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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

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

## Jonathan Light and John Howard

2011 Co-Recipients of the James D. Loeb VCBA/VLSP, Inc. Pro Bono Award



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MEGHAN CLARK AND LESLIE MCADAM

MICHAEL R. SMENT

RACHEL COLEMAN

KATHRYN P. PIETROLUNGO

MICHAEL VELTHOEN

STEVE HENDERSON

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Jack Trimarco & Associates  
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Beverly Hills, CA 90212

Dear Jack:

As you know, Bryan Stow, a San Francisco Giants fan, was brutally attacked by two men in the Dodger Stadium parking lot on opening day, March 31, 2011.

On May 22, 2011, Los Angeles Police Department (LAPD) SWAT officers arrested my client, Giovanni Ramirez at an East Hollywood apartment complex. LAPD Chief Charlie Beck said at a news conference that day, "I believe we have the right guy. I wouldn't be standing here in front of you. I certainly wouldn't be booking him later on tonight. You know this is a case that needs much more work, but we have some significant, significant pieces to it that leads me to believe that we do indeed have the right individual."

Mr. Ramirez agreed to take a LAPD polygraph examination, to be conducted on June 1, 2011.

I retained your services as a nationally known and respected polygraph examiner. You agreed to polygraph my client at Los Angeles County Men's Central Jail, on that day prior to the LAPD examination. Further, you agreed to monitor the LAPD polygraph examination in an observation room within Parker Center (LAPD Headquarters).

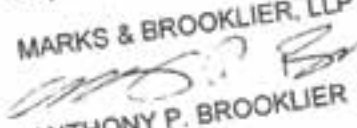
After you polygraphed Giovanni Ramirez, as you departed the jail, you telephoned me. You said, "LAPD arrested the wrong guy. Giovanni Ramirez was not on Dodger stadium property on March 31, 2011."

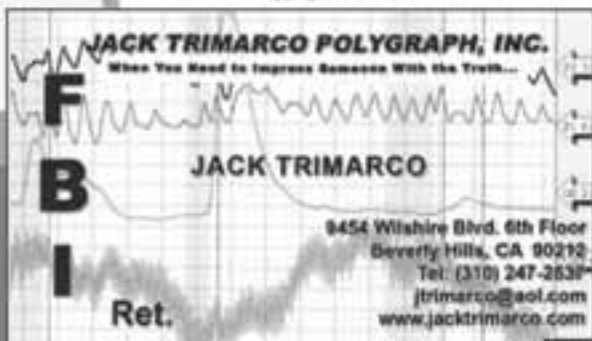
On June 1, 2011, you accompanied me to Parker Center to monitor the LAPD polygraph examination. The respect shown to you by the LAPD polygraph personnel comforted me. You advised them that Mr. Ramirez passed your exam as you handed them your report.

Although this case had many interesting facets, central to Giovanni Ramirez being eliminated as a suspect, were your "non deceptive" polygraph results.

It is a tribute to your reputation that polygraph testing conducted by you is so well received and respected by the prosecution, as well as the defense. You saved my client's life...thank you.

Very truly yours,

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## Love Thy Attorney

By Joseph L. Strohman, Jr.



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**Jury duty:** I fulfilled my jury duty obligation last month. A full day of relaxation without interruption. Just like a vacation in Hawaii.

So I'm sitting in the jury assembly room "just minding my own business" and the guy next to me asks "are you an attorney?" Normally I would create a new occupation (poet, typewriter repairman, etc.) just for fun, but as VCBA president I figured I should respond professionally with "yes." My fellow juror immediately proceeded to tell me an "attorney joke." Something about an attorney being at the bottom of the ocean and that being progress. So, I'm thinking to myself, this guy doesn't know me but would like to see me at the bottom of the ocean. I sat elsewhere. Like I said, I was just minding my own business.

When I was President of my Rotary Club, I allowed attorney jokes as part of free speech but "fined" each joke teller \$50 (which went to our club's foundation). Actually, I've heard most of the jokes and they aren't that funny. Some are clever and deserve a laugh. It's part of our society to make fun of just about everything. My only complaint is when continual jokes tend to perpetrate stereotypes (all attorneys are the same). Any time we classify one group of people with a broad stroke, I view it as a substitute for discrimination. The entire issue of attorney jokes deserves a full column (by someone else).

Final comment on jury duty: The cafeteria is a nice place to "hang out" during jury duty. A lot of table space and chairs. Plus free lattes for all VCBA members serving on jury duty (yes, this is an attorney joke).

**More Attorneys Please.** Speaking of our love for attorneys, the State Bar has some interesting attorney information on its website. As of October 8, there were 232,896 members of the California State Bar but only 172,443 (74%) are "Active." "Inactive" members make up 47,880 (20%) of the total. There are 2,075 listed as "judges" and 10,498 (4.5%) are "not eligible to practice." The next time someone complains we have too many attorneys in California you can now respond, "well, only 74% are active." That should shut them up. See, statistics can be fun.

**My Old School.** Wonder which law school has produced the most California attorneys? That honor goes to perennial powerhouse Hastings (7%), followed in order by Loyola (5.9%), UCLA (5.1%), Berkeley (4.7%), Southwestern (4.2%) and McGeorge (4.3%). The highest percentage of attorneys produced by "out of state" law schools goes to Harvard (2.25%), followed by Michigan, Columbia and NYU.

