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 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

AUGUST - TWO THOUSAND ELEVEN



SCV LEGAL AID: FROM LAWYER TO PEOPLE

By Laura Bartels

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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.

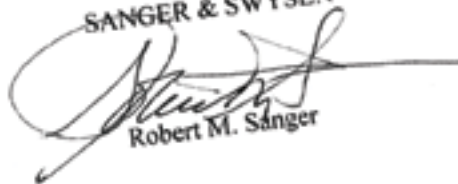
When we do decide to disclose the report in an attempt to convince a reluctant prosecutor of a client's innocence, a favorable polygraph report alone is not sufficient. The professionalism of the examination and the reputation of the polygrapher are critical.

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

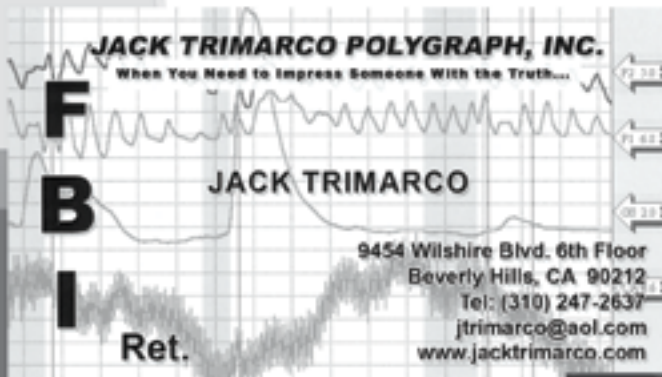
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THE PEOPLE V. SMITH

By Joe Strohman



So you are on the final question on *Who Wants to Be a Millionaire* and Meredith Vieira asks you, “What is the name of the first California Supreme

Court case?” You have no idea but want the million. Time is running out, so you think statistically of the number of criminal cases filed and one of the most common surnames and blurt out *The People v. Smith*. And of course, you are right. Good luck with the million. You will be lucky to have \$50,000 left after taxes, long lost friends and relatives.

My article on book burning last month (*Fahrenheit 451*) led me to review the first volume of *California Reports* (1850-51) and the first case from the California Supreme Court, *The People v. Smith*, 1 Cal. 9 (1850). By now, you as the alert reader are asking, “Well, if *People v. Smith* starts on page 9, then what case is on pages 1-8?” Good question.

Actually, pages 1-8 are a preface which gives a pretty interesting discussion by then-Justice Nathaniel Bennett on the legal history of California leading up to the first California Supreme Court. You start to understand the problems encountered by that original court when you read about the melting pot of laws, codes and ordinances laid before them on opening day. California had been operating for decades under the codes of Spain, royal and vice-royal ordinances, laws of the imperial Congress of Mexico, presidential regulations and acts of pro-consular governors. Throw in a few decrees from dictators and you have a really good bar exam question.

To add to this mix, some of the laws of Mexico were never printed or could not be obtained without great difficulty. Some laws were simply not enforced (sound familiar?). Land had never previously had much value and was often not worth the trouble of surveying or perfecting title under the laws of Spain and Mexico. A person’s wealth

was measured in cattle and horses. Land was vast and expensive to maintain. This all changed with the California Gold Rush, when land and its precise boundaries were of great value.

Under Mexican law, legal matters were heard and decided by the Alcalde, who acted as a city mayor and judge. This system was left in place for a short time by California military governors until replaced in 1850. The Alcaldes also made land grants, but title to this land was often in question. Justice Bennett noted that the Alcalde paid “little regard either to American or Mexican law further than suited their own convenience and conducted to their own profit.”

So this background sets the stage for the first case of *People v. Smith*. The defendants had been accused of shooting and killing several Indians in Napa Valley, burning their lodges and destroying wheat, barley and other property. The defendants petitioned to be discharged from custody of the Sheriff of the District of Sonoma under a writ of habeas corpus. First, the defendants claimed the affidavit for the warrant was defective. That argument failed. Their next argument was that they could be held indefinitely since the judges in the District Court of said District of Sonoma were not appointed. Clever, but that argument failed too.

The third argument was a little more creative for that time. They argued that the offense was not within the state of California. The Supreme Court noted that the offense was committed at the ranch of Henry Fowler and William Hargrave (which we all know is in Napa Valley) and of course Napa Valley is in the state of California.

