

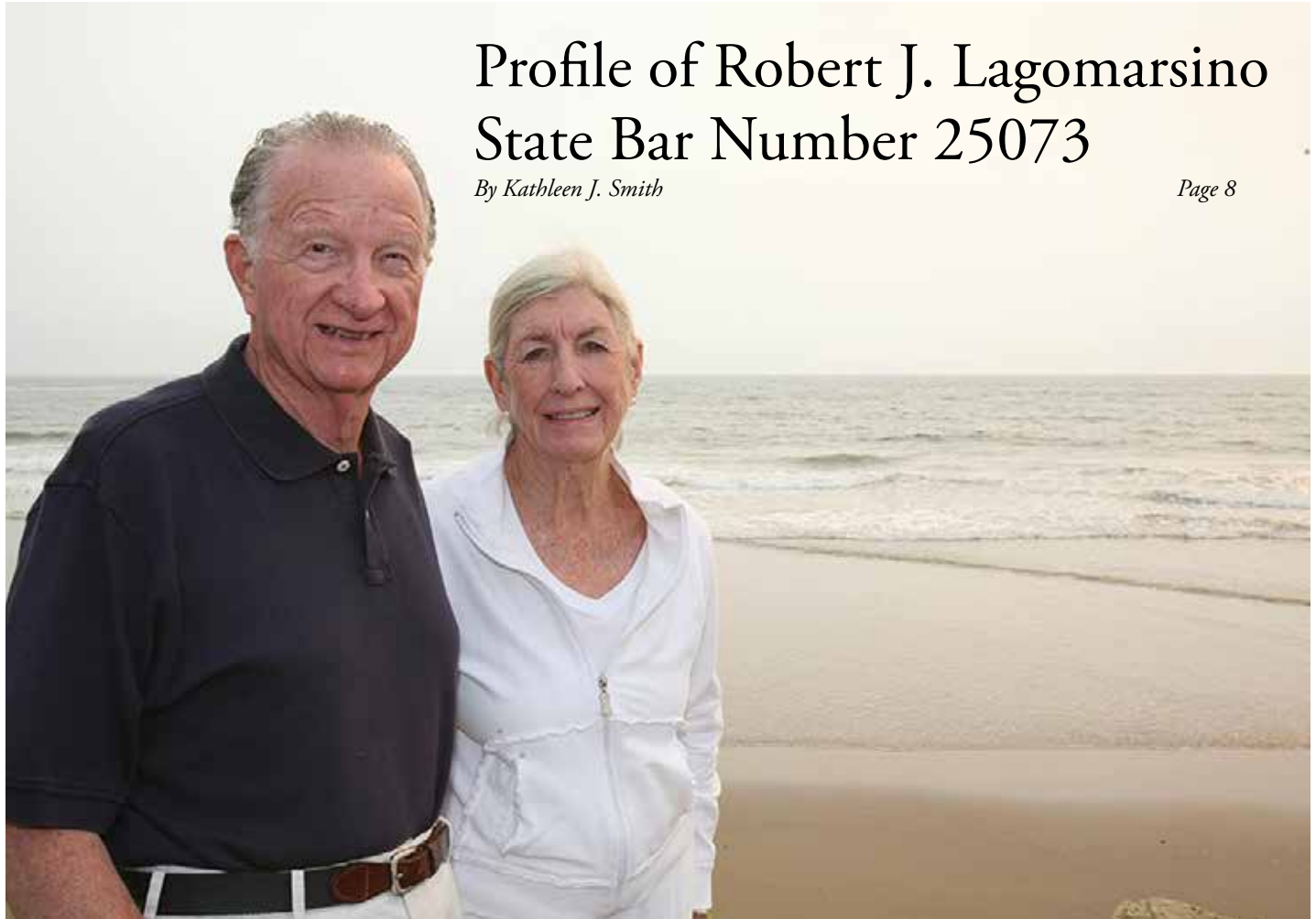


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PRESIDENT'S MESSAGE

by Erik B. Feingold

Lawyers have an image problem. It seems no matter how hard we try to improve the image of ourselves and our profession, amongst my non-lawyer friends there seems to be an endless stream of anecdotes about the stereotypical greedy and self-serving lawyers bilking their clients, committing misdeeds, and being arrogant. As part of an ongoing attempt to improve our image, last year the American Bar Association endorsed a "National Love Your Lawyer Day" resolution. Here's part of it:

WHEREAS, Lawyers have consistently been the target of verbal bashing, derogatory portrayals, and literature is rife with lawyer-bashing dated back hundreds of years; and WHEREAS, A 2013 Pew Research Center survey found lawyers last among ten professional categories for "contributions to society;" WHEREAS, According to a 2014 Gallup survey, the public perception of lawyers on honesty and ethics is an unsatisfactory 21 percent; and WHEREAS, The portrayal of lawyers in American popular culture, including on television and cinema, is largely negative, which promotes a negative stereotype of lawyers in society; and WHEREAS, National Love Your Lawyer Day was initiated in 2001 by the American Lawyers Public Image Association as a day to celebrate lawyers for their many positive contributions, and to encourage the public to view lawyers in a more favorable light; and WHEREAS, National Love Your Lawyer Day is celebrated annually on the first Friday of November; and WHEREAS, The American Bar Association has as its mission to uphold the honor of the profession of law and to this end should promote a positive public image of lawyers in the nation; and WHEREAS, The American Bar Association Law Practice Division desires to promote a positive public image of lawyers by celebrating National Love Your Lawyer Day...

The resolution is a step in the right direction, but I doubt it will do much to improve our image without work from us. That can only be done by first changing the way we behave as professionals towards our clients, each other, and the courts. But the best way to improve our image is to cast ourselves in a more positive public light by being more visible to the public doing good things for society.

David Ball, the author of the personal injury trial lawyer's bible, *David Ball on Damages*, writes, "You must let the public see that you are different from the indelible stereotypes that many now have on your profession." The easiest way we as professionals can do this is to help people in our community by doing good deeds in ways that do not profit us and to find ways to let the community know about those good deeds.

Luckily for us, the Ventura County Bar Association and its members are a step ahead of the game, and I like to think that the VCBA and its members enjoy a highly favorable public perception within our community. Indeed, baked right into the VCBA's Articles of Incorporation is its mission to, among other things, be a source for the "exertion of influence of good on the life of the community."

Many of us do this by volunteering for community events. For instance, several members of my law firm and other law

firms throughout the county are members of service organizations such as Rotary International and Kiwanis International, organizations which do countless good deeds throughout our community and around the world. Many of us volunteer as coaches for our children's sporting teams and engage in charitable pursuits such as assisting veterans, participating in canned food drives, volunteering at homeless shelters, and even traveling around the world at the drop of a hat when disaster strikes to assist with disaster relief (think **Mark Kirwin**).

We all do these things selflessly because it helps others and, in turn, projects a good image of us and the VCBA on our communities. The problem is that because these are selfless acts, we oftentimes do not publicize our good deeds. But we need to. When we don't let the public know about the good things we as attorneys do in our communities, the image of attorneys as a whole is further tarnished when some bad act by some rotten apple attorney makes the news, which happens far too often.

Luckily we live in a world of social media. We all have websites or LinkedIn accounts or Facebook pages where we can and should let it be known to friends, colleagues, and the public all the good each of us do in our communities. We owe it to the community, our profession, and ourselves.

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BRING YOUR OWN REPORTER

by Wendy Lascher

Since 2012, the Ventura Superior Court's Local Rule 18.00(F) has notified you that official court reporters are not available in most civil and family law matters, and some probate matters. The rule was revised somewhat in 2016, but it still requires parties to arrange for privately-paid reporters in most instances. See <http://www.ventura.courts.ca.gov/court-reporting.html> (but note that it links to an older version of the local rule). The policies in other counties vary, so check their local situations in advance.

Because clients often do not want to pay for court reporters (and many cannot afford them), attorneys need to be aware of the risks of proceeding without a reporter.

Rhule v. WaveFront Technology, Inc. (2017) 8 Cal.App.5th 1223 is the most recent of a series of cases penalizing a litigant who appealed without providing a reporter's transcript or an adequate substitute. The plaintiff mistakenly admitted two RFAs and moved for relief from the admissions. A minute order shows that the court granted the motion but set a future hearing on attorney fees at which the court awarded \$8,125. There was no reporter at either hearing. On appeal the plaintiff claimed there court had authorized defendant to seek only "nominal" fees for opposing the RFA motion.

