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# CITATIONS

DECEMBER - TWO THOUSAND FOURTEEN

## COMMISSIONER JOHNSON BRINGS PATIENCE TO FAMILY LAW COURT

by Kathi J. Smith

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PRESIDENT'S COLUMN:

## THE AMYGDALA MADE ME DO IT

by *Laura V. Bartels*

If you stick one arrow through your eye socket and the other through your ear, the points will meet at the amygdaloid nucleus – grey matter located in your temporal lobe that controls emotion. The amygdala is named for its similarity in size and shape to an almond, from the Greek word “amygdale” meaning almond and “eidos” meaning like. Neuroimaging now shows the almond nugget to be only one section of the misnamed amygdala, with other fragments elsewhere. The amygdala controls emotional response to your senses - “fight or flight” - milliseconds before your rational brain processes the situation. A startle away from a dark, coiled hose is preferable to reaching down to a poisonous snake.

In Jodi Picoult's new book *Leaving Time*, she describes how babies cry directly from the amygdala to the larynx.

“One reason infants can't remember events when they are very small is that they don't have the language to describe them. Their vocal cords simply aren't equipped, until a certain age, which means they use their larynxes for emergency situations only. In fact, there is a direct projection that goes directly from the amygdala of an infant to his voice box, which can make that baby cry very quickly in a situation of extreme distress. It's such a universal sound that studies have been done showing that just about every other human - even college-age boys who have no experience with babies - will try to provide assistance.

“As the child grows, the larynx matures and becomes capable of speech. The sound of crying changes as babies turn two or three, and as it does, people not only become less likely to want to help them but actually respond to the sound with feelings of annoyance. For this reason, children learn to ‘use their words,’ because that's the only way they can get attention.

“But what happens to that original projection, the nerve that runs from the amygdala to the larynx? Well...nothing. Even as vocal cords grow up around it

like heliotrope, it stays where it was, and is very rarely used. Until, that is, someone leaps out from beneath your bed at night at sleep-away camp. Or you turn a corner in a dark alley and a raccoon jumps into your path. Or any other moment of complete and abject terror. When that happens, the ‘alarm’ sounds. In fact, the noise you'll make is one you probably could not replicate voluntarily if you tried.”

For pro bono attorneys, such as recent Nordman honoree **David Shain** and Volunteer Lawyer Services Program recipients **Michael Sudman** and **Deborah Perkins**, when the alarm of the unjust plight of a legal aid client sounds, the trigger to help is so strong, they probably could not *not* help, even if they tried. These VLSP emeritus attorneys and the volunteer attorneys in all Ventura County programs are amygdalically hard-wired to fill out the domestic violence restraining order papers for the woman who is hit, kicked and choked by her husband. The powerful amygdala can't *not* help the elderly grandmother with the social security forms; they can't *not* help the refugee children get to safety; the student to receive a fair hearing at the school board; and the tenant to plead the uninhabitable condition defense. But there is nothing more valuable to a person who is suffering, than knowing that a person who doesn't know them at all - who is just a member of their community, sits there with them and says: “I care.”

We have the best job in the world because of the people who are around us. When the road is unknown, we have attorneys who have gone before us, who are older, wiser, and more experienced whom we can ask. When the road is unfamiliar, we have colleagues more knowledgeable than we who teach and guide and say, “yes, what you are doing is possible,” or, “no, not that way.” It is these attorneys who become your mentors, friends, and family via the shared experiences of trauma and injustice, of learning or community and discourse. Thank you for this community of advocates.

