



VCBA MISSION STATEMENT
To promote legal excellence, high ethical standards and professional conduct in the practice of law; to improve access to legal services for all people in Ventura County; and to work to improve the administration of justice.

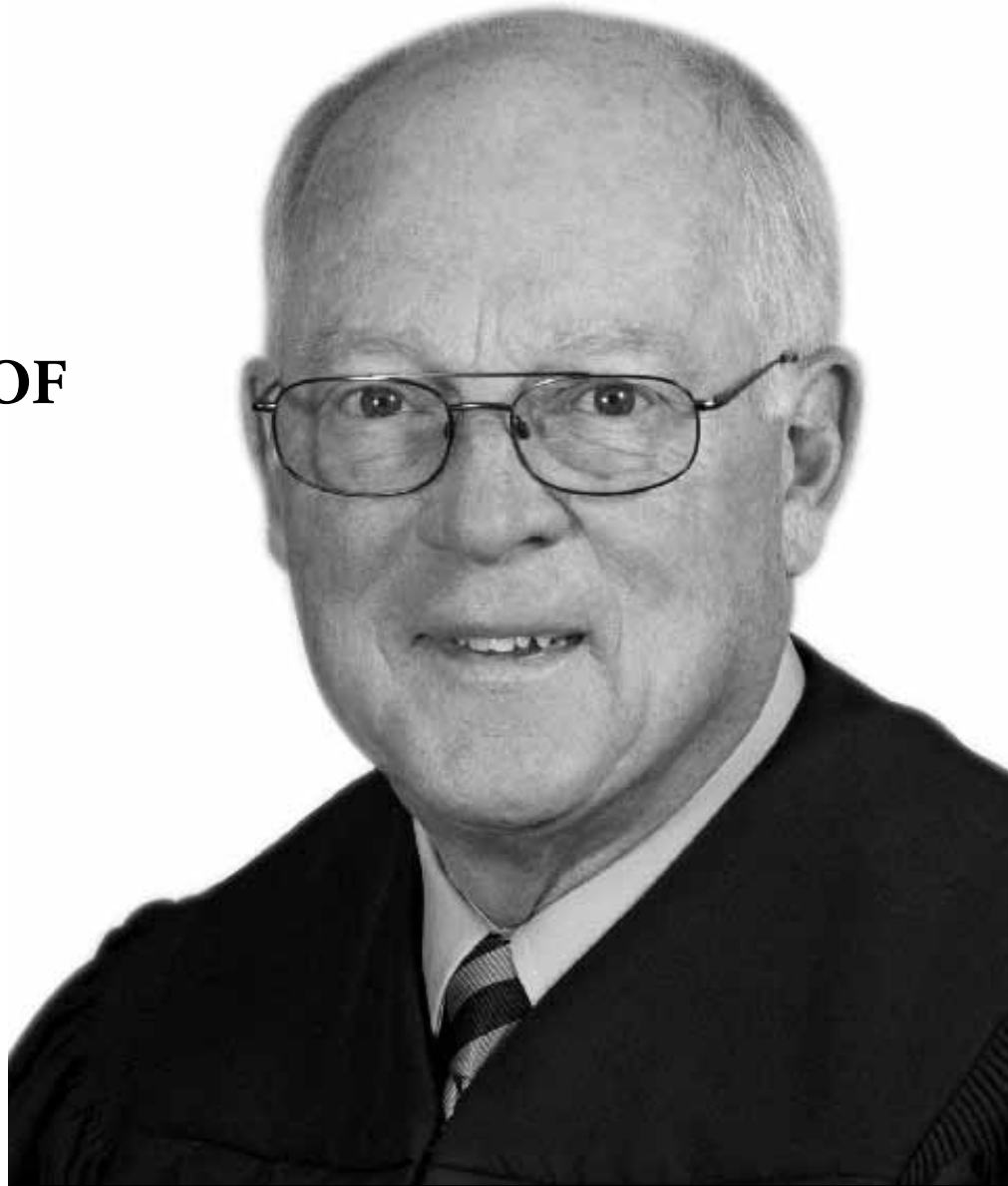
CITATIONS

M A R C H - T W O T H O U S A N D F O U R T E E N

A PORTRAIT OF DAVE LONG

by William M. Grewe

Page 7



LAURA V. BARTELS
NELSON TUCKER
GISELE M. GOETZ
LESLIE A. McADAM
KATIE HAUSE BECKER

STEVE HENDERSON

PRESIDENT'S MESSAGE: SRIRACHALYPSE	3
INTERNATIONAL SERVICE OF PROCESS: WHAT ATTORNEYS SHOULD KNOW	10
THE VITAL ROLE OF IMPORTED STATE WATER IN VENTURA COUNTY	12
SANTA CLARA VALLEY LEGAL AID NEEDS ATTORNEYS	16
BARRISTERS' CORNER	19
WE READ SO YOU DON'T HAVE TO	23
CLASSIFIEDS	25
EXEC'S DOT...DOT...DOT...	26

Are you sitting on
a huge referral fee?

Refer your CA and NV
personal injury cases to us.

QUIRK
LAW FIRM, LLP

(805) 650-7778

Recent Referral Fees PAID:

\$400,000 Motorcycle Accident, Riverside County

\$360,000 Slip and Fall, Riverside County

\$54,486 Auto Accident, Clark County, NV

\$40,500 Slip and Fall, Monterey County

4222 Market Street, Suite C, Ventura, CA 93003



PRESIDENT'S MESSAGE

by Laura Bartels



Last fall we survived “Srirachalypse” when the city of Irwindale issued an injunction shutting down the manufacturing plant for world famous “Sriracha Hot Chili Sauce.” Sriracha – the fastest growing condiment in the country, with sales last year exceeding \$60 million – is familiar to you as a red sauce in the clear squeeze bottle with a distinctive green cap. News of a factory shutdown caused panic buying not unlike the chocolate bar frenzy from Roald Dahl’s Charlie and the Chocolate Factory. One report was that all store shelves were empty. A friend of mine said he rushed out and bought two cases. News reports from New York to Europe to Australia all reported on Sriracha’s possible demise. Cities from all over the Southwest called to entice the Sriracha factory to relocate.

The suit sought injunctive relief for the nuisance of jalapeño pepper smells as the peppers were being delivered from the fields of Ventura County and processed at the Irwindale plant. The injunction was granted four weeks after the peppers had all been harvested and the issue had long passed. According to news reports, the city

and the company are working pro-actively in anticipation of the Fall 2014 crop to develop ways to mitigate the peppers’ scent.

We closely followed the issue because 30 acres of those peppers are grown on our family farm in Bardsdale, just south of Fillmore.

Before jalapeño peppers entered our lives as a cash crop, I thoughtlessly tossed around words like chili peppers, hot peppers and jalapeños like they all meant the same thing. But actually, saying “jalapeño” generically is like saying “lettuce.” Is it red leaf lettuce? Butter lettuce? Romaine? Same with jalapeños. There are actually dozens of different varieties of jalapeños. Jalapeños come from the genus *Capsicum*, species *annuum*. Deadly hot ghost peppers are from the species *chinense*. The world famous Tabasco sauce gets its peppers from the species *frutescens*. Species “*annuum*” includes most North and South American pepper varieties, ranging from mild bell peppers for your pizza, medium jalapeño peppers for your Sriracha and cayenne pepper for cooking.

From the genus “*capsicum*” derives “capsaicin,” the active component in peppers that creates their heat. Capsaicin levels vary greatly between varieties.

The capsaicin levels, or the “heat,” is measured on a scale originally known as the mouthful “Scoville Organoleptic Test” scale. This Scoville scale was developed by Detroit pharmacist Wilbur Scoville to measure the heat of chilies. Pure capsaicin measures 16 million on the Scoville scale. Ghost peppers land around 1.5 million Scoville. Green peppers have so little capsaicin that they measure less than 100.

Jalapeño peppers generally vary on the Scoville scale from 2500 to 8000. Most mass production of commercially grown jalapeño, like those used for “Pace Picante” brand sauce, are specifically bred to be the most mild jalapeño possible. In order for the manufacturer to control and create their own tiers of “heat” – mild, medium, hot – they actually add an extraction of formulated capsaicin to achieve uniformity on their scale of production. By contrast, Sriracha is made from jalapeños grown purposefully to be on the higher end of the Scoville scale. No capsaicin is added to Sriracha.

For planting, seedlings arrive at our 30 acres in huge six- by five-foot palettes with three- to four-inch baby pepper plants similar to the plastic containers in which one buys herbs; but these are tightly spaced, resembling a box of tightly-packed test tubes. The seedlings are loaded onto a modified tractor planting machine which dibbles the soil and inserts the seeding. Over 715,500 seedlings are planted in May or June and harvested in October or November, depending on the weather.

