banners. We thank them all.

Registration flyers are also available in CITATIONS or by calling the bar office at 650-7599. Please come and join us for the 28th Annual Law Day 5K. See you at the starting line.

Joe Strohman is the president of the Ventura County Bar Association and a partner at Ventura-based Ferguson Case Orr Paterson, LLP.

BAR LEADERSHIP**ADR SECTION**

Michael Wolfram 491-2770

ANNUAL DINNER

Eric Reed 648-3228

ASIAN BAR

John Fukasawa 383-2788

BANKRUPTCY

Michael Sment 654-0311

BARRISTERS

Christina Stokholm 987-4975

BENCH/BAR/MEDIA COMMITTEE

Judge Glen Reiser 654-2961

BENCH-BAR RELATIONS COMMITTEE

Matt Guasco 256-4972

BLACK ATTORNEYS ASSOCIATION

Alvan Arzu 654-2500

BUSINESS LITIGATION SECTION

Erik Feingold 644-7188

CITATIONS

Wendy Lascher 648-3228

CLIENT RELATIONS

Dean Hazard 981-8555

COURT TOUR PROGRAM

Thomas Hinkle 656-4223

CPA LAW SOCIETY

Douglas Kulper 659-6800

EAST COUNTY BAR

Bret Anderson 659-6800

FAMILY LAW BAR

Douglas Goldwater 659-6800

INTELLECTUAL PROPERTY

Chris Balzan 658-1945

J.H.B. INN OF COURT

David Lehr 477-0070

JUDICIAL EVALUATION COMMITTEE

Linda Ash 654-2580

LAW LIBRARY COMMITTEE

Eileen Walker 444-6308

MEXICAN AMERICAN BAR ASSOCIATION

Rebeca Mendoza 641-0253

PRO BONO ADVISORY BOARD

David Shain 659-6800

PROBATE & ESTATE PLANNING SECTION

Cheri Kurman 654-0911

REAL PROPERTY

Ramon Guizar 988-8365

SILENT AUCTION

Donald Hurley 654-2585

VCBA/VLSP, INC.

Joseph Strohman 659-6800

VLSP, INC. EMERITUS ATTORNEYS

Verna Kagan 650-7599

VC TRIAL LAWYERS ASSOCIATION

James Prosser 642-6702

VC WOMEN LAWYERS

Jill Friedman 644-7188

VCBA STAFF

Steve Henderson - Executive Director

Alice Duran - Associate Executive Director

Celene Valenzuela - Administrative Assistant

Alejandra Varela - Client Relations Manager

Verna Kagan, Esq. - VLSP Program Manager

Peggy Purnell - CTP Coordinator

Judith Logan - Development Director

Specializing in Legal Placement

Legal Staffing and Executive Recruitment

*Expertise • Experience • Efficiency**Serving the recruitment needs of lawyers and law firms
for more than 30 years with integrity and confidentiality!*

Kathi Whalen, CAC
President & Founder

whalen
bryan

*Focused Recruitment
& Staffing*

kathi@whalenbryan.com

805.443.8422 • www.whalenbryan.com



MEDIATION/ ARBITRATOR

Richard M. Norman

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

Richard M. Norman
Of Counsel

Norman Dowler, LLP

840 County Square Drive

Ventura, California 93003-5406

(805) 654-0911 RNorman@normandowler.com

TORN BETWEEN TWO LOVERS: NURSING AND LAW

By Carol Mack

There is a story told by Richard Carmona, the Surgeon General of the United States under President George W. Bush. Dr. Carmona was a registered nurse before he became a physician, and when President Bush said that he had appointed him, in part, because he was a former nurse, he told the President, "Sir, there's no such thing as a 'former nurse.' I am a nurse. Once a nurse, always a nurse!"

I also am a nurse. I've been a nurse for over 30 years, and I will always be a nurse. Of course, I am also an attorney now. And I love the law. And I love nursing. Sometimes I feel downright schizophrenic.

One of my nursing students interviewed me for a student publication and asked if, knowing what I do now, I would have chosen law over nursing as a first career. I replied that I was glad to be a nurse first, and that is true. My nursing career has taught me how to solve problems, how to deal with chaos creatively, and how to approach even the

strangest people compassionately. Qualities, I might add, that are also helpful in law.

Nursing and law are not that different. Both are recognized as professions in that they require a specialized set of knowledge and skills that are used in the service of others, adhere to a code of conduct, and engage in self-regulation.

Both professions involve specialized knowledge and skills, which are acquired during training. We learn a body of knowledge contained in textbooks and research papers or cases, and we learn a specific problem-solving approach. Just as law students use IRAC to analyze problems in law school, nurses use the nursing process to approach problems in nursing. In fact, the nursing process, which consists of assessment, diagnosis, planning, implementation, and evaluation, is such an integral part of nursing practice that it actually comprises the legal definition of competent nursing practice in California.

Nursing and law are both governed by a code of ethics. Attorneys must comply with the Rules of Professional Responsibility and nurses must follow the Code of Ethics for Nurses. And just as an attorney has a responsibility to her clients, a nurse's primary responsibility is to her patients. Provision 3.5 of the Code reads: "As an advocate for the patient, the nurse must be alert to and take appropriate action regarding any instances of incompetent, unethical, illegal, or impaired practice by any member of the health care team or the health care system or any action on the part of others that places the rights or best interests of the patient in jeopardy." In practice, this means that a nurse is obligated to refuse to carry out an order that puts a patient at risk. I personally know of several cases in which a nurse has literally saved a patient's life by refusing to follow inappropriate doctor's orders.

Both professions are respected as well, nursing more so than law. People will turn

Continued on page 8

Sometimes numbers are the only prints left behind.

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

Chris Hamilton, CPA, CFE, CVA

805.306.7890

www.arxisfinancial.com

chamilton@arxisgroup.com

ARXIS
FINANCIAL, INC.

FORENSIC ACCOUNTING

BUSINESS VALUATION

FRAUD ANALYSIS

TORN BETWEEN TWO LOVERS: NURSING AND LAW *Continued from page 7*

to lawyers when they really need help, but they actually trust nurses. Nursing has consistently been named the most trusted profession in the Gallup poll. Lawyers, on the other hand, rank 16th – but still higher than members of Congress and car salespeople.

Both professions may involve dealing with people at their worst. Nurses care for patients who are physically ill and cranky; getting sick, in my opinion, has never improved anyone's personality. However, attorneys also deal with messy situations and clients who are not pleasant or sympathetic. And just as attorneys are limited in their ability to permissively withdraw representation of a client, once a nurse accepts a patient assignment, he must not abandon his patient. Nurses have cared for both shooters and their victims in the same ICU. I once cared for a cancer patient who told me calmly that the reason he had knocked out two of his wife's teeth was that he "had to teach her." Although I was repulsed by his actions and attitude, I continued to care for him. As difficult as that may be, we are reminded

that just as every accused person deserves a vigorous defense, every sick or injured person deserves excellent nursing care.

