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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.

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.
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WON’T YOU BE MY NEIGHBOR?
by Bill Paterson

Before I saw Mr. Roger’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 Roger’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.

Continued on page 9
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 top-notch 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.

Continued on page 10
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.
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.

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

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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.
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)


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 profit-driven, 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 carcogenic 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 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, 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.
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by Steve Henderson, M.A., CAE

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 well-deserved 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 Irvin. The recipient of the Holly Spevak Award is Danielle De Smeth. Additionally, two scholarships will be awarded and deets may be had with Katherine Becker at Katie@venturastatelegal.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 a 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.
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