The Court of Appeal affirmed because there was no reporter present. "Without a reporter's transcript or an agreed or settled statement of the proceedings at the two pertinent trial court hearings, we do not know the basis of the trial court's reasoning in awarding fees, nor can we assess the merits of plaintiff's contentions about certain rulings or statements made by the trial court during the hearings in question." (8 Cal.App.5th at 1228-1229.)

What are the alternatives? Mr. Rhule could have persuaded the trial court to issue a formal order at the first hearing imposing conditions on the fee award, and a formal order at the second hearing spelling out its reasons for the fee award. But an explicit order will not always do the trick. The no-transcript, no reversal rule is not limited to law and motion or attorney fee hearings. An appellant who does not provide a

reporter's transcript of trial testimony, or an agreed or settled statement in place of a reporter's transcript, waives the right to claim there was insufficient evidence to support the judgment. (E.g., *Foust v. San Jose Construction Co., Inc.* (2011) 198 Cal.App.4th 181, 186-187, citing eleven examples of proceedings where a party lost because there was no transcript.) The waiver principle stems from "the cardinal rule of appellate review that a judgment or order of the trial court is presumed correct and prejudicial error must be affirmatively shown." (*Id.* at 187.)

One other alternative to a reporter's transcript is an agreed statement. (Cal. Rules Ct., rule 8.134.) Since this requires a stipulation from opposing counsel about the issues and facts, an agreed statement is difficult to come by. The rules also permit a party to use a settled statement. (Rule 8.137.) At best, obtaining a settled statement is slow and consumes significant attorney time. One possible way to

prepare one is from a recording (digital, audio or video) of courtroom proceedings, assuming a recording is available. In that case, someone would have to transcribe the recording, or at least listen to and paraphrase it, accurately enough that the trial judge would be willing to use the transcription or summary as the basis of a settled statement.

There are many reasons, political as well as strictly legal, that it is so expensive to obtain a proper appellate record. Maybe a CITATIONS reader will find a way to solve the problem. Meanwhile, litigators beware: Saving money by skipping a court reporter may prove expensive in the long run.



Wendy Lascher, the managing editor of CITATIONS, is a State Bar certified specialist in appellate law. She is a partner at Ferguson Case Orr Paterson, LLP



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Profile of Robert J. Lagomarsino—State Bar Number 25073

By Kathi Smith

Now that there are over 300,000 California state bar numbers in existence, attorneys with five digit bar numbers are becoming more fascinating all the time. Ventura County has an uber-low numbered attorney who is still a member of the Ventura County Bar Association. Robert “Bob” Lagomarsino, state bar number 25073, was admitted to the bar in 1954. He was 27 years old. By that time, Lagomarsino was a war veteran and a father.

Lagomarsino enlisted in the Navy at 17, while still enrolled in high school at Ventura Senior High School. His parents forbade the enlistment until Lagomarsino completed high school, so he accomplished that in six weeks. Lagomarsino was stationed at Terminal Island when he got a civilian speeding ticket. When the Navy learned of it, they gave him extra duty and ordered him to the prisoner-at-large shack. There, his chief petty officer—unable or unwilling to learn to pronounce “Lagomarsino”—ordered, “When I say ‘Murphy,’ you say ‘here.’”

The Navy trained Lagomarsino as a pharmacist’s mate and then a dental technician. Lagomarsino spent two years caring for sailors as World War II ended, helping pull their teeth as they cruised home from Japan in 1946.

Even after all his naval medical training, Lagomarsino never developed an interest in attending medical school, and aimed for law school. Upon military discharge, Lagomarsino enrolled at University of California, Santa Barbara to study economics. There, he founded the Delta Sigma Phi fraternity with a friend, but the fraternity eventually went defunct. Of course, this was not due to any misconduct on his part.

Lagomarsino was married while in college, and had a daughter while in law school at Santa Clara University Law School. In college, he supported the family by working for Lagomarsino Wholesale Beverage Co. In law school, his wife Maxine supported the family by working as a schoolteacher.