Thank you to **Steve Henderson** for baseball scores and organizing the masses. Thank you **Sandra Rubio** for tenaciously tending to the VLSP's needs. Thank you **Nadia Avila** for being the voice of the bar association. Thank you Wendy Lascher for being the foundation of *CITATIONS*. To the attorneys of Santa Clara Valley Legal Aid **Deborah Vierra**, **Leslie McAdam**, **Cindy Pandolfi**, **Harvey Guthrie**, **David Shea**, **Kim Shean**. To my office, **John Scoles**, **Andrea Davis**, **Joi Searson**. To the judges and attorneys involved with mock trial, especially **Judge Kellegrew** and **Judge O'Neill**; to the advocates for the plight of immigrant children last summer: **Gabriella Navarro-Busch**, **Charmaine Buehner**, **Michael Albers**, **Jaclyn Smith**, **Carmen Ramirez**, **Vanessa Frank**, **Penelope Williams**, **Mark Kirwin**, **Debra Herschman**, **AnaMaria Schmid**, and **Barbara Macri-Ortiz**. To the board incoming president **Bill Grewe**, president elect **Charmaine Buehner**, secretary-treasurer **Erik Feingold**, **Bret Anderson**, **Linda Ash**, **Michelle Castillo**, **Katie Clunen**, **Rachel Coleman**, **Rennee Dehesa**, **Jill Friedman**, **Doug Goldwater**, **Amy Kiesewetter**, **Kata Kim**, **Mark Kirwin**, **Bob Krimmer**, **Susan McCarthy**, **Christina Stokholm**, **Michael Strauss** and **Andy Viets**. Welcome new board members Deputy District Attorney **Micky Coyle**, Public Defender **Rod Kodman**, **Katie Becker**, **Joshua Hopstone**, **Tom Hutchinson**, **Alfonso Martinez**. In honor and love to **Verna Kagan**. And to my husband, Bill, and kids, Nico, Hannah and Matthew - you'll be seeing me home for dinner more frequently now that this presidency stuff is over, and you can continue to reach me at [LBartels@FillmoreLawyers.com](mailto:LBartels@FillmoreLawyers.com).



*Laura Bartels practices estate law in Fillmore at Taylor, Scoles & Bartels. She is the President of the Ventura County Bar Association for 2014.*

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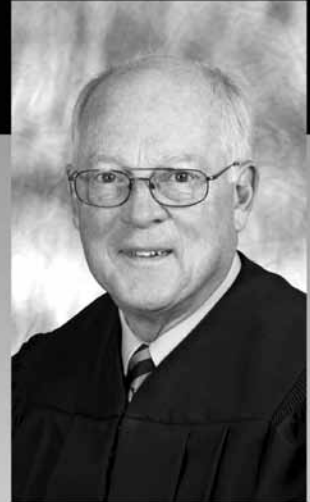
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When Ventura Superior Court **Commissioner Jo Ann Johnson** convenes her family court in Courtroom 35, she knows that more than 70 percent of the litigants are Self-Represented Litigants (“SRLs”). Here is a judicial officer uniquely qualified to understand the complications for non-lawyers who find themselves in family court, while operating a courtroom known among attorneys for efficiency and fairness. Before becoming an attorney, Commissioner Johnson worked as a retail clerk for fifteen years as a member of United Food & Commercial Workers, so she has a background in retail work and union membership, just like some SRLs. After college at CSUN and Allan Hancock Community College, Commissioner Johnson decided to go to law school following now-Senator **Hannah Beth Jackson’s** handling of her divorce. Once she became an attorney, Commissioner Johnson practiced solo civil and family law, sharing office space first with **Cathy Bozek** in Camarillo, and later **Lidia Almaguer** in Oxnard. They dealt with the myriad personal issues of people’s everyday lives, especially daily medical problems in personal injury and intimate custody and property matters in family law cases. As supervising facilitator in the Family Law Self Help Center for eight years, Commissioner Johnson helped SRLs define their issues in pleadings and briefs. Now she is a professor at her alma mater, Ventura College of Law, where she teaches community property

## COMMISSIONER JOHNSON BRINGS PATIENCE TO FAMILY LAW COURT

by Kathi Smith

and an upper-division family law seminar, always instilling the IRAC legal writing method in the next generation of attorneys.

Commissioner Johnson is a member of the Family Law Curriculum Committee for the Center for Judicial Education and Research (CJER) and a member of the Judicial Branch Stakeholders / DCSS committee. She has a great reputation for her deadpan sense of humor. But attorneys in her courtroom have noticed that she knows each case is not a joking matter. Local family attorney **Thomas J. Hutchinson**, who served as president of the VCBA Family Law section when Commissioner Johnson was on the section board, appreciates her courtroom control, reined in by avoidance of sidetrack issues and adherence to legal precedent and rules.

The commissioner’s life experience informs the guidance she shares with litigants in family court. She enjoys spending free time hiking with her family, boating, skiing, fishing and camping. She and her husband Joe just returned from a week-long hiking trip in the Grand Canyon. Commissioner Johnson rounds out her personality at her High Desert home, where she keeps four horses, three dogs, three cats, and a chicken brood, while growing her own food, gathering her own eggs, drying her own jerky, roasting her own coffee and kegging her home-brewed beer – most recently a nice Christmas stout from her own recipe. Commissioner Johnson and her husband Joe have a blended family of four children, all around age 30, and they share nine grandchildren. In addition to this High Desert lifestyle, with full-time bench work and six hours preparing lessons for each three-hour law school course, she seems to have remarkable energy and a highly productive disposition.

