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MEDIATION TWENTY YEARS LATER: PROPOSED REFORMS

*By Gregory W. Herring, CFLS, AAML, IAFL,
 with Cassandra T. Glanville, Esq.*

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PRESIDENT'S MESSAGE

by Erik B. Feingold

Buried within President Trump's recent proposed budget is the abolition of the Legal Services Corporation. The LSC is a public nonprofit corporation established by Congress in 1974 that funds more than one hundred civil legal aid programs across the United States. Because of the enormous societal costs and the economic ripple effect the elimination of the LSC would have, the executive committees of the Ventura County Bar Association and Ventura County Legal Aid recently signed letters to our California representatives urging them to defend the LSC and to resist any attempt to abolish this organization so vital to our system of justice.

The Sixth Amendment mandates the existence of public-defender systems for those accused of committing crimes. However, the Constitution does not mandate legal aid for parties to civil disputes. Instead, indigent parties to civil disputes must either obtain an attorney willing to take their cause on a *pro bono* or contingency basis, or rely on funding from state and federal governments, nonprofit groups, or private foundations for the help they need. Here in Ventura County, we are fortunate to have numerous such organizations providing assistance to parties in civil disputes on a *pro bono* basis, including Ventura County Legal Aid (think **Charmaine Buehner**), the Conejo Free Clinic (think **David Shain**), Santa Clara Valley Legal Aid (think **Laura Bartels**), and Catholic Charities (think **Mike Ford**), among other vital organizations.

For those of us who have volunteered at legal aid, we see firsthand in the eyes of a *pro per* party how daunting the legal process is, how appreciative the participants are for our help, and how personally gratifying it is to us to provide that help.

Ventura County – with its numerous legal aid resources and volunteers – is a statistical anomaly. Take central Tennessee, for instance. One organization, the Legal Aid Society of Middle Tennessee and the Cumberland, serves 48 counties, including the City of Nashville. Approximately 450,000 people in that region (parts of which have poverty rates exceeding 25 percent) are eligible for the organization's

services. But they have funding for only 32 lawyers. That's over 14,000 clients *per attorney*. And this organization goes away if LSC funding is eliminated, unless private donations fill the gap.

Many Americans may feel this is an abstract concern, and that the elimination of LSC will have no effect on them. But it will. Through LSC groups, individuals facing foreclosure and eviction are given the help they need to stay in their homes, which keeps property values up and prevents homelessness and the attendant societal costs homelessness brings. Victims of domestic violence are provided with assistance in obtaining restraining orders, which in turn reduces costs to police officers, the court system and medical care. And for those of us who have opposed parties appearing in *pro per* or who have witnessed people trying to represent themselves in court in complicated legal disputes, the result is often disastrous and results in unnecessary court congestion while judges take the time

to deal with litigants unfamiliar with court procedures. This delays the resolution of other cases and forces more parties into ADR at significant cost.

This is not the first time the LSC has come under attack. President Reagan sought to abolish the program in 1981, and then-House speaker Newt Gingrich took a swipe at LSC in the mid-1990s. Both times bipartisan coalitions of Democratic and Republican legislators pushed back, and now that needs to happen again.

Please take a moment to correspond with your representative in Congress and urge them to reject the abolition of LSC. The expected savings (a mere .00009 percent of the federal budget) are far outweighed by the impact the elimination of the LSC would have on society.

Erik B. Feingold is a litigator with Myers, Widders, Gibson, Jones & Feingold in Ventura.

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CONFIDENTIALITY OF ATTORNEY INVESTIGATIONS CLARIFIED BY THE COURT OF APPEAL

by Scott Juretic

Attorneys are frequently hired by parties to conduct investigations in matters including personnel actions, complex litigation, and trial support. Typically, the investigating attorney receives the assignment and direction from counsel, reviews files, contacts and interviews witnesses, and issues a report summarizing the findings. At times, a witness statement is generated. Counsel and clients hire attorneys as investigators because they understand the key issues and, presumably, their work is confidential. Until now there was no direct holding that the absolute attorney-client privilege applies to these investigations where the attorney/investigator was not retained to provide legal advice.