As to undergraduate schools, UCLA has produced the most California lawyers (8.65%), followed by Berkeley (7.6%), USC

(3.0%), Stanford (2.9%), UCSB (2.9%) and UC Davis (2.3% - go Aggies).

**Bar Exam Fun Days.** If you recall the grueling three-day California bar as being rather difficult, you have a good memory. The pass rate for the California Bar Exam has historically been between 35-55%. The California Bar Exam is generally regarded as the most difficult in the nation. California has the lowest pass rate in the nation, except for perhaps the District of Columbia. In 2010, D.C. had an overall pass rate of 41%, California was 49% and Nevada followed at 59%.

Looking for better odds? Then put up with freezing winters, humid summers and mosquitoes and move to the Midwest or other distant lands. The highest pass rates in 2010 went to South Dakota (94% pass rate), followed by Wisconsin (90%), Montana (89%), Maine (87%) and the great state of Iowa (87%). In the July 2010 South Dakota bar exam, only two souls failed and the other 65 passed. Nice odds.

The lowest pass rate for the California State Bar was the February 1983 bar exam when only 27.7% of takers passed. I think the main essay question in that exam concerned the footnotes to the tax code or the Bar Examiners were just in a really bad mood.

### Other Presidential Proclamations:

**Quote of the Month:** We had the original form of this quote posted in my childhood home so I liked the variation: "**Before you criticize someone you should walk a mile in their shoes. That way when you criticize them you are a mile away and you have their shoes.**" Wolfgang Riebe, *100 Quotations to Make You Think*, NOOK Book, 2010.

**Annual Dinner.** The Annual Bar Dinner is on Saturday, November 19, at the Crowne Plaza Hotel in Ventura. You need to sign up or, under the new legislation just signed by Governor Brown, your bar license is automatically suspended (just seeing if you are still paying attention). Please mark your calendars and come support the VCBA and its Volunteer Legal Services Program. This year we honor **Marc L. Charney** with the Ben E. Nordman Public Service Award. Read

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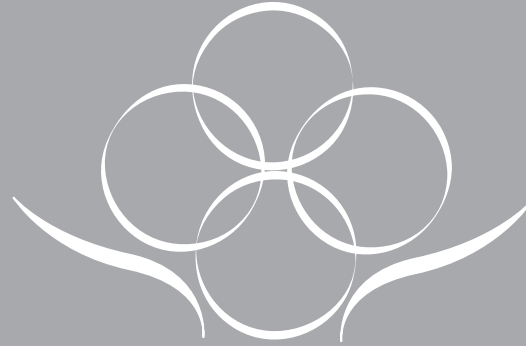
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Effective Oct. 11, case initiating papers, including complaints, applications and petitions, applications for renewals of judgment, and clerk and court default judgment packets (except for requests for entry of default) will be processed in the Ventura clerk's office only.

For efficiency and timeliness of processing, the court encourages to the extent possible that all the above listed documents be dropped in the Ventura court location. (All named documents dropped in the East County must be transported by the court to Ventura for filing.) Documents relating to unlawful detainers will be excluded.

Documents may be dropped off at the civil filing counters, or at window 14 in room 210 of the Hall of Justice, during regular business hours. A drop box is located directly outside of the clerk's office, and documents placed in the box by 5:00 pm will be deemed deposited for filing that same business day.

For more information, contact Julie Camacho (Ventura) at (805)654-2247, or Keri Griffith (East County) at (805)582-8076.

***Love Thy Attorney.***

*Continued from page 3*

about Marc's long list of contributions to the community in the October CITATIONS. Very well deserved and congratulations to Marc. Past VCBA Presidents **John H. Howard** and **Jonathan Fraser Light** will be our VCBA/VLSP, Inc. Awards recipients. Please come join us.

**An Evening with California Supreme Court Chief Justice Tani Cantil-Sakauye.** You can get a chance to meet our new Chief Justice in Santa Barbara on Nov. 28, at Fess Parker's Doubletree Resort, courtesy of the Santa Barbara County Bar Association. See the October CITATIONS flyer for information.

*VCBA Bar President Joseph L. Strohman, Jr. continues his 28th year of business litigation practice at Ferguson Case Orr Paterson and regularly receives standing ovations and box seats to sporting events when he introduces himself as an attorney.*

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## John Howard

### 2011 Co-Recipient of the James D. Loeb VCBA/VLSP, Inc. Pro Bono Award

*By David Shain*

On Nov. 19, at the VCBA Annual Dinner, **John Howard** will be honored as a co-recipient of the **James D. Loeb VCBA/VLSP, Inc. Pro Bono Award**. In 2006, the Volunteer Lawyer Services Program (VLSP) asked John to represent a client being sued by a collection agency seeking a time-barred debt. (The original debt was \$1,358, which had been the responsibility of her ex-husband.) The plaintiff's pre-filing behavior consisted of over 70 phone calls to the client and her employer, many of which were in the early morning hours, over 60 demand letters, and repeated threats.

The lawsuit against the defendant was filed in 2006, some five years after the expiration of the statute of limitations. Notwithstanding, the plaintiff continued to litigate the matter, in the process seeking to prevent the defendant from pursuing her rights and remedies under debt collection statutes. John filed an answer, affirmatively asserting the statute of limitations. In light of this conduct, John cross-complained, alleging violations of the Rosenthal Fair Debt Collection Practices Act. Throughout the course of the litigation, it consistently went to great lengths to frustrate appropriate discovery. In 2009, following years of legal wrangling, the plaintiff finally dismissed its complaint with prejudice. In March 2011, the cross-complaint was settled in the client's

favor; and the court awarded attorney fees, a percentage of which was forwarded to VLSP. During the course of the litigation, John's office undertook extensive discovery, investigation and motion practice, including several trips to Michigan for depositions.