In the High Desert, Commissioner Johnson observes the difference between horses and dogs, which is rooted in the nature of horses as prey animals. Dogs are bred to learn what the humans expect of

them and then to do it. Horses are hyper-vigilant for predators in their surroundings, so their default mode is to “take flight,” but they can learn when they experience the feeling of satisfaction and confidence that comes with work well done. Commissioner Johnson has adopted two wild horses from a Bureau of Land Management overgrazing prevention program. These horses have never interacted with humans, so the commissioner works hard to discern their unique personalities and design work-arounds to train them, knowing that force is not a winning strategy. She loves the challenge of training wild horses and earning their trust so that they decide to comply with the training and, with patience and time spent repeating that training, she sees firsthand the confidence these horses gain as they learn new tasks.

Jo Ann Johnson became supervising self-help facilitator after volunteering for years while Gay Conroy served as the inaugural family law self-help facilitator. When **Judge Gay Conroy** became a judicial officer, Jo Ann Johnson became supervising facilitator. Then, while in Sacramento attending a statewide self-help committee meeting, Facilitator Johnson received a telephone call offering her appointment to commissioner. With almost five years on the bench, always working to improve, Commissioner Johnson has a pending application with Governor Brown for appointment as a judge.

On the bench, Commissioner Johnson strives, without giving legal advice, to let litigants know that they control their family dynamics. In custody cases, she guides litigants to understand that they, not the judge, are the parents, and they need to learn the parenting skills necessary so their children do not need to grow up in Courtroom 35.

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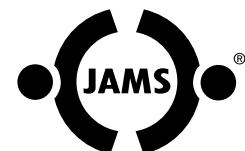
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## COMMISSIONER JOHNSON BRINGS PATIENCE TO FAMILY LAW COURT

*Continued from page 5*

Commissioner Johnson greatly values the IRAC legal writing method, and particularly enjoys seeing attorneys who are former students exhibit the skills she taught them in law school. She frequently sees many of her former students as counsel in her courtroom. Once, she had an SRL who turned out to be a former student. Before she realized the litigant was her former student, she found herself impressed with the SRL's work product, and thought, "I wonder where he learned this. He's really done his homework." This turned out to be very true. The student had done enough homework to handle his case as an SRL.

In addition to the happy animals at home, Commissioner Johnson keeps a collection of rubber ducks in her chambers. The collection began when one of her grandchildren gave her a rubber duck. She now has over one hundred rubber ducks in a collection that keeps growing. A particular pair of ducks informs her modus operandi: one has a free-form hearts and flowers design, the other a linear design. The flowered duck reminds Commissioner Johnson that some litigants think randomly, the linear duck that some people's thinking is structured. These icons remind the commissioner that everyone learns and perceives in a unique manner, and her patience on the bench will enable their thinking to form good decisions. This M.O. is equally effective for attorneys as well as SRLs. There is mutual respect for differences in Courtroom 35, and this is a good model for families and attorneys who appear there.



*Kathi Smith handles all types of civil litigation at Schneiders & Associates, LLP in Oxnard.*

## LETTERS TO THE EDITOR

Dear Citations Editorial Board:

I am very offended by the Editorial Board's decision to print **Michael L. McQueen's** letter in its November edition criticizing the new Inns of Court policy disallowing presentations which may offend a group because of their sex, gender, religion, or sexual preference. (By the way, **Judge [David] Long** was in the group, so the policy should include age.)

It offends me that the Board would allow someone a forum to advocate that people shouldn't take themselves so seriously, that humor is a core feature of harmonious relationships, and that tolerance works both ways.


It further offends me that a person would suggest a group of highly educated professionals, who have dedicated

themselves for their entire lives to helping people of all races, creeds and colors through the courts, shouldn't be monitored at a dinner meeting. These people need to know politically correct screeners are around monitoring them when they go out to a private dinner, have a few cocktails, and put on skits for fun.

Boos from the audience at poor taste just aren't enough. These people need oversight! I think Mr. McQueen should be forced to register Democrat for the rest of his life and attend sensitivity training. I'm also concerned about the photo of him at the end of the article. It appears he has sinister intentions. He should be forced to re-sit for his portrait without the glasses and that beard, both of which are obviously meant to hide a cruel smirk. This man is dangerous.

