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## NEW KID ON THE (200 E. SANTA CLARA ST.) BLOCK

*by Wendy C. Lascher*

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## PRESIDENT'S COLUMN

## JUNETEENTH: A HISTORICAL CELEBRATION SUPPORTED BY BLACK LAWYERS OF VENTURA COUNTY

by Charmaine H. Buehner

On June 19, 1865, U.S. Army Major General Gordon Granger rode into Galveston, Texas with 2,000 former Union troops to occupy the State of Texas on behalf of the federal government. The Civil War had officially ended with the Confederate surrender at Appomattox two months earlier, but battles continued to rage, the last of which occurred in Texas on May 19, 1895. Granger, who was famed for his role as a Union general in the Civil War battles of Chickamauga and Chattanooga, finally had a sufficient show of force to stand at the front balcony of the now-famous Ashton Villa to read and enforce General Order Number Three:

*“The people of Texas are informed that in accordance with a Proclamation from the Executive of the United States, all slaves are free. This involves an absolute equality of rights and rights of property between former masters and slaves, and the connection heretofore existing between them becomes that between employer and free laborer.”*

By the time Granger read these words, President Lincoln's Emancipation Proclamation had been in effect for two and a half years. From 1863 through the spring of 1865, however, the United States was still in the throes of civil war and the Confederate states ignored Lincoln's decree. Among those states, Texas was geographically isolated from much of the fighting and thus the subject of a significant migration of Confederate landowners who brought their slaves with them. By June 19, 1865, estimates put the enslaved Texas population at approximately 250,000.

Granger's pronouncement was met with both shock and jubilation. Reactions of the newly freed ranged from immediate flight to those who stayed and struggled to find their place in a new reality. By the next year, June 19 – or “Juneteenth”, as it came to be called – celebrations began as an opportunity to come together in prayer, solidarity, support and in the spirit of independence for the status and plight of the formerly enslaved.



Pictured: BLVC's 2015 Juneteenth volunteers, L-R: **Tina Rasnow, Eva Weiss and Tonya Cox**

Juneteenth celebrations grew through the early 1900s, with gatherings as large as 20,000, mostly within African American communities in Texas. As celebration supporters became landowners, lands were purchased and donated to hold Juneteenth celebrations, including the purchase of land now known as Emancipation Park in Houston. However, with the passage of Jim Crow laws, and other significant societal and economic pressures, celebrations declined.

The civil rights movement of the 1950s and 60s saw a resurgence of the celebration, sparked in large part to honor Martin Luther King, Jr. after his assassination. The celebration's resurgence has continued to build through today. In 1980, the State of Texas declared June 19 a state holiday. Today, a vast majority of states, including California in 2002, have declared Juneteenth a holiday or day of remembrance. The largest Juneteenth celebrations take place in Minneapolis and Milwaukee, and have evolved to celebrate both African American freedom and achievement as well as encourage “continuous self-development and respect for all cultures.” ([www.juneteenth.com/history.htm](http://www.juneteenth.com/history.htm))

2016 marks the 26th annual Juneteenth celebration in Ventura County. It will be held on June 18 at Plaza Park in Oxnard, from 10 am to 5 pm. The event is sponsored and organized by the Black American Political Association of California (“BAPAC”). BAPAC's purpose is to identify, document and develop resources for underserved Californians. VCBA's section, Black Lawyers of Ventura County (“BLVC”) will host, as it did last year, a free legal clinic at the celebration.

**Julia Dixon** is a BAPAC member and co-chair of the local Juneteenth celebration. The theme each year is “A Day of Celebration,” and the opening ceremony includes a reading of General Order Number Three. This year's opening ceremony will also include a statement about the U.S. Treasury's recent announcement to put Harriet Tubman's portrait on the \$20 bill. The free community event includes a health fair with free screenings, information booths, music and African dance. Historical booths include exhibits about the Tuskegee Airmen, Buffalo Soldiers, Black Cowboys and the Golden West. The alcohol-free event will also include great food and activities for children.

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**PRESIDENT'S COLUMN**

*Continued from page 3*

BLVC's secretary, **Damon Jenkins**, is BLVC's Juneteenth legal clinic coordinator. The clinic will operate during celebration hours, and offer free legal advice to Juneteenth attendees on a walk-in basis. Last year, Jenkins said, about 100 people visited BLVC's Juneteenth booth, which was staffed by five or six volunteers. Most visitors to the booth sought legal advice on a wide range of issues. Many, however, expressed curiosity about and enthusiasm for BLVC: that it exists and is active in our community, given our county's relatively small African American population. Jenkins described Juneteenth, and BLVC's involvement in it, as an opportunity to educate, remember and appreciate both the progress we have made toward equality and that there is still much work to be done. BLVC is ably led this year by president and

VCBA board member **Jacquelyn Ruffin**. The section meets once per month, with meetings alternating between social and business purposes.



**Charmaine H. Buehner** is a Senior Assistant County Counsel with the County of Ventura. This month provides the perfect storm of events: full litigation calendar, summer camp and babysitter logistics for three elementary school-aged children, a full complement of VCBA and VCLA events, spouse's new job, Taekwondo District Championship in Arizona and a family reunion. Olé! You can reach her at charmaine.buehner@ventura.org.

