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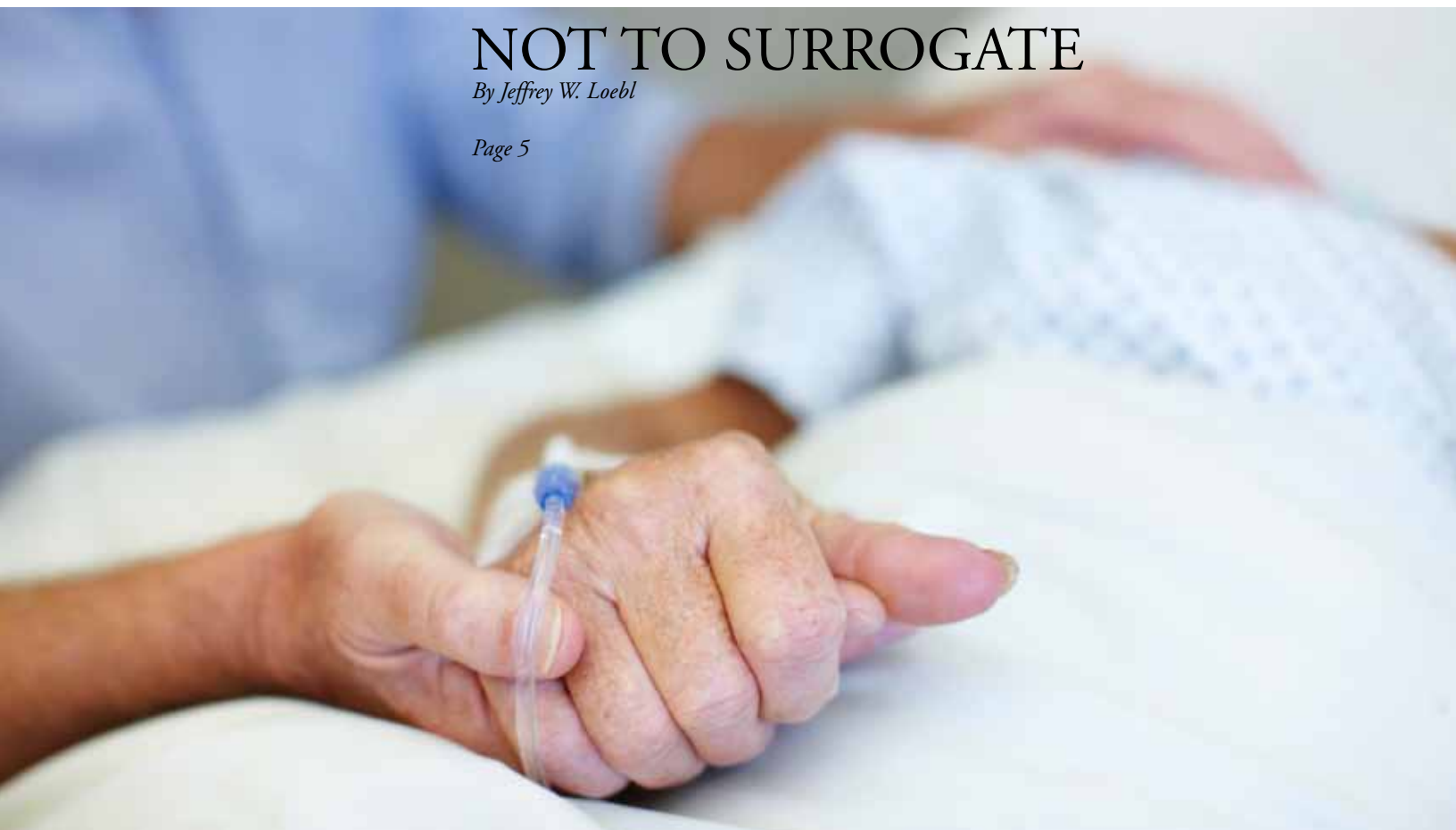
CITATIONS

J U L Y - T W O T H O U S A N D T H I R T E E N

TO SURROGATE OR NOT TO SURROGATE

By Jeffrey W. Loeb

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PRESIDENT'S MESSAGE: CIVILITY, FOR THE FUN OF IT

by Joel Mark



“Let me get this straight,” I asked Ventura County Bar Association Executive Director and CEO, **Steve Henderson**. “I have to write a President’s Message *every* month?” “Don’t worry,” said Steve. “I have tons of articles that other local bar presidents have written to give you some ideas.”

