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FEBRUARY - TWO THOUSAND SEVENTEEN

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## President Feingold Will Not Keep You Long

By *Eric R. Reed*

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## PRESIDENT'S MESSAGE

## HOMER SIMPSON'S ATTITUDE

by Erik B. Feingold

*The Simpsons*, America's longest-running sitcom, was recently in the news for famously predicting over sixteen years ago that Donald Trump would someday be elected President of the United States. (Season 11, episode 243.) Although the television show (of which I am a huge fan) is a satirical cartoon, most episodes touch on a number of important philosophical lessons with Homer Simpson, the family's patriarch, front and center. In part because of its newfound respect as being a prescient force in society, there is now a university course offered at the University of Glasgow on philosophy featuring *The Simpsons*.

The course, entitled "D'oh! The Simpsons Introduce Philosophy," uses the Simpsons – particularly Homer – as examples of philosophical questions around morality, religion and free will. The lead professor of the course, John Donaldson, describes Homer Simpson as a "complex" character. "He's very gluttonous, he can be quite violent and self-interested." This has to do in part because of the misfortunes that befall Homer. In various episodes he has singlehandedly caused the nuclear power plant at which he works to meltdown due to inattentiveness, been electrically shocked during a family counseling session, been shot with a tranquilizer dart after being mistaken for Bigfoot, and sustained grievous personal injuries over the years in a number of horrific falls, automobile crashes, fires and explosions. While suffering these misfortunes, Homer routinely utters the catchphrase "D'oh!," which was famously accepted into the Oxnard English Dictionary in 2002 to describe Homer's embarrassment, chagrin or misfortune.

But in spite of these misfortunes, notes Professor Donaldson, Homer Simpson is "a character that's hard not to like. He's very popular. He has a childlike joy of life, he's open to doing the right thing and he's a faithful family man."

This newfound focus on *The Simpsons* got me thinking about how Homer's balanced attitude towards life applies to the practice of law. Unfortunately, the majority of my clients have had something bad happen to them: They have been hurt due to someone else's fault, they have been lied to or someone has broken a promise to them. It would be easy for my clients to take a jaundiced view of life and society, but I have found that the vast majority of my clients have a bias towards happiness in spite of their misfortunes. With my curiosity piqued, I looked into this further and discovered a fascinating study finding that humans have "a universal human tendency" to use positive words more frequently than negative words. (Boucher, J. and Osgood, C.E., *The Pollyanna Hypothesis, Journal of Verbal Learning and Verbal Behavior*, 1969.) Subsequent research suggests people take longer to recognize what is unpleasant or threatening than what is pleasant. (M. Matlin and D. Stang, *The Pollyanna Principle: Selectivity in Language, Memory, and Thought*, 1978.) This same study also found most of us are guilty of "selective memory," by which we recall the past as rosier than it actually was. Thus, according to this study, although our minds might

focus on the negative, we concentrate solely on the optimistic and positive in unconscious ways.

As counselors to those victimized by the neglect and broken promises of others, we help both our clients, and by extension our society and system of justice as a whole, when we help clients tap into their human nature of focusing on the positive. For example, while a client might have lost money in a business transaction, I find it is helpful to remind them that they still have their health and the capacity to earn in the future. If a client has been hurt in an accident, I try to find some glimmer of hope on which they can focus their inherently positive nature, such as the fact they still have a loving and supportive family.

*The Simpsons* might not be art imitating actual life, but it offers some important philosophical life lessons which benefit us as attorneys and our clients alike.

*Erik B. Feingold is a litigator with Myers, Widders, Gibson, Jones & Feingold in Ventura. You can read all about him in this month's cover article.*

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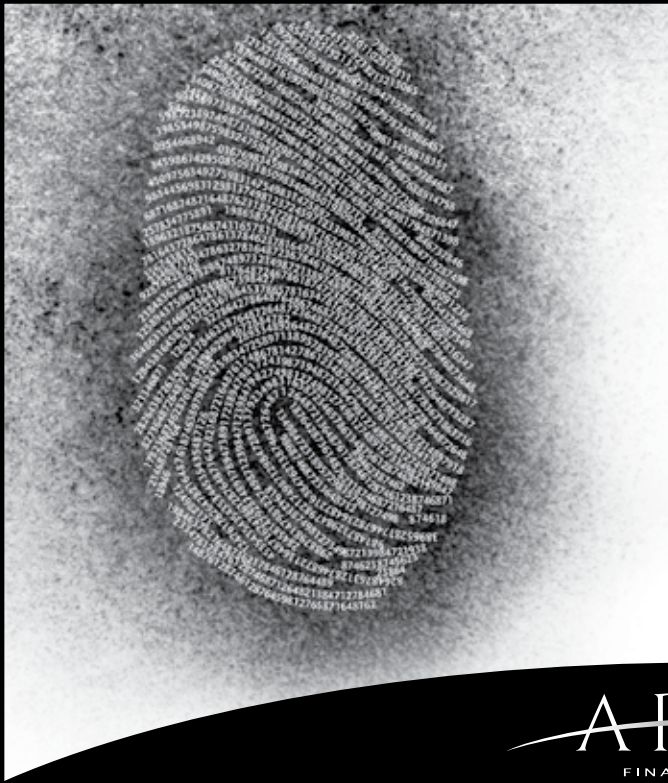