Of course, there are differences in the two professions. Nursing involves hands-on care and except for some hand-holding, law does not. A client consulting an attorney is not usually required to disrobe, which is probably a good thing. Still, she may find herself exposed in other ways once she starts sharing information with her attorney.

In the end, this is probably where the two professions converge. Both afford us the privilege of serving people in their most vulnerable moments, and both allow us to be inspired by the resiliency of the human spirit.

So what is an old oncology nurse doing as an attorney? Well, it's been a long strange trip. The short story is that I was recruited away from clinical practice to work for Amgen and found myself after a few years in the Regulatory Affairs Department, where I was frequently involved in negotiation with the FDA about new products. The FDA, as you

may know, is significantly under-resourced, but it has lots of lawyers. It seemed to me that I should go to law school myself so as to level the playing field. I did not intend to practice as an attorney but to acquire more skills to help me with my work. Then, when Amgen downsized, I was offered money to leave and I did, but by that time, I had fallen in love with the law as I fell in love with nursing.

Now I teach nursing part-time and practice law part-time. I try not to confuse the two, but sometimes I tell my disability client to put his legs up to reduce the swelling and I always tell my nursing students to carry their own malpractice insurance. And still, I continue to do what I've always done – work toward the best possible outcomes for my clients.



Carol Mack is a nurse and an attorney with an elder law practice in Ventura.

FAMILY LAW AND PROBATE DISPUTE RESOLUTIONS

RESOLVE LITIGATION ISSUES QUICKLY AND EFFICIENTLY



LEONARD ALEXANDER MEDIATOR/ARBITRATOR

- Certified Family Law Specialist
California Board of Legal Specialization
- Over 40 Years of Litigation Experience -AV Rated
- Thirteen Years Served as Probate Referee for Ventura County
- Court Appointed Expert - Family Law Disputes, Business Valuations, Discovery Referee
- Flexible Scheduling

**ONE BOARDWALK, SUITE 200
THOUSAND OAKS, CA 91360
PHONE 805-497-0802 • FAX 805-494-7898
E-MAIL: ACMW.LA@VERIZON.NET**



“Finally, someone my clients can count on just like they count on me.”

Your relationship with your clients is all about trust. They trust your integrity and expert legal advice. And they value the personal and confidential relationship you share.

It's very much the same at Montecito Bank & Trust. Like you, we believe in longstanding client relationships. In offering creative solutions for each person's unique needs. And especially in earning their trust with personal commitment and professional expertise.

Whether it's designing an investment portfolio, managing multiple real estate properties or planning charitable gifts, you can count on our Wealth Management team to provide your clients with a level of service that meets not just their needs, but your standards.

Wealth advisory services – one of the many Paths to prosperity® you'll find at Montecito Bank & Trust.

What's your path?



| WEALTH MANAGEMENT |
Investment Management - Trust Services - Estate Administration
Real Property Management - Philanthropic Services
www.montecito.com
Call for more information

Paths to prosperity



Santa Barbara: 1106-E Coast Village Road, Montecito, CA 93108 • 805 564-0219

Solvang: 591 Alamo Pintado Road, Solvang, CA 93463 • 805 686-8620

Ventura/Westlake Village: 701 E. Santa Clara Street, Ventura, CA 93001 • 805 830-8005 **Member FDIC**

STILL MAKING A DIFFERENCE

Ten percent (10%) of our fee goes to a non-profit organization the beneficiary chooses whether the foreclosure reinstates, sells or reverts.

Recent recipients:

| | |
|--------------------------------------|--|
| Aish Ha Torah | L. A. Family Housing |
| American Red Cross | Many Mansions |
| Angel Flight West | Mazon |
| Boys Town | National Conference of Synagogue Youth |
| Casa Sirena | Open Charter School |
| Chabad of Cmejn (2) | Pastor Thomas Stout |
| Clinton Bush Haiti Fund | Pet Adoption Fund (3) |
| Cottage Hospital | Salvation Army (3) |
| Eastridge Elementary School PTA | Santa Barbara Teen Court |
| Family Promise of San Gabriel Valley | St. Elizabeth Community Center |
| Friendship Walk | St. Vincent de Paul Society |
| Greenen Foundation | Teco Challenge |
| Habitat for Humanity – Haiti (3) | The Friendship Walk |
| Habitat for Humanity - Maui | Toberman Neighborhood Center |
| Habitat for Humanity – N. India | World Wildlife Fund |
| Heal the Ocean | Yeshiva Aharon Vaakov Ohr Eliyahu |
| Keren Yeloshua V'Yisroel Inc. (2) | |

Prepaid negotiable instruments are sent to the beneficiaries for forwarding to the charity they choose. We look forward to helping support similar organizations on your behalf or that of clients you refer.

Parker Foreclosure Services, LLC

(Non-judicial Foreclosures Since 1991)
66 North Dos Caminos Avenue, Ventura, CA 93003
At Mail, PO Box 2940, Ventura, CA 93002-2940

Donald D. Parker, Pres.

Clients: 805 506-0755 Toll-free: 855 506-0753 Facsimile: 805 648-4518
don@parkertrustee.com

MEDIATING PROBATE, TRUST & CONSERVATORSHIP DISPUTES: NEW APPROACHES TO OLD CHALLENGES

By Matthew P. Guasco

Probate, trust and conservatorship disputes are challenging to successfully mediate. This article examines some of the techniques today's mediators use to help resolve these high-conflict disputes.

Pre-Mediation Preparation

The mediator's pre-mediation preparation in probate, trust and conservatorship disputes should involve the following:

- (1) receiving and reviewing briefs concerning the nature of the dispute and the parties' respective legal and settlement positions;
- (2) contacting the attorneys and any unrepresented parties to gain more insight into the conflict and information necessary to crafting the mediation process;
- (3) reviewing petitions, oppositions, accountings, health care provider reports and declarations, and other information essential to better understanding the perspectives of the parties.

This preparation can reveal information invaluable to shaping a successful mediation process, including: the history and current status of the relationships, if any, between the parties; issues of capacity; the parties' tolerance for face-to-face communication; whether the mediation should begin in a joint session or in private session; the history of any settlement negotiation; who made the last move in the negotiation; who should make the first move at the mediation; the material issues upon which the parties agree in principle; those issues upon which agreement has proven elusive; the personalities of the participants; who the key decision-makers are; what flashpoints to avoid; whether the participants previously enjoyed a good or bad relationship; any accounting issues; any fiduciary duty issues; care and placement issues concerning conservatees; court and trustee approval issues; and the participants' objectives and goals for the mediation.