About two weeks before harvest, the plants are intentionally stressed. The leaves curl, the plant droops and laden fruit looks to be in peril. The purpose of the stress is to induce the plant to generate more capsenoids for the peppers to develop as much heat as possible.

Continued on page 5

**2014 VCBA
BOARD OF DIRECTORS**

OFFICERS

President
Laura V. Bartels

President-Elect
Alvan A. Arzu

Secretary-Treasurer
William Grewe

Past President
Joel Mark

Executive Director, CEO
Steve Henderson, CAE

Bret G. Anderson	Douglas K. Goldwater
Linda K. Ash	Amy Dilbeck Kieseewetter
Charmaine Buehner	Kata Kim
Michele M. Castillo	Mark Kirwin
Kathryn E. Clunen	Robert S. Krimmer
Rachel Coleman	Susan L. McCarthy
Rennee R. Dehesa	Christina S. Stokholm
Erik B. Feingold	Michael A. Strauss
Jill L. Friedman	Andy Viets

CITATIONS EDITORIAL BOARD

Managing Editor
Wendy C. Lascher

Publisher, CEO
Steve Henderson

Graphics/Production
J.P. McWaters

Assistant Editor
Bill Lascher

Karen B. Darnall	Rachel Coleman
Michael L. McQueen	Mark E. Hancock
Michael R. Sment	Panda L. Kroll
Louis J. Vigorita	Gregory Herring
Al Vargas	Glenn J. Campbell
Kathleen J. Smith	Lauren E. Sims
David T. Stowell	Carol Mack

CITATIONS is published monthly by the Ventura County Bar Association. Editorial content and policy are solely the responsibility of the Ventura County Bar Association.

Submit all advertising, classified and calendar matters to:

VCBA
4475 Market St.,
Suite B,
Ventura, CA 93003
Attn: Executive Director
t: 805.650.7599
f: 805.650.8059
e: bar@vcba.org
w: www.vcba.org

Submit all editorial matters to:

CITATIONS
1050 S. Kimball
Ventura, CA 93004
t: 805.659.6800
f: 805.659.6818
wlascher@fcoplav.com

BONGIOVI MEDIATION

Mediating Solutions since 1998

Mediator • Arbitrator • Discovery Referee

*“There is no better
ambassador for the
value of mediation than
Henry Bongiovi.”*



HENRY J. BONGIOVI

AV Preeminent Rating
(5 out of 5)

AVVO Rated ‘Superb’
(10 out of 10)

Conducting Mediations
throughout California

805.564.2115

www.henrybongiovi.com

**Experienced.
Trusted.
Proven.**

Mediator and arbitrator for the resolution of cases including:

- Business/Commercial
- Contracts, Employment
- Environmental and Real Estate
- Construction
- Wills and Trusts
- Family Law
- Personal Injury

Retired Judge, Elinor Reiner



Judge Elinor Reiner

MEDIATOR AND ARBITRATOR

To schedule a consultation, please call **805-879-7517**
15 West Carrillo, Suite 300 • Santa Barbara, CA 93101
elinor@elinorreiner.com • WWW.ELINORREINER.COM

Hon. David W. Long
RETIRED



*Continuing the
 tradition of excellence
 in mediation and
 arbitration since 1986*

Creative Dispute Resolution

EST. BY PAUL D. FRITZ, ESQ. (1941-2011)

877-237-4237

CDRJudgeLong.com • CDRJudgeLong@gmail.com

PRESIDENT'S MESSAGE:

Continued from page 3

The peppers are picked by a machine harvester which was modified from an Idaho potato harvester. It has long horizontal forks – envision a huge fork lift – which lift the entire plant up and out of the ground and shake it. The fruit then falls off onto a conveyor belt. The belt catches the peppers, which are immediately loaded into huge bins that move along the side of the moving harvester. The pulled-up pepper plant is dropped back onto the field. When the harvesting tractor comes back around after finishing the row, the forks pick up the plants laying on the ground again for another shaking and dropping of the peppers onto the conveyor belts leading up to the bin of harvested peppers. Hand crews follow to gather the remaining fruit. The fruit is then hauled to a mobile packing house on the field and hand-sorted on conveyor belts to cull the rots. Tons of peppers are then loaded onto semi-truck loads taken directly to the Irwindale plant. Around 20 trucks per day deliver fresh peppers; there's less than six hours from picking to packing.

During the week or so of harvest the air is rich and heady with pepper smells. A good harvest produces over a million pounds of these peppers from our ranch. People come by and breathe their scent in and marvel at the wonder of it all. The earth is then turned under, planted with a cover crop before it all begins again in the spring.



*In addition to farming peppers, **Laura Bartels** practices law with the Fillmore firm of Taylor Scoles & Bartels.*



11TH HOUR MEDIATION

It's never too late to mediate.



**DK Law Group
 CAN'T SETTLE?
 GOT TRIAL?**

Accepting Civil Trial
 Referrals/Associations of Counsel

DAVID M. KAREN, ESQ.

Mediator and Active Trial Attorney
 26 year Plaintiff And Defense Litigator
 dk@dk4law.com
 Tel: (805) 498-1212
 Fax: (805) 498-3030

DK4LAW.com
 11THHOURMEDIATION.COM

3155 Old Conejo Road
 Thousand Oaks, CA 91320

BAR LEADERSHIP

ADR SECTION	
David Karen	988-4848
ANIMAL LAW	
Katherine Hause Becker	525-7104
ASIAN BAR	
John Fukasawa	383-2788
BANKRUPTCY	
Michael Sment	654-0311
BARRISTERS	
Rachel Coleman	477-0070
BENCH/BAR/MEDIA COMMITTEE	
Kendall VanConas	988-9886
BENCH-BAR RELATIONS COMMITTEE	
Hon. Matt Guasco	256-4972
BLACK ATTORNEYS ASSOCIATION	
Alvan Arzu	654-2500
BUSINESS LITIGATION SECTION	
Erik Feingold	644-7188
CITATIONS	
Wendy Lascher	659-6800
CLIENT RELATIONS	
Dean Hazard	988-9886
COURT TOUR PROGRAM	
Thomas Hinkle	656-4223
CPA LAW SOCIETY	
Douglas Kulper	659-6800
DIVERSITY BAR ASSOCIATION	
Jill Friedman	644-7188
EAST COUNTY BAR	
Doug Bordner	496-0111
EMPLOYMENT LAW	
Joe Herbert	482-5340
FAMILY LAW BAR	
Patricia Mann	371-4066
IMMIGRATION LAW	
Jack Seal	650-1100
INTELLECTUAL PROPERTY	
Chris Balzan	658-1945
J.H.B. INN OF COURT	
Lindsay Nielson	658-0977
JUDICIAL EVALUATION COMMITTEE	
Linda Ash	654-2580
LAW LIBRARY COMMITTEE	
Eileen Walker	444-6308
LGBT Alliance	
Ed Elrod	644-4486
MEXICAN AMERICAN BAR ASSOCIATION	
Lou Kruezer	381-4131
NATURAL RESOURCES SECTION	
Gisele Goetz	895-5338
PRO BONO ADVISORY BOARD	
David Shain	659-6800
PROBATE & ESTATE PLANNING SECTION	
Amber Rodriguez	643-4200
REAL PROPERTY	
Ramon Guizar	981-8555
SOLO SECTION	
Adam Pollock	818-991-7760
VCBA/VLSP, INC.	
Joel Mark	644-7111
VC TRIAL LAWYERS ASSOCIATION	
Susan McCarthy	988-9886
VC WOMEN LAWYERS	
Katherine Hause	525-7104
VCBA STAFF	650-7599
Steve Henderson - Executive Director	
Sandra Rubio - Associate Executive Director	
Nadia Avila - Members Relations Director	
Verna Kagan, Esq. - VLSP Program Manager	
Peggy Purnell - CTP Coordinator	



MEDIATION/ ARBITRATOR

Richard M. Norman

- 40 years litigation experience-AV rated.
- Personal injury, business, construction, employment, real estate, probate/trust, partnership and corporate disputes and dissolutions
- Member: American Board of Trial Advocates
- Past president Ventura County Bar Association and Ventura County Trial Lawyers Association
- American Arbitration Association and NASD arbitrator
- Trained Mediator- Pepperdine University Straus Institute
- Reasonable fees and flexible scheduling. No administrative charges.