The court faced a small problem since it recognized that “there is no jail or prison in which prisoners can be kept with security” in the then wine tasting-less and uncivilized Napa Valley. So the defendants were ordered to provide at least two good and sufficient sureties in the collective sum of ten thousand dollars, or separately one surety each of three thousand dollars (large sums then). The surety had to be worth double the amount of the claims. The defendants would then be

released from detention. If not, they would be remanded to the custody of the Sheriff of Sonoma (the same foregoing mentioned Sheriff without a jail).

So ends the first California Supreme Court case, which confirmed that Napa Valley was, thank goodness, part of California. The first reporter appointed by the Supreme Court for this case was Edward Norton (who as we all know went on to become a very successful movie star and can transform himself into the Incredible Hulk). For an interesting review of the same case and Ed Norton read Judge Dan McNearney’s *The Seminal Case*, 46-APR *Orange County Law*, 21 (2004).

For those curious readers, the second California Supreme Court case, 1 Cal. 15, offers a much better title. The case of *Luther v. The Master and Owners of Ship Apollo* actually sounds like a 2 a.m. sci-fi movie, but it’s just another shipping titan failing to pay a poor sailor \$166.

Slaughter to the Rescue

Kudos to **Bill Slaughter** of Procter, Slaughter and Reagan. Bill’s intuition and keen sight helped to spot and rescue four hikers in Ojai during a March 2011 winter storm. The story, *A Rescue to Remember*, was featured in the June 25 edition of the *Ventura County Star*.

Upcoming Events

The VCBA Board will get a vacation from its monthly meetings in August, but we are still busy. Please review the *CITATIONS* calendar insert for daily events or check online at www.vcba.org. Please mark your calendar for the Barristers Wine and Cheese gathering on Thursday, August 18. Also help support the VLSP program and say thanks to our retiring **Judge David Long** on Friday, Sept. 16 at 5:30 p.m. at the Tower Club. Check *CITATIONS* or the bar site for more details and registration.

Joe Strohman is a partner at Ventura’s Ferguson Case Orr Paterson LLP, where he handles business litigation, real estate and land use matters.

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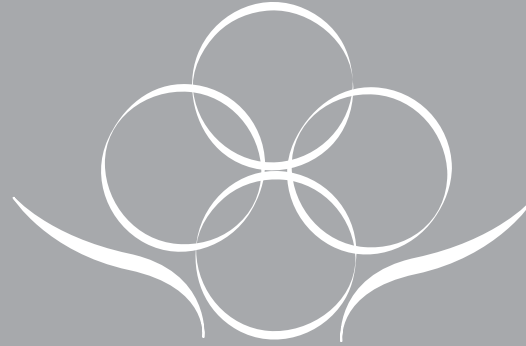
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HOW WOULD WE DO IT WITHOUT HER? SPOTLIGHT ON CELENE VALENZUELA

By Tom Adams

After a process nearly as long and contentious as negotiating the federal debt ceiling increase, Barristers of Ventura County has concluded its bar-wide logo contest. As announced in last month's "Exec's Dot... Dot... Dot..." the winner by a clear majority was the Bar Association's own administrative assistant, Celene Valenzuela. I had a chance to sit down with Celene and discuss what she does when she's not fixing our logos.

At the same desk she's been at for the last five years, Celene is our go-to for all things related to the Bar — many of us know her work without knowing her. Perhaps we have received emails from her as bar@vcba.org; or seen the photos, *CITATIONS* articles, and announcements she posts on the Bar website. She also acts as the reservation desk, membership coordinator, MCLE coordinator, and *CITATIONS* advertising contact. On top of all of this, she handles all other forms of event coordination for committee meetings, MCLE events, and our Bar's annual events, such as the Law Day 5K and the annual VCBA dinner. The public knows her as the first contact for the bar's pro bono program and Lawyer Referral Information Service.

Each of these programs is dear to her heart, and she loves the interaction both with the public and with our membership. But she is especially proud of the pro bono program.

Celene spends the better part of each day (after helping Steve practice his Spanish) reviewing e-mail requests from the public for help with their legal problems. "It's sad because we don't have enough resources to help them all," she says. Clients seeking help also sometimes just walk right in to the bar office, although calls or emails are preferred. "Alex [client relations manager **Alejandra Varela-Guerra**] and I do what we can to determine their legal situation. If they can go to a legal clinic for help, we send them there." Otherwise, they do an intake to determine whether the potential client meets the state poverty requirements, or otherwise qualifies

for government assistance. Unfortunately, even if they qualify, there is no guarantee that they will get free assistance. "We have a huge load of clients who need assistance but not a lot of attorneys who volunteer."

