An Open Letter to Detail-Oriented, Flexible, Psychic, Tactful Negotiators (a.k.a Legal Secretaries)

By Joyce Purvis
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PRESIDENT'S MESSAGE: MUCH TO BOAST ABOUT, BUT MUCH WORK TO DO
By Joel Mark

Our VCBA Board members are diverse socially in their practice areas and practice settings, and in their legal disciplines. It is that diverse collection of perspectives that allows our Board to react to challenges and to plan for our future with much greater care and thoughtfulness.

The leaders of our affiliates, sections, committees and friends took that display of diversity even further. These contributing organizations include the Alternative Dispute Resolution Section, the newly-formed Animal Law Section, the Asian-American Bar Association, the Bankruptcy Section, the Bench-Bar-Relations Committee, the Black Attorneys Association, the Business Litigation Section, the Client Relations/Fee Dispute Committee, the CPA-Law Society, the Criminal Defense Bar, the newly-formed Diversity Bar Alliance, the East County Bar Association (and there will be an East County mixer on March 28), the Employment Law and Labor Law Section, the Family Law Bar, the Immigration Law Section, the Intellectual Property Law Section, the Judicial Evaluations Committee, the Legal Professionals Association, the newly-formed LGBT Alliance, the Mexican/American Bar Association, the Ventura County Paralegal Association (which will host its annual beer and wine tasting on May 2), the Probate and Estate Planning Section, the Real Property Section, the Solo Law Firm Section, the Ventura County Trial Lawyers Association and the Women Lawyers of Ventura County.

The VCBA calendar that you received with this edition of CITATIONS lists many more of the events put on and sponsored by these sections and affiliates. You should take advantage of your membership by attending.

Next came a round-table where the leaders and representatives of our various sections, affiliates, committees and friends introduced themselves and explored ways they could collaborate for the common good. In the process, the diversity of our interests and of our members also became quite evident.

If you read the last column – and I am sure everyone did – you know that I made a bold boast: No other bar association in California does it better than the Ventura County Bar Association. The boast included the fact the VCBA offers more to its members and to the civic communities we serve than any other local bar association our size. We offer more than many of the associations greater than our size. And, we provide quality and value in all of the programs we offer.

I also promised that my boast could be backed up. And no sooner had the column been published when it was. At the 23rd Annual VCBA Bar Leaders Conference on Feb. 9, our eagles gathered to map out our direction for the coming year. What an impressive meeting it was.

It began with a historical perspective from our Executive Director/CEO, Steve Henderson. From his twenty-plus-year perspective on where we have come from, it became obvious that our successes have come from the collective efforts of so many members over so many years. Their hard work has turned so many visions for the future into realities. And our legal community and our civic communities have received the benefit of these visions time and time again.

Next came a round-table where the leaders and representatives of our various sections, affiliates, committees and friends introduced themselves and explored ways they could collaborate for the common good. In the process, the diversity of our interests and of our members also became quite evident.

But the challenges facing our courts are many. With the “realignment” of our prison system, an ever-greater burden will be falling on local courts to handle the court proceedings that arise out of local supervision of parolees and prisoners. Guardianship and dependency proceedings are up. In the family law area, as many as 85 percent of the cases have at least one self-represented party, putting as many as 85 percent of the cases have at least one self-represented party, putting as many as 85 percent of the cases have at least one self-represented party, putting as many as 85 percent of the cases have at least one self-represented party, putting as many as 85 percent of the cases have at least one self-represented party, putting as many as 85 percent of the cases have at least one self-represented party, putting as many as 85 percent of the cases have at least one self-represented party. And what keeps us all working together in the same direction? Why CITATIONS of course. We are so fortunate to have such a hard-working Editorial Board, headed by Editor-for-Life, Wendy Lascher.

Next at the conference we heard from our Presiding Judge, Hon. Brian Back, who outlined for us the challenges facing our courts and, more importantly, how we as an organization can help. Last year, with the VCBA providing assistance to our political leaders, our local communities responded to a dramatically reduced budget by pledging funds to keep the Simi Courthouse open on a limited basis so that it could serve the needs of the community A good start for sure.

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important than ever that we fund and support the VLSP, Inc. so that it can continue to assist the always-growing need for legal services among a segment of our community that otherwise would not be able to afford access to our courts at all.