**Richard M. Norman
Of Counsel**

**Norman Dowler, LLP
840 County Square Drive
Ventura, California 93003-5406**

(805) 654-0911 RNorman@normandowler.com



CISLO & THOMAS LLP®
Patent, Copyright and Trademark
Attorneys at Law



Super Lawyers
2013

Serving Businesses in Southern California Since 1979

Procurement, Licensing and Enforcement of Intellectual Property - Patents, Trademarks, Copyrights, Trade Secrets, Domains Names, Unfair Competition

<p>Westlake Village 2829 Townsgate Road Suite 310 Westlake Village, CA 91361-3006 Tel: (805) 496-1164 Fax: (805) 496-1880</p>	<p>Santa Monica 1333 2nd Street Suite 500 Santa Monica, CA 90401-4110 Tel: (310) 451-0647 Fax: (310) 394-4477</p>	<p>Santa Barbara 1332 Anacapa Street Suite 120 Santa Barbara, CA 93101-2090 Tel: (805) 962-1515 Fax: (805) 962-1544</p>
--	--	--

Visit us at www.cislo.com or contact us at admin@cislo.com
Call 1 (866) CISLO LAW or File a Provisional Patent at www.PatentFiler.com

A PORTRAIT OF DAVE LONG

by William M. Grewe



The door joining the judicial chambers and Courtroom 22 swung open. With quick strides, **Judge David W. Long** bounded to the bench and proceeded to put a settlement on the record as he had done so many times before. With that done, he looked upward momentarily and then gestured with one hand signaling to the parties to stay. It had been an emotional case. Two young men, African-American, one active military and the other recently discharged, told the story in their case of an afternoon in a retail center. Out of uniform, they were accused of stealing. They submitted to a search in an attempt to make it go away. It did not. Uniformed security followed them until they retreated to their car. A security vehicle followed them until they left the premises.

Judge Long, in his robe, walked to the plaintiffs and shook the hand of each man as he apologized “on behalf of the residents of the County of Ventura” for what had occurred. A small gesture. A huge statement. It made a difference.

Born May 16, 1941 in Baltimore, Maryland, David Woodward Long was one of three boys. The family ping-ponged around

the country, with even a detour to the Dominican Republic, as they followed the work assignments of Dave’s father, an engineer with RCA Communications. Eventually, they made it to the West Coast.

At age 17, Dave enlisted with the US Marine Corps. Admission was delayed until he turned 18 and graduated high school. He was fine with that, his June, 1959 graduation from Ventura High School being just around the corner. When that marker passed, the Marine Corps, for reasons only it knows, delayed his report date until December, 1959.

On a cool December night in San Diego, David Long reported for duty. Here he was, after some nine grade schools and many more addresses – including the rented attic of a friend’s house as of the date of his high school graduation – standing still, straight and quiet upon two yellow footprints painted on blacktop. Surrounded by 71 other young men, none of whom he knew and all of whom were doing the same, he faced the most formidable man he had ever encountered, with a voice that bit through the cold dark air and with the crease on

his uniform just as razor-sharp. This man was clearly going to ask and expect more of each of the 72 individually than had ever been asked of them collectively. And yet, David Long, at that moment, was finally home. To this day, he can deliver, with feeling, the statements made on that night by his drill instructor, Staff Sgt. Manford C. Short. There is no man who influenced him more. If you appreciated a judge named Long, thank a sergeant named Short.

Meeting Judge Long, one knew the influence of the Corps and Staff Sgt. Short: On time, hair cut, clothes pressed, shoes buffed and polished, eye contact, firm handshake, addressed you by name, did not interrupt, truth spoken, all details addressed, responsibility taken but credit given.

After two years, David Long left active duty. The government paperwork fails to note that Long never left the Marines. To this day, if Judge Long is to be somewhere in the morning, his shoes are buffed and, if necessary, polished the night before. His clothes are made ready. He knows what his responsibility is going to be. He lives by the creed that there are three ways to do anything: The wrong way, the right way, and the Marine Corps way. This outlook and approach says so much about the man and why all who encountered him on the bench are richer for having done so.

After active duty, Judge Long found himself in Merced, working as an insurance adjuster. He picked-up a few college classes along the way but, with a family which would include three children, his focus was on earning a living, not a degree. He didn’t totally ignore the local community college. He became the voice of the Merced Blue Devils sports teams as well as the Merced High Bears. There was no money to pay for his services but, in a move that would make any contingency-fee attorney proud, Judge Long volunteered to do play-by-play in exchange for the right to sell half-time ads.

The Tule fog and summer heat persuaded Long to return to Ventura where, soon, his good work attracted the attention of Carl

Continued on page 9

STILL MAKING A DIFFERENCE

Ten percent (10%) of our net fee goes to a non-profit organization the beneficiary chooses whether the foreclosure reinstates, sells or reverts.

Recent recipients:

Aish Ha Torah	Habitat for Humanity Guatemala (2)	Open Charter School
American Cancer Society (9)	Habitat for Humanity El Salvador (4)	Pastor Thomas Stout
American Red Cross (5)	Habitat for Humanity Maui	Salvation Army (6)
Angel Flight West	Habitat for Humanity New Zealand (2)	Santa Barbara Teen Court
ASPCA (3)	Habitat for Humanity Northern India	Seeds of Learning (4)
Boys Town (2)	Habitat for Humanity <u>1/4 Romanian Orphanage!</u>	Senior Nutrition Action Council
Bridge of Mission International (2)	Heal the Ocean	SPARC
Buena High School	Jehovah's Witnesses (2)	SPCA International
Casa Sirena	Jubilee Church (2)	St. Bonaventure High School
Chabad of Conejo (2)	Korean American Friendship Bell (2)	St. Elizabeth Community Center
Church in Cerritos	Keren Yehoshua V'Yisroel Inc. (2)	St. Jude's Hospital (3)
Church of the Foothills	Kiwanis, East Ventura	St. Vincent de Paul Society (3)
Clinton Bush Haiti Fund (2)	L. A. Family Housing	Teen Challenge
Cottage Hospital	Life Without Limbs	The Ear Foundation
Doctors Without Borders Somalia (3)	Make a Wish Foundation	The Friendship Walk
Eastridge Elementary PTA	Many Mansions	Toberman Neighborhood Center
Ek Disha	Mazon	Ventura County Humane Society
Family Promise of San Gabriel Valley	National Conference of Synagogue Youth	Ventura County Rescue Mission
Food Bank of Santa Barbara	National Multiple Sclerosis Society	World Impact
Friendship Walk (3)		World Wildlife Fund
Grameen Foundation		Yeshiva Aharon Yaakov Ohr Eliyahu (3)
Habitat for Humanity China (4)		

Prepaid negotiable instruments are sent to the beneficiaries for forwarding to the charity they choose. We look forward to helping support similar organizations on your behalf or on the behalf of clients you refer.

Parker Foreclosure Services, LLC
Non-judicial Foreclosures Since 1991
All Mail: PO Box 2940, Ventura, CA 93002-2940

Donald D. Parker, Pres.

Clients: 805 506-0753 Toll-free: 855 506-0753 Facsimile: 805 648-4618
don@parkertrustee.com

A PORTRAIT OF DAVE LONG

Continued from page 7

Warren & Co. His territory was north and south of Ventura, and he wore the hats of both adjuster and investigator: Questioning witnesses, taking pictures, and generally getting a firsthand look at the facts. Often, he would bring a court reporter in tow to record a statement under oath.

He caught the eye of the late **Jim McGahan**, Esq., a partner at Benton, Orr, Duval & Buckingham, and a terrific trial lawyer. In many ways, McGahan and Long were opposites. Together, they were a formidable team. Long spoke more words in a day than McGahan would typically speak in a month. McGahan, who had the habit of being on point and right on, recognized that Long was picking up the law and putting cases together as well as any lawyer.

It took some doing, but McGahan lured Long over to the firm with the pitch that Long would serve as paralegal-investigator. Long, by then an Assistant Vice-President of Carl Warren & Co., knew that if he were to rise any higher, he must relocate to Los Angeles County. For a cut in pay he left CW & Co., stayed on the Central Coast, and embraced the law.

While a paralegal at Benton, Orr, Duvall & Buckingham, McGahan suggested to Long that he consider law school. Without a college education, Long did not feel that was a realistic pursuit. McGahan kept at it. Through back channels, McGahan set it up so that Long could gain a Special Student admission to Ventura College of Law if he scored high enough on the admittance exam. McGahan suggested to Long that it would be wise to take a study course as preparation. Long took three. He blew through the threshold, and there was no looking back.

