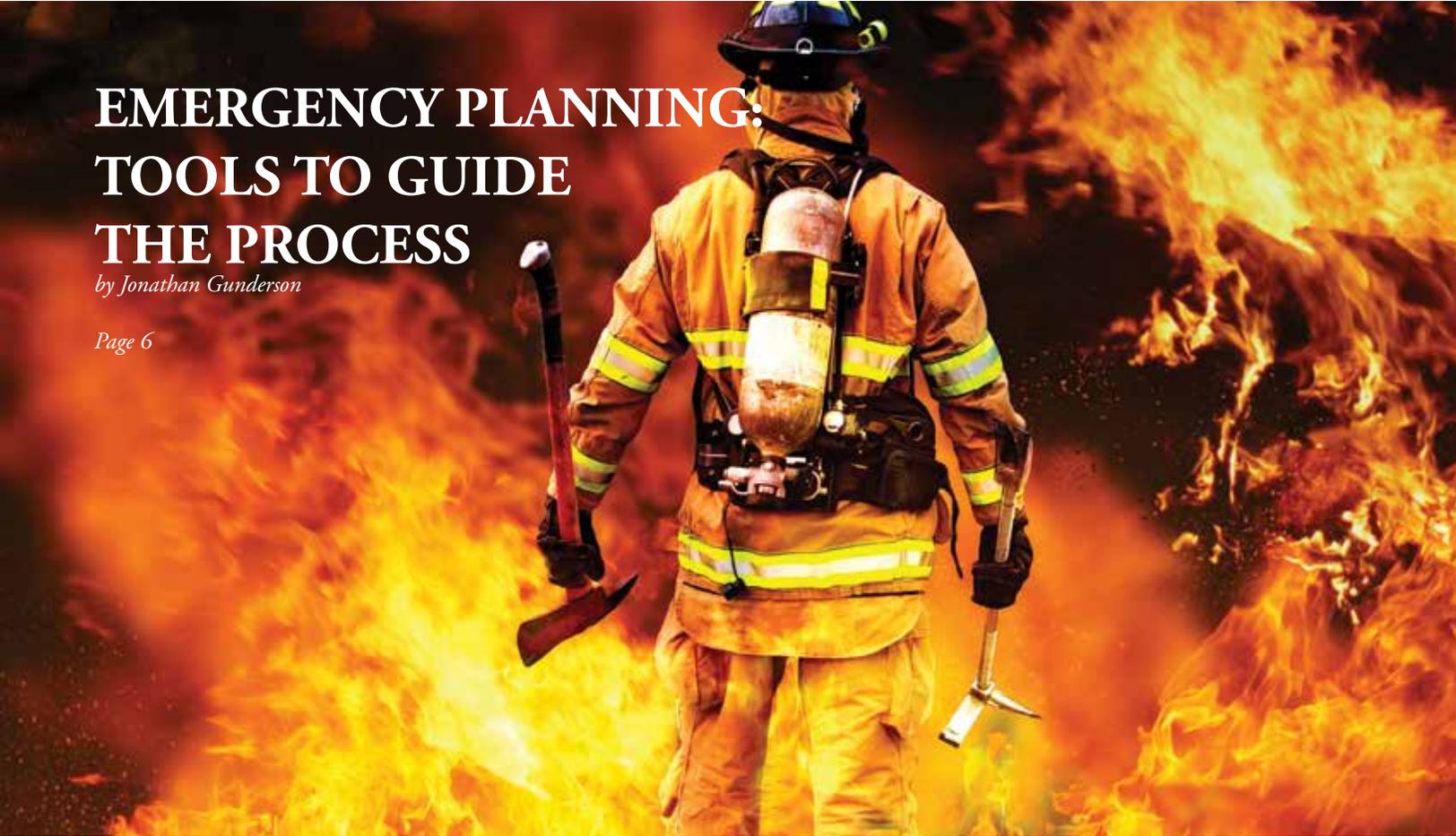




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## EMERGENCY PLANNING: TOOLS TO GUIDE THE PROCESS

*by Jonathan Gunderson*

*Page 6*

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<b>VCBA'S LRIS: A SMART WAY TO BUILD YOUR PRACTICE</b>	<b>3</b>
<b>NEW PUBLICATION RULES AND NEW CITATIONS</b>	<b>8</b>
<b>STATE OF THE PROBATE COURT: BY JUDGE GLEN M. REISER</b>	<b>12</b>
<b>ATHLETE OF THE MONTH</b>	<b>13</b>
<b>MAE BROOKS' FAMOUS ZUCCHINI BREAD</b>	<b>13</b>
<b>VIN SCULLY ON LAWYERING</b>	<b>14</b>
<b>BYRON LAWLER</b>	<b>15</b>
<b>CLASSIFIEDS</b>	<b>17</b>
<b>EXEC'S DOT...DOT...DOT...</b>	<b>18</b>



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## PRESIDENT'S COLUMN

## VCBA'S LRIS: A SMART WAY TO BUILD YOUR PRACTICE

by Charmaine H. Buehner



Traditional advertising for legal services can place consumers at a disadvantage to weigh the credibility of the services offered, or worse, instill unrealistic expectations of what a lawyer can do for a potential client. Thus, as part of any lawyer's solid marketing plan, best-selling author Jay Foonberg advises that lawyers “should belong to as many Bar-sponsored referral services in as many categories of the law as possible.” According to Foonberg, a well-run Lawyer Referral Information Service, or “LRIS” can be “a profitable source of new clients and good fees.” (Foonberg, *How to Get and Keep Good Clients*, (3rd ed. 2007) p. 221.) Foonberg goes on to describe the hallmarks of an excellent LRIS program, which characteristics are embodied in Ventura County Bar Association's 57-year-old LRIS program.