City of Petaluma v Superior Court (2016) 248 Cal.App.4th 1023 directly addressed the confidentiality and privilege issues in investigations conducted by attorneys, holding that an outside counsel's investigation of an anticipated lawsuit is protected from discovery under both the attorney-client privilege and the work product doctrine.

In *Petaluma*, outside counsel was retained by the city attorney to investigate an employee's EEOC charges of sexual harassment and retaliation, and to assist the city in preparing for the anticipated lawsuit. The retention agreement specified that an attorney-client relationship was created between the investigating attorney and the city and that the investigation was subject to the privilege. However, the agreement also provided that the attorney would render *no legal advice* to the city as to what action it should take in response to the claim.

In the ensuing lawsuit, plaintiff sought the attorney's documents, testimony and final investigation report in discovery. The trial court rejected the city's claims of privilege under the attorney-client and work product doctrines. It determined that the investigating attorney rendered no legal advice, and even if she had, the attorney-client privilege would extend only

to communications containing legal advice, and not to the investigation itself.

The Court of Appeal directed the trial court to vacate its order, finding that both the attorney-client privilege and work product doctrine applied to the investigation and report. The definition of "client" in Evidence Code section 951 establishes that an attorney-client relationship may exist when an attorney provides a legal service without also providing legal advice. "The rendering of legal advice is not required for the privilege to apply." (248 Cal.App.4th at 1034.)

The initial focus of whether a communication is privileged is on the "dominant purpose of the relationship" between the attorney and client, rather than on the purpose served by the individual communication. (*Costco Wholesale Corp v Superior Court* (2009) 47 Cal.4th 725, 739-740.) If the communications were made during the course of the attorney-client relationship, the communications, including any reports of factual material, are privileged, even if the factual material might be discoverable by other means. The attorney-client privilege is absolute. (Evid. Code, § 954.)

The definition of "client" is identical for the attorney-client privilege (Evid. Code, § 951) and work product doctrine (Code Civ. Proc., § 2018.010.) The work product rule establishes a qualified privilege against discovery of general work product, and an absolute privilege against disclosure of writings which contain an attorney's impressions, conclusions, opinions or legal theories. "Writings" include any form of recorded information, including audio recordings. (Code Civ. Proc., § 2016.020(c); Evid. Code, § 250.)

A witness statement obtained through an attorney-directed interview is entitled, as a matter of law, to at least qualified work product protection. Under certain circumstances, for example, statements revealing the attorney's thought processes,

an absolute privilege may apply. Particular questions may reveal a certain theory. In cases involving multiple witnesses, the very fact that a particular witness was selected for an interview may invoke absolute work product protection. (See, *Coito v Superior Court* (2012) 54 Cal.4th 480, 494-497.)

The attorney-client privilege and work-product doctrine may be waived if there is a disclosure to a party outside the attorney-client relationship, and the disclosure is inconsistent with maintaining confidentiality and protecting an attorney's work product. An investigating attorney who is called by the client to testify at trial would necessarily invoke a waiver. That raises the question whether the privilege is similarly waived as to the entirety of the attorney's conversations, writings and findings.

To increase confidentiality protection in attorney-directed investigations, I recommend a formal retention agreement, establishing the attorney-client relationship and corresponding privilege. Direct contact between the party/attorney of record and the investigating attorney, or an assignment letter, further enhances confidentiality.

I have found it good practice to introduce myself as an attorney before commencing any witness interview. If there is no documentation of the privilege, and it is later contested, I can draft a declaration attesting to the fact that I identified myself as an attorney, working on behalf of a particular party.



Scott Juretic is an attorney in San Luis Obispo who specializes in investigations and trial support. 805-471-7903; sjuretic@sbcglobal.net; juretic-law.com

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THERAPY AND FAMILY LAW

by Alice Arnold

The VCBA Family Law Section's March 21 panel discussion on "Individual Therapy and Family Law" featured **Judge William Liebmann**; Robert Beilin, Ph.D., M.F.T.; Nancy Lopez, M.S., M.A., M.F.T.; and Fred Norris, Ph.D. **Amanda Sanderson** moderated.