John's tenacious and committed representation of this client far exceeded his original mandate. He exemplifies the very best in our profession and is a worthy recipient of this award.

*David L Shain is Chair of the Volunteer Lawyers Services Program.*



## Jonathan Light

### 2011 Co-Recipient of the James D. Loeb VCBA/VLSP, Inc. Pro Bono Award

*By Glenn Dickinson*

A characteristic of good leadership is that, when the project is finished, the team says, "We did it ourselves." This quality comes to mind when one hears **Jon Light** say that his best pro bono contribution is "delegation." Although he has handled a few very delicate matters himself for the VLSP, he also has relied for many years on the support of attorneys from Nordman Cormany Hair & Compton LLP, who frequently stepped up to help when Verna & Friends called in

desperation. He had a particularly delicate matter defending one of the family members on the civil side of a recent murder case, which eventually resolved favorably to his client. Jon said it provided him some perspective when his client showed him the bullet wound inflicted by her husband *before* they were married. In another contested matter, Jon put aside his health-conscious aversion to smoking and met with pro bono clients at their facility where smoking was not only allowed but possibly encouraged. The nervous clients puffed away, and Jon developed a strategy that led to another successful result, in which he was able to find insurance to cover the matter.

There is not much call for his employment litigation skills on the pro bono side for the VLSP, so Jon devotes much of his pro bono

employment law energies on behalf of several nonprofits in the County, including semi-regular trainings for United Way agencies and Ventura County Community Foundation events. He is a regular contributor to Union Rescue Mission training sessions, as well as reduced-fee or pro bono work on behalf of more than a dozen agencies around the County when employment issues arise. Although not technically pro bono, Jon spends a great deal of time working with the Newbury Park High School mock trial teams and encourages attorneys in the county to get involved with that program.

*Glenn Dickinson is an intellectual property and litigation attorney with LightGabler LLP in Camarillo.*



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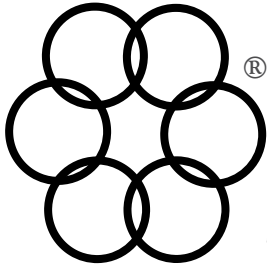
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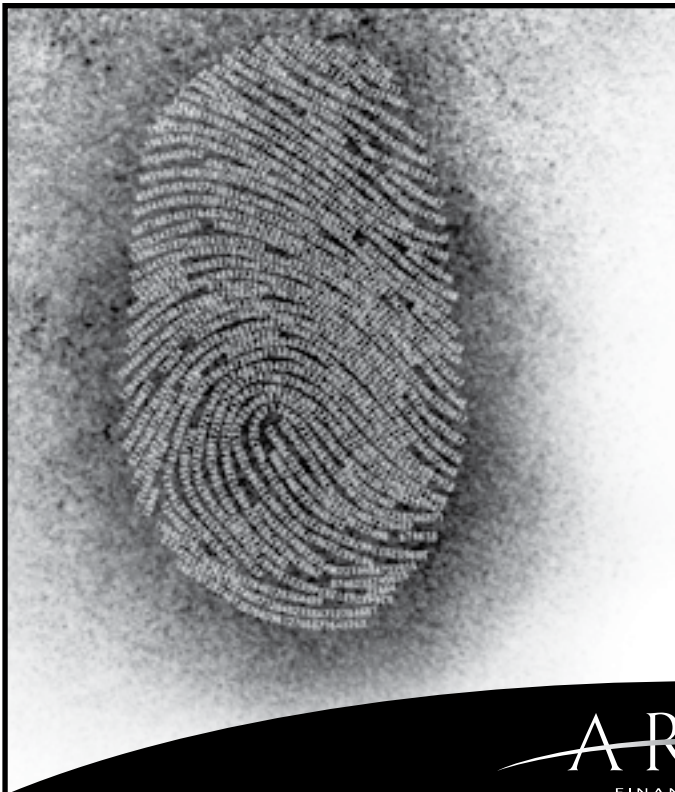
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# MEGHAN AND LESLIE'S EXCELLENT ART ADVENTURE

By Meghan Clark and Leslie McAdam

IKEA, complete with white shag rug. No “Shutter Island Grey” paint in sight.

**MBC:** The rug is great. More than one attorney in the office sat cross-legged on the white shag rug when I didn’t have any client chairs. I think they really liked the change of pace.

**LAM:** I am brave. I bring in some paintings. The office says: “We didn’t know you did this.”

**MBC:** LAM’s paintings are serene and welcoming. She paints a barn, a tractor, clouds, orange trees. They evoke the feeling of being in Moorpark or Santa Paula in the late afternoon on a hot, dry day. You look at her work and feel the pull to find shade under an old tree. She is a talented artist.

**LAM:** I notice in the announcement for the State Bar convention that there is a Bench and Bar art show. This is its 59th year. I mention this in passing to MBC who (1) immediately sends in an application; (2) “forces” me to sign up; and (3) engages in lengthy research to determine whether my paintings are “Non-Objective” or “Representational.” We decide Representational, but this is open to debate. Hers are clearly Non-Objective.