Reviewing the articles, it appears there is some unwritten rule for local bar presidents to write about civility among legal practitioners. And there seems to be a corollary rule that they must be written with great seriousness, as if being civil to our colleagues is as difficult as brain surgery. Frankly, I think it is fun.

It did take me a while to get that civility could be fun. After all of four months as a lawyer, I was sent to handle the defense of a case in Indio. It was probably only 22 cents over the jurisdictional limit for Superior Court, but I was honored to be entrusted with a Superior Court case so early in my career. I only found out later that the honor was due to the fact that the case in Indio was pending there in the summer.

In those days, they called you down for a case management conference. The judge would try to get the case settled, and if that failed a trial date would be selected. Perhaps we were \$100 dollars apart, but no one was going to push this four-months-a-lawyer around. Finally the judge shrugged his shoulders and said something about how the parties were too far apart, and hauled out his calendar.

“How about trial for the week of August 11?” asked the judge. My worthy opponent

quickly responded to His Honor’s question: “No, Herb. That’s the week we all are going fishing in Cabo. Remember?”

“You know, Your Honor,” said Rambo, rethinking the strategy a bit, “I think I *will* call my client to see if I can get that extra \$100 authority.”

After that, I began to see the positive side of civility. I was defending a legal malpractice case where my lawyer client had been hired to sue a lawyer in the United States Virgin Islands for malpractice in connection with the preparation of three long-term leases for hotel properties in St. Croix. By that time, the USVI lawyer who was supposed to have been sued was the United States District Judge for the USVI. And then, my client had not filed the case within the statute of limitations anyway.

With the case being pretty much limited to damages, we still had to go to St. Croix and St. Thomas for eight days of depositions. It turned out to be the eight days my two daughters had contracted chicken pox, so you can imagine just how thrilled my wife, Leslie, was about being home with sick children while I was “working” in the Caribbean. That, however, is an entirely different story.

Since my fare was being paid for by the insurance company, I stayed at a fairly nice hotel with a golf course. Well, actually, it was some clearings in the swamp where they had managed to grow some patches of grass. My worthy opponent was not so fortunate, being on his firm’s dollar. He stayed in town.

We did end up at the same restaurant one night. That time of year the sand fleas were ferocious, and on the balcony railing were strategically-placed cans of flea spray. Upon seeing my worthy opponent discover his can was empty, I took mine over to him. He thanked me and offered to buy me a drink. That led to me inviting him over for a round of golf the next day before the deposition started at noon. And that led to our settling the case, on the fifteenth swamp, er, hole.

In another case shortly after that, I represented a manufacturer of “intra-ocular solution.” That is the stuff that, in those days, eye surgeons would temporarily put in people’s eyes to keep them expanded while a cataract was removed and then an artificial lens inserted. The allegation was that, when there was a shortage of ingredients, my client had stopped making enough to fulfill an OEM contract with a distributor.

We had to make several trips to the manufacturing sites in Florida and Kansas and another bunch of trips to depose all the doctors who claimed that they did not get enough of the product to keep up with their patients’ needs, and thus could not keep up with the payments on their Porsches and Bentleys. Those trips were all across the Sun Belt, where the retirees – and the eye surgeons – resided.

The first trip was a disaster. Counsel and I had made our own travel arrangements and they failed to coordinate. In five days, we were successful actually being in the same city at the same time for only about nine hours of deposition time total.

After that, we agreed to make our travel arrangements together – same court reporter, same flights, same hotels, same restaurants, and even shared a rental car. In the end, we were like the old Looney Tunes cartoon with the wolf and the sheepdog. We each did our best to zealously represent our clients during each deposition, and then it was like we punched the time clock and left “work” talking about each other’s families and what was on the menu at that night’s restaurant du jour. Additionally, our clients enjoyed the efficiencies that our cooperation created for both of them.

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TO SURROGATE OR NOT TO SURROGATE

By Jeffrey Loebel

So someone asks you to be his or her health care surrogate. What should you think about and ask?

The forms are ubiquitous. Every time someone is admitted to a hospital an Advance Health Care Directive form is offered. Many state-specific versions are available on the Internet. Each of these forms purports to give a signer's authority and guidance to another person to carry out their wishes. (The documents, at least in California, are really a power of attorney merged with a living will combined with a Nomination of Conservator and a HIPPA release.)