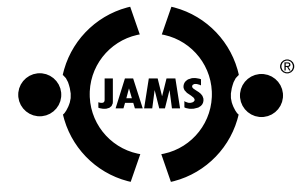


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## NEW KID ON THE (200 E. SANTA CLARA ST.) BLOCK

by Wendy Lascher

“Establish your reputation early, do good work, be honest, do your best, and you will rise,” is the advice **Justice Martin Tangeman** offers lawyers. That mantra also describes Tangeman’s legal career, from his twenty plus years of handling civil cases as an associate with Ogle, Gallo & Merzon in Morro Bay and as an associate, then a partner, with Sinsheimer, Schielbelhut & Baggett in San Luis Obispo, through his fourteen years as a San Luis Obispo County Superior Court judge, and now to his newest position – since his confirmation in February – as an associate justice on Division Six of the Second District Court of Appeal. Elevation to the Court of Appeal is, Tangeman says, “a dream come true.”

Addressing Women Lawyers of Ventura County a mere six weeks into his appellate career, Tangeman commented on a key difference between being a trial judge and an appellate justice: time. Trial judges are barraged by motions, hearings, search warrant affidavits, trials, and administrative responsibilities. Appellate justices have the opportunity to contemplate. The pace is not leisurely on the Court of Appeal, but neither is it frantic, and Tangeman looks forward to having time to talk over cases with his new colleagues, **Presiding Justice Arthur Gilbert**, and **Associate Justices Kenneth Yegan** and **Steven Perren**. Lawyers appearing at oral argument calendars since Tangeman took the appellate bench report that his questions reflect his appreciation of the trial lawyer’s role and the trial judge’s responsibilities. They are insightful without being harsh.

The part of Justice Tangeman’s career that most fascinates lawyers and judges is the year he spent off the bench. Few people are aware that Government Code section 77213 and rule 10.502, California Rules of Court, create a pilot judicial sabbatical program. A jurist who has been on the bench for at least seven years may, with advance Judicial Council approval, take paid time off for an experience that will benefit the administration of justice and the judge’s performance of his or her duties.

It took four years of planning and nine months of daily Rosetta Stone study before Tangeman, his wife, and their daughter departed for Italy in August 2011. Tangeman had first experienced the country on a cycling trip. Later, he and his wife exchanged their San Luis Obispo

home for a home at Lake Como, and fell in love with Italy. During his sabbatical, he lived in Verona and taught at the University of Trento, a campus of the University of Italy near the Austrian border. He taught (in English): American civil procedure, constitutional law, and common law to Italian law students. At the same time, Tangeman studied the Italian legal system. Obviously, Tangeman was a success; the university asked him back to teach a three-week course as a visiting professor in 2013, and he accepted.

Tangeman grew up in Hemet. He started college at Cal State Fullerton as a theater major. But it was the late 1960s and, influenced by his interest in social justice, Tangeman decided to go to law school. He is the first lawyer in his family. When Tangeman graduated from Hastings College of the Law in 1978, he moved to Cambria and began practicing in Morro Bay.

With his daughter now in college, Tangeman spends the week in Ventura, but heads back to San Luis Obispo for weekends. He and his wife are restoring a Craftsman house, using all-natural products such as a soy-based paint stripper. Tangeman is an outdoor enthusiast who enjoys the ocean and loves long bike rides. The walls of his ocean-view chambers display seascape paintings; his road bike is parked across from his desk.

Tangeman’s concerns about California’s judicial system are as broad as his outside interests. In 2014, **Chief Justice Tani Cantil-Sakauye** appointed Tangeman to the Judicial Council. He serves as chair of the Advisory Committee on Civil

Jury Instructions (also known as CACI). Tangeman also served on the Trial Court Presiding Judges Advisory Committee to the Judicial Council, and on the Trial Court Budget Working Group. He expresses dismay about court funding priorities. For example, he notes how the very limited availability of interpreters deprives people already overwhelmed by legal proceedings of the fundamental ability to understand what is happening to them. He laments the number of courtrooms that are closed, the way the judicial system has tried to fund services through fines and assessments that fall disproportionately on the poor, the unavailability of court reporters to low income and middle-class litigants, and the lack of adequate means to address substance abuse and mental illness problems that affect the courts.

These issues come to the Court of Appeal in a different form than to the trial courts. Still, with Tangeman’s new-found time to think, plus his energy and thoughtfulness, Division Six’s newest associate justice will make a valuable contribution to improving the system. The lawyers of the Tri-Counties look forward to watching him rise as he continues his good works.



*Wendy Lascher is an appellate lawyer, a partner at Ferguson Case Orr Paterson LLP, and the editor of CITATIONS.*

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## HELPING ABUSED & NEGLECTED CHILDREN IN OUR COMMUNITY – CASA OF VENTURA COUNTY

by Andrea Bruns

Ina Hughes' poem, "Prayer for Children," describes two different kinds of children. One child brings sticky kisses and fistfuls of dandelions, hugs us in a hurry and forgets lunch money, gets visits from the tooth fairy, squeezes toothpaste all over the sink, doesn't like to be kissed in front of the carpool. The other type of child doesn't have a room to clean up, never gets dessert, has never seen a dentist. For children like this, nightmares come in the daytime, monsters are real, they watch their parents watch them die, they live and move but have no being.

Court Appointed Special Advocate (CASA) founder Seattle Juvenile Court Judge David W. Soukup quotes this poem. In 1977 Judge Soukup, fueled by the realization that there was no one in the courtroom whose only job was to provide a voice for those children, established the first CASA program. He was concerned by heavy dockets, limited resources, and insufficient information. "Foster care drift" was a new phrase that year describing the way many children languished in foster care. 1977 was also the year the number of children in foster care exceeded half a million.