The purpose of VCBA's ABA-approved LRIS is “to make affordable legal services more available to the general public ... [through referrals to] lawyers who are interested in, and competent to handle” a wide variety of cases in Ventura County. VCBA's LRIS also strives to provide continually-improved quality of service. (LRIS Rule 1, p. 3 (July 2016), <http://www.vcba.org/wp-content/uploads/2010/06/VCBALRISRules.pdf>). Oxnard public interest attorney and long-time LRIS committee member, **Carmen Ramírez**, explained that VCBA's LRIS is a superior method for consumers to choose a lawyer compared with traditional

methods of advertising, whether online or otherwise. This is because LRIS provides consumers with qualified, knowledgeable and competent attorneys who have been thoroughly vetted through the LRIS program.

VCBA's LRIS is administered by VCBA staff (primarily by **Nadia Avila**), as well as by a dedicated oversight committee comprising lawyers from all over the County and chaired by **Steve Henderson**. LRIS committee member **Kenneth Kossoff**, who practices estate planning in Westlake Village, praised VCBA staff for their excellent administration of the program. As part of VCBA's LRIS administration, staff performs a function that Foonberg describes as “key” to the program's success: screening “out the people who get active when the moon is full and those who simply have nothing to do except talk all day.” (Foonberg, at p. 223.) Foonberg reports that a high percentage of people who call LRIS either do not need a lawyer or are satisfied with information provided by the screener. (*Ibid.*) According to Avila, VCBA staff makes about fourteen to eighteen panel-lawyer interview appointments from the 40 - 50 daily calls they receive.

As part of VCBA's screening process, VCBA charges the potential client \$35.00, a nominal financial commitment that increases the likelihood that the client is serious about hiring a lawyer. Staff obtains

details about the potential client's problem, and educates the person that although the lawyer provides a half-hour free consultation, LRIS is **not** a pro bono service. Rather, LRIS is a means for connecting the client with a qualified and knowledgeable lawyer who will charge reasonable fees for services. In sum, the LRIS screening process is geared at substantially increasing the likelihood of a high quality referral to panel attorneys. Even so, Foonberg cautions lawyers to expect and understand that not all LRIS cases will be profitable; he estimates about fifteen to twenty percent of LRIS cases should generate moderate fees, and ten to fifteen percent should generate large or very large fees. (Foonberg, at p. 222.) Twenty-five-year business and real estate attorney **Kevin Dorhout** has been a panel attorney since he opened his own practice in Westlake Village five years ago. Dorhout agrees with Foonberg's profitability estimates, and also commented that VCBA's LRIS program is well-suited for newer attorneys and attorneys looking to build their practices.

Long-time LRIS committee member and Ventura workers' compensation attorney **Louis Vigorita** explained that the committee is charged with maintaining the quality of panel attorneys. To do so, the committee reviews panel-attorney applications, continually reviews LRIS files and thoroughly investigates any complaints. The committee, which meets monthly, also revises LRIS rules as necessary. Most recently, the committee revised LRIS rules to increase the uniformity in lawyer-paid referral fees across panels, and clarify the circumstances under which panel attorneys can continue to serve on panels.

Qualified panel attorneys are those who have demonstrated expertise in one or more panel areas, including administrative law, appeals, business law, consumer law, criminal law, estate planning, family law, general, immigration law, insolvency, labor law, professional malpractice (including legal, medical and dental), military law, real property, taxation law, torts defense, torts

*Continued on page 5*

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*Continued from page 3*

and workers' compensation. Generally, qualified attorneys should have worked on three cases involving the substantive practice area within the last three years. If the attorney has been practicing less than three years, he or she must have taken at least four hours of continuing legal education in the applicable substantive area. LRIS requires panel attorneys to maintain an office outside of the attorney's residence and have access to practice materials relevant to the substantive legal area of the panel.

Panel attorneys agree to pay a quarterly fee, which is discounted to \$50 for VCBA members, as well as a quarterly fee of \$25 for each panel on which they serve. In addition, panel attorneys pay a referral or "forwarding" fee of ten percent to the VCBA for fee generating cases. LRIS committee member and Camarillo employment lawyer **Joe Herbert** told me that the forwarding fee is commensurate with, and generally lower than, the referral fees attorneys pay in other contexts. While

LRIS welcomes any qualified attorneys to apply to be on a panel, LRIS is in particular need of attorneys for the following panels: workers' compensation, dental malpractice, education, patent, immigration and tax. Panel attorneys who speak Spanish are also in high demand. Applications are available at <http://www.vcba.org/wp-content/uploads/2011/02/LRISApplication.pdf>. Apply today and build your practice!



**Charmaine H. Buebner** is a senior civil attorney with Ventura County Counsel's office. This month, she looks forward to coaching her six-year old's soccer team, settling in to the routine of a new school year for her kindergartener, third grader and middle-schooler, and supporting her husband as he tests for his first-degree black belt in Taekwondo on September 3 – good luck, James! You can reach her at [charmaine.buebner@ventura.org](mailto:charmaine.buebner@ventura.org).