As we learned by the conclusion of the conference, there truly is much to boast about. But there also are many challenges. I urge everyone to get involved and help continue the VCBA tradition of service and excellence, and bring that tradition to bear upon the new challenges we face. Join a section or an affiliate, support our friends, attend an event, contribute freely of your time and treasure to our common goals. If indeed it takes a village, let us all work even harder to continue to make our village the very valuable, successful and important one that it has been throughout its history. Thank you.

Joel Mark is the managing partner at Nordman Cormany Hair & Compton in Oxnard, where he chairs the litigation group.
Mr. Carrington is “very knowledgeable. Insurance companies respect his opinion. Extensive trial experience (ABOTA), excellent mediator, fair, objective arbitrator. Extraordinarily capable and forthcoming with efforts and involvement. He is very thorough and fair.” Quote from 2006 Consumer Lawyers Evaluations
When I was in eighth grade the big assignment was to produce a poster of the job we wanted to have when we grew up. I actually interviewed a legal secretary and I drew an office from my imagination since I had not actually ever been in a law office. (Nor did I know any attorneys.) It came about because my mother knew a lady from church and I was looking for some sort of secretary to portray. She was thin and wore suits and heels and always looked professional. I had been taking office support classes and knew I was going to end up in an office somewhere. As it turned out this was just the beginning of the journey and it would be many years until I would find myself actually working in a law office.

Through my interview, I found out I would have to type fast and perfectly (at this time I typed only 40 words per minute and not necessarily perfectly) and use carbon paper for copies (Xerox was just about to make their first copier affordable, but carbon was the secretary’s copy paper). There were no computers yet. No fax machines. We had electric typewriters, just barely, and I learned to type on an old Royal. Then there was shorthand. I was OK with shorthand, but not great. It scared me to think I would have to type letters perfectly, (since White Out had not been invented yet) from my notes.

At the time of my education, girls were given few choices of positions to work toward. I could have been a teacher, nurse, dental assistant, secretary, stewardess, wife/mother, retail clerk, market clerk or any job that supported men in their positions. As necessary as the support positions were, we were not encouraged to achieve the position of doctor, dentist, lawyer, pilot or boss of any kind.

I took my secretarial classes and then attended a community college and learned to be a dental assistant. I stayed at the chair for a few years and then moved to the front office where I used my secretarial education daily. After ten years I found myself looking for something exciting, so I took professional makeup classes in Hollywood and got a little taste of television and cable shows. I got married and had two children and they became my full-time job, along with foster children for eleven years.

You may ask why I didn’t look for a job in a law setting since I had an interest in law. Well, the best answer is that I was waiting for the technology to catch up. I went into an office when computers and fax machines, cell phones, online research, software for forms, templates and Xerox machines made the secretary’s work life so much better.

I found a paralegal course at the adult school and took classes at night and worked part time at my church office and took care of my two children and two foster children. When my youngest child was in her senior year of high school, I went looking for my first job in a law office.

Luckily, my résumé made an impression on an office manager because of my PTA leadership, and she wanted to hire me; she was willing to teach me what I was missing about working in a law office. Law offices are not like other places of business. I was so stressed trying to make everything perfect, learning four different styles of letters, transcription, research techniques, proper language for legal matters, etc. that I was exhausted every day. I have had many jobs in my lifetime and working for an attorney is the hardest job I have ever held. And yet it was a job that I found to be a perfect fit for my interests and talents.

We have taught our daughters that they can be anything they want to be; the world is open to anything they can achieve. They have no desire to be the second banana to a boss. We have eliminated the desire to make an office run efficiently and smoothly just because we are good at it. We are not attracting young people into administrative positions because we have told them to reach for the stars.

Legal Secretaries Incorporated is a great organization, but even though the education we offer is welcomed and needed, we won’t attract young members based only on a secretarial platform. So, many members of the group have become paralegals in order to obtain a position that has more responsibility, is a part of a team and is billable. This was inevitable, yet only came about in the last twelve years or so.

How are we going to attract new secretaries? Are there job fairs that feature legal secretaries? I haven’t seen ads for people who are detail-oriented, flexible, psychic, tactful, negotiators willing to run an office and keep it seamless while giving credit to the attorney and, most of the time, staying in the background.

