PROTECTING IMMIGRANT FAMILIES THROUGH POWER OF ATTORNEY

by Renne Dehesa
page 11
CREATIVE DISPUTE RESOLUTION
HAVE JOINED FORCES

CONTINUING THE EXPANSION AND TRADITION
OF EXCELLENCE IN MEDIATION & ARBITRATION
ESTABLISHED IN 1996 BY PAUL D. FRITZ, ESQ. (1941-2011)

MEDIATION OF ALL CIVIL DISPUTES
* Business Litigation  * Personal Injury  * Professional Negligence
* Employment        * Probate Litigation * Medical Malpractice

805.498.9494

CDRMEDIATION.COM
Highly Skilled and Effective Mediators

HEARD ABOUT OUR INTERNS?!

FOLLOW US ON TWITTER! #DKLAWGROUP

DK LAW GROUP, LLP—TRIAL AND LITIGATION REFERRALS WELCOMED • 805.498.1212

DAVID M. KAREN - MEMBER
AMERICAN BOARD OF TRIAL ADVOCATES
dk@dk4law.com
PRESIDENT’S MESSAGE: WILL AN EASIER BAR EXAM DUMB DOWN OUR PROFESSION AND FOSTER INCIVILITY?

by Erik B. Feingold

As a career litigator, I find it to be such a joy to work with competent counsel on the other side of a case. You know the type: They “get” that not every claim or defense is perfect, that we need to pick our battles and not go to war on every single issue from service to judgment and that we are all working hard to do our best for our clients and to provide for our families. I got to thinking about this competency issue recently with the news that the California Supreme Court was considering lowering the score for our notoriously difficult bar examination. Would lowering the score of the California bar examination result in less competent lawyers and, in turn, make my life more difficult by having to deal with an influx of jerks into our profession?

After looking into this issue, it turns out – as is the case with much of what we as lawyers do - the answer is not so simple. The minimum passing score for the California bar examination is 144. This makes California’s the second most difficult bar examination in the United States to pass, behind only Delaware which has a minimum passing score of 145. Most states have a minimum passing score of 135 or lower. This means that a lower percentage of those who take the California bar examination pass the examination than those sitting for a similar bar examination in another state. In other words, the same law student taking the same bar examination in a state other than California or Delaware has a far better chance of becoming a lawyer in the state. But does that mean they are more competent?

Last year, a staggeringly low 51 percent of the graduates of the University of California Hastings College of Law passed the California bar. Does that mean that 49 percent of the graduates of this prestigious institution are incompetent? No, of course not. These students worked hard to get into and graduate from Hastings, and I’m sure that as good students they all studied hard for the bar examination. They just happened to take an examination that was more weighted against them passing than the same or similar examination administered in another state.

We all remember how hard we studied to pass the bar examination, and the four torturous, anxiety-ridden months we waited to get the results. Some old timers think that things should not change, and that the minimum passing score should remain the same. Some think the minimum passing score should be raised. For instance, in a recent Los Angeles Daily Journal column, Los Angeles Superior Court Judge William Fahey reasoned that the passing score should be raised because in his nearly twenty years on the bench he has observed that while most attorneys are professional and prepared, there is an abundance of bad lawyers exhibiting bad lawyering skills. Chief among these problems are a basic lack of understanding of procedure or worse, a failure to read the code and an inability to speak and write persuasively and coherently, let alone use proper grammar or complete a sentence. In spite of these problems, which I’m sure we have all witnessed firsthand, David Faigman, the dean of Hastings, counters that there is no empirical evidence that California will be “overrun by malpracticing attorneys” if the minimum pass score is lowered.

But are we doing the public any favors by making it more difficult to become a lawyer? According to a Los Angeles Times article in which Leah Wilson, the state bar’s chief operating officer, was quoted, “When you look at the decline [in bar passage rates], that’s a problem, according to Ms. Wilson, because “we know that we have significant numbers of people in this state that have inadequate access to counsel or no access to counsel.” However, would lowering the bar pass rate result in more lawyers going to underserved communities? Probably not. The average amount of law school debt these days is about $150,000.00. And unlike physicians, who can have their debt forgiven for practicing in underserved communities, no such programs exist for lawyers. So I question whether admitting more attorneys would result in more public service when so many law school graduates have to maximize their income right out of the gate just to make their student loan interest payments.

In the end, there are no easy answers. We all worked hard to become lawyers, and work harder still to provide for our clients. I’ve had my fair share of jerks on the other sides of cases, but I’m not convinced that a person’s pedigree or how high they scored on the bar examination dictates whether they are going to be easy to work with. In fact, these qualities often engender a superiority complex and incivility. In the end, I think effective lawyering comes down to not only smarts and your ability pass a test, but who you are as a person and your life experiences.