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# EMERGENCY PLANNING: TOOLS TO GUIDE THE PROCESS

by Jonathan Gunderson

"In preparing for battle I have always found that plans are useless, but planning is indispensable." In these words Dwight D. Eisenhower captures the power of the planning process. With September being National Preparedness Month, a time encouraging Americans to prepare for emergencies at home and work, this article reviews available resources to help firms prepare for emergencies.

An emergency plan should address those unexpected contingencies potentially affecting a firm to assure that its essential functions continue despite adversity. Because the plan focuses on continuing essential services, the term "continuity planning" replaces emergency planning. A plan should address all events that disrupt how a firm serves its clients, such as: maintenance emergencies, health emergencies, personnel emergencies. This scope can also encompass succession planning. The American Bar Association, which offers free resources for continuity planning, asks these preliminary questions:

1. Are you familiar with your office evacuation plan?
2. Do you know where your office exit routes, stairways, fire extinguishers, and medical kits are located?
3. Do you have a muster point identified for personnel to meet after an emergency event?
4. Do you have a list of important phone numbers identified for reaching your employees, clients, and vendors after a disruption?
5. Do you have a list of important emergency numbers quickly accessible in printed and electronic format?
6. Do you have a general strategy in place for notifying the media and stakeholders about an ongoing event and its implications?
7. Do you have the ability to access critical client records remotely?
8. Have you prioritized your firm's functions by criticality?
9. Do you have a "go kit" of office items you would need if you were unable to access your primary office?

10. Have you pre-positioned technology equipment offsite to ensure adequate processing capability?

11. Are you confident in your redundancies and controls to protect/recover client data in the event of critical technology failures?

12. Have you tested mechanisms to access critical records remotely and to work remotely after disruptions?

## Why Continuity Planning?

Why plan? Preserving client loyalty, avoiding malpractice claims, and maintaining employee engagement are the beginning. Some attorneys fear being unable to collect accounts payable while incapacitated; others focus on continuing to function in order to help their community during a crisis. Having a plan also conveys a message to clients that the firm takes the clients' business seriously — by ensuring follow-through no matter the circumstances. In the event of a lawyer's death or permanent incapacity the State Bar can step in and assign successors for a law practice, but the Bar focuses on preserving the client's privacy, not on assuring progress the client's legal issues. Continuity planning can help preserve the client's progress.

## Available Resources

The ABA's *Surviving a Disaster: A Lawyer's Guide to Disaster Planning* serves as a comprehensive planning companion. It provides an overview of a business continuity plan, a description of emergency phases and a breakdown of business continuity plan components. Useful checklists make it easier to address: business impact analysis; risk assessment; succession and delegation; alternate facilities; communications; vital records; human capital; devolution of control; testing, training and evaluating; and reconstitution.

This guidance tool highlights employee needs and human capital as one of the most important areas. Their proposed process seems like a helpful strategic planning aid with its focus on clarifying essential goals, objectives and personnel. For succession planning, the devolution of control section addresses considerations to guide another firm in assuming control of firm

operations temporarily (or permanently, if needed). Free download available at [http://www.americanbar.org/content/dam/abalevents/disaster/surviving\\_a\\_disaster\\_a\\_lawyers\\_guide\\_to\\_disaster\\_planning\\_final\\_authcheckdam.pdf](http://www.americanbar.org/content/dam/abalevents/disaster/surviving_a_disaster_a_lawyers_guide_to_disaster_planning_final_authcheckdam.pdf).

This ABA webpage also offers links to continuity planning webinars available for purchase through the ABA store: <http://www.americanbar.org/groups/committees/disaster.html>.

Complementing the ABA's resources is the California State Bar's *Organizational Disaster Planning for Legal Service Providers*. A shorter document than the ABA's guide (16 pages versus 42), it provides less orientation but covers similar components for business continuity planning. This resource sets itself apart with its sample forms and suggestions to help firms tailor plans. Like the ABA, guide it serves as an effective template and planning tool. Free download available at [www.calbar.ca.gov](http://www.calbar.ca.gov).

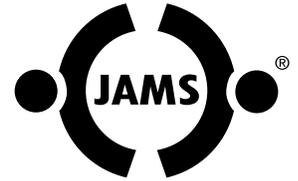
Also from the California State Bar, a helpful succession planning aid, the *Practitioner Checklist*, guides a prospective attorney stepping in following another attorney's death or incapacity. The *Practitioner Checklist* focuses on generating discussion to address the myriad of issues dealing with succession, but it may also be used proactively to assist with the succession-related aspects of continuity planning. Free download available at [www.calbar.ca.gov](http://www.calbar.ca.gov).

Exercising a continuity plan is a critical step of the process as it reveals strengths, weaknesses and gaps. Here, the ABA's *Guide to Developing and Conducting Business Continuity Exercises* ([http://www.americanbar.org/content/dam/abalevents/disaster/pdfs/aba\\_bcm\\_guide\\_final\\_authcheckdam.pdf](http://www.americanbar.org/content/dam/abalevents/disaster/pdfs/aba_bcm_guide_final_authcheckdam.pdf)) excels.

While newcomers may be distracted by the guide's emergency management and exercise terminology, any user with enough persistence will find the essentials of what he/she needs to arrange planning exercises for their firm.