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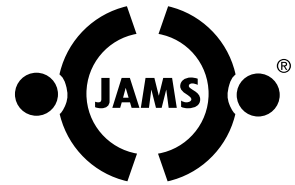


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## President Feingold Will Not Keep You Long

By Eric R. Reed

Let's start this story from the end. **Erik Feingold** stepped into his role as VCBA President with characteristic brevity on November 19, 2016. That evening, he assured Ventura County's largest annual assembly of attorneys, jurists, and shanghaied spouses (i.e., the Annual Installation and Awards Banquet) that he would not keep them long. After only a few gracious words he adjourned the audience into the Embassy Suites' Spanish Mediterranean lobby. I greeted him in person a few moments later and, in a nod to that month's electoral developments, cautioned him not to appoint notorious altright operatives to his presidential staff. Erik is now accustomed to this nonsense because he puts up with me every day; a few months prior he and his partners at Myers Widders made the uncharacteristic mistake of hiring me as the firm's newest associate.

Now let's move back ten years – almost to the week. It was late 2006. Erik and I were again together, again in Oxnard, but this time a few hundred feet above Vineyard Drive in my law firm's office at 300 Esplanade Drive. He was a senior associate at Myers Widders but only a year away from partnership. We sat on opposite sides of the table in a deposition involving an orchid farmer, a curmudgeonly landlord and a few hundred tons of mud from the swollen Ventura River. It was my first deposition and probably Erik's 200th. So I watched him closely and observed what I came to learn were his defining traits. A current of electricity possessed him. But a deferential and humble manner tempered his intensity. His objections were frequent but never superfluous or argumentative. And after this inherently adversarial encounter (and after several more in the next months) he always retreated from the *piste* and engaged me with genuine interest about whatever common ground we could find.

It ends up we had quite a bit of common ground. We are both products of the barrancas and orchards of Ventura's East End (he near Kimball Drive, I near Saticoy Avenue); both of our fathers kept us planted in the city at the expense of long commutes far beyond the Conejo Grade; we both graduated from Buena High School; we both fled to law school (he in San Diego, I to San Francisco) but quickly returned to the nest and married local girls. We each had two daughters and entrusted them to the educators in Ventura Unified School District's Spanish-English immersion program.

So when a staffing need arose at Myers Widders he hardly needed to sell the opportunity to me. I was familiar with his firm's history and his rise to named partner in 2013. I knew he maintained a steady, diverse civil litigation practice that had produced the largest personal injury verdict in our county's history. I knew he generated quality written work because I had opposed his motions. But most importantly, I knew Erik Feingold had woven himself into our community's fabric and succeeded professionally by impressing not just his clients, but his adversaries.

My proximity to Erik over the past ten years has enabled me to peek at his recipe for success. Among the ingredients is plain-vanilla diligence. As his Myers Widders colleague **Dennis Jones** recalls:

Erik has always been a hard worker. As an associate, he billed a ton of hours every year. As the firm started considering him for partnership, I told him to reduce his billable hours and spend more time on marketing, so he could develop his own clients. *That was the only time I can recall telling an associate to work less.*

Another ingredient is creativity. The law is a unique vocation in which your opponents ruminate around the clock about how they can make your life harder. The path to resolving a dispute is hardly straight. Another Myers Widders colleague **Lee Gibson** lauds Erik's ability to create and seize opportunities in difficult cases:

He took what should have been a \$15,000 policy limit auto case for a CHP officer hit by a stoned driver, developed an alternative theory against a motorcycle dealership, got the right trial team and obtained an eight-figure verdict, the largest in county history at the time. Then, using Dennis [Jones] as coverage counsel, Erik coordinated and recovered \$1,000,000 from the original \$15,000 policy. How? Due to his hard work and refusal to leave any stone unturned.

The third ingredient in Erik's recipe for success is recognizing his role in each clients' life. Erik empathizes with the human being who must who must open and pay his invoices on the 15th of each month while receiving nothing tangible in return. Every matter provides him with a chance to demonstrate that attorneys do more than "sip lattes" (his words) in Class A office space. We are akin to the port pilot whose familiarity with the obstacles and eddies of our waters obligates us to navigate passengers quickly, affordably and safely to the quay.

I recommend you introduce yourself to Erik if you have not already. You can find him at VCBA Board meetings, VCTLA events (he remains its Secretary), Downtown Rotary (he's a two-term board member), or dutifully perusing Vons on Thompson accompanied by any combination of Stella, Sloan and/or Shauna Feingold. Or you might find him climbing Gridley Trail on a mountain bike at speeds faster than most of us ride downhill.

I must confess we here at Myers Widders are a bit anxious for December 2017 to roll around so we can have more of Erik to ourselves. But for the next ten months he is mostly yours and, we assure you, he will make the most of it.



**Eric R. Reed** is an associate at Myers Widders Gibson Jones & Feingold and assures Mr. President that writing this piece did not delay those demurrer oppositions he requested last Friday.

