## Need Referrals?

Call Rosie at LRIS today! at **(805) 650-7599** 

# AUGUST - TWO THOUSAND EIGHTEEN

# JUDGE BENJAMIN F. COATS

Page 8

| P. MARK KIRWIN      | PRESIDENT'S MESSAGE                 | 3  |
|---------------------|-------------------------------------|----|
| WILLIAM E. PATERSON | WON'T YOU BE MY NEIGHBOR?           | 7  |
|                     | SBVCL GRADS FORM NEW ALUMNI COUNCIL | 15 |
| PANDA KROLL         | OMG - HERE COME THE GMOS            | 16 |
| CRAIG BATES         | 2018 LAW DAY 5K PHOTOS              | 19 |
|                     | CLASSIFIEDS                         | 21 |
| STEVE HENDERSON     | EXEC'S DOTDOTDOT                    | 22 |
|                     |                                     |    |

#### ARTICLES CAN BE VIEWED ONLINE AT WWW.VCBA.ORG



Hon. David W. Long Judge of the Superior Court County of Ventura, Ret. Judgelong@cdrmediation.com

CONTINUING THE EXPANSION AND TRADITION **OF EXCELLENCE IN MEDIATION & ARBITRATION** ESTABLISHED IN 1986 BY PAUL D. FRITZ, ESQ. (1941-2011)

David M. Karen, Esq. 32-year Trial Attorney and Pepperdine Trained Mediator dk@cdrmediation.com

#### MEDIATION OF ALL CIVIL DISPUTES

\*Business Litigation \*Employment

\*Probate Litigation \*Medical Malpractice

\* Personal Injury \* Professional Negligence

805.498.9494



Offices Available – Now Hiring! Laterals, Experienced Litigators and Mediators – All Welcomed!



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



Over the last several years, I have worked with a wonderful group of attorney and non-attorney volunteers running Ventura County Legal Aid DACA renewal walk-in clinics. We have helped dozens of individuals renew their DACA applications, many of whom immigrated into this country when they were infants. With all the news of late regarding immigration and the inhuman separation of children from their families, I thought it important to explain DACA. The U.C. Berkeley School of Law's legal support team provides this succinct explanation of the DACA program.

#### What Is DACA?

Deferred Action for Childhood Arrivals (DACA) is a kind of administrative relief from deportation. The purpose of DACA is to protect eligible immigrant youth who came to the United States when they were children from deportation. In addition to protection from deportation, DACA gives young undocumented immigrants a work permit. The program expires after two years, subject to renewal. To be eligible for DACA:

• You were under 31 years old as of June 15, 2012;

• You first came to the United States before your 16th birthday;

• You have lived continuously in the United States from June 15, 2007 until the present;

• You were physically present in the United States on June 15, 2012 and at the time you apply;

• You came to the United States without documents before June 15, 2012, or your lawful status expired as of June 15, 2012;

You are currently studying, or you graduated from high school or earned a certificate of

completion of high school or GED, or have been honorably discharged from the Coast Guard or military (technical and trade school completion also qualifies); and

• You have **not** been convicted of a felony, certain significant misdemeanors (including a single DUI), or three or more misdemeanors of any kind.

(Undocumented Student Program: DACA Information (April 26, 2018) University of California at Berkeley <https://undocu. berkeley.edu/legal-support-overview/what-isdaca/> (as of July 26, 2018).)

During the five DACA renewal clinics we organized, I met many people with amazing stories of bravery and perseverance through childhood hardships, who made significant contributions to our community under the DACA program. One is Miguel Rodriguez. I first met Miguel as we worked together providing aid to farm workers in Santa Paula who lost their trailer homes to the Thomas Fire. One day, he told me his DACA story as we were planning relief efforts over a Guinness at Garman's Pub. He agreed to share it with you.

#### The Face of DACA

My name is Miguel Rodriguez. I remember living in the shadows before DACA. I was brought to this country when I was 8 years old. When I was 15, I worked as a caregiver when my father was deported. I put myself through community college while paying international student fees, and was admitted to UCLA. However, I had to quit school to organize for the Dream Act alongside Congressman Luis Gutierrez, who hosted town halls across the country to raise awareness and support for the Act. I helped unseat an anti-immigrant Congressman, and through grassroots organizing, forced the City of Ventura to purchase land for a much-needed park for low income children off Ventura Avenue. I have also assisted with the passage of inclusionary housing ordinances, stopped the privatization of the public library and restored cuts to public transportation – all because I decided to step out of the shadows and seek the light within me.

I recently graduated from UCLA, fifteen years after my original start date. I also won a Latino leadership award, health champion award and was graduation speaker for the Chicano Latino graduation. I work designing Latino outreach campaigns for the County of Ventura. Two years ago, I presented at the Obama White House with UCLA on transnational development projects. I was also featured in a museum exhibit at the UCLA labor center.

DACA has given me opportunity and the ability to achieve the goals that I set out to accomplish while being able to contribute to society. My mother is a naturalized U.S. citizen, but given the current immigration restrictions, I will have to wait a few more years before I am eligible for a green card through her. (I have been waiting for ten years as of today.) Were it not for DACA, I would be even less protected from deportation than I am now. Let's fight for DACA so that youth can continue pursuing their dreams in the only place they know.

Thank you, Miguel!

**Mark Kirwin** is the 2018 VCBA President and the 2018 Acting Ventura County Legal Aid President. He is a civil litigator with Kirwin & Francis, LLP in Ventura.

#### 2018 VCBA BOARD OF DIRECTORS

#### OFFICERS

President P. Mark Kirwin

President-Elect Douglas K. Goldwater

Secretary-Treasurer Kathryn E. Clunen

Past President Erik B. Feingold

Chief Executive Officer Steve Henderson, CAE

Marc D. Anderson Linda K. Ash Katherine Hause Becker Charmaine Buehner Rachel Coleman Margaret J. Coyle Darren J. Goodman Joshua S. Hopstone Thomas J. Hutchinson Rod L. Kodman Kata Kim Louis H. Kreuzer Susan L. McCarthy Kymberley E. Peck Rabiah A. Rahman Jacquelyn D. Ruffin Jaclyn S. Smith Lauren R. Wood

#### CITATIONS EDITORIAL BOARD

Co-Managing Editor Wendy C. Lascher

Co-Managing Editor Cari Ann Potts

Publisher, CEO Steve Henderson

Creative J.P. McWaters

Alice Arnold Rachel Coleman Karen B. Darnall Joe Jones Panda L. Kroll Carol Mack Lauren Martinez Michael L. McQueen Rabiah A. Rahman Lauren E. Sims Michael R. Sment Kathleen J. Smith Al Vargas

**CITATIONS** is published monthly by the Ventura County Bar Association. The articles in CITATIONS are the views of the authors, and should not be construed as legal advice. Every situation is different. Consult a lawyer if you need legal advice.