When agreeing to take on the task of helping an incompetent person receive medical care, you should find out (assuming the person bothered to ask you before just naming you as surrogate):

1. Religion. Does the person want her religion's health care requirements followed regardless whether she has expressed conflicting opinions in the past? If the signer wants to strictly follow a religion as to end of life care, it would be best to select a member of the clergy of that religion. If someone desires to apply the dictates of a particular religion as interpreted by a religious leader, I would decline to be the surrogate.

Alternatively, the signer may choose to state a religious preference and that the religious preferences be followed so long as they do not conflict with her stated wishes and decisions of the surrogate. Language acknowledging religion, but not allowing the religion to overpower individual desires, affords comfort and avoids religious arguments at the time of difficult decisions.

2. Conservator. Many Advance Healthcare Directives incorporate a separate form nominating a conservator. If the list of conservators is not the same as the list of surrogates, I would never want to serve as a surrogate and have to coordinate with the conservator.

3. Prolonging life. How does the signer feel about life saving technologies and when they should be applied? Statements like, "I do not want to be a vegetable" are not helpful because nobody desires such an outcome. Modern medicine offers treatments that prolong life or avoid death in many circumstances other than being in a persistent vegetative state. But the decision when it is appropriate to change the goals of care from cure to comfort is a question that everyone should answer individually and share with loved ones.

What factors should be used to make that change? "Unable to interact with family and friends" is a broad standard, but one that encompasses someone who is unable to recognize others. If this is the case, do you not offer antibiotics in the event of pneumonia? What about a feeding tube? Should CPR be declined?

Foregoing intrusive treatment is known as allowing a natural death. It should be clear that the patient will receive substantial treatment, but the focus will be comfort and pain management, rather than prolonging death.

On the other hand, some people firmly believe that every breath is precious and every treatment should be provided to obtain as many breaths as possible. In this case, the surrogate should know this and make decisions accordingly.

4. Family members. Who has been selected as the surrogate and who has not? Have all close family members been told so that there are no surprises during a time of crisis?

5. Number of surrogates. How many surrogates have been appointed to serve at one time? If there is more than one surrogate at a time there will have to be a vote to make any decision, delaying care and increasing frustration. If someone does not trust me to make the decision by myself, in consultation with others, then

I do not want to be selected at all. For those of us willing to take on the task of being a health care agent, being drawn into disputes in times of crisis should not be part of the deal.

6. Clear and effective communication. *Schiavo and Curran* both concerned disputes over the desire of the patient. Clearly setting forth the basic desires of care avoid having to resolve consent issues in court. In addition to a clear description within the Directive regarding care, it is helpful to have a short letter addressed "To Whom It May Concern" briefly describing the patient's life and care desires: when life should not be prolonged, when care should be withheld and when to forego extraordinary or highly risky procedures, for example.

Communication with relatives and close friends is also critical. The Advance Health Care Directive should be widely distributed, even to those who care but are not named.

7. Miscellaneous. Inquire whether the patient wants to donate body parts for science, and make sure it is clear what the patient wants to do with organs, tissue and other material. Is there anyone who is to be excluded from knowing about the patient's condition or from medical decision-making?

Anyone who agrees to be a health care surrogate or agent is doing a great service. To do a good job, you must have the authority and other interested parties must be aware of that. Insist upon it.

Jeffrey Loebel handles estate planning, trust administration and bioethics matters from his Ojai office.

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New Section Leadership

David Karen, an active civil trial lawyer entering his third decade of litigation, is the new Chair of VCBA's Alternative Dispute Resolution ("ADR") Section.

Karen says, "mediating is pure inspiration. My fellow ADR Section board members – including Hon. David Long and Mark Kirwin – expect the ADR Section will help inspire others in the VCBA community, as mediation participants and as neutrals."

Karen participated in the Los Angeles Superior Court's first "Mediating the Litigated Case" program in the late '90s. That program was put on by Randy Lowry, the founder of Pepperdine's Straus Institute of Dispute Resolution, aided by Peter Robinson and Jeff Krivis, to assess whether the trial lawyers trained by the Straus Institute would be more effective in settling cases than the existing panel of untrained volunteers.

"When I arrived for the Straus training, I had the jaded perspective that no one could teach me anything I didn't already know about settling a case," Karen said. "After all, I had been representing plaintiffs and defendants in the trenches through litigation for years, and 99% of those cases had resolved short of trial. After two weeks of listening to those mediation giants, however, my career path changed."

"While there isn't more thrill in the legal profession than the competitive spirit at trial, the hours and unpredictability of trial work can be rough. And, with most cases settling, life as a trial lawyer is not an unadulterated thrill, war stories aside. After the training, I realized how brilliant Randy, Peter and Jeff were: They not only labeled the phases of settlement (e.g., "joint session", "caucus" and "the dance"), and technique (e.g., "bracketing", "pins" and "timing"); they also created a path to this burgeoning industry.