Do our children see us as heroes? We do save the day very often, but are not recognized for our efforts. Do they admire our work ethic or is it old-fashioned to them? What kind of mentors should we be to make our field of work enticing? Does the next generation look for fulfilling work with a challenge attached to every project? I think law offices are going to continue to hire people to work in their offices with little or no legal background. They will teach them what they want them to know. They will be specialized employees without the whole picture of the vast world of law. And they will be paid less starting pay than if they knew about law. If you intern, you can be paid less until you gain the skills you need. Good for the attorneys, but not the employees.

The bottom line is fuzzy right now due to all the changes in the California courts and recent economic setbacks. There is a supply of unemployed people and nowhere to apply for a job. When the generation before me starts to retire, we won’t have a supply of knowledgeable younger administrators to fill the gaps.

I am the scholarship chair for Ventura County Legal Professionals Association. The people applying are always shooting for the stars. One or two were secretaries looking to become attorneys and were enrolled in law school or going to apply. We had a large donation from a life member of our group and the funds were allocated...
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Teen Challenge
The Ear Foundation
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Toberman Neighborhood Center
World Wildlife Fund
Ventura County Humane Society
Ventura County Rescue Mission
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HANDLING SOCIAL MEDIA AND EMAIL FOLLOWING THE DEATH OF A LOVED ONE
By Amber Rodriguez

As if there is not enough to deal with when you lose a loved one, there are now email and social media issues to address. Dealing with a loss is overwhelming. We hope these ideas and suggestions will help make handling social media and email a bit easier.

Make it Easier for Those You Leave Behind: Put a Plan In Place Now

First, it is helpful to remember that estate planning is not just for the deceased; it is a wonderful way to give guidance and instructions to those you leave behind. With that in mind, instructions for handling email and social media can be included in your Trust or Will. For example, if you do not want your email or social media account accessed after your death, you should indicate so in your Trust or Will. If you want to assist those you leave behind with accessing your various electronic accounts, you should leave account information (location, username, and password) to assist them. You can also indicate how you want each account handled or just leave those decisions to your Trustee or Executor. Either way, providing some guidance and information in your Trust and Will can help those you will leave behind.

This being said, most people will likely overlook this component of their estate plan. If you are an agent under a power of attorney, an executor or a trustee, how can you access and manage electronic accounts if the decedent has not left you the information needed to do so? This can be a frustrating process, but we have a few helpful hints to assist you.

Facebook
Facebook has a variety of options for handling the death of a user. Some people prefer to leave the account open for a while to memorialize the decedent. You can do so by submitting the form found at www.facebook.com/help/contact.php?show_form=deceased. The account will be frozen and new friend requests will not be allowed. If you do not want to the account to be left open for memorialization, you can have the account removed. You must provide Facebook with proof of your authority (a copy of the Will nominating you as Executor, for example) and a copy of the death certificate. You can find more information on how to notify Facebook, and close the account, at http://www.facebook.com/help/search/?query=death+#!/help/265593773453448. Once the information is received by Facebook, the request will be investigated and the accounts removed.

It is important to remember that if the decedent has not left you their Facebook username and password, Facebook is unlikely to allow you access to the content of the decedent’s page.

LinkedIn
For LinkedIn, you can notify their customer service department by filling out a form. Full instructions can be found at https://help.linkedin.com/app/answers/detail/a_id/2842.

Twitter
Twitter allows loved ones the option to delete the Twitter account of the deceased. It is not, however, a simple process. You can find instructions at https://support.twitter.com/groups/33-report-a-violation/topics/148-policy-information/articles/87894-how-to-contact-twitter-about-a-deceased-user.

MySpace
MySpace (do people still use MySpace?) will only remove or preserve the profile of a deceased user at the request of the next of kin (mother, father, spouse, legally registered domestic partner, son, or daughter) or at the request of the executor of estate. As with Facebook, they are unlikely to allow you to access the content of the decedent’s page. Follow these steps for MySpace:

1. Go to http://www.myspace.com/help/?p=/contact to contact MySpace support
2. Select “Your Safety and Privacy”
3. Select “Other” for sub-topic
4. Information to include under description: Reason for contact, request to remove or preserve the profile.

Relationship to deceased (if you are acting on behalf of the next of kin, My Space will only accept a copy of the death certificate) Attach a copy of the death certificate or obituary. They will also accept the URL to the online news publication or funeral home website.