Even if no active attorney is available, the pro bono Department will have the clients speak with one of the retired attorneys. And, if there is a hearing coming up, the retired attorneys can help by instructing them how to get a continuance while they seek further counsel. The pro bono program does not service criminal cases, plaintiff cases, support issues, or cases for clients who otherwise do not qualify. Those cases are referred out through the LRIS program.

Although the pro bono program has many retired attorney volunteers, there is a real need for more volunteer active attorneys. Celene encourages everyone to sign up for either LRIS or the Bar's pro bono program (or both) by calling her directly, but she has also provided the information and sign-up forms on the Bar's website at www.vcba.org.

You also may contact Celene if you are interested in doing an MCLE program. The Bar sections do these regularly; you probably have attended one from the Probate and Estate Planning, Business Litigation, VCTLA, or IP sections. But law firms often set up their own programs for MCLE credit. If you are interested in doing a program, simply contact her and send in the materials you intend to use. Celene will help with registration and reservations. Bar members who wish to put on programs at the Bar office may use the Ventura College of Law classrooms for free. Similarly, if you attended an MCLE through the Bar, but forgot to sign up for credit or lost your certificate, Celene can make sure you get credit.

You also may have seen Celene's recent work as the designer of the fundraising postcard for the pro-bono program. Celene is assisting **Jonathan Light** and **Joe Strohman** to

CITATIONS CONTENT SOUGHT

No, this isn't a dream. You don't have to pinch yourself. All your wildest fantasies of writing about the Ventura County legal scene and all its glamour can be satisfied, right here on these very pages.

That's right, *CITATIONS* wants you. At least, we want your content.

We want to read what you love to read. That means we want stories about interesting local cases. It means we want to hear cool things about Ventura County's lawyers. Is someone pouring their energy into a new legal nonprofit? Tell us about it. Are new strategies for practicing law bubbling up right in our backyards? Write about it!

As should be evident, we also love history and local lore. Tell us about the "good ol' days" of lawyering. Recount those tales you love to tell about your colleagues' first cases. Find local legal legends and profile them.

Or get practical. Do you have a tip about local court procedure you think other lawyers might benefit from? Do you know about new legal procedures that a local lawyer has contributed to? Do you have resources written by local lawyers that others might share? We'd love stories about all of these.

If you have a story idea or better yet, a full story, write it up and send it to wlascher@fcoplaw.com. For consistency's sake and ease of formatting, please send articles as Microsoft Word, WordPerfect or Rich Text Format files [i.e. no pdfs]. Be sure to include a short (1- or 2-sentence bio) of yourself to accompany the story. We will provide more detailed style guides.

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Continued on page 15

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ESTATE ADMINISTRATION AND THE “MAILBOX RULE” – AN EVIDENTIARY PRESUMPTION

By David B. Shea

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Many times those small details relating to the administration of an estate can mean the difference between a routine case and one that may present significant liability to the attorney representing the personal representative. When assisting with the administration of an estate, it may be wise to add one extra step when providing notices to creditors, especially when a creditor is the Department of Health Care Services (the “Department”) relating to Medi-Cal reimbursement claims. It is strongly suggested that you mail all notices to the Department certified and request a return receipt.

It is well known that the “mailbox rule” provides that a letter correctly addressed and properly mailed is presumed to have been received in the ordinary course of mail. However, a presumption of receipt is rebutted upon testimony denying receipt. (Evidence Code §641.) Therefore, when testimony is presented to the court denying receipt of the document in question the presumption is gone and the trier of fact must then weigh the denial of receipt against the inference of receipt arising from proof of mailing and decide whether or not the document was received. (*Craig v. Brown & Root* (2000) 84 Cal.App.4th 416, 422.)

In *Shewry v. Wooten* (2009) 172 Cal.App.4th 741, the decedent Dowe received Medi-Cal

benefits of \$200,000 for her medical care and treatment. Months after Dowe’s death, the Department sent a Medi-Cal Estate Questionnaire form to Dowe’s daughter who completed the form and returned it to the Department. The form disclosed that Dowe, at the time of her death, owned property worth an estimated \$250,000. An estate was opened and the Department filed a creditor’s claim for \$200,000 against the estate. The executor rejected the Department’s creditor’s claim as being untimely. The Department filed suit on the rejected claim.

The Department claimed it was not time-barred since it did not *receive* the notice regarding the claim. At trial, the Department called its tax compliance representative, who testified that if the Department had received the notice, the Department “would have sent a formal claim to the attorney and made a case note to reflect that it did go out on that date.” Under standard procedures, “all documents that come into the Department’s estate recovery unit are logged into the system and therefore reflected in the case notes.” There was no case note in the file, which created the inference that the Department had not received it.

