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 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

OCTOBER - TWO THOUSAND THIRTEEN

## Gay Conroy Is Not “Retiring”

By Hon. Jack Smiley

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For the Ventura County Bar Association to continue to do “The Best Thing We Do,” we once again need your help.

Our Volunteer Lawyer Services Program, provided by the VCBA/VLSP, Inc., has since 1996 provided a vital service to the greater Ventura County community. Equal access to justice is a fundamental element of our legal system. However, with recent budget cuts making our court system less and less available to citizens in need of basic legal services, the need for an organization like the VLSP has become more and more acute.

Most of the pro bono volunteer legal services provided by the VLSP involve families and family law matters, such as dissolution and custody matters. As **Presiding Judge Brian Back** has reminded us again and again, over 85 percent of all family law matters come to the courts with at least one party self-represented. Without some type of assistance through the troubling and confusing legal system, these litigants might simply give up valuable rights or, worse yet, turn to counter-productive self-help.

The VLSP strives to fill this void by offering volunteer legal services to eligible low-income persons, approximately five to six each day. Applicants are screened for income eligibility and the nature of their problem by staff. Applicants then are routed to our “Team of Fourteen” Emeritus

## PRESIDENT’S MESSAGE:

### THE BEST THING WE DO *by Joel Mark*

Attorneys, headed by **Verna Kagan**. The team averages 25 hours per week. Often, matters can be resolved by advice from or a limited representation in court by one of the emeritus attorneys. If not, the matter is referred out to one of our volunteer attorneys. Typically, in excess of 150 Ventura County attorneys accept one or more pro bono matters each year.

Whether we do the kind of direct legal work provided by the VLSP, we all still have an obligation to make sure that it continues to have the resources to do its work. We all make our livelihood because of the legal system in which we practice. And, as officers of the court, we all have a responsibility to make sure that the legal system is available to all of our neighbors in need of it.

It also is noteworthy that, in many states, including California, there is much talk and debate about requiring attorneys to provide a certain number of pro bono hours each year. As VCBA President, I have participated in several of these debates. My personal view is illustrated by a hypothetical I put to the discussion. Suppose you have a tax attorney who probably does not even know where the courthouse is. Wouldn’t it be better for everyone if that attorney could satisfy his or her pro bono requirement by fundraising for an entity like the VLSP rather than going to court to handle, say, a criminal law matter? I know if I had to take on such an assignment, I would call my carrier before even leaving for the courthouse. I think my skill set is better suited to raising the funds to support the volunteer criminal attorneys who actually do know what they are doing. So may be yours.

The point is that it takes all of our resources to make the VLSP work. It takes our retired emeritus attorneys, our attorneys who take on the more complex matters, and the rest of us who raise the funds to support the program.

Fortunately, the most important way we have to raise those funds is an event just

around the corner – the Annual VCBA Installation Dinner, at the Spanish Hills Country Club, on November 23. Isn’t that Thanksgiving Weekend? No, silly, Thanksgiving is the following Thursday. Actually, since the dinner is when the next VCBA President is elected, I sort of was hoping it might come sooner. But, alas.

In addition to the installation, and presentation of the Nordman Award and our pro bono service awards, the annual dinner is the major fundraiser for the VLSP each year. We raise money for the VLSP in a number of ways including sponsorships, the Dinner admission and the Silent Auction. Last year, under the leadership of Immediate Past President **Dien Le**, and **Don Hurley** as silent auction chair, we raised a record \$21,000.

I am sure that I cannot match Dien’s success, but I am asking that each of you plan to attend the dinner, consider sponsoring the dinner, contribute items for the silent auction, and then bid recklessly on auction items whether you believe you need them or not. If you can contribute in any of these ways, contact VCBA ED/CEO Steve Henderson.

By working together in this way, I am sure we can raise enough to permit the VLSP to continue to do the Best Thing We Do well into the future.