Admitted to the bar in 1983, he and **Roger Borrell**, Esq. formed a partnership which continued to 1988, when Long returned to BOD&B. (Years later, at City of Hope where Roger Borrell was a patient, Judge Long would swear-in Roger Borrell's son, **Judge Mark Borrell**.)

While civil lawyering was exciting, it was not enough. This time, Long needed no encouragement. He knew where he wanted to be and he took the initiative. In 1993, one of 127 candidates, the court appointed Long as Commissioner. Governor Pete Wilson elevated Commissioner Long to the Municipal Court in 1995 and then to the Superior Court in November 1997, where Judge Long remained until his retirement in 2011. On each occasion, the oath was administered by **Judge Jack Smiley**, a mentor, whose demeanor and judgeship Long admired.

As the Mandatory Settlement Conference judge in Courtroom 22 from late 1998 to 2009, Judge Long was the face and gateway to the civil trial courtrooms. He shined. From San Diego to north of San Francisco, if a Ventura County lawyer found him or herself in a deposition or courtroom, a local attorney, more often than not, would comment, "Ventura....who's that judge you have....the Marine....good guy." His manner and skill often created a comfort level akin to the children's tale about making stone soup, where neighbors unwittingly each add a little of something and together they make a meal.

When asked if he was aware that at MSCs he often greeted the insurance representatives first and with feeling, Long said "Of course! They brought the money." It did not hurt that he had walked in their shoes. The same could be said for the lawyers. Whatever issue or obstacle, he had faced it before. Together with his ease, knowledge and humor, he brought undaunted effort to the cause each day and the lawyers and litigants benefited.

One settlement involved two life-long friends who became business partners. After years together, the business was in ruins, the money was gone and the precious friendship dashed. At the close of the recitation of the settlement, Judge Long added the following open term: Each man was ordered to call the other and invite him out for a steak dinner. The one receiving the call first must pick up the check. It gave them something to heal on.

In 2002, completely pleased that he was on the bench and sharing his life with his spouse since 1979, Shirley Critchfield (as well as their combined 7 children; 16 grandchildren and 5 great-grandchildren) since 1979, Judge Long was stricken by a heart attack. He was rushed to the hospital, surgery was performed, and he pulled through. But while lying in bed listening to the beeps and pings of monitors, he took a personal accounting of all that he had and those that had helped him along the way. Foremost was Staff Sergeant Manford C. Short. When his health allowed, Judge Long undertook to locate Sergeant Short. Sergeant Short had passed away a couple years earlier, but Long met the sergeant's wife and grandson and shared with them what this man had given him. Thereafter, until her passing, a dozen roses were delivered to Mrs. Short on November 10, the Marine Corps Birthday, as a tribute to the late Sergeant Manford C. Short.

Judge Long's portrait will hang in Courtroom 22 in what he calls **Judge Jerome Berenson's** courtroom, as he told Berenson when he was assigned to 22. It is the same courtroom where Judge Long once shook the hands of two young men, sending them forward, as he did so many others, with the residue of justice.



Bill Grewe practices law at Rose, Klein & Marias LLP in Ventura, where he handles wrongful death, personal injury, employment discrimination, wage issues and work-related injuries, illnesses and disabilities.

INTERNATIONAL SERVICE OF PROCESS: WHAT EVERY ATTORNEY SHOULD KNOW

by Nelson Tucker

Not only did law school minimize the importance of laws related to service of process, but classes probably did not even mention “international” service. After all, such service was a rarity until recent years.

Now, with the world shrinking and the global economy expanding, litigation between parties in the United States and foreign countries is increasing substantially. Most

international disputes arise from such areas as personal injury, trademark and patent infringement, products liability, family law, collections, and real estate matters.

In their careers, many U.S. litigators will have to serve legal documents on a foreign defendant. The research time and costs to determine how to accomplish service outside the United States can be staggering.

Understanding procedures for compliance with applicable treaties and local laws will avoid civil and criminal penalties against the attorney and client who may otherwise violate local laws, albeit unknowingly.

Certain treaties may simplify the process. The most widely used is the “Hague Service Convention,” which outlines the methods for process service in specific countries.

**SOUTHERN CALIFORNIA'S
PREEMINENT PROFESSIONAL
LIABILITY AND BUSINESS
LITIGATION FIRM**

15260 VENTURA BOULEVARD, SUITE 920
SHERMAN OAKS, CA 91403
TEL: 818.788.9500 / 877.314.1177

WWW.NEMECEK-COLE.COM

NEMECEK·COLE
Attorneys At Law



FRANK W. NEMECEK*

JONATHAN B. COLE*

MICHAEL MCCARTHY*

* Certified Specialist In Legal Malpractice Law from The State Bar of California Board of Legal Specialization

Another “formal” method of international service is by letters rogatory, a cumbersome, expensive and time-consuming method that should be used only as a last resort. Letters rogatory consist of a request from the court with jurisdiction to the court where the service is to be made, asking for judicial assistance. The procedure is used when enforcement of judgment is sought in a nation where no service of process treaty exists. It is also used when serving a civil subpoena in a foreign country (referred to as “Letter of Request”). Preparing it correctly to conform to the specific requirements of each country is an “art.”

Some nations, such as Germany, Japan, Switzerland, Korea, Argentina and Italy, currently outlaw service by private party or process server. Others such as Taiwan, United Arab Emirates, the Philippines, and Saudi Arabia do not have treaties in force but allow service by an “informal” method, such as by private process server.

Many nations require the court documents to be translated into the official language of that country, while others accept an English version. Translation costs can often exceed

the fee for service so it is vital to consult with the process service firm prior to filing the case, if possible, in order to eliminate unnecessary content. Once the case has been filed, all documents to be served must be translated; there are no exceptions.

The greatest challenge with international service of process is meeting court-established deadlines. An extension of time for completion of service can normally be obtained by providing the court with a proper declaration from the process server.

Although few private process servers understand the rules related to international service, a handful specialize in serving the needs of clients in foreign markets where the maze is simplified.

Scott Spooner, International Specialist with Process Service Network in Los Angeles, pointed to Mexico as a prime example of a nation whose legal system has gone beyond reason and common sense in imposing cumbersome requirements for service. “Mexico attempts to protect its corporations and citizens from legal matters that may eventually result in attachment of assets.

They do everything possible to delay service of process in hopes that the case will just go away.”

However, Mexico is a signatory to the Hague Service Convention and in doing so agreed to follow the terms of the treaty. The country is also a signer of the Inter-American Convention on Letters Rogatory, which is a separate treaty. Mexico cleverly combined the requirements of both treaties, thus making service there more difficult for foreign attorneys.

Eddie Varón Levy, an attorney who practices in California and Mexico and a former employee of the Mexican Central Authority, commented, “They are very clever at putting up roadblocks to slow down the process of serving their corporations.”

Other countries are not as protective and service of process is as easy as it is in the United States. Such nations as the United Kingdom, Canada, Spain, Australia, New Zealand, Singapore, Malaysia, and Sweden allow private process servers free rein to complete service of process without governmental obstacles.

Continued on page 17



JACOBS & JACOBS

ACCOUNTANCY CORPORATION

CERTIFIED PUBLIC ACCOUNTANTS
TAX PROFESSIONALS SINCE 1944
THERE'S NO SUBSTITUTE FOR
EXPERIENCE & EXPERTISE

- TRUSTEE & EXECUTOR SERVICES
- TRUST & PROBATE ACCOUNTING
- FIDUCIARY INCOME TAX RETURNS
- ESTATE TAX RETURNS
- ESTATE PLANNING
- ELDERCARE SERVICES

OJAI
(805) 646-4321

THOUSAND OAKS
(805) 497-4007

JOHN JACOBS, CPA

GREGG BURT, CPA

PAUL THOMAS, CPA

THE VITAL ROLE OF IMPORTED STATE WATER IN VENTURA COUNTY

by Gisele Goetz

So here is what we all know: We are in our third year of drought. California experienced its driest year on record in 2013. On January 17, Governor Brown officially proclaimed a “State of Emergency” due to drought conditions. Brown called on all Californians to reduce their water usage and directed state officials to take all necessary actions to alleviate drought impacts.

Here is what you might not have paid much attention to unless you are a farmer, involved with an industry that uses a lot of water, or a water lawyer: In November, the California Department of Water Resources (DWR) announced an initial allocation of only five percent of requested deliveries to state water project contractors in calendar year 2014. Then, on January 31, after measuring the northern Sierra snowpack at 6 percent of average, DWR announced a reduction in the State Water Project annual allocation from

five percent to zero. That is unprecedented. No state water project water at all in 2014.

What is the scary part?

That is.