Be advised that I have referred the names of the Editorial Board with a copy of the article to the NAACP, the Aryan Brotherhood, NALEO, the ACLU, the AJC, FEHA, the Rural Assistance League, PETA, the Rainbow Coalition, Gloria Allred, Al Sharpton, AARP, the Poverty Law Center, the NRA, the ASPCA, the FBI, the NSA, the CIA, the Ventura County Barristers, and the producers of "In Living Color." Someone needs to keep an eye on you guys.

*Michael J. Smith*



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Mike,

I whole heartedly agree with your comments regarding the insanity of political correctness. As I gain in accumulated years, I am able to view things from a broader prospective. I find the “being offended” business has taken over our society. People seem to wear their feelings and ability to be offended on their sleeves. Everyone is offended by nearly everything someone says or does. Humor and wit, which I use and enjoy, can lessen this somewhat, but we are mercilessly pounded, particularly in the legal profession, that we can not offend anyone. To which I say, bullshit. If you are so thin-skinned, stay home and watch TV.

However, all the judicial training for being a judge pro-tem, which I think you have taken, spends most of its time explaining that we must be courteous and not offend anyone. As lawyers, we have to have hours of courses on treating everyone with respect etc., etc., etc. This

permeates all of society, particularly in our colleges, and into the Inns of Court, also. This policy came about primarily due to a single (respected) attorney that complained that we some times picked on groups or a single individual in our skits and he felt that was wrong. From that complaint this policy was adopted. **Judge [Tari] Cody** actually provided a jury instruction which was the basis of this new policy. Political correctness is everywhere. Of course, Judge Cody always played Paris Hilton when we wanted a laugh for our skits. How does one ever offend Paris Hilton?

The collaborative move for teams is a good one and I support it. Last year, my last as president, I noted that we lost a number of younger members from the Inns. I spoke with many of them. One was my partner, and another was my son, so I asked why. I heard from many of the them that there was one particular Master who simply

brushed aside everyone’s ideas and was a complete dictator. My way or the highway. Many said if they wanted to be treated like a junior associate in a large firm, they sure as hell didn’t need to participate in IOC. We just didn’t want the Masters to become dictators. Besides, at our age, let the young lawyers do the work....


I’m sorry to see you resign. I do admire your forthright reasons (which, in part, I agree with), but you have been a good asset for IOC with a lot of good natured and provocative input for the teams. It should be informative and fun which I hope it continues to be. Hope to see you back in the fold some time.

*Lindsay Nielson*

*Continued on page 11*

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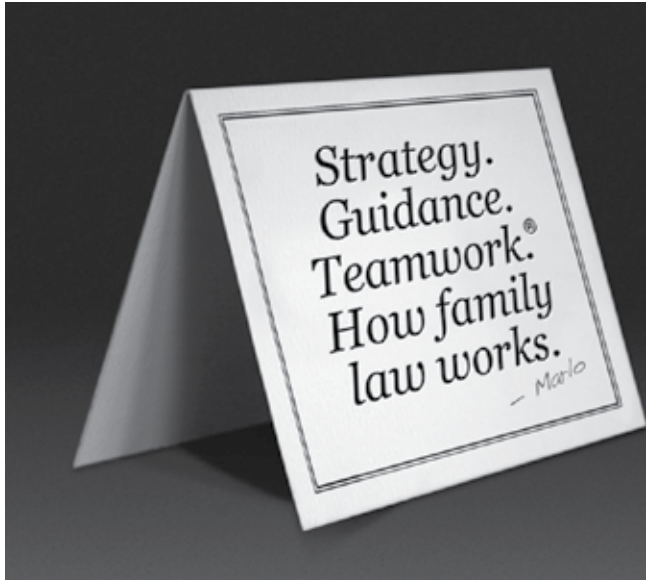
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*Continued from page 9*

Mike;

Don't resign from Inns of Court after complaining about the new policies about disparagement and collaboration. I know you, and I think you are capable of the mental rigor necessary to live up to these new policies. Your letter of resignation printed last month in *CITATIONS* irks me in the way it caroms from the IOC policies against disparagement and collaboration to public Twitter shaming and career loss. Your letter saddens me when it says IOC can't be fun any more.

I am a loyal member of IOC Team #1. Last September, we presented "The Reel Attorneys of Ventura County: Fact v. Fiction" and we got a few laughs for our efforts.

As for the IOC policy against disparagement, the groups which are often disparaged are not the powerful, they are the marginalized. They are not disparaged for their ideas, but for their identity, their "otherness." IOC's policy requiring teams to leave disparagement on the cutting room floor is not unreasonable, it promotes civility.