Speaking of doing things to help our neighbors in need, I also want to give a shout out to everyone who just completed the Avon Walk for Breast Cancer in Santa Barbara a few weeks ago, including our daughter, Jessica Wohlwend. Her team raised over \$47,000 for breast cancer research. Overall, the Santa Barbara walk raised well over \$4 million.

As I pointed out in an earlier President’s Message, doing something important and serious does not mean that you have to surrender your sense of humor and ability to have fun. We attended the finish-line ceremonies and watched all the teams

*Continued on page 5*

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# BARRISTERS' CORNER

## One More Baby Barrister:

Serena Elizabeth Ellison was born on July 7, 2013 to parents Andrew and Michelle Ellison. Baby Serena weighed 8 lbs 15 oz. **Andrew Ellison** is an associate at Palay Law in Ventura.

## Wine and Cheese Mixer

On August 22, the legal community turned out for the Barristers Board's Annual Wine and Cheese Mixer, where experienced and new attorneys could chat while sampling a variety of beer (on tap!) and delicious hors d'oeuvres supplied by Anacapa Brewing Company, plus wines and cheese provided by Paradise Pantry. The event was held in the beautiful courtyard of Ferguson Case Orr Paterson LLP.

*Pictured below, from left, are **Alfred Vargas**, **Wendy Lascher**, **Dr. Jason Barksdale** and **Uchechi Egeoniguigwe**.*



## Judges' Pizza Night

Many new faces were spotted at Café Fiore September 19 for Judges' Pizza Night. Pepperdine graduates anxiously awaiting bar exam results mingled with 12 Superior Court judges, several new additions to the District Attorney's office, as well as recent bar passers. **Presiding Judge Brian Back** offered words of wisdom, recommending that Barrister always be nervous about making court appearances and reminding new lawyers that, since judges often talk among themselves about attorneys, it's a good idea not to be the attorney they're discussing in chambers.

*Photo credits: **Rennée Dehesa** and **Katie Pietrolungo Clunen***



## PRESIDENT'S MESSAGE: *Continued from page 3*

stride home. They all were exhausted but exuberant.

They also all had fun with their costumes and team names. Some of the names were pretty obvious, like "Bosom Buddies" or "Breast Friends." My daughter's team was comprised of mothers in my granddaughter's class. Many of the students are young girls, just getting into the "princess" phase of life, and they all love to wear their princess tiaras. So, they named the team "Tatas and Tiaras."

As we were leaving, we came across another team named "Saving Second Base." It wasn't until 45 seconds later that I finally got it. At what pre-teen age had I first understood that "getting to second base" had a meaning in addition to baseball? I also realized that, with some things, if you are old enough to get it you also may be old enough to start having trouble remembering what "it" is.

Finally, while I don't want the president's message necessarily to have an "In Memoriam" section each month, there was one recent passing that, for those of us who grew up in Southern California, I think deserves at least nine words: "Go see Cal. Go see Cal. Go see Cal." I simply cannot get out of my head the image of Cal Worthington and his dog Spot up in heaven advertising a 2006 tan Chevy, fully loaded, to the assembled angels. Which begs my final question. When angels apply for financing, do they have to give references?

***Joel Mark** is Of Counsel to Hathaway, Perrett, Webster, Powers, Chrisman & Gutierrez in Ventura. Mr. Mark expects to see each and every one of you at the VCBA Annual Installation Dinner on November 23 at the Spanish Hills Country Club.*

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## ALL INVITED TO NOV. 6 WOMEN LAWYERS DINNER

by Charmaine H. Buebner



*Hon. Julia Brownley*

Women Lawyers of Ventura County (WLVC) invites Ventura County legal professionals and friends to WLVC's Seventh Annual Dinner on November 6, when LVC will honor two very special advocates: United States Congresswoman Julia Brownley, who will accept the Legacy Award, and retiring Ventura attorney **Robert Guerra**, receiving the Holly Spevak Memorial Award.