"As I began volunteering as a mediator for the LASC, I only then realized the meaningful role I was playing. I was helping more in 3 hours mediating than I could in a month litigating. Participants expressed

gratitude and appreciation. That happened only once in a blue moon as a litigator. I had fun and was excited to play the role. I became a disciple. I've since learned that it's never too late to mediate. Now, 15 years and 500 mediations later, I wonder if it can ever be too early."

The ADR Section expects to host a panel to explore the Art, Science and Law of Mediation with the VCBA community. Stay tuned for the ADR Section's evolution. We are looking for additional officers and board members: Only the passionate need apply. Contact David Karen at (805)988-4848.

LGBT Section – **Ed Elrod** and co-chair **Kim Shean** plan to increase awareness of the LGBT community (including clients, attorneys, staff and related persons) in our daily practices and our lives. Participants in activities and presentations will benefit by learning more about the legal needs of the LBGt community on both sides of the table; the Section will offer opportunities to organize, present, interact and educate via personal stories and experiences.

The Section plans simple introductory presentations making our colleagues aware of the unique and varied styles and approaches to the practice of law of our own membership. We will start by speaking ourselves, and then bringing speakers from outside of our own geographic community to learn about the opportunities to practice this special subsection of the law in various-sized communities with larger LGBT bases. For more information, contact edward.elrod.law@gmail.com.

Employment and Labor Law Section - Nobody can fill **Mike Lavenant's** shoes, but **Joe Herbert** (employee perspective) and **Panda Kroll** (employer perspective) will try. They will, together, keep the Employment and Labor Law section functioning. Please look for practical and informative presentations in the future. If you have a topic in mind that you'd like to see presented, please don't be shy to write to Joe (joe@joeherbertlaw.com) and/or Panda (pk@dk4law.com).



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By this time, I was convinced that civility was a good thing. However, there was one time after that when I purposefully was not civil. A bank had failed and I represented one of the directors who had been sued by all the widows and orphans who were holders of the bank's CDs. The defense was that another bigger bank in New York had caused the failure, not the directors' mismanagement. Actually, I had better make that "alleged" mismanagement. So, I and a bunch of lawyers defending the other directors and the CEO trundled off to New York to depose people at the larger bank.

Being relatively young and inexperienced, I let the lawyers representing the major players do all the questioning and objecting. But, at lunch on the last day they started needling me about how the insurance company would never pay my expenses and fees for the trip because I had said nothing on the record beyond my name the first day.

"Oh, yeah?" I boasted. "Just you watch. I don't care what question counsel utters at exactly 2:30, I'm going to object." And a small wager was placed against my boast.

At precisely 2:30, opposing counsel, who was the last questioner of the last witness for the last deposition of our trip, said: "I have no further questions. This deposition is concluded."

"I object!" I shouted.

Amid the peals of laughter among my defense colleagues I was forced to admit when asked for the ground for my objection: "I have no clue." But, I won the bet.

Civility does not require that we compromise either our clients' or our own interests. In fact, civility almost always promotes those interests. Civility simply requires that we be respectful of one another as we do our jobs. If we also have some fun along the way, so much the better.

Joel Mark is the President of the Ventura County Bar Association Board of Directors through 2013. Although the names have been changed to protect the guilty, all these stories are true, so help me Justice Sotomayor.



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What Every Lawyer Should Know About Electronic Evidence

by John Troxel

Introduction

Most everyone with an email address has at some point received an inappropriate email. In a recent case, a semi-nude photograph of “Mary” was emailed to everyone at the Los Angeles area law firm where she works. (She had the photo taken by a photographer, who displayed it on his website.) The email was sent from “mary2000@yahoo.com,” with the message, “Tell me what you think of this!” Mary obviously didn’t email this picture to all the lawyers at her firm, but someone went to the trouble to make it seem like she had, so the firm investigated.

The header information in the email suggested that it was sent from within the law firm. Internet logs on the network security software were queried, and four users were identified as being on Yahoo.com at the time the email was sent. One of the users, a fellow paralegal, was a known prankster, so he was the focus of the investigation. After everyone had gone home for the day, a forensic copy of that paralegal’s hard drive was captured and analyzed. Evidence showed that he had taken steps to attempt to cover his tracks, but cached web pages that showed that the email account “mary2000@yahoo.com” had been recently created and accessed on that computer, and its password was changed twice.