Roughly three quarters of Ventura County residents use water purchased by their retail purveyors from the Calleguas Municipal

Water District’s distribution system. Never heard of Calleguas? Calleguas’ primary job is importing and distributing water from the Metropolitan Water District of Southern California, which is water that arrives via the State Water Project from Northern California. If roughly three quarters of Ventura County residents get their water from the State Water Project and that spigot has just turned off for the year, what does that mean for our clients in Ventura County?

Ventura County does not have access to Colorado River water, so that is not an option. Do the Metropolitan Water District of Southern California and Calleguas have stored water? Yes. Will Ventura have access to that stored water? Yes. Have our local

Sometimes numbers are the only prints left behind.

Arxis Financial is a proven forensic accounting and litigation specialist. We will examine the financial data and help you determine the “bottom line.” Arxis provides financial and valuation analysis needed to resolve a variety of legal disputes from family court to civil, criminal, and probate courts. In many cases our experts can help you reach a settlement. If trial or arbitration is required we give you the support you need to win.

Chris Hamilton, CPA, CFE, CVA

805.306.7890

www.arxisfinancial.com

chamilton@arxisgroup.com

ARXIS
FINANCIAL, INC.

FORENSIC ACCOUNTING

BUSINESS VALUATION

FRAUD ANALYSIS

water agencies prepared for drought. Yes. I am told that over the past 20 years, we “So-Cal folk” have invested more than \$5 billion in regional storage, infrastructure improvements, and water conservation programs.

Is that the complete answer to the problem? Unfortunately, it’s not. No matter what we do with local storage, conservation, infrastructure and recycling, Ventura’s farmers, industries and cities can’t sustain themselves without the State Water Project water. We just don’t have enough water. So we in Ventura County, as well as our similarly situated neighbors to the North and the South, have to do more.

What do the water agencies say? The Natural Resources Section of the Ventura County Bar Association and Barristers are hosting a seminar featuring Susan Mulligan, the General Manager of the Calleguas Municipal Water District, on March 19 at the VCBA offices. Susan recently returned from a meeting with Governor Brown and will speak on the topic of “**Ventura County’s Water Supply Vulnerability and How to Fix It.**” She will discuss the drought, her meeting with Governor Brown, local efforts to diversify supplies, and trends in the cost and availability of water in the future, as well as the proposed plan to repair problems in the Sacramento Bay Delta.

This will be an excellent opportunity for lawyers and their interested and affected clients to obtain relevant information directly from the source.



Gisele Goetz is a natural resources lawyer and a mediator. She chairs the Natural Resources Section of the Ventura County Bar Association.

Expert Investigations

sil-ver bul-let, n. A simple and seemingly magical solution to a complicated problem.



What we do is simple (and seemingly magical): get whatever is needed for our clients save money, save time, and win cases.

Experts at analyzing evidence on hard drives, cell phones and other digital media. Conducting environmental liability investigations for 30 years. Surveillance, asset searches, background checks, fraud, criminal defense, etc. Global reach. Serving Ventura County attorneys since 1988.

Clients include most major area law firms, and many of the AM Law 100.

VERDICT RESOURCES

Investigations And Professional Research

(805) 445-1997 | www.verdict.net

Get our White Paper: “What Attorneys Should Know About Computer Forensics”

SPECIALIZING IN MEDIATION OF CROSSOVER ISSUES AT AFFORDABLE RATES

Marcia L. Kraft Mediation/Arbitration

- * Family Law
- * Guardianships
- * Conservatorships
- * Probates and Trusts
- * Personal Injuries
- * Bankruptcy

Commitment to provide superior service with professionalism and integrity

CALL NOW!

818.883.1330

6355 Topanga Canyon Blvd. Suite 419
Woodland Hills, CA 91367

www.mlkmediation.com



AS A SIGNIFICANT BENEFIT TO OUR MEMBERS...THE VENTURA COUNTY BAR ASSOCIATION HAS IDENTIFIED THESE INSURANCE AND FINANCIAL PLANNING PROFESSIONALS TO ACCOMMODATE YOUR INSURANCE NEEDS. THESE BROKERS ARE RECOGNIZED FOR THEIR INTEGRITY, KNOWLEDGE AND EXPERIENCE IN SERVING THE LEGAL COMMUNITY. THEY CAN ASSIST YOU IN THE AREAS OF LIFE, HEALTH, DISABILITY INCOME, LONG-TERM CARE INSURANCE, ANNUITIES AND INVESTMENTS. YOU CAN OBTAIN STATE AND COUNTY BAR PLANS AT DISCOUNTED RATES THROUGH THESE BROKERS.

Barry A. Cane

**Disability Income Insurance
Business Overhead Expense**

(805) 496-5537 Fax: (805) 496-5598



Lic. #0740274

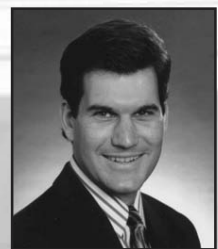
240 Lombard St., #100, Thousand Oaks, CA 91360

Registered Representative Park Avenue Securities (PAS), 7 Hanover Square, New York, NY 10004. Securities products and services offered through PAS, 1-888-600-4667, Member FINRA. PAS is an indirect wholly owned subsidiary of The Guardian Life insurance Company of America. Representative of The Guardian Life Insurance Company of America, New York, NY and other fine insurance companies.

Michael P. Kenney*, CLU

**Group and Individual Health Insurance
Business and Personal Life Insurance**

(805) 497-7407 Fax: (805) 494-1363



Lic. # 0688916

www.kenneyins.com

Securities offered through a registered represented of Royal Alliance Associates, Inc., Member FINRA.
Branch Office: 100 E. Thousand Oaks Blvd., Suite 152, Thousand Oaks, CA 91360 • (805) 496-4600

Lawyers' Mutual Insurance Company

*California's Pioneer Since 1978
Insuring Our State's Lawyers for 35 Years*



**Extensive FREE Online
MCLE Library – Over 50 hours!**

Always at no charge for our members

Solo Practice Resources

Virtual Law Practice Guidance

**Lawyer-to-Lawyer
Loss Prevention Hotline**

Specialty Practice Rates

*ADR, Appellate, Criminal,
Immigration, Insurance Defense*

Easy Renewal Process

Member Dividends*

*LMIC thanks you
for 35 years
of member support*



www.LMIC.com or call (800) 252-2045

LAWYERS' MUTUAL INSURANCE COMPANY 3110 West Empire Avenue, Burbank, CA 91504

Lawyers' Mutual

*LMIC...Exclusively
providing California Lawyers
with trusted service
and innovation since 1978*

Insurance Company

* Dividends are paid at the sole discretion of the Company's Board of Directors and past dividends do not guarantee the payment or amount of future dividends.



WAGNER FINANCIAL

"A disciplined approach to investment management"

STEPHEN H WAGNER, CFP®
SERVING THE LOCAL COMMUNITY SINCE 1979

- FINANCIAL PLANNING
- INVESTMENT MANAGEMENT
- WEALTH PROTECTION STRATEGIES
- 401K/PROFIT SHARING EXPERTISE
- PUBLIC SPEAKING FOR YOUR GROUP OR ASSOCIATION

CALL US FOR YOUR COMPLIMENTARY CONSULTATION
(805) 339-0760

1001 Partridge Drive Suite 110
Ventura, CA 93003
wagnerfinancial.com  

Securities and Investment Advisory Services through Transamerica Financial Advisors, Inc. (TFA) member FINRA, SIPC and a registered investment advisor. Wagner Financial and TFA are not affiliated.

SANTA CLARA VALLEY LEGAL AID NEEDS ATTORNEYS

by Leslie McAdam

Santa Clara Valley Legal Aid, which has been around for more than fifteen years, has seen a dramatic uptick in the need for legal services for indigent people, but a drop in the number of volunteer attorneys available to help. The need is especially great now. We are getting more and more people driving out to Fillmore from Oxnard, Port Hueneme, and other areas because they face serious legal issues but have no one who can help them. The types of cases we see involve people who contract with contractors who don't finish the job or are unlicensed, collections for medical bills that are the responsibility of a noncustodial parent, landlord-tenant issues, and other problems. We have had to turn away anyone with a family law problem because we don't have any family law attorneys right now.

This is a plea for help.

Attorneys who want to volunteer for legal aid do not have to come every week or volunteer hours and hours of time. It would be great to get people on a schedule where they come as their schedule permits and we can ease up on the strain. We meet every Thursday at 6 p.m. at 642 Lemon Way in Fillmore (the North Fillmore Community Storefront) for about an hour or an hour and a half. Those interested can contact me at (805)659-6800 or lmcadam@fcoplaw.com. Thanks in advance.