Erik B. Feingold is a litigator with Myers, Widders, Gibson, Jones & Feingold in Ventura.
**2017 VCBA BOARD OF DIRECTORS**

**OFFICERS**
- President: Erik B. Feingold
- President-Elect: Mark Kirwin
- Secretary-Treasurer: Douglas K. Goldwater
- Past President: Charmaine Buehner

**Chief Executive Officer**
- Steve Henderson, CAE

**CITATIONS EDITORIAL BOARD**
- Managing Editor: Wendy C. Lascher
- Assistant Editor: Cari Ann Potts
- Assistant Editor: Heather Deffense
- Publisher, CEO: Steve Henderson

**Creative**
- J.P. McWaters

<table>
<thead>
<tr>
<th>Alice Arnold</th>
<th>Michael L. McQueen</th>
</tr>
</thead>
<tbody>
<tr>
<td>Rachel Coleman</td>
<td>Rabiah A. Rahman</td>
</tr>
<tr>
<td>Karen B. Darnall</td>
<td>Lauren E. Sims</td>
</tr>
<tr>
<td>Rachael J. Kimball</td>
<td>Michael R. Sment</td>
</tr>
<tr>
<td>Panda L. Kroll</td>
<td>Kathleen J. Smith</td>
</tr>
<tr>
<td>Carol Mack</td>
<td>Al Vargas</td>
</tr>
</tbody>
</table>

**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: Lisette Hernandez
  - t: 805.650.7599
  - f: 805.650.8059
  - c: bar@vcba.org
  - www.vcba.org

Submit all editorial matters to:
- CITATIONS
  - 1050 S. Kimball
  - Ventura, CA 93004
  - t: 805.659.6800
  - f: 805.659.6818
  - wlascher@fcoplaw.com

Alice P. Arnold, J.D., Ph.D.
Integrating Law and Psychology

**COACHING FOR ATTORNEYS**
A supportive and confidential process guiding you to identify and move past roadblocks that are preventing success.
- Clarify professional goals
- Elevate your courtroom advocacy
- Address burnout and stress

**FAMILY LAW MEDIATION**
Resolving all aspects of divorce; with expertise in custody agreements and parenting matters.

**CLIENT COACHING**
Preparing your clients to manage stress and heightened emotions in courtroom testimony, depositions, and mediation.

Law Office of Alice P. Arnold, P.C.
Offices in Ventura and Santa Barbara
(805) 910-8861
alice@alicearnold.com • alicearnold.com
BARRISTERS CORNER
by Katie Becker

A past-president of the Barristers of Ventura County is being honored by the Women Lawyers of Ventura County this month, which has us all very excited. Rennee Dehesa is receiving the 2017 Holly Spevak Award. This award is given each year to a member of the legal community who has accomplishments in increasing access to justice through pro bono legal service. For more information about this award and the Legacy Award going to Judge Colleen Toy White, please see the longer article in this issue of Citations. The Barristers are proud of their colleague and hope that you all will attend the WLVC Annual Dinner on Sept. 14 to celebrate! The evening is always a beautiful and fun event, with wonderful food, wine and, this year, beer! Proceeds benefit the WLVC scholarship fund and Girls, Inc., a nonprofit organization that does amazing work on the South Coast. (www.wlvc.org.)

Please save the date: The annual Barristers’ event, Meet the Bench, (formerly Judges’ Pizza Night) will be held at Saloon BBQ on Oct. 20 from 5:30-7 p.m. This is the only event of the year that is held exclusively for Barristers and members of the Bench. The event is a local favorite as it gives new attorneys a wonderful chance to speak directly with our local judges and justices outside of a court setting. The event is free! We hope to see you there.

The Barristers is a section of the Ventura County Bar Association. Membership is automatic and free if you are a VCBA member. If you are under 36 or have been practicing law for seven years or less, you are a Barrister! For more info on Barristers events, see our Facebook page, or email President Joshua Hopstone at jhopstone@fcoplaw.com.

Katie Becker is a partner at Schuck, Becker & Dehesa, LLP, and a member of many boards. She is a trusts, probate and estate planning lawyer in Santa Paula.
# BAR LEADERSHIP