**LAM:** The State Bar Art Show forms require you to fill in a dollar amount for the “value” of the piece you are exhibiting. This opens up a debate on the value of art. MBC puts in the value to pry it from her, since she designed a Creamsicle® office around her canvases. I go for roughly billable hours plus cost of materials.

## September 14, 2011: Art Transport Day

**LAM:** At 9:30 a.m., I arrive at MBC’s house with my paintings. I am philosophical about the value of art in a legal career. Everyone needs an outlet. In this office there are surfers and woodworkers, singers and craps players, duck hunters and political junkies. There are a lot of basketball nuts. This is my outlet. And MBC’s outlet.

**MBC:** Painting is a nice diversion and something I can do at home at night, or with my son. However, the outlet that keeps me from coming completely unhinged from the mom/wife/lawyer/partner/how-did-this-client-get-my-cell-phone-number routine is

horseback riding. There is simply nothing better to clear your mind and spirit although I imagine surfing might be a close second.

**LAM:** We are off in a brand new Lexus loaner with 362 miles on it. SatNav is controlled by a mouse and makes a constant bonging noise. Entertaining. MBC wants to go to Starbucks.

**MBC:** It just happened that I had to take my car in for service that day. The nice man at the dealership handed over the keys to a brand new SUV with every option imaginable as a loaner car. Sweet! He must have seen something flash in my eyes because he reiterated multiple times that there were to be NO PETS in the car. He probably couldn’t anticipate that he should have been worried about it being used as a lawyer art transport vehicle.

**LAM:** 10:01 a.m. Thousand Oaks Starbucks. Among the orders (not ours): an upside down one-pump tall nonfat iced salted caramel mocha. You can’t make this stuff up.

**LAM:** 11:40 a.m. We are at the loading dock at the Long Beach Convention Center Exhibit Hall B, parking in the no parking area.

We meet nice attorneys who are also artists and size up the competition. Because we are early, there’s not that much there, but what we see is interesting. MBC believes there is a nice mixed-media entry incorrectly assigned to her Non Objective oils and acrylics.

**MBC:** I see that one of the artists is named “Lucas Aardvark.” No joke. I question whether Mr. Aardvark is a real lawyer since this is supposed to be a lawyers-only gig. I want to see Aardvark’s bar card. Can you imagine making an appearance with Mr. Aardvark as opposing counsel? I have a vision of **Judge Walsh** sliding his glasses down his nose... “Mr. AARDVARK? Do you have anything to add to this conversation?”

And if this guy’s real name is Aardvark, how can I possibly compete? Clearly someone named “Aardvark” would be more artsy than someone with a mundane last name like “Clark.”

As soon as I get back to a computer, I looked up Mr. Aardvark. He has a website...*www.lucasaardvark.com*. I really like his abstract

This is the true story of how two lawyers, **Meghan Clark** (MBC) and **Leslie McAdam** (LAM) ended up exhibiting their paintings at the Bench and Bar art show at the State Bar convention in Long Beach this year. All dates and times approximate.

## March 2011

**LAM:** Meghan marches into my office, declaring that the wall paint in her office is “too” grey, and announces that she is going to decorate her office in a style inspired by a Creamsicle®. I utter an encouraging response like “uh-huh,” while drafting a complaint.

**MBC:** I don’t march anywhere. My legs are too short. And who doesn’t like Creamsicles®?

## May 2011

**LAM:** MBC brings to the office, one by one, large canvases that she has painted in Creamsicle® colors. This act begins an office debate about art, and whether or not something is art. Especially if it is done by a lawyer. Especially if the lawyer’s four-year-old helped paint. I think – MBC is brave. I could be brave too. Maybe I should bring in my paintings.

## July 2011

**LAM:** MBC’s office now looks like a Creamsicle® Norwegian disco furnished by

work and I e-mailed him to find out who he “really” is.

Mr. Aardvark responded quickly. He is an honest to goodness insurance defense attorney working at a big firm in L.A. He is a young lawyer and my impression is that he is hesitant to openly identify himself as an artist for fear that his legal career will not be taken seriously. He confirms that his real name is not Aardvark.

**LAM:** We wonder about the statue of a gargoyle with a pentagram on its head giving birth to twin gargoyles.

**MBC:** The gargoyle was one of the weirdest things I’ve seen in a long time. I e-mailed a picture of the gargoyle to some of my partners who may have questioned the taste level of my Creamsicle®/shag rug office to advise them that if they did not back off, I would purchase the gargoyle and re-design the office around it.

**MBC:** Art critic Philo Hagen had this to say about the gargoyle:

*I found the pentagram carved into the top of his head disturbing, not so much in the sense that pentagrams are, like, disturbing, but that artist Robert Crook felt his piece needed one. I mean, we have horns, we’ve got dual genitalia, we’ve got the two-headed demonic baby.*

**MBC:** There was also a woman entered in my division who was an attorney in the Attorney General’s office, located in... Palau. I could not for the life of me figure out why we would have an AG’s office in Palau. Some of the Guantanamo Bay releasees have been relocated to Palau, so I assume there is a connection. I also discovered that there is apparently an open position in the Palau AG’s office. Here is the link:

<http://www.ndaa.org/pdf/Palau-assit-atty-general-recruiting.pdf>

The bottom of the ad indicates that the person will be interviewed by someone from the U.S. Attorney General’s office.

