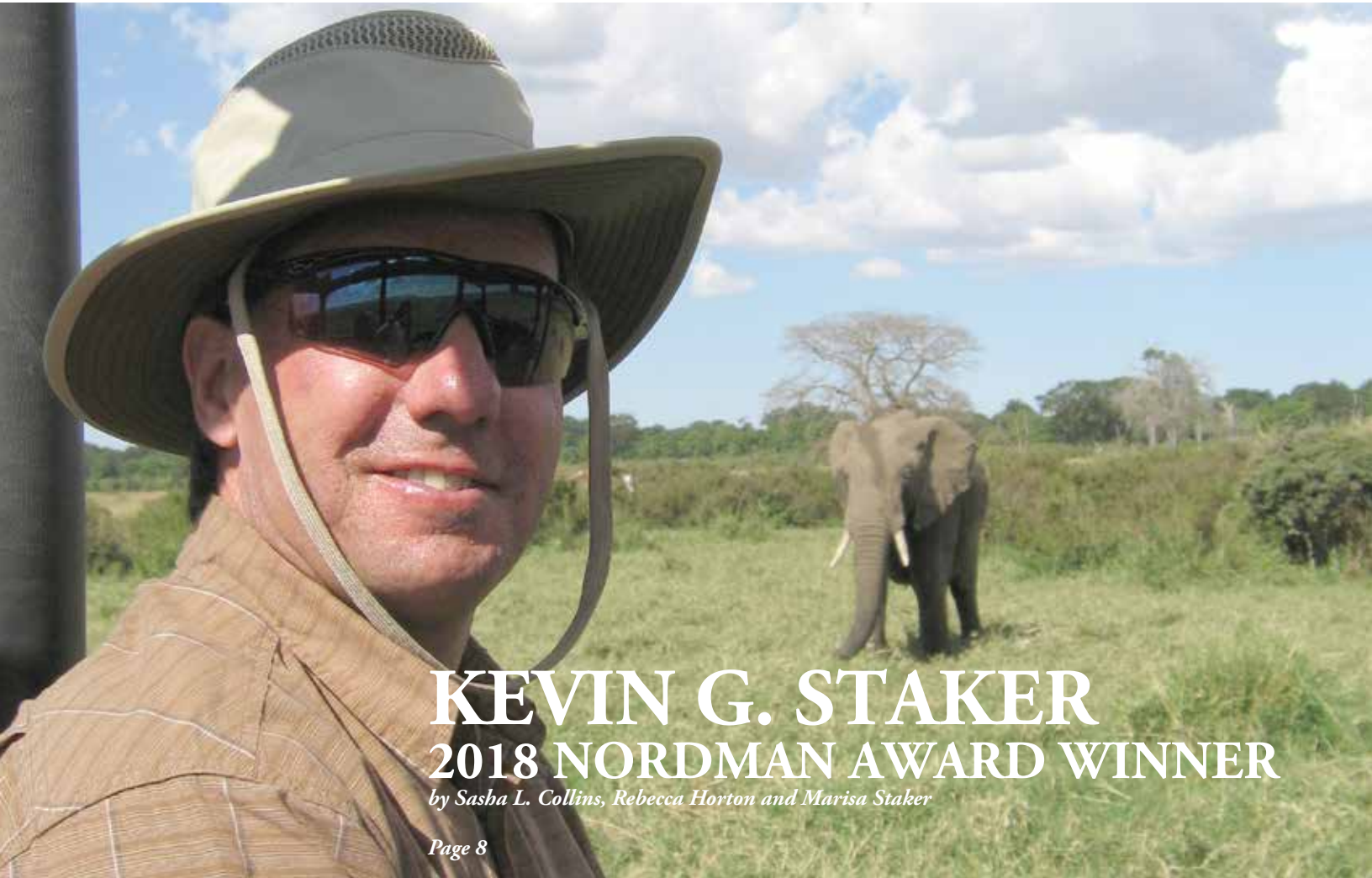


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## KEVIN G. STAKER 2018 NORDMAN AWARD WINNER

*by Sasha L. Collins, Rebecca Horton and Marisa Staker*

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## PRESIDENT'S MESSAGE

by P. Mark Kirwin

It is the time for family get togethers to give thanks for all we have and to eat wonderful food. (In my case, often wishing I had not had that second piece of pie!) Our local farmers' markets are a great place to purchase quality fruits and vegetables and say hello to friends along the way. I have volunteered on an organic farm, harvesting vegetables that end up on our dinner plate that same day. You can't beat the taste of freshly picked vegetables from one of our local organic farms. I have often wondered about the joys and challenges of organic farming, so I asked my friend BD, who sells his locally grown organic produce at the Ojai and Santa Barbara farmers' markets. Here is what he said:

*Organic farming is alive and well on the South Coast. For the moment, anyway. As long as it ever rains again, workers stop getting deported and living in fear, land prices don't soar much more, malls and housing don't maul all the fertile farmland in this amazing climate zone, and the ever increasing minimum wage (the workers do deserve it) doesn't deter customers from paying the requisite higher prices for fresh, local, healthy, organic produce. Not to mention the bagrada bug, Asian Citrus Psyllid, fires, floods, and road closures.*

*There, I said it. The elephant in the room is a stampeding herd (which actually is a problem at farms in India). But you wouldn't know it if you stepped onto one of the many certified organic farms spread around Ventura and Santa Barbara Counties that supply fresh produce to our farmers' markets, schools, restaurants, hospitals, caterers, home delivery services and even charities such as Food Bank, Salvation Army, Help of Ojai, and the Unity Shop*