Effective Use of Joint Sessions

Some mediations benefit from the mediator's use of the private caucus/shuttle diplomacy model of transmitting offers from one room to the other. This model has its virtues: It minimizes posturing and adversarial conflict between the attorneys; it makes competitive negotiating

easier; it gives the mediator the opportunity to privately challenge the participants' unrealistic expectations; it permits the parties to vent and share their interests in a safe environment; and it gives the mediator control over the process.

This approach to mediation, however, does not work well with probate, trust and conservatorship disputes. Nearly all such disputes involve family relationships. Often, these relationships are ongoing no matter how dysfunctional they are. A completely private caucus approach to mediation may deal well with the legal and money issues to be negotiated, but it does not address the underlying emotions driving the conflict or the effect of that conflict on the parties' ongoing relationships. Those emotions find a way of influencing the negotiation no matter how vigorously the mediator and the lawyers may want to avoid them. If they are ignored and not managed well, these emotions scuttle settlements.

Much of the emotional energy in probate, trust and conservatorship mediations can be vented by the mediator meeting privately with the groups of clients and attorneys, but not all of it. Two adult children of the conservatee may harbor very negative views of each other which impede their cooperation in caring for their parent. There may be resentments which have festered through avoidance. These two parties may want resolution of these feelings, including acknowledgment or reassurance from each other, accountability, or an apology. They may look to the mediation for that payoff. A private caucus model cannot give it to them.

Instead, the two siblings may meet in joint session with the intervention and assistance of the mediator and in the presence of their counsel. This meeting may get heated and difficult. But it may need to occur in order for both parties to feel heard, vindicated, or reassured. This may need to play itself out before the siblings can move to rational negotiation of their differences. A mediator with the training and experience to help the parties through such a joint session brings them closer to a negotiated agreement by which they will both abide.

There are, however, some simple rules mediators should follow when conducting joint sessions: don't spring them on the participants the day

of the mediation, prepare the participants ahead of time; don't do them unless the participants, including all attorneys, are comfortable with them; have a specific objective to be served by the joint session and stick to it; do not signal, directly or indirectly, that one party's position is stronger than another's during the joint session; identify and enforce the ground rules (e.g., no interrupting, polite and constructive language, no abusive language or behavior, the mediator will step in as needed to keep the process on track, the mediator will end the joint session in his or her judgment if needed); keep the participants focused on the ultimate goals and objectives of the mediation; identify issues upon which the parties agree and those upon which agreement has yet to be achieved; remind the parties that conflict is normal and can be managed by them in a constructive way in order to achieve resolution of the dispute; and always end the joint session on a productive note.

Participation of Non-Disputants

Often, probate, trust and conservatorship disputes involve a variety of complex issues requiring expert guidance, including that pertinent to accounting, tax, financial, placement, and medical issues. Increasingly, mediators ask that accountants, professional fiduciaries, investment advisors, guardians, and physicians be available either in person or by telephone to provide the participants with information necessary to make informed decisions during the mediation. This can eliminate disputes and provide the parties with information necessary to resolution.

These are only some of the techniques mediators use to help resolve today's probate, trust and conservatorship disputes. They may not be space-age, but they are effective departures from the old-style settlement conference approach.



Matthew P. Guasco, a past president of the Ventura County Bar Association and former civil trial and appellate attorney, is a full-time mediator and arbitrator exclusively with Judicate West. He has extensive experience litigating and mediating probate, trust and conservatorship disputes.

JUDGE REISER EMBRACES TECHNOLOGY

By Joanna L. Orr



Before sharing his vision for the seamless operation of Department J6, Judge **Glen Reiser** took a few minutes on Wednesday, March 23 to explain to the Estate Planning Section of the Ventura County Bar Association why he has only spent one week in the department since the beginning of the year. A current member of the

California Case Management System Advisory Committee/Technical Committee, Judge Reiser gave a brief glimpse of how the paperless court system will work and why he is a proponent of it. The system will make filed documents available online through an attorney portal, thus obviating the need to travel to the courthouse to obtain copies. Ventura County was selected as an early adopter and is scheduled to implement the technology in 2012. Once the system is implemented statewide, multi-jurisdictional practitioners will benefit from being able to access case files from all 400 California courthouses.

While practitioners wait for the electronic court system to be implemented, Judge Reiser promises to work towards improving judicial efficiency and making the practice of law less stressful. He believes issuing tentative rulings one week prior to the scheduled hearing provides one key to achieving this. In turn, he expects attorneys to file any necessary verified supplements prior to the hearing date. As a reward, if the

supplement remedies the issues identified in the tentative, he will grant the motion without requiring counsel to appear. If counsel elect not to appear at the hearing and someone appears to contest the petition, Judge Reiser will continue the hearing to allow all sides to appear.

The key to this procedure, which would minimize the number of visits to the Juvenile Justice Center, is that counsel submit proposed orders with their motions. At the latest, the proposed order should be sent via email the morning of the hearing, as soon as counsel returns to his or her office. Judge Reiser will sign the order, a conformed copy of which can be obtained from the clerk. On the other hand, if counsel does not file a supplement that cures the issues identified in the tentative, Judge Reiser will not be happy about granting a continuance.

Judge Reiser believes that his job is as a conduit for our clients' estate plans and not an impediment thereto. But he takes his oath as a judge seriously and personally reviews

Clients refer to you for *expert legal advice.*
Refer to me for *expert mortgage advice.*



See what people are saying...

- "I worked with Jordan to refinance a property, service was outstanding and I got a great rate"
- Ron Polito
- "My wife, Wendy and I, upgraded our mortgage (and lowered our payments) with Jordan Eller. It was seamless and trouble free. We highly recommend Jordan Eller"
- Dr. Robert Pavan
- "Jordan provided exceptional service and attention to detail in getting financing for me, and worked tirelessly through complex financial statements. I have recommended CMS to several friends and they have provided excellent service and value."

- Bruce Douglas, President and CEO
Fund Underwriters, Inc.



Experience you can trust

Capital Mortgage Services
4253 Transport Street
Ventura, CA 93003

Jordan Eller, President
Direct (805) 252-2242

DRE# 01347939 NMLS# 238205

each file. He does not now and does not plan in the future to rely on a probate attorney or simply rubber-stamp someone else's orders. As a result, when a continuance is granted, he must review the file again before the next hearing; he hates continuances and the waste of judicial resources they cause.

Having experience in private practice, Judge Reiser is sympathetic to an attorney's efforts to be paid for his or her work. But, Judge Reiser is disinclined to award attorney's fees to counsel for estates that are more than two years old. Further, he believes that extraordinary fees are warranted only in certain circumstances. Examples of appropriate circumstances for extraordinary fees are Estate Tax Returns (Form 706) or, perhaps, the sale of real property. But, in the case of the sale of real property, \$2,000 is the ballpark of what is reasonable.