Lagomarsino moved back to Ventura County after passing the bar, and practiced in Ventura and then, in Ojai with **Jack Fay**. Lagomarsino then started a law firm



in Ventura: Danch, Farrell & Lagomarsino. He estimates he had about ten jury trials during his years of practicing civil law. Then Lagomarsino entered politics, and eventually went on inactive status with the State Bar in 1996.

Lagomarsino’s political life started when he was disappointed in his wish to be appointed to the Ojai Planning Commission, and decided to run for election to the Ojai City Council. Lagomarsino was elected in 1958 and the council selected him as mayor. In 1961, the local State Senator, James McBride (*see* Hwy. 101 “Senator James J. McBride Memorial Bridge”), passed away in office, and Lagomarsino ran as a Republican in the special election to fill the seat. Without winning a majority, he was elected by a plurality when the two Democratic candidates split the vote.

Lagomarsino made good legislative friends in Sacramento, and is proud of his legislative accomplishments in the state senate. He used personal friendship to win approval of criminal justice bills. Sen. Phil Burton danced with Lagomarsino’s second wife, Norma, at dinner one evening after Burton’s criminal procedures committee had rejected seven of Lagomarsino’s bills. Burton told Lagomarsino, “I’ve been thinking about your bills while I’ve been dancing with your wife, and two of those bills aren’t so bad. Bring them back tomorrow and we’ll vote them out of committee.” When Lagomarsino attended

the next day’s hearing, but, the committee started shooting down the bills again. Lagomarsino asked why, and Burton said “The wrong member of your family is presenting them!” Relenting, Burton said, “Well, I had two dances with your wife, so we’ll move two of your bills out.”

Lagomarsino fondly recalls when Attorney General Evelle Younger labeled him “Law Enforcement’s Best Friend in Sacramento.” Lagomarsino says this was hyperbole, since future governor George Deukmejian served in the legislature at the same time, and truly owned that title. While in Sacramento, Lagomarsino also sponsored environmental legislation improving air and water quality around offshore oil drilling.

Lagomarsino did not have a burning desire to leave the state senate and go to Washington, DC, particularly because DC is so far from Ojai. And, Congressional terms are two years instead of the longer state senate terms, requiring more frequent campaigning. Nevertheless, Rep. Charles Teague died in office, Lagomarsino ran in the 1974 special election and won. In Congress, Lagomarsino authored the legislation that made Channel Islands National Park. He was acquainted with the owners of Santa Cruz Island, who had dedicated their island to a land conservancy, “for the future,” as Lagomarsino says.

Lagomarsino served nine terms in Congress, until 1993, when redistricting put him in

Elton Gallegly's district and he decided to move to another district. That decision resulted in losing his seat.

Lagomarsino is philosophical about his political career. Opportunity is like a bus, and if the bus arrives at the stop where you are, you can get on, or not. He feels fortunate to have been at the right bus stops when the right buses stopped there, but also observes that he was willing and able to get on the buses that came his way.

Lagomarsino resides at Solimar Beach in Ventura now, neighbors with **Roger Myers**. Lagomarsino is not a surfer, but enjoys living near the ocean. He can probably see the Channel Islands from there, since the air is clean due to his legislation in Sacramento, and the islands are wild due to his legislation in DC.



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is an associate at
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Read more about
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TRIAL LAWYER OF THE YEAR



Erik Feingold presents VCTLA's annual award to John Howard, represented here by Al Templeman.

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A view from the watershed

I swear it's true, or ought to be.

by Jay C. Smith

Here's the third half of my column on the practice of law and small-t truth.

I started this column because of a change in the Uniform Interstate Family Support Act, from requiring affidavits from out-of-state witnesses to allowing the use of declarations under penalty of perjury.

State Headquarters for my employer, DCSS, has a unit that analyzes changes in the law and puts on training sessions for county-level folks to be trainers back at the local offices. I was sent to Sacramento to become a trainer on UIFSA 2008. The goal at the state level is to make the training simple and clear.