*We farmers are a stubborn and persistent lot, motivated by our successes and failures, constantly rolling the dice trying to duplicate bumper crops and overcome bad luck exacerbated by climatic aberrations, inconsistent labor availability and performance, and market trends. And*

*the joys of the quest so outweigh the setbacks that each new challenge is eagerly met with deliberate optimism and adjustments.*

*The positive aspects of the organic farming endeavor are too numerous to list. Certainly, the process of turning new farmland into a fertile, loamy medium ideal for seeds and transplants ranks at the top. And, it is always interesting to observe which weeds pop up, how the young plants compete against them, how easy they are to hoe or pull, and especially, which are edible. On our farm we harvest nettles, purslane, amaranth, lambsquarters, and miners lettuce (when it rains). They grow where they want, when they want, in conditions that suit their needs; they are nature's nutritional offering. Hence our motto, "Go Wild, Eat Weeds."*

*Another bright light in the life of a South Coast farmer is the twelve-month growing season. Even with the hard frosts, Santa Anas, 117-degree days, and El Niños, we can harvest 365 days/year. Although this means no rest for the weary, we are able to be consistent with our customers and keep the momentum rolling. Most of our clients understand we do have seasons here and different crops come and go as the year progresses. And, with a little delegating, for better or for worse, we can find time to enjoy the natural vacationland we inhabit and stop bossing people around for a while.*

*A day on the farm commences with sharing observations with the workers, listening to the plants' commands, and enjoying the tranquility of nature before the dew evaporates and the engines start to growl as the early morning glisten fades. Although farming is an industry, it takes place in nature, the purity of nature in action with the bees, earthworms, microbes, and pollen. And we people are an interactive component of the grand ecosystem, entwined in a chain of human connection, direct and indirect, on a common wavelength.*

*We are in solidarity with people preserving heirloom seeds and selecting and hybridizing varieties for flavor, disease resistance, and climatic tolerance. There are people researching,*

*discovering, and processing organic inputs such as kelp varieties, crab shell meal, ancient mineral deposits created by glacial activity, seabird guano, and compost tea formulations to enhance the presence of mycorrhiza to keep the microbes happy. (Thanks, little buddies). There are educators enlightening students and adults about healthy eating and how to grow, source, and prepare the ingredients. There are subsistence, commercial, and young farmers and paid workers around the world toiling for a common purpose. The organic certifiers and review institutes that analyze all the off-farm inputs applied to the soil and plants lend to the integrity of the process. And it is that ionic bond, the sense of mutual trust – which includes the consumers – that is the primary inspiration for my love of farming.*

*Sounds good. I guess I'll stick with it. Robert (BD) Dautch, Earthtrine Farm, Ojai and Carpinteria.*

Thank you, BD, for writing and for introducing and educating so many youths about farming!

**Mark Kirwin**, 2018 Ventura County Bar President, is a civil litigator at Kirwin & Francis, LLP, and is Director of the Kirwin International Relief Foundation.

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## LETTER TO THE EDITOR

P. 19, October *Citations*: Who the heck is "Edward" Osborne? Sadly, I assume you're talking about recently-departed **Edwin M. Osborne**, or "EMO." And as for his serving admirably on the bench since being elevated to the Superior Court in 1986, does that mean his service on the Municipal Court bench (appointed by Ronald Reagan in 1974) was somehow dishonorable?

I handled one of my first civil trials in EMO's courtroom in the old Camarillo Municipal Court in 1976. I opposed a motion for relief from default. EMO granted the motion, and then as opposing counsel left, and before calling the next case, he asked, "May I speak with you briefly up here at the bench, Mr. Sawyer?" I figured that as a new attorney I was going to get some sort of hot practice tip. And I did. EMO very patiently explained to me what "professional courtesy" meant, and that even though my position in the motion had been technically correct, opposing counsel's request for relief and the ability to file an answer had been prompt, and reasonable. He explained to me the importance to my own clients of maintaining a good relationship with all other counsel. It was a lesson I took to heart, and tried to live up to every year of my practice.

*Rob Sawyer*

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- Jill Hufford



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# KEVIN G. STAKER – 2018 NORDMAN AWARD WINNER

by Sasha L. Collins, Rebecca Horton and Marisa Staker



On Oct. 4, 2018, **Kevin G. Staker** called an emergency staff meeting at his firm. All his employees gathered, notebooks out, pens poised and eager to find out the meaning of this meeting. An unannounced staff meeting in the middle of an otherwise busy workday is cause for concern for even the most productive employees. Staker walked out of his office, hands in his pocket and a somber look on his face. This was concerning. Was the firm closing? (very unlikely). Was he terminally ill? Was somebody going to be fired? He looked at us and said sheepishly, “Well, I won the Nordman Award.” The office erupted in cheers as Staker looked on humbly. That moment was a classic Staker moment; although he is honored beyond belief to receive the Nordman award, he repeatedly expressed his concern that there were others who were much more deserving. However, when one looks at all his accomplishments, he is as deserving as all those who have come before him.