Yahoo Mail
Yahoo will not allow you to access the decedent’s account without a court order. You can, however, have it deleted. Go to http://io.help.yahoo.com/contact/index?locale=en_US&cy=PROD_ACCT#page=contact and select “register or delete an account.” Follow the instructions from there. Upon receipt of a copy of a death certificate, the account may be terminated and all contents therein permanently deleted.

Google GMail
As with all electronic accounts, you will be unable to access the content of a Google Gmail account without the username and password. To delete an account, go to https://support.google.com/mail/bin/answer.py?hl=en&answer=14300. Follow the instructions provided at that link.

Hotmail
You first have to start off by emailing the Windows Live Custodian of Records at msrecord@microsoft.com to initiate the process. A detailed explanation of the Hotmail options and process can be found at: http://answers.microsoft.com/en-us/windowslive/forum/hotmail-profile/my-family-member-died-recently-i-in coma-what-do/308cedce-5444-4185-82e8-0623ecc1d3d6.

After reading this, I suppose you’ll agree that the best thing to do is to leave as much information and direction as possible for those that survive you. Dealing with a loss is hard enough; taking a few moments to put a complete plan in place is one of the best things you can do for your loved ones.

Amber Rodriguez is the Chair of the Executive Committee for the Estate Planning and Probate section of the VCBA. Her practice focuses on probate and trust litigation and administration, estate planning and conservatorships. She can be reached at arodriguez@estateattorneycalifornia.com.
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Thinking Things Over- Heart Attack!!
By Lindsay Nielson

Heart attack…the words themselves cause one’s own heart to skip a beat. Everyone knows someone who has “dropped dead” from one of those pesky little abnormalities that can ruin a perfectly good day. For all of our lives, that little remarkable muscle in our chest just keeps doing its thing, pumping 60 or 70 beats every minute of our lives. Totally unnoticed, purring along like a finely-tuned car. That is, until it doesn’t. When the purring becomes a hiccup, there is much to get your attention. Oh…and it hurts like all get out.

The warning signs are pretty obvious. There is a little angina (aching in your chest). Nothing too great, just something that you didn’t feel before. In my case, I then became clammy and weak. My left arm felt tingly. Since I had one of these little buggers in 1999, I knew that this wasn’t indigestion from some of the leftover turkey from the Rose Bowl TV party.

I must digress for a moment. I first felt a little pain in December. I visited my cardiologist who told me that he would be on duty the very next day and that I could come in for an angiogram. Well, I begged off. “Doc” I said, “my UCLA is playing in a bowl game tomorrow. Can we do it in a week or so?”

“O.K.” says he, “Let’s schedule it for January 7.”

Of course, the hammer came down on January 5. When my doctor came to the ICU afterward, he, with a giant grin, wanted to know if it was worth it to postpone the surgery that could have prevented a heart attack for “those lousy Bruins?” (My guess is that he went to USC). Moral: always listen to your cardiologist.

But back to the important stuff. The first thing is to get some aspirin down as soon as possible. For some reason, that helps blood flow and relaxes the blood vessels. In fact, most medical professionals encourage you

Continued on page 16
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**THINKING THINGS OVER HEART ATTACK!!**

*Continued from page 15*

to take a baby aspirin (81 mg) daily. But the most important thing is to call 911 immediately! Even if it is indigestion, call those outstanding paramedics folks. They are great.

Time is your most critical issue. If you can get to the hospital in less than an hour, your odds of survival are infinitely better than delaying that trip to the ER. Do not put off making that 911 call at the first signs of a possible heart attack. It will save your life. It certainly did mine.

By the way, you know that story about a long tunnel with a bright light at the end. Forget about it. It's more like a long Greyhound Bus trip without any stops for breaks. And, oh, that stuff about 70 virgins waiting for you at the end. That's not true either. I'd say two or three virgins...tops.

*Lindsay Nielson practices law in Ventura at the Law Offices of Lindsay F. Nielson.*

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"Mr. Nielson is more than just a pretty face. He is one of our best receivers."

*(Hon. John J. Hunter, October 9, 1999)*

The Superior Court has appointed Mr. Nielson in over 400 cases involving the sale of real property, partnership or business dissolutions, partition actions and matters requiring a referee.

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*Continued from page 15*

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WHAT THE FRACK IS ALL THE FUSS ABOUT?