Submit all advertising, classified and calendar matters to: VCBA

4475 Market St. Suite B Ventura, CA 93003 t: 805.650.7599 f: 805.650.8059 e: bar@vcba.org www.vcba.org CITATIONS 5425 Everglades St. Ventura, CA 93003 t: 805.644-7188 f: 805.644-7390 capotts@mwgilaw.com

Submit all editorial

matters to:

# Experienced. Trusted. Proven.

Mediator and arbitrator for the resolution of cases including:

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

Retired Judge, Elinor Reiner

## Judge Elinor Reiner MEDIATOR AND ARBITRATOR

To schedule a consultation, please call **805-879-7517** 211 East Anapamu • Santa Barbara, CA 93101 elinor@elinorreiner.com • WWW.ELINORREINER.COM



- Buy and Sell Mediation
- Structured Entities and LLPS
- Million Dollar Deals
- Transactional Relationships between Buyers and Sellers

## (805) 407-4206

**58 Years in Real Estate Practice.** *"Tve Seen It All"* 

CAL BAR # 29956

**BLSMediation.com** 



## **BONGIOVI MEDIATION**

Mediating Solutions since 1998

Mediator • Arbitrator • Discovery Referee

"There is no better ambassador for the value of mediation than Henry Bongiovi."



HENRY J. BONGIOVI

Conducting Mediations throughout California 805.564.2115 www.henrybongiovi.com



**AV Preeminent Rating** 

AVVO Rated 'Superb'

(5 out of 5)

(10 out of 10)

CISLO & THOMAS LLP<sup>®</sup>

Patent, Copyright and Trademark Litigation Attorneys at Law



Successfully Won or Settled 98% of Our Cases

"We have the best Intellectual Property Attorneys in Southern California, who litigate and protect IP."

Daniel M. Cislo, Esq. Managing Partner

#### Serving Businesses in California Since 1979

With Office Locations in West Los Angeles/Santa Monica, Westlake Village, Santa Barbara, Pasadena and San Diego www.cisloandthomas.com | (805) 496-1164

# Hot Writs & Cool Appeals



# Herb Fox, Esq.

Certified Appellate Law Specialist\*

Appeals and Writs

Post-Trial and Anti-SLAPP Motions

Appellate Opinion Letters

Trial & Post-Trial Consultations

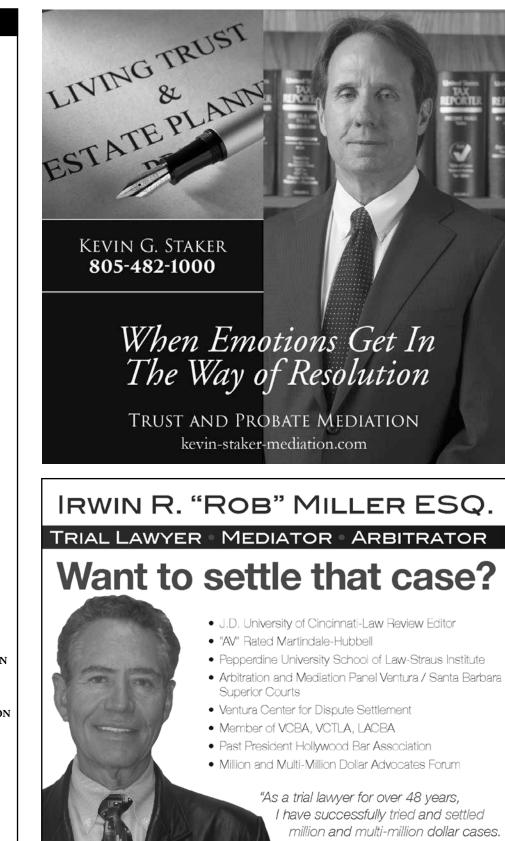
#### 805.899.4777 hfox@foxappeals.com www.foxappeals.com

Eighteen Published Opinions Southern California Appellate Superlawyer® AV® Rated / AVVO® Rating 10 Hourly, Flat and Contingency Fees Considered \*Board of Legal Specialization, Cal. State Bar

#### **BAR LEADERSHIP**

| ADR SECTION                 |              |  |  |
|-----------------------------|--------------|--|--|
| David Karen                 | 498-1212     |  |  |
| ANIMAL LAW                  |              |  |  |
| Katherine Hause Becker      | 525-7104     |  |  |
| ASIAN BAR                   | 2-27.000     |  |  |
| Vacant                      |              |  |  |
| BANKRUPTCY                  |              |  |  |
| Michael Sment               | 654-0311     |  |  |
| BARRISTERS                  | 0)10011      |  |  |
| Lauren Sims                 | 659-6800     |  |  |
| BENCH-BAR RELATIO           |              |  |  |
| Hon. Matt Guasco            | 256-4972     |  |  |
| BLACK ATTORNEYS ASSOCIATION |              |  |  |
| Jacquelyn Ruffin            | 644-7188     |  |  |
| BUSINESS LITIGATIO          |              |  |  |
| Erik Feingold               | 644-7188     |  |  |
| Rabiah Rahman               | 641-6600     |  |  |
| CITATIONS                   | 011 0000     |  |  |
| Wendy Lascher               | 659-6800     |  |  |
| Cari Potts                  | 644-7188     |  |  |
| CLIENT RELATIONS            | 011 / 100    |  |  |
| Dean Hazard                 | 988-9886     |  |  |
| COURT TOUR PROGR            |              |  |  |
| Thomas Hinkle               | 656-4223     |  |  |
| CPA LAW SOCIETY             | 0)0-1225     |  |  |
| Lauren Rad                  | 659-6800     |  |  |
| DIVERSITY BAR ASSO          |              |  |  |
| Ed Elrod                    | 644-4486     |  |  |
| EAST COUNTY BAR             | 011-1100     |  |  |
| Doug Bordner                | 496-0111     |  |  |
| EMPLOYMENT LAW              | 4)0-0111     |  |  |
| Joe Herbert                 | 482-5340     |  |  |
| FAMILY LAW BAR              | 402-3340     |  |  |
| Marcie Kraft                | 888-446-4478 |  |  |
| IMMIGRATION LAW             | 000-110-11/0 |  |  |
| Matt Bromund                | 650-1100     |  |  |
| INTELLECTUAL PROP           |              |  |  |
| Chris Balzan                | 658-1945     |  |  |
| J.H.B. INN OF COURT         |              |  |  |
| Kathryn Clunen              | 497-7474     |  |  |
| JUDICIAL EVALUATIO          |              |  |  |
| Linda Ash                   | 654-2580     |  |  |
| LAW LIBRARY COMM            |              |  |  |
| Eileen Walker               | 444-6308     |  |  |
| LGBT ALLIANCE               |              |  |  |
| Ed Elrod                    | 644-4486     |  |  |
| MEXICAN AMERICAN            |              |  |  |
| Rennee Dehesa               | 525-7104     |  |  |
| NATURAL RESOURCE            |              |  |  |
| Kate Neiswender             | 649-5575     |  |  |
| PROBATE & ESTATE I          |              |  |  |
| Amber Rodriguez             | 643-4200     |  |  |
| VCLA, INC.                  |              |  |  |
| Cesar A. Libanati           | 650-7599     |  |  |
| Managing Attorney           |              |  |  |
| VC TRIAL LAWYERS A          | SSOCIATION   |  |  |
| Marc Anderson 988-5833      |              |  |  |
| VC WOMEN LAWYERS            |              |  |  |
| Sasha Collins               | 482-3658     |  |  |
|                             |              |  |  |
|                             |              |  |  |