## BARRISTERS CORNER

By Joshua S. Hopstone

I moved to Ventura in summer 2010 with no prior connection to the community. By some miracle, I had convinced the good people at Ferguson Case Orr Paterson to give me a chance. After taking the bar exam, I packed what belongings I could fit in my Subaru, sold or ditched the rest, drove 2,400 miles, and found a small apartment off Telegraph Road. The evening before my first day, at the invitation of **Doug Goldwater**, I attended the Barristers Wine and Cheese Mixer at the offices of Lascher & Lascher on Poli.

In the interest of good first impressions, I showed up right on time. (Oh how times have changed...) The first person I met was the gracious host. I remember **Wendy Lascher** as warm, funny, welcoming, and seeming as if she was genuinely interested in what I had to say. More and more lawyers arrived, and one after the next left a similar impression that I was welcome here. Before long the house was packed. A few common characteristics started to appear.

The number of experienced attorneys and judicial officers in attendance spoke volumes of their commitment to the community. (Wasn't this supposed to be a young lawyer event?) Folks generally acted kind and encouraging toward me as a newcomer, but amongst each other, a deeper, preexisting set of relationships began to appear. These people knew each other, *liked* each other, and for some bizarre and inexplicable reason, seemed to be genuinely happy in their careers as attorneys. I did not yet know all that was in store for me. But after a glass (or two) of pinot and a panoramic sunset glistening off the bay, I started to feel that I had chosen the right place to start a new chapter.

Fast-forward six years, and it is my honor to assume the role of Barristers president. This will be an excellent year by any measure. The Barristers continues to grow and improve, and is well positioned to keep up that momentum in 2017.

Our principal social events this year will include Game Night on March 16 at Victoria Pub; Trivia Night on May 18; Wine and Cheese Mixer on Aug. 17, and

*Continued on page 17*



Richard M. Norman, Esq.

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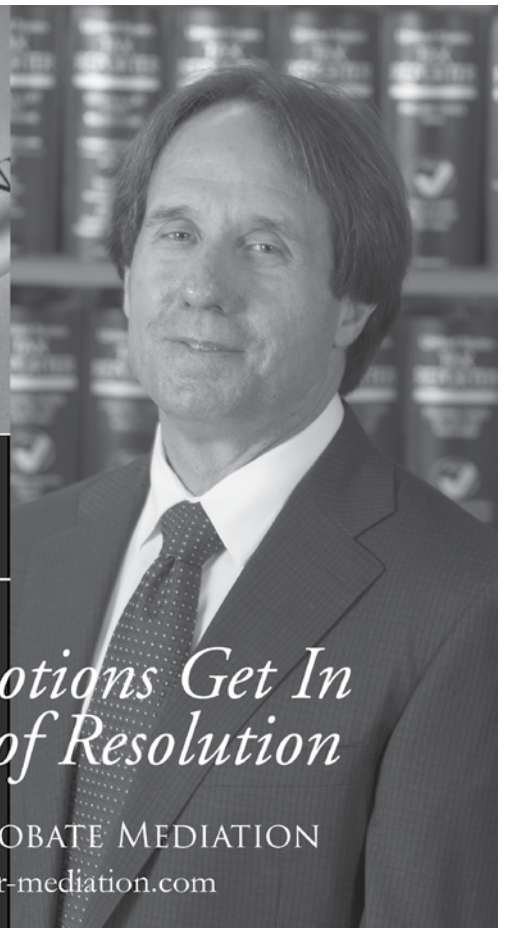