The executor’s attorney testified that she did not dictate the notice to her secretary, rather she “pretty much told her what to say and she typed it.” The attorney further testified

that she did not witness her secretary mail the letter, but that “I don’t see her do half of the things in my office, but they always [get done].”

Presented with competing facts relating to mailing and receipt of notice, the court must weigh denial of receipt against the inference of receipt arising from proof of mailing and decide whether or not notice was received (*Slater v. Kehoe* (1974) 38 Cal.App.3d 819, 832). Resolution of these disputed facts is a credibility call that must be supported by substantial evidence. Specific findings relating to the credibility of witnesses and the weight of the evidence will enhance the chances of the decision not being disturbed on appeal (*Craig v. Brown & Root, supra*, at p. 421).

The trial court in *Shewry v. Wooten*, upheld on appeal, found that the executor did *not* provide notice of the decedent’s death in the manner required by law to trigger the four month claim period in which to present a claim (See Probate Code §215). The trial court went on to say that if the personal representative “was truly interested in providing notice, she should have guaranteed receipt/notice by the logical options, ‘certified, registered, and express mail’” as provided in Probate Code §215.

The lesson is simple: Provide notice as described above, and be ready to offer evidence to rebut the presumption of the mail box rule or refute the assertion that “notice was not received.”



David B. Shea is a partner at Ferguson Case Orr Paterson LLP in Ventura. He is a State Bar-certified specialist in estate planning, trust and probate law and a frequent judge pro tem.



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THE BARRISTERS' FIRST LIMERICK

By Katie Pietrolungo

*I recall a young lawyer named Jill
Who needed help with drafting a will
She asked the Barristers one day
So, her mentor would say
“Meet me for wine and cheese
August 18; no bill”*

Please join us at Ferguson Case Orr Paterson on August 18 at 5:30 p.m. to kick off the long-awaited Mentorship Program. This event is open to all Barristers and those more experienced lawyers who are interested in being mentors. The goal of the Mentorship Program is to foster professional relationships among attorneys in Ventura County, to build a strong legal community, and to maintain the integrity of our profession. Being a mentor is not time-consuming. We ask

that mentors set up a face-to-face meeting one time per month. The mentee—mentor relationship should be for the development of the mentee's professional growth and not as a source of legal advice. RSVP to bar@vcba.org

Katie Pietrolungo is an associate at Anderson Kill Wood and Bender, P.C., where she handles insurance recovery matters.

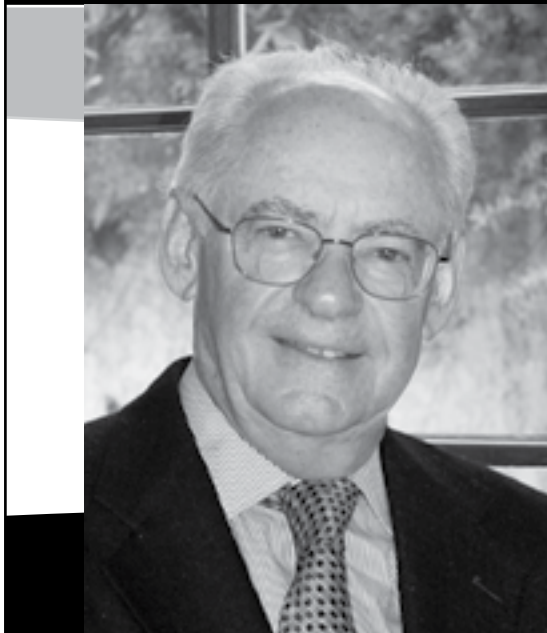
WLVC and SBWL Wine Tasting



No blues for Jill Friedman and Leslie McAdam as they and other women lawyers from WLVC and SBWL sing the praises of the reds and whites at Corktree Cellars in Carpinteria, June 21.

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SCV LEGAL AID: FROM LAWYER TO PEOPLE

By Laura Bartels

In a laundromat converted to a city community center in North Fillmore, Santa Clara Valley Legal Aid's nine volunteer attorneys assist in family law, employment law, landlord-tenant law, consumer rights, and civil issues. But most of what happens in the small room is translation, not from English to Spanish, well, that too, but from Lawyer to People. As attorneys, we are specially trained in the legal language and the rigors of court procedures. But for people who have never entered the legal system, we speak a foreign language.