Should a firm get stuck in the planning

*Continued on page 9*



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## NEW PUBLICATION RULES AND NEW CITATIONS

by Wendy Cole Lascher

You may have begun to notice that California Supreme Court cases decided July 1 and after are cited as “Cal.5th” and new Court of Appeal decisions as “Cal. App.5th.” Why, and with so little fanfare? Lawrence Striley, California’s Reporter of Decisions, says this decision was made because the Supreme Court amended California Rules of Court rule 8.115 effective July 1. The amendment allows litigants to cite published opinions of the Court of Appeal while review is pending in the Supreme Court unless the Supreme Court orders otherwise. (Formerly, when the Supreme Court granted review, a Court of Appeal decision was no longer citable.) But there are limits: Rule 8.1115(a) now specifies that once review has been granted, the Court of Appeal opinion “has no binding or precedential effect, and may be cited for potentially persuasive value only. Any citation to the Court of Appeal opinion must also note the grant of review and any subsequent action by the Supreme Court.” And subdivision (b) now provides – also unless the Supreme Court orders otherwise – that **after** the Supreme Court has issued its decision, the Court of Appeal decision “is citable and has binding or precedential effect, except to the extent it is inconsistent with the decision of the Supreme Court or is disapproved by that court.” That is a huge change, because often there are important holdings in Court of Appeal decisions having nothing to do with the issue taken over by the Supreme Court.

For those who still purchase hard copies of California decisions, Striley reports that the covers will be changed slightly so the new volumes stand out, but a design has not been finalized.



**Wendy Cole Lascher** is a partner at Ferguson Case Orr Paterson, LLP’s Ventura office. She specializes in handling appeals and consulting with trial counsel when she is not editing CITATIONS.



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*Continued from page 6*

process, the ABA Legal Technology Resource Center (LTRC) offers technical assistance on emergency planning. It also offers assistance following emergencies. Contact the LTRC at 312.988.5465 or [ltrc@americanbar.org](mailto:ltrc@americanbar.org).

### Make It Meaningful

Attorneys now have tools to help develop an effective continuity plan. All that is required is adding the specifics for each firm to create a tailored plan. However, to boost the efforts, why not integrate continuity planning with the next strategic planning session? Or perhaps add a new dynamic to employees schedules by having them unexpectedly telework occasionally and test everyone's capacity to work offsite? Integrating continuity planning into routine activities can be an efficient use of time and can ensure the planning stays relevant for all.



**Jonathan Gunderson**  
is a member of the  
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Board and former  
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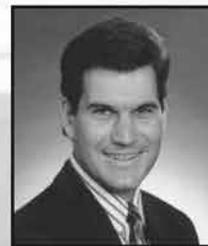
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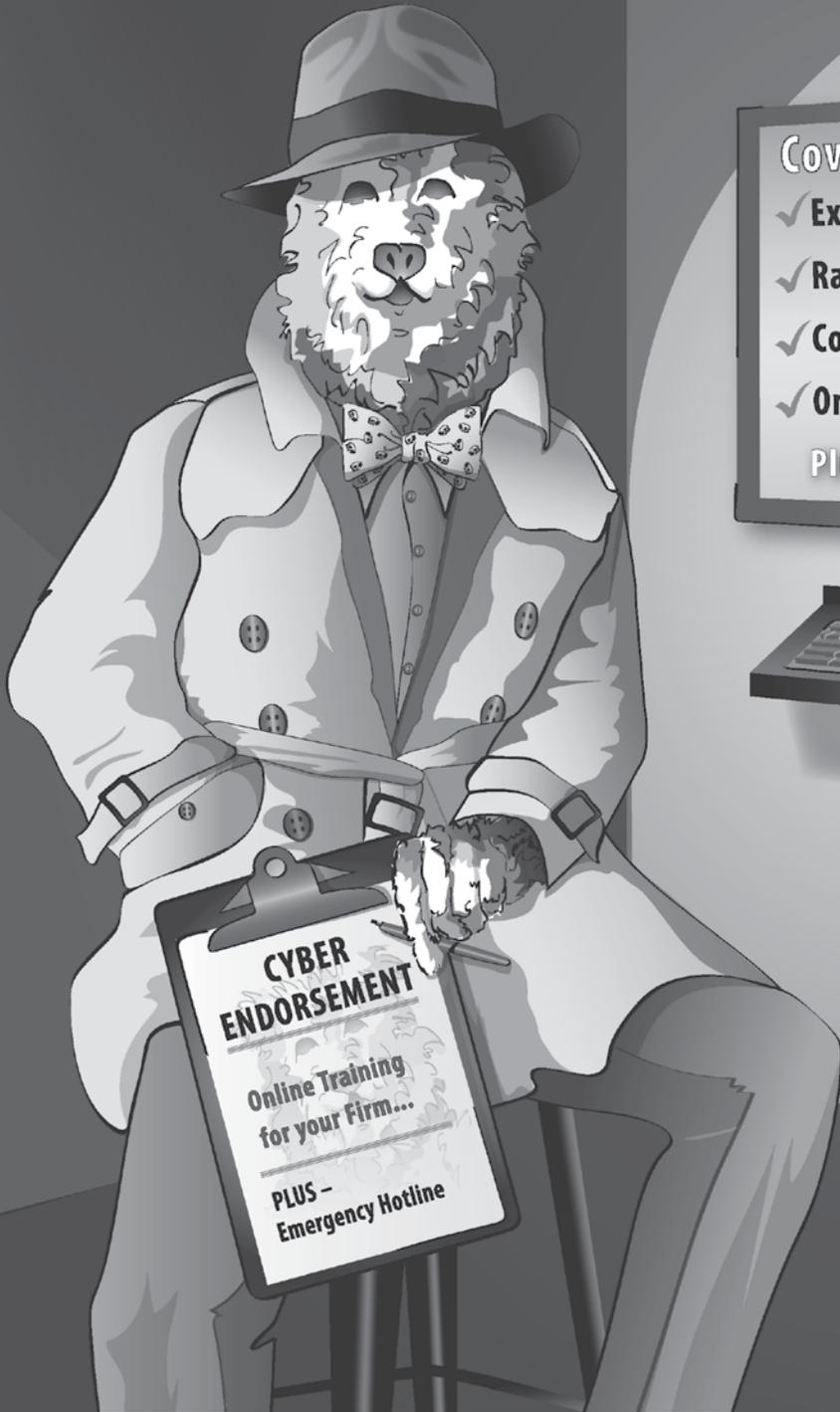