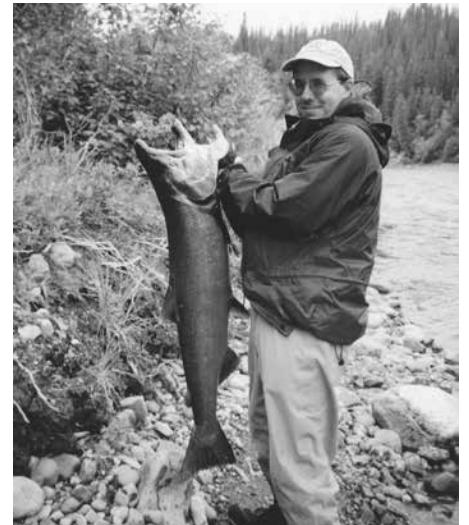
Aside from running a busy law practice, Staker has volunteered in Ventura County in various capacities for the last thirty years. One of the ways Staker gives back is through his work with the Church of Jesus Christ of Latter-Day Saints. At age 30, Staker became one of the youngest members to ever serve as a Bishop. A Bishop serves as a volunteer pastor for a congregation of approximately 300 people. Staker maintained this position for five years. Currently, he takes every Wednesday afternoon off to drive to the Los Angeles Temple and volunteer.

While serving with the church, Staker was also the chairman for the Helping Hands committee. In his three years of service, he supervised the service of over 450 volunteers. Helping Hands has assisted with projects such as clearing the Conejo Creek bed, opening trailheads and working with the homeless.

But of the many projects he organized through Helping Hands, two stand out to him. First, he helped coordinate building a fence around the playground at Prototypes, a recovery center for women and children in Oxnard. Second, Helping Hands worked with FoodShare to coordinate with local farms and families to glean citrus. The citrus was collected in thousands of Trader Joe’s bags and eventually donated. In both instances, Staker helped coordinate volunteers, donations and supplies for the projects.

Staker has also volunteered with the Boy Scouts of America as a Scout Leader, and later a Merit Badge Counselor for Citizenship in the Nation, a position which he held for twenty years. As a Merit Badge Counselor, he worked as a teacher and mentor to Scouts who were working on their merit badges.

One of the most unique service roles Staker had was one he created himself in 1987. After the City of Camarillo lost over ten million dollars due to negligent investments, he formed the Concerned Citizens of Camarillo to hold Camarillo City Council members accountable



for their actions. This true grassroots movement introduced proper oversight and controls, which have helped to prevent similar losses in the future.

In 1990 Staker also founded the Planned Giving Council of Ventura County. Its purpose is to encourage and promote local residents to make large gifts to charities.

Aside from volunteering with the community at large, Staker also gives back to the local legal community. He is a three-time member of the Board of the Ventura County Bar Association, most recently serving in 2016 and 2017. In 2016, he served as the President of Ventura County Legal Aid. As President, he helped stabilize the financing of the VCLA by finding ways to cut expenses and increase fundraising. He was able to secure numerous donations from members of the legal community and to hire an attorney continue to run the clinic. He also serves as a Judge Pro Tem in the Probate Court and has conducted several free mediations with the goal of restoring peace to families. All of this is in addition to running his own thriving trust and estate practice.

Staker grew up in “the Valley” but not “south of the boulevard.” He went to El Camino High School. During his time there he enjoyed motocross, being in a rock band and skiing.

Staker went to college at Brigham Young University, where he received a Bachelor’s Degree in Economics. He then went on to



receive his J.D. at the University of Utah and his L.L.M. in Taxation from New York University. He is admitted to the bar in both Utah and California. He is a Certified Specialist in Taxation Law and in Estate Planning, Trust & Probate Law, one of the few attorneys to hold both specializations.

Staker has practiced law in Ventura County for 37 years. When he and his family moved here, he first worked at Ferguson, Regnier and Paterson. He attributes much of his success as a lawyer to the things he learned from **Tom Ferguson, Dick Regnier** and **Bill Paterson**. After leaving the firm, he started a practice on his own. Over the years, he has had the privilege to mentor and personally work with ten attorneys who currently practice law in Ventura County.

Staker is a proud husband, father and grandfather. He has been married to wife Marilou for 42 years. They have two children, Marisa and Sean, and they have been recently gifted with a grand-daughter, Eva Rose.

Staker enjoys spending time with his family and taking them on many fun “adventures”. On the cover Staker is featured next to an

elephant on his family’s trip to the Masai Mara in Kenya.

His children’s favorite memories of their father center around their family adventures. Marisa recalls with a chuckle one particularly funny encounter she shared with her father while traveling, “We were driving to the leaning tower of Pisa. I was telling him that the tower was over the bridge, but he didn’t believe me. He stopped at a tourism office and asked them where it was. ‘Over the bridge’, they said”. Turns out, Marisa was right!

Son Sean recalls, “Most of these adventures were meticulously planned by my dad. We would say, if it’s Tuesday it must be Paris, if it’s Wednesday it must be Milan.”

When you ask Staker about his favorite trip, he always lists the horse packing trip to the continental divide and the Grand Canyon river rafting trip with the whole family. He and Mari have had many adventures on their own, including the “rim to rim” hike at the Grand Canyon, the “death marches” through Death Valley and their various hikes through the Narrows in Zion National Park.

Staker has been able to balance his extensive service time with his time with his family as well as running a successful law firm. In his “free time” he dreams of running for Congress. However, after his 1990 run against incumbent Tom McClintock for the 36th Assembly District left his family feeling a little neglected, they have since barred him from running for office. But it doesn’t mean he hasn’t tried!

Staker is a wonderful husband, father, grandfather and boss. We at StakerLaw are thrilled to see his accomplishments recognized, and cannot wait to honor him at the annual dinner.

Congratulations on winning the Nordman Award, Kevin G. Staker!