Judge Reiser views bonds as helpful and has never met a bond he did not like. He favors bonds because, in his experience, there is virtually no defense to an action on bond. In fact, even if a will provides for a waiver of bond, if the executor or executrix is out of state, he may exercise his discretion in favor of requiring a bond. Further, he encourages practitioners to embrace bonds and be wary of requesting bond waivers from beneficiaries who are not clients and are not represented by individual counsel.

As a final piece of advice, Judge Reiser reminded the probate and estate planning attorneys that when the court orders an accounting by a certain date, it is not a suggestion. He urges attorneys to abide by deadlines scheduled by the court.



Joanna Orr is an associate at Ferguson Case Orr Paterson LLP in Ventura. Her practice focuses on taxation, with an emphasis on business transactions, nonprofit organizations and real estate.



Trusted Experience. Real Results.



Katherine J. Edwards, Esq.



Louise A. LaMothe, Esq.

To find out more about PMA or view our neutrals' profiles, contact us at:

www.pma-adr.com OR **877.678.1010**

Irvine • Los Angeles • San Francisco • San Diego • Inland Empire • Century City • Sacramento • Las Vegas

© 2011 PMA is a Sarnoff Company.

Accident Reconstruction



Marc A. Firestone
Ph.D.

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



Von Haenel & Associates, Inc. **FORENSIC ENGINEERING**

Objective Analysis and Scientific Integrity

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

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

**2510-g Las Posas Rd.
#513
Camarillo, CA 93010**

Phone: **(805) 388-7123**

E-Mail: **fireball@mailaps.org**



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

Barry A. Cane

**Disability Income Insurance
Business Overhead Expense**

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



Lic. #0740274

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

Registered Representative Park Avenue Securities (PAS), 7 Hanover Square, New York, NY 10004. Securities products and services offered through PAS, 1-888-600-4667, Member FINRA. PAS is an indirect wholly owned subsidiary of The Guardian Life Insurance Company of America. Representative of The Guardian Life Insurance Company of America, New York, NY and other fine insurance companies.

Michael P. Kenney*, CLU

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

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

www.kenneyins.com



Lic. # 0688916

Securities offered through a registered represented of Royal Alliance Associates, Inc., Member FINRA.
Branch Office: 100 E. Thousand Oaks Blvd., Suite 152, Thousand Oaks, CA 91360 • (805) 496-4600

LAWYERS' MUTUAL INSURANCE COMPANY

Legal Malpractice Insurance

Generations of California Lawyers can't be wrong...

For over 3 decades, LMIC has been insuring the legal profession in California. We have built long term relationships based on trust, reliability and responsiveness. Those qualities are proven over time and are hard to replace. Our experience gives us credibility that our policyholders have come to rely on.

That is why our typical policyholder has been insured with LMIC for over 10.7 years and our "preferred" policyholder for over 14. They have enjoyed the benefits of membership including policy premium credits, dividends*, and over 50+ hours FREE online MCLE.

Our MCLE is designed to educate our policyholders in preventing malpractice, improving their practices and satisfying their compliance needs. Member lawyers also have access to our toll free one-on-one hotline, where they can consult with lawyers, who are knowledgeable on issues concerning loss prevention and professional responsibility.

Now you know what our policyholders know.

LMIC

**We offer more
than just an insurance policy.**



www.LMIC.com or call (800) 252-2045

LAWYERS' MUTUAL INSURANCE COMPANY — 3110 West Empire Avenue, Burbank, CA 91504

*Dividends are paid at the sole discretion of the Company's Board of Directors and past dividends do not guarantee the payment or amount of future dividends.

AN ALTERNATIVE TO RELIEF FROM STAY: MEET HAFA

By Don Nelson

It was 1984. I had no thoughts of Orwellian stuff; I just wanted a “good deal” on buying a family home. Browsing one day at obscure legal postings buried in the paper, I stumbled on a foreclosure notice (Notice of Trustee Sale) for a house in a neighborhood that appealed to my wife and myself.

I went to the foreclosure sale to observe. With no third party bidders, it reverted back to the beneficiary, a sub-prime lender in Orange County, now no longer in business. It was easy to contact an actual person at a lender and negotiate a deal for an REO asset. So, I made an offer, with a clear condition that the lender do the eviction.

Little did I know of the drama that would follow. I watched my one and only Sheriff’s eviction. The prior owners were physically escorted from our future home while a locksmith changed all the locks.

What does this have to do with describing a little known U.S. Treasury Department home loan program? It has to do with the lives of shattered people. People who are about to lose a major anchor in their lives – their home.

The program is the Home Affordable Foreclosure Alternatives (HAFA) program, a little known part of the Home Affordable Modification (HAMP) program. Created in 2009, the HAMP program was basically designed to provide financial incentives to loan servicers and borrowers who use a short sale or deed-in-lieu-of-foreclosure to avoid foreclosures on loans eligible for modification under HAMP. Many changes to the HAFA program, and approval of increased amounts, took place in mid-2010. Still, the HAFA program has found only limited success. Indeed, millions have found it to be much like a corn maze in Iowa – slow, frustrating, confusing and circuitous.

HAFA was created as a template program for all major home loan servicers and lenders. Most major lenders, (including, locally, Bank of America, Wells Fargo and Wachovia) under great political pressure, have agreed to offer the HAFA program to “qualified” individuals in foreclosure or imminent default.

In essences, HAFA offers a pre-approved short sale, with standardized and reasonable terms, to provide what HAFA calls a “graceful exit”.

For borrowers in bankruptcy what does HAFA mean? Supplemental Directive 09-09 (Revised) states: “Borrowers in active Chapter 7 or Chapter 13 bankruptcy cases MUST be considered for HAFA if the borrower, borrower’s counsel or bankruptcy trustee submits a request to the servicer... The servicer and its counsel must work with the borrower or borrower’s counsel to obtain any court and/or trustee approvals required in accordance with local rules and procedures. Servicers should extend HAFA time frames as necessary to accommodate delays in obtaining court approvals or receiving any periodic payment when they are made to a trustee.” (And, pursuant to HAFA, borrowers must first be evaluated, by their lender, for a HAMP loan modification.)

A potential modification or short sale will offer a better alternative than normal bankruptcy results. In a 7 case, when the lender files a Relief From Stay motion and it’s granted (uncontested), frequently the debtor is already in foreclosure and the beneficiary merely completes the foreclosure sale followed by the eviction. In a 13 case, the debtors are frequently “underwater” and want out of the home. Again, the Relief From Stay motion is granted with the same results.

HAFA is smoother and less stressful, and provides several clear benefits over a traditional short sale:

- It stops a foreclosure (when certain conditions are met).
- The homeowner gets \$3,000 in re-location expenses at close of escrow.
- Deficiency judgments are barred.
- If there is a junior lien holder (say a line of credit), that lien holder can’t force an unsecured promissory note on the homeowner in order to induce its cooperation in the short sale.