Judge Liebmann reviewed a family court judge's authority to order mental health treatment. Only in custody or visitation disputes does the court have jurisdiction under Family Code section 3190 to order outpatient counseling for the parties and/or the children, for up to one year. Therapy includes assessment and/or treatment. Adults might be directed to explore anger management, parenting skills or addiction issues; children might undergo treatment to assess allegations of abuse/neglect, to address self-harming behaviors or signs of depression/anxiety or to assess special education needs. If a parent has been absent for a length of time, reunification therapy may be necessary. Before entering an order for therapy, the Court must make specific findings under section 3190 that the dispute "poses a substantial danger to the best interest of the child" and "counseling is in the best interest of the child."

Dr. Norris discussed six areas of family conflict that he sees in referrals from the court:

1. Relationship problems between child and parent;
2. Adjustment problems by a child due to divorce or new blended family;
3. Parental disagreement over treatment for a child;
4. A child's emotional problems;
5. "Safe harbor" (confidential) therapy for a child to manage conflict between parents and the pull to align with one parent; and
6. "Safety net" therapy, which is not confidential, if there are concerns about abuse/neglect by one parent or self-harming by the child.

Dr. Norris noted that recent research suggests that if a child has one parent who is emotionally attuned to the child's needs, the child can benefit enough to counterbalance the detrimental effects of a parent who does not meet a child's emotional needs. The greater the exposure to parental conflict,

the more negative effects are seen in a child, yet even one parent attempting to minimize the conflict is beneficial for the child.

Dr. Beilin noted that a starting question is not "why" a parent acts in a detrimental manner, but rather "when" does this happen. With this perspective patterns of behavior can be seen, and a parent can learn to adjust thinking and feeling so that reactive and detrimental behaviors can lessen. When patterns of behavior are ongoing and parents continue to return to court, the parties need to learn how to break the cycle. In some cases, co-parenting therapy is needed so that the parties have a safe place to exchange information and make joint decisions. Dr. Beilin pointed out that family therapy can be done with one member of a family because that person then takes back to the home a new perspective and adjusted behaviors that can influence other family members. There are times when conjoint therapy is appropriate, and that can be both parents, a parent and child, or step-parents or siblings.

Nancy Lopez, whose practice is child-focused, observed that the child's therapeutic

Continued on page 8

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Continued from page 7

outcome benefits when both parents are willing to engage in dialogue about the child's needs, and that in a high-conflict matter, ideally both parents are involved in the child's treatment so that allegations of bias are less likely. Seeing children with anxiety disorders due to parental conflict or confusion about the divorce, Ms. Lopez meets with the parents to provide feedback on their child's development and proper parenting techniques. Sometimes a child's issues may be developmentally appropriate and a parent's reaction is really an over-reaction that then negatively affects the child. The most difficult and saddest cases are when a parent has alleged sexual abuse and the child has been coached to affirm the allegations, in the absence of any substantiation of the abuse. The harm to a child in these cases is deep. Overall, the goal of therapy with a child is to help build resilience, to vocalize needs, and not internalize the anxiety or confusion that is felt.

An audience member asked about confidentiality of court-ordered treatment. When the court orders therapy, the party must give informed consent for release of relevant information. The court should also enter an order requiring progress reports from the therapist. The therapist must never make custody or visitation recommendations.

Dr. Norris reiterated that the greater the conflict the worse the outcome for the child, and any ability to minimize conflict is a worthwhile goal, even if that means limited or no co-parenting. From the child's perspective, Ms. Lopez said, when one parent denigrates the other parent, the child is essentially ripped in half, which can lead to aligning with one parent and refusal to see the other. Dr. Beilin summarized by making it clear that even though there is an ideal of co-parenting, when there is high conflict between the parents lessening any connection between them may be the best choice for the child.