Judge Soukup's vision of using trained community and lay volunteers to speak for the best interests of children in court has grown into a network of nearly 1000 (CASA) programs across the country today. Dependency court judges appoint volunteers (also called CASAs) to watch over and advocate for abused and neglected children, to ensure they don't get lost in the system or languish in inappropriate group or foster homes.

Judges usually assign CASAs to the most difficult cases because there are not enough volunteers to represent all of the children in care. CASAs provides information to the court with the goal of facilitating permanent placement for the child. A CASA stays with a case until the child is placed permanently or until it is closed.

Every day in the U.S., 1,900 children become victims of abuse or neglect and four of them die. In Ventura County in 2015, 5,442 calls for child abuse and neglect were investigated; 585 cases were opened; 514 children were removed from their homes and entered foster care. As of December 31, 2015 there were 1,215 dependency cases in Ventura County. CASA

of Ventura County is currently serving 203 children. 145 children are on the wait-list. The need for CASAs is so huge that many cases go unserved.

CASA volunteers do not have to be lawyers or social workers but come from all walks of life. They are just people in the community with big hearts. It doesn't take special expertise to be a CASA volunteer and the program provides wonderful training and support.

Being a CASA is like being an intense Big Brother or Big Sister. The volunteers complete a 30-hour training program, undergo background checks and interviews, and only then are sworn in as officers of the court. Being empowered directly by the court allows the CASAs to speak with a child's teacher, doctor, social worker, or other person involved in that child's life. CASAs gather observations about the child, the child's own requests, concerns, dreams, and submit recommendations to the court. Their reports contain information critical

to ensuring that the child's rights and needs are being attended to while they are court dependents.

CASAs listen first. They get to know the child and talk with everyone in that child's life. CASAs develop one-on-one relationships by spending three hours a week with the child. For many of the children, a CASA is the only constant adult presence in their lives, or even the first real, safe adult presence.

CASA has become one of the most effective programs of its kind. A child with a CASA is more likely to: find a safe, permanent home; have more services ordered while in the system; spend less time in foster care; is less likely to be bounced from home to home, more likely to do better in school, less likely to be homeless as an adult, less likely to go to prison as an adult, less likely to become pregnant as a teen, and more likely to finish high school than other children in dependency court. Many CASAs describe their volunteer work and advocacy as the



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most meaningful of their life because they see the difference it makes in the child's life before their very eyes.

CASA of Ventura County recruits, trains and supports community volunteers to advocate for the best interests of abused and neglected children in our community. Notably, almost 50% of the children assigned a CASA are boys, but fewer than 20% of the volunteers are male. The importance of a stable, compassionate male role model advocating for these boys in our foster care system cannot be overstated.

Inclusiveness and continued development of volunteer training remain high priorities. Part of the continuing education for CASAs in Ventura County is the popular CASA book club which meets on a quarterly basis, usually in a CASA's home. Some of the on the list recently are *Runaway Girl* by Carissa Phelps, *The Language of Flowers* by Vanessa Diffenbaugh, *How Children Succeed* by Paul Tough, and *Somebody's Someone* by Regina Louise.

For those who would like to get involved, there are other support roles for CASA of Ventura County, including marketing, speaker's bureau, friends of CASA or, writing a check. For more info call CASAs' Camarillo office, 805.389.3120, or visit the website, [www.casaofventuracounty.org](http://www.casaofventuracounty.org)

**Andrea Bruns** is a CASA and a new attorney, handling family law matters with the Reape Rickett Law Firm.



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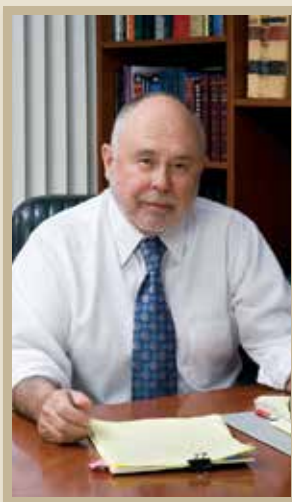
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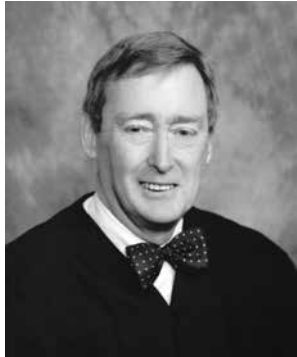
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## BARRISTERS' CORNER: Interview with Judge Walsh

by Robyn Weiss



As young lawyers (myself included), we all too often feel anxious, nervous or intimidated in the presence of “the black robe.” But when we have a chance to chat outside of the courtroom, we find judges and justices are everyday people with diverse interests and backgrounds. Without further ado, here is a peek into the off-the-bench life of the **Honorable Harry J. Walsh**. **Judge Walsh** presides over Department 42 of the Ventura County Superior Court.

**Q: Judge Walsh, what is your favorite local restaurant?**

A: Oh. That’s a tough one – probably The Ranch House in Ojai.

**Q: What is your favorite drink to order at a bar?**

A: A gin martini on the rocks, one olive.

**Q: Steve Henderson told me to ask about your special affiliation with the Dodgers...**

A: My dad was an attorney for the Brooklyn Dodgers. And Walter O’Malley [Dodgers owner from 1950-1979] is my uncle. In fact, we ended up in California as a result of the team relocating to LA.