Who are the players in the game? First, the investors (read Wall Street). Virtually all real estate loans have been sold into the secondary market. Second, the servicer (read “big banks”) who “service” the loans they sold into the secondary market. The HAFA program offers financial incentives to the servicer for doing a HAFA short sale, plus provides up to \$6,000 to a junior lien holder for cooperating in the sale (who would have been wiped out in a foreclosure). And, it is required that a licensed Realtor participate in the HAFA and short sale process.

So here’s the process:

- Eligible and interested homeowners should find and retain a knowledgeable real estate agent (Realtor) to advise about, assist with and coordinate the HAFA process. The agent will determine a fair market range of value for the property and enter into a listing agreement with the homeowner.
- The homeowner will submit a Request for Modification and Affidavit (RMA) package to the servicer.
- If approved by the investor and servicer, the servicer will send the Short Sale Agreement (SSA) to the borrower. It must also be signed by the agent.
- The home is now marketed like a traditional home sale followed by a normal escrow.

Of course, there is much more involved in the HAFA process, and certain restrictive eligibility requirements, and many other conditions which must be met prior to approval, which is not guaranteed. Indeed, under the HAFA program, lenders are only required to “consider” eligible borrowers.

An internal Bank of America HAFA guide dated March 15 listed the success rates for a traditional short sale and a HAFA short sale. Under the Approval/Closure Rates category, traditional short sales had a “low-medium” success rate while HAFA sales had a “high after qualification” success rate.

Is everything “peaches and cream” with a HAFA short sale? You wish! And, of course not. The servicers are still overwhelmed and investors are cranky (for recovering lots less on their loans, “big haircuts”). But, banks are trying to curry political favor with Washington by cooperating in this U.S. Treasury program. It could be a very nice tool to add to your professional toolbox, plus provide a potential, federally-mandated “graceful exit” for your clients.



Don Nelson is a 25 year Realtor and broker in Ventura He can be contacted at DonNelson@DonNelsonTeam.com

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



Pueblo Radiology Medical Group
Your Trusted Experts

SANTA BARBARA

2320 Bath St., Ste 113, Santa Barbara
tel: (805) 682-7744
fax: (805) 682-3321

VENTURA

4516 Market St., Ventura
tel: (805) 654-8170
fax: (805) 654-8173

EASY ONLINE SCHEDULING AVAILABLE:

www.puebloradiology.com

Expert Radiology Services & Support



Case Evaluation Consultation

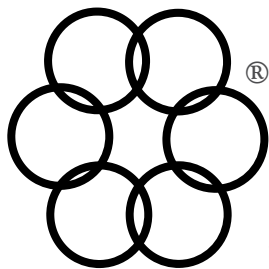
- Choose the Correct Medical Imaging Procedure for Your Case
- Review and Analysis of Prior Imaging Procedures
- Prompt Reports
- We Accept Lien Cases

Board Certified Radiologists are Sub-Specialty Trained

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

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

- MRI
- CT
- Ultrasound
- Fluoroscopy
- X-ray
- PET/CT



RINGLER ASSOCIATES®

The FIRST NAME in
STRUCTURED SETTLEMENTS

Proud Member of the President's Inner Circle of CAOC

SERVING the VENTURA COUNTY AREA

ALL SERVICES PROVIDED AT NO COST to PLAINTIFF or DEFENSE

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



PAUL FARBER

PaulFarber@ringlerassociates.com
Calif. Insurance License 0F82495

www.ringlerassociates.com • 800-734-3910 toll free

HONORING HISTORY IN THE MAKING

by Jessica Arciniega

In a first of its kind event, The Mexican American Bar Association, Women Lawyers, the Asian American Bar and the Black Attorneys Association came together April 7 to honor the first woman chief of police in Ventura County, City of Port Hueneme Police Chief Kathleen Sheehan and Oxnard Police Chief Jeri Williams, the county's first woman of color Chief of Police. More than 85 people attended the reception at the Tower Club to recognize this historic event and welcome the two Chiefs to our county and the Ventura County Bar. Attendees included **Judge Brian Back**, **Judge Ellen Gay Conroy**, District Attorney **Gregory Totten**, City of Oxnard Councilwoman **Carmen Ramirez**, Port Hueneme Mayor Sylvia Muñoz Schnopp, Port Hueneme City Councilmember Ellis

Green and representatives of Congresswoman Lois Capps' office, County Supervisor John Zaragoza's office and Assemblymember Das Williams' office. In addition to recognizing these remarkable women, the reception co-sponsored by the four sections of the Bar provided members of the sections the opportunity to share their respective organizations' missions and current activities with each other and the community members who attended.

Jessica Arciniega is an associate practicing labor and employment and class action law at the Oxnard offices of Wasserman, Comden, Casselman & Esenstein, LLP.



Debbie DeVries and Debbie Jurgensen



From left to right: Past President of MABA Jessica Arciniega; MABA President Rebeca Mendoza; Chief of Police Kathleen Sheehan and MABA Vice President Rennee Dehesa.



From left to right: MABA President, Rebeca Mendoza; Chief of Police Jeri Williams; Jill Friedman, President of the Women Lawyers of Ventura County.



From left to right: President of the Asian American Bar, John Fukasawa; Ed Sotelo, Oxnard City Manager; MABA member Michael Rodriguez, President of the Black Attorneys Association Alvan Arzu; City of Oxnard Police Commanders Scott Whitney and Jason Benites.

BANKRUPTCY ATTORNEY

*Outstanding bankruptcy litigator & strategist
with 30+ years experience helps law firms
and their clients with all aspects of bankruptcy.*

- Aggressive & Creative Bankruptcy Advocacy
- All Aspects of Business & Personal Bankruptcies/
Reorganizations (Chapters 7, 11 & 13)
- Debtor & Creditor Representation
- Bankruptcy Avoidance & Pre-Bankruptcy Strategies
- Protections from Foreclosures, Judgments, Settlements,
Lawsuits, Liens, Debts, Collections
- Protections Against Debtors Likely to File for Bankruptcy

UCLA Law ♦ Phi Beta Kappa ♦ Magna Cum Laude

♦ Free Initial Consult ♦
Exceptional Quality
at Low Prices

*Tip the scales of
bankruptcy justice
in your clients' favor.*



Law Offices of Philip D. Dapeer

A Law Corporation

Offices in Westlake Village & Beverly Hills

805.557.7001 ♦ 323.954.9144
BankruptcyFocus@aol.com

Court Appointed Receiver/Referee

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

(Hon. John J. Hunter, October 9, 1999)

The Superior Court has appointed Mr. Nielson in over 400 cases involving the sale of real property, partnership or business dissolutions, partition actions and matters requiring a referee.

LINDSAY F. NIELSON

Attorney at Law

Member – California Receiver Forum

Email: nielsonlaw@aol.com

845 E. Santa Clara, Ventura, CA 93001
(805) 658-0977

Letter to the Editor

Dear Editor:

As you know, I am the only candidate from Ventura County running for the State Bar Board of Governors in District 8 and ran primarily so Ventura County can have a stronger voice within the State Bar Board of Governors. Below is my candidate statement. Ballots will be mailed on May 2nd and members will have the opportunity to vote by either mailing in their ballot or by voting online.