Alice Arnold, J.D., Ph.D. who has practiced in New York and Colorado, now handles family law cases and mediation from her Ventura and Santa Barbara offices. She is a psychotherapist as well as a lawyer, and is a member of CITATIONS' editorial board.



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BARRISTERS CORNER

by Robyn M. Weiss

The Ventura County Barristers pride themselves at being a well-rounded group of individuals whose love for the law combines with the love for the community we live and work in. This month, I'd like to spotlight one of our board members, **Brier Setlur**. Setlur has strong ties to Ventura County, and to Camarillo in particular. Her parents met and lived in Camarillo before she and her twin sister were born. After moving from state to state and even spending some time living abroad, Setlur came back to California for college. While she and her twin were in college, their parents ended up moving back into the same Camarillo house they had lived in years ago. Setlur moved in with her parents during her time at Southwestern Law School and has lived in Ventura County since 2007.

Setlur enjoys the friendliness of the Ventura County legal community and notes that the respect that everyone shows to one

another is something she appreciates and values about working here. In her time away from her office at LightGabler, where she practices employment law defense, Setlur volunteers at the Law Library, serves as the Chair of the Camarillo Chamber of Commerce, and raises money for Relay for Life. Relay for Life is an American Cancer Association fundraiser that Brier gained a personal connection with after initially getting involved as a volunteer for her church's team, Spirit Movers. Setlur explained, "In 2014, I was personally affected by cancer when my grandma died of colon cancer. Now, Relay for Life means a lot more to me than just a good cause."

I asked Setlur what her advice would be for those looking to choose an organization to volunteer with or raise money for. "Choose something you are interested in or passionate about," she said. "If you are passionate about the cause, then you are more motivated to be involved and

you get more out of the experience." Love animals? Ventura County Animal Services has a great volunteer program. Feel grateful for the education you have received? Give back to schools (at any level) by tutoring or participating in an after-school "homework help" program.

And for those law students or Barristers looking to build a name for themselves in the Ventura County community, Setlur imparted the following advice: "Stay honest and true to your values. Do not let anyone tell you that you need to be cruel, deceptive or immoral to be successful."



Robyn M. Weiss is an associate at Boyce Schaeffer Mainieri LLP and a Barristers Board Member at Large. She is a medical malpractice defense attorney practicing in Oxnard.



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MEDIATION TWENTY YEARS LATER: PROPOSED REFORMS

by Gregory W. Herring, CFLS, AAML, IAFL, with Cassandra T. Glanville, Esq.

In 1996, the California Law Revision Commission (“LRC”) proposed legislation that eventually became the current mediation confidentiality statute, Evidence Code section 1119. As more litigation has flowed away from the courthouses into mediation the past 20 years, mediation confidentiality has remained ironclad in California, surviving multiple high-profile challenges. The LRC is currently studying a potential exception to mediation confidentiality regarding attorney-client communications.

We propose reforms that would ensure public confidence and protect the right of litigants to a fair and impartial process, akin to existing judicial disclosure and disqualification statutes.

Not widely known is that the only “neutrality” required to become a mediator is objective status as a non-party. As one trial judge recently put it, “[T]here is nothing in the statutory scheme governing the mediation privilege in [the] Evidence Code ... that requires a mediator to disclose conflicts of interest as such, or, more importantly, that conditions mediation privilege on disclosure of such conflicts, or on the absence of such conflicts. ... And, although mediators in court-connected mediation programs must disclose conflicts (Cal. Rules Ct., rule 3.855), [neutrality] is not a condition to mediation privilege....” [Emphasis added.]

Current law thus legalizes biased mediation, as mediators who are not neutral and can sway unsophisticated parties into entering unfavorable agreements are permitted to operate. This scheme misleads litigants in calling mediators “neutrals” when true neutrality, as the word is commonly understood, is apparently not required and might not be provided.

Because parties are not necessarily provided disclosures or informed of the existence, scope and potential ramifications of mediation confidentiality, the current paradigm lacks mandatory “informed consent.” As others have put it, “Informed consent is vital to the self-determination principle at the heart of mediation. Client

decisions must be informed and voluntary.”