Or Why You Might Want to Join the VCBA’s New Natural Resources Section

By Gisele Goetz

Whatever your intellectual, environmental or moral stance, the world economy today is still based on oil and gas as its major fuel sources. According to the California Division of Oil, Gas & Geothermal Resources (DOGGR), Ventura County has more than 1,700 active wells producing more than 8 million barrels of oil a year, as well as 63 million barrels of water used to produce that oil.

Understanding the legal principles that control the development of natural resources like oil, gas and water can be a critical skill in the commercial, real property, and litigation legal arenas, and it’s likely to become more critical over time. So, if you have ever wondered “What the frack is fracking?” If you think “spudding” has something to do with growing potatoes or if you wonder what a brine line is, then maybe the VCBA’s new Natural Resources Section will help you learn. And if you already know, it’s the place for you.

If you are interested in learning about the practice of law related to natural resources, meeting others who are practicing in the area, or speaking about your existing area of expertise, please contact me at giselegoetz@aol.com or (805)895-5338.

Over the last 10 years Gisele Goetz has advised oil and gas companies exploring and producing in California. Prior to working in the oil & gas industry, Gisele was District Counsel to a local water district.
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A job at Anderson, Kill, Wood & Bender brought Mike Stoner to Ventura from the nation's capital in 2010. Nearly a year later, Tomiyo Stoner joined her husband after finishing law school in Washington, D.C.

As most great loves do, Mike and Tomiyo's romance began in an international trade law class at American University's Washington College of Law. Mike was pursuing an LL.M. in international law and focusing on free trade agreements and regional integration. Tomiyo was doing her best to avoid having classes on Wednesday nights.

Both pinballed around the country before they moved to D.C. Mike's early years were spent in Eastern Pennsylvania and Chicago's suburbs. Then his family moved to Cary, North Carolina next came Northfield, Minnesota, and an undergraduate degree from Carleton College. After college, Mike lived briefly in Madison, Wisconsin, then earned his J.D. from Pepperdine School of Law in Malibu.

Born and raised in San Francisco, Tomiyo ended up graduating from James Madison High School in Vienna, Virginia, after her family moved across the country. After a childhood in the Bay Area, the shift induced what Tomiyo described as "culture shock." She then attended the University of Michigan, where "real Michigan winters" inspired her to earn her bachelor's degree a year ahead of schedule. With a warmer climate a priority and an academic scholarship in her name, Tomiyo attended Southern Methodist University in Dallas. Her first summer in law school led her to a government affairs internship at the Electronic Retailing Association. So enamored by the job was she that she transferred to American University to work at the ERA full-time. While earning her law degree, Tomiyo also worked as the association's legislative manager for three years.
Now at home in Ventura, Mike’s practice largely focuses on representing the interests of corporate policyholders and public entities in insurance disputes involving a broad line of insurance products and risk pooling agreements. He also has experience representing plaintiffs in complex commercial litigation, and large-scale environmental contamination litigation.

Tomiyo remains interested in government affairs and regulatory law. She is particularly experienced in advertising review, consumer protection, and intellectual property. Currently working at the Oxnard-based DK Law Group, she is learning about all types of business litigation. As a volunteer for the Ventura County Public Defender, she also enjoyed learning about criminal trial preparation and appeals.

When not practicing law, the couple avidly watches Jeopardy. Mike likes to bowl, play disc golf and watch a wide variety of sports. Tomiyo reads and likes to run and ride her bike in the warmer months.

As a couple, Mike and Tomiyo have also been known to take spontaneous road trips to Las Vegas.
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Jeeez. As you are well aware, my fact checking does not include snopes.com. In fact, if it's good enough for the ABA Journal, New York Times, or the Boston Globe, then it's good enough for me. Another bad habit of mine? If the information comes along by way of an attorney, I typically accept the info/tip to be accurate. In the case of my Winnebago tale, the 2012 Stella Award winner was complete fiction. So, hats off to the 20-plus of you who contacted me (mostly trial lawyers of course) and let me know I was perpetuating the Chamber of Commerce rantings. Keep your eyes peeled to subsequent editions of this fine magazine, as I'm quite sure fabrications shall happen again. My bad…Recommended Book of the Month: My Beloved World, by Sonia Sotomayor. 315 pp. Alfred A. Knopf. $27.95. Milan, Italy? Kevin Staker at kgs@staker.com or 482.2282…