I am running for the position because I want to make the State Bar more accountable to its members. I believe that this can be accomplished through the reduction of bar dues, reforming the discipline system, reducing the bureaucracy, cutting costs and lowering the budget while ensuring a high level of service and performance of mandatory duties fairly and with respect for its members and the public at large.

Having a diverse background, including private practice experience, working in-house at a large corporation, volunteering as a judge pro tem with the Los Angeles Superior Court and with legal service organizations, teaching law students, as well as being a young lawyer, I am particularly attuned to the challenges facing the profession, new lawyers and law students.

As an active member of several legal organizations including the American Bar Association International Law Section and Business Law Section, where I serve as Vice-Chair of the Women's Business Law Network, as well as the Association of Corporate Counsel, my professional experience and involvement makes me a strong candidate for the position.

Lastly, as a member of the State Bar Board of Governors I will be a strong voice for our members and will conduct my actions with a commitment to hard work, high ethical standards and good governance.

Thank you and I respectfully ask for your vote.

Natalie Panossian



Theresa M. Robledo, GRI
 Broker-Owner
 DRE #01483023

805.625.4450 business
 805.524.1380 fax
 Info@theresarobledo.com
 www.theresarobledo.com
 P.O. Box 370
 Fillmore, CA 93016



ALLOW US TO HELP YOU FIND YOUR DIAMOND IN THE ROUGH



Trial Graphics

Over 20 years of multimedia service to the Ventura legal community. Call us for video & still photography, video depositions, diagrams, timelines, charts, maps and image editing.

www.nimmer.net/legal_graphics
 Phone 805-566-0163
 Email nlg@nimmer.net



TRACY COLLINS
Attorney At Law

 **ERISA** 

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

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

Tri-County Sentry Newspaper

LEGAL/PUBLIC NOTICES

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

Rates:
 Trustee's Sales...\$225 approx
 Petition to Admin \$180
 Change of Name...\$110
 Legal Notices...\$9.50

For the best service call
983-0015

We file your Affidavit of Publication with the court

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



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

Want to settle that case?


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

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

(805) 485-2700 Fax (805) 485-2751
Email: irmmediation@aol.com • Web: IRMLaw.net
300 Esplanade Drive, Suite 1760 • Oxnard, CA 93036

MEDIATION SERVICES
 www.californianeutrals.org

Serving Orange, Los Angeles, Ventura, Santa Barbara & San Luis Obispo Counties



- BUSINESS
- EMPLOYMENT
- INSURANCE
- PROBATE
- PERSONAL INJURY
- PROFESSIONAL NEGLIGENCE

Mr. Carrington is "very knowledgeable. Insurance companies respect his opinion. Extensive trial experience (ABOT), excellent mediator, fair, objective arbitrator. Extraordinarily capable and forthcoming with efforts and involvement. He is very thorough and fair." Quote from 2006 Consumer Lawyers Evaluations

R.A. CARRINGTON
 565 Sheffield
 Santa Barbara, California 93108

805.565.1487 • Fax: 805.565.3187 • RATIC@cox.net



NEED CLIENTS?

BECOME A MEMBER AND LET THE
LRIS GET CLIENTS FOR YOU!

IN 2010 LRIS MADE 3,350 REFERRALS

FOR INFORMATION
CALL ALEX VARELA-GUERRA
(805) 650-7599

OR VISIT WWW.VCBA.ORG

STATE BAR CERTIFIED #0059
& ABA APPROVED SINCE 1959



EAR TO THE WALL



Hoefflin & Associates, ALC, of Westlake Village is pleased to announce that **Jason Burrows** has become a shareholder and that the firm has changed its name to **HOEFFLIN · BURROWS, A Law Corporation**.

Mr. Burrows received his B.S. degree in Business Administration (Finance) from California State University, Northridge, and his law degree from Southwestern University School of Law in Los Angeles. He has been a litigator for 13 years, primarily in Southern California. He represents buyers and sellers of real estate, homeowners, contractors, business owners, individuals and businesses in a variety of disputes. Mr. Burrows can be reached at (805)497-8605 or by email at jburrows@hoefflinlaw.com.

BARRISTERS' CORNER

By *Christina S. Stockholm*



Barristers board member Matt Purcell assists client at the Salvation Army Transitional Housing Center April 13 in downtown Ventura.

Salvation Army Self-Help Night

The Salvation Army's Transitional Living Center provides housing for homeless families and services to help them become economically self-sufficient and get into permanent housing. Five Barristers participated in assisting about fifteen residents with completing forms and providing information about various issues, including family law, probate and criminal law. The people we helped were very, very happy, and so grateful for the assistance.

Kudos to **Matt Purcell**. This was his brainchild and he coordinated the entire thing. Special thanks to **Caron Smith**, who runs the family law self-help center at the Court. She has provided guidance and also worked with Matt to create the intake form, which not only made the evening run efficiently but also provides statistical information that can be used to make the program as successful as possible going forward. Lisa Lopez, the Clinical Director of the Transitional Living Center, was thrilled with the evening's success. She offered to put the Barristers in touch with other local nonprofit agencies serving people who may benefit from Barristers Self-Help Nights.

Barristers Logo Design Contest

The Ventura County Barristers are awesome, but we have no easily usable logo that we can use on our flyers, banners and so on. We thought it was about time we had one. So we are launching a contest. The winning design is likely to appear all over the Internet, and all over the County; maybe even on someone as a tattoo. Send your submission to vcba.barristers@gmail.com by June 3. Winner will get a free year membership to the VCBA! Anyone can enter!



*Personalized representation
to attain client goals*

HOEFFLIN • BURROWS delivers results by putting client interests first and using a team-based approach to creatively, intelligently, and effectively resolve legal matters.

Emphasis on
Real Estate
Business and Corporate
Partnerships/ LLC's
Trust/Estate Disputes
Executive Employment

2659 Townsgate Road, Suite 232
Westlake Village, CA 91361
(805) 497-8605
www.hoefflinlaw.com



Refer with confidence

(Left to right)

- Steven A. Meadville, Esq., Of Counsel
- Richard M. Hoefflin, Esq.
- Jason M. Burrows, Esq.