VCBA STAFF 650-7599 Steve Henderson - Chief Executive Officer Sandra Rubio - Associate Executive Director Rosie Cisneros - Member Relations Brenda Bodie - CTP Coordinator Cesar Libanati - VCLA, Inc. Managing Attorney



Rob" Miller ESQ. Irwin wyer + Mediation · Arbitration Trial

My experience and training will help resolve your case."

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

## **Court Appointed Receiver/Referee**

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

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

The Superior Court has appointed Mr. Nielson in over 480 cases involving the sale of real property, partnership or business dissolutions, partition actions and matters requiring a referee.

## LINDSAY F. NIELSON

Attorney at Law

Member – California Receiver Forum

Email: nielsonlaw@aol.com

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



## WON'T YOU BE MY NEIGHBOR?

by Bill Paterson

Before I saw *Mr. Rogers's Neighborhood*, my image of Fred Rogers was partially formed by Eddie Murphy's SNL riffs on his Mr. "Goody Two Shoes" persona. Now, thanks to Morgan Neville's moving tribute to Rogers's life and career, I have a renewed appreciation for this icon of children's television. In an era of reflexive cynicism and a political culture that would rather strip mine resentment than appeal to our better nature, spending time with Fred Rogers is a nostalgic visit to an oasis of bedrock decency.

Rogers was a young seminary student when he came to the realization that his real calling was to use television to help children better understand themselves and to provide them with a moral compass to navigate the inevitable ups and downs of life. He had a special gift for communicating with children and watching his young audience, with their rapt and upturned faces wreathed in smiles, is a blissful experience.

What I found particularly intriguing was the way Rogers was able to convey moral precepts in a way a child could intuitively grasp. One of the long-running characters on the show was Officer Clemmons, a genial black policeman. In one scene he joins Mr. Rogers in the park where Rogers is cooling his feet in a tub of water. Rogers greets him and asks if he would like to take off his shoes and join him. The message to the children was clear - we should treat everyone the way we would like to be treated. (The film juxtaposes that scene with old newsreel footage of a rabid segregationist pouring a caustic liquid into a pool filled with black swimmers).

Rogers also ventured into subjects you might not expect to find in a program geared to young children. He discussed divorce with one of his young guests and, after the assassination of Bobby Kennedy, he explained what the word assassination meant to children who were inundated with the term during that terrible week. "What is death?," he asked his young charges. He takes a dead fish from the bottom of an aquarium and, after discussing the passing of life, reverently buries the fish in the yard.

#### JUDGE BENJAMIN F. COATS

by Dan Carobini



He didn't plan on it, long for it, dream about it, lobby for it or jockey for position, but when he was randomly assigned Courtroom 44 as his initial home on the Ventura Superior Court, he took it as a sign that his decision to accept a judicial appointment was the right choice. Born in 1960 in the Bay Area community of Alameda, **Judge Benjamin Coats** grew up as a diehard fan of the San Francisco Giants; his favorite player was slugger Willie McCovey, whose number 44 jersey has been retired by the club. Now the chambers of Department 44 are adorned with all kinds of Giants memorabilia.

Baseball wasn't his only interest during his formative years. The son of a building contractor, Ben learned the discipline and value of hard work, starting with "grunt work" at job sites and progressing to the more skilled, hands-on tasks of a builder, from flooring to framing and beyond. In his spare time, he and his friends worked diligently to keep their "beater cars" running. Ben still enjoys working on cars, so you might spot him zipping around town in his vintage 1970s-era Porsche 914 on the weekends.

Ben came to Southern California to attend UCLA. He earned a degree in economics in 1982, then returned to the Bay Area to attend the John F. Kennedy School of Law. It may have been a job offer from the Los Angeles law firm Early Maslach that lured him back to Southern California, but a UCLA classmate and friend, Patty, was also starting her career as an actor here, and evidence suggests that might have influenced his return as well: they were married a short time after Ben returned to LA.

While he enjoyed the practice of insurance defense law and especially the numerous jury trials he was selected to handle during the six years he spent with the Early Maslach firm, Ben was not certain the law would be his lifelong career. He and Patty moved to San Luis Obispo where Ben worked part time for a small law firm, Belsher & Becker, while attending Cal Poly. He obtained a Master of Arts Degree in City and Regional Planning in 1996, and worked for the Rogoway Planning Group in San Luis. Ultimately, though, he decided to return to the legal profession.

In 1998 a Ventura law firm, Engle & Bride, had an opening after a young lawyer by the name of Matthew Guasco left the firm to start a mediation practice. Ben was hired to fill the slot and it didn't take long for him to return to form, primarily defending physicians in medical malpractice cases. Over the years he branched out into other areas of civil litigation, honing his reputation as a stalwart trial lawyer who always practiced with integrity and civility, gaining the respect of the topnotch attorneys he frequently opposed. Benjamin Engle, one of the finest trial lawyers ever to practice in this county, says of Judge Coats, "I saw Ben grow from a young lawyer to a masterful lawyer in his approach to whatever case was assigned to him. His research, understanding and thoroughness are talents that made him the outstanding individual he is today. The attorneys who will appear in front of him will have the benefit of a judge who will listen to both sides of a case and make well-reasoned decisions. Ben is and will be an outstanding jurist." While practicing in Mr. Engle's firm, Ben became a member of the American Board of Trial Lawyers. He was nominated for the Ventura County Trial Lawyer's Association Trial Lawyer of the Year in 2014 for his excellent trial results that year, including two medical malpractice defense verdicts, another defense decision in a case involving complex employment law issues, and a plaintiff's verdict in excess of one million dollars in a breach of contract and False Claims case he handled on behalf of the City of Thousand Oaks.