**LAM:** I continue to think that there is a connection between creativity and the law. There is something about making something out of nothing. Legal arguments are constructed with basic building blocks but there is great

*Continued on page 17*

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# TOP TEN CA FORECLOSURE PROBLEMS TO LOOK FOR

By Michael R. Sment



California real estate foreclosures are expected to increase significantly through 2012-2013, due in part to the end of a widespread multi-lender suspension of such proceedings. With a large number of Bank of America (the No. 1 U.S. consumer lender) loans in Ventura County (due to its takeover of Countrywide Home Loans), local foreclosures are expected to multiply dramatically.

With tens and hundreds of thousands of California loans and properties to be foreclosed upon, it will be important for borrowers, their heirs, successors, junior lien holders, and their attorneys, to be wary of, and to carefully scrutinize foreclosure proceedings.

The majority of CA foreclosures are “non-judicial,” as allowed by statute and a “power of sale” contained in the note and deed of trust. These types of foreclosures are quicker, cheaper and less regulated. And, for the borrower and the bank, there are no post-foreclosure sale deficiency liabilities or proceedings.

The top ten problems to look for in connection with a CA non-judicial foreclosure include:

**1. Loan Documents:** A lender’s rights to foreclosure stems from the loan documents (the note, any riders or addenda, and the deed of trust). The deed of trust should be recorded, but the note, riders and addenda will not be. Try to obtain the loan application, note, escrow loan documents and deed of trust, hopefully from the client. Do a chronological, document-by-document, line-by-important-line review. Make sure that names, dates, the property and amounts, and loan numbers, legal descriptions and notary information, match and are correct. Look

for blanks, fill-ins, hand-written notations or contradictory information. Are pages missing? Are documents signed and initialed, properly? Do signatures match?

**2. Chain of Title:** On completion of a real estate loan, the lender/beneficiary gets a deed of trust in its favor (equitable title) securing its note; the borrower/owner gets a grant deed (legal title). The borrower/owner should also (hopefully) have received a preliminary title report, then policy of title insurance, which show the title to the property prior to them, and their title and the deed of trust after the loan. The chain of title should be unbroken. And it should continue, with direct links of title for each party, through any foreclosure.

One big complaint now about U.S. foreclosures is that the “chain of title” for the foreclosing entity is not complete or is unbroken. Technically, when a final loan is sold (to a new investor), there should be a separate written instrument, a signed and recorded assignment of deed of trust. But, when lenders began dealing with millions of loans in the 1990-2000s, and packaging them by the thousands in “mortgage-backed securities,” they became lax, cheap and non-compliant in many instances. One of those areas was to fail to obtain or record an assignment for each transferred loan. Lenders tried/try to avoid that requirement by merely recording substitution of trustee forms, or “robo-signed” assignments from a lender created and owned entity (often M.E.R.S.).

**3. Pre-Foreclosure:** California enacted many new pre-foreclosure requirements, like mailings to and personal calls with borrowers (“to assess financial situations”). Has each requirement (See Civ. Code, §§2923.5, 2924.3) been complied with? Was a personal contact or telephone call actually made? Could they be? What number? Where?

**4. Foreclosure Notices:** California statutory law is very precise as to the process for a non-judicial foreclosure. (See Civ. Code, §§2924, 2924.3, 2924 subd. (c), 2924 subd. (f)). After the pre-foreclosure process, the borrower is to receive a notice of default and notice of trustee’s sale, by certified mail. Were these received? From whom? Who is foreclosing? Who is the trustee? What is the trustee’s sale (“T.S.”) number? Borrowers need to look out for these two notices; they will likely not receive anything else in writing. Once a sale date is

set by a notice of sale, the sale can occur that date – regardless of a loan modification process or the promises of a bank workout department.

**5. Parties:** See No. 2. Who is the loan beneficiary? Who is actually foreclosing? The bank or company servicing the loan and taking payments is not necessarily the beneficiary who controls the loan and may be able to foreclose. Who is the trustee? This is the entity actually conducting the foreclosure and trustee’s sale. Trustees are often controlled by the lender, but they may also be independent.

**6. Dates:** See No. 4. The California statutes set forth specific timing requirements for the foreclosure notices, publication for sale, and the foreclosure sale. (See Civ. Code, §§ 2923.5, 2924 subd. (c), 2924 subd. (f)). Have all of these time periods been met? In the right sequence? Check dates on a calendar. Do dates match for the various notices?

**7. Signers/Witnesses:** See No. 2. Who signed the assignment for the loan? Who signed the substitution of trustee? When? Who was the notary? Was the notary stamp current? Again, do parties, dates and names match? Are the parties the same people at different times? Are they all from the same office, building or city?

**8. Postponements:** Very often, a foreclosure sale is not held on the date it is originally noticed for. The borrower may request a postponement of the sale (although the lender is not obligated to grant it), and a sale may be postponed for other reasons. (See Civ. Code, §2924, subd. (g)). Postponements often occur during loan modifications or workouts. No notice to the borrower is required for a postponed foreclosure sale, but a borrower should request one in writing from the Trustee. Sale postponements do, by California law, have to be documented in writing.

**9. Sale:** See Nos. 4,6. Again, California law is precise as to how a non-judicial foreclosure (trustee’s sale) will take place. (See Civ. Code, §2924, subd. (h)). Were all the requirements of the Code met? Did the borrower(s) attend the sale? Was the sale held without collusion or fraud? Did the borrower announce objections prior to and at the sale (to defeat any BFPs)? Who was present at the sale? Was the sale held and concluded all at once? Was the sale videotaped?