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# STATE OF THE PROBATE COURT: 2016 ANNUAL PRESENTATION BY JUDGE GLEN M. REISER

by Amber Rodriguez

At the end of May, **Judge Glen M. Reiser**, our sitting probate judge and the Judge of the Year, joined the Estate Planning and Probate Section to give our audience his annual update. His presentation covered a range of information, from new forms to recent case law affecting probate matters to local guidelines for attorney and paralegal fees. Here is some of what he had to share:

## THE BIG NEWS:

### FEE ALLOWANCE INCREASE

Judge Reiser announced that effective July 1, the court will increase the hourly rates allowed for attorneys and their paralegals. The existing maximum rate (\$350 per hour) will be increased to an hourly rate of \$360. Paralegals will be allowed a maximum hourly rate of \$180. Of course, that is the high end of what he will allow. As always, Judge Reiser will continue to take into consideration the experience and expertise of the attorney in question, the size of the estate, and the complexity of the work involved. He also considers the quality and timeliness of the work being submitted.

## LOCAL RULES:

The board members of the Estate Planning and Probate Section have been working with Judge Reiser to overhaul and update our Local Rules. The changes have now been finalized. Our hope is to have the new rules in effect Jan. 1.

## NEW MANDATORY FORM:

The Judicial Council has created a new Notice of Death (for conservatorships) form that will be required as of Jan. 1. The Council has also updated DE-111 (Petition for Probate) to include a citizenship option and language addressing a lost Will (also to be effective Jan. 1). The forms can be found on the Judicial Council website at <http://www.courts.ca.gov/forms.htm> after Jan. 1.

## JUDGE REISER'S

### CONTINUED TENURE:

Judge Reiser hopes to remain on the probate bench until his expected retirement. If all goes as expected, he will remain the sitting

probate judge for another three years. His potential replacement is not known at this time, although many are hopeful **Judge Lund** will be given the assignment based upon his many years of probate experience.

## PROBATE CODE CHANGES:

The new code sections addressing a transfer on death deed were also discussed. While Judge Reiser provided some very colorful illustrations of the issues and concerns surrounding these new laws, I believe his description can be summed up in one quote. Judge Reiser summarized the new code sections as "a total mess." He certainly is not alone in that opinion.

## CASE LAW:

Judge Reiser noted that published opinions on probate cases are becoming more prevalent. He chose to focus on three fairly recent cases. These cases were *Babbitt v. Superior Court* (2016) 245 Cal.App.4th 1135, *Carne v. Worthington* (2016) 246 Cal.App.4th 548 and *Conservatorship of Bower* (2016) 247 Cal.App.4th 495.

*Babbitt* is a trust case involving a demand for an accounting by the decedent's daughter. Decedent was remarried and his surviving spouse – not surprisingly – was not on good terms with his daughter. The trial court ordered the surviving spouse, who was serving as trustee of the decedent's trust, to account for a period prior to her husband's death. The surviving spouse, however, was successful in obtaining a writ that stated the daughter was **not** entitled to an accounting for that period. Absent allegations of lack of capacity or undue influence, there is no duty to account during the period of time in which the trust remains revocable. Judge Reiser noted that this reasoning seems to follow the same principles laid out in *Giraldin*.

*Carne* is also a trust case. It involves a complicated history of multiple trusts left behind by the decedent. When the decedent died, his real property was titled under a 1985 trust that was unfavorable to

the petitioning party, Carne. Carne sought to have title to the real property confirmed under a trust which was more favorable to her as a beneficiary. The decedent's grandson, who was heavily favored under the 1985 trust, objected.

The grandson's main objections were that, at the time the decedent listed the real property in question as an asset of the trust favoring Carne, the decedent did not hold title as an individual. Rather, he held title as trustee of the 1985 trust. Thus, the grandson argued, the inclusion of the real property on the list of assets for the trust favoring Carne was not subject to *Heggstad* principles because the decedent did not hold title as an individual and did not purport to transfer title as trustee from one trust to another.

The trial court ruled in favor of the grandson. Carne appealed. The Court of Appeal found that the language in the trust favoring Carne was sufficient to transfer title of the real property and no separate deed was required to accomplish said transfer. In essence, the Court of Appeal viewed the trust language as a "conveyance" equivalent to a deed. Judge Reiser noted that this line of cases seems to be ever expanding *Heggstad* and should be carefully considered by both drafting and litigating attorneys.

Finally, Judge Reiser discussed *Conservatorship of Bower*, involving a conservatee who was cut off from his estate by his spouse. The conservatee's sister was eventually appointed as his conservator. It was a long fight and many attorney fees (and conservator fees) were incurred. The trial court ordered the wife to pay the attorney and conservator fees from the conservatee's half of the community property, which was under the wife's management and control. Wife refused (repeatedly) and appealed.