WLVC is excited to bring this year's Annual Dinner to the Museum of Ventura County ([www.venturamuseum.org](http://www.venturamuseum.org)). Each dinner ticket (\$85 for WLVC members, \$95 for non-members) will include two free admissions to the Museum. The event will feature wines by Four Brix Winery, catering by Main Course California and live music by **Miles Lang** and **Jill Singer**. Four Brix is a boutique urban winery located in the heart of Ventura that specializes in internationally-inspired wine blends. ([www.fourbrixwine.com](http://www.fourbrixwine.com)) Main Course focuses on sustainable, local and from-scratch cuisine that is sure to impress even the most discerning "foodies" in attendance. ([www.maincourseca.com](http://www.maincourseca.com)). The silent auction, conducted during the wine



*Robert Guerra*

tasting portion of the evening, will benefit WLVC's community partner, Girls, Inc. and WLVC's scholarship fund.

### **Holly Spevak Memorial Public Service Award Recipient, Robert Guerra**

The Holly Spevak Memorial Award honors the memory of a woman whose short time as an attorney brought lasting community contributions and access to justice through her pro bono work. This award is presented to an attorney who exemplifies Ms. Spevak's commitment to serve others.

Robert Guerra's public service career began long before he became a lawyer. **Carmen Ramírez** met Robert when they were undergraduates at different Cal State campuses. Both were stewards of the civil rights movements of Martin Luther King, Jr. and Cesar Chavez, and worked together on the student movement for access to justice and equality. Carmen's and Robert's paths crossed again as they found themselves in the same section at Loyola Law School in the fall of 1971, where they encouraged each other to obtain their law degrees. After graduating from law school

in 1974, the two stayed in touch as they worked in various legal aid programs in the greater Los Angeles area.

In 1977 Robert became the Executive Director of the Legal Aid Association of Ventura County, which later became the Channel Counties Legal Services. In 1978, Robert recruited Carmen to work for him. Around that same time, Robert hired a newly-minted attorney, **Manuel Covarrubias**, to work for Legal Aid. Carmen describes Robert as a demanding, yet understanding boss. Both Judge Covarrubias and Carmen recall with admiration Robert's unwavering demand that all individuals be treated with respect and compassion, no matter how humble the individual or difficult the person's problem.

After a number of years at the Legal Services office, Robert entered private practice, and spent almost twenty years as law partners with then-lawyer, now-Judge, Covarrubias. Robert then became a family law facilitator. In 2002, Robert was appointed to work for the Self-Help Center of the Ventura County Superior Court, where he and **Jodi Prior** became colleagues. In 2005, the State Bar of California awarded Robert the President's Pro Bono Service Award.

For the last several years, Robert has volunteered every Thursday at the Santa Clara Valley Legal Aid. Executive Director **Laura Bartels**, who is also the incoming VCBA President, views Robert as the "the quiet calm in the eye of the storm." She praises his volunteerism, teaching ability and "knowledge of family law, probate, guardianships, civil issues, and tenant law" as having changed the lives of thousands.

Robert retired from the Self Help office in September. Though he seeks to devote all of his newfound time to his retirement endeavors, WLVC is honored he will be with us for one more night, at the November 6 dinner, to accept his award. As Carmen Ramírez says, "Robert has never suffered fools, and always has been a quiet and calming influence wherever he found himself. Robert never gossiped,



took people at their word, and worked very hard at his profession.” WLVC can vouch for Carmen’s remarks, as Robert served as WLVC’s secretary for the last 6 years. We miss him already.

**Legacy Award Recipient,  
Hon. Julia Brownley**

Historically, the Legacy Award has gone to a female attorney credited for her good work breaking gender barriers or for increasing diversity in the legal profession. Going forward, the award will go to a person for his or her work that aligns with WLVC’s new mission: to empower and advocate for women and girls in law and society. With this broader focus on those who advocate for the rights of women and girls in law and society, WLVC is honored that Congresswoman Brownley has agreed to accept the Legacy Award this year.