Despite the demands of his busy trial practice at Engle & Bride, which later became Engle Carobini & Coats, LLP, Ben did not lose sight of the other important things in life. He and Patty raised a wonderful son, Sam, who is a past County Spelling Bee champion, a youth symphony musician and a budding political activist who soon will embark on his collegiate career, perhaps at his parents' alma mater, UCLA, although Stanford and a few Ivy League schools also are in the mix. Ben has fine-tuned his cooking and baking talents over the years, even winning a blue ribbon at the Ventura County Fair last year for his version of his Grandma Ghiselli's Cantucinni recipe. On the topic of his Italian heritage, Ben was able to secure his Italian citizenship after years of researching his family history and dealing with the unique bureaucracy of the Italian government. Refining his taste for fine Italian wine and traveling to visit relatives in Northern Italy were the rewards for his hard work. Research is inconclusive, but it is likely that Ben is the County's first judge with dual U.S. and Italian citizenship.

With all of his varied interests and talents, it was Ben's generosity with his time that led him down the path to becoming a judge, even though at first he did not realize where that path was leading. He began volunteering at the Ventura Courts' Self-Help Legal Center, and later offered his services to the court as a special master assisting law enforcement executing search warrants. He began serving as a judge pro tem handling small claims cases and ultimately he was asked on a regular basis to preside over mandatory settlement conferences. It was in his role as a small claims judge pro tem that he developed his judicial philosophy - Judge Coats wants to be sure that all parties who come before him feel that their case is handled fairly, as this may be their only experience with our judicial system. He treats everyone, parties and counsel alike, with respect.

#### AUGUST 2018 • CITATIONS 9

#### Continued from page 7



#### MEDIATOR/ARBITRATOR

PERSONAL INJURY AND BUSINESS, CONSTRUCTION, REAL ESTATE AND PROBATE/TRUST DISPUTES AND LITIGATION.

#### Richard M. Norman, Esq.

- Trial Attorney AV Rated
- Member: American Board of Trial Advocates (ABOTA)
- Past President and Member of Ventura County Bar Association, and Ventura County Trial Lawyers Association
- Trained Mediator Pepperdine University Straus Institute & Negotiation Strategy Institute
- American Arbitration Association and FINRA Arbitration Panel
- Reasonable Fees Flexible Scheduling No Administrative Charges

Richard M. Norman, Esq., *Of Counsel* Norman Dowler, LLP. 840 County Square Drive, Ventura, CA 93003-5406 (805) 654-0911 • RNorman@normandowler.com



Learn more about Ebert Appraisals at: www.eas2.org

TRUST JAMES REAL ESTATE SERVICES James Ebert

Legal Appraisals • Commercial & Residential Architectural & Historic Properties

Court-approved appraisals, litigation support & testimony for trusts, divorce, IRS/Probate disputes and estates (date-of-death, stepped-up valuations).

**CPA/Law Society Affiliate** 

## Call today for a free initial consultation. (805) 372-1749

MEDI-CAL ELIGIBILITY

& Qualification Plan (Asset Protection)

Application Preparation & Representation

· Medi-Cal Recovery Claim Avoidance

· Appeals of benefits denial/loss

# ELDER LAW SERVICES

#### VETERANS BENEFITS

VA NON-SERVICE CONNECTED PENSION BENEFITS • Custom-Crafted Eligibility Analysis

- VA Accredited Attorney
- Custom Designed Eligibility Analysis for Veterans and Surviving Spouses
- Preparation & Filing of Pension Claims
- · Representation of Claimant during claim process

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

THE LAW OFFICE OF CRAIG R. PLOSS

290 MAPLE COURT, SUITE 118, VENTURA, CA 93003 Tel: (805) 642-8407 Fax: (866) 379-2149 Email: ploss@tds.net www.ElderLawVentura.com

#### He had a gift for knowing the way children think and how to interact with them in a meaningful way.

There are any number memorable moments in the film. Some of my favorites:

- An eleven-year-old boy has been stricken with a disease that has attacked his nervous system. His contorted body confined to a motorized wheelchair, he is due for still more surgery. But before he goes back into the hospital he wants to meet Mr. Rogers. An unforgettable conversation ensues. (Bring Kleenex)
- Rogers meeting with Koko, the famous gorilla. A magical encounter between two gentle souls.
- One of the more irreverent crew members picked up a camera Rogers had left on the set and noticed there were a few exposures left. He had another crew member take a picture of him mooning the camera. He heard nothing back from his famously straight arrow boss until he later received a surprise gift.
- An interview, years after Rogers died, with the actor who played Officer Clemmons. He breaks down on camera explaining how much Fred Rogers meant to him.

"Won't You Be My Neighbor?" is a film guaranteed to lift one's spirit. Currently playing at the Paseo Camarillo, the Westlake Twin and the Century Downtown.

Two other outstanding Morgan Neville documentaries available on Amazon Prime are:

"Twenty Feet From Stardom" – A vivid portrait of backup singers for some of music's most famous acts. (Bruce Springsteen, Ike and Tina Turner and the like). I have seen it three times. What more can I say?

"The Music of Strangers" – Yo-Yo Ma and the creation of The Silk Road Ensemble, a collection of musicians from Asia, Europe and the Middle East who draw their musical inspiration from the lands traversed by the ancient Silk Road. A colorful and exotic musical journey.

**Bill Paterson** is a retired partner of Ferguson Case Orr Paterson, LLP. He lives in Camarillo. Continued from page 8

From his time on the small claims court to his present assignment in an area new to him, criminal law, Judge Coats has always read all of the briefs, motions and other materials presented to him, he does his own legal research and strives to objectively decide each issue and each case.

Since beginning this new stage of his legal career in January, Judge Coats has especially enjoyed the collegiality of the local bench; he has found the other judges to be quality people who are helpful and always willing to give their time. He enjoys his assignment in the criminal division and is adapting to the differences between criminal and civil matters. He always enjoyed jury trials and he finds his new perspective from this side of the bench to be very interesting. Representatives from both the Public Defender's office and the District Attorney's office stated that Judge Coats has demonstrated that he is a quick study and he makes an effort to be fair to both sides.

Willie McCovey is now a member of the Major League Baseball Hall of Fame, recognized by his peers as one of the top performers in his field. Ben Coats's outstanding career as a lawyer and his volunteer work for the Ventura Superior Court brought him recognition as an excellent candidate to become a judge, and when asked to apply, he answered the call. Mr. McCovey would no doubt be proud to learn that one of his fans now serves in Department 44 of the Superior Court for the County of Ventura.