Why is a divorce called a dissolution? Perhaps an "Order to Show Cause" could be changed to: "The Court Has a Question, Please Come By." An eviction is a traumatic and swift judicial remedy that is couched as an "Unlawful Detainer." A "Three Day Notice to Quit" does not mean that after your long weekend your job is finished. "Probate" is not an internal organ or money that you're getting back from your purchase—it's a very complex set of boxes to check. A lawsuit is actually a "Complaint" and I just got a "Summons", am I supposed to go somewhere?

I had a woman tell me that she had been trying for a month to find a judge to sign a "Letter of Testamentary" so that she could file a life insurance claim. All she needed was some simple "letter" from a judge—a one-page judicial council form with 6 boxes checked with pretty purple seals in the corners. It's difficult for her to understand that "Letters Testamentary" take around \$1,000 in filing and publication fees and over a month to get. And why isn't it called something logical like "Authority of Executor"?

Mediation may involve going into a quiet corner and becoming quiet with your inner self, but you're most likely to be joined in a conference room with attorneys. I thought Laches were things on my door? How in this epidemic of hand sanitizers can they claim "Unclean Hands"? "Statute of Frauds"— maybe we could say "Show Me The Writing." "Parol Evidence" inmates giving evidence to a panel to justify release? Estoppel? Estopped to Deny? Generally denying? Specially denying?

What's with the "Consolidated Omnibus Budget Reconciliation Act" for my health insurance—COBRA? Really?

We send clients to file papers at "the County" on their way to see their POS to ask the PD what the DA is doing with the TRO and DV charges.

After not qualifying for the HAMP program, the couple had some real estate questions. Getting his ARM free from his APR, and their APN from the MLS we discussed FHA, HUD issues, TIs, HOAs. What about Section 8? What was the property's FMV? The buyer wants a 1031. Sign the PCOR. Should we do a Prop 58? Why is a TIN called an EIN?

A distraught woman is unable to grasp that the certified judgment signed by a judge that she worked for months getting through Ventura County's court system is now just worth the paper it is printed on because the debtor filed a Chapter 7 in CDBC via ECF listing the suit on the SOFA, she filed a Proof

of Claim with the UST, skipped the 341 and now the debt is discharged. "But I have a signed judgment," she pleads in absolute confusion. "The judge SIGNED it."

I share her confusion. I am bewildered and confused. A man who was speaking English to me on the phone has just arrived to inquire about my WEP key, my IP address and the location of my router. Pardon me? Sputtering and trying to hold my stance, I know that I am going to be a member of the AARP before I understand him, and soon I may need CPR. Have I signed my AHCD? My POLST? CUTMA accounts for kids? 529s? Are my VCBA dues paid? I see this look every day as I translate for others. The tech can help me navigate his language; we attorneys can help our clients navigate ours.

*In addition to being one of the founders of Santa Clara Valley Legal Aid, **Laura Bartels** handles bankruptcy, commercial, estate planning, probate and public interest matters at Taylor, Scoles & Bartels in Fillmore.*

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Ms. Friedman is also the current President of Women Lawyers of Ventura County



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HOW WOULD WE DO IT WITHOUT HER? SPOTLIGHT ON CELENE VALENZUELA

Continued from page 5

coordinate the fundraiser. Members who pledge to make a tax-deductible donation will get their name in an ad in *CITATIONS* and a lovely thank you letter from the Bar.

As the content administrator for the Bar's website/blog, Celene makes sure that all of the information is up to date. She uploads the slideshows (check it out this month for pictures from the Barristers' Bowling Night), uploads articles from *CITATIONS*, and she even set up an RSS feed. "People can register by clicking on the homesite, entering their e-mail address and clicking 'Go.'" Then, whenever there is a blog update, members can get information right in their email.

Celene grew up in Oxnard after moving here from Mexico with her family when she was just three years old. Understandably, she doesn't remember much of her life before Oxnard, but her love for her new hometown is almost palpable. Celene regularly attends City Council meetings, works with non profits, and has canvassed and organized campaigns for local politicians. She helped two current City Council members win their current seats and, at just 24, was one of the principal

administrators and organizers of a mayoral electoral campaign.

Now 27, with a B.A. in Business Administration, the University of LaVerne graduate is active beyond the political forum as well. She plans to return to school for a Masters in Public Policy at CLU next year. In the meantime, like all of us, she takes time to enjoy life outside of work. Living with her parents and her three dogs (Bubbles, Mercedes, and Katherine), she often cooks when the whole family comes over on weekends. Although already bilingual, she's working on learning French and Chinese. And she and her fiancé are studying dance — having learned the Tango, they are moving on to the Rhumba and the Cha Cha. When asked about her wedding coming up on December 10th, she said "there will be dancing at the reception for sure."