**Q: What was your first job as a lawyer?**

A: I worked for **Fred Kosmo**, a solo practitioner in Oxnard, doing insurance defense.

**Q: What was your favorite class in law school?**

A: Oh, wow. That was many years ago... I can tell you what my least favorites were: contracts and real property.

**Q: What would you say your favorite book is?**

A: The Collected Works of William Shakespeare.

**Q: What is your favorite place you’ve traveled to?**

A: It’s a tie between New York City and London.

**Q: How many bowties do you own?**

A: Probably about 40.

**Q: What is your best piece of advice for young lawyers?**

A: “Tell me something I can believe.”

So, next time you find yourself in the presence of a judge or justice outside the courtroom, say hello and strike up a conversation. You may find you have more in common than you thought!



*Robyn Weiss is an associate at Boyce, Schaeffer and Mainieri in Oxnard, where she helps defend health care professionals and hospitals.*



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# DON BENTON

by Tom Olson



**Donald Lacy Benton**, of Benton, Orr, Duval & Buckingham, passed away on May 1 at the age of 98.

Born in 1918 in Los Angeles, Benton attended Los Angeles High School and graduated from UCLA and Loyola Law School. Benton served in the military in Germany, enrolling post-World War II to help citizens in the recovery. Back in the USA after his military service, Benton was introduced to MaryAnn Craddock. They were married for 68 years. They had three children in succession, two girls and a boy.

The Bentons moved to Ventura for his job with the District Attorney's office in 1951. After his service with the DA, Benton went into private practice, and then in 1953, he joined the firm now bearing his name. The firm was known for its famous former law partner and author, Earl Stanley Gardner, author of the Perry Mason mystery series.

Benton excelled in his chosen profession and became a top trial attorney and a distinguished member of the prestigious American College of Trial Lawyers. Benton was intelligent, able to pull apart and solve difficult cases, and always patient in teaching. He was always fascinated rather than cynical about the world, and a true gentleman. Many talk of a courtroom experience they had with Benton, who was considered an "old school lawyer," very competitive but one who kept the proceedings decent, fair and above board. His integrity was beyond reproach. Benton retired from the practice of law in 1987.

Benton was a long-term member of the Board of Community Memorial Hospital (CMH). He served as President of the Board, where his legal acumen and

background in medicine was useful. When actor and friend Joel McCrea wanted to protect rugged property used as a backdrop for his cowboy films, Benton was the attorney he chose to deed the property to the public.

While working a full-time practice of extensive trial work, Benton led a balanced life where he enjoyed gourmet dinner parties

with local luminaries, literature, art, travel, bridge, dance, music, dogs and family life. Midweek, on Thursday afternoons, Benton was known on occasion to leave work and fly fish the Sespe.

*Tom Olson is a partner at Benton, Orr, Duval & Buckingham, where he handles estate planning, conservatorship, and probate matters.*

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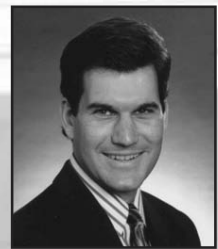
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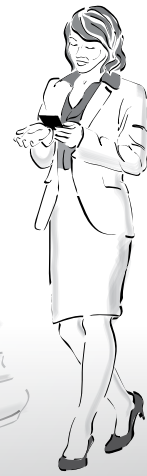
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## YOUR RUN / OUR LAW DAY 5K: Saturday, July 9

by Bill Grewe



*Photo courtesy of Yarrow Kraner.*

Giants come in all sizes. You are looking at one, above. A 23-year-old runner, Bobbi Gibb, is seen approaching the finish line of the 1966 Boston Marathon. She hid out in bushes near the starting line. When about half the runners had left the pen, wearing a hooded sweatshirt, she made a break, beginning the course at the start. No woman had ever run the Boston. It was simply not permitted.

Gibb was on no great mission. She was not part of a movement. There was no support team. There was no prize to claim or record to break. When asked why she did what she did – run America's oldest and foremost marathon and road race, the Boston Marathon – she said, "it was time."

The photograph captures puzzled expressions. A woman running the Boston Marathon? Seemingly stunned and uncertain, there is no group at the ready to welcome Gibb at the finish. What is Gibb wearing? Weren't there running clothes for women? Women's running shoes? There were not. The shorts were her brother's. The shoes were standard white American Red Cross nurse issue.

This writer remembers 1966, which means he is either old (true), or it was not that long ago (also true). In 1966, women did not work at McDonalds. **Too rough.** Women were not hired to work as grocery store baggers. **Too physical.** If a woman wanted a job, she thumbed through

the classifieds and responded to ads seeking "Girl Friday." But to Gibbs' surprise, her fellow runners that spring morning were supportive, giving her the confidence to discard her sweatshirt.

That was the world of the bushes from which young Bobbi Gibb stepped on April 19, 1966. If officials could have grabbed her and pulled her off the course, they would have. There is a rather famous photo from the following year's race of an official chasing a registered female runner who signed up using just her first and middle initials to hide her sex. It was too late. Try as they might, they could not put the Bobbis back in the bushes.

When word spread that a woman was on the course, Massachusetts Governor John Volpe, smart politician that he was, hustled to the finish line to congratulate Gibb.