Representative Brownley is serving her second “freshman” year in Washington D.C. The first time, she was a George

Washington University political science student before she went on to obtain her MBA from American University. Now, after a private-sector career in marketing and six years as a California State Assembly member, she is a freshman United States Representative. Brownley represents California’s 26th Congressional District, which encompasses most of Ventura County and parts of Los Angeles County.

Brownley got right to work when she took the oath of office on January 3, 2013, and became a member of the 113th Congress. Since her swearing-in, she has introduced seven bills aimed at ending the dysfunction in Washington, establishing a nationwide seal of biliteracy and advancing veterans’ rights. Brownley is also an avid supporter of women’s reproductive choices, health care, and equality in the workplace.

Brownley has raised awareness about governmental inaction that disproportionately affects women and families, like the sequester. She is a staunch

supporter of same-sex marriage and a champion of veterans’ rights. She is the ranking member of the Veterans’ Affairs Subcommittee on Health and member of the Veterans’ Affairs Subcommittee on Economic Affairs. Attendees can look forward to hearing about these key issues, and how her work on them strengthens Ventura County.

**Dinner Registration**

Online registration for the dinner is open now at [www.wlvc.org](http://www.wlvc.org). Please contact **Charmaine Buehner** at [charmaine.buehner@ventura.org](mailto:charmaine.buehner@ventura.org), or 805-654-2588 for questions about the event. To donate to the silent auction, please contact **Katherine Hause Becker** at [katiehause@baslawoffice.com](mailto:katiehause@baslawoffice.com).



*Charmaine Buehner is an Assistant County Counsel for the County of Ventura and the President of WLVC.*

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## PRACTICE TIP: RECOVERY OF ATTORNEY FEES IN INSURANCE BAD FAITH CASES

by David Laufer

Here are the facts of your case: Your clients, a property management company, have successfully defended and resolved a lawsuit that should have been defended by your clients' insurer. The costs of defense are \$376,000. Your clients' CEO was named as a defendant. He suffered emotional distress, resumed smoking, gained weight and used his daughters' college money to pay defense costs. The CEO operated the company at a loss during the litigation. He consults you: If the company and I sue the insurer and win the lawsuit, can we recover all legal fees from the insurer?

### Practice Tip

Before advising the clients to file a breach of contract and bad faith action, review the law and discuss the following:

1. Will the client fund the costs of experts to establish the unreasonable denial of a defense, emotional distress and economic damages?
2. With the diversity of citizenship present, and removal favored by insurers, does federal practice and procedure create any challenges that need to be addressed?
3. Does the client understand that contingency attorney fees increase with any appeal, and will not be limited to the amount awarded against the insurer for the recovery of policy benefits?
4. Do the client's business records and its accounting procedures used to account for income and expenses create any challenges in evidence available to prove damages?
5. The content of the receipted demand letter sent to a senior executive of the insurer requesting payment of policy benefits, without prejudice, to establish clear and convincing evidence of insurer's intentional disregard of the insured's rights under the policy, bad faith and ratification of the wrongful conduct engaged in by the Insurer's employees?

### Right to Recover

*Brandt v. Superior Court* (1985) 37 Cal.3d 813, 817. The insured's reasonable attorney fees incurred to compel payment of benefits due under an insurance policy are recoverable as damages in a bad faith action against the insurer and presented to the trier of fact.

Only those attorney fees attributable to the insured's efforts to recover contract benefits may be awarded, and recoverable as fees and may not exceed the amount attributable to the attorney's efforts to obtain the rejected payment due under the insurance contract. (*Brandt*, 37 Cal.3d at 819.)

*Essex Ins. Co. v. Five Star Dye House, Inc.* (2006) 38 Cal.4th 1252, 1258. The tort of bad faith committed by the insurer entitles the insured to recover policy benefits in full, undiminished by attorney fees.