<table>
<thead>
<tr>
<th>SECTION</th>
<th>Name</th>
<th>Phone</th>
</tr>
</thead>
<tbody>
<tr>
<td>ADR SECTION</td>
<td>David Karen</td>
<td>498-1212</td>
</tr>
<tr>
<td>ANIMAL LAW</td>
<td>Katherine Hause Becker</td>
<td>525-7104</td>
</tr>
<tr>
<td>ASIAN BAR</td>
<td>Vacant</td>
<td></td>
</tr>
<tr>
<td>BANKRUPTCY</td>
<td>Michael Sment</td>
<td>654-0311</td>
</tr>
<tr>
<td>BARRISTERS</td>
<td>Josh Hopstone</td>
<td>659-6800</td>
</tr>
<tr>
<td>BENCH-BAR RELATIONS COMMITTEE</td>
<td>Hon. Matt Guasco</td>
<td>256-4972</td>
</tr>
<tr>
<td>BLACK ATTORNEYS ASSOCIATION</td>
<td>Jacqueline Ruffin</td>
<td>644-7188</td>
</tr>
<tr>
<td>BUSINESS LITIGATION SECTION</td>
<td>Erik Feingold</td>
<td>644-7188</td>
</tr>
<tr>
<td></td>
<td>Rabiah Rahman</td>
<td>641-6600</td>
</tr>
<tr>
<td>CITATIONS</td>
<td>Wendy Lascher</td>
<td>659-6800</td>
</tr>
<tr>
<td>CLIENT RELATIONS</td>
<td>Dean Hazard</td>
<td>988-9886</td>
</tr>
<tr>
<td>COURT TOUR PROGRAM</td>
<td>Thomas Hinkle</td>
<td>656-4223</td>
</tr>
<tr>
<td>CPA LAW SOCIETY</td>
<td>Lauren Rad</td>
<td>659-6800</td>
</tr>
<tr>
<td>DIVERSITY BAR ASSOCIATION</td>
<td>Ed Elrod</td>
<td>644-4486</td>
</tr>
<tr>
<td>EAST COUNTY BAR</td>
<td>Doug Bordner</td>
<td>496-0111</td>
</tr>
<tr>
<td>EMPLOYMENT LAW</td>
<td>Joe Herbert</td>
<td>482-5340</td>
</tr>
<tr>
<td>FAMILY LAW BAR</td>
<td>Heather Kadeg</td>
<td>818-865-8057</td>
</tr>
<tr>
<td>IMMIGRATION LAW</td>
<td>Matt Bromund</td>
<td>650-1100</td>
</tr>
<tr>
<td>INTELLECTUAL PROPERTY</td>
<td>Chris Balzan</td>
<td>658-1945</td>
</tr>
<tr>
<td>J.H.B. INN OF COURT</td>
<td>Kathryn Clunen</td>
<td>497-7474</td>
</tr>
<tr>
<td>JUDICIAL EVALUATION COMMITTEE</td>
<td>Linda Ash</td>
<td>654-2580</td>
</tr>
<tr>
<td>LAW LIBRARY COMMITTEE</td>
<td>Eileen Walker</td>
<td>444-6308</td>
</tr>
<tr>
<td>LGBT ALLIANCE</td>
<td>Ed Elrod</td>
<td>644-4486</td>
</tr>
<tr>
<td>MEXICAN AMERICAN BAR ASSOCIATION</td>
<td>Rennée Dehesa</td>
<td>525-7104</td>
</tr>
<tr>
<td>NATURAL RESOURCES SECTION</td>
<td>Kate Neiswender</td>
<td>649-5575</td>
</tr>
<tr>
<td>PROBATE &amp; ESTATE PLANNING SECTION</td>
<td>Amber Rodriguez</td>
<td>643-4200</td>
</tr>
<tr>
<td>VCLA, INC.</td>
<td>Charmaine Buchner</td>
<td>650-7599</td>
</tr>
<tr>
<td></td>
<td>Cesar A. Libanati - Managing Attorney</td>
<td></td>
</tr>
<tr>
<td>VC TRIAL LAWYERS ASSOCIATION</td>
<td>Marc Anderson</td>
<td>988-5833</td>
</tr>
<tr>
<td>VC WOMEN LAWYERS</td>
<td>Kymberley Peck</td>
<td>659-6800</td>
</tr>
<tr>
<td>VCBA STAFF</td>
<td>Steve Henderson - Chief Executive Officer</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Sandra Rubio - Associate Executive Director</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Rosie Clinson - Member Relations</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Lisette Hernandez - LRIS counselor</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Brenda Bodie - CTP Coordinator</td>
<td></td>
</tr>
</tbody>
</table>

**Bar Leadership**

**Mediation Services**

R.A. Carrington, Esq. and Victoria Lindenauer, Esq.

Mr. Carrington and Ms. Lindenauer have conducted over 3,000 mediations, 300 arbitrations and have been discovery referees in multiple complex matters. Mr. Carrington (ABOTA Member) has been a full-time mediator since 1999 and Ms. Lindenauer has been mediating since 2011. Their professional association as of 2017 reflects their jointly held commitment to the values of tenacity, creativity, and the highest ethical standards applied to the resolution of every dispute.

Serving Los Angeles, Orange, Ventura, Santa Barbara, San Luis Obispo, and Kern Counties

Contact R.A.: (805) 565-1487
Contact Victoria: (805) 730-1959
rate@cox.net  lindenauer_mediation@cox.net

www.californianeonutrels.org/ra-carrington
www.lindenauermediation.com

---

**Your Real Estate Advisor for:**

- Bankruptcy and Divorce Sales
- Investment Properties
- Trust and Probate Sales

Can provide valuations within 48 hours!

Graduate of the Pepperdine Mediation Program

With over 27+ years of experience in Mediation!

BRE Lic. #01441424

Cell: (805) 320-1206
Office: (805) 477-4288
team@teamdembowski.com
www.teamdembowski.com

---

**Team Dembowski Real Estate**

**Berkeley Hathaway Home Services California Properties**
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
Jennifer Yates
as an associate attorney.

Ms. Yates has successfully handled hundreds of family cases in Ventura & Santa Barbara Counties and will be heading B&E’s family law department.

B&E also represents clients through jury verdict in criminal defense and plaintiff’s civil cases.
WOMEN LAWYERS HONOR JUDGE COLLEEN TOY WHITE AND RENNEE DEHESA
by Kymberley Peck

At its 11th Annual Scholarship Dinner at the Museum of Ventura County on Sept. 14, Women Lawyers of Ventura County (WLVC) will proudly honor Judge Colleen Toy White with the Legacy Award, and Rennee Dehesa, partner with Schuck, Becker & Dehesa, LLP, with the Holly Spevak Award.

JUDGE WHITE

Given her more than 22 years of service on the Ventura County Superior Court, it surely comes as no surprise to many that the complete list of Judge White’s accomplishments is too long for this article; perhaps this publication. During her time on the VCSC bench, she has acted as Presiding Judge and Assistant Presiding Judge. While serving as the former Supervising Judge for the Family Law Division, Judge White initiated the Pro Per Clinic, an early edition of what is now the Family Law Self-Help Center. While serving as the Dependency Court Judge, she established the Dependency Drug Court. Today, Judge White serves in the Criminal Trial Division where she presides over Veterans Court, Domestic Violence Court, Elder Abuse Court, Mental Health Court and Community Intervention Court, hearing some of the community’s most emotionally-charged disputes. Judge White has been instrumental in shaping these courts and in advancing community access to justice.