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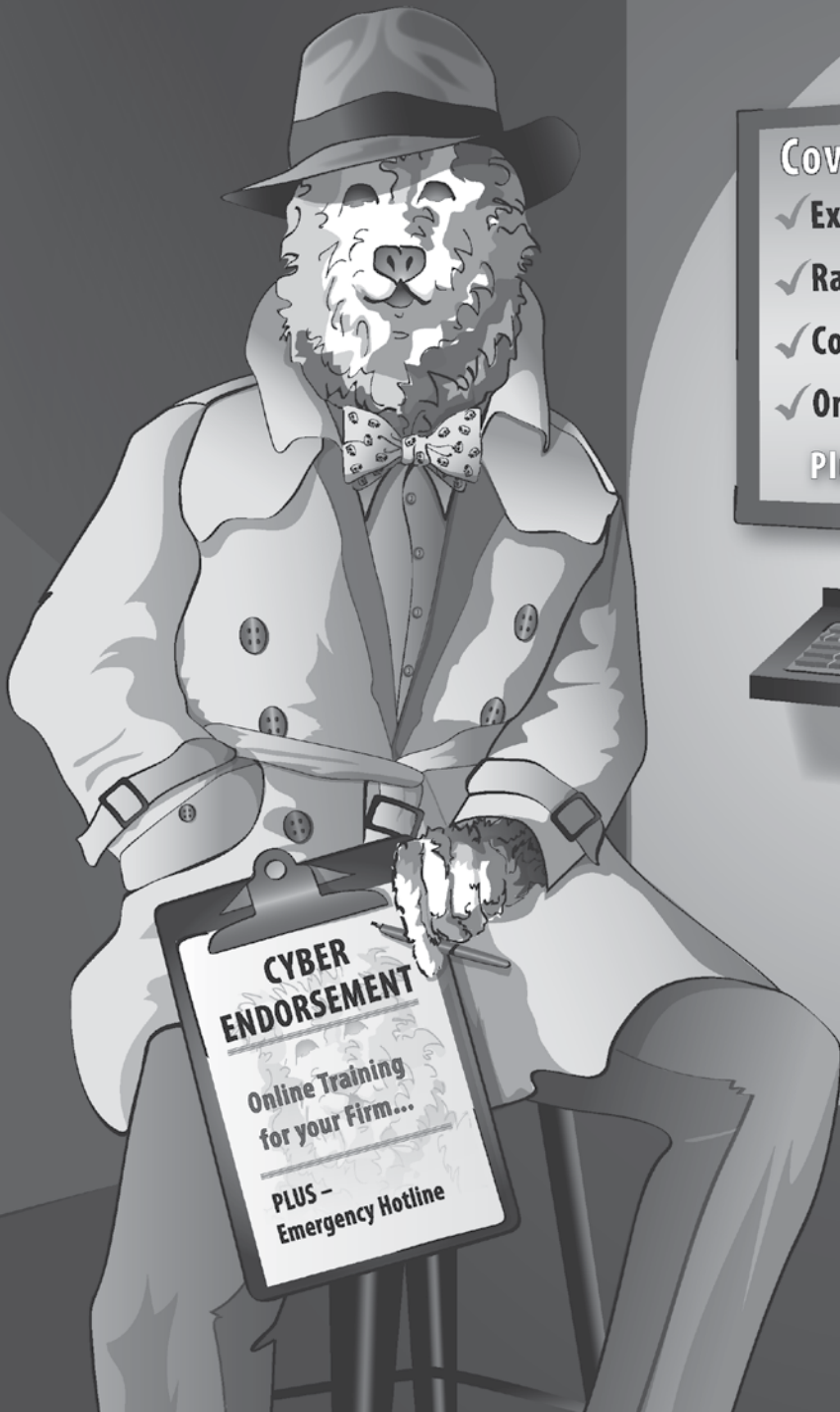


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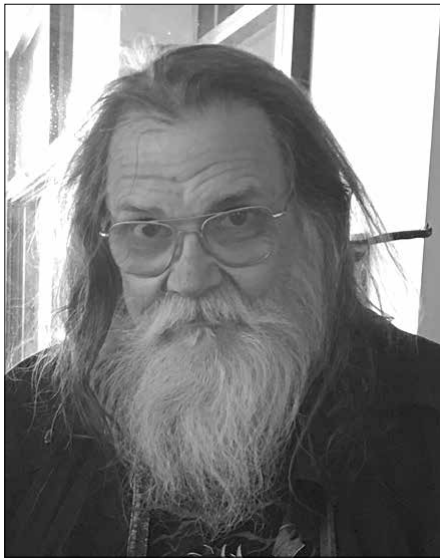
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**James Thomas Holmes** was a real property attorney for over 30 years and a fixture in the Ventura Unlawful Detainer court. After a brief illness, he passed away Dec. 10 at the age of 66.

Jim, who maintained a fiercely private life, was a Boy Scout and an avid high school baseball player. He married his high school sweetheart, Jana Lee Benson, in 1972, immediately before Jim's voluntary Army deployment.

When Jim returned to the U.S., he was honorably discharged and played baseball at Southern Utah State College. Jana and Jim moved to Oxnard in 1978 so he could attend Pepperdine University SOL.

**Esther Sorkin** worked with Jim at Howe & Holmes in the early years of his practice. She remembers Jim's love of coaching a local softball team and his generosity. "There were times Jim really wanted to get on his white horse and go out to battle for someone who was mistreated," she said.

Thirty years ago, Jim mentored **Blake Wade** as a client and later opposed her when she became an attorney. He was generous with his time and advice. Wade remembers he was a zealous advocate for his clients and a showman in court. "He once showed up with a poster-sized picture of a mouse in a Cheetos box to prove rodent infestation and uninhabitability by showing mice had taken over a property."

Wade says that Jim would champion a client when no one else would, and even

## JAMES T. HOLMES

by Alfred Vargas

spend his own money if a client could not pay. Also, he would not take a client's money if he thought they were wrong in the matter. Most of all, Wade will miss the back-and-forth exchanges she and Jim had about the law. "He would find an obscure case on point and beat you over the head with it in court," Wade said. "In the same conversation, I could admire him and be pulling my hair out, but above all we were friends."

**Bill Schneberg** remembers Jim from Jim's first year as an attorney over 34 years ago. Schneberg says Jim represented landlords in evictions, but his true passion was representing tenants. "I think it allowed him to be creative and to show his in-depth knowledge of this area of law. Jim loved introducing graphic pictures in eviction cases; pictures of backed up sewage, rats, cockroaches, and mice have a certain 'ick' factor that is difficult to overcome. I once teased Jim that a certain picture of a mouse looked like the same mouse that was in another trial of a few years earlier!"

Schneberg recounts discussing the merits of his cases with Jim out in the court hallway. One discussion was so loud that the bailiff came out of the court into the hall to calm them down. Schneberg said, "I don't remember who won that case, but what I do remember is Jim called me about 3:30 that afternoon to give me a cite of a case that he knew I needed."