The legislative history of Evidence Code section 1115 reveals that, in 1996, the Legislature considered and rejected a provision incorporating disclosure, conduct, and bias requirements in the mediation statute. The bill’s author opposed the provision because, among other issues, the bias disclosure standard ignored the wide variety of mediation situations. They included “peer” (student) disputes, “community-based” mediations and the resolution of neighborhood issues. The bill’s author did not want these “mediators” burdened with disclosure regulations.

The modern reality, however, is that parties in litigation expect their mediators, like judges, to be unbiased and fair. Even represented parties expect mediators to provide opinions on the facts and the law. One of them is often more vulnerable than the other, and they are both conducting what might well be the most intense transaction of their lifetimes while under unusual and great pressures and anxiety. Emotions are often high, reasoning can be impaired and mediators therefore have great sway.

Parties in family law mediations now have the protection of *In Re Marriage of Lappe* (2014) 232 Cal.App.4th 774. There the court avoided creating an exception to the mediation confidentiality in finding that disclosures made during mediation under the Family Code’s mandate fall outside Evidence Code section 1119. An aggrieved party in a family law case would now at least be able to point to those in follow-up litigation against the other party. Depending on the circumstances, that might or might not be helpful.

But *Lappe* is not a panacea. It does not apply to mediations outside of family law. It does not address potential mediator bias. It does not require pre-mediation conflict disclosures or other notifications to parties.

Mediation reforms are also needed to improve our profession’s reputation. Mediation confidentiality provides attorneys and others with a level of insulation from

scrutiny and potential recourse for mistakes and other wrongdoing that is not enjoyed outside the mediation cocoon.

Evidence Code section 1115(b) ought to be revised to require true neutrality of mediators. Its current use of the term “neutral person” ought to mean more than “someone with a pulse who is not one of the parties.” This should be accompanied by an express assertion of public policy embracing disclosure and rejecting bias. Even parties in peer disputes, community mediations and neighborhood issues ought to know that, when they turn to a “neutral person” to help with an important dispute, the “neutral” is truly neutral as laypersons understand the term.

A requirement for true neutrality ought to at least apply to all mediations held in contemplation or resolution of litigation. There is no longer a compelling rationale for denying a mediator’s true neutrality to prospective or actual litigants in order to encourage mediation of other types of disputes. Contrarily, a requirement of true neutrality for litigation-related mediations would not be expected to dampen enthusiasm for the mediation of other types of disputes.

The mediator in 2006’s *In re Marriage of Kieturakis*, 138 Cal.App.4th 56, 68 emphasized (ironically, in arguing for mediation confidentiality), that “... neutrality [is] the life and breath of mediation. ... [A] party must be guaranteed that the mediator is neutral...” This comported with the Court of Appeal’s finding in *Howard v. Drapkin* (1990) 222 Cal.App.3d 843, 860 that, “[t]he job of third parties such as mediators, conciliators and evaluators involves impartiality and neutrality, as does that of a judge, commissioner or referee...”

Rosco Holdings v. Bank of America (2007) 149 Cal.App.4th 1353, 1367 described a standard for determining whether an arbitration was biased: “[w]hether [a] person aware of the facts might reasonably entertain a doubt that the [arbitrators] would be able to be impartial.” The same standard could apply to mediations, too.

The law should be revised to require the pre-mediation presentation to parties of mandatory written conflicts disclosures that identify all of a mediator's existing as well as reasonably foreseeable future involvement with either party. The disclosures should have to be updated through the mediation's termination.

The law should be revised to also require the pre-mediation presentation to parties of written notifications that inform them of the existence, scope and potential ramifications of mediation confidentiality. Parties should be expressly warned that, under that doctrine, post-settlement discoveries of misrepresentations, omissions or fraud that might have been committed prior to or in mediation could be impossible to investigate or rectify.

Parties should be presented with an express option to waive confidentiality. New York, for instance, generally lacks mediation confidentiality and the sky has not fallen in the Empire State. In this manner, mediation confidentiality would become a real point of consideration rather than a tacit and apparently unavoidable expectation of the ADR "system." It would hurt no one to

provide parties the opportunity to make an educated choice; rather, choice would be good.