With evidence in hand, the managing partner confronted this paralegal, who was summarily terminated.

What is Computer Forensics?

Different than e-discovery, which involves the large scale production of electronic documents, computer forensics focuses on finding specific evidence – the needle in the haystack.

Computer forensics is the practice of collecting, analyzing and reporting on electronically stored information (ESI) using court approved tools and methodologies. Gathering viable evidence

from electronic media can be complex, and getting results requires trained specialists who know computers, how to conduct investigations, and are familiar with the rules of evidence.

Uses of Computer Forensics

Computers store client data, customer lists, proprietary data, confidential information, personnel data, medical records, contracts, payroll, accounting files, and much more. Accessing, changing, deleting or sharing such data, as well as inappropriate communications, can be harmful to an employer. It is not just the content of emails, documents and other files which may be of interest to investigators but also the *metadata* associated with those files, which tells us who created the file, when it first appeared on a computer, when it was last edited, when it was last saved or printed and which user carried out these actions. Some of the common areas where computer forensics is employed include:

- Intellectual property theft
- Industrial espionage
- Employment disputes
- Fraud investigations
- Forgeries
- Matrimonial issues
- Bankruptcy investigations
- Data destruction
- Inappropriate email and internet use in the work place
- Regulatory compliance

General Guidelines

A computer forensics examiner conducts analyses as if every case goes to court. At all stages of the examination, admissibility is paramount in the analyst’s mind. While there are no real industry standards per se, here are some considerations:

Don’t touch anything. No action should change data held on a computer or storage media which may be subsequently relied upon in court. Simply turning on a computer alters data, so leave it

running if on, and don’t power it on if it is off. Examiners will typically use a write-protection device to preserve the integrity of the subject’s hard drive when making a forensic copy, and analyze that copy. If the computer is on, the examiner may opt for a live acquisition, and capture everything in live memory (RAM) as well.

If it is necessary to access data on a computer or storage media, that person must prove to be competent to do so and be able to support their efforts, explaining the relevance and the implications of their actions.

Documentation such as a chain of custody, identifying the make and model of all devices captured, and a record of all processes applied to electronic evidence should be created.

Use only court-tested methodologies, as well as applications like FTK, EnCase, etc. Off the shelf products found at electronics department stores should be avoided.

Employ an analyst who has been trained and certified. Sometimes clients will instruct their IT personnel to do various things, which they think will help in the examination, but in actuality it may compromise evidence. In the words of Red Adair, “If you think hiring a professional is expensive, try hiring an amateur.” IT folks are good at what they do, but if they don’t have the computer forensics expertise and training, then they should wait for direction from one who does.



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BRAINS BATTLE AT BARRISTERS' TRIVIA NIGHT

by Amy Dilbeck Kieseewetter

Fierce competition at Barristers' Trivia Night May 16th provided the perfect setting for a battle of the brains.

Try these actual questions from Trivia Night and see if you are able to better the average score of 50%.

What is the name of a 9 sided polygon?

What types of words are madam, civic, eye, and level?

What American diversion did the London Times label a "menace" in 1924 for "making devastating inroads on the working hours of every rank of society"?

Name the movie with this quote, "You make me want to be a better man". Bonus point if you can name the actor that said it!

Michael Jordan owns what NBA team?

Harlow and Sparrow are the names of which celebrities' two children?

Please make plans to join us for our next Trivia Night! Answers found on Page 17.



Amy Dilbeck Kieseewetter recently got married and now her last name takes a lot more remembering. She works with the Strauss' in the Bard Hospital building. She

focuses mostly on estate planning and probate but can sometimes be found in other places. She lives in Santa Paula. Her top achievement this week is being published in Citations Magazine.



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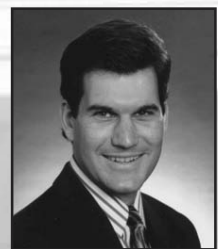
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MEDIATING WITH INSURANCE COMPANIES: TEN WAYS TO BE SUCCESSFUL

by David C. Peterson

Insurance carriers have altered their practices in the past several years. Previous authority and independent judgment has been removed from adjusters, managers and supervisors as executives in the companies strive for uniformity in claims handling and ironclad control over settlement decisions. Rarely is there a person present at mediation able to be flexible and exercise individual judgment beyond parameters established in advance.

As a result, it is more important than ever that plaintiff attorneys create the circumstances that will produce optimum results. Those whom insurance carriers employ to establish reserves on claims as required by law and who set settlement parameters must be motivated to set them in a range that will settle the case.