The Court of Appeal reversed. It recognized a duty to support the conservatee, but did not agree that said duty extends to payment

## Athlete of the Month

of conservator and attorney fees. The Court of Appeal noted that conservatee support is not equivalent to conservatorship maintenance. As such, the trial court did not have jurisdiction to order that the conservatee's wife pay the fees related to the conservatorship from the community estate, despite the obvious benefit those services provided to the conservatee.

The Estate Planning and Probate Section is fortunate to have Judge Reiser make himself available, year after year, for these annual updates. On behalf of our Section, I would like to thank him for his time. We look forward to hearing from him again next year.



**Amber Rodriguez** is the Chair of the Executive Committee for the Estate Planning and Probate section of the VCBA. Her practice focuses on Probate and Trust Litigation and Administration, Estate Planning and Conservatorships. She can be reached at [arodriguez@estateattorneycalifornia.com](mailto:arodriguez@estateattorneycalifornia.com) or you can visit her website at [estateattorneycalifornia.com](http://estateattorneycalifornia.com).



Here is Senior Public Defender **Willy Quest** as a member of the Duke University tennis team after they won the ACC Championships in 1993 where he was named MVP. In 2013 he played for the U.S. in the Senior World Championships in Turkey for the 40 and over team.

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*Ella Mae Brooks*  
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# VIN SCULLY ON LAWYERING

by William M. Grewe

## *As his retirement approaches, a sampling of his tips.*

**No Matter the Facts, Give Your Full Effort.** Scully's big break came not on silver platter but on a New England rooftop in November 1949 where the temperature never cracked 45. When an announcer took ill, Red Barber, the voice of the Brooklyn Dodgers who moonlighted as a football broadcaster himself but was engaged, contacted the college kid, Scully, and asked him to fill in on the solo broadcast. Scully jumped at the chance. Anticipating a first-class assignment, and planning to attend a school dance after the game, Scully packed light: No coat or gloves. It wasn't until he arrived at Fenway Park to call the Boston University-Notre Dame game that he learned he would be outdoors on the roof. With 50 yards of cable, and the cold wind off the Charles, Vin walked the rooftop reporting the action below. He never mentioned or complained of the cold. The elements were such that Vin was certain his performance had suffered. Two days later, though, the president of BU called Barber to apologize for how Scully had been treated. Barber, having had no idea, remembered the kid two months later when the Dodgers had an opening. He rewarded the young man with a seat at the mic which he still holds.

**When the Court Has Ruled Against You, Move On.** Vin tells the story of a rookie so upset about a call that, long after the stands had emptied, he could be heard complaining in the clubhouse. Then, from a faraway locker, came the booming voice of future Hall-of-Famer Roy Campanella who had heard enough. "Son, you aren't just wrong, you are loud wrong." No more was said on the subject.

**Take Nothing for Granted.** 1995. Atlanta. The Dodgers were down two games to none in the National League Championship Series but the ball was in the hand of Japanese sensation Hideo Nomo, the 1995 Rookie of the Year. With two strikeouts in the first, the network broadcasting crew was effusive in its praise. Scully was on the local telecast. Before the hint of a storm, Scully's usual rhythm was interrupted by a long pause. Then, as the network crew practically

talked over itself praising Nomo, Vin said three words, "Nomo is struggling." Then, silence again. He saw something in the rising pitch count. The wheels came off in the 4<sup>th</sup>. Nomo was out of the game and the Dodgers were soon on a plane home.

**Protect the Integrity of the Court.** Vin has rarely strayed from his natural composure and go on a verbal attack. Each time, the integrity of the Game was, arguably, at issue. Long ago, on a sunny Dodger Stadium afternoon two characters rushed onto the outfield grass and prepared to burn an American flag. Visiting centerfielder Rick Monday swooped in and snatched the flag as a match was about to set it ablaze. Scully called the unexpected action as it occurred and then let those two hooligans have it with a tone of distaste I have not heard since.

**When Everything Is Going Your Way, Work Harder.** 1989. There was a time when Vin was at the broadcasting summit. Golf, football and network Game-of-the-Week telecasts, You name it, he could call it and call it well. He was sought after. Yet, he did not let his work with the Dodgers suffer. Vin called a 9-inning Game-of-the-Week in Chicago. He would miss the Dodgers' night game in Houston, or would he? Vin caught a plane to Houston so he could watch the game and keep up on the team. Don Drysdale was to do the TV broadcast solo but his voice faltered as game time approached. Scully stepped in and broadcast the game, all 22 innings!

**Let the Evidence Speak for Itself.** Long ago the Dodgers had a shortstop who stole 104 bases in a season. He could fly. Even his name was fast. Wills. Maury Wills. The Dodgers and Wills had a falling out. The fan favorite was shipped to Pittsburgh. He was missed by the fans and the management which had traded him. A couple of years later, mid-season, a deal was struck. Wills returned to the Dodgers and was immediately penciled-in on the line-up card. Just as quickly, he made his way to first base. The crowd was electric, shouting "Go, go, go..." Scully let their anticipation fill the airwaves. He didn't call the play. It called itself. You could hear from the crowd that Wills had made a break for second, and by a

rise in the cheers that he had made it safely. That was enough. When the moment was right Vin said, only, "Welcome home."