Recently, a well-respected California family law judge privately emphasized, "[T]he fact is that anyone can hold themselves out as a family law mediator regardless of skill, training and expertise. ... Lawyers are bound by lawyer ethics, but former auto mechanics holding themselves out as family law mediators are not held to any specific ethics."

Mediators are unregulated by the State Bar and mediation law currently suffers from some significant flaws. Mediator neutrality and pre-mediation disclosures, notifications and options should be mandated. Twenty years following the implementation of the current statutes, these reforms would support the goals of ensuring justice and improving the public's trust and our profession's reputation. The burden on scrupulous mediators and mediation-oriented counsel would be minimal and it would be outweighed by the benefit of protecting the right of litigants to a fair and impartial process.



Greg Herring is a Certified Family Law Specialist and is the principal of Herring Law Group, a family law firm serving the 805 with offices in Santa Barbara and Ventura Counties. His articles and ongoing blog entries are at www.theherringlawgroup.com.



Cassie Glanville is a graduate of UC Santa Barbara and of UC Hastings College of the Law. She is an attorney with Herring Law Group. The full text of this article has been published elsewhere and can be accessed at www.theherringlawgroup.com.

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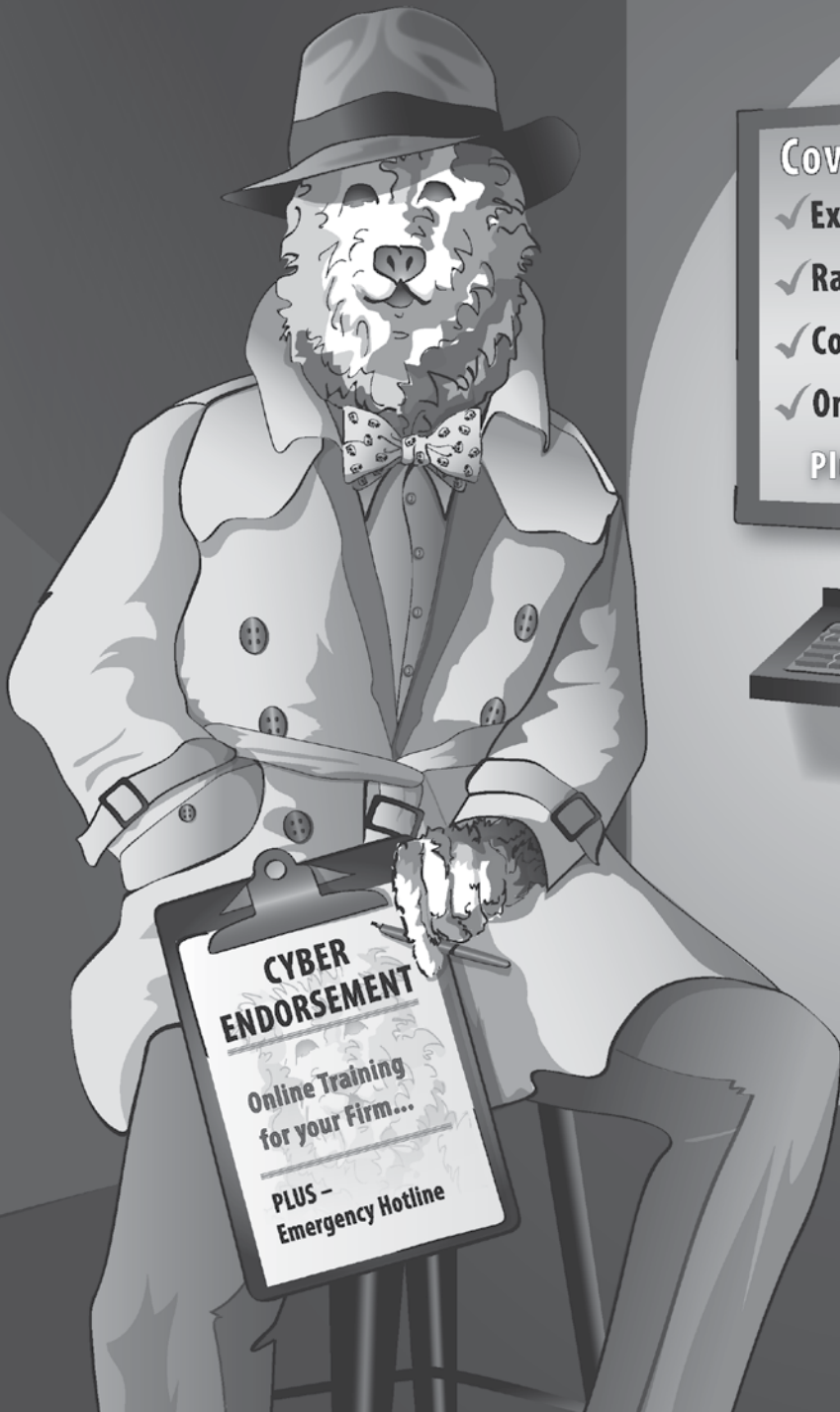