*Sasha L. Collins is an associate and Rebecca Horton and Marisa Staker are paralegals at StakerLaw. Marisa is also Kevin’s daughter.*

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# FAMILY LAW STATE OF THE COURTS 2018

by Alice P. Arnold and Alfred Vargas



**Judge William Q. Liebmann** presented the Ventura County Family Law Bar Association's Annual State of the Courts Address to a full ballroom of attorneys, court administrators, therapists, and fellow family law bench officers **Judges John R. Smiley, Roger L. Lund, JoAnn Johnson and Michael S. Lief.**

## Assignments Judge

**Glen Reiser (Ret.)** retired earlier this year from the probate court. Judge Lund filled the vacancy and received a warm round of applause in honor of his time on the family law division. Judge Lief took the bench in Department 32 for Judge Lund in mid-October. He hails from a criminal law background and expressed his enthusiasm for the new challenge ahead at joining the family law bench.

## Fiscal

Judge Liebmann reported the gradual improvement of the court's fiscal health, with incremental funding augmentation. As a result, the clerk's office improved its hours and some staff reductions may be reversed in the future. There are no current plans to restore the Simi courthouse to its pre-2007 status.

## Workload

The most recent 2017 statistics ranking the 58 California superior courts placed Ventura at number twelve in number of judges, number four in total filings, and number three in dispositions. These statistics show that the Ventura court is efficient, despite its need at that time for two additional judges to handle that workload.

## E-Filing

The court implemented e-filing in March 2018. The court received 183 submissions that month of which it rejected 54 (30%). By September, the court received 459 submissions while rejecting 116 (25%). Most rejections stem from technical or minor matters. At this time only a single clerk enters the e-filings, which means a submission may not be processed the same business day it is filed. Judge Liebmann reminded attorneys to heed that warning if a filing deadline looms.

## Paperless Court

The court's transition to a fully paperless system begins with e-filing. In November, small claims processing will take this first step, followed by civil actions, and family court by 2019's close. The public's immediate benefit is electronic access to all non-confidential documents. This also will reduce the personnel hours required to handle public inquiries, freeing staff to process cases.

## Civil Trailing Docket Ends

The civil court changed the scheduling of long-cause matters. The former process involved trial assignment on a trailing docket for hearings estimated longer than two days. Now, long-cause cases assigned to a department for trial setting receive a date certain.

## Pro Tem Judges

Judge Liebmann encouraged attorneys to take the pro tem training and volunteer in the high-volume courtrooms. The court offers training regularly based on interest and need. Check *CITATIONS* for future training announcements.

## Clerks

The court ensures proper training of its family law clerks across the various divisions by transitioning them to other departments. The regular turnover allows them to move around as needed for staffing purposes. Judge Liebmann encouraged feedback from the bar on any resulting issues. He praised the clerks for their efficiency, promptness and dedication.

## Staff

Judge Liebmann also acknowledged the hard work and management skills of the judicial secretaries, assistants and bailiffs. Without them the court could not function.

## New Managing Attorney

Judge Liebmann introduced **Alfonso J. Martinez** as the new Managing Attorney for Court Professional Services. Martinez stepped into the shoes of the recently retired **Robert Bayer**. Martinez discussed the goals of his office to provide improved technology, innovation and collaboration across departments in order to better serve the public. His office secured a new million-dollar grant for improvements to the self-help center and access to services. His department now offers the public new email options, video conferencing and webinars. Additionally, Family Court Services once again has a full contingent of Child Custody Recommending Counselors with funding secured for yet another much-needed CCRC / mediator position. Martinez also announced that the court will install wi-fi routers for the public's use.

## Top 10 List

Well, not really a top 10 list. Judge Liebmann ended the evening with some light-hearted humor, inside jokes, and a handout of the "Top Things Your Family Law Bench Officer Wants You to Know." (Note: these tidbits did not originate from the Ventura County Bench; they are culled from information that judicial officers outside Ventura County found important to impart.) Here are the ten shortest items from the four-page list (see below for a complete copy), in no particular order:

1. Time in family law calendar court proceedings is precious. So, (A) be on time, (B) be prepared and (C) be on point.
2. It's about the best interests of the child/children, not the selfish interests of the parents.
3. Don't become embroiled in your client's case, or appear to have become embroiled.
4. Do not argue in court with opposing counsel or opposing party.
5. Declarations must contain only facts that are based upon personal knowledge (Evid. Code, §702), not arguments. (See, *IRMO Heggie* (2002) 99 Cal.App.4th 28, 30, fn. 3.)
6. When a judicial officer so much as parts his/her lips and inhales as if to speak, that is counsel's cue to stop talking.

7. The “Date:” [at the bottom of form] FL-340 FOAH is for when the judge signs it, not when the opposing counsel confirms it.

8. Child support is not a “pay to play” system. Child support is an obligation independent of visitation rights. Don’t confuse the two.

9. Read the local rules and rules of court and 95 percent of your questions will be answered. Really.

10. Always bring a proposed order, unless you like having second hearings to argue the wording of the order. (I don’t.)

**Annual Gift**

Ventura County Family Bar Association president **Shane Loomis** presented court staff with the association’s annual gift basket of items for the children’s waiting room. This is a feel-good moment each year, knowing the items will paint a smile on a child’s face.

If you wish to contribute to the annual children’s waiting room gift basket, join the Ventura County Family Law Bar Association, or obtain a full unabridged PDF of the handout, “Top Things Your Family Law Bench Officer Wants You to Know,” please contact the VCFLBA at: [vcfamilylawbar@gmail.com](mailto:vcfamilylawbar@gmail.com).