Tom Adams practices consumer law and business litigation in Ventura.

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(20 emailed, 28 responded)

On Jun 17, 2011, at 2:02 PM, Don Parker wrote:

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- ~ Sure.
- ~ Yes.
- ~ Yes, I would be glad to be reference for you.
- ~ Sure.
- ~ Yes
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- ~ yes

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- ~ We would love to be a reference for you as we give you an A+ rating. You handled everything very efficiently, did not gouge us for extras that you could have charged for and were extremely knowledgeable when we needed professional expertise! Plus we give you an A+ rating for being such a wonderful human being! In business and in the "real" world! You were patient and helped us over the hurdles!
- ~ You may indeed.
- ~ You absolutely can and along with that testimonial I will reference your charity work... Your altruism and leading by example, is something you should be truly proud of...sure
- ~ It is an honor ... please do so by all means.
- ~ Most definitely, you're true professional.
- ~ but of course
- ~ YES YOU CAN
- ~ sure, thanks
- ~ i am happy to give you a Reference
- ~ YES !!!
- ~ Absolutely. I'd be honored to be a reference for you.
- ~ Yes, Don, please do.
- ~ Absolutely!!
- ~ I'm happy to be on your list of references. I appreciate the work you did.

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UNIQUE PROGRAM GENERATES REFERRALS FOR LOCAL ATTORNEYS

By Rachel Coleman



Steven Lehat

A novel and unique pilot program between the Ventura County Lawyer Referral and Information Service (LRIS) and the Conejo Valley Chamber of Commerce brings new opportunities to local attorneys and local businesses. In light of the changing economy, **Steven Lehat** spearheaded this stimulating program to create a bridge between the needs of local business owners and to generate attorney referrals. The program provides Chamber members with referrals to local attorneys through its “Affinity Program.”

Many business owners do not consult an attorney until there is a problem. A “win-win” for both sides, the Affinity Program allows business owners to develop relationships with attorneys so they will be comfortable seeking guidance throughout the growth of their businesses. Attorneys will have the ability to mix and mingle with Chamber members at such monthly events as “Jump Start Networking Breakfasts,” “Lunch and Learn,” “Networking at Night Mixers” and other Chamber events.

Lehat is the driving force behind the Affinity Program. Since the early 90s, Lehat has created many other innovative programs between referral services and chambers of commerce across the United States. He developed a successful practice in the Newport Beach area specializing in intellectual property, securities and international trade. Recently, Lehat opened an office in Ventura County. Looking to contribute to the local legal community, Lehat joined the LRIS board in December 2010. The Chamber’s professionalism, commitment to its members, and their demographics motivated Lehat to pioneer the Affinity Program.

To receive referrals from Chamber members, attorneys must first enroll or already be members of LRIS. Next, attorneys contact **Alex Varela-Guerra** at VCBA, (805)650-

7599 to obtain an application for the Conejo Valley Chamber of Commerce Pilot Program. Once enrolled, attorneys will be eligible to receive referrals from Chamber members. In exchange, attorneys should be committed to giving a discount to Chamber members on a case-by-case basis.

Attorneys enrolled in the pilot program will also have access to specific programs targeted at the business aspect of building and running a law practice. Each quarter will bring a different state-of-the-art program focused on assisting a law firm’s function as a business. Attorneys will also have the opportunity to make 30-minute presentations about his or her area of expertise directly to Chamber members at

“Lunch and Learn” events. Participation in this program will create great opportunities for attorneys not only to obtain new clients but also to build relationships within the local business community that may allow them to become long-term, trusted advisors.



Rachel Coleman is an associate attorney practicing business and civil litigation at DK Law Group. She is also a board member of Ventura County Barristers and a CITATIONS editorial board member.