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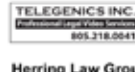
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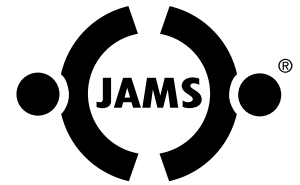


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Law Student Scholarship

Women Lawyers of Ventura County is accepting applications for the 2017 **Mary Sullivan** Scholarship Application. The scholarship is open to law students and recent law school graduates (male and female) who meet these criteria:

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- Commitment to public interest work **and/or** advancing the interests of women/girls in society; and
- Financial need.

Deadline to apply is July 31. Awardees will be honored at the 11th Annual Scholarship Dinner on Sept. 14. Application available at WLVC.org. Questions? Contact WLVC Scholarships Chair **Jacquelyn Ruffin** (*jruffin@mwglaw.com*) or WLVC President **Kymberley Peck** (*kpeck@fcoplaw.com*).



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BOOK REVIEW: *THE LAST GOOD GIRL*

by *Cassandra Wolf*

An assignment to find missing Tower University freshman Emily Shapiro shatters the quiet life Assistant U.S. Attorney Anna Curtis just established.

At first, the investigation in Allison Leotta's *The Last Good Girl* (Touchstone, 2016) seems straightforward. Shapiro was last seen early one morning outside of a bar being confronted by fellow student Dylan Highsmith. All Curtis must do is find Shapiro and gather additional evidence to secure a conviction. However, reluctant witnesses, fruitless searches for more evidence and an attempt to remove Curtis from the case stall her investigation. As Curtis struggles to close her investigation in time, she uncovers scandals that could topple the top fraternity and highest levels of administration at Tower University.

The investigation further complicates matters by igniting conflicts in Curtis' personal life. She cherishes living on a farm in Michigan with her new boyfriend, far from her painful past in Washington, D.C. However, a call from her ex-fiancé and supervising attorney Jack Bailey forces Curtis to choose between two men, each of whom can give her an ideal lifestyle.

Besides revealing the dangers of parties on college campuses, Leotta also warns against workplace relationships. Not all office romances last or are entered into with honorable intentions. Either way, the results have devastating consequences at home and at work.

Leotta draws readers into dark aspects of higher education and politics at work with a plethora of details gathered during her previous career a federal sex-crimes prosecutor.

Cassandra Wolf earned her J.D. from New England School of Law in Boston and her B.A. in Communication with an emphasis in Journalism from California Lutheran University. Reading and writing are two of her hobbies.

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Attorney Gene Sharaga brings with him twenty-nine years of experience working as a litigation attorney. For twenty-five of these years, Mr. Sharaga worked as an aggressive defense attorney representing major insurance companies in the area. Attorney Rochelle McCarthy is an associate at Schurmer & Wood, and she brings a wide variety of experience to the team. Ms. McCarthy began her legal career at a plaintiff's personal injury firm and later did medical malpractice defense. Schurmer and wood is proud to welcome both Gene Sharaga and Rochelle McCarthy to the firm.