### Allocation of Legal Fees

*Cassim v. Allstate Ins. Co.* (2004) 33 Cal.4th 780, 806-807. Attorney fees attributable to obtaining any portion of plaintiff's award for emotional distress, economic damages or punitive damages which exceeds the amount due under the policy (defense costs) are not recoverable from the insurer.

A stipulation by the parties for a post judgment hearing to allocate attorney fees as "recoverable as damages" is preferable because it permits the court to take account of all services in setting the amount of the legal fees and costs. (*Brandt*, *supra*, 37 Cal.3d at 819-820.)

*Campbell v. Cal-Gard Surety Services, Inc.* (1998) 62 Cal.App.4th 563, 571-572. A stipulation to have Brandt fees determined by the court was approved and necessary because *Brandt* fees are damages that otherwise would have to be presented to the trier of fact.

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

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*Baron v. Fire. Ins. Exchange* (2007) 154 Cal. App.4th 1184, 1197-1198. *Brandt* fees incurred on appeal are recoverable to defend a judgment against an insurer's appeal of an award of insurance policy benefits to the insured. The collection of benefits due the insured is not complete when the insurer resists the judgment by challenging the judgment on appeal.

*Track Mortgage Group, Inc.* (2002) 98 Cal. App.4th 857, 871. The insured is entitled to legal fees on appeal only to the extent that the insurer attacked the judgment in favor of the insured on the insurance contract cause of action for the payment of policy benefits due the insured.

*McGregor v. Paul Revere Life Ins. Co.* (9th Cir. 2004) 369 F.3d 1099. Where policy benefits awarded to the insured could not be obtained until the judgment was affirmed on appeal, the logic of *Brandt* necessarily implies that fees on appeal should be recoverable. Does this logic extend to the legal fees incurred in post trial motion to protect the judgment for the payment of policy benefits?

*David Laufer* is the former VP and GC of a public company. At *Burke, Williams & Sorensen LLP* his practice focuses on class actions, insurance coverage, franchise, distribution, Prop 65, complex business disputes and risk management for the business enterprise.

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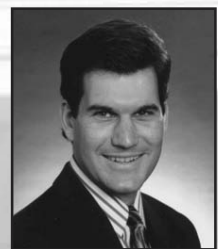
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**SAME SEX MARRIAGES  
AND WINDSOR'S SOCIAL  
SECURITY IMPACT**

*by Lou Vigorita*

On June 26, the U.S. Supreme Court held that section 3 of the Defense of Marriage Act (DOMA) is unconstitutional as a deprivation of equal protection under the Fifth Amendment. *United States v. Windsor*, 570 U.S. \_\_\_ (2013). Section 3 defined "marriage" and "spouse" to exclude same sex partners. This decision will impact the eligibility of dependents and survivors for Social Security benefits. But the Social Security Administration has not issued guidelines and policies to implement this decision.

So far the SSA is authorized to "take and hold all claims by individuals who are filing benefits that are dependent upon the existence of a same sex marriage (e.g., spouse claims, survivor claims, and some child claims)." Social Security Administration staff can also take appeals "for previously denied claims based on non-recognition of a same sex-marriage and hold them until further instructions." (Emergency Message EM-13022 [June 27, 2013.]

The two main areas of Social Security eligibility that will be impacted by *Windsor* are:

- Who is considered a "spouse" of the wage earner?
- Who is considered a "child" of the wage earner?

An example of the kind of situation that may arise: Same-sex couples who were validly married in a state authorizing same-sex marriages move to a state that does not recognize same-sex marriages at the time of application (in the case of a wife's or a husband's benefits) or at the time of the insured worker's death (in the case of surviving spouse benefits).