*Continued next page*

**10. Trustee's Deed:** The trustee's deed upon sale is a key instrument. With its recording, title to the real property passes to a new party, the purchaser at the foreclosure sale. Was the deed properly prepared and notarized? Were the sale amounts paid and purchaser properly reflected? (A California foreclosing lender pays nothing; it "credit bids" the total amount owed them on the loan.) California law provides that recording the trustee's deed within fifteen days after the actual trustee's sale will make the deed, and transfer of title, effective as of the earlier date of sale. (See Civ. Code, §2924h(c)). Typically, a California trustee will hold the trustee's deed for seven days after the sale, to see if problems arise. Then, the deed will either be recorded, or given a third-party purchaser to record themselves.

There are many, many different issues, and requirements, at play in connection with a California non-judicial foreclosure and trustee's sale. The underlying documents are critical and necessary, and it is impossible to determine actual issues without a complete review of them. Some documents may be obtained from the county recorder, if they have been recorded (i.e., deed of trust). Other documents, however, are not recorded, and will not be easily obtained from a lender or others (i.e., note, note riders, escrow documents). Regardless, it is essential that each loan and foreclosure document and notice be obtained and examined, and quickly. Under California and federal law, a foreclosure sale generally will not be set aside if the real property is sold to a third-party (non-lender) bona-fide purchaser for value, or if the sale purchaser later sells to a bona-fide purchaser.

Time is always of the essence as to foreclosure matters. And, that urgency will become even stronger in connection with the large numbers of foreclosures and foreclosure sales expected in Ventura County and California.



**Michael R. Sment** is a member of the CITATIONS editorial board, and practices real estate, foreclosure and bankruptcy law in Ventura. He successfully argued a California foreclosure case before the United States Supreme Court, *BFP v. RTC*, 511 U.S.531.



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## Letter to the Editor

When I reflect on my own story, I can't help but think of comedian Don Novello's "Father Guido Sarducci" character, and his famous routine about the amazing coincidences in the lives of Abraham Lincoln and Herbert Hoover:

My grandfather was Robert John McGahie. I'm **Robert McGahie Sawyer**. If that's not enough of a coincidence, consider this: Both of us were admitted to the State Bar in a year that starts with "19," he in 1908, me in 1975. And if that's not coincidence enough, our State Bar nos. each have one "6" and two "7s" in them. His was 6775. Mine is 67417.



All very amazing ... and 100% true.

Cheers,

Rob Sawyer

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## MEGHAN AND LESLIE'S EXCELLENT ART ADVENTURE

*Continued from page 11*

freedom in how you do it. Similarly, art is constructed in the same way.

**Conclusion: Monday, September 19, 2011**

**LAM:** We didn't win. The gargoyle did. MBC provides me with an article on Art and the Law arguing about the importance of art to a good trial lawyer.

[http://www.plaintiffmagazine.com/Apr08%20articles/Bader\\_Art%20and%20Law%20-%20Is%20there%20a%20connection\\_Plaintiff%20magazine.pdf](http://www.plaintiffmagazine.com/Apr08%20articles/Bader_Art%20and%20Law%20-%20Is%20there%20a%20connection_Plaintiff%20magazine.pdf)

I'm going to keep painting. So is MBC.

**MBC:** Of course, there is more to this story, including the death of my office fish, Eddy. To be continued...

*Meghan Clark is a partner and Leslie McAdams is an associate at Ferguson Case Orr Paterson LLP*

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## Barristers to Raise Money to Help Feed the Homeless

By Rachel Coleman



Captain William Finley from the Salvation Army reported that over 600 people are expected at this year's "One City One Meal" event to be held on Thanksgiving Day at the Ventura County Fairgrounds from 12:00 p.m. to 2:00 p.m. According to Finley, "the purpose of 'One City One Meal' is not only to feed the homeless and needy but also to unite different people from all different walks of life by sitting down together and sharing their life experiences over a meal." He encourages anyone interested in attending the dinner to host a table. For example, someone like a city council member, local attorney or local business owner can help less fortunate people just by sitting down together over a meal and sharing their experiences in overcoming difficult situations and offer much needed moral support. Not to mention that these types of contacts often result in job and housing opportunities for needy people in attendance.

Finley estimates that this year's "One City One Meal" will cost the Salvation Army \$3,500 to \$4,000. The group is able to keep down the costs with donations from local businesses and local residents. The Salvation Army still needs over \$2,000 to meet its goal for the event this year.

In addition to the Thanksgiving meal, the Salvation Army sponsors a food pantry year round which is always in need of supplies and donations. The food pantry feeds over 400 households per month. The food pantry supplies local homeless, needy families and families living in downtown hotels with



weekly boxes of food and various items such as soap, shampoo, and diapers.

The Salvation Army supplies over 400 families each year with toys for the children at Christmas time. The Salvation Army also collects much-needed donations to support its programs through the "Christmas Kettle" campaign. Also featured during the holidays is the "Adopt a Family Project," which fosters long term relationships with families to provide them with specific items or assistance on a case-by-case basis. For example, a father may need a new suit in order to go on job interviews or a pair of new shoes, or an adoptee may have employment or a housing opportunity to offer an adoptive family member.

The Salvation Army also provides housing to nine families and nine single women at its facilities on Oak Street in Ventura, as well as

off-site housing. Finley reports the average stay at the Oak Street facility is twelve to fourteen months. The residents are provided three meals per day made in the on-site commercial kitchen. Families are provided their own private room which includes beds, bedding and a private bathroom and shower.