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



**Alfred Vargas** practices in Ventura, where he handles a variety of trial, appellate, and administrative matters. He is entering his 20<sup>th</sup> year as member of CITATIONS’ editorial board.



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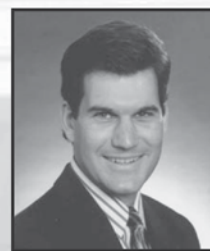
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From 10% to 50% in 50 Years

# Women in the Law – A Work In Progress Ventura County Bench and Bar History Project

by Kathleen Smith



The “double bind” defines the experience of women lawyers in situations when attorneys must behave assertively. This double bind generally dictates a narrower band of behaviors that will be successful for women attorneys as compared to men. The Ventura County Bench and Bar History Project sponsored an all-women panel on October 10, 2018, which turned into a master class on the double bind. The panel, entitled “From 10% to 50% in 50 Years: Women in the Law – a Work in Progress,” was moderated by **Hon. Melinda Johnson (Ret.)** who, in the early 1970s, endured the sexist nickname “Mindy and her two friends” at the Ventura County District Attorney’s office. Once that story was told, the audience snapped to attention: disclosivity ruled the day.

Judge Johnson asked the panel three questions: 1) What was it like when you first started practicing law? 2) How has being an attorney impacted your personal life? 3) How is it different now than when you started practicing, and what do you expect to see ten years from now?

The panelists in order of Bar numbers, were **Wendy Lascher** (58648), **Laura McAvoy** (59714), **Carmen Ramirez** (62464) and **Hon. Michele Castillo** (218907). While the theme of the event was “progress,” even the high-bar-numbered Judge Castillo had stereotype-based experiences that occurred in this enlightened century.

The panel was introduced by **Jaclyn Smith** (274311) from Ventura County Counsel.

Smith spoke for the Ventura County Bench and Bar History Project, which was also represented at the event by **Hon. Steven Z. Perren**, **Hon. George Eskin (Ret.)**, Judge Johnson, **Bill Paterson**, **Charmaine Buehner**, and **Jacquelyn Ruffin**. The project (and this article!) is supported by research by **Mickye Coyle** and **Rabiah Rahman**.

## What Was It Like When You First Started Practicing Law?

Lascher, McAvoy, Ramirez, and Judge Johnson described the Ventura County legal world in the 1970s as being 90% male. These trailblazers were preceded by women law school graduates (think Justice Sandra Day O’Connor) who simply were not offered jobs in private law firms. The panelists recalled feeling they were being compared to the first-gen women lawyers.

The panelists emphasized the importance of having mentors, and naturally, those mentors in the 70s were men. Lascher’s first job was in private practice with **Ed Lascher** (who later became her husband), where she was permitted to bring her babies to work, starting at one-week-of-age. McAvoy clerked for Ninth Circuit Judge Shirley Hufstедler. (Coincidentally, the only other woman in Judge Hufstедler’s Stanford Law School Class of 1949 was Lascher’s mother, Peggy Cole.) After McAvoy’s clerkship, she joined Nordman Cormany Hair and Compton under the mentorship of **Ben Nordman**.

Judge Johnson recalls being told, on many occasions, “we’ve already hired our woman” while applying for jobs. She landed at the Ventura County District Attorney’s office when **Woody Deem** was in charge.

Ramirez recalled being hired for her first job by Legal Aid in Los Angeles as the start of a satisfying career in advocating for civil rights, consumer protection and immigration law. Ramirez considered **Justice Steven Stone** as important to her career, and he gave her a big win in a parental rights case. (*In re Cheryl E.* (1984) 161 Cal.App.3d 587)

The panelists recalled how crucial it was to make friends with the then all-women support staff. McAvoy said Mary Tash, Ben Nordman’s assistant, was essential to McAvoy being accepted by the other secretaries at the Nordman firm.

The panelists gratefully acknowledged that their male mentors were invaluable in persuading clients to accept a woman attorney working on their cases. McAvoy recounted when a client told her, “If Ben says you’re the one to do the work, you’ll do it.”

Clothing was also a topic, as it still is today. In the 1970s, it was forbidden to wear a pantsuit to court. Judge Johnson displayed a remarkable photograph of a pregnant ADA Johnson in a male-inspired plaid maternity dress she wore to court, though she was banned from court after





Ramírez found satisfaction in pursuing public service along with her legal career. She was president of the Ventura County Bar Association, and served on the California State Bar Board of Governors for a term. Ramírez was almost appointed to the bench. Burt Pines, Governor Gray Davis' appointments secretary, told Ramírez she would be appointed in Gov. Davis' "second term" due to her politically incorrect opposition to the death penalty. However, as we know, Davis never had a second term. Gov. Davis was recalled and replaced by Gov. Arnold Schwarzenegger in 2003. It all worked out for Ramírez; she is now serving her second term on the Oxnard City Council. In the panel audience, Ramírez's invitees from the Oxnard City Attorney's office were led by Oxnard City Attorney **Stephen M. Fischer**.

#### **How Is It Different Now Than When You Started Practicing, and What Do You Expect Ten Years From Now**

Judge Johnson recalled frequent references to her, while serving as a judicial officer, simply as "Mindy," while her male colleagues were bestowed the honor of having their names prefaced with "Judge" or "Your Honor." Then she typically declined the bait, but in her ADR practice she now insists that all those present call her "Judge" and never "Mindy." The double bind is loosening as Judge Johnson continues working. Judge Johnson observed that, compared to the ten percent days, she now frequently works in rooms filled with women lawyers.