Judge White’s commitment to justice developed well before she joined the bench. As a child, she would often ride with her police officer father while he was on patrol in their small town of Wetumpka, Oklahoma. She witnessed firsthand how her father dealt with the people he encountered, an early influence for how she might do so in the future. She then married at age sixteen and was prohibited from finishing school at her high school. Overcoming challenges early in life, she not only finished high school, but went on to obtain her undergraduate and law degrees while working during the day and studying at night.

Former District Attorney Michael Bradbury recalls that Judge White originally planned to be a defense attorney. But after clerking in the D.A.’s office as a law student, Judge White was hired as a deputy D.A. while awaiting Bar results. Bradbury reminisces that there was a brief moment when they thought Judge White had not passed the Bar. The results came in, but there was no Colleen White on the pass list. “That’s because her name was listed as White Colleen,” chuckles Bradbury. When someone thought to check back with the Bar office they determined that, in fact, Judge White had passed. This was the start of two decades that Judge White would serve in the D.A.’s office, where she was ultimately promoted to Chief Assistant. Bradbury notes that Judge White served with “great distinction.” Bradbury reveals there was a point when President Ronald Reagan asked Judge White to join his administration’s White House Counsel or the Attorney General’s Office. Judge White declined both, but she accepted the President’s offer to chair the Presidential Advisory Council on the Peace Corps. She is an “absolutely extraordinary woman,” says Bradbury.

Judge White has been an inarguably extraordinary force on the bench, too. Fellow Ventura County Superior Court Judge Glen M. Reiser remarks of Judge White, “She thinks, she listens … she is iconic in her ability to be compassionate.” These traits have not only made Judge White so successful on the bench, but have also served the litigants who enter her courtroom. “She has no pretension. Every person in the judicial system gets a new start with Judge White,” states longtime friend John C. Orr. This sentiment echoes from all who speak or write of Judge White. Her colleagues on the bench believe the diversity, knowledge and life experience she brings make her “such a fantastic judge,” as Judge Reiser puts it.

“[Judge White] is an incredible role model for women of all ages,” says Bradbury. We agree.

RENNEE DEHESA

Dehesa’s receives the Holly Spevak award to commemorate her outstanding public service in our community. An active member of the Ventura County Bar Association, Dehesa has devoted innumerable hours to advocating for immigrants’ rights in 2017’s ever-changing political landscape. Dehesa is a board member of the VCBA’s Barristers and Chair of the Barristers Mentorship Program, where she takes an active role in connecting new attorneys with experienced mentors. She also regularly volunteers through WLVC’s program with Girls, Inc., which seeks to foster self-esteem in incarcerated youth through workshops at the Oxnard Juvenile Justice Center. Dehesa’s passion, empathy and strong sense of civic responsibility have engendered vital changes to this community’s treatment of immigrant families. (See Dehesa’s article in this issue of Citations.) Ventura County is made better by the gracious contributions of Rennee Dehesa.

Kymberley Peck is 2017 president of Women Lawyers of Ventura County. She is an associate at Ferguson Case Orr Paterson, LLP, where she handles probate, estate planning and family law matters. kpeck@fcoplaw.com
Ten percent (10%) of our trustee’s fee still goes to a non-profit organization whether the foreclosure reinstates, sells or reverts.

Aish Ha Torah
American Cancer Society (10)
American Red Cross (6)
Angel Flight West
Ascension Lutheran Church
Jail Ministry Fund
ASPCA (3)
Blessings in a Backpack
Boys Town (2)
Bridge of Mission International (2)
Buena High School
Casa Sirena
Chabad of Conejo (2)
Children’s Hospital Los Angeles
Church in Cerritos
Church of the Foothills
Clinton Bush Haiti Fund (2)
Cottage Hospital
Doctors Without Borders Somalia (3)
Eastridge Elementary PTA
Ek Disha
Family Promise San Gabriel Valley
Food Bank of Santa Barbara
Friendship Walk (3)
Grameen Foundation
Habitat for Humanity Chine (4)
Relay For Life Cancer fund
Ronald McDonald House Atlanta
Salvation Army (7)
Santa Barbara Teen Court
Seeds of Learning (4)
Senior Nutrition Action Council
SPARC
SPCA International (2)
St. Bonaventure High School
St. Elizabeth Community Center
St. Jude’s Hospital (3)
St. Sophia Philoptohos Society
St. Vincent de Paul Society (3)
Stray Rescue of St. Louis
Teen Challenge
The Community Shul
The Ear Foundation
The Friendship Walk
Toberman Neighborhood Center
Ventura County Humane Society (2)
Ventura County Rescue Mission
World Impact
World Wildlife Fund
Yeshiva Aharon Yaakov
Ohr Elyahu (4)

Money Orders go to the beneficiaries for forwarding to the nonprofit organizations so the lenders earn the IRS donation benefits. We look forward to helping support similar organizations on your behalf or on the behalf of clients you refer.