We have our own modest run each year, our Law Day 5k that **Joe Strohman** of Ferguson Case Orr Paterson LLP and a crew of volunteers put together each year. It is run at Ventura Community Park on Kimball at the 126. If you haven't given it a try, let this be the year. The run has a relaxed feel to it. Festive. The course is two times around the park, but no one is counting. Walkers participate. It is just a nice way to spend a summer Saturday morning. Please come out if you can and have a look. July 9, 2016. [Runsignup.com](http://Runsignup.com), or see the flyer.

This year, more than 13,000 women competed in the Boston Marathon. The Grand Marshal who saw the runners off? UC San Diego grad Roberta Louise Gibb, of course. Oh, her time in 1966... three hours, 21 minutes and 40 seconds. Wow.



*Bill Grewe is the immediate past president of VCBA.*

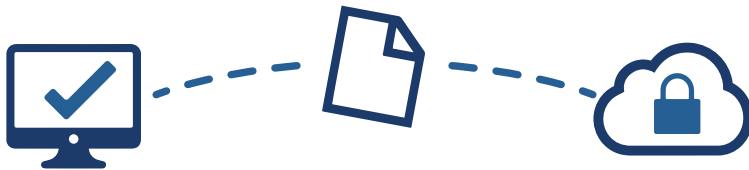




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# UPDATE ON GETTING MEDICAL RECORDS

by Karen Darnall

If medical facts are vital to your case, you have to think about strategy. Are you planning to **access** or **disclose** the medical information? You also need to consider both HIPAA and California law.

## Business Records

Medical records qualify as business records and personal records under Code of Civil Procedure section 1985.3. As such, you may use a subpoena to compel **disclosure** of medical records. For the subpoena to pass muster, the request must be relevant to the lawsuit, and the subpoenaing party must send a “notice to consumer” to allow the individual to protect him or herself.

The subpoena is a blunt instrument. When the subpoena arrives, everything will be copied unless the patient gets a protective order. HIPAA gives patients the right to request restrictions for highly sensitive records, but the provider does not have to agree to honor that request.

## PAHRA Access

The Patient Access to Health Records Act (PAHRA) allows patients to quickly **access** their own records. California law provides the right of “inspection during business hours within five working days.” After costs are paid, the provider must “ensure that the copies are transmitted within fifteen days.” Moreover, the patient may be “accompanied by one other person of his or her choosing.” (Health & Saf. Code, § 123110). While a request for access under PAHRA does not need to follow a particular written form, the language used by the patient may affect the records received. A patient who desires a copy of every record should request a “designated record set” as defined by HIPAA.

Unlike PAHRA, HIPAA allows providers up to 30 days to respond to patient requests. But California’s five-day rule provides “greater rights of access” and is, therefore, more stringent and not preempted by HIPAA.

## CMIA Disclosures

California’s Confidentiality of Medical Information Act (CMIA) was enacted in 1981 to regulate medical practitioners

and insurance companies. The original HIPAA rule required providers to obtain written consents pertaining to “protected health information.” Subsequently, HIPAA adopted CMIA’s permitted use classifications and deleted the consent requirement.

CMIA governs the **disclosure** of records. The authorization form (Civ. Code, § 56.11) diverges from HIPAA by requiring a specific date (not an event) for terminating the authorization. It also allows handwriting. When the authorization is printed, the typeface must be “no smaller than 14-point type.”

Notably, workers’ compensation is exempt from HIPAA (but not CMIA).

## Amended Evidence Code Section 1158

Evidence Code section 1158 allows attorneys to **access** medical records by writing a letter and submitting the client’s signed authorization by mail. Prior to last year’s amendment, some providers would refuse the attorney’s authorization and require the patient to sign the provider’s authorization, causing significant delay. By amendment, the law now requires medical providers to accept a statutory form.

Section 1158 has teeth. If the medical provider fails to make records available, the attorney can request an order to show cause for non-production of records. Under Code of Civil Procedure section 1985.7, the court “shall impose monetary sanctions pursuant to Section 1158 unless it finds... the imposition of the sanction unjust.”

## Electronic Records

HIPAA was modified in 2013 to give patients **access** to electronic health records (EHRs), but the amendment is vague. Under it, the provider must send “...a readable hard copy form or such other form and format as agreed to by the covered entity and the individual.”

EHR technology is evolving. Neither CMIA nor PAHRA mentions electronic records. The Evidence Code mentions records “maintained electronically” but provides no standards for transferring data. As rule makers noted in 2012, HIPAA does not require providers to scan paper documents, yet providers are directed to

reject portable media brought by patients (particularly flash drives) due to security risks. (78 Fed.Reg. § 5633.)

## Patient Representatives

HIPAA recently made it easier for caregivers to get copies of records. A patient can ask the provider to send copies of medical records to anyone as long as the request clearly identifies the designated recipient and his or her address. Strictly speaking, the written request is for **access**, not **disclosure**. However, most providers use the same form for both purposes.

According to HIPAA, the authorization form must include “a description of such representative’s authority to act for the individual.” State law determines who may act as the surrogate. Persons trying to assist the patient may encounter problems accessing records. For example, the Family Code gives minors the right to make certain health care decisions for themselves. If the child is old enough to consent to a particular medical procedure, he or she can prevent the parents from viewing the medical records.

If an elderly patient lacks capacity to make healthcare decisions, the personal representative could be a family member, friend or the person named in an Advance Directive. If the patient is placed in a facility, the attending physician determines the personal representative by interviewing the patient, reviewing records, consulting nurses and talking to family members. (Health & Saf. Code § 1418.8.)