Lascher observed that technology has changed so much from the days when she wrote briefs on legal pads and did Lexis research on a dedicated "Lexis Machine" which printed out results on silver paper. Child care continues to be an unsolved problem in this era. Lascher says we need to improve the way our society cares for our children. Lascher also believes that having more and more women lawyers has not resulted in more excellent lawyers, and the profession still needs more professional conduct.

six months' gestation. Lascher recalled leaking milk while a nursing mother, which is known to ruin nice silk blouses.

Judge Castillo is the first Latina and first Filipina judge in Ventura County. Judge Castillo recalled practicing as a public defender in Fresno, where the judge mistook her for the court interpreter. Judge Castillo also remembered a time as a public defender in Ventura County being told by a colleague "You gave a fabulous closing argument, but you should have worn a skirt." Courtroom attorneys are aware of juror biases. For instance, juries complain when women lawyers show anger. While our Ventura County judges (80% of our judges, 100% of our commissioners are men) are aware of methods to eliminate bias in their own thinking, they may not have the power to eliminate jurors' inherent gender biases. All they can do is deliver jury instructions and hope for the best.

All the panelists described events where they had to navigate this world of judgment while holding onto their dignity and sense of self. Most panelists decided to ignore casual daily sexism and just do their jobs for their clients.

#### **How Has Being An Attorney Impacted Your Personal Life?**

One sure sign of progress from the 1970s to now is this: male attorneys are asking themselves, "how does being an attorney impact my personal life?"

Besides work/life balance issues for the mothers on the panel, the panelists described being asked to do a lot of public speaking.

McAvoy was tapped by the Ventura County banking community to present training sessions to bank loan departments on the new Equal Credit Opportunity Act of 1974. While pregnant, McAvoy presented in bank boardrooms from San Luis Obispo to Santa Monica to tell banks how they could no longer do what they'd been doing forever – discriminate in their lending practices.

Judge Johnson described being appointed to the bench as saving her from damaging her career when she decided to leave the district attorney's office for private practice. She thought the change would give her a more flexible schedule to raise her children. At age 34, Judge Johnson was identified by Governor Jerry Brown 1.0 as a great potential woman judge. So Judge Johnson went from being a "kid lawyer" to a leader in the county's legal community with that appointment, and was frequently invited to speak to groups and in classrooms as the "lady judge."

Supportive family enabled several mothers on the panel to advance in their careers. McAvoy recalled how her own mother assisted with child care. Judge Johnson was happy to earn equal pay as the men judges, and believes having this stable job enabled her husband, **Jay Johnson**, to work on raising their son.

## FROM THE PROBATE SECTION

## NEW MEDIATION DISCLOSURE REQUIREMENTS BEGINNING JANUARY 1, 2019 AND LOCAL REPLACEMENT FOR FAX FILING

by Amber Rodriguez

Have you heard? Governor Jerry Brown signed into law SB 954, which amends section 1122 of the Evidence Code and adds section 1129. The new law requires attorneys representing clients in connection with mediation to provide written disclosures to their clients about mediation confidentiality. It takes effect on Jan. 1, 2019.

Under the new law, attorneys must provide certain disclosures to clients **before** the client agrees to participate in mediation if the attorney represents the client at that time. If the attorney joins in after the client has already agreed to mediation, the attorney must provide the mediation disclosures as soon as possible. The specific requirements of the disclosure are set forth in the statute.

In addition to specific requirements for the

disclosure content, the statute requires a particular format. This includes 12-point font, a separate page for the mediation disclosure, the disclosure being provided in the client's preferred language and the client separately signing the mediation disclosure.

The new law does not provide a remedy if an attorney fails to comply. It also states that the failure to provide the required disclosures will not invalidate an agreement reached at mediation. Finally, the new law does not otherwise change the existing laws regarding mediation confidentiality.

In addition, our local fax filing system has now been replaced by "eDelivery." You can access the new service and/or get further information about how to use it by visiting the court's website at [ventura.ca.courts.gov](http://ventura.ca.courts.gov). Click on the "Online Services" tab, then on

"eDelivery." Keep in mind, however, that if the court has authorized and directed you to submit something directly to the judge, you should still use the [courtroomJ6@ventura.courts.ca.gov](mailto:courtroomJ6@ventura.courts.ca.gov) email address. Otherwise, there will be a fee for submitting your documents.



**Amber Rodriguez** is the Chair of the Executive Committee for the Estate Planning and Probate section of the VCBA. Her practice focuses on probate and trust litigation and administration, estate planning and conservatorships. She can be reached at [arodriguez@estateattorneycalifornia.com](mailto:arodriguez@estateattorneycalifornia.com), or visit [www.estateattorneycalifornia.com](http://www.estateattorneycalifornia.com).

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*Continued from page 15*

McAvoy noted that “we’ll know women have arrived when we can be as mediocre as the men.” McAvoy lamented that there are too few women partners in Ventura County. McAvoy advocates getting on with the work, rather than making waves. McAvoy also leveled this philosophical criticism of technology in legal practice – reliance on “key word” searching causes a channeled way of thinking, limiting creativity by filtering thinking.

Ramírez warned that society cannot allow progress to slip back. She reminded us that when women fought for the right to vote, some were locked up, some had their children taken away from them, and some even died.