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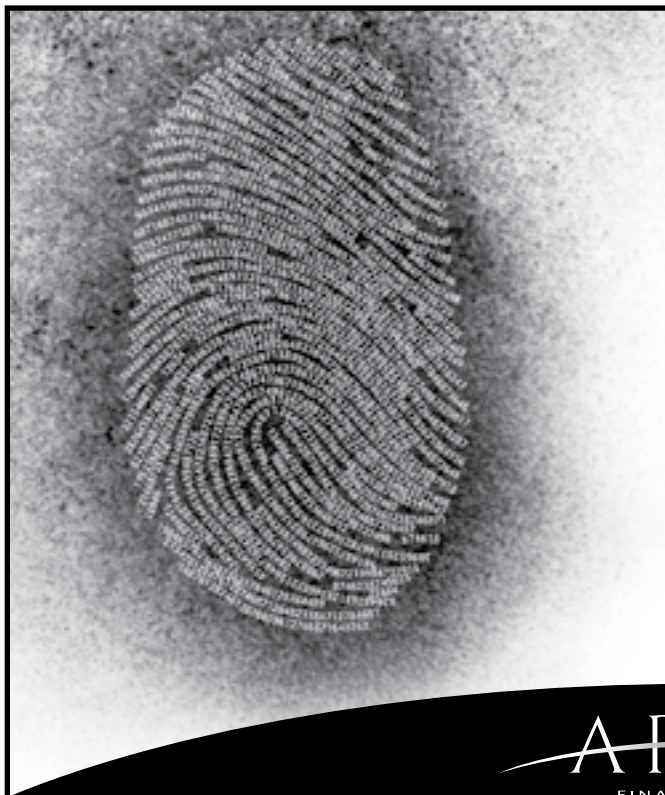
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EXPLORE CIVIL LAW AND PRE-COLUMBIAN LEGAL TRADITIONS IN GUATEMALA

By Vanessa Frank Garcia

The Mexican-American Bar Association is planning another wonderful trip with participation open to all, including judicial officers. Taking place Spring, 2012, the focus of the week-long trip to Guatemala will be the exploration of the Civil (Roman) Law tradition and its intersection with vibrant pre-Columbian legal traditions governing large swaths of this diverse nation. Our Guatemalan colleagues will also be eager to learn from us about U.S. and California law.

With a population of about 15 million people, there are over 20 nationally recognized languages in Guatemala, most predating the European arrival. Beginning in the capital, Guatemala City, we will meet with law professors and private attorneys and enjoy great food and some sightseeing. Then we'll head out to the Western region, home to some of the culturally richest indigenous communities in the Americas. There, we will meet traditional leaders of these Mayan communities and gain a deeper understanding of traditional legal models.

With the 1996 conclusion of Guatemala's civil war, pre-Columbian culture and language have gained official recognition and support. The legal systems are no exception and pre-Columbian jurisprudence continues to develop. The Land of Eternal Spring is always a beautiful place to visit, and in late spring it is less "touristy." We hope to time our trip to conclude immediately prior to Holy Week (*Semana Santa*) allowing you to extend your stay to enjoy this colorful and festive time.

We have space for 30 attorneys. Family members can "tag along." No Spanish is required. If you are interested in participating, please email **Vanessa Frank Garcia** by Sept. 15, at Vanessa.frankgarcia@gmail.com.



Vanessa Frank Garcia practices primarily immigration law in Oxnard. She graduated from Stanford Law School and has traveled extensively in Guatemala with her family.



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Over 100 lawyers, family and friends participated in the 5th Annual Barristers' Bowling Night July 19 at Harley's in Camarillo. The event raised nearly \$900 for the Make A Wish Foundation and lots of awards presented including Most Strikes/Men, **Matt Purcell**; Most Strikes/Women, **Michelle Deguzman**; High Score Men, **Robert Hester**; High Score Women, **Melissa Waters**; High Scoring Couple, **Katie Pietrolungo & Tim Clunen**; Wild Turkey Award, **MacKenzie Menia**, and Team Champion, Anderson Kill Wood & Bender. Kudos to the Barristers' board for organizing...The Criminal Defense Bar held their annual awards banquet June 17 atop the Crowne Plaza. The Richard E. Erwin Award in recognition "of his adversarial spirit, his skill as an advocate and his courage in defending the demand," went to **Ron Bamieh**. The Joyce Yoshioka Award for "Outstanding contribution to the criminal justice system and for her commitment to the cause of the tired, the weak, and the poor," was received by DPD **Mary Shea**. Mary has been with the office for 18 years. The Young Criminal Defense Trial Lawyer of the Year was given to DPD **Ayala Benefraim**...

Paul Fritz passed away in Santa Barbara on July 10 after a very brief illness. Paul was a regular around bar activities; advertising in this magazine, a founding member of the JHB Inn of Court, and a regular attendee of our VCTLA dinner meetings. A complete obituary may be viewed at www.santabarbaranewspress.com July 15...**Robert Jennings** died June 29 in Oxnard. I had never met Robert nor was he a bar member. He was a lawyer since 2002 and graduated from the Ventura College of Law. He worked FT for **Kevin DeNoce** before Kevin became a judge. You may view his obituary at www.vcstar.com July 6 or his website at www.rpjdivorcclaw.com...