As for the IOC policy promoting collaboration, in preparing "Reel Attorneys," I observed firsthand our Team #1 Masters' rigorous faithfulness to collaboration, which translated into vigilance for the downtrodden Associates (occupying a low rung on the IOC hierarchy) and the middle-child Barristers (occupying the rung below Masters and above Associates). Our Associates were able to shine and show their youthful abilities and skills because of this vigilance. No one above them on the ladder resented their moment in the sun. Collaboration triumphed, and "Reel Attorneys" was a triumph of stage and screen.

Mike, I, for one, will miss you at IOC, especially the drinks you always bought at the bar. Those moments with you were fulfilled, and helped loosen me up for some award-winning performances.

Please reconsider your decision to resign. It was rashly impulsive. You can exist and even thrive in the rigorous IOC of 2014. And IOC will be better off if you re-join. Think of all the fun we can have.

*Kathleen J. Smith*



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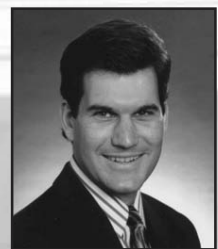
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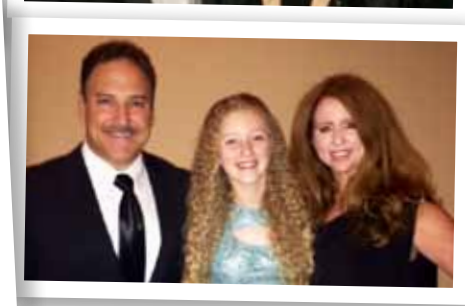
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## CALIFORNIA'S NEW PAID SICK LEAVE LAW

by James Q. McDermott

With the promise that “more is coming,” Governor Brown signed AB 1522 into law and so, beginning on July 1, 2015, almost every employer in California must provide paid sick leave to all of their employees. While the initial amount of paid sick leave is modest, the real headache will come from compliance with the law.

**Which Employees Are Covered?** AB 1522 applies to all employers, regardless of their size, making it the broadest paid sick law in the nation. The only exceptions are for: (1) employees covered by a collective bargaining agreement that provides for paid sick days; (2) providers of certain in-home supportive services; or (3) airline employees subject to the federal Railway Labor Act.

**How Much Time Accrues?** Paid sick leave accrues at the rate of one hour of paid sick time for every 30 hours worked. In the case of employees whose hours are not tracked because they are exempt from overtime, it is assumed they work a 40-hour week unless it can be established that the employee's normal workweek is less than that. Of course, tracking the hours of exempt employees may have unforeseen consequences due to other legal provisions. Therefore, tracking hours to minimize paid sick leave could be a poor policy decision for an employer.

Under AB 1522, unused paid sick days do carry over in the next year, although an employer may limit the total accrual to 48 hours.

**What Pay Rate Applies?** The sick leave is paid at the employee's normal rate of pay at the time they take the leave and it must be paid during the next immediate payroll following the used sick days. If an employee had different pay rates in the 90 days prior to taking the sick days, is paid on commission, or is an exempt non-hourly employee, then the rate of pay will be calculated by dividing the employee's total wages (excluding overtime) by the employee's total hours worked in the full pay periods of the prior 90 days of employment.

### When Can Employees Use Sick Time?

Unlike other sick leave statutes which allow use for “serious” illness, under AB 1522, paid sick time can be used for virtually any health-related use and it must be granted upon request (verbal or written) of the employee. Paid sick time can also be used by a victim of domestic violence, sexual assault, or stalking. Other than an employee asking to use sick leave to go to Disneyland, employers should err on the side of granting leave.

### How Is AB 1522 Enforced?

The law provides that employers shall not deny employees the right to use paid sick days and shall not discharge or otherwise take any adverse action against them because they request to use paid sick leave. AB 1522 also provides that it will be assumed that an employer has engaged in unlawful retaliation when, broadly speaking, an employer denies an employee the right to use paid vacation after the employee opposed an employer's sick leave policy or practice. However, it is important to note that, at this point, AB 1522 will be enforced by the Labor Commissioner, the same entity that enforces wage and hour laws. The bill does not give employees the right to sue on their own behalf.

### Does This Mean More Posters And Statements?

Of course this new law requires yet more postings in the work place. Additionally, AB 1522 requires an employee's paid sick leave accrual to be included on wage statements or in a separate document provided with the employee's paycheck.