I'm sure you know that sometimes a lawyer's goal is to make complicated things simple, but other times it is the lawyer's job to make simple things complicated. I can work at either approach, but my talents tend to lean toward the complicating things side of the profession. "It all depends," is my watch word, and I don't consider "nitpicker" a criticism. I also fully accept something Roger Randall once told me: if you're going to be a real lawyer, don't refer to "loopholes" or "technicalities." They are provisions of the law, and they either apply or they don't.

The folks at the state headquarters training are smart people, but most of them I encountered were in the job they were because they didn't much cotton to dissension and uncertainty. Of course, dissension and uncertainty – and worse – is the life of attorneys who go to court. I didn't mesh as well as I should have.

Don't get me wrong. I like "simple and clear" well enough; it is just that I am biased toward "accurate," that deadly enemy of simple and clear. As science fiction writer Poul Anderson said, "I have yet to see any problem, however complicated, which, when you looked at it in the right way, did not become still more complicated."

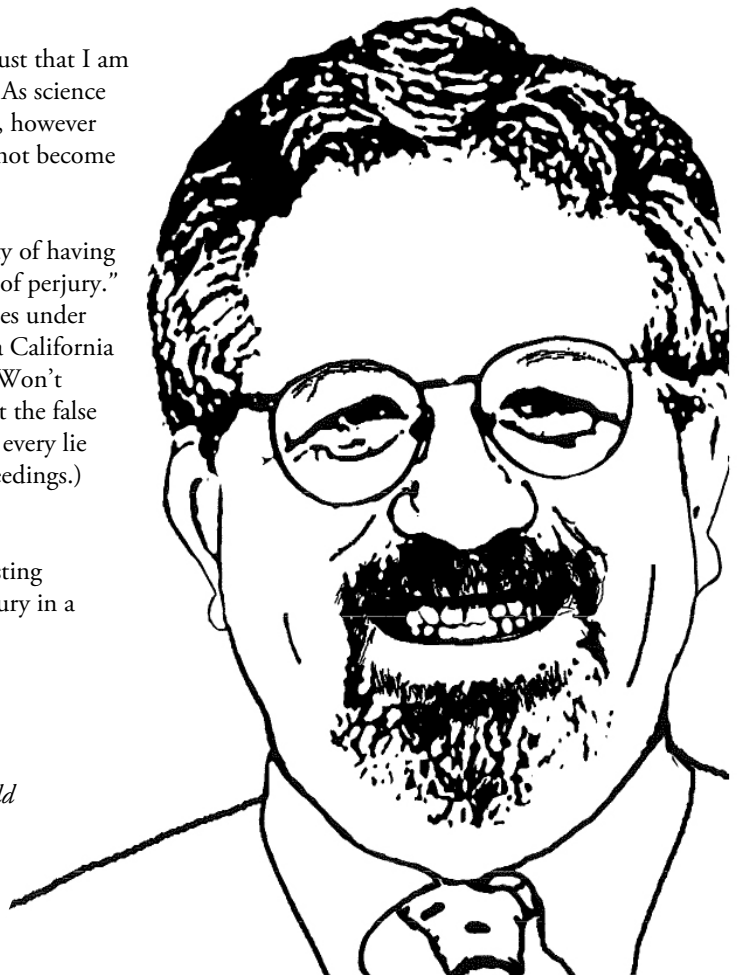
For example, I was not as sanguine as my trainers about the utility of having out-of-state witnesses present declarations signed "under penalty of perjury." I had concerns about complications. If an Ohio resident subscribes under penalty of perjury to a (false) declaration intended to be used in a California court case, do we try the person in California or Ohio or either? Won't the evidence that it was false be in Ohio? Won't the evidence that the false statement was material to the proceedings be in California? (Not every lie in a declaration is perjury; it has to be a material fact in the proceedings.) And so on.

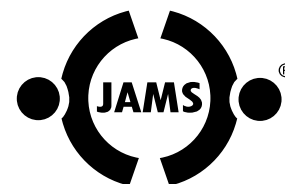
My trainers were too nice (or too naive) to say "Why are you wasting our time talking about this? No one ever gets prosecuted for perjury in a family law case! Why would it start now, over state lines?"

That might be the truth, but it's not the whole truth.