Parker Foreclosure Services, LLC
27 YEARS Foreclosing Non-judicially Throughout California
All Mail: PO Box 2940, Ventura, CA 93002-2940
Donald D. Parker, Pres.
Clients: 805 506-0753 Facsimile: 805 648-4618
dcn@parkertrustee.com
Immigration is a topic that divides many people, even those of us in the legal community who understand the Constitution, its intent, and the origins of this great nation. However, one of the issues that had not previously enjoyed much of the spotlight is the impact of removal of a parent on a child’s life, particularly in terms of the legalities of custody and care. Recognizing the problem that many families of mixed status (undocumented parents with US citizen children) face under the current White House administration, and in an effort to help our local community, I set out to help families using my legal skills and personal experience as an immigrant. How might I, as an estate planning/business/bankruptcy attorney, help parents in our community who are afraid of leaving their children behind if they are detained by immigration agents and/or removed from the country?

I began researching and communicating with other attorneys across the United States and learned that many other states have statutorily authorized the creation of a Power of Attorney for the care of a minor child. Some even have statutory forms similar to California’s Uniform Power of Attorney for finance under Probate Code section 4401, except allowing for the transfer of caretaker rights to a minor child. Some states go so far as to create a legal guardianship through such a document. I quickly learned that California does not have anything remotely close. Although state law does permit parents to nominate a guardian through a writing created before the presentation of a formal guardianship matter (Prob. Code, § 1502), there is no statute that discusses the formalities and parameters for such a writing.

Through my participation in “Know Your Rights” presentations to the local community, hosted by non-profit organizations in collaboration with immigration attorneys like Vanessa Frank, I saw that many people had been told they could sign a Power of Attorney letter purporting to authorize care of their children if they were removed by immigration. I also learned that many people were turning to unscrupulous notary publics who were charging them for the creation of such a document. Thus, I began over six months of work creating a short-term Power of Attorney for the care of a minor child to be used in Ventura County.

I collaborated with Ventura County Legal Aid through attorneys Mark Kirwin and Charmaine Buehner, my law partner Katie Becker, Assistant County Counsel Jaclyn Smith, Ventura County Superior Court Judge Teri Cody, Ventura County Health Care Agency, and Child Protective Services, to create and get approval for use of a single document that will be accepted by the local courts as a nomination of guardian in a legal guardianship proceeding, a medical services authorization for a non-parent to consent to healthcare for a minor child, an educational authorization for a non-parent, and authorization for a caregiver in the event that a parent is unable to care for their child due to an immigration detention or removal. This form is aimed at avoiding the heartbreaking scenario where a minor child is deemed to be “abandoned” by their parents because the parents are detained/deported by immigration and physically unable to care for the child. It will hopefully prevent that child from entering the juvenile dependency system as a ward of the state, at least in the short term while the parents determine their immigration status or a more long-term guardianship is obtained.

This Power of Attorney is now available through Ventura County Legal Aid, which is working on providing free legal clinics to the community to help people fill out the forms and explain their purpose. Anyone who is interested in helping may email me at rennee@venturaestatelegal.com.

Rennee Dehesa is an estate planning, probate, bankruptcy and business law attorney with the Law Office of Schuck, Becker & Dehesa, LLP. She is devoted to serving both her clients and the community-at-large, serving on the board of Barristers, MABA and the Camarillo Chamber of Commerce, and regularly volunteering with Girls, Inc. and Women’s Economic Ventures.
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
240 Lombard St., #100, Thousand Oaks, CA 91360
Lic. #0740274

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
www.kenneyins.com
Lic. # 0688916

Before cyber crime devastates your law practice ... be ready!

FREE $100,000 in Cyber Coverage – Our Latest Benefit – Included When You Buy a Malpractice Policy* with LMIC

Coverage Includes:

- Extortion
- Security Breach
- Ransom
- Network Asset Protection
- Costs of Notification & Remediation
- Online Prevention Training
- Plus Cyber Emergency Help Line

...be safe
...be secure

LMIC

*All Programs except Bar Associations

Lawyers’ Mutual Insurance Company, The Premier Legal Malpractice Carrier

LMIC.COM or call (800) 252-2045
LEGAL CERTAINTY
AN ILLUSIVE GOAL

Featuring
The Hon. Presiding Justice Arthur Gilbert
Tuesday, September 19, 2017, 12:00 P.M.

In The Court Of Appeal
For The Second District, Division Six
200 E. Santa Clara Street, Ventura

Irwin R. “Rob” Miller ESQ.
TRIAL LAWYER • MEDIATOR • ARBITRATOR

Want to settle that case?

• J.D. University of Cincinnati-Law Review Editor
• “AV” Rated Martindale-Hubbell
• Pepperdine University School of Law Straus Institute
• Arbitration and Mediation Panel Ventura / Santa Barbara Superior Courts
• Ventura Center for Dispute Settlement
• Member of VCBA, VCTLA, LACBA
• Past President Hollywood Bar Association
• Million and Multi-Million Dollar Advocates Forum

“As a trial lawyer for over 48 years, I have successfully tried and settled
million and multi-million dollar cases. My experience and training will help
resolve your case.”

(805) 486-2100  fax  (805) 486-2188
Email: irrmediation@aol.com • Website: irwinrobbmillerlaw.com
1000 Town Center Drive, Suite 300, Oxnard, CA 93036

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
Neutrals Like No Others

Access to the best mediators and arbitrators practicing today—that’s the power of difference™ only JAMS delivers.

Jeffrey G. Benz, Esq.
Bruce A. Friedman, Esq.
Joel M. Grossman, Esq.
Hon. Melinda A. Johnson (Ret.)
Barbara A. Reeves, Esq.
Hon. Steven J. Stone (Ret.)
Hon. Diane Wayne (Ret.)