Schneberg is quick to point out that Jim's passion was never personal. "He zealously represented his client, and he would argue the law to benefit his client, but after the case was over, he would assist other attorneys, including me, in any way he could. Jim Holmes' attitude represented the 'best' of our profession."

Phil Garrett and Lidia Barragan were Jim's friends and associates. Garrett remembers Jim's fondness for cats. Barragan remembers Jim's passion for locomotive trains. More importantly, she recounts Jim's love of the law, having assisted him for the last seventeen of the 23 years she knew him. "He lived to be an attorney."

Barragan says it did not matter if a client lacked funds to pay. Jim just wanted to help people because he "believed it shouldn't matter if people had money or not as everyone deserves legal representation if they can't afford it." However, "he wouldn't take anyone's money if they didn't have a case," she said. Jim once quipped that if he ever had a windfall large enough, he would close his practice and open a free legal clinic.

Garrett and Barragan explain that when it came to other people's money, Jim was very ethical. "He once drove back to In-N-Out Burger to return six cents because the cashier gave him too much change," Barragan recounts.

In 2004, Jim went into a four-month coma as a result of complications after surgery. He "coded" seven times during that period. His wife refused the doctors' recommendation to pull the plug on him and was by his side the entire time. One day, Jim woke up, saw his wife beside him and said, "Hi Jen." Jim awoke thinking it was the same day as his when he went under. After he recovered, Jim found it hard to walk and thereafter used a wheelchair. Barragan remembers that Jim said, "I don't care if my body doesn't work as long as I can help people."

Barragan will remember him for his kind heart and generous nature. On Dec. 10th, he asked her, as he would during the holidays, to take some of his money and buy toys to make his annual donation to Toys for Tots. She did, and then he was gone.



*Alfred Vargas is a CITATIONS' Editorial Board member and maintains a private practice. He encountered Jim's love for legal debate opposite Jim on many cases as a Legal Aid attorney and beyond.*

# THIS ISN'T SPONSORED CONTENT, BUT WE'D TELL YOU IF IT WERE

by Lauren Clark Rad

Advertising dollars, like water, flow toward the path of least resistance. Where there is an easy buy with an acceptable rate of return, advertisers will be not far behind. Social media have opened new avenues for advertising partnerships, but these new kinds of advertisements also carry hidden risks.

## How Native Content Advertising Works

Print, radio and television advertising is alive and well, but modern consumers don't like feeling that they've received a sales pitch. They also tend not to respond as well to traditional advertising that is trying to sell something.

When blogs first took off in the mid aughts, advertisers thought that banner ads were the new frontier. Eventually, though, Internet users installed software like AdBlocker or just ignored the banner ads. Companies were no longer getting the expected return.

Beginning around 2010, advertisers started focusing on sponsored content. Depending on the size of a blogger's following, companies would send the blogger free product in exchange for a feature on the blog – or even pay a fee for the blog feature. The goal of advertising via sponsored content (also known as native content) is to blur the lines. The more an ad feels like a recommendation from a trusted friend, the more a reader is likely to try the product.

Sponsored content is big business now, with multi-post campaigns across several platforms (blogs, Instagram, Twitter, Facebook, Snapchat), official non-celebrity brand ambassadors and many people making their entire living from generating native advertisements through their social media accounts.

## Federal Trade Commission Regulates Native Content Advertising

Section 5 of the Federal Trade Commission Act prohibits “deceptive acts or practices in or affecting commerce.” (15 U.S.C. § 45(a).) An advertisement falls within that definition (1) if it is likely to mislead

consumers acting reasonably under the circumstances (2) in a way that is material. (*FTC v. Gill* (9th Cir. 2001) 265 F.3d 944, 950.)

The FTC has promulgated regulations and published explanatory guides to help advertisers comply with the law. The FTC's endorsement guidelines, found at 16 C.F.R. § 255, were last updated in 2009. Later revisions to the FTC's Frequently Asked Questions further address those issues. The regulations, guides and FAQs clarify the standard for deceptive advertisements. If knowing about the gift or incentive provided in exchange for the posted content would affect the weight or credibility that readers give to a recommendation, the recommender should disclose the compensation. (16 C.F.R. § 255.5.)

## Staying Out Of Trouble

In theory, it should not be difficult to comply with these guidelines, but for one wrinkle: rigid compliance with the guidelines often defeats the purpose of native content advertising. If the goal of this type of advertising is to make it seem like one is not advertising, then a blatant disclaimer that says, “I received compensation in exchange for this product review,” punctures the illusion.

The FTC requires that disclosures be understandable to the consumer. That means no

- Technical or industry jargon;
- Use of different terminology to mean the same thing in different places on a publisher site;
- Use of the same terminology to mean different things in different places on a publisher site;
- Terms that customarily have different meanings to consumers in other situations;
- Unfamiliar icons or abbreviations; or
- Company logos or brand names unaccompanied by a clear text disclosure.

(Fed. Trade Com., *Native Advertising: A Guide for Businesses* <<https://www.ftc.gov/tips-advice/business-center/guidance/native-advertising-guide-businesses>> (as of Jan. 19, 2017).)