## Costs

Confusion over reimbursement can delay production of records. HIPAA only allows providers to charge “**reasonable, cost-based fees**.” Federal law preempts California law if the amount charged is more than the actual cost of copying. PAHRA allows providers to charge **\$0.25** for letter-size documents plus “**reasonable clerical costs**.” This could exceed HIPAA’s cost-based standard if the provider uses a high-speed scanner.

Evidence Code section 1158 allows **\$0.10** per page and **\$16 per hour** for clerical costs. This newer standard probably complies with HIPAA.

Interestingly, PAHRA requires providers to copy records – at **no charge** – for SSI, SSD and Medi-Cal appeals.

**Use the Right Stick**

If no lawsuit is pending, PAHRA is the quickest way to **access** medical records. Use the provider’s form and pay costs up front. Evidence Code section 1158 entails **disclosure** and is more comprehensive. Review the records carefully before you file a lawsuit. Prepare a stipulated protective order if your client has special privacy concerns.



*Karen Darnall practices health law in Camarillo. Her website [California-hipaa.org](http://California-hipaa.org) has free tutorials on HIPAA compliance.*

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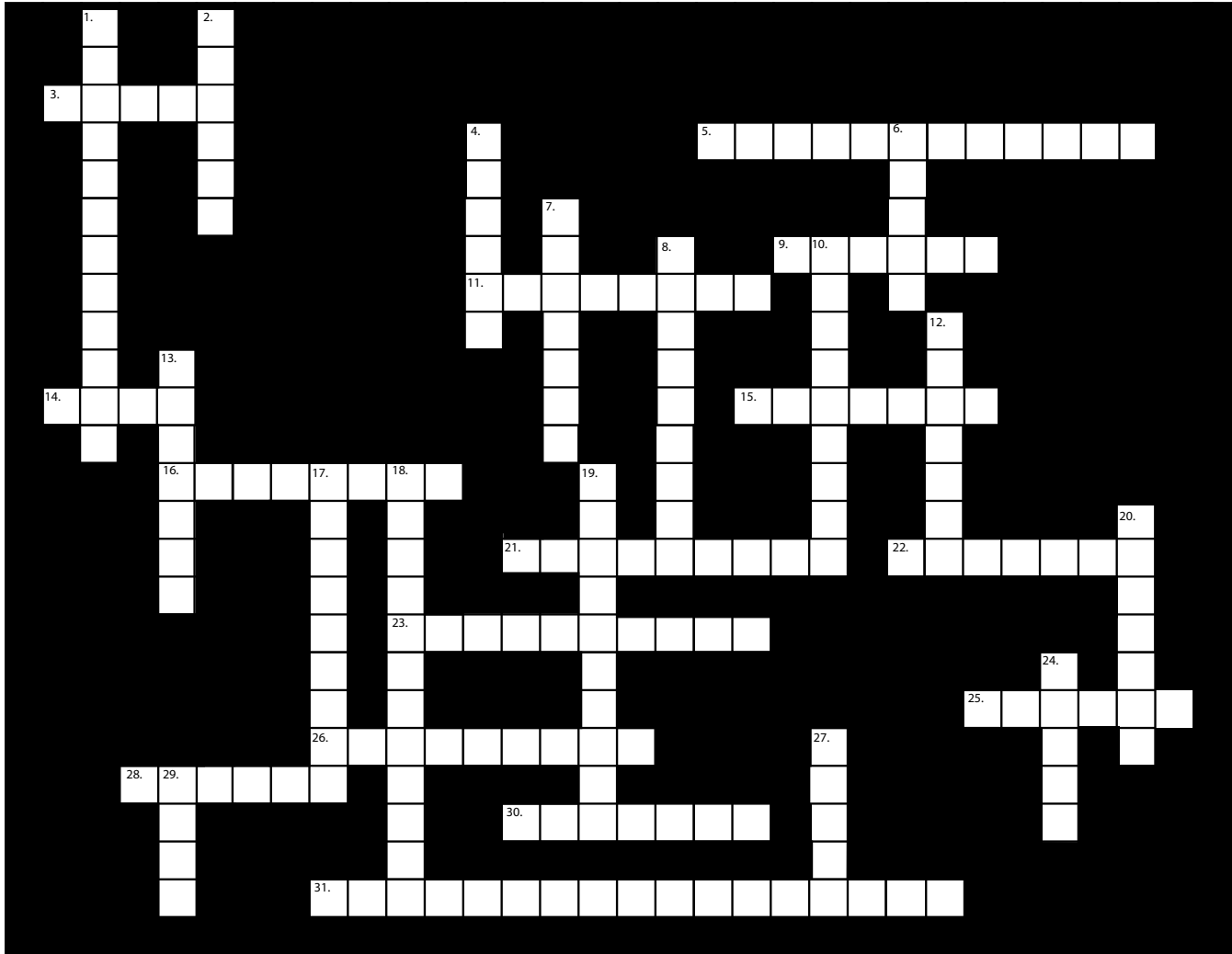
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# AMALGAMATION

by Lauren E. Sims

These mostly legal terms are drawn from an array of practice areas. Some are general in nature. Answers to be published in the July edition of CITATIONS. First person to email complete (correct) answers to [lsims@fcoplaw.com](mailto:lsims@fcoplaw.com) wins lunch with the CITATIONS Editorial Board.