*Jim McDermott is a partner at Ferguson Case Orr Paterson, LLP in Ventura. His practice focuses on employment litigation and counseling, business litigation, and intellectual property. He can be reached at*

*jmcdermott@fcoflaw.com*



# BARRISTERS' CORNER

by Rachel Coleman

Barristers nominated its 2015 slate of officers and members at large at its Nov. 4 meeting: **Katie Becker**, President; **Melanie Ely**, Vice-President; **Josh Hopstone**, Treasurer; and **Brier Miron**, Secretary. These individuals were nominated as members at large: Past-President, **Rachel Coleman**; **Renee Dehesa**; **Tom Adams**; **Andrew Ellison**; **Lauren Sims**; **Amy Dilbeck Kiesewetter**; **Crista Hermance**; **Robyn Weiss**; and **Juan Higuera**.

If you are a member of the Bar and 36 years or younger, or if you have been practicing for fewer than seven years, and would like to either be a member at large or run for an officer position, please email Rachel Coleman at [rachel@davidlehrlaw.com](mailto:rachel@davidlehrlaw.com) no later than December 5 to be placed on the slate. If no further nominations are received by December 5, the above slate will be unanimously elected as nominated and take office at our next Barristers meeting on January 6, 2015. All Barristers meetings are held at noon at the Ventura County Bar Association office located at 4475 Market Street, Suite B, in Ventura.

As always, all Barrister events are open to all judges, attorneys, friends and family except for Judges' Pizza Night. For information on upcoming events, please join our Facebook page (Ventura County Barristers) or email Rachel Coleman at [rachel@davidlehrlaw.com](mailto:rachel@davidlehrlaw.com) to be added to our email list.



*Rachel Coleman is a Ventura criminal defense attorney and an associate at the Law Offices of David Lehr.*

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## WHISTLESTOP: THE SHAMROCK OF CASE MANAGEMENT HEARINGS

by Miles Lang

When a civil complaint is filed in Ventura County, a three-part series of hearings is scheduled in Courtroom 22B: “MANDATORY APPEARANCE CMC/ Order to Show Cause Re Sanctions/ Dismissal for Failure to File Proof of Service/Default.”

The date and notification of these hearings is contained in the Notice of Case Assignment, issued at the initiation of every civil case (except for small claims and CRC 3.740 collection matters). The hearing date is approximately 150 days after the filing of the original complaint.

Though the title of this hearing is cumbersome, it is perhaps best to draw on St. Patrick’s analogy of the shamrock – a single plant with three separate, coexisting leaves. Similarly, the CMC/OSC in Courtroom 22B is one hearing with three distinct leaves, er, parts. It breaks down like this:

1. Order to Show Cause Re Sanctions/ Dismissal for Failure to File Proof of Service. This is fairly straightforward. The timelines for service are governed by CRC 3.110(b) and (c). Proofs of service of complaints are to be filed within 60 days of filing of the complaint, and proofs of service on amended pleadings and cross-complaints are to be filed within 30 days. If all defendants/cross-defendants are served by the time the case management conference is held, this first OSC will be taken off calendar automatically, although the remaining two “leaves” will remain on calendar for the designated date.
  
2. Order to Show Cause Re Sanctions/ Dismissal for Failure to File Default. If the time to respond to the complaint

*Continued on page 18*

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Continued from page 17

or cross-complaint has expired and no response has been filed, the Plaintiff/Cross-Complainant may file a request for entry of default. CRC 3.110(g). The request for entry does not require the request for entry of default judgment to be filed at the same time. Answers or entry of default (status) will bring the case “at issue,” and the OSC will be taken off calendar, leaving the case management conference as the sole order for business at the hearing.

3. Case Management Conference. The ultimate goal of the case management conference is to set a date for the case to be concluded. This date cannot be determined until the case is at issue, with all defendants answering or being defaulted. If answers are filed, the case will be evaluated for ADR assignment and a trial date. If default is entered, an OSC re sanctions/dismissal for failure to file a default judgment will be set for a future date, and ordinarily will include a provision that the OSC will be taken off calendar if the judgment is granted and entered prior to the hearing date.

How to tell if OSCs are taken off calendar: A case management note on every 22B case is posted under the tentative rulings tab on the court’s case inquiry website <http://www.ventura.courts.ca.gov/via.html>. Any problems to be addressed or cleared at the OSC or continuances of the hearing are cited in the Note. If the case is ready to be set for trial, the note will indicate that. These case management notes usually are posted the Monday/Wednesday/Friday before the CMC/OSC. Please be sure to check these notes – they are the best way for the court to communicate information to the parties prior to the hearing.