- ◆ Economic Damage Calculations
- ◆ Business Valuations
- ◆ Family Law Financial Issues
- ◆ Tax Issues



Michael C. Eulau, CPA

MBA, Finance,
University of Chicago
MSc, Economics,
London School of
Economics
Over 18 Years
Experience

Forensic Accounting

Eulau Accountancy Corporation



200 E. Santa Clara Street, Suite 200
Ventura, CA 93001

(805) 641-1040
meulau@sbcglobal.net

**LEGAL MALPRACTICE
EXPERT WITNESS
and LAWYERS ADVOCATE
STATE BAR DEFENSE**

PHILLIP FELDMAN

B.S., M.B.A., J.D., AV.
Fellow American Board of
Professional Liability Attorneys

Certified Specialist
Legal Malpractice
(ABPLA & American Bar Association)

Former Judge Pro Tem
Former State Bar Prosecutor

Fee Arbitrator 34 years
Litigator/Expert 44 years

Malp/Ethics Author

www.LegalMalpracticeExperts.com
Email: LegMalpExpert@aol.com
StateBarDefense@aol.com

(310)LEG-MALP(534-6257)

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



**MATTHEW P. GUASCO, ESQ.
MEDIATION — ARBITRATION**

“AV-Preeminent” Rating by Martindale-Hubbell
Past-President, Ventura County Bar Association
Adjunct Professor, Pepperdine University School of Law,
Straus Institute for Dispute Resolution
Full-Time Mediator and Arbitrator

Since 1998, Extensive Experience Mediating and Arbitrating the Following Cases:

**Business & Commercial • Probate & Trust
Employment • Personal Injury • Real Estate**

*Available in Los Angeles, Ventura County, Santa Barbara, Orange County,
San Diego, and Throughout California Exclusively Through Judicate West*

(800) 488-8805

or Contact Matt at

(805) 256-4927

MattGuasco@sbcglobal.net

www.mguasco.com



Results Beyond Dispute®



**JACOBS & JACOBS
ACCOUNTANCY CORPORATION**

**CERTIFIED PUBLIC ACCOUNTANTS
TAX PROFESSIONALS SINCE 1944
THERE'S NO SUBSTITUTE FOR
EXPERIENCE & EXPERTISE**

- TRUSTEE & EXECUTOR SERVICES
- TRUST & PROBATE ACCOUNTING
- FIDUCIARY INCOME TAX RETURNS
- ESTATE TAX RETURNS
- ESTATE PLANNING
- ELDERCARE SERVICES

**OJAI
(805) 646-4321**

**THOUSAND OAKS
(805) 497-4007**

JOHN JACOBS, CPA

GREGG BURT, CPA

PAUL THOMAS, CPA

CLASSIFIEDS

OFFICE SPACE AVAILABLE

Office Space Available – Beautiful, historic turn of the century law office building at Heritage Square in Downtown Oxnard. Rents range from \$400 to \$600 per month depending on office size. Private parking available. If interested, please call (805)487-2000.

Westlake Village – Window offices (large & small), with secretarial area and office equipment; in small suite, location near Hyatt and Brent's; terms flexible and competitive. Call Louis (805)230-0088

Downtown Ventura Landmark – Office space available immediately in the Ewing House, a beautiful Victorian building in Downtown Ventura. Exquisite building with exceptional views and a great location. Several different office sizes available, furnished or unfurnished, most at \$2 per square foot, including water, electricity & trash, internet, telephone, fax, copy machine, conference rooms & reception service. Contact John at (805) 340-5431 or John@wilner.biz

Completely Restored Victoria Home – Built in 1897 and designated as City Historical Landmark No. 33. 119 Figueroa Street, Ventura, between the mission and the Ventura Fairgrounds. Walk to the beach and historic old town Ventura. Many antiques used in restoration. Rent a piece of history. Zoned commercial or office. Rent all or just part. Room sizes vary and rents per space start at \$450 per month. Call (805)340-1204.

HELP WANTED

Associate Attorney Position Available – with small law firm specializing in construction litigation, minimum 1-2 years litigation experience required. Firm is located in downtown Santa Barbara. Must have strong interest in litigation, must work well under pressure, and must appreciate and have the ability to meet deadlines. Must also possess litigation experience, strong research, analytical and writing skills, experience and skill in law and motion work and experience with drafting and responding to pre-trial discovery. Position requires familiarity with basic court proceedings and will involve court appearances. Please send resume, writing sample, salary requirements and three references to Ariana A. Vugrek at avugrek@myerlawpc.com to be considered.

SERVICES OFFERED

Entry level position – I currently seek employment in an entry level position working full-time or part-time. I am a very hard worker, I am dependable and honest. I have certificates of completion in the following: Business English, fundamentals of business law, Access 2007, Excel 2007, electronic calculator, Microsoft Word 2007, Word Perfect, Power Point 2007, legal terminology, and transcripts. I also have a criminal justice certificate from Ventura College. I have the training, I just need the experience. Won't you help? If am the person you have been searching for to fill that entry level position, please contact Susan Cabrera at (805)815-8531 or email cabrera4five@yahoo.com.

Affordable "outsourcing" – without going offshore. Court appearances, legal research, drafting of motions, pleadings and briefs. Affordable rates. Call Kate Brolan (805)861-0690.

Johns Hopkins undergrad – Seeking law-related employment from mid-May to late August 2011 in the Tri-Counties area. Continuation in future summers a strong possibility. Experience in corporate and legal environments. Served extended internship for Santa Barbara Superior Court Judge; UCSB Research Assistant in Media Affairs; JHU Mock Trial Team Captain; Nordstrom Stock Team. Excellent critical reading, organizational, writing, and research skills. Elliott Cheresch: echeresh@gmail.com (805)705-1177.

NEED CLIENTS?

Become a Member
and let the LRIS
get clients for you!

LRIS

LAWYER REFERRAL
& INFORMATION SERVICE

For more information
call Alex Varela

(805) 650-7599

www.vcba.org

ELDER LAW SERVICES

VETERANS BENEFITS

- Veterans' Non-Service Connected Pensions for Aid & Attendance; Homebound; etc
- Non-service Connected Pensions for Surviving Spouse; children; and parents
- Veterans' Service Connected Compensation
- Spousal Death & Indemnity Compensation
- VA Appeals

MEDI-CAL ELIGIBILITY

- Custom-designed Eligibility Analysis & Qualification Plan (Asset Protection)
- Application Preparation & Representation
- Medi-Cal Recovery Claim Avoidance
- Appeals of benefits denial/loss

Services focused on assisting individuals obtain Veterans/Medi-Cal benefits for Long Term Care

THE LAW OFFICES OF CRAIG R. PLOSS

290 MAPLE COURT, SUITE 118, VENTURA, CA 93003 TEL: (805)642-8407 FAX: (866)379-2179 EMAIL: PLOSS@TDS.NET



In case you are wondering, **Joel Mark** is the new managing partner at Nordman Cormany Hair & Compton... India? Nepal? **Michele Castillo** at michele.castillo@ventura.org or 805.654.2201. Austria, Slovakia, Czech Republic, and Hungary? **Dien Le** at dien@calawcounsel.com or 818.889.2299. Toronto? **Cheri Kurman** at ckurman@normandowler.com or 654.0911... *LA Times* ran an article April 2 – www.latimes.com – about a group of legal experts who examined five of the U.S. Supreme Court's worst rulings. Numero Uno? *Korematsu vs. United States*, the 1944 high court ruling upholding the evacuation order against Japanese American after the bombing of Pearl Harbor. Others include *Dred Scott v. Sandford* and *Buck v. Bell*... If you are searching for **Jon Light**, **Karen Gabler**, **Glenn Dickinson**, **Gannon Johnson**, and **Lou Cappadona**, they can be found at 760 Paseo Camarillo, Suite 400 in Camarillo – 805.248.7208 too...