Judge Johnson’s hope for the future is that productivity and effort will gain currency, though she referred to current events as somewhat “discouraging.” Disrespect directed at women has currency in the current era. Judge Johnson warns that “progress is hard won and easily lost.”

**Conclusion**

As the above warnings faded at the end of the panel, the floor was opened to questions. First up was Judge Eskin, described by Judge Johnson as “the first official male feminist.” Judge Eskin risked being accused of “mansplaining” when he recapped the panel discussion. Then he redeemed himself, by noting the Ventura County bench’s “appalling” 80/20 ratio of men to women judges, and passionately urging the county’s judges to choose women for commissioner openings to give them entrée to the coming judicial vacancies. Judge Eskin said, “As long as the judges appoint men as commissioners, we will get men as judges.” There were a few Ventura County judges in the audience. It’s not known how they reacted to Judge Eskin’s clarion call. There is one vacant commissionership as of the writing of this article. Stay tuned to see who gets appointed.



*Kathleen Smith is a civil litigator who practices at Schneiders & Associates. She is a member of the CITATIONS editorial board.*

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# A Tribute to Those Who Served - Veterans Practicing Law in Ventura County

by David Karen



**Alan Templeman**



**Brian Nomi**



**Judge David Long (Ret.)**



**Judge David Long (Ret.) Marine Platoon**

Veterans Day is the day to thank and honor all those who have served America's military. In Ventura County, we are lucky to have a great group of remarkable individuals who practice law and served in the military.

While I was just young enough to avoid the draft for the Vietnam War, I am old enough to know several who either enlisted or were drafted. I am the son of a Navy officer who also was an attorney, but I have only secondhand stories to pass along to my kids. I was able to enlist a handful of veterans to share some of their words of wisdom and experience. In one way or another, each has touched me and my life or practice.

**Judge David Long (Ret.)** was admitted to the California Bar in 1983 and appointed to the bench in 1993. He served in United States Marine Corps from 1958 through 1966. His years in service earned him the Sharp Shooter Marksmanship Badge – M-1 Rifle (200-, 300- and 500-yard lines). His Marine platoon photo is included here; who can identify Judge Long before the robe? (*Answer on page 20.*)

**Justice Steven Perren** served in the United States Army Signal Corps as a First Lieutenant. While a UCLA lower classmate he, like every other eighteen-year-old in the 1950s and 1960s, was required to enroll in the ROTC. Since he knew he would be going anyway, Perren figured that he would be better off as an officer with a six-month commitment in active duty and seven years in the Reserves. He signed up in the spring of 1962 and managed to obtain a three-year deferment to attend law school before being called to active duty. Justice Perren was back on active duty in 1967, just four weeks after taking the California State Bar. He was admitted

to the bar in December 1967, appointed to the Superior Court in December 1982, and seventeen years later appointed to the Court of Appeal. An amazingly impressive 51 years in the legal field.

**Brian Nomi** served in the Army as lieutenant colonel JAG since 1990, three years on active duty and 25 years in the Reserves. Nomi was admitted to the bar in 1993 and has served for 28 years. Nomi focuses his law practice on bankruptcy and landlord-tenant law.

**Alan Templeman** was on active duty in the U.S. Naval Reserves from 1963-1968 and subsequently in the Reserves from 1968-1973. As a U.S. Navy officer, Templeman received a Bronze Star and the Republic of Vietnam Gallantry Cross. Templeman was admitted to the Bar in 1972.

**Allen Ball** entered the military young: he was sixteen and a half. Ball spent six years in the Army, first as an 11C (Infantry Mortarman), then as an 18B Special Forces Weapons Sergeant in the 5th Special Forces, SOG, Kontum, Vietnam, and later in the Second Armored Cavalry Regiment. He left the service at the end of 1975 as a staff sergeant. He has been practicing law for 32 years.

Many other Ventura County lawyers also deserve recognition for their service, including: **Matt Bromund, Hon. Fredrick H. Bysshe (Ret.), Glenn Campbell, Michael Case, David Ellison, Hon. Donald D. Coleman, Robert England, Paul Feldman, Michael Ford, Robert Gallaway, Carla Hartley, John Howard, Dusty Kawai, Hon. Michael S. Lief, Greg May, Al Martinez**, paralegal Carole Minkin, **J. Roger Myers, Hon. Glen Reiser (Ret.)**,

**Hon. Anthony Sabo, Chuck Samonsky, Hon. John R. Smiley, Mark Sullivan, and John Voigtsberger** – to name a few.

## Advice to Those Thinking About Serving

Judge Long said that the best advice one can give to those considering serving is “committing oneself to the institutional goals. It isn't all about you. It is about contributing to accomplish the team client objectives.” On the same note, Nomi added that both the legal and military professions are great. He shared that it's worthwhile to start out in the military and then transition to a civilian legal practice. Templeman recommended that any recent college graduate who wants to become a lawyer spend a few years first in another occupation, because “the more real-life experiences you can have prior to law school causes you to make an informed decision as to whether in fact you wish to become a lawyer and remain a lawyer even after losing some trials”.

## What Veterans Took from Service to Law Practice

Templeman mentioned that his true military learning experiences were being in charge of a ship at sea (subject to waking up the captain) and his first few firefights in Vietnam. He took this experience with him, as he also learned the importance of relying on competent and experienced Chief Petty Officers, which taught him to rely on his staff. Judge Long said that one of the biggest lessons he learned in the Marine Corps is that in order to be successful, you must surround yourself with people who are smarter than you are and have strengths where you have weaknesses.