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

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

They really do come in threes—**Harry Hibbs** (SB#39671) passed July 17 in Ventura. He graduated from the University of Arizona College of Law in 1967. That's 44 years, people. Harry was with Lowthorp Richards for many years, but had been flying solo for over 20...The Ventura Superior Court's local rules have been revised effective July 1. They can be spotted at www.ventura.courts.ca.gov/pdf_files/county_county_court_rules.pdf...

Quebec/Montreal? **Lou Vigorita** at lvigorita@vigorita.com... Rivera Maya, Mexico? **Matt LaVere** at 642.6702...the case of a Philadelphia judge's missing robe as been solved. The municipal judge who thought his robe had been stolen said that it was all a big misunderstanding. Earlier, Judge Joseph Waters, Jr. said his official garb had been taken from the unlocked robing room at the courthouse while he was in the men's room. An email was sent out to judges and courthouse staff asking people to keep an eye out for it. Judge Waters now tells the *Philadelphia Daily News* that a court employee mistakenly picked up the garment, thinking it belonged to another judge. The staffer returned it... Newly appointed California Supreme Court Chief Justice Tani Cantil-Sakauye will be the special guest at the Santa Barbara County Bar Association's Annual Dinner Nov. 28 at the Marriott Hotel in Buellton. SBCBA at 569.5511 for details...

Recommended Book of the Month: *Making Our Democracy Work: A Judge's View*, by Justice Stephen Breyer. Alfred A. Knopf, 270 pages, \$26.95, hardcover...Quote of the Month: "I swear to tell the truth, the whole truth, and nothing but the truth, so help me me." God (George Burns) is sworn in as a witness in *Oh, God!* (1977)...**Robert Hernandez** started his new associate's job at Anderson Kill Wood & Bender July 18. Robert hails from Moorpark and you may reach him 288.1300 or randerson@andersonkill.com...

I've heard about this over the years, but **Jon Light** is the first to confirm it. If you get a ticket and you qualify for traffic school, there's an outfit in Century City that offers 6.5 hours of CLE credit for lawyers at the same time as you get credit for your traffic school attendance. It may also be done online. All for \$195 and the link is mcle4lawyers.com...A Texas litigator has

a new nickname after a recent hunting trip. Levi G. McCathern bagged a 14-foot, nearly 900-pound alligator with a single shot, one of the largest ever captured in the state. So now folks are saying the G stands for Gator, McCathern says. "How far are you when you take that shot? Probably about 100 to 120 yards away," said McCathern. "It went right in the brain; it was a perfect shot, probably my luckiest shot."...**Amber Rodriguez** and her husband Augie, as well as big sister Alexis, welcomed a new addition to the family, a baby girl named Isla Mia on April 23. Little Isla weighed 7 pounds...

Amy Dilbeck has left her Main Street, Ventura bungalow office for an ocean view in the Bard Hospital, where she has joined Strauss Law Group as an associate effective July 11. She brings her estate planning and trust litigation practice and will assist SLG's employment law and employment, business and real estate litigation. She may be reached at ard@strausslawgroup.com...The heirs of Anna Nicole Smith won't be able to collect on a tort judgment against the son of her late billionaire husband because of a Supreme Court decision on the authority of bankruptcy judges. Chief Justice John Roberts wrote the majority opinion. It began with a quote from Charles Dickens' *Bleak House* detailing long running litigation in which the original parties have "died out of it." Dickens wrote of a "long procession" of judges and a suit that "drags its weary length before the court." "Those words were not written about this case", Roberts wrote, "but they could have been."...Tennis anyone? **Tina Cowdrey** and Donna Daily are planning the 3rd Annual Doug Daily Memorial Champagne Breakfast and Tennis Tournament for Labor Day. It will take place Monday, Sept. 5 at Spanish Hills CC beginning at 8:30 a.m. Tina may be reached at 218.6263 or tjcowdrey@aol.com...

Steve Henderson has been the executive director and chief executive officer of the bar association and its affiliated organizations since November 1990. He was an assistant coach of the U.S.A Women's World Cup Team. Additionally, Henderson supplied legal advice to Judge Reggie Walton during the Roger Clemens mistrial. Henderson may be reached at steve@vcba.org, FB, Twitter at [stevehendo1](https://twitter.com/stevehendo1), LinkedIn, or preferably 650.7599.



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