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Ventura County Trial Lawyers Association Judge of the Year Kevin Denoce (R) and portrait honoree James Cloninger (L)

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

by Steve Henderson, M.A., CAE



Judge Gilbert Romero has been selected as a recipient of the Oxnard Knights of Columbus Public Safety Award for 2017. The award was presented at the group's Public Safety Night April 10. Each year, the

Oxnard Knights of Columbus recognize and honor approximately thirteen men and women from law enforcement, the military, fire protection and the judiciary for their service to our community and country...

The Ventura County Trial Lawyers held their annual Judges Night March 28, where 125 folks honored **Judge Kevin DeNoce** as Judge of the Year and 2017 Portrait Honoree, **James Cloninger** (Ret.)...



Theresa Loss has opened a practice focused on estate planning and trust administration in Thousand Oaks. She may be congratulated through Theresa@toestateplan.com or 796.5855...

License Plate of the Month: Piloted by **David Karen** on a late model Lincoln



The last meeting of the 2016-2017 Inn of Court year is scheduled for May 11 inside the Saticoy Country Club beginning at 6:00 p.m. If you are interested in becoming a member for the 2017-2018 year, run me down and be our guest at the last meeting. Pictured here is Team #1: **Wendy Lascher, Maureen Houska, David Miller, Arnold Gross, Lydia Almaguer, Commissioner JoAnn Johnson, Marina Ayzenstein and Nichole Bartlett.** It's entertaining, educational and we are well fed...



A-Z honcho and newest partner, **Susan McCarthy**, has been named among the Top 50 Women in Business in the Central Coast, in a special section published March 24, by the Pacific Coast Business Times...

Same honor to Jill Friedman. Way to go!...

Electronic devices are barred from the courtroom where the U.S. Supreme Court hears oral arguments, but apparently the rule doesn't apply to the justices. During oral arguments Tuesday, Justice Stephen G. Breyer's cellphone rang. Breyer appeared to be embarrassed and quickly turned off his phone. Other justices looked amused. And the interruption didn't appear to bother lawyer Neal Katyal, who was answering a question....



License Plate of the Month #2 Edition: This Mini Cooper driven by **Patrice Hensley**, who is awaiting results of the February bar exam...



John Hribar of Ferguson Case Orr Paterson, LLP recently earned his State Bar of California designation as Certified Specialist in Appellate Law...



Kymerley Peck, 2017 President of the Women Lawyers of Ventura County, has announced the Application for scholarships may be had and is open to all law students and recent law graduates (male and

female). Deadline is July 31 and the awards dinner is September 14. Kim is 659.6800 or kpeck@fcoplw.com...

Busy small Ojai law firm has an immediate opening for a FT experienced legal assistant. Successful candidate must be someone who can act a receptionist, work independently and with others, able to multi-task and manage time well. Knowledge of WP, Essential Forms, Timeslips and Calendaring, as well as experience in Family Law and Civil Litigation. Resume to Paul Blatz at pbblatz@gmail.com...

A California federal judge in early April fined an employment attorney \$7,706 for saying that a Reed Smith LLP partner was displaying "female energy" during deposition, calling the comment unprofessional and suggesting the lawyer undergo sensitivity training...In case you hadn't heard, Whittier College's Board of Trustees announced April 20 it will not enroll a new class in the fall at its law school and "at the appropriate time, the program of legal education will be discontinued."...

Steve Henderson has been the executive director and chief executive officer of the bar association and its affiliated organizations since November 1990. He will be celebrating Cinco de Mayo in beautiful Cozumel with Jennifer Lopez and Selma Hayek. Following the excursion he will be attending the Cavs vs. Warriors finals. Henderson may be reached at steve@vcba.org, FB, Twitter at [stevehendo1](https://twitter.com/stevehendo1), Instagram at [steve_hendo](https://www.instagram.com/steve_hendo), or better yet, 650.7599.

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Mother's Day 2017

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

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

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

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

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