*Continued on page 20*



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Continued from page 18

**Let's Say Our Thanks**

It is appropriate to have a day to reflect on the sacrifices of those who have served in the military. This Veterans Day, let's pause and give a shout out to honor our local colleagues who not only continue to set examples of how to serve our profession and our legal community, but also who took the hard road and served our country.

Apologies to all those that I missed. Know there is a big "THANK YOU" to all you veterans who paved the way for the rest of us. We are all indebted and grateful, more than you know.



*David M. Karen is a trial attorney in his 34th year, managing partner of the DK Law Group, LLP and mediator at Creative Dispute Resolution in Thousand Oaks.*

(Answer - Judge Long is the 3rd from the left, first row).

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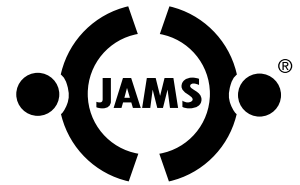


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## WOMEN LAWYERS OF VENTURA COUNTY ANNUAL DINNER



# EXEC'S DOT...DOT...DOT...

by Steve Henderson, M.A., CAE



For just a minute there, this recent headline caught my attention and my career tumbled downwards ending with me behind the concession stand at the local movie theatre...



In November, the Utah Supreme Court is expected to approve and enact final rules for licensed paralegal practitioners, a new category of legal professionals who will provide legal advice and assistance in certain areas of the law without lawyer supervision. Utah will then be the second state, after Washington, to build a system in which paralegals can independently provide legal assistance to underserved clients in some areas of law. *2civility.org* has more details about how LPPs will be trained, the scope of their work, and how this idea relates to Washington's similar limited license legal technician program...Hats off to **Judges Matt Guasco, Rocky Baio, Kent Kellegrew, Bruce Young, Kevin DeNoce, Harry Walsh, Vince O'Neill and Fred Bysshe** for making the Barristers Annual Meet and Greet a success...

**Thomas Malley** is seeking a part-time paralegal for his office. Flexible hours and a salary range of \$23-\$30 per hour. 805.482.2199...The former president of the Washington State Bar Association has been

charged with stealing nearly \$26,000 from the bar and her two former Spokane-area law firms. Robin Haynes, 40, was charged mid-October with theft and identity theft, reported *Law.com*. Haynes was the youngest bar president in the state's history when she began her term in October 2016. She resigned in June 2017 after the allegations surfaced...

A newly confirmed federal appeals judge has been cited for speeding a dozen times over the last two decades. Ryan Nelson, an Idaho lawyer who was general counsel for a nutritional supplements company, was confirmed to the 9th U.S. Circuit Court of Appeals Oct. 11. Nelson "has no prior experience as a judge, but he's no stranger to traffic courts," the *Wall Street Journal* reported. Judge Nelson had at least 28 citations for speeding and other traffic violations – making illegal turns, violating seat-belt laws and failure to obey traffic lights and signs – over a twenty-year period...

Back in the day, when the Ventura County Legal Secretaries were a force, Carol Olivera and Bev Ford were the stalwarts of the organization along with just a few others. Carol reports that Ms. Ford passed October 15. You could always depend on Bev to be a sponsor, patron or just plain in attendance at so many bar events. A celebration of her life is being planned...

An airline passenger was escorted from a plane by Florida police Oct. 10 after refusing to leave the aircraft upon learning she would not be allowed to fly with her "emotional support squirrel." She provided her detractors with the middle finger salute while she deplaned...



You've read it once or twice and now again. **Kevin Staker** will be the recipient of the **Ben E. Nordman** Award being presented during the bar's annual Installation and Awards Dinner. **Vanessa Frank** will receive



the **Verna R. Kagan** Award while **John Bradley** will accept the **James D. Loebel** Award. The dinner is scheduled for Nov. 17 and tickets may be had by calling Rosie at 650.7599 or [bar@vcba.org](mailto:bar@vcba.org)...



On October 11, Judge Harry Walsh announced the winners of the 2017-2018 James McGahan Award of Excellence to Team #2 at the recent Inn of Court gathering. On the winning team were: Hon. David Long, David Lehr, Panda Kroll, Sonia Hehir, Kata Kim, Julie Taylor, Daniel Taylor and Kevin Flahavan...

We have a number of excellent CLEs calendared this month, including the JHB Inn of Court Nov. 8 inside the Saticoy Country Club and the Estate Planning & Probate Section luncheon Nov.15, dealing with "Obtaining Treatment and Services From The Regional Center." The VC Family Law Bar is presenting **Judge Tari Cody** on the subject of "Termination of Parental Rights: What Our Judicial Officers Want You To Know." Registration and deets may be had at 650.7599 or [Sandra@vcba.org](mailto:Sandra@vcba.org)...

The July Bar Exam results will be available after 6:00 p.m. Nov. 16 and the swearing-in ceremonies will be Dec. 4 in CR#22...

*Steve Henderson* has been the executive director and chief executive officer of the bar association and its affiliated organizations since November 1990. Nov. 16 will mark his 15 years at the helm and celebrating this milestone in Fenway Park. Henderson remains a "keg half full" kind of guy and he may be reached at [steve@vcba.org](mailto:steve@vcba.org), FB, LinkedIn, Twitter at [steve\\_hendo](https://twitter.com/steve_hendo) Instagram at [steve\\_hendo](https://www.instagram.com/steve_hendo), or better yet, call 650.7599.



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