Residents are required to attend two counseling groups per week. The Salvation Army provides drug and alcohol counseling, therapy, and parenting classes. Finley pioneered a new twelve-week financial planning class which provides residents information on how to make long-term financial plans and how to manage their finances. In his experience, "the main reason for homelessness is the inability of people to appropriately manage the finances that they do have available. Teaching the residents to manage their finances appropriately and encouraging the residents to save up to 50% of their adjusted income while residing at the facility will result in fewer families returning to the facilities or the streets."

Anyone interested in making a donation to the Salvation Army, hosting a table at "One City One Meal" or serving Thanksgiving Dinner should contact Captain Finley at [William.finley@usw.salvationarmy.org](mailto:William.finley@usw.salvationarmy.org).



*Rachel Coleman is an associate at DK Law Group in Oxnard and a member of CITATIONS' editorial board.*

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## BARRISTERS' CORNER

*By Kathryn Pietrolungo*

### Judges' Pizza Night

The Annual Judges Pizza Night is scheduled for Tuesday, Nov. 15 at 5:30 p.m. at Cafe Fiore in Ventura. This event is only open to judges and Barristers. Last year, we had around 20 judges attend and we expect the same number, if not more, this year. This event gives newer attorneys a chance to meet with judges in a social environment. In connection with Pizza Night, the Barristers joined with the Salvation Army to raise funds to feed the homeless on Thanksgiving. Please see **Rachel Coleman's** article for more information.

### CYLA Seeks Board Members

It's that time of the year when the State Bar of California looks for volunteers to share their expertise, energy, and commitment in service of the State Bar. The California Young Lawyers Association (CYLA) is the nation's largest association of newer lawyers. The association advocates issues important to our membership before the State Bar's Board of Governors. Serving on the CYLA Board is an excellent opportunity for newer lawyers to get involved.

In 2012, the Board of Governors will appoint seven members to the CYLA Board. Applicants must be "young attorneys," defined as attorneys in their first five years of practice, or 36 years of age or younger. The deadline to apply is Feb. 1. See <http://cc.calbar.ca.gov/> for the application.



*Kathryn Pietrolungo is an associate at Anderson Kill Wood & Bender, in Ventura.*

## Ear to the Wall

The Law Offices of **Angela D. Curtis** are pleased to announce the addition of **Ms. Shannon Farrell, Esq.** to our Firm.

Ms. Farrell was admitted to the California Bar in December 2001. She received her Juris Doctor from Pepperdine School of Law in 2001 after receiving her Bachelor of Arts degree in psychology from Pepperdine University in 1997. Ms. Farrell was also a Student Editor for the *Journal of the National Association of Administrative Law Judges* at the Pepperdine School of Law. Ms. Farrell, a native of Ventura County, has experience practicing family law, civil litigation, business law, construction law, and real estate law. We are pleased to have Ms. Farrell as a member of our team!



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## FCOP WINS BARRISTERS' BASKETBALL TOURNAMENT

By Michael Velthoen



Congratulations to Team FCOP, the victors of the 4th annual Barristers/YMCA 3-on-3 Basketball Tournament on Oct. 8. Team FCOP prevailed in the championship game 20-19 over a determined opponent. **Ryan Aikens** hit the game-winning shot on a drive to the basket. Team FCOP – **Bill Smith, Jon Schwabach, Aris Karakalos** and Aikens – had previously lost to its opponent in the preliminary rounds.

Our second team (Team FCOP - The Sequel) was eliminated in the 4th Round by Team FCOP. The Sequel – **Doug Goldwater, Bret Anderson**, staffer **Megan Jackson** and **Michael Velthoen** – surely would have made it to the championship round but for the unfortunate happenstance of running into Team FCOP in an elimination match. The outcome of that hard-fought game was in doubt until the first minute. Team FCOP won 20-4, although Aris did shoot an airball on a free throw.

Congratulations to Team FCOP. The enormous trophy will be prominently displayed somewhere in the office for the next eleven months.



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For Barristers only! The Annual Judges Pizza Night will be held inside Cafe Fiore, Tuesday evening, Nov. 15, beginning at 5:30 p.m. in downtown Ventura. This event typically brings out the largest number of justices, judges and commissioners who mingle with young lawyers while enjoying the slices and liquids. Barristers are being asked for a ten dollar donation, with all proceeds going to the Salvation Army and its efforts to provide Thanksgiving dinner for the homeless. Questions regarding the Pizza Night and volunteering to serve Thanksgiving dinner 11.24 from noon to 2:00 p.m may be directed to **Rachel Coleman** at rc@dk4law.com or 988.4848...Boston lawyer Ben Seisler picked up extra money donating to a Virginia sperm bank while attending law school at George Mason University. Seisler earned \$150 per donation and apparently visited the bank frequently. In 2005, he used his donor number to register with an online tracking site called the Donor Sibling Registry. Seisler learned he has at least 75 children, and the 33-year-old lawyer expects the number to grow to 120 to 140 children. His wife is not too pleased with this relatively new information. "What if they all come knockin?" she asked angrily on camera. He uses an Excel spreadsheet to keep track of them all...Turkey? **Gerry Cline** at gcline@spry.net...