Leslie McAdam practices labor and employment, business and real estate litigation with Ferguson Case Orr Paterson in Ventura.



Explore Your Options

Alternative to Litigation
Business Approach
Result Oriented

- 25 Years Business Litigation Experience
- 10 Years Oil & Gas Experience
- Experience Advising Boards and Management

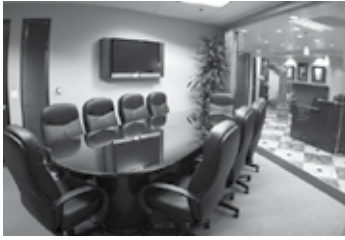
Goetz Business Mediations
Gisele Goetz, Esq. Mediator

Member: State Bar of California, CIPA, VCBA, SBCBA

(805) 895-5338

www.goetzbusinessmediations.com
giselegoetz@aol.com

River Park
EXECUTIVE SUITES



Elegant Affordable Single Furnished Offices

“Full Service Office Suites for the Executive”

- Full Time Offices
- Part Time Offices
- Hourly Offices
- Daily Offices
- 3 Conference Rooms
- Video Conferencing
- Training Rooms up to 80 people

1000 Town Center Drive #300, Oxnard, CA 93036

INTERNATIONAL SERVICE OF PROCESS: WHAT EVERY ATTORNEY SHOULD KNOW

Continued from page 11

If you plan to enforce the judgment in the foreign country, “formal” service is recommended. This method includes service pursuant to a treaty, such as the Hague Service Convention, or by Letters Rogatory. Allow sufficient time for completion of service as work habits, customs, and bureaucracy in other nations typically cause delays that we do not experience here in the United States. Use an experienced and qualified process service company that understands barriers to international service and can overcome them.

Nelson Tucker is CEO and founder of Los Angeles-based Process Service Network, LLC. He is an Associate Member of the American, Los Angeles County and Ventura County Bar Associations, and a qualified expert witness in process service issues. He can be reached at 800-417-7623 or nelson@processnet1.com. Country-specific information is available at www.processnet1.com/internat.htm.



Call Mary today
805.351.3700

www.rpexecutivesuites.com
mary@rpexecutivesuites.com

Video Conferencing
\$65. Per Hour

(Conference Room rental additional)



BUSINESS TO BUSINESS DEBT COLLECTION IN VENTURA COUNTY

- Prejudgment Attachment
- Claim And Delivery
- Fraudulent Transfers Set Aside
- Money Judgments Collected

THOMAS L. ENGEL

(805) 233-2758

3639 Harbor Blvd., Suite 203B
Ventura, CA 93001
tlelitigation@gmail.com

Tax Preparation & Planning

- ✓ Individual
- ✓ Corporate
- ✓ Partnership
- ✓ Estate & Fiduciary
- ✓ Offer in Compromise



Eulau Accountancy Corporation
(805) 641-1040
meulau@sbcglobal.net



Michael C. Eulau, CPA

MBA, Finance, University of Chicago
MSc Economics, London School of Economics
Over 20 Years Experience

200 E. Santa Clara Street, Suite 200, Ventura, CA 93001

Victoria Lindenauer, Esq.

MEDIATOR



Streamlined Approach

Results

Cost Effective

*Over 25 years PI litigation
on the Central Coast*

Trained Mediator:

Straus Institute
Pepperdine Univ.

Mediation Panelist:

Santa Barbara, Ventura
San Luis Obispo,
Resolute Systems, LLC

805.730.1959 | www.lindenauermediation.com
lindenauer_mediation@cox.net

Court Appointed Receiver/Referee

*“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.

LINDSAY F. NIELSON

Attorney at Law

Member – California Receiver Forum

Email: nielsonlaw@aol.com

845 E. Santa Clara, Ventura, CA 93001
(805) 658-0977

BARRISTERS' CORNER

by Katie Hause Becker

Law Student and Young Attorney Mixer

On Jan. 28, the Barristers sponsored a mixer for Barristers, new admittees to the State Bar, law students, and other friends at Surf Brewery in Ventura. **Rennee Dehesa, Rachel Coleman, Katie Hause Becker, Joshua Hopstone, Lauren Sims, and Brier Miron** welcomed other new members of the legal community in a fabulously-attended event. Attendees included students from the Ventura College of Law and Pepperdine Law schools, as well as such distinguished guests as **Wendy Lascher** and her mother Peggy Cole (also a lawyer) and **Doug Goldwater**. The Barristers plan to have more events like this, and all are welcome. Please stay tuned to *CITATIONS* for more information.

Career Discussion

On Feb. 12, Becker and Coleman led a career panel discussion at Ventura College of Law alongside Ventura County Bar Association President **Laura Bartels**. The panel was open to VCL students and covered advice on getting internships while in law school, getting jobs out of law school, and networking to build your business upon passing the bar.

Upcoming Events

Do you ever wish that you could shoot your colleagues...in a friendly and non-harmful way, of course? The Barristers will host the first ever **Barristers' Paintball Tournament and Tri-Tip BBQ** on March 9 from 4 pm to 8 pm at Stryker PA in lovely Santa Paula, California. This event is kid friendly, so bring your families! \$60 for both paintball and BBQ, \$20 BBQ only, or just come enjoy some time together for free!! For more information or to RSVP, contact **Amy Dilbeck Kieseewetter** at ard@strausslawgroup.com or (805)641-9992.

Katie Hause Becker practices in Santa Paula at Ben Shuck & Katie Hause LLP.

Advertise in the 2014-2015 Legal Services Directory!

**Ask Nadia for more
information or visit
our website**

www.vcba.org

MEDIATION SERVICES

www.californianeutrals.org

*Serving Orange, Los Angeles, Ventura,
Santa Barbara & San Luis Obispo Counties*



- BUSINESS
- EMPLOYMENT
- INSURANCE
- PROBATE
- PERSONAL INJURY
- PROFESSIONAL NEGLIGENCE

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

R.A. CARRINGTON

565 Sheffield
Santa Barbara, California 93108

805.565.1487 • Fax: 805.565.3187 • RATC@cox.net

LRIS

LAWYER
REFERRAL &
INFORMATION
SERVICE

For more information call
(805) 650-7599
www.vcba.org



Kay Wilson-Bolton Broker Since 1976

Hoarder Homes/*Clearing & Cleaning*
Distressed Properties
Estate and Trustee Sales
Probate Sales
Property Management
Si Hablo Espanol

- ♣ Contract Broker for Public Administrator of Ventura County
- ♣ Bankruptcy Trustee Broker
- ♣ Broker Price Opinions with Photos
- ♣ REO and Shortsales
- ♣ Covenant Mediation Services
- ♣ Skilled with Multi-Trustees and Co-Sellers Transactions
- ♣ Probate Sales, Evaluation & Marketing
- ♣ Notary and E-Signing Agent

CENTURY 21 Hometown Realty

805.340.5025 Efax 805.258.7028

Real Estate Broker BRE 00577863 Property Management BRE 01767325
kay@realestatemagic.com www.kaywilsonbolton.net
www.kaywilsonboltonblog.com
www.facebook.com/justcallkay



ATTORNEY SERVICES

COURT SERVICES
SERVICE OF PROCESS
PHOTOCOPY SERVICES

DEPOSITION OFFICER ASSIGNMENT
SUBPOENA PREPARATION
SKIP TRACING

OUR MOST IMPORTANT SERVICE IS
PEACE OF MIND.

Established in 1993 in Ventura, CA, Commercial Process Serving, Inc. is your premier local Attorney Service! With a fully staffed office, Registered Process Servers & Photocopiers, and field experienced managers, CPS has you covered. We provide an array of solutions guaranteed to meet ALL of your legal service needs. Let our extensive resources, investments and experience work for you.

BEST RATES GUARANTEED!

References Readily Available

VENTURA

674 County Square Drive, Suite 107
Ventura, CA 93003
Phone: (805) 650-9291
Fax: (805) 658-8170
E-mail: admin@comproserve.net

SANTA BARBARA

209 E. Anapamu Street
Santa Barbara, CA 93101
Phone: (805) 845-4200
Fax: (805) 845-4201
E-mail: sb@comproserve.net

NEW LOCATION!