800.352.5267 | www.jamsadr.com | Resolving Disputes Worldwide
New members of the Ventura County Bar Association and long-time members of our community alike: Hear ye, hear ye, hear ye. On Sept. 14, over 50 judicial and attorney members will reconvene for Ventura County’s Jerome H. Berenson Chapter of American Inns of Court at the Saticoy Country Club for its first of eight meetings in the 2017-2018 season.

The Ventura County chapter, which was founded in 1995, enjoys status as an IRS 501(c)(3) organization. Hon. David Long was its first President and remains an active and colorful member to date (see photo).

Rooted in the 800-year tradition of the Inns of Court of England, our local chapter of American Inns of Court provides continuing legal education and tracks relevant topics of the minute. For example, in September, Team One will host a humorous skit on the practical topic of punitive damages. Team Two will follow in October with an edgy multi-media skit on California’s new marijuana regulations, including a discussion of the practical and ethical issues faced by California lawyers who wish to advise clients in the lawful formation and operation of marijuana-related business, let alone partake of the leaf. Every team aims to entertain and enlighten.

At the last Board meeting, we asked directors in attendance why new members might consider joining. John Contos, a director with substantial trial experience and who has been a member for six years, advised that he has two regrets: not joining ABOTA and IOC earlier. He says that joining IOC helps attorneys recharge their career, because members interact with local judges and attorneys who have a wide spectrum of specialties. Lindsay Nielson, a director who is a sought-after court-appointed receiver boasting 25 years of membership, suggested that membership promotes our profession’s goal of civility and ethics, while giving members a chance to participate in planning and presenting fun, theatrical productions. Tim Sottile, a director whose practice focuses 100 percent on plaintiff’s-side employment, has been a member for twelve years. Sottile stated that while most of our interactions with other attorneys are adversarial, IOC provides a chance to connect with those adversaries as well as the judges we appear before in an informal, collegial setting. Katie Clunen, who presides over the chapter this season, has been a member for eleven years. Clunen practices family law and has served on numerous national and state bar committees. She counseled that membership in IOC is an excellent way to complete our CLE requirements for the year in addition to allowing for those new to the area to meet and mingle with Ventura County judges and lawyers. Finally, Nielson couldn’t resist, “Where else can I appear in front of my professional community in a toga?”

In sum, come for the camaraderie, stay for the CLEs! IOC is accepting applications for new members. If this professional experience appeals to you, please call Steve Henderson at the Ventura County Bar Association for sliding scale rates, which mostly cover food costs, or see the flyer inside this edition of Citations. Our first meeting for the new year will be Thursday, Sept. 14.

Panda Kroll is a member of the Citations editorial board. She is an attorney at Benton, Orr, Duval, & Buckingham and co-chair of the VCBA Employment Law section. She has practiced employment defense and civil litigation in Ventura County since 2001 and has been a member of IOC throughout the same time period. She became a director of IOC in 2012.
EMPLOYMENT MEDIATOR

✓ 38 years litigating employment cases, representing plaintiffs and defendants in the public and private sectors
✓ Mediating cases since 2002
✓ Past President Ventura County Bar Association
✓ AV Rated
✓ Reasonable Fees and Conference Room on Site

ANTHONY R. STRAUB, Esq.

121 North Fir Street, Suite “F”
Ventura, CA 93001

(805) 641-9992
ars@strausslawgroup.com
www.strausslawgroup.com

“I have practiced employment law my entire career. I use this experience to settle complicated employment law disputes.”

- Anthony Strauss

The Ventura County Bar Association’s

FIRST ANNUAL MEGA YARD SALE

A Community Event Benefitting the Ventura County Bar Association

Saturday, October 7, 2017
10:00 a.m. to 3:00 p.m.

Ventura College of Law Parking Lot
4475 Market Street in Ventura

One or more food trucks will be available

PLEASE consider donating items for this fundraiser. Call Steve Henderson at (805) 650-7599 to arrange for FREE PICKUP of donated items in the Ventura Area. There may be restrictions on size.

Court Appointed Receiver

Applying 30 years of experience representing creditors, debtors, trustees, custodians, assignees and receivers in all forms of insolvency and assignments, Bill Winfield is now accepting nominations to act as a court appointed Receiver.

Member – California Receiver’s Forum, American Bankruptcy Institute, California Bankruptcy Forum
Board Certified – Business Bankruptcy, American Board of Certification

WILLIAM WINFIELD
Attorney at Law

300 East Esplanade Drive, Suite 1980 Oxnard, CA 93036
Phone: (805) 764-6370
www.rstlegal.com

The 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 1:200.
Lawyering is relentless hard work, and there is a silent epidemic of severe stress, depression, and anxiety among attorneys. We are a high-risk group for addiction, substance abuse and suicide. This article is a reminder that there is no shame in seeking help, you are not alone and you can make changes in your life that will help.

We are lawyers: we are well-educated, we passed the infamously difficult California Bar Exam and we charge hundreds of dollars an hour. People come to us to solve their problems. Explain to a non-lawyer the overhead of running an office, the cost of malpractice insurance, the clients who do not pay, the hours spent keeping the flow of new business – we get no sympathy. Running a law office can be a financial struggle. Or perhaps you are at the top of your game, you have a wonderful staff and a seven-figure income. There is a lot of stress in keeping that level of business going, year after year. Maybe we need to be aggressive in court in a way that does not feel good to us. Perhaps we are overwhelmed by our clients’ personal problems and take them on as our own. Or we had a fantasy about what it would be like to practice law, and our work life is nothing like that.