Carobini Dan is a civil litigator in Ventura, and a former partner of Judge Coats.

## 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 ratc@cox.net

Contact Victoria: (805) 730-1959 lindenauer\_mediation@cox.net

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

# Your Real Estate Advisor **TEAM DEMBOWSKI**

Bankruptcy Sales • Court-Ordered Sales • Divorce Sales Investment Properties • Probate Sales • Trust Sales

> Ellyn Dembowski is a graduate of the Pepperdine Mediation Program with more than 27 years of experience in mediation.

#### VALUATIONS PROVIDED WITHIN 48 HOURS



ELLYN DEMBOWSKI Luxury Property Specialist 805.320.1206 team@teamdembowski.com





©2017 Berkshire Hathaway HomeServices California Properties is a member of the franchise system of BHH Affiliates LLC.

# ARC Opens Ventura Mediation Center

# Hon. Frederick H. Bysshe

Ventura County Superior Court, Retired

- Unlimited and complex civil trial judge (2001-2012); Chief Settlement Judge (2013-2018); Appellate Division (2015-2016).
- Brings a wealth of experience in all aspects of civil litigation; earned a reputation from both plaintiff and defense bars as an outstanding settlement judge who relentlessly pursues a fair result in every case.

840 County Square Drive 2nd Floor • Ventura, CA 93003 805.643.1052 • www.arc4adr.com







(805) 646-4321

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

THOUSAND OAKS (805) 497-4007

JOHN JACOBS, CPA

GREGG BURT, CPA

PAUL THOMAS, CPA



S A SIGNIFICANT BENEFIT TO OUR MEMBERS...THE VENTURA COUNTY BAR Association has identified these Insurance and Financial Planning professionals to accommodate your insurance needs. These brokers are recognized for their integrity, knowledge and experience in serving the legal community. They can assist you in the areas of life, health, disability income, long-term care insurance, annuities and investments. You can obtain State and County Bar plans at discounted rates through these brokers.

# **Barry A. Cane**

# Disability Income Insurance Business Overhead Expense

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



Lic. #0740274

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

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

# Michael P. Kenney\*, CLU

Group and Individual Health Insurance Business and Personal Life Insurance (805) 497-7407 Fax: (805) 494-1363

www.kenneyins.com



Lic. # 0688916

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

# LAWYERS' MUTUAL INSURANCE COMPANY...

# Industry Leading Member Benefits

New Simple & Quick Application FREE \$100,000 Cyber Coverage with policy ONLINE MCLE AVAILABLE ON MOBILE APP Free One-On-One Loss Prevention Hotline Easy Renewal Process

<u>Specialty Rates for</u> ADR, Appellate, Criminal, Immigration and Insurance Defense Practice

**Preferred Policyholder Discounts** 

**Longevity Credits** 

**Dividends**\*

Even more benefits at LMIC.com



standards for the industry for stability, customer service, continuing education and performance . . . standards by which other legal malpractice providers in California must be measured.

LMIC has set exceptional

We are proud of those policyholders who see the value of membership in LMIC.

Visit us at: **www.lmic.com** or call **(800) 252-2045** 

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



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



Recipient of Platinum Awards and Ranking among the Top Twenty Top Producers within Remax Gold Coast Realtors, the brokerage with the most market share within Ventura County! As a Broker Associate, Castro's greatest achievement is her unsurpassed reputation for honesty, integrity, and knowledge in the industry.

Yolanda is a true professional. She is always checking in with her clients and referral partners and going above and beyond for them. She is easy to talk to and her dedication to ensuring that her clients receive the best outcome, whether it is to sell or buy a home, is clear in the way she conducts herself in every transaction.

> -Rennee R. Dehesa, Esq. Estate Planning, Business Law & Bankruptcy

Divorce Sale
 Probate/Trust Sales
 Short Sales
 Conservatorship Sales
 Bankruptcy Sales





advertising@tricountysentry.com

www.TriCountySentry.com





We do business completely contract free. We want to earn your loyalty. You don't have to serve a 2 Year sentence for quality service.



Big things often have small beginnings - Support your local business

#### **SBVCL GRADS FORM NEW ALUMNI COUNCIL**

For the first time in its near 50-year history, The Santa Barbara & Ventura Colleges of Law (COL) has a joint Alumni Council to support the interests of its more than 2,000 graduates.

The Council formally came into existence this spring with the adoption of a charter to advance a mission of serving COL and fellow graduates through advisement, engagement and service. Among the Council's founders is Jana Johnston (JD '03) who also serves as Chair of COL's Board of Trustees.

"Collectively, our graduates are at the heart of the Santa Barbara and Ventura legal community," Johnston said. "While many of us remain connected, the Council offers us a platform to do so much more to support each other, plus future alumni of the Colleges of Law."

Joining Johnston on the Council's inaugural board are nine fellow graduates, including VCBA members Deborah Jurgensen (JD '06), who co-chairs the Council, and Bert Partida (JD '06).

"This is a tremendous opportunity for us to serve our Colleges of Law community as well as the community as a whole," said Jurgensen. "The more we can reach out and help others, the more others will know about the wonderful tradition of service we have at the Colleges of Law."

The Santa Barbara & Ventura Colleges of Law is an affiliate of TCS Education System, a nonprofit system of colleges advancing student success and community impact.

COL alumni interested in participating in Council projects are encouraged to contact Jurgensen at DJurgensen@ CollegesofLaw.edu or Betty Jeppesen at jeppesenlaw@gmail.com

# OMG – Here Come the GMOs

by Panda Kroll



A new film, a new federal law, a landmark case and a new book all provide something to chew on.

• Food Evolution, documentary narrated by Neil DeGrasse Tyson (2016)

• "National Bioengineered Food Disclosure Standard," proposed rule, Federal Register (May 4, 2018)

• DeWayne Johnson vs. Monsanto Company, et al., San Francisco County Superior Court (July 2018)

• The Wizard and the Prophet, book, Charles C. Mann (2018)

Food Evolution, a documentary that "explores all the ways science has been used and abused in public discourse surrounding the genetic engineering of food," premiered on Hulu in the fall of 2017. The film is mandatory viewing for my Biotechnology & Law graduate students. In the debate over Genetically Modified Organisms (GMO)/Genetically Modified (GM) food, both sides claim science is on their side. While Neil deGrasse Tyson, PhD, Astrophysics, may seem an unlikely choice to narrate a film on food science, his folksy appeal makes a polarizing and complex subject more palatable to the scientifically less-than-literate; in fact, the film received a rare 100% Rotten Tomatoes rating. The film takes on both sides of the debate and "alternative facts," turning the spotlight from emotion to science. Spoiler alert: No credible evidence to date suggests that GMO ingredients currently on the market are unsafe to eat.