Disclosures must also be “clear and conspicuous” – in other words, a consumer should not have to hunt for a disclosure. That means disclosures must be

- In close proximity to the claims to which they relate;
- In a font that is easy to read;
- In a shade that stands out against the background;
- In a context free from distractions;
- For video ads, on the screen long enough to be noticed, read and understood (and may need to be placed on the screen repeatedly if a video is long enough);
- For audio disclosures, read at a cadence that is easy for consumers to follow and in words consumers will understand; and
- In the same language as the sponsored content.

(See Fed. Trade Com., *.com Disclosures: How To Make Effective Disclosures In Digital Advertising*, at 19, available at <https://www.ftc.gov/sites/default/files/attachments/press-releases/ftc-staff-revises-online-advertising-disclosure-guidelines/130312dotcomdisclosures.pdf>).

Bloggers and social media influencers have resorted to creative ways of making disclosures in an attempt to both comply with the law and maintain the illusion, including disclosures in tiny or grayed out fonts, on a separate FAQ page, in the description of a YouTube video but not in the video itself, and in English when the sponsored content is in another language (e.g., Spanish). Based on the FTC's guidelines outlined above, it is likely that these workarounds would be insufficient disclosure.

*Continued on page 15*

## SANCHEZ AND HEARSAY

by Megan Rayburn

Last June the California Supreme Court changed evidence law with the decision in *People v. Sanchez* (2016) 63 Cal.4th 665, addressing the proper application of the hearsay rule to expert opinion testimony. Because expert opinions are necessarily offered for their truth, they are hearsay. For an expert to testify to case-specific facts, the facts must either be independently proven or fall within a hearsay exception. *Sanchez* repudiates the long-held practice of permitting experts to relate hearsay bases for their testimony if accompanied by a limiting instruction that the matter is not being offered for its truth.

The *Sanchez* prosecution charged defendant with an enhancement for participating in a criminal street gang. At trial, the prosecution's gang expert opined as to the defendant's gang membership and whether his conduct benefitted the gang. The expert described the defendant's prior contacts with police, of which the expert had no personal knowledge.

On appeal, the defendant argued that the expert's testimony about prior police contacts was offered for its truth and thus was testimonial hearsay that violated the confrontation clause. The Supreme Court agreed and adopted this rule:

When any expert relates to the jury case-specific out-of-court statements, and treats the content of those statements as true and accurate to support the expert's opinion, the statements are hearsay. It cannot logically be maintained that the statements are not being admitted for their truth. If the case is one in which a prosecution expert seeks to relate *testimonial* hearsay, there is a confrontation clause violation unless (1) there is a showing of unavailability and (2) the defendant had a prior opportunity for cross-examination, or forfeited that right by wrongdoing.

(Emphasis by the court.)

This decision will have ripple effects in both criminal and civil litigation because

it applies broadly to any expert testimony. The court disapproved of prior decisions (*Bell*, *Montiel*, *Ainsworth Milner*, *Coleman*, and *Gardeley*) that had permitted the introduction of an expert's testimony because it was not admitted for its truth. Also, *Sanchez* rejected the practice of using a limiting instruction, coupled with a trial court's evaluation of the potential prejudicial impact of the evidence under Evidence Code section 352, to sufficiently address hearsay and confrontation concerns. In short, Evidence Code section 802 does not allow experts to rely on case-specific hearsay to support their trial testimony.

However, an expert may tell the jury *in general terms* the basis for the expert's opinion. So, for example, a psychological expert may testify that a defendant's alcohol dependence was derived from a history of parental alcoholism, although the specifics of how the expert knew of the parental alcoholism is inadmissible. A distinction

exists between the type or source of the matter relied upon as opposed to presenting, as fact, the case-specific hearsay.

*Megan Rayburn moved to Ventura County from Washington State, where she practiced personal injury law and criminal defense. She recently joined the firm Slack & Associates based in Thousand Oaks.*

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*Continued from page 13*

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There is no magic language that can be used to guarantee adequate disclosure. The FTC's endorsement guide says a simple disclosure like "Company X gave me this product to try . . ." will usually be effective. (Fed. Trade Com., *The FTC's Endorsement Guides: What People Are Asking*, at p. 10, available at [https://www.ftc.gov/system/files/documents/plain-language/pdf-0205-endorsement-guides-faqs\\_0.pdf](https://www.ftc.gov/system/files/documents/plain-language/pdf-0205-endorsement-guides-faqs_0.pdf).)

Many companies have begun requiring that posts be tagged "#sponsored," "#ad," or "#advertisement." This approach is not foolproof, though. If the hashtags are buried among other tags or hidden at the end of a post with several links so that a reader is likely to navigate away from a post before reaching the disclosure hashtag, the disclosure may be insufficient. (Fed. Trade Com., *.com Disclosures*, *supra*, at p. 19.)

### Enforcement Actions

Apparently the FTC has not yet brought any known enforcement actions against individual social media users for violations of the FTC Act's prohibition on deceptive acts or practices. The agency says that it generally is not monitoring bloggers and social media influencers, but if concerns about possible violations of the FTCA come to its attention, the FTC will evaluate those concerns on a case-by-case basis. (Fed. Trade Com., *Endorsement Guides*, *supra*, at p. 3.) If enforcement becomes necessary, the FTC usually focuses on advertisers, ad agencies, and public relations firms, but action against an individual endorser "might be appropriate in certain circumstances." (*Id.* at p. 3. To avoid potential legal troubles, advertisers and social media influencers both should be careful to clearly and concisely disclose their financial relationship, even if it comes at the expense of reducing some of the illusion of native content advertising.