In an amicus curiae brief, Professor Robert E. Rains from the Pennsylvania State University Dickinson School of Law wrote that the resolution of this question may

*Continued on page 15*

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*Continued from page 14*

### SAME SEX MARRIAGES AND WINDSOR'S SOCIAL SECURITY IMPACT

depend on whether the most relevant state has a "mini DOMA," like Pennsylvania, which says it does not recognize a same sex marriage from any other state (a majority of states have such mini-DOMAs). In that case, the law of the relevant state of the insured person's permanent residence when the claimant's application is filed for or, if earlier, when the insured person died, is applied. For example if two women who were Massachusetts residents are married in that state but later move to Pennsylvania and the insured person dies there, the SSA would not recognize the other individual (i.e., the claimant) as a surviving spouse under its rules.

*Lou Vigorita practices social security and workers' compensation law from his Ventura-based Law Offices of Lou Vigorita.*



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## PHIL GARRETT PANITZ'S "LOST IN KEY WEST"

by Wendy Lascher

When former *CITATIONS* editor Phil Panitz was the Ventura County Bar Association president in 2004, his President's Messages described some of his exploits: allegedly driving 16,000 miles in a single week in a North Carolina rental car, standing in the winner's circle at a PGA tournament, living for a month in Paris and – my personal favorite, driving Widow Jones's (<http://www.vcba.org/citations/2004/04june.pdf>) 1968 Plymouth Fury from Muncie, Indiana to "somewhere in New Hampshire" – via Daytona Beach.

Had he extended the detour 400 miles beyond Daytona Beach, Phil may have reached Key West, the locale of his first novel. There, protagonist Jackson Fischer, running away from something, snags a bartending gig at the Blue Monkey, on a side street away from the tourists. "Fish" shares the novel with a beautiful woman also running from something, a low life detective, kindly giants, a treacherous bad guy and a mysterious Maserati.

While the book could have used a few more rounds of editing out clichés and cleaning up typos and the like, that's my only criticism. By the time I'd finished the first page, I'd forgotten all about Phil Panitz the tax litigator; this is just another tale told by an omniscient narrator. It provides a wealth of detail that's credible and never boring, and the dialog is just plain fun. The plot is definitely generic, but that's a good thing; this is a book to read on vacation or after a mind-numbing day at the office, when entertainment is more satisfying than deep thinking.

The back cover says this is Phil's "first" novel. I'm looking forward to the second one. <http://www.amazon.com/Lost-West-Philip-Garrett-Panitz/dp/1434913066>. \$9.99 for the Kindle version; \$21.60 for the hardcover.

*Wendy Lascher is an appellate lawyer, a partner at Ventura's Ferguson Case Orr Paterson LLP, and editor of CITATIONS.*

*The 2004 President's Messages are available in the CITATIONS section of the vcba.org website.*

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## EAR TO THE WALL




Wennergren Law Offices, APC is pleased to announce that attorney **Seth P. Shapiro** has joined the firm. Recently relocating from Stockton, where he was at Herum\Crabtree for seven years, Mr. Shapiro is a Ventura County native and received his juris doctor degree from the University of California Davis, King Hall School of Law in 2007, and his bachelor's degree, magna cum laude, from Loyola Marymount University in 2002. Mr. Shapiro's current practice focuses on corporate and LLC formations, business law, real estate law, and estate planning.

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## Gay Conroy Is Not “Retiring”

by Hon. Jack Smiley

We are honoring Gay not just as a judge, but for a career centered on children and families, as:

- A social worker
- A family law attorney
- VCSC’s family law facilitator
- A private mediator
- A family law commissioner
- A family law judge
- A dependency court judge

So, on behalf of all the dysfunctional families of Ventura County, on behalf of the children of Ventura County, thank you for your good works.

I have always assumed, without knowing, that Gay did this because she was blessed by the family she was able to go home to.

I can’t believe Gay is retiring; that’s impossible. She’s the least “retiring” person I know. She is energetic, decisive, direct, no-nonsense – but not “retiring.”

When the moment came to offer Gay the job as family law commissioner, I had to call her in Nairobi Kenya. So, I’ll end with a piece of wisdom: If you want to talk to Gay after her retirement, be prepared to call long distance.