**Judge Manuel Covarrubias** received the Outstanding Service Award from the Juvenile Justice and Delinquency Prevention Commission at a ceremony Oct. 4 at the El Rio Juvenile Justice Center. The award is given to Manny for his commitment and dedication to serving young people...Along those same lines, Commissioner **JoAnn Johnson** has been presented with the Judicial Officer of the Year Award by the Child Support Directors Association of California. The award recognizes a commissioner or judge who has strengthened

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

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

the state's child support program. It was presented in Sacramento Sept. 20...Quote of the Month: "What sense does it make to forbid selling a 13-year-old boy a magazine with an image of a nude woman, while protecting a sale to that 13-year-old of an interactive video game in which he actively, but virtually, binds and gags the woman, then tortures and kills her?" – U.S. Supreme Court Justice Stephen Breyer, dissenting in *Brown v. Entertainment Merchants Association* (2011 WL 2518809), which struck down a California ban on the sale a violent video games to minors...License Plate of the Month: 07 USC on a late model BMW 3 Series driven by **Steven Lehat**...

The Ventura law offices of Farley & Kump, located on Ash Street, closed its doors Oct. 31 after doing business since 1999... A federal appeals court is so aggravated by the quality of an Illinois lawyer's legal writing that it has ordered him to show cause why he shouldn't be barred from practicing before the court. Lawyer Walter Maksym was "unable to file an intelligible complaint," despite three tries given him by the trial court, according to the Chicago-based 7th Circuit Court of Appeals. The appeals court included a 345-word sentence by Maksym to illustrate. Additionally, at least 23 sentences containing 100 or more words...**Dennis LaRochelle** completed the Carpinteria Triathlon in a respectable 1:28:02 while finishing 309 out of 471.

Not to be outdone, **Bart Bleuel** swam a 10K in the Santa Barbara Los Banos 50-meter pool (200 lengths) in 3:25:22. It was witnessed by his family, including his three grandchildren and wife Michelle, who counted laps...Movie Quote of the Month: Gingrich: "You were coming out of what store?" Cimoli: "Nat's Delicatessen on Euclid Avenue." Gingrich: "Too bad it didn't happen in front of the May Company. From them you can collect. Couldn't you have dragged yourself another 20 feet?" – From "Whiplash Willie" Gingrich (Walter Matthau) quizzing a client about slipping on a banana peel and breaking his pelvis in *The Fortune Cookie* (1966)...Barristers Secretary **Matt Purcell** had his photograph in the September issue of the *ABA Journal* interviewing a client at the Salvation Army Transitional Housing complex...

A standing O for **Rob Long**, who after 22 years of service on the CITATIONS Editorial Board, is stepping aside for a while. Resting on his

laurels? Nope. Long has been elected president of the Rotary Club of Ojai-West. Thank you Rob from all of us and we suspect you'll be missing your monthly pizza feed...Effective Oct. 11, case-initiating papers, including complaints, applications and petitions, applications for renewals of judgment, and clerk and court default judgment packets (except for requests for entry of default) will be processed in the Ventura clerk's office only. BTW, it is possible that the Simi Valley Courthouse could close because of the budget constraints. **Judge Vince O'Neill** and **Michael Planet** are making the rounds. If you'd like to have them address your section, committee or affiliate, get a hold of Mike-michael.planet@ventura.courts.ca.gov...

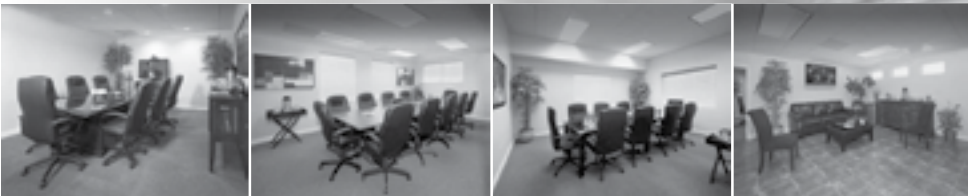
Do me a favor, would 'ya? Attend the Annual Installation and Awards Dinner Nov. 19 atop The Crowne Plaza in Ventura. You can accomplish two things. First, honor three excellent lawyers for their community service. **Marc Charney** will receive the **Ben E. Nordman** Public Service Award, while **John Howard** and **Jonathan Light** will be the recipients of the **James D. Loebel** VLSJ, Inc. Public Service Award. To register, simply email Celene at bar@vcba.org. Secondly, all proceeds from the silent auction go to our pro bono program and it's still not too late to donate an item by getting a hold of **Don Hurley** at donald\_hurley2008@yahoo.com... **Cristian Arrieta** is relocating his practice to Cunningham Legal in Camarillo. His new number is 484.2769...The ABA has a new pocket-sized book written specifically for professionals who need to communicate with Spanish speakers about U.S. law. The guide identifies common American legal phrases and concepts and provides accurate Spanish translations. Want one? *ababooks-nc@staff.abanet.org*...The Pacific Coast Business Times honored locals **Stuart Nielson**, **Gannon Johnson** and **Bret Anderson** Nov. 17 with its "40 Under 40" award to youngish business leaders in the tri-counties.

*Steve Henderson has been the executive director and chief executive officer of the bar association and its affiliated organizations since November 1990. Join him to celebrate 21 years on the job as he hosts a Propofol party with Dr. Conrad Murray at Hooters in Thousand Oaks Nov. 15. Henderson may be reached at steve@vcba.org, FB, Twitter at stevehendo1, LinkedIn, or preferably 650.7599.*

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