SANTA MARIA

124 West Main Street, Suite C
Santa Maria, CA 93458
Phone: (805) 361-0781
Fax: (805) 361-0782
E-mail: sm@comproserve.net

Same Day Services | Email Status & Service Confirmation | Conformed Face Pages Emailed
Fees Advanced | Daily Pick Up/Retainers | Statewide/Nationwide Coverage
Large Format Printing/Scanning | Copy Services, Color & BW

Specializing in Properties that need to be sold due to Divorce, Hardship, Probate and Trust Administrations



Endorsed by: *Laura V. Bartels, Esq., Leslie A. McAdam, Esq., Jesse E. Cahill, Esq., Kathryn E. Clunen, Esq., William E. Winfield, Esq., Maria L. Capritto, Esq., Ben A. Schuck, Esq. and Susan L. Wilson, Esq.*

Theresa Robledo, Realtor®, Broker, DRE #01483023
Henry Robledo, Realtor®, DRE #01901932
Email: Agent@DiamondRealtyTeam.com
805.625.4450 direct



Serving Ventura County



DiamondRealtyTeam.com

AT JAMS, YOU FIND EXPERIENCE. KNOWLEDGE. FAIRNESS. SERVICE.

AND AN UNSURPASSED PANEL OF NEUTRALS.

tracycollins
LAW OFFICES OF

ERISA Disability and Life Insurance

Representing claimants in the denial of group disability and life insurance claims.

Tracy Collins
Attorney At Law
5739 Kanan Road,
Suite 415
Agoura Hills, CA 91301
tracy@tracycollins.com
(818) 889-2441

Referral fees paid in accordance with Professional Rule of Conduct 2-200.



Hon. Melinda A. Johnson (Ret.)

Hon. Peter D. Lichtman (Ret.)

Hon. William L. Peck (Ret.)

Hon. David D. Perez (Ret.)

Hon. Steven J. Stone (Ret.)



Nancy J. Warren, Esq.

Hon. Diane Wayne (Ret.)

JAMS has continually strived to set new standards in dispute resolution, including a highly selective recruiting process that helps us build the strongest neutral panels possible. Nowhere is this any truer than in Ventura, where our neutrals draw upon a deep knowledge of the region.

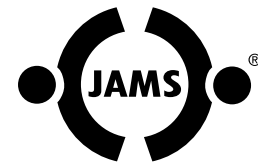
WALK-IN CONFERENCE ROOM



RENT PER HOUR

EASY, NEUTRAL, PRIVATE & PROFESSIONAL
MEET @ **POSTNET** IN THOUSAND OAKS, CA. ROOM - SEATS 9, WIFI, VIDEO CONF. ON 40" TV, ONLINE PRINTING, NOTARY, MAILBOX RENTALS & MAILING.
SEND YOUR DOCS. BEFORE YOU COME!
File Upload: WWW.POSTNET.COM/CA162
CALL: 805.777.8866

THE RESOLUTION EXPERTS



1.800.352.5267 | www.jamsadr.com | Resolving Disputes Worldwide

ELDER LAW SERVICES

VETERANS BENEFITS

- Veterans' Non-Service Connected Pensions for Aid & Attendance; Homebound; etc
- Non-service Connected Pensions for Surviving Spouse; children; and parents
- Veterans' Service Connected Compensation
- Spousal Death & Indemnity Compensation
- VA Appeals

MEDI-CAL ELIGIBILITY

- Custom-designed Eligibility Analysis & Qualification Plan (Asset Protection)
- Application Preparation & Representation
- Medi-Cal Recovery Claim Avoidance
- Appeals of benefits denial/loss



Services focused on assisting individuals obtain Veterans/Medi-Cal benefits for Long Term Care

THE LAW OFFICES OF CRAIG R. PLOSS

290 MAPLE COURT, SUITE 118, VENTURA, CA 93003 TEL: (805)642-8407 FAX: (866)379-2179 EMAIL: PLOSS@TDS.NET

We Read So You Don't Have To:

SOMETHING FISHY

Concerning the Seventh Circuit's infamous statement that, for a factual finding to be clearly erroneous, it must strike us as wrong with the force of a five-week-old, unrefrigerated dead fish. *Parts & Elec. Motors, Inc. v. Sterling Elec., Inc.*, 866 F.2d 228, 233 (7th Cir. 1988).

The dead fish test is clever—it got its own West key number—but probably unhelpful, arguably wrong, and likely a *fluke* of rhetoric. To some extent, if we may *carp*, the test overstates, since Rule 52 allows more appellate second-guessing over trial judges than the Seventh Amendment allows over juries. In nonjury cases, by contrast, the court may right the *scales* of justice, if the record as a whole demands...Although the Seventh Circuit has repeated this test in subsequent cases applying Rule 52 review and similar contexts, it should be left to *flounder*. For other courts considering this test: *caviar emptor*. Nevertheless, courts in other circuits also began to apply the test, ..unfortunately accepting it *hook, line, and sinker*—despite its inaccuracy. The *ray* of hope, however, is that the test tends to be used as mere rhetoric ...We await with *bated* breath its explicit burial by some, future, careful court.

1 Steven Alan Childress & Martha S. Davis, *Federal Standards of Review* s. 2.06, at 2-42 to 2-43 (4th ed. 2010) (emphases added) (footnotes omitted).

DISCOVER. EXPERIENCE. GROW.

Turn to UCSB Extension for professional development courses in Santa Barbara and Ventura.



MEDIATION & DISPUTE RESOLUTION PARALEGAL STUDIES

Spring Quarter begins March 31



Free Information Session

Thursday, March 13
5:30–7:00pm

UCSB Ventura Center
3585 Maple St. #112

ENROLL TODAY | 805.893.4200 | <http://extension.ucsb.edu/pssb>

NEED CLIENTS?

Become a Member and let the LRIS get clients for you!

LAWYER REFERRAL & INFORMATION SERVICE

For more information call

(805) 650-7599

www.vcba.org

Accident Reconstruction



Marc A. Firestone
Ph.D.

"I approach forensic engineering not as a narrow vocational activity but as a scientific inquiry."



Von Haenel
&
Associates, Inc.
FORENSIC ENGINEERING

Objective Analysis and Scientific Integrity

Combines over 20 years of experience as a professional research scientist with a 40 year old forensic engineering firm. I have handled hundred of cases in:

- Vehicular accident reconstruction
- Slip/Trip falls ■ Product defects
- Fires ■ Unusual cases requiring a broad scientific background

**2510-g Las Posas Rd.
#513 Camarillo, CA
93010**

Phone: (805) 388-7123 E-Mail:
fireball@mailaps.org

Tri-County Sentry Newspaper

LEGAL/PUBLIC NOTICES

We can publish your Trustee's Sales, Probate Notices and Change of Names. Court Order No.125431

Rates:

Trustee's Sales...\$225 approx

Petition to Admin \$180

Change of Name...\$110

Legal Notices...\$9.50

For the best
service call
983-0015

We file your Affidavit of Publication with the court

F.L. CURNETT & ASSOCIATES INC.

LEGAL INVESTIGATIONS

WWW.FLCCORP.COM

Tom Curnett
Copyright © 2007

Bus. (805) 524-6841

E-mail: tomdefense@aol.com

P.O. Box 887, Fillmore, CA 93016
SPANISH INVESTIGATIONS

IRWIN R. "ROB" MILLER ESQ.

MEDIATION • ARBITRATION

Want to settle that case?

A trial lawyer for over 35 years, I have successfully tried and settled million and multi-million dollar cases.

My experience and training will help settle your cases.



IRWIN R. "ROB" MILLER ESQ.
MEDIATION • ARBITRATION

- J.D. Univ. of Cincinnati-Law Review Editor
- "AV" Rated Martindale-Hubbell
- Pepperdine Univ. School of Law-Straus Institute
- Arbitration Panel Ventura County
- Ventura Center for Dispute Settlement
- Member of VCBA, LACBA
- Past President Hollywood Bar Association
- Million and Multi-Million Dollar Advocates Forum

(805) 485-2700 Fax (805) 485-2751

Email: irmmediation@aol.com • Web: IRMLaw.net

300 Esplanade Drive, Suite 1760 • Oxnard, CA 93036

NEED CLIENTS?

Become a Member and let
the LRIS get clients for you!

LAWYER REFERRAL & INFORMATION SERVICE

For more information call

(805) 650-7599

www.vcba.org

CLASSIFIEDS

HELP WANTED

Exciting opportunity for the right attorney with excellent work ethic, credentials and desire to be an integral part of a well-established (30 years) av-rated small firm in Westlake Village. Should have minimum five years' experience in civil litigation and transactional in areas of business, real estate, corporate/partnership. Will also consider contract work or Of Counsel. Email resume in confidence to sam@silverandarsht.com.