Sam Gasowski is a dad again, welcoming in Emme Elaine on Dec. 16 and weighing in at eight pounds, six ounces. Mother Susan doing well while older brother, Otto, has embraced new sister…Once again, a public library has been sued for gently asking a patron to leave because his body odor was provoking complaints. George Stillman, 80, filed a $5.5 million lawsuit in October against the New York Public Library for being “humiliated” by the staff of the St. Agnes branch in Manhattan. Stillman said he views body odor as a mere “challenge to the senses” and “a fact of life in the city.” That said, he also denied that he had any body order at all, but a New York Post reporter interviewing him about the lawsuit said she noted “a strong odor.”…License plate of the Month: NGLY LAW on a new 750 BMW L1 and piloted by John Negley…Nancy Schreiner was installed on Jan. 26 to serve as Chair of the Oxnard Chamber of Commerce…

Bar friend Ron Gill has not renewed his membership after 45 years, preferring to play the trumpet instead in the Camarillo Community Orchestra…As of Feb. 16 and after five years, Robert Sawyer will no longer be affiliated with Best Best & Krieger. He may be reached at rsawyer@isle.net or 916.402.6938…Court of Appeal Division Six research attorney Susan Seemiller also completed the Walt Disney World Marathon in Orlando on Jan. 13. It was her first marathon (yes, you do run through Cinderella’s Castle) and her husband Jim’s 46th!...

Two bar members, the father and son team of Richard Marks and Kyle Marks of Westlake Village, were appointed as Adjunct Professors of Law at Southwestern Law School. Kyle has been selected for inclusion in the Super Lawyers-Rising Stars Edition 2013. Each year, no more than 2.5 percent of lawyers in the state receive this honor…Felicia Liberman has been selected President of the Tri-Counties Government Attorneys Association. She is an Assistant City Attorney for Simi Valley. Andy Viets was chosen Vice-President while Charmaine Jackson is the Secretary-Treasurer…

Larry Hines, of Nordman Cormany et al., has recently published his second legal thriller, “Shattered Justice.” In his second novel, Hines continues with his theme of delving into the dark side of our justice system. His first novel was entitled, “The Beneficiary.” Larry is also the founder and president of Nadine Griffey Academy of Kenya. Larry may be reached at 479.0994 or lhines@nchc.com…

London and the United Kingdom? Lawrence Noble at 658.6266 or Lawrence@noble4law.com…James Griffin will be working as a trial attorney with Wai & Conner effective March 1 in the Westlake office. The firm’s main office is in Los Angeles. It has 45 lawyers and specializes in workers’ compensation, representing employers and insurance carriers in workers’ compensation defense. Jim may be reached at jimgriffin@waiconner.com or 818.597.8000. His address is 5743 Corsa Ave., Suite 107, Westlake Village…

Make every effort to attend the Barristers’ Annual Dart Night scheduled for March 21, beginning at 5:30 p.m. inside Garman’s Restaurant & Pub. Proceeds benefit the VCBA/VLSP, Inc. and the charge is a paltry $10…Additionally, calendar March 26 for the VCTL A Judges’ Night. As part of the celebration, VCTLA will honor Judge Rebecca S. Riley as 2013 Judge of the Year, and Judge John Hunter with the unveiling of a formal portrait to be hung in Court Room #22 of the Hall of Justice. Lastly, Judge Glen Reiser will present “State of the Probate Court” March 28. This reaches capacity early, so go to www.vcba.org or call Nadia at 650.7599 to register. There will be NO at-the-door registrations…

Emeritus Attorney extraordinaire Earl Price died February 20. Earl single-handedly raised hundreds of thousands of dollars for the VCBA/VLSP, Inc. and was a valuable resource in the office and on the board of Trustees. Services are March 3, beginning at 12:30 p.m. inside the Temple Adat Elohim…

Let the Madness begin!

Steve Henderson has been the executive director and chief executive officer of the bar association and their affiliated organizations. Additionally, he is the President and CEO of snopes.com and is a second cousin to 'Lil Wayne and third cousin to Chris Bosh. He may be reached at steve@vcba.org, Twitter @stevehendo1 or @ vcba1, FB, or better yet, 650.7599.
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