The best plaintiff lawyers understand this. The changes in claims practices have not prevented plaintiff attorneys from settling their clients' cases for reasonable amounts.

Carriers pay hundreds of thousands, even millions of dollars in settlements at mediations based upon their perception of risk.

The most successful plaintiff attorneys:

Prepare the other side for the mediation.

The most important task is to make sure the claim representative's file is documented. Actual, reliable, tangible evidence supporting the client's past and future injuries, liability and damages must be in the hands of the representative in plenty of time before evaluations so that nothing is left to conjecture. The basic rule for carriers is that if it is not documented it does not exist or is not true. Claims examination takes place with a critical eye. It is a cumbersome process to change evaluations once made. The mediation session is too late.

Communicate directly with the assigned insurance adjuster. Rather than relying upon defense counsel painting an accurate picture of plaintiff's case as you would, it is wise to do so directly with the adjuster.

With changes in the dynamics between the claims department and defense attorneys, direct communication with the adjuster is usually acceptable, if not encouraged. This also minimizes the chance the carrier will have inadequate settlement authority.

Do thorough discovery. Unless to save expense if a good settlement can be reached early or you are concerned that doing so could hurt your client's case, time and money should be spent to do discovery in a careful, expert fashion. It is another means to demonstrate that you are and will be on top of your case, and depositions need to be well thought out so the transcript makes critical points obvious to the carrier representative.

Maintain a professional demeanor in all communications with insurance company representatives and defense counsel. Outward aggressiveness rarely is productive. Insurance representatives neither cower in fear nor pay more in response to rude and uncivil behavior. Those who are unsophisticated use crude methods to intimidate. Those who are really effective reveal the power in their cases by their work product, not by blustering. Treating someone badly, even your foe, is counterproductive when you want something from them.

Maintain a close relationship with their client and keep careful track of their medical condition and treatment. Many attorneys fail to follow what their client is doing with respect to treatment and other important matters. It is only when it's too late that the attorney discovers, for example, that their client has been treated by a chiropractor for too long or is wrapped up with some odd holistic guru and running up specials that are not recoverable. Clients can also fail to seek the help they need because they don't know enough. By failing to stay in close contact, counsel may learn too late that specialized intervention should have occurred.

Demonstrate they are prepared to go to trial. In this era of micro-managed, uniform claims processing, attorneys can have a tendency to rely on the ability to

settle without doing much preparation or spending the money and time needed to develop and document their case. Clear signals that you are prepared for trial if no settlement is reached help generate favorable settlement offers.

Avoid trickery. If you are primarily a plaintiff personal injury lawyer you will develop a reputation with insurance carrier representatives, defense attorneys, mediators and judges. You do not want to be known as tricky, underhanded or dishonest. It makes those on the other side not trust even that which is legitimate when it comes from you. It causes those representing carriers to discount you and your client's claims. The attorneys who consistently do well are those with the best reputations for ethical conduct and honesty.

Prepare their client for mediation. The client needs have a realistic view of settlement ranges and value. It becomes problematic when a client has nestled into a belief their home will be paid off or they can retire with their recovery when this sort of settlement value is not there. Also, prepare the client to look and act in a manner that will cause the opposing side to respect them. This is overlooked too many times by lawyers who suffer the consequences when the adjuster and defense attorney focus during the mediation on how a jury will dislike their client.

Prepare themselves for mediation. Prepare as if there will be a trial, not as comprehensively but in terms of organization. Organize the documents and items to be used at mediation. Highlight statements in records and reports that are of particular importance. Have the medical billing itemized with the *Howell* reductions determined. It does no good to try to hide this bill. Do a timeline including the history of treatment and other relevant events. Where future costs or losses are claimed, have these documented as effectively as possible both as to amount and the manner in which these will be demonstrated at trial.

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Prepare to negotiate and work with the mediator intelligently. Negotiation approaches differ widely from mediation to mediation. The most experienced mediators use the style most appropriate to the circumstances and parties. They have to be flexible and comfortable whether the negotiation will be highly competitive and the atmosphere tense, or the circumstances call for a more cooperative approach. A plaintiff attorney should be prepared for either style.

David C. Peterson is a full-time mediator on the Central Coast. He chairs the Santa Barbara County Alternative Dispute Resolution Section and co-chairs the San Luis Obispo County section. He can be reached at davidcpeterson@charter.net or (805) 441-5884.