Judge Ed Brodie was selected as one of the recipients of the Oxnard Knights of Columbus Public Safety Award for 2011. The award was presented at the group's Public Safety Night held April 11... Seeking to satisfy a tax debt of over \$300,000 owed by a former New Hampshire lawyer who stole over \$1 million from clients, the IRS is planning to sell James Hobbs' home. Authorities say Hobbs, 52, apparently spent most or all of the money on personal expenses. He is serving a 10- to 20- year term in prison for forgery, perjury and theft. More than half of the \$1 million reportedly came from the estate of a deceased attorney who expected the money to be used to care for his disabled daughter... Simi Valley lawyer **Randy Sundeen** was elected to the

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

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

USA Field Hockey Board of Directors. The board oversees 250 clubs in the U.S. and the men's and women's national team programs. Randy's son, Tyler, is a member of the men's national team and is training for the Pan Am games in October...

Spotted at the March Madness Final Four games in Houston was **Mark Hiepler** with his two sons... A hearing officer had recommended only a six-month suspension for Arizona attorney Charna Johnson, who admittedly had claimed to serve as a medium channeling the thoughts of a client's dead wife to him but denied sexual involvement with the man. But the disciplinary commission of the state supreme court said a one-year suspension was merited, based on additional misconduct, and Arizona's top court agreed. Because Johnson lied in another disciplinary proceeding and said she had not claimed to channel the dead to a female client for whom she drafted a will that left the client's assets to herself, the punishment was increased... Mayakoba? Yucatan? **Greg Herring** at gherring@fcoplaw.com or 659.6800. Turks and Caicos? **Dan Palay** at djp@palaylaw.com or 641.6600...

Debora Vierra has been appointed to the Executive Board of Directors of the California Employment Lawyers Association (CELA) for the 2011-2013 term. Debora is also serving on the CELA Political Appointments Committee which makes recommendations to Gov. Brown regarding State Board and Commission appointments... I spotted in my daughter's Pacific Coast Horse Riding Association Directory the Equine Law firm of *Hey & Hey* in Redwood City – www.blueribbonlaw.com... Contending that he was "grossly overbilled" for a negligent defense in an insider trading case, the jailed former CEO of Qwest Communications International Inc. has sued over his legal bill of more than \$25 million. Joseph Nacchio, who is serving a 70-month prison term for illegally selling \$52 million in Qwest stock in reliance on insider information, complains that his defense lawyers even billed him for

their underwear... Do participate in the 28th Annual Law Day 5K scheduled for May 21 at the VC Government Center. Proceeds benefit the VCBA/VLSP, Inc. and official starter is VC Sheriff Geoff Dean. www.active.com to register...

After a ton of pulling, tugging and underhandedness, **Judge David Long** has agreed to a "function" honoring his retirement and service only if the proceeds benefit the bar's pro bono program, VCBA/VLSP, Inc. Mark your calendars – September 16 at the Tower Club... Bail has been set at \$200,000 for a 33-year-old Missoula man accused of using divorce papers to start a fire that burned down his estranged wife's beauty salon. Prosecutors say Shawn Gawronski was sitting in his truck, gun in hand, near the burning salon when deputies arrived. He was arrested a short time later, and court records say he acknowledged spreading gasoline throughout the building and using his divorce papers to get the fire going... Movie Quote of the Month: "The odds of a plaintiffs lawyer winning in civil court are two to one against. Think about that for a second. Your odds of surviving a game of Russian roulette are better than winning a case at trial. Twelve times better. So why does anyone do it? They don't. They settle." – From Jan Schlichtmann (John Travolta) explaining his work as a personal injury lawyer in *A Civil Action*, 1998... Do plan on attending the VCTLA "Trial Lawyer of the Year" dinner May 24. **Bill Grewe** at 642.7101 or wgrewe@rkmlaw.net...

Steve Henderson has been the executive director and chief executive officer of the bar association and its affiliated organizations since November 1990. Henderson will again be competing in the Law Day 5K May 21 to defend his Open win in 2010. Additionally, Henderson will be attending a conference in San Diego with Eminem May 12-14. Lastly, Henderson may be reached at stevehendo1@vcba.org, FB, Twitter at [stevehendo1](https://twitter.com/stevehendo1), LinkedIn, or preferably 650.7599.



Over the years the equipment has changed, but not the *Personal* service



14520 Sylvan St., Van Nuys, CA 91411



411 E. Canon Perdido, Ste 21, Santa Barbara, CA 93101



1363 Donlon St., Ste 8, Ventura, CA 93003



1047 West Sixth Street, Suite D, Ontario, CA 91762

“Personal meets all my needs and surpasses all my expectations. Their prices are very reasonable and service is fantastic. I recommend them enthusiastically”.

—Michael Alder, Alder Law, PC



Personal Court Reporters is a full-service court reporting, video, and litigation support firm ready to serve you in California and with affiliates in all 50 states. We provide our clients with an effective combination of technology, competitive pricing, and quality service for all your litigation needs. A single phone call brings you our complete array of litigation services. Document Depository in all 5 locations.

Personal Court Reporters offers conference facilities at our locations in Van Nuys, Ventura, Santa Barbara, Ontario and now Los Angeles for depositions or hearings.

GRAND OPENING OF WEST LOS ANGELES OFFICE

PCR announces the opening of our West Los Angeles office, with four conference rooms and full document depository.

11400 W. Olympic Blvd. Ste 140
W. Los Angeles, CA 90064

Personal

COURT REPORTERS



FREE VALIDATED PARKING

www.personalcourtreporters.com • (800) 433-3767

11400 W. Olympic, Los Angeles, CA 90064
Suite formerly occupied by Paulson Court Reporting

CITATIONS

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

PRSRT STD
US POSTAGE

PAID

PERMIT NO. 507
OXNARD, CA 93030



*ADVICE YOU CAN TRUST
WHEN THE STAKES ARE HIGH.*



We would appreciate your criminal law referrals.

- 4 Years in private practice. (17+ years in criminal law.)*
- 3 New babies.*
- 2 Over two thousand years of prison time avoided for our clients.*
- 1 The first person to call for criminal defense.*



David the 2nd



Patrick



Heidiya

789 S. Victoria Ave., Suite 202, Ventura, CA 93003 Phone: (805) 477-0070 www.DavidLehrLaw.com