Jay C. Smith is an attorney at the Kern County Department of Child Support Services. He was in private practice for 25 years before that.

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BARRISTERS' CORNER

by Brian Israel

This year's "Meet the Bench" MCLE series, presented by Barristers, commenced April 20 with the **Honorable Kevin DeNoce** speaking to a crowded courtroom 43. The 40-plus Ventura County Bar members and friends were able to soak in Judge DeNoce's knowledge of civil pre-trial and trial procedural issues.

If you ever have a matter going to trial in Courtroom 43, you are required to sign a copy of his Civil Jury Trial Memorandum. This all-encompassing document is an incredible resource for those who practice before Judge DeNoce. **Rachel Coleman's** article on Judge DeNoce in the March issue of Citations tells you more about the memorandum and the man. Thank you for your support, and we hope to see you at the next Barristers event.

Ventura County Legal Aid

As summer begins to round into form, Barristers are actively continuing their commitments to Ventura County Legal Aid. Though Legal Aid soon takes a break (it runs on the VUSD school year calendar), you will continue to see Barristers volunteering when Legal Aid begins again in August. If you have not already volunteered for Ventura County Legal Aid, please consider doing so. Not only will it give you the "feel goods" helping members of our community out; it is a valuable legal and social experience. Yes, social! When not helping a client, the networking and chitchatting is top notch.

Save the Date

The Business Litigation section, along with Barristers, is set to host attorney Robert A. Curtis from Foley Bezek Behle & Curtis, LLP on Tuesday, July 11 beginning at 12 p.m. Mr. Curtis will be speaking on trial preparation, including taking effective depositions in preparation for trial. This is a must-attend, especially if you are thinking to yourself, "my case hasn't settled, am I ready to go to trial?"



Brian C. Israel is an associate at Norman Dowler, LLP in Ventura. He serves on the Barristers Board as its Secretary.

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DON'T BELIEVE EVERYTHING YOUR (PROPERTY) INSURANCE ADJUSTOR TELLS YOU ©

By Mark E. Hancock

You make a claim under your property insurance for damage to your home. Your insurance company sends people to poke around, cut a hole in your floor, and explore underneath. The adjustor says she's sorry, but the loss is not covered. She cites to policy language. Do you believe her and let things go?

Adjustors usually aren't lawyers. They are often employees of the insurance company. The people who looked at the house were paid by the insurer, too. Especially if your loss is large, spending a little money for legal help is not only a right, but also a good investment. Sometimes even if a policy can be read in a way to exclude coverage, such language may not be enforceable and/or another interpretation does support coverage.

Vardanyan v. AMCO Insurance Company (2015) 243 Cal.App.4th 779 shows how lawyers can help. Policies are different and there really is no substitute for analyzing them. Knowledge of insurance law is also important.

In *Vardanyan*, the insured made a claim for damage to a home he rented out. Among other things, floors had sunk. A structural engineer, hired by the insurer, cut a hole in the floor to gain access to the subfloor. He found the bathtub and toilet leaked. He also found leaks in the roof, rain gutters in disrepair, improper construction of the subfloor area (i.e., no proper ventilation), termite damage and decay. The adjustor denied the claim, citing a number of exclusions, including ones for: seepage of water from a plumbing system, deterioration, wet or dry rot, settling of floors, water damage, and faulty workmanship, construction and maintenance. Slam-dunk for the insurance company, right?

Some people might jump to the conclusion that the loss is not covered because such things sound a little like maintenance and slow leak issues (items often not covered by property policies), but that's not reading the policy and that's not looking up the law either.

The insured went to a lawyer and sued for breach of contract and bad faith. The policy was an all-risk policy. It excluded collapse, other than as provided in "Other Coverages 9," which provided coverage for losses involving collapse of a building "caused only by one or more" of a list of perils, including hidden decay, hidden insect damage, and weight of people, etc.

The insurance company argued that there should be no coverage if the cause of the collapse involved any peril other than those specifically listed. This would effectively put the burden of proof on plaintiff.

Plaintiff's counsel argued that this was tantamount to directing a verdict in favor of the defendant and, sure enough, the court directed a defense verdict.