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Trivia Night! Answers

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LET THEM EAT CROW (OR A LESSON IN TOLERANCE)

by Deborah E. Jurgensen

This is truly a fluff piece.

Recently, I was walking up the path to my front door when I passed by a crow just sitting in the jumble of flowers I call my garden. It was startling to say the least. It did not move even though I was about two feet away. Being a little superstitious, I thought, "Great, this has to mean bad luck, being visited by a raven."

I quickly banished that foolish thought and turned my attention back to the black bird perched on a flower bush. I realized it was indeed a crow, but there was something odd about it. It was almost full size, but "almost" was the big difference. It had no tail feathers, and when it adjusted itself by walking a step or two, it had longest, most gangly chicken legs. It looked kind of like a dinosaur: a bizarre miniaturized T-Rex without the teeth.

This was a baby bird that fledged from the tall, messy tree in the patch of earth between my sidewalk and the curb.

I didn't know what to think, so I went into the house. I mentioned the sighting to my husband and daughter. They replied in unison, "I know. It's been there for hours."

I went back outside and then I realized the little guy was not alone. His parents swooped down and made such a racket I went back in. I asked Doug and Claire about the big birds and again they replied, "I know - they've been doing that for hours."

Well, I'll be. I did some quick research online and it turns out crows mate for life and take turns shouldering parenting duties.

I've always thought crows were ugly and noisy and dreaded. I watched these two birds fuss over their young for the next several days, risking all to come down to the ground to feed him. They would take turns standing guard, one on the ground,

one noisily perched in a nearby tree or rooftop. Amazing, really. Such devotion and bravery.

My poor cat just hid. Her life has been far too soft to tangle with ticked off crows.

After a few days, the crows moved on. I assume baby learned to fly. If I am wrong, I don't want to know.

I learned a small lesson in tolerance; I'll never look at crows the same. Who knew they possessed such noble traits? Makes me wonder what else I've been wrong about.



Deborah E. Jurgensen is a general practitioner with an emphasis on family law. Her practice is based in Ventura.

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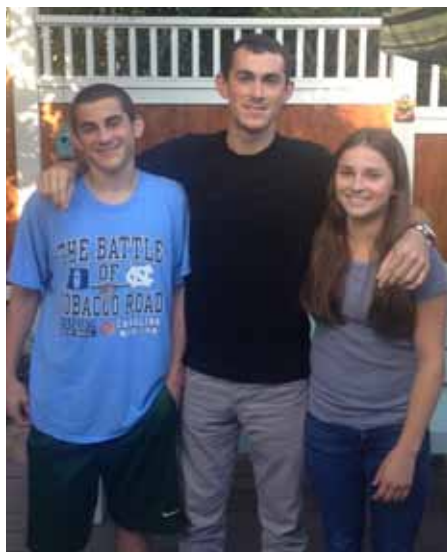
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by Steve Henderson, Executive Director, M.A., CAE



Judge Matt Guasco was profiled by columnist Kevin Lee for the *Los Angeles Daily Journal* June 4. www.dailyjournal.com... Trial lawyer F. Lee Bailey, disbarred nearly a decade ago in Florida and Massachusetts for mishandling a client's stock, appears likely to obtain a law license in another state. Overturning a 5-4 decision by the State Board of Bar Examiners, the Maine Supreme Court ruled that Bailey meets prerequisite character and fitness standards. Although he owes tax debt of nearly \$2 million, which he is contesting in court, Bailey has acted responsibly in dealing with the issue, the court said... Must be in the Barristers' water – **Matt Purcell** became a daddy May 2 with the birth of Jackson McCallum weighing-in at 8 pounds, 2 ounces. **Tom Adams** fathered Eloise Zucca March 11 and she weighed 8 pounds, 10 ounces. **Joshua Hopstone** brought Benjamin Zachary into this world May 30. Lastly, **Bret Anderson** did it again. Lily June was born on May 21 at 5:28 p.m. weighing in at 7 lbs and 5 oz. Mom doing fine and siblings Luke (7) and Judd (4½) are on board too...

Burgundy? Cote d'Azur? **Katie Hause Becker** at katiehause@baslawoffice.com or 525.7104... Is Shermain Miles a changed woman? She has been arrested 396 times in Chicago since 1978, but she told the Illinois Prisoner Review Board she deserves another shot at freedom. Miles, 51, said she found God in prison and is now a role model for young inmates. "I don't want to be a big monster," she said. Her most recent arrest – which got her tossed into prison this time for violating her parole – was chasing

an Alderman through Chicago's Uptown neighborhood last summer... According to *The Star*, May 31, a "lawyer by day, **Miriam Arichea**, also is an accomplished pianist." She performed solo with the Channel Islands Chamber Orchestra playing "Variations on a Theme of Shostakovich."...