I hope this clarifies some of the confusion expressed about our “Shamrock” hearing in Courtroom 22B. Sláinte!



**Miles Lang** sits as Judge Pro Tem in Courtroom 22.

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## Ventura Superior Court's Local Rules

Beginning January 2015 Michael D. Planet, Court Executive Officer and Clerk, will become the official publisher of the Rules of the Superior Court, County of Ventura. The Local Rules effective January 1, 2015, will be available on the Court's website starting in December.

A full copy of the Local Rules may be downloaded for free from the court's website or looseleaf copies may be purchased for \$25.00, checks payable to the Ventura Superior Court. Requests and payments for looseleaf copies should be mailed to Court Administration, Room 206, 800 South Victoria, CA 93009, attention: Victoria Borjesson.

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## Don Holt, Jr.

by Wendy Lascher



It was a different era when former Ventura County Bar Association President **Don Holt, Jr.** (1967) hosted VCBA's now-controversial annual barbecue at his Sulphur Mountain ranch. Holt, a 1954 graduate of UCLA School of Law, passed away October 8. He was born at the Bard Hospital building on Poli street in Ventura. (Holt's father, **Donald R. Holt**, was a deputy district attorney with a four-digit bar number.)

A rancher as well as a lawyer, Holt was a colorful figure in county legal lore. His practice focused on family law and probate, and Holt was known to be an arch conservative who was not always popular with opposing counsel, to put it mildly.

A now-retired lawyer describes a case from "[b]ack in the days of **Ed Henderson**, **Jim Hollingsworth**, **Johnny Galvin** and **Judge Louis (the lip reader) Drapeau**,... Don represented the husband, a convicted felon, and I represented the wife, in a rather hard fought domestic case... I gave the money to the wife, and the land to Holt, which at the time was not what he wanted, but in hindsight, turned out to be the best thing that ever happened to him." This may have been the case of Holt's which comes up most frequently as people reminisce, in which the disgruntled ex-husband of Holt's client came into his Downtown Ventura office with a gun, and Holt escaped by jumping out of a window and running, leaving his secretary to cower under her desk.

Holt is also known for taking the case against Union Oil following the spill in 1969 that other local attorneys had declined. Holt's firm eventually received a million dollar fee.

Just about everyone I asked for comment on Holt told me barbecue stories. One emailed

*Continued on page 21*

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*Continued from page 19*

example: “His father, Don Holt Sr., of the old bar and **Charlie Blackstock** days, used to host an annual barbecue at their hot springs ranch in Matillija Springs, which we all enjoyed, especially old **Judge Reppy** singing ‘Mary Ann’ at the top of his voice.”

Most of the barbecues were alcohol-fueled stag events, but by the time I came to the county (1973), women were allowed to attend. (The late **Judy Wong** is reputed to be the first woman at one of Holt’s parties.) I went to two of the barbecues before the tradition ended. Supposedly the police would look the other way at drunken lawyers driving erratically home on Highway 150. One of my own contemporaries remembers attending as a law clerk. He “sat at the poker table next to Judge X – here I was a young punk law clerk sitting next to a real live superior court judge – and I drew the best poker hand I have ever had. On my last card I drew an eight of spades to complete an inside straight, and winning, flush. Don was quite the host.”

The last time **Lindsay Nielson** saw Holt, on a 1987 People to People trip to China with a group of lawyers, he hiked with Holt on the Great Wall. “Don stopped, leaned over the rampart and loudly proclaimed, ‘Well, it’s good wall, but I wouldn’t call it a great wall.’”

As **Ron Harrington** recalls, Holt “was a true character of his times who started practicing law when there was nary a woman in the local bar, and when we had a branch municipal/justice court in just about every city in the county.”

Holt was certainly controversial. One former probate opponent thinks of Holt as a “pirate” while another eulogizes him as “my idea of a litigator,” who “fought no holds barred for what he believed. He was a worthy opponent, and a dear friend, and the Ventura bar has lost one of its chief trial attorneys, and his rich history.”



**Wendy Lascher**, is a partner at Ferguson Case Orr Paterson LLP, where she specializes in appeals, writs, trial court motions and consultation. Lascher is the editor of CITATIONS.