Attorneys interested in teaching law as adjunct faculty of The Santa Barbara & Ventura Colleges of Law are invited to send a letter of interest or to call Faculty Chair Steve Underwood at (805)979-9859. Openings are anticipated at both campuses for Summer Session 2014 and the 2014-2015 Academic Year. The Colleges do not practice discrimination and welcome applications from all attorneys, including women and minority applicants. The non-profit Colleges of Law are accredited by The State Bar of California and have served the Central Coast since 1969.

Recently incorporated organization, Steps to Our Future, Inc. seeks an attorney to sit on its founding Board of Directors. Steps to Our Future, Inc. is a 501(c)(3) nonprofit public benefit organization incorporated to promote, support, and improve the early development of children in Camarillo and Somis by developing and securing resources to support the mission of the Pleasant Valley Neighborhood for Learning: *"To create and maintain a coordinated community-wide effort to provide equal access to all children to services which enhance health and school readiness."* To apply contact Barbara E. Wagner at (804)482-6322. You can also contact Rafaela Frausto at (805)388-0369 or rfrausto@pvnfl.org.

OFFICE SPACE

Executive Office Space To Share With Law Firm – 674 County Square Drive, #201, Ventura. Office available in newly remodeled law firm. Large picture window and beautiful wood floors. Possible separate space for assistant. Offered at \$450, includes WiFi. Great location across from government center – walk to court! Contact Janet at (805)302-8238 or Janet@JanetMertesLaw.com.

River Park Executive Suites – Elegant affordable single furnished offices, full time offices, part time offices, hourly offices, daily offices, three conference rooms, training rooms up to 80 people. Video conferencing \$45 per hour. Conference room rental additional. Call us today! (805)351-3700.

SERVICES OFFERED

Legal Secretary Temp - 30 year's experience specializing in litigation, corporate, estate planning, med-mal, employment, and bankruptcy. Exceptional communication, writing, and organizational skills. Well versed in multiple legal software programs. Expert at Word, Outlook, and Calendaring. Motivated, self-starter, problem-solver, and team-player – able to work well in small or large group environments. Excellent references. Available now (805) 256-4501.

**SPECIALIZING IN
LEGAL PLACEMENT**

Legal Staffing and Executive Recruitment

Expertise • Experience • Efficiency

Serving the recruitment needs of law firms and corporate legal departments for over 35 years with integrity and confidentiality.



**whalen
bryan**

Focused Recruitment
& Staffing

**Contact us today to help you
find the right match.**

KATHI WHALEN, CAC
President & Founder

Ventura County • (805) 389-3663 Santa Barbara County • (805) 965-2020
kathi@whalenbryan.com • www.whalenbryan.com

Exec's Dot...Dot...Dot... *by Steve Henderson, Executive Director, M.A., CAE*



California Rural Legal Assistance seeks a Staff Attorney for its Oxnard office. You may apply by sending a cover letter and resume to hr@crla.org. Final filing date is May 3 and the salary is \$42,000 to \$67,000 DOE... Which law firm is the oldest in the United States? The title belongs to Rawle & Henderson, the venerable firm begun in Philadelphia – home of Independence Hall and Ben Franklin – just seven years after the nation was born. Numero dos? Howard, Kohn, Sprague & Fitzgerald of Hartford, Conn... **Terence Geoghegan** is the Senior Vice-President of the United States International Taekwon-Do Federation (US-ITF), a senior umpire in the U.S., and teaches the Umpire classes for the US-ITF. Did I mention he was recently promoted to 8th-Degree Black Belt? He also has moved his office to 3585 Maple Court, Suite 228, Ventura. tg@tgtriallawyer.com...

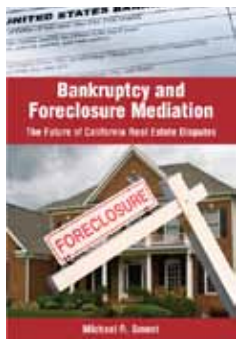
The Ventura Center for Dispute Settlement is soliciting for a bar member willing to act as liaison with a collaboration of folks who are planning to implement a Ventura County Veterans Legal Clinic. Contact Executive Director, **Michael White**, Esq., at mwhite@vcds.bz or 384.1313... A third-wave survey of lawyers who passed the bar in 2000 has found a decline in the percentage of lawyers practicing law and major differences in pay based on gender, law school rankings and grades. Twenty-four percent of the surveyed lawyers were not practicing law in 2012, compared to about 9% who weren't practicing law in 2003. The

results are from the "After the JD" study, which tracked a national sample of lawyers who passed the bar in 2000 with surveys in three waves – in 2003, 2007 and 2012... Jerome H. Berenson Inn of Court member



Tim Sottile invites you to participate in this lively group of lawyers who meet once per month for a social, dinner and a CLE. The next gathering is March 13, so call me to be a guest...

Robert Sawyer checks in by email with a compliment regarding the February issue of *CITATIONS*, especially the President's Message and **Lee Gibson's** tribute to **Dennis Jones**. For even more lawyerly music, check out his new website at www.ukulelerob.com... A homeless man arrested February 15 at a Tennessee law firm told police he had been sneaking into the offices since October 2013 to use the kitchen and internet. Maryville Police discovered Michael Anthony Benjamin, 47, hiding behind an office door at Costner and Greene. A female employee called police after entering the firm at about 11:40 p.m. on Saturday and noticing that coffee creamer had been spilled in the kitchen and the place smelled like cigarette smoke...



Michael Sment, a long time contributor to *CITATIONS* and a member of its editorial board, has been selected to write *Bankruptcy and Foreclosure Mediation: The Future of California Real Estate*

Disputes, which he completed and which was just published by Aspatore Books, a division of Thomas Reuters, the owners of West and WESTLAW. *Bankruptcy and Foreclosure Mediation* (ISBN: 9780314291851) is available by calling 1.866.ASPATORE...

New Delhi? **Harveen Simpkins** at Harveen_simpkins@yahoo.com or 479.3346... A Tennessee judge who ordered a baby's name changed from Messiah to Martin has

been replaced. Child Support Magistrate Lu Ann Ballew was dismissed on January 31. Ballew had refused to approve the name during an August hearing, saying the Messiah was reserved for Jesus Christ. The decision was overturned, and Ballew was accused of violating legal ethics rules. Ballew is facing a March 3 hearing before the Tennessee Board of Judicial Conduct... A recently incorporated organization, Steps to Our Future, Inc., seeks an attorney to sit on its founding board of directors. The non-profit public benefit corporation has been established to promote, support, and improve the early development of children in Camarillo and Somis. Contact Rafaela Frausto at 388.0369 or rfausto@pvnfl.org...

Neal Maguire, whose practice focuses on land use, environmental and water law, particular CEQA, has joined Ferguson Case Orr Paterson LLP as the firm's newest partner. Reach him at 659.6800.



A to Z Partner **Dennis LaRochelle** was installed as President-Elect of the California Statewide chapter of the American Board of Trial Advocates, CAL-

ABOTA. LaRochelle has served a vice-president and Treasurer and is the first Ventura County trial lawyer to be elevated to statewide office since the local California Coast Chapter was formed in 1988... I never get tired of viewing videos of soldiers returning home and surprising their children or spouse... Antarctica? **Mindy Johnson** at 276.2337 or mjohnson-jams@inreach.com... India? **Judge Brian Back** at 654.2673 or brian.back@ventura.courts.ca.gov... Paintball? Barristers brochure inserted in this edition and will be held March 9th...

Steve Henderson has been the executive director and chief executive officer of the bar and its affiliated organizations since November 1990. He charges a relatively minor fee for his exacting March Madness predictions. Henderson may be reached at steve@vcba.org, Twitter at [stevehendo1](https://twitter.com/stevehendo1), FB, LinkedIn, or better yet, 650.7599.

Before you fill these seats.....



Find out what they are thinking.....

Conduct a Jury Focus Group

Holding a Jury Focus Group before trial can give you the advantage by affording you the opportunity to test your case in front of a panel of mock jurors. Holding a focus group in the early stages of your case can expose potential problems as well as help point your case in the right direction.

We take all of the hassles out of the process as well. Our facility provides dedicated focus group rooms with closed circuit viewing and video recording for viewing later.

We provide the Jurors, A/V Equipment, food and beverages, all for a price that is surprisingly affordable.

Call today for details
and Client discounts



800-43-DEPOS

www.personalcourtreporters.com



Personal is my "go to" source for all of my Jury Focus Groups and Court Reporting needs. They surpass all my expectations.

~Michael Alder

CITATIONS

Ventura County Bar Association
4475 Market Street, Suite B
Ventura, CA 93003

PRSR STD
US POSTAGE
PAID
PERMIT NO. 507
OXNARD, CA 93030



We appreciate your criminal law referrals!

WWW.DavidLehrLaw.COM

805 477-0070