The Court of Appeal reviewed de novo, and reversed. It pointed out that the apparent conflict between Insurance Code sections 530 and 532, about coverage where there is more than one cause of a loss and where an excluded peril may have contributed, was resolved by *Sabella v. Wisler* (1963) 59 Cal.2d 21, which articulated the "efficient [proximate] cause" rule:

[I]n determining whether a loss is within an exception in a policy, where there is a concurrence of different causes, the efficient cause – the one that sets others in motion – is the cause to which the loss **is to be** attributed, though the other causes may follow it, and operate more immediately in producing the disaster.

The "efficient proximate cause" has also been called the predominant cause, or the most important cause of the loss. When a covered peril is the efficient proximate cause of a loss, the loss is covered, regardless of other contributing cause(s); policy exclusions are unenforceable to the extent that they conflict with Insurance Code Section 530 and the efficient proximate cause doctrine. Insurance companies cannot contract around the doctrine. The policy's "only by" language did not control. (*Vardanyan*, *supra*, 243 Cal.App.4th at 793.)

The *Vardanyan* court emphasized that one can't offer coverage for a certain peril (like hidden decay and/or hidden insect damage) and then exclude coverage for a loss caused by a combination of that covered peril and an excluded one, without determining whether the covered peril was the predominant cause of the loss.

The *Vardanyan* court did more here than just say the loss could be covered. Pointing out that the policy was an all risk policy [where the policy covers all risks save those specifically excluded], the court also stated that the burden was on the insurance company to prove the loss was excluded, rather than on the insured to prove it was covered. (243 Cal.App.4th at 797-798.)

Lawyers, in other words, showed there was more to coverage here than met the eye at first glance.

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Mark E. Hancock is an attorney with offices in Ventura. He enjoys helping people with claims under all types of insurance policies.

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

by Steve Henderson, M.A., CAE



Jurors in Jacksonville, Florida, on May 19 awarded \$100,000 to a woman who said she was severely burned when the lid popped off a cup of Starbucks coffee she received at a drive-through window. Jurors found Starbucks was 80 percent at fault for the 2014 coffee spill that left Joanne Mogavero with first and second degree burns, reports the *Wall Street Journal Law Blog* and the *Florida Times-Union*. The suit had contended that the lids on Starbucks cups are prone to pop off when someone grabs too high on the cup. Naturally, Starbucks will appeal... The Reape-Rickett Law Firm is announcing the addition of **John F. Grannis** to their outfit. (818) 888-1144 for congratulations...



DK Law Group, LLP proudly welcomes new shareholders **Kim Offebacher** and **A. Scott Brown**. Welcome them at (805) 498-1212 or www.dk4law.com... A former judge in North Carolina has avoided prison time for offering cases of beer and \$100 cash to obtain his wife's text messages from an FBI task force officer. Former Judge Arnold Ogden



Jones II of Wayne County was sentenced to probation on May 17, reported the AP. Prosecutors said Jones wanted to obtain the texts because he was suspicious that his wife was having an affair. Go figure... Erwin Chemerinski has been selected as Dean for the University of California Berkeley School of Law. Chemerinski, the founding dean of the Irvine School of Law, is scheduled to start July 1. The constitutional

law scholar previously served as a professor at Duke University and USC Gould School of Law...

By the time you read this column, you'll have heard who won the Ventura County Trial



Lawyers Association's Trial Lawyer of the Year held May 23 (John Howard). What you won't know is the list of nominees in its entirety. That prestigious list includes: **John Howard**, **Stephen McElroy**, **Irwin "Rob" Miller**, **Trevor Quirk**, **Barry Reagan** and the Team of **Dennis LaRochelle** and **John Howard**. Congrats to you all!...



A federal magistrate judge has sanctioned New York City because one of its lawyers made a "plethora" of objections during a deposition. According to a count by the opposing counsel, Amatullah Booth made more than 600 objections, and they occurred so frequently during the eight-hour deposition that they appeared on 83 percent of the nearly 400 pages of the transcript. U.S. Magistrate Judge Cheryl Pollak of Brooklyn ordered the city to pay the deposition costs as a result of the lawyer's conduct, reported the *New York Law Journal* and the *New York Post*...