*Hon. Jack Smiley is Supervising Family Law Judge of The Ventura Superior Court.*

It’s fitting that so many wonderful lawyers and mediators are here.

It’s fitting that this event is being held in a winery.

My comments are going to tell you what each of you already know: Gay’s career has been devoted to assisting families in crisis and the dysfunction that accompanies crisis.

In all of that, I have never met anyone so in love with the law, not as a power play, not as a technician, but as a person who loves what the law can do to resolve disputes, to remedy wrongs, to bring peace. In the hands of someone so caring, so devoted and so concerned about the best possible result, the law works at its best.



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## WHISTLESTOP

by Miles Lang

I am pleased to be serving the Ventura County legal community as the new Civil Case Management Attorney for the Superior Court in Department 22B. I will be continuing **Jeanne Flaherty's** "Whistlestop" to update you about civil case management issues that are arising in Courtroom 22B.

To begin, I would like to remind all counsel of the 22B policies effective February 4, 2013. These policies aid in the management of the 50+ cases per day on the 22B calendar, and your consideration is appreciated.

Courtroom doors are unlocked by 8:05 a.m. for the 22B calendar.

Appearances are taken **in the order of check-in** (first-come, first-served).

Required for attorney check-in: one business card with the calendar number of your case and whom you represent. **Have this ready before checking in.** The calendar is posted outside the courtroom for this purpose.

Avoid sanctions: If you do not see your case on the calendar list, double-check the list. Cases are typically listed in order of case number, not by name.

Check-ins after 8:15 a.m. will be placed on "second call" to be heard after the telephonic appearances.

Only three requests for priority will be granted. No priority requests will be considered after 8:15 a.m.

Do not approach the clerk while court is in session. Do not approach the clerk after the 8:15 check-in without checking with the bailiff first.

These rules apply to CourtCall appearances as well as in-person appearances.



*Miles Lang is the Ventura Superior Courts Civil Case Management Attorney*



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### MISCELLANEOUS

**Your help is requested in locating attorney Thomas Ryan Lee**, (formerly practicing in West Hills) who is believed to have prepared a living trust that has been lost. My clients are trying to locate him to see if a copy remains in his records. If you have any information please contact Mark Haseltine, (417)862-0792, [hasel5@aol.com](mailto:hasel5@aol.com) or [mhaseltine@gabrielmail.com](mailto:mhaseltine@gabrielmail.com).

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



Why am I just now noticing that **DA Greg Totten** is on the *California Lawyer* Editorial Advisory Board?...Recommended Reading this month brought to you by VLSP, Inc. Emeritus Attorney **Don Greenberg**. *The Lawyer Bubble: A Profession in Crisis*, by Steven J. Harper. Basic Books, 272 pages, \$26.99, hardcover. The author, after a 30-year stint litigating for Kirkland & Ellis, is a professor at Northwestern School of Law. The parallels he draws between the failure of American law schools and the downfall of some of America's biggest law firms are compelling...Yiannis Alexander Karakalos entered the world Sept. 19 at 9 lbs., 7 oz. 22.5 inches. Mom Ariane and dad **Aris Karakalos** happy and excited... A University of Chicago law professor and economist who wrote the most-cited law review article of all time has died at the age of 102. Ronald Coase died September 4 and won the Nobel Prize for economics in 1991 and published "The Problem of Social Cost in 1961," which was ranked last year as the most-cited law review article of all time. In the paper, Coase argued that government intervention wasn't needed to stop companies from harming others...