The internationally renowned, non-profit American Association for the Advancement of Sciences (AAAS) has said, "the science is quite clear: crop improvement by the modern molecular techniques of biotechnology is safe." The AAAS points out that "the World Health Organization, the American Medical Association, the U.S. National Academy of Sciences, the British Royal Society, and every other respected organization that has examined the evidence has come to the same conclusion: consuming foods containing ingredients derived from GM crops is no riskier than consuming the same foods containing ingredients from crop plants modified by conventional plant improvement techniques."

Not all scientists are persuaded, however. Brian Rasnow, PhD, teaches astronomy, biology, chemistry and physics at California State University, Channel Islands and remains agnostic as to the pros and cons of GMOs, but reminds us of the Loch Ness fallacy, i.e, that the absence of evidence is not evidence of absence. Dr. Rasnow favors the precautionary principle, which provides that "if an action or policy has a suspected risk of causing severe harm to the public domain (affecting general health or the environment globally), the action should not be taken in the absence of scientific near-certainty about its safety. Under these conditions, the burden of proof about absence of harm falls on those proposing an action, not those opposing it."

Dr. Rasnow explains that "[t]he risk/benefit equation of GMOs has been skewed by industry. The risks are significantly higher than generally quoted, because large enough, properly controlled, independent studies that would have adequate sensitivity to detect small effects (like smoking a pack of cigarettes a day) have not been done. The data that's often quoted as 'proving' safety doesn't have the strength of proof that's claimed. And on the other side, the benefits are often exaggerated beyond what has been demonstrated." Dr. Rasnow cites to Nature magazine, in which the editor states, "Without broader research programmes outside the seed industry, developments will continue to be profitdriven, limiting the chance for many of the advances that were promised 30 years ago - such as feeding the planet's burgeoning population sustainably, reducing the environmental footprint of farming and delivering products that amaze and delight."

Another detractor, Doug Gurian-Sherman, PhD, plant pathology/phytopathology, has been affiliated with the Environmental Protection Agency, the Union of Concerned Scientists, and more recently, the Center for Food Safety, a nationally known non-profit public interest and environmental advocacy organization. Dr. Gurian-Sherman takes issue, inter alia, with Food Evolution's dismissive approach to a GMO-related product, glyphosate (commonly known as Roundup). Over 80 percent of genetically modified crops grown worldwide are engineered to tolerate being sprayed with glyphosate herbicides. The U.S. Environmental Protection Agency has concluded glyphosate is likely not carcinogenic to humans. But in 2015, the World Health Organization classified glyphosate as a "probable" human carcinogen, touching off a heated debate over evaluation methods. Although California voters passed an initiative requiring glyphosate to be listed on the state's so-called "Proposition 65 list" as a "chemical known to the state of California to cause cancer," agricultural industry groups alleged that a warning label on food would violate First Amendment free speech protections by compelling retailers to post "false, misleading and highly controversial statements" on their products. In February a federal judge granted preliminary injunction barring anyone from requiring cancer warnings on food products that contain traces of the herbicide. As this article goes to press, a San Francisco jury is hearing expert testimony in a landmark case - the first of approximately 300 similar trials currently pending against Monsanto, in which the plaintiffs allege that Roundup caused non-Hodgkins lymphoma and that the company suppressed evidence of the risks of using its weed killing products.

Of more direct interest to my graduate students are recent developments in the GMO label debate. Transparency in the labels of foods containing GMO foods has been a long-running goal of the "Right to Know" movement, driven largely by the Center for Food Safety. The debate over labels is another polarizing issue. The AAAS has noted that it is important to distinguish between labeling intended to protect public health – about the presence of allergens, for example – and optional labeling that aids consumer decision-making, such as "kosher" or "USDA organic," which reflects verifiable and certifiable standards about production and handling. According to AAAS, GMO labeling initiatives are advanced by "the persistent perception that such foods are somehow 'unnatural,' and the false belief that GM crops are untested."

Nonetheless, GMO labels are finally coming to grocery stores near you and me. A 2015 poll found that 89 percent of likely voters want foods that have been genetically engineered or containing genetically engineered ingredients to be labeled to indicate that. Accordingly, in 2016, Congress directed the USDA to establish a National Bioengineered Food Disclosure Standard for GMO food labels. Food containing bioengineered ingredients will soon be required to contain a QR code directing shoppers to a website with detailed information, or alternatively, sport a label with a USDA seal that reads "BE" (bio-engineered).

USDA's proposed rule was published in the Federal Register on May 4 and public comments on the rule were accepted through July 3. Although Congress set July 29 as the original deadline for publication of the final rule, the date is likely to be extended. Label icons, exemptions and "regulatory alternatives," however, are still on the table.

In drafting the rule, the USDA first needed to define terms. "Bioengineering," with respect to foods, refers to "food that contains genetic material that has been modified through *in vitro* recombinant DNA techniques," and material that cannot "be obtained through conventional breeding or found in nature." Foods that "mainly consist" of crops planted primarily in biotech varieties (canola, field corn, soybeans and sugar beets) will be required to be identified with the new label. Note that the more commonly known phrase, "genetically modified," will not be part of the label.

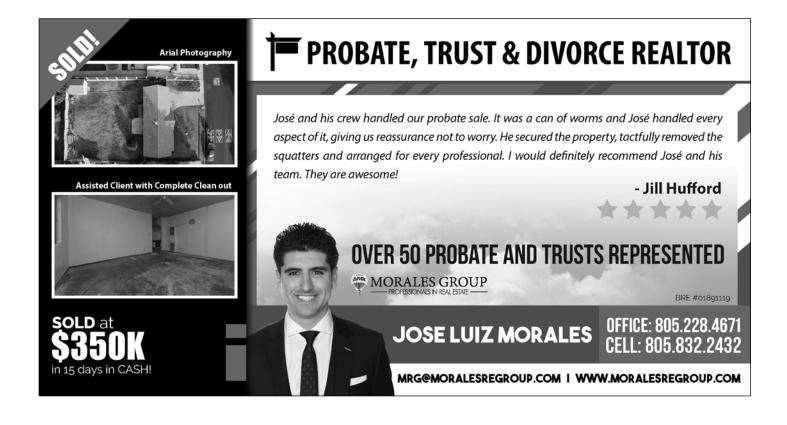
Exemptions are still under consideration: enzymes, yeast and other everyday foods produced in controlled environments use bioengineering. Ultimately, fermented foods such as bread and yogurt might be excluded from the mandatory disclosure, as well as highly processed foods such as high-fructose corn syrup, and foods in which GMO ingredients make up only a small percent of the product's weight.