A recent New York Times article told the story of Peter, “The Lawyer, the Addict,” a high-powered Silicon Valley attorney who died of an overdose, and whose last phone call was to dial into a conference call. According to the article, in 2016, the Hazelden Betty Ford Foundation and American Bar Association found that, out of 12,825 attorney responses across nineteen states:

...21 percent of lawyers qualify as problem drinkers, while 28 percent struggle with mild or more serious depression and nineteen percent struggle with anxiety. Only 3,419 lawyers answered questions about drug use, and that itself is telling, said Patrick Krill, the study’s lead author and also a lawyer. “It’s left to speculation what motivated 75 percent of attorneys to skip over the section on drug use as if it wasn’t there.” (Zimmerman.)

Substance abuse can be gradual and insidious. A couple glasses of wine after work, a drink at lunch to celebrate a victory, another to steel oneself for a difficult afternoon deposition. Pain pills for a chronic back problem that there is no time to care for. Working until 3 a.m. to get a brief done with the help of a little pill to get through. Early in his downward spiral, Peter had rummaged through the bathroom drawers for his son’s leftover pain pills. He later died with half-filled syringes, a spoon, lighter and crushed pills scattered around, succumbing to an infection common to intravenous users.
The ABA created its Commission on Lawyer Assistance Programs (CoLAP) “to assure that every judge, lawyer and law student has access to support and assistance when confronting alcoholism, substance use disorders or mental health issues ....” CoLAP identified alcohol as the most commonly abused substance, followed by prescription drugs.

Following suit, the California Legislature established the California Lawyer Assistance Programs in 2001 to assist attorneys with substance abuse or mental health issues, so they may be treated and return to the practice of law without endangering public health and safety. (Bus. & Prof. Code, §§ 6140.9, 6230-6238.) Its case managers provide immediate, confidential referrals to counseling and free assessments for attorneys experiencing stress, mental illness or substance abuse. The California LAP also offers support groups, training and continuing legal education regarding substance abuse, stress, mental illness and dementia in the legal profession. The LAP collaborates with the Office of the Chief Trial Counsel, State Bar Court, Office of Probation and others to monitor and support attorneys who participate in the LAP as a condition of disciplinary action.

Substance abuse and mental health issues faced by California lawyers are pervasive. In 2016, the California LAP 2016 Annual Report stated that 40 percent of LAP clients were seeking help for substance abuse, 24 percent for mental health issues, and 36 percent for both.

What can seem like a small, occasional slip may have serious consequences. If you remain in denial, the next line you cross may be an ethical one. In 2016, 23 percent of the referrals to the California LAP came through the Alternative Discipline Program or the State Bar Court.

Stress and anxiety can cause practice management problems. Marital and family problems, depression, suicidal thoughts, anger management, financial issues and cognitive decline can be part of an insidious downward spiral. The signs of depression can strike anyone, and include fatigue, trouble concentrating, irritability, loss of appetite, low sex-drive and feeling blue. The first step is to be aware of when you have moved from an isolated bad day to an ongoing problem. If in doubt, seek professional guidance.

We can also watch out for each other – if you have a colleague who is struggling in some way, reach out.

Resources:
http://www.calbar.ca.gov/Attorneys/Member-Records/Lawyer-Assistance-Program/LAP-Services
http://www.calbar.ca.gov/Attorneys/Member-Records/Lawyer-Assistance-Program/Resources

The Other Bar is a state-wide private non-profit founded to assist lawyers, judges and law students with substance abuse recovery. 1-800-222-0767 24-hour for information, emergencies and referrals. www.otherbar.org

Alice P. Arnold, J.D., Ph.D., practices family law and mediation. She also holds a Student Research Psychoanalytic License through the California Medical Board and maintains a private therapy practice. Integrating law and psychology, Alice offers coaching for attorneys. (805) 910-8861 or alice@alicearnold.com.

Continued on Page 21

Real Estate Appraiser
Certified Residential Real Estate Appraiser
Serving throughout Ventura County for nearly 15 years

A partial list of valuation services provided:
Estate planning and estate settlements
Tax assessment review and advice
Expert witness testimony
Dispute resolution
(divorce, estate settlements, property partition suits, foreclosures)

Bob Given
(aka Appraiser Bob)
805-857-3311
bob@appraiserbob.com
AR030865
CLASSIFIEDS

We have an immediate opening for a legal secretary with a minimum of 5 years’ experience in family law. We have a relaxed but professional atmosphere. Must be detailed-oriented, possess a strong work ethic and be a team player. We work with Outlook, Word Perfect and Legal Solutions. Salary is DOE. Interested parties may email resumes to: apraver@taylormccord.com

SEEKING EMPLOYMENT

Dedicated court service assistant/auditor seeking full time employment. Accurate and detail oriented. Self motivated and organized. Five years experience in court services and fifteen + years in auditing. Responsible quick-learner with goals to progress with knowledge in court administration and auditing/accounting systems. Ability to work in high-stress circumstances, meet deadlines and maintain positive and successful relationships with clients. Responsible, trustworthy and accurate. kim87ellison@gmail.com
ALCOHOL/DRUG ABUSE ASSESSMENT