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

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



Two-hundred forty-seven folks packed the Crowne Plaza to honor **David Shain**, **Verna Kagan**, **Deborah Perkins**, and **Michael Sudman** and install the new Ventura County Bar Association Officers and Directors. Kudos to **Don Hurley**, **Laura Bartels**, **Judge Brian Back**, **Carmen Ramírez**, **Dien Le**, **Sandra Rubio** and **Nadia Avila** for pulling off a relatively glitch-free event. We are grateful to our Platinum Sponsors too. Creative Dispute Resolution and the **Honorable David Long**; **Ferguson Case Orr Paterson**; **Myers, Widders, Gibson, Jones & Feingold**; and **City National Bank**. Lastly, it was poignant, funny and heartfelt. A very fine time indeed...**Jill Friedman** has



been elected to serve on the executive board for the California Coast Chapter of the American Board of Trial Advocates. Nationally, women comprise less than 3 percent of ABOTA membership, and Jill is the third woman to be among the leadership of the local chapter, which spans Ventura, Santa Barbara and San Luis Obispo Counties. She will serve as membership chair in 2015 and is in line to be president of the local chapter in 2018

Badminton's World #1 Lee Chong Wei failed a doping test, a top Malaysian sports official said November 15. Lee, who has been temporarily suspended pending a hearing by the Badminton World Federation's doping panel, faces a potential two-year ban from competition. Badminton Association of Malaysia Deputy Chairman

Mohamad Norza Zakaria confirmed that the test carried out on November 5 in Oslo, Norway, on the B sample had backed up the positive finding of the A sample from doping control at this year's World Championships.

**Robert Kwong** was among the speakers at a workshop on the California Environmental Quality Act November 7...The Election Day drubbing of Proposition 46, the initiative that would have increased limits on certain medical malpractice damages, marked a stinging defeat for the state's trial lawyers. The defeat capped years of declining influence for one of the Democratic Party's most stalwart allies. Facing nearly \$60 million amassed by opponents, the ballot measure was rejected by more than two-thirds of voters—failing in every California County...



**David Tredway** attended game #4 of MLB's World Series in San Francisco versus the Kansas City Royals. I'm not implying David's a rabid Giants fan, but he also attended the Giants World Series efforts in 2010 and 2012...I believe **Joel Mark** has just completed a personal mark for VCBA longevity. His three two-year terms on the bar board of directors, and a year apiece as secretary-treasurer, vice president, president and immediate past president gives him a whopping 10 years of profound service. Thanks Joel!...



**Dennis LaRochelle** was installed as the new president of CAL-ABOTA, the state chapter of a national association of plaintiff and defense jury trial lawyers. He was elected as president on November 5 in Hawaii with 285 people in attendance... The Dion Law Group is pleased to announce the addition of criminal law attorney **Karen Oakman**. A nice open house was held for her November 7. Karen's contact info is 497.7474 or [kareno@dionlawgroup.com](mailto:kareno@dionlawgroup.com)...

Taking over for **Alvan Arzu**, who has departed for the Los Angeles City



Attorney's office, is **Jacquelyn Ruffin**, the new President of the Black Attorneys Association. The BAA meets the third Wednesday of each month beginning at 6 p.m. and she may be reached at 648.7111 or [jruffin@mwglaw.com](mailto:jruffin@mwglaw.com)...

A now-disbarred Missouri lawyer who fled the U.S. last year, leaving his law practice in disarray, was sentenced October 15 to three years and eight months in federal prison for stealing \$234,000 from his own mother. Jeffrey Witt, 40, had been hit with a legal ethics case, a drunken driving case and a nearly \$1 million malpractice judgment when he disappeared in October of last year. In September of last year he obtained a \$100,000 home equity line of credit against his mother's home by having a client impersonate her. Nice guy...The swearing-in ceremony for the July bar passers is scheduled for December 2, beginning at 4 p.m. inside Courtroom #22... The Barristers Board of Directors is holding its holiday party December 12 at **Katie Hause Becker's** home ...



A BIG thanks you to **Laura Bartels**, **William Grewe**, **Charmaine Buehner**, **Joel Mark** and **Erik Feingold** and the entire VCBA Board of Directors for making my professional life so much easier. Shout-out too for **Sandra Rubio** and **Nadia Avila** for being the backbone of our association and making us all look great...

*Steve Henderson has been the executive director and chief executive officer of the bar association and their affiliated organizations since November 1990. His twins, Max and Megan, turn 18 on the 19th of this month. The fam will spend the holidays in Greece while Henderson follows the nonsense that is Giancarlo Stanton. Lastly, his Golden State Warriors are on the move for an NBA title run.*

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