Ready to rise above polarization and controversy? For a broad vision on technology and agriculture, enjoy a wonderful new book, The Wizard and The Prophet: Two Remarkable Scientists and Their Dueling Visions to Shape Tomorrow's World, by Charles C. Mann (2018). This is a biography of two scientific figures who "were largely responsible for the creation of the basic intellectual blueprints that institutions around the world use today for understanding our environmental dilemmas." GMO crops, alia, are discussed in the context of two sides of the century-long dispute between "wizards," who believe that innovation is the key to survival, and "prophets," who caution that we must reduce our consumption of scarce resources. Rather than take sides, Mann shows that both theories have both intelligence and shortcomings: the wizards among us - amazing innovators - can be insufficiently prepared for the unintended consequences of their inventions, while the prophets' promotion of self-sacrifice as panacea may prove impracticable because it is contrary to human nature. We would do well to give those with opposing views as much respect as does Mann to these opposing views of his protagonists. After all, it is only our strategies that divide us into dogmatic warring camps. If we can rise above the fray, the values we share survival of our progeny, prosperity - are transcendent.



**Panda Kroll** is a member of the CITATIONS editorial board. She is a shareholder of Benton, Orr, Duval, & Buckingham, PC. In addition to her legal practice representing

business owners, Panda is a lecturer at California State University Channel Islands.



# 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



FORENSIC ACCOUNTING

BUSINESS VALUATION

FRAUD ANALYSIS

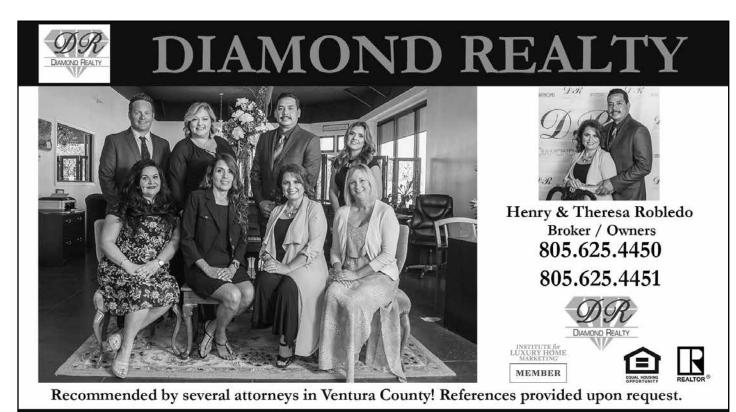
#### AUGUST 2018 • CITATIONS 19

# 2018 Law Day 5K

#### TELEGENICS Legal Video & Visual Litigation

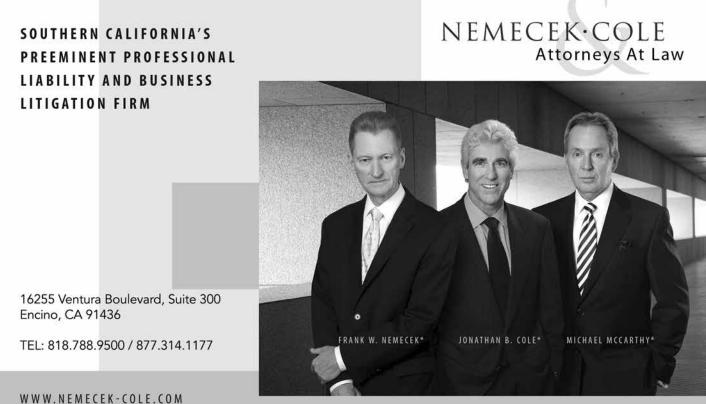
Photos courtesy of Craig Bates and Telegenics Legal Video and Trial Graphics 805.981.3994





#### Serving Ventura and LA County

www.DiamondRealtyTeam.com



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



AV-RATED FULL SERVICE LAW FIRM

#### **BUSINESS & REAL ESTATE ASSOCIATE**

Seeking an Associate with 2 to 5 years of experience for its sophisticated Business & Real Estate transactional practice group. Strong analytical and writing skills required.

#### ESTATE PLANNING ASSOCIATE

Seeking an Associate with 2 to 5 years of experience in conservatorships, estate planning & post death probate and trust administration for its Estate & Wealth Planning Department.

#### Submit resume to:

Susan A. Subject Attn: Business Associate OR Estate Planning Associate Mullen & Henzell L.L.P. 112 E. Victoria Street Santa Barbara, CA 93101 *Recruit@mullenlaw.com* 

#### www.mullenlaw.com



Mullen & Henzell L.L.P.

#### EXPERIENCED ESTATE PLANNING PARALEGAL

Estate, Trust, Conservatorship Admin

AV-rated law firm in downtown Santa Barbara seeks to hire experienced estate planning paralegal, preferably someone who knows how to prepare and file required documents for probate estates, guardianships, and conservatorships. Word, Excel, tax forms and preparation.

Paralegal Certificate/certification or degree in Paralegal studies required.

Position is full time, 8:00am-5:00pm. Salary commensurate with experience. Benefits include 401k & profit sharing, health and dental insurance, life insurance, paid off-site parking, generous time off benefits, business casual attire.

#### Submit resume to:

Susan A. Subject Attn: Estate Planning Paralegal Mullen & Henzell L.L.P. 112 E. Victoria Street Santa Barbara, CA 93101 HRDept@mullenlaw.com

#### www.mullenlaw.com

#### Classifieds

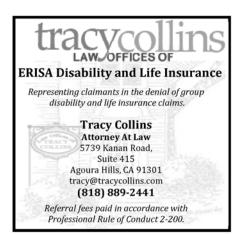
#### **OFFICE SPACE**

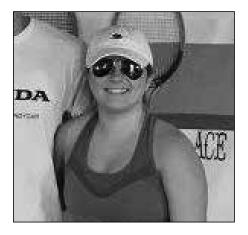
Offices for rent in very elegant and completely restored Victorian homes located across the street from the California Court of Appeal in Ventura old town. Four offices available. Rents start at \$650/month. Walk to the beach at Surfer's Point, and to fine shops and restaurants on Main Street. 24/7 access. Free on site and off site street parking. Easy 101 freeway access. Call Don Parrish at 805-340-1204.