**Clear Your Mind.** Everyone needs to take their mind off their work. Vin is no exception. Sometimes, when a fielder, chasing a foul pop, misjudges a railing or trips over a tarp roll or other obstacle, Scully will say, "He doesn't know the territory." It is a reference to the confounding Professor Harold Hill in *The Music Man*. I don't know if it is still so but it was long ago reported that Vin would listen to musicals on his drive home to relax.

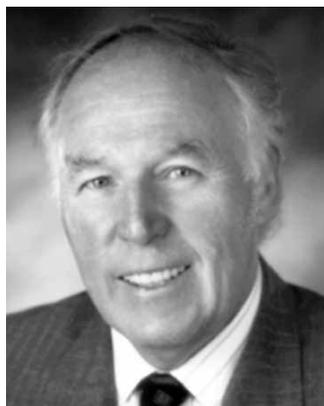
**Find a Rooting Interest for the Jury.** One is always there. Vin looks for conflict. If it is not one team versus another, it is perhaps an aging veteran facing a hitter in his prime. Maybe it's a kid who couldn't make his high school baseball team but somehow is stepping into a major league batter's box. In the World Series of October 1988, it was team seemingly overmatched by the Bash Brothers of Oakland. Its hero fallen, nowhere to be seen as Vin scanned the home dugout in the late innings of Game 1. Then, in the 9<sup>th</sup>, the home team trailing, Vin held the hearts of his audience with the simple line, "Gibson has a bat in his hands."

**Stay Grounded and Be Yourself.** The great trial lawyer Gerry Spence, despite fame and success, continued to repeatedly write out his closing arguments by hand. Vin has continued, with pencil in hand, to keep score. For decades, he refused to "step between the lines" of the diamond. Once scolded by Red Barber for sipping a beer in the press box, he never did so again even though no one would dare say anything. Recently, when congratulated for having a street named after him, an honor he resisted for years, Scully said only, "Walter O'Malley was more deserving."

*If you have the chance before the end of the season, pull up a chair and spend part of an evening with Vin. Or, if you don't have to pack a bag, head on down to the ballpark. There will not be another like him.*

# BYRON LAWLER

by Judge Harry Walsh



**Byron Lawler**, a prominent trial lawyer in the County in the 1980s and 1990s, died at the end of July at age 80.

Byron was born and raised in Los Angeles and received both his undergraduate and legal education at UCLA. Before starting law school, he was an officer in the United States Navy and served on a destroyer in the Mediterranean with the sixth fleet. While at UCLA, he met his wife Rene. He often said she was the best thing that ever happened to him. They had three children: Gregory, Jennifer, and Keith.

Byron was admitted to practice in 1964 and started his legal career with the Union Pacific Railroad. After a few years, he joined the Stockdale firm in Los Angeles doing civil litigation and soon became a partner. He successfully handled a wide variety of cases including a plaintiff's medical malpractice case against a physician who failed to report a battered child. That led to a widely-read law review article, "The Battered Child Syndrome," which he co-authored with his partner, Jerry Ramsey.

Looking for a change of scenery, Byron moved to Ventura and opened the Ventura County branch of his law firm in 1978. This ultimately became Lawler, Bonham & Walsh. Besides his skill as a trial lawyer, Byron was also an acute businessman who anticipated many of the changes which were occurring in the legal marketplace. He and Rene lived in the Ventura Keys for many years, and moored to his dock was the "Blue Pearl," an ocean-going sailboat that gave him many relaxing hours. He and Rene hosted a "Soups On" party

every holiday season in connection with the Parade of Lights. Soup and refreshments were served in abundance.

Byron retired in 2000 and moved to Somis where he unleashed his boundless energy on the golf course at Saticoy. He also was a volunteer with the VLSP, offering pro bono legal services to the indigent.

Although he was justifiably proud of his courtroom skills, Byron was also a good husband and a good father. He was a good lawyer, a good partner, a good host, and a good man. Requiescat in pace.



*Judge Harry Walsh was Byron Lawler's partner for many years, before his 1998 appointment to the Ventura County Superior Court.*



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Dear Colleagues in the Ventura County Bar Association,

It has taken me sixteen years, but I have finally completed my opus and feel the time is right to release it into the literary world. Representing an innocent man is the scariest moment in my profession and when that man had been sentenced to forty-four to life in prison for a murder he didn't do, the intensity was off the charts. Thankfully I had help from our District Attorney's office, local enforcement, and another defense attorney who is now a judge. "When Darkness Reigns" is a complete expose on a criminal justice system run amok. From the streets of the Colonia in Oxnard California, to Pelican Bay State Prison, to the Hall of Justice in Santa Barbara this book covers it all. It is now available through Amazon / Kindle . I would be honored if you gave it a read.