Would you enjoy joining the Jerome H. Berenson Inns of Court for the 2013-2014 campaign beginning Sept. 12? Join up with 80 other lawyers who meet the second Thursday of each month through May for a libation, social, dinner and a CLE. President **Lindsay Nielson** leads the way for the second consecutive year. Call him at 658.0977 or nielsonlaw@aol.com. There is an application for the IOC stuffed as a brochure inside this volume of *CITATIONS*... **Greg Herring** was sworn in as president of the Southern California Chapter of the American Academy of Matrimonial Lawyers... Some goobers at the ABA formed a committee to determine the Top 25 TV lawyer shows of all time. #1? "LA Law." The rest? "Perry Mason," "The Defenders," "Law & Order," "The Practice," "Ally McBeal," "Rumpole of the Bailey," "Boston Legal," "Damages" and "Night Court" (ok I'm only doing 10)... **Nancy Schreiner** has joined Anderson Kill California, LLP, the west coast office of Anderson Kill & Olick, P.C., as a shareholder and will chair the firm's new Government Affairs Group. Nancy may be reached at 288.1300 or nschreiner@andersonkill.com...

The Barristers are once again partnering with the Make-a-Wish Tri-Counties hosting Bowling Night, Thursday, July 18, beginning at 6 p.m. at Harley's Bowling Center in Camarillo. See the flyer inside this edition of *CITATIONS* or simply call 650.7599 or bar@vcba.org to register. Proceeds benefit Make-a-Wish and firm Patrons include Engle Carobini & Coats, A to Z Law, FCOP and the Bromund Law Group. Details with **Melanie Ely** at 643.2200 or mely@ec3law.com... A passing grade on the State Bar exam wouldn't be enough proof of legal competency in California under a proposal approved in early June by a state bar task force. To get a law license in the state, would-be lawyers would have to complete 15 units of skills courses or externships in law school. They would have to provide 50 hours of legal services for pro bono or modest-means clients either before or after admission. And they would have to

take 10 hours of continuing legal education after admission that focuses on competency skills... **David Karen** has taken over as Chair of the ADR Section and may be reached at 988.4848 or dk@dk4law.com...

Unlike some younger classmates, Sandra Wilson didn't go to law school for the money. Nor is she worried about balancing a fledgling legal career with marriage and children – at 70, she just celebrated her 50th wedding anniversary June 1 and is a grandmother. Now, after earning her law degree in May from Faulkner University in Alabama, she is back at home in Panama City, Fla., studying for the bar exam in 10-hour stints. She hopes to find work as a child advocate or another job focused on children once she is licensed to practice... You think our Superior Court has it bad? Read the *LA Times* 6.13, front-page (www.latimes.com). A projected \$85 million shortfall for the fiscal year beginning July prompting more cuts including 500 employees and seven regional courthouses... In case you were wondering why **Jeanne Flaherty** has not been in Courtroom #22, that's because she has retired to Florida...

Fox News Network is facing a lawsuit that claims its broadcast of a man's suicide left his three children with symptoms of post traumatic stress disorder. The suit filed by Angela Rodriguez in Arizona's Maricopa County says the program "Studio B with Shepard Smith" broadcast the suicide of JoDon Romero in September as part of its coverage of a car chase around Phoenix. After Romero jumped out of his car and began running through the desert with a gun, Smith could be heard telling producers to "get off" the video, but the broadcast continued. Viewers then saw Romero shooting himself in the head. The children did not see the suicide live, but did watch on YouTube...

Steve Henderson has been the executive director and chief executive officer of the bar association and its affiliated organizations since November 1990. Henderson frequently pats the backside of lawyers for doing a fine job. Henderson also correctly picked the Miami Heat in 7 games and the Chicago Blackhawks. He may be reached at steve@vcba.org, FB, Twitter at [stevehendo1](https://twitter.com/stevehendo1) or [vcba1](https://www.facebook.com/vcba1), or better yet, 650.7599.

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Wifey the day before
Baby Victoria!



Joey celebrating his
new baby sister's
Arrival with some cake!



Baby #9 – Victoria Kathryn Joy Lehr arrived early on May 6 at 8:15 pm! She weighed in at 6 pounds, 3 ounces. After a brief stay in the NICU, Mom and Baby are at home!

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