**Lauren Clark Rad** practices business and employment litigation at Ferguson Case Orr Paterson LLP in Ventura. You can reach her at [lrاد@fcoplaw.com](mailto:lrاد@fcoplaw.com) or follow her on

Twitter at @laurenclarkrad, where she does not post sponsored content.

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## Movie Review: “*Lion*”

by Bill Paterson

Saroo is a precocious five-year-old boy living in a dusty and benighted village in rural India. The family is desperately poor. His father is nowhere to be found and his mother toils as a day laborer hauling rocks from a quarry. Saroo and his older brother Guddu supplement their mother’s meager income by stealing coal off of slow moving trains and trading it for food.

Saroo idolizes Guddu, and when Guddu decides to go to a nearby town to find work, Saroo convinces Guddu to take him along. A fateful decision. Saroo falls asleep in the railroad station and when he awakes Guddu is gone. Saroo frantically searches for him, but he is nowhere to be found and panic starts to set in. Is Guddu back on the train? Saroo climbs aboard. But the train is empty and he ends up locked inside. The train starts moving and there is no one to hear his cries for help. Over 1,000 miles later the train reaches Kolkata (Calcutta), its only passenger a frightened little boy.

Try to imagine the sheer terror of being five years old, lost in a teeming and indifferent city, with no idea of how to get home. Saroo has now joined a legion of lost children wandering the streets of India (80,000 by some counts). Scavenging what he can and sleeping on the street or in railroad stations, every day is a struggle to survive. Finally he ends up in an orphanage. It is a dismal existence but becomes a path to salvation when it leads to his adoption by John and Sue Brierley (John Wenham and Nicole Kidman), an Australian couple from Tasmania.

Twenty years later Saroo (Dev Patel) is a typical Aussie. Lucy (Rooney Mara) is his spirited girlfriend, his adoptive parents are all anyone could wish for and life is good. But always nagging in the back of his mind is the memory of his family and the thought that his birth mother has no idea that he is still alive. Then one night he learns about Google Earth. It galvanizes him into action but he is looking for the proverbial needle in the haystack. His memories of his ancestral home are hopelessly vague and the task seems hopeless. Undaunted he plows ahead. His best recollection is that he was on the train for some sixteen hours. The next

question - what was the average speed of trains in India twenty years ago and how many rail lines radiate out of Kolkata? The walls of his apartment are soon plastered with railway time tables and Google printouts and his search becomes increasingly obsessive, threatening to take over his life. His relationship with Lucy falters and he is getting nowhere. Then one night, four years into his quest, he expands the search and thinks he has found one of the few landmarks of his childhood that he can still remember. He heads for India. What happens next (and this is all based on a true story) is one of the most emotional reunions imaginable and the culmination of one of the most moving tales of love of family to appear on screen in some time. Unless you have a heart of stone, bring Kleenex.


Among the many virtues of “*Lion*” is its vivid and unflinching portrait of Indian life. If Ansel Adams were reincarnated as a cinematographer, and chose to show the world of sprawling India rather than the glories of nature, this film would do him proud. Then there is Sunny Parwar as young Saroo. One of the most memorable performances of a child actor I have seen. At no time do you think you are watching “acting”. Young Saroo is an indelible character.

Lastly, make sure you stay while the film credits are rolling because they feature photos of the real people portrayed in the film.

**Reading:** If you are interested in the lives of the Indian underclass you cannot do better than Katherine Boo’s account of life in the slums of Mumbai – “Beyond the Beautiful Forever”. She is a journalist with the gifts of a novelist.


*Bill Paterson is a retired partner from Ferguson Case Orr Paterson.*

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## BARRISTERS CORNER

*Continued from page 8*

Meet the Bench on Oct. 19. Educational events will include the Judicial Lunch Series (MCLE presentations by judges and justices of the local courts on cutting edge topics), as well as planning Bridging the Gap, to be held in early Jan. 2018. The Barristers will also continue its commitment to have at least one volunteer at Ventura County Legal Aid each and every session this year.

For anyone who is interested in getting involved in leadership, I encourage you to attend our board meetings on the second Wednesday of the month at 1:00 p.m. in the office of the VCBA, 4475 Market Street, Ventura, 2nd Floor. The next meeting will be Feb. 8.

On behalf of the entire board, thank you for continuing to support the Barristers and the Ventura County legal community.