**Judge George Eskin's** last day on the bench was September 6 in Santa Barbara. Attorneys, court personnel and others packed his courtroom to give the retiring jurist a standing ovation. Eskin said he hopes to act as a fill-in judge after that and cited his decision to retire with about five

years left on his term was his desire to be with his family and the strain state budgets cuts have placed on the court system... Disney Alaskan Cruise? **Mary Kulvinskis** at 267.1125 or [mary@kulvinskislaw.com](mailto:mary@kulvinskislaw.com)...The Durham, N.C. police chief says he doesn't recall making a claimed remark that a local lawyer – shot as an innocent bystander – deserved it because he sometimes represents indigent individuals as a public defender by court appointment. However, Chief Lopez apologized recently anyway, saying at a news conference, "I take full responsibility for anything I may have said that may have offended anyone or any group of people."... Paris, Ile-de-France? Recently married **Jennifer Zide** at 477.0327 or [jenzide@aol.com](mailto:jenzide@aol.com)...

**Justice Steven Perren** will portray General Harrison Howell in *Kiss Me Kate* at the Cabrillo Music Theatre beginning October 18 through the 27th. A perfect start for the CMT 2013-2014 Campaign...A driver who posted a YouTube video of his record-breaking 24-minute, 7-second drive around a 26.4-mile loop in Manhattan has been arrested. Christopher Adam Tang, 30, was charged with reckless driving, reckless endangerment, speeding, traffic device violation, following too close and moving from lane unsafely. His 2006 BMW Z4 was impounded. In an interview with *Jalopnik*, which questioned why he hadn't waited at least a year before posting evidence of the August 26 run, the then-unknown driver replied: "You frankly can't identify who I am by just looking at the video, and records were meant to be broken. I'll release my name a year from now." Police, however, soon slapped the cuffs on Tang noting "We now have license-plate readers that will help in this investigation."...Request for public comment regarding the Proposed Change of Rules to the Local Rules & Forms of the Superior Court of California, County of Ventura for January 1, 2014. Go to the court's website at [www.ventura.courts.ca.gov](http://www.ventura.courts.ca.gov) and you have until October 21st to do so...

Even when he steers clear of combustive legal and political controversies, Supreme Court Justice Antonin Scalia can't help throwing a barbed verbal punch. "It's not my job to

judge what's stupid and incompetent, it's my job to implement what Congress has enacted," the 26-year veteran of the nation's highest court told 400 trial attorneys August 20. "You show me a judge that is always happy with the decision he reaches, and I'll show you a bad judge." During the short period allowed for questions, Scalia was asked where he came across the phrase "argle-bargle." "It is a word that is in the dictionary, a Scottish derivative." "It means nonsense."...

In August and located in San Francisco in front of an audience of 600, Public Defender **Jean Farley** was presented the 2013 Outstanding Criminal Justice Award from the National Alliance For Mental Illness...The first gathering of the JHB Inn of Court is scheduled for October 17 beginning at 6 p.m. inside the Saticoy Country Club. There remain just a few openings, so if you'd like to be a member contact President **Lindsay Nielson** at 658.0977 or [nielsonlaw@aol.com](mailto:nielsonlaw@aol.com). You may also contact the bar's Member Relations Director, **Nadia Avila**, at 650.7599 or [bar@vcba.org](mailto:bar@vcba.org)...

The bar's Fee Arbitration Program seeks a few volunteer lawyers to assist with the program by being panelists and resolving fee disputes between clients and their attorneys. There's a Fee Arbitrator Training scheduled for October 22 from 4 -7 p.m. at the bar offices. FREE MCLE for your time and effort. The State Bar of California presents the training while local Fee Arbitration Committee Chair **Dean Hazard** presides. See promotional brochure stuffed inside this issue of *CITATIONS*...In a survey reported in the September issue of *California Lawyer*, 9.1 percent of California lawyers work part-time and 64.2 percent of those are women...

**Steve Henderson** has been the executive director and chief executive officer of the bar association and its affiliated organizations. He may be seen twerking October 17 during the first meeting of the IOC. Additionally, he leads three Fantasy Football Leagues with Payton Manning at QB. Henderson may be reached at [steve@vcba.org](mailto:steve@vcba.org), FB, Twitter at [stevehendo1](https://twitter.com/stevehendo1), or better yet, 650.7599.

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Wifey the day before  
Baby Victoria!



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



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

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