**Brand new furnished office space available** for sharing in central Camarillo. Ideal satellite office to meet clients from the surrounding areas. Located in large office complex at Carmen Drive and Las Posas Road. WiFi and utilities included. \$250 per month. Available mid-July. Contact Rita Frayer at (805) 914-9376 for further information.

#### HELP WANTED

Ventura County's largest law firm, Ferguson Case Orr Paterson LLP, seeks a top caliber litigation associate. The ideal candidate has three to five years of experience, strong academic credentials, and excellent writing and communication skills. Ties to the Ventura County area are a plus. This is an ideal opportunity to build your career in a great community with an esteemed law firm that pays competitive salaries and benefits. Please send a resume with a cover letter introducing yourself and describing your experience. Applicants without litigation experience will not be considered. Please send resumes to *sbarron@fcoplaw.com* 

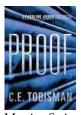






Just in case you had not heard, on Friday, July 20, Gov. Jerry Brown appointed a Santa Paula attorney Ronda J. McKaig, 45, to the VCSC bench, replacing the esteemed Judge Fred

Bysshe. McKaig has been with the County Counsel's Office since 2014. Welcome aboard, Ronda...



Book of the Month and Recommended Reading -Cynthia E. Tobisman has won the 2018 Harper Lee Prize for Legal Fiction for her novel, Proof. Tobisman is a partner with Greines,

Martin, Stein & Richland in Los Angeles, where she practices appellate law...

Trevor Quirk was the Grand Marshall for the Ojai Fourth of July Parade. A welldeserved honor for an attorney who spent countless time, resources and energies



assisting those terribly in need during and after the Thomas Fire...Jails are increasingly offering video visitations for inmates, and some facilities are citing the new, sometimes pricey service as a reason to restrict or ban in-person visitations. There is an upcoming launch of a remote video visitation system

in Benton County, Arkansas, that will cost 50 cents a minute in 15 minute increments. The jail will no longer allow in-person visits, the only free way to visit inmates for those who are not attorneys. People who want to visit the inmates can use their home computer to access smartjailmail.com...





Women Lawyers of Ventura County invites you to attend the 12th Annual Scholarship Dinner scheduled for Oct. 18, inside the Museum of Ventura County. The Legacy Award recipient, and keynote speaker for the evening is Jacqui Irwin. The recipient of the Holly Spevak Award is Danielle De Additionally, Smeth. scholarships two will be awarded and deets may be had

with Katherine Becker at Katie@ venturaestatelegal.com or 659.6800... Our docents of the Court Tour Program enjoyed a lunch orchestrated by Brenda Bodie, CTP Coordinator, at their annual recognition held late July. Thanks to Brenda, Annette Drange, Genny Hinkle, Henry Porter, Karen Paskowitz, Karen Tower, Peggy Purnell, Romie Whiteside and Sally Shampine. Want to be a docent for the 2018-2019 campaign? Brbodie@aol.com or 390.4035...



Andy Viets participated bravely with his 30th consecutive Law Day 5K Race. But as fortunes would have it, he has yet to win a raffle prize after hundreds of others have over the years. Maybe next year Andy! ...

The Southern California Institute of Law mourns the passing of a dear friend, school alumnus, faculty member, and current



board of directors member, Dr. James B. Forrest. Prior to passing the bar in 1997, Jim had a Ph.D. from Northwestern University and а Masters from the University of British

Columbia. Not many know this, but Jim had 60 technical publications in engineering...

The Jerome H. Berenson Inn of Court is currently soliciting for new members and has a flyer in this August issue. Katie Clunen is again the President this 2018-2019 year, while Kata Kim will be the President-Elect; David Lehr, Treasurer; and Panda Kroll, Secretary...The VCBA 2018 Nominating Committee is set to meet and select new officers and directors for 2019. An esteemed group of past presidents meet August 20 to recommend a slate. Interested? President Mark Kirwin at 650.1044 or mark@kirwinfrancis.com...

The Ventura County Legal Aid clinic continues its fine work beginning August 21, beginning at 4:00 p.m. inside the County Law Library. To volunteer contact Managing Attorney Cesar Libanati at 650.7596 or vcla@vcba.org...

NEWS FLASH - The law firm of Ghitterman, Ghitterman & Feld is pleased to announce Jill Singer has joined the firm and will work out of the Oxnard office....

Steve Henderson has been the executive director and chief executive officer of the bar association and its affiliated organizations since November 1990. Henderson will be participating in the Dallas Cowboys training camp in Oxnard as a free agent kick return specialist. He may be reached at steve@vcba. org, Twitter at steve\_hendo1, Instagram at steve hendo, FB and LinkedIn. Better yet, call 650.7599.

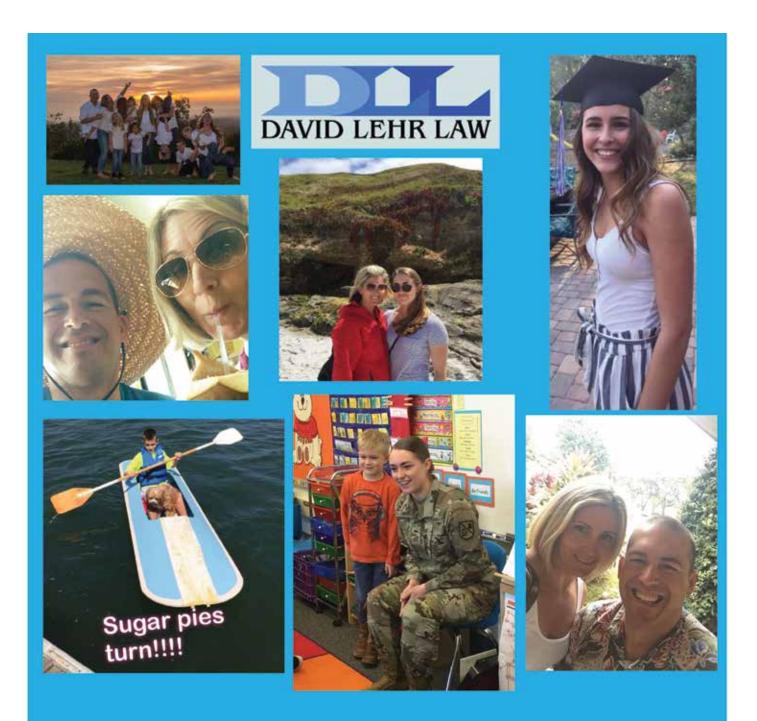
#### EXEC'S DOT...DOT...DOT... by Steve Henderson, M.A., CAE



#### **CITATIONS**

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





# 25 years of trial experience We appreciate your criminal law referrals!

WWW.DavidLehrLaw.COM 805-477-0070