## DOWN

- 1 Without authority  
 2 A crime of high seriousness  
 4 Nationally, May 1; Also, a race (without measure) (2 words)  
 6 Public access to court electronic records  
 7 Restructuring or refinancing overdue loans; Also, yoga or pilates  
 8 Fictitious suit in high school  
 10 *He has sworn* (Latin)  
 12 Allowing use  
 13 May be a felony, may be a misdemeanor  
 17 Practicing for 7 years or fewer  
 18 Prejudicial as to cause manifest injustice (2 words)

- 19 Authoritative advice, often to a jury  
 20 Failure to pay or appear  
 24 Permitted  
 27 *As if* (Latin)  
 29 *The same* (Latin)

## ACROSS

- 3 Unwritten  
 5 Into it by reference  
 9 Shoe material; Also, protection of a process  
 11 ~325,850 gallons (no hyphen)  
 14 *I bequeath* (Latin); Also, a children's toy  
 15 Matrimony

- 16 Citation manual  
 21 In civil, the start of it  
 22 With a will  
 23 A book without a locatable author (2 words)  
 25 A multiplication of damages  
 26 A female executor  
 28 In a contract, integration and no-oral-modification clause; Also, a garment element  
 30 Non-trademarkable term  
 31 Two of this, held in straight lines (2 words)



*Lauren Sims is an associate at Ferguson Case Orr Paterson LLP's Ventura office and a member of the CITATIONS Editorial Board. She can be reached at [lsims@fcoplaw.com](mailto:lsims@fcoplaw.com).*

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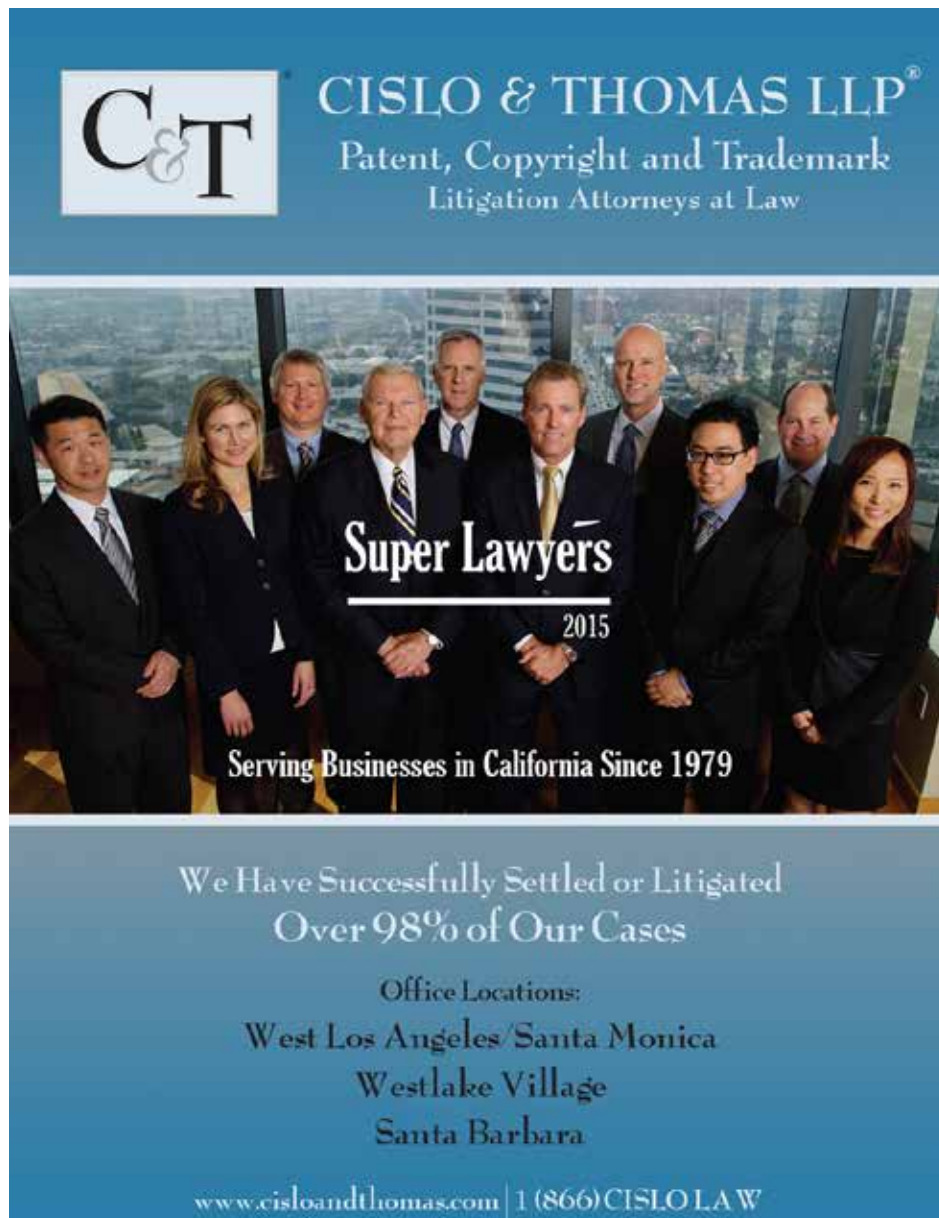
**Ventura County resident looking to move to a Ventura County firm.** I have been practicing law for slightly over 25 years and am looking for a new opportunity. I am admitted to practice law in New York (1989) and California (1991). I graduated from St. John's Law School (1988) and Columbia University (1985). I handle all aspects of matters from the pre-litigation through trial and appellate stages, including having appeared before the California Supreme Court. I have extensive experience in numerous areas, including, but not limited to, bus. lit., catastrophic PI, insurance coverage and GL defense in a myriad of areas. I have primarily represented defendants but have also successfully represented plaintiffs and resolved those matters for several millions of dollars. If you are interested I will provide details when contacted. Please feel free to contact me (Frank Ozello) at [fozello@aol.com](mailto:fozello@aol.com). I am flexible on compensation, which is negotiable.