1. Do you lose time from work due to drinking/using?
2. Is drinking/using making your home life unhappy?
3. Do you drink/use because you are shy with other people?
4. Is drinking/using affecting your reputation?
5. Have you ever felt remorse after drinking/using?
6. Have you had financial difficulties as a result of drinking/using?
7. Do you turn to inferior companions and environments when drinking/using?
8. Does your drinking/using make you careless of your family's welfare?
9. Has your ambition decreased since drinking/using?
10. Do you crave a drink/drug at a definite time of day?
11. Do you want a drink/drug the next morning?
12. Does drinking/using cause you to have difficulty sleeping?
13. Has your efficiency decreased since drinking/using?
14. Is drinking/using jeopardizing your job or business?
15. Do you drink/use to escape worries or trouble?
16. Do you drink/use alone?
17. Have you ever had a loss of memory as a result of drinking/using?
18. Has your physician ever treated you for drinking/using?
19. Do you drink/use to build up self-confidence?
20. Have you ever been to a hospital or institution (jail, etc.) because of drinking/using?

If you answered YES to any one of these questions, there is a DEFINITE WARNING that you have a problem with alcohol/drugs.
If you answered YES to any two of these questions, the CHANCES ARE that you have a problem with alcohol/drugs.
If you answered YES to three or more of these questions, you DEFINITELY have a problem with alcohol/drugs.

Disclaimer – This self-assessment is not intended to take the place of a professional evaluation. If you have any questions or concerns, you should talk to a mental health professional. If you are experiencing any of the following, please consult the Lawyer Assistance Program for confidential help.

DEPRESSION ASSESSMENT

One out of five Americans will experience a major depressive episode at least once during his/her lifetime. The rate for lawyers is three to four times that rate.

Has there been at least a two-week period of time in which you experienced either depressed mood or loss of interest or pleasure?

Are you:
feeling sad, empty and/or irritable?
feeling a loss of interest or pleasure in activities or work you once enjoyed?
experiencing changes in weight and/or appetite?
having increased difficulty sleeping, or sleeping more than usual?
experiencing increased restlessness?
experiencing a decrease in level of activity noticeable to others?
feeling more fatigued or less energetic?
having difficulty concentrating, remembering or making decisions?
feeling overwhelming guilt, hopelessness or worthlessness?
thinking of suicide or death?

If you answered YES to the last item, you should seek help IMMEDIATELY (regardless of your answer to any other questions).
If you answered YES to even a few of these questions, you may suffer from depression.

Disclaimer- This self-assessment is not intended to take the place of a professional evaluation. If you have any questions or concerns, you should talk to a mental health professional. If you are experiencing any of the following, please consult the Lawyer Assistance Program for confidential help.
The first lawyer to identify the gentleman in this photo wins lunch on me. The hint? Shirt pockets...

A few good jobs out there – LightGabler seeking a trial attorney with at least ten years of experience, civil or criminal. jtoerner@lightgablerlaw.com...

David Laufer is searching for a person with at least one year of litigation experience preparing motions, response to discovery and analysis. 1davidlaufer@gmail.com...

Susan Elston started at Dion Law Group and her new phone number is 497-7474 or susane@dionlawgroup.com...

Steven N. Stone, a veteran litigator in Los Angeles and Ventura County has joined the Shulman Family Law Group in Calabasas as an associate. Welcome him at info@shulmanfamilylawgroup.com (looking for photo of him)...

Criminal Master Mind? Investigators say a suspect accused of burglarizing a Southern California home took a bathroom break and left DNA evidence in the toilet that led to his arrest. Detective Tim Lohman of the Ventura County Sheriff’s office says the suspect did not flush during the October break-in in Thousand Oaks. Andrew David Jensen was arrested July 26... Taylor, McCord, Praver & Cherry soliciting for a legal secretary with a minimum of five years’ experience in family law...

Certainly someone should be ecstatic over this offer. Private practice law office in Santa Paula since 1963 closed, and family desires to find new home for handsome collection of 1,300 law books. Mostly Cal Reports and Cal App Reports. Ten pristine antique barrister book cases (Globe Wernicke) also for sale. Contact Mim King at (415) 572-9597 or mim@minkingsworks.com (insert photo here—email 8.23)...

Fifty hardest law schools to get into? 247wallst.com. Yale with a 9.5 percent acceptance rate, Stanford with a 10.7 percent acceptance rate. Harvard with a 16.6 percent acceptance rate and UPenn at seventeen percent... Steven N. Stone, a veteran litigator in Los Angeles and Ventura County has joined the Shulman Family Law Group in Calabasas as an associate. Welcome him at info@shulmanfamilylawgroup.com (looking for photo of him)...

Finally, the Family Law Bar presents the Hon. William Liebmann on “The Annual State of the Courts”, Sept. 26
Client Trial War Rooms

Across the street from the Courthouse
Downtown L.A., San Bernardino, Van Nuys
Secure conference rooms for you and your clients to strategize, refresh and relax throughout your trial. Catering, WiFi and Parking available. It’s like having your own office at the Court, FOR FREE.

Call 800-43-DEPOS
or email info@personalcourtreporters.com for details.

Seven convenient Southern California locations to serve you
Van Nuys Downtown LA Ventura Ontario
Santa Barbara West LA San Bernardino

Call us to book your next DEPO! 800-43-DEPOS
www.personalcourtreporters.com
24 years of trial experience
We appreciate your criminal law referrals!

WWW.DavidLehrLaw.COM
805-477-0070