All the best,

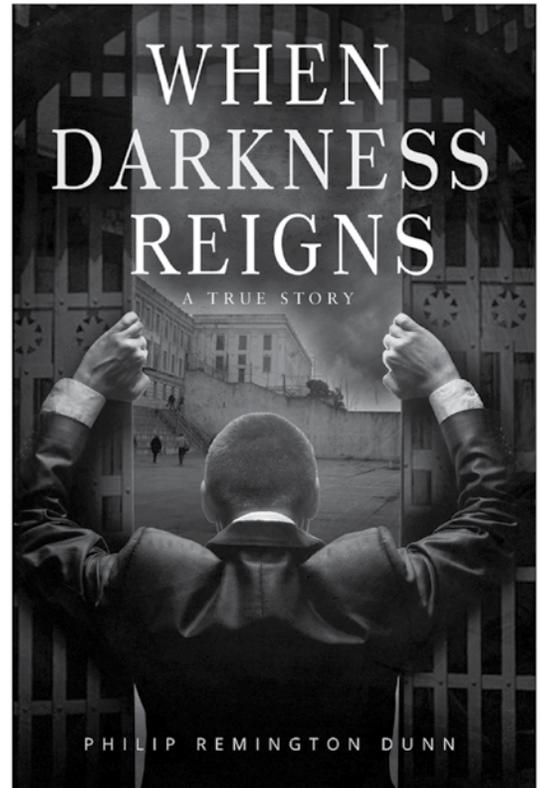
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# Exec's Dot...Dot...Dot...

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



The **Hon. Colleen Toy White** has been awarded the 2016 Benjamin J. Aranda III Award. First awarded in 1999, the accolades are named for Judge Benjamin J. Aranda III, the founding chair of the Judicial Council's Access and Fairness Advisory Committee. The award honors a judge or justice who is noteworthy for their efforts to improve access to justice, particularly among the poor. Judge White started the Drug Dependency Court Program in 2000. On her desk sits a photo of fifteen mothers who were graduates of the program then. "There's a lot more to life than crime and punishment and putting people in jail." "We deal with people's lives literally being turned around."... Judge Alex Kozinski, who serves on the U.S. 9th Circuit Court of Appeals, has had enough of "sly lawyers" who flout court rules with their verbosity. According to the *LA Times*, in a mundane order from the court Aug. 11 giving a California State prosecutor permission to file an overly long brief, Kozinski dissented and said he would not read the additional fourteen pages. "Sly lawyers take advantage of this institutional inertia to flout our page limits with impunity,"



Kozinski wrote. "This encourages disdain for our rules and penalizes lawyers who comply."... **Juan M. Higuera**, a former prosecutor, civil litigator and teacher, has joined the law firm of Hathaway Perrett Webster Powers

Chrisman & Gutierrez as an associate. He may be reached at 644-7111 or [jhiguera@hathawaylawfirm.com](mailto:jhiguera@hathawaylawfirm.com)...



**Robert "Bob" Owens** has been training with Buena Ventura Masters Swim Team at the Kimball Park pool in Ventura. Last year, Bob swam on a 4 x 50 yard freestyle relay that won the National Championship in the 65-69 age group. This month, he swam in Northern Idaho at the 1.76 mile Long



Bridge swim and won the age group... The State Bar of California Board of Trustees on July 22 elected James P. Fox as president of the State Bar of California for 2016-2017. Mr. Fox is a former San Mateo County District Attorney who practiced law for more than 46 years in the county where he was raised. He will be sworn in as the 92nd president on Oct. 1 at the State Bar's 2016 Annual Meeting. "I'm honored to serve in this role to ensure the State Bar fulfills their mission of regulating attorneys and improving the justice system to protect the public."...



Congratulations to **Rachel Coleman**, a Barristers board member and frequent contributor to this publication, for winning the "Jack It Up" cocktail contest sponsored by Winchesters Grill and Saloon in Ventura and Jack Daniels. Her potion, Cinnamon Roll, was the favorite of the judges (not ours of course) and customers... Long-time legal secretary **Mae Brooks** passed away Aug.13. She worked with **David Tredway** for more than 30 years. Her zucchini bread recipe appears on p. 13...

Jarrett Adams, who at age seventeen was sentenced to 28 years in prison for an alleged rape he didn't commit and went to law school after being exonerated, is beginning law practice in New York City. Sprung from prison through efforts by the Wisconsin Innocence Project, Adams entered Loyola University Law School and graduated last year. His wife took a job in New York City, and Adams got a job there

as a post-conviction litigation fellow with the Innocence Project there. Adams spent eight years behind bars before his release in 2007. The Project was launched in 1992 by Barry Scheck and Peter Neufeld...

Thanks to the exceedingly fine efforts of **Rabiah Rahman**, co-chair of the Business Litigation Section with **Erik Feingold**, highly sought after and renowned speaker Don Ernst will present "Stopping Financial



Fraud," on Sept. 13 at noon time inside the bar offices. Mr. Ernst was a finalist for the statewide Trial Lawyer of the Year in 2011 and acquired millions of dollars in verdicts and settlement pursuing financial fraud. See promotional brochure contained herein... **CALENDAR THIS TOO!** You all have the opportunity to see **Appellate Justice Martin J. Tangeman** present "Civil Jury Trials: A Disappearing Act?" set for Sept. 7 at the Court of Appeal in Ventura. Hosted by the Barristers, this shall be the first solo presentation by the newest appointee to our Court of Appeal. [bar@ucba.org](mailto:bar@ucba.org) or Nadia Avila at 650-7599...



Guess the owner of this attorney's license plate and make of vehicle and I will get him to buy you a lunch at a suitable locale...

**Steve Henderson** has been the executive director and chief executive officer of the bar association and its affiliated organizations since November 1990. He just returned from Rio de Janeiro late August with no Zika virus symptoms to date, no armed robbery attempts and did not medal in the pool although his compadre, Michael Phelps, did fairly well. He may be reached at [steve@ucba.org](mailto:steve@ucba.org), FB, Twitter @steve\_hendo1, Instagram at steve\_hendo, LinkedIn, Snapchat at iambendo1, or better yet, 650-7599.

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