*Joshua Hobston is an associate attorney with Ferguson Case Orr Paterson LLP and President of the Barristers. You can reach him at [jhopstone@fcoplaw.com](mailto:jhopstone@fcoplaw.com)*

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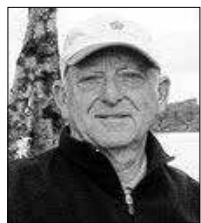
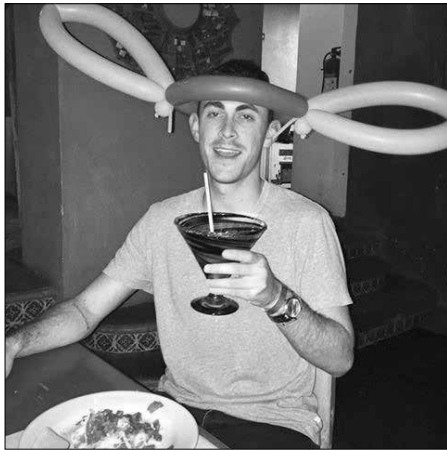
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# Exec's Dot...Dot...Dot...

by Steve Henderson, M.A., CAE



A good man passes. **Ronald H. Gill** died peacefully in Nashville, Tennessee on Jan. 12. He was a partner in the law firm Nordman Cormany Hair & Compton for 45 years

until his retirement in 2006. There was a memorial service Jan. 22 and there will be an additional celebration held in Ventura in March. A life-long Dodgers fan and martini aficionado, he was an avid tennis player, golfer and musician...The Ventura County Trial Lawyers have elected a new slate of officers and directors for 2017.



**Brett Templeman**, President; **Marc Anderson**, Immediate Past President; **Erik Feingold**, Vice President and President

Elect; **Christina Vanarelli**, Treasurer; **Richard Bredlau**, Secretary; and Directors **Deirdre Frank**, **Susan McCarthy**, **Greg Johnson**, **Rob Miller**, **Kerry Kinney**, **Danielle Everson**, **Randy Wells** and **Kevin Flahavan**...



Apologies to **Andrew (Andy) Covner** whose name was inadvertently omitted from an inserted flyer in our January CITATIONS issue giving thanks to those lawyers who took fee arbitration cases voluntarily as one of

our public services. Thanks Andy, and see you at the next Inn of Court meeting February 9...For a compelling, spooky, unsightly and critical analysis of the State Bar of California, view a column penned by Dan Walters for the Sacramento Bee Jan. 8...Thanks to **Richard Walton** for this one – There are all kinds professions, including teachers, farmers, auto dealers, photographers and chefs among the men and women serving in the Kansas Senate. What is lacking, though, is a lawyer. The absence of an attorney in the 40-member Senate is unprecedented. An obscure statute requires that the body have at least one attorney. So, Sen. Jeff Longbine, owner of a Chevy-Buick dealership, has an answer to the dilemma. Easy-peasy: Introduce legislation to repeal the statute...



Attorneys **Ashley Blaser** (State Bar number is 309679) and **Sara J. McLemen** have joined the Law Offices of David A. Esquibias



From the *JDJournal* Dec. 22, 2016, "Top 10 Craziest Law Suits This Year": Starbucks tops the list facing two class action suits for being too extra. In one lawsuit, the coffeemakers allegedly gave too much ice. In another lawsuit, they allegedly whipped up too much foam. Luckily, the ice lawsuit was tossed; the steam one is still up in the air...CunninghamLegal acquired the practice of the late **James Spencer** as well as the practice of **George Berninger**. **Stephen Wood** at 484.2769 or [stephen@cunninghamlegal.com](mailto:stephen@cunninghamlegal.com)...

# MCLE

MCLE CONFUSION DEMYSTIFIED 101. For those attorneys out there in Compliance Group 3 (N-Z), the State Bar

of California has extended the reporting and compliance time through the end of February rather than January. Meaning you send your compliance card in by March 1, 2017, and you may take CLE courses through the month of February...

The JetBlue passenger who confronted Ivanka Trump on a flight is a Jewish lawyer from Brooklyn who was traveling with his husband and child. "Your father is ruining the county," lawyer Daniel Jennings Goldstein snapped at the future first daughter as he boarded the morning flight at JFK International Airport. Accounts vary, but JetBlue had the three scoundrels depart...AND now that you may all accumulate CLE in February, check out our calendar flyer in this edition and the CLE offerings Feb. 8, 9, 15, 22, 23 and 28th.

And finally, **Judge Romero** seeks volunteer judges and scorers for the Ventura County Mock Trial Competition set for later this month: 2/27-3/2. Contact 289.8714.

*Steve Henderson has been the executive director and chief executive officer of the bar association and its affiliated organizations since 1990. He will be spending Super Bowl 51 cheering for the Patriots and sharing Valentine's Day with Gisele Bundchun, Natalie Portman, Scarlet Johansson and Betty White. Henderson may be reached at [steve@vcba.org](mailto:steve@vcba.org), FB, Twitter at [steve\\_hendo1](https://twitter.com/steve_hendo1), LinkedIn, Instagram at [steve\\_hendo](https://www.instagram.com/steve_hendo), Snapchat at [iamhendo1](https://www.snapchat.com/add/iamhendo1), or better yet, 650.7599.*

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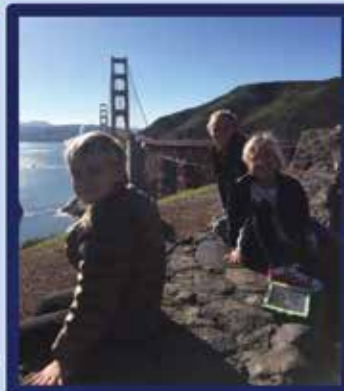
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