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

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



Family Law attorney and VCBA Board member **Tom Hutchinson** got hitched



March 6 and suffered through a two-week honeymoon in Bora Bora with his new bride, Brenda Allison. Tom may be reached at 654.0911 or [thutchinson@normandowler.com](mailto:thutchinson@normandowler.com)...The Santa Barbara & Ventura Colleges of Law has announced new program modifications for its online Master of Legal Studies degree for non-lawyers. Program updates included an accelerated timeline for degree completion and additional options for electives, concentrations and a campus residency. [johannaatienza@collegesoflaw.edu](mailto:johannaatienza@collegesoflaw.edu)...In March, two stellar estate planning and probate attorneys, **Laura Bartels** and **Maria Capritto**, scored their Legal Specialization designations. Laura was the president of the bar in 2014...



New admittees, Barristers and millennials — You need to take the time and read **Tom Olson's** article in this edition of

CITATIONS about the death of **Donald L. Benton**. Don died April 29 and was 98 years young. Mr. Benton joined the Benton Orr Duval & Buckingham group in 1970. Very class act indeed!...Court of Appeal, 2nd District **Justice Richard M. Mosk** passed away on April 17, less than three weeks after submitting his letter of resignation — medical reasons — to Governor Jerry Brown, Mosk's fellow law clerk for the late California **Supreme Court Justice Matthew O. Tobriner**. As a young lawyer, Mosk worked for the Warren Commission investigating the Kennedy Assassination alongside another 20-something lawyer, **SCOTUS Justice Stephen Breyer**. L.A. Times obits, 4.20.16. Thanks **Bill Grewe**... Italy and the Ferrari Factory in Maranello? **Kevin Staker** at 482.2282 or [kgstaker@stakerlaw.com](mailto:kgstaker@stakerlaw.com)...

Brazil (despite Zika)? Past Bar President(2012), **Dien Le** at 658.7800 or [le@srllplaw.com](mailto:le@srllplaw.com)...Cayman Islands? **Laura Bartels** 524.1934 or [lbartels@fillmorelawyers.com](mailto:lbartels@fillmorelawyers.com)...The VCBA Board of Directors approved a committee recommendation modifying the Civility Code, which was first established in 2007 through the



efforts of a committee chaired by **Judge Fred Bysshe** and capably assisted by **Michael Case, David Prayer, Dennis LaRochelle** and a few others. The Code may be seen at [www.vcba.org](http://www.vcba.org). Click

About and go to Governing Docs. Will also appear in our new Legal Services Directory coming soon... On April 21, **Justice Steven Perren** was



honored by the Ventura Music Festival for his outstanding contributions to the community and to music. The LA Times documented this “dedicated crusader’s efforts on behalf of young offenders,” a commitment that was marked

publically in Ventura County by naming the Juvenile Justice Center after him...

After 22 years as a lawyer, Helene Godin decided to call it quits. Practicing law had always been her dream and it grew to define her, but the demanding work schedule began to take its toll. “I called my hus-

band one morning and I said, “I think I’m done,” she told the *Huffington Post*. Godin then decided to make a career move that would completely change her life. Despite having little to no food industry knowledge, she opened By The Way Bakery, a gluten free, dairy free bake shop with locations in Manhattan. Lucky gal!

The New Admittee Swearing-In Ceremony is scheduled for Tuesday, June 7, beginning at 4:00 p.m. inside Courtroom #22. It’s always an enlightening experience and you are encouraged to attend...We are hosting a Legal Boot Camp and one-day webinar, Thursday, June 2, from 9:00 a.m.-4:40 p.m., inside the bar offices. There are 6 hours of FREE CLE and all you need is to bring your own brown bag. Additionally, you’ll be asked to take a pro bono case from



the Ventura County Legal Aid, Inc. just once a year ... Trial Lawyer **Matthew Haffner** will be conducting a CLE for us during the noon hour June 2, entitled, “Naked Discovery: How to Strip Down the Purpose and Essentials.” Contact Nadia at the bar using [bar@vcba.org](mailto:bar@vcba.org) or 650.7599... Oh yeah, the Natural Resources Section meets June 15 for a noon time CLE and entitled, “A Growing Business.” MARIJUANA is coming to Ventura County. The speakers are **Linda Ash** and **Jay Leiderman**. It will be compelling and informative.

Lastly, this nugget from a crafty youngish trial lawyer. “Because of IBM Watson, you can get legal advice (so far for more or less basic stuff) within seconds, with 90% accuracy compared with 70% accuracy when done by humans. So if you study law, stop immediately. There will be 90% less lawyers in the future, only specialists will remain” ...

*Steve Henderson has been the executive director and chief executive officer of the bar association and its affiliated organizations since November 1990. He'll be inside the office collecting his beer winnings as The King rules once again. He may be reached at [steve@vcba.org](mailto:steve@vcba.org), LinkedIn, Twitter at [steve\\_hendo1](https://twitter.com/steve_hendo1), Instagram at [steve\\_hendo](https://www.instagram.com/steve_hendo), or better yet, 650.7599.*

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