Senator Dianne Feinstein's Judicial Advisory Committee process is seeking candidates for the position of U.S. Attorney. If you know of an individual you believe would serve with distinction, please encourage them to submit an application. The application is due June 16 and may be had at this website: <http://feinstein.senate.gov/public/index.cfm/application-d-jud>... The lawyer who rolled her eyes and complained that the judge's ruling was "f---bull---t" has been suspended from practice in Chicago federal court for 90 days. The Northern District of Illinois imposed the suspension on Chicago-area lawyer Alison Mota in an order made

public May 19 by the *Chicago Tribune*. A Nebraska lawyer who responded to his client's Facebook inquiries with statements such as "relax" and "this is complicated" has been suspended from practice for 90 days. The Nebraska Supreme Court approved the suspension of lawyer Dustin Garrison in an April 27 opinion noted by the *Legal Professional Blog* and the *Omaha World-Herald*. Garrison was accused of failing to adequately answer his client's questions and to explain what was happening in the client's PI suit... Southern California Institute of Law Dean **Stanislaus Pulle** is seeking professors in contracts, legal research and evidence. Contact him at 644.2327.

NOT THAT YOU'LL CARE DEPARTMENT – The California Supreme Court and the State Bar of California have concluded that electing district representatives is no longer necessary and that soon all members of the State Bar of California will be appointed by the Governor and the State Supreme Court. This is the beginning of the end of the State Bar as we have known it. Lots of changes heading our way as the State Bar becomes a regulatory agency only.

MARK YOUR CALENDARS: The Intellectual Property Section, Business Litigation Section and the East County Bar Association are presenting "Intellectual Property Enforcement in China and How Best To Do Business" on June 29 beginning at noontime inside the Los Robles Greens, Thousand Oaks. Speaking: Aaron Hurvitz is Of Foreign Counsel with Kangxin Partners, P.C. Call Lisette Hernandez at 650-7599, register online at vcba.org, or catch the flyer in this month's CITATIONS.

Steve Henderson has been the executive director and chief executive officer of the bar association and its affiliated organizations since November 1990. He won the \$100,000 pool by picking the Cavaliers and a steak dinner with Mike Trout and Clayton Kershaw. Additionally, Henderson will share the spotlight with Katy Perry on the popular television show, *American Idol*. Henderson may be reached at steve@vcba.org, FB, Twitter at [stevehendo1](https://twitter.com/stevehendo1), Instagram at [steve_hendo](https://www.instagram.com/steve_hendo), or better yet, 650-7599.

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CITATIONS

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Mother's Day 2017

Happy Mother's Day to all of you mothers out there. Every month, I post a picture of my wife and kids on the back of Citations. I sometimes get questions about Wifey, aka Jennifer, so I would like to share my admiration to her devotion to our children this month.

I post pictures of her beauty because she works very hard to stay fit. Jen has had 10 C-sections in 16 years! After #8, she had a double hernia repair and the doctors had to get the last two babies out in a new route (more cutting). Even after 11 abdominal surgeries, a few months ago, she and her partner took first place in a regional cross-fit competition achieving the highest score in all of the age ranges. (It wasn't even close!) She has competed in four Spartan races, numerous mud runs, countless three-mile rough ocean water swim races and a half marathon. She is currently studying to be a physical fitness trainer.

Meanwhile, Jen cares for our 10 children ages 18, 16, 15, 13, 10, 8, 7, 5, 3, and 22 months. The eight year old, Patrick has diabetes and so Wifey is "his pancreas" 24 hours a day, 7 days a week. She drives kids to three different schools, softball practice, Boy Scouts, Cub Scouts, swimming lessons, piano, cello, and Irish dance practice. She cooks 19, mainly organic, homemade meals each week. She cooks 3 different menus each dinner because Kaylene's swim team diet, and Patrick's diabetic diet, have special requirements. Her menus could easily be found in a five-star restaurant.

Wifey raises and butchers chickens and a turkey each year. We have anywhere from 10 to 35 egg laying hens at a time and this year, she raised a pig. Jen plants and tends three different organic gardens and 20 fruit trees in our back yard. In her spare time, *she sleeps.*

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