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PRESIDENT'S MESSAGE

by P. Mark Kirwin

Sometimes, I run on the bike path that travels alongside one of our local farms near Harbor Boulevard. It never ceases to amaze me how hard folks work in the fields to pick our local crops. If I am having a bad day, observing that back-breaking work puts it all in perspective!

I wanted to find out more about these farm workers' lives, so I asked friends of mine if they knew anyone I could talk to. They put me in touch with Roberto, who graciously agreed to an interview.

Roberto is 38 years old and makes his living picking berries. Roberto was born in a small town in the Mexican state of Oaxaca. His sister and two brothers still live in that village while they study at a local university. His mother used to live there too, but she died two years ago from diabetes. The only medical care she could find for her disease was at a hospital two hours away from their village.

Roberto also has three other brothers who live in the U.S. His brothers are farm workers too, picking blueberries, strawberries and grapes. The brothers came to the U.S. because they could not find work in Oaxaca and they needed to pay for their mother's medical bills. Now that their mother has died, the four brothers pool their income to help pay for their siblings' education in Mexico.

Roberto told me about the harrowing journey they took to come to the U.S. It was a three-day bus ride from his village followed by three days of walking through the desert. During that grueling walk he had only a gallon of water, some tortillas and a lime to sustain him. In the desert their lives were frequently threatened by bandits who also tried to rob them. Roberto told me that it costs approximately \$8,000 for an individual to travel to the U.S. as he did. It is a very dangerous journey.

Roberto starts his job at 6:30 a.m. and works eight- to ten-hour shifts, six days a week. There are fewer workers now on the farms, so many berries rot because there are not enough hands to pick them. The farmers try to find out before planting how many farm hands they have for harvest, and then only plant the fields they can harvest with those hands. However, that is not always possible with fewer farm workers in the U.S. than before. As a result, the farmers lose money because they cannot harvest berries without workers.

Roberto makes approximately \$450/week working in the fields. He works under contract when the crops are sparse, but during a heavy harvest they are paid per picked full basket. He bends all day picking the berries. It is especially hard work as the winter hits and it is colder and wet from the puddles. For lunch the workers eat cold eggs and beans and sometimes some chicken if they can afford it. There are no microwaves to heat lunch for the farm workers.

He likes boxing, professional wrestling (John Cena and the "Undertaker") and the Lakers. Roberto used to live in South Oxnard in a two-bedroom house with twelve other people.

Roberto has dreams of one day making enough money to unite his family and to buy a Toyota truck. He likes to listen to music from Colombia, Santana and Ranchera ballads played on the Requinto. In fact, at the end of our interview, Roberto played me a traditional Ranchera tune on a guitar. He is quite good!

Roberto plays guitar as therapy to pass the lonely times when he thinks of his deceased mother. Roberto's father taught him the guitar. After his mother died, their family saved enough money so they could purchase a Paracho guitar for their father, because his was broken.

I asked him what he would like to see change. He said for me to tell the lawyers that there are a lot of people in the fields who need help, legal and otherwise. Sometimes both parents have to work and as a result the children have to raise themselves.

He also wishes he could have a work permit to allow him to go back to Mexico and see his family, then return and continue contributing to this community. Roberto's work supports two communities, ours and his town in Oaxaca.

Thank you, Roberto, for allowing us to look through a small window of your life.

This article concludes my President's messages for this year. I hope you have enjoyed the articles from our fellow Venturans. Please join me in welcoming your new Bar President for 2019, **Doug Goldwater**. I have enjoyed Doug's input over the last year. I think you will, too!

Thank you,

Mark

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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VENTURA COUNTY BAR ANNUAL DINNER PHOTOS

Photos courtesy of Telegenics Inc. and JP McWaters





Golden State Killer In Ventura County

by Richard Hanawalt

“Richard, open the door,” the neighbors were shouting the morning of April 25, 2018. Hearing the racket, I came to the door. The *Los Angeles Times* had just been delivered. They were shouting: “They got the real killer.” The front page was stunning. After 37 years a mystery had been solved. The “real” killer in a Ventura dual murder of a husband and wife in 1980 had been just arrested in Northern California. They knew I had successfully defended a purported killer of that couple back in 1982.

Lyman Smith and his wife Charlene were found bludgeoned to death in their bedroom on High Point Avenue in Ventura, on March 13, 1980. Charlene had been raped as well. This senseless attack was a shock to us all. It hit me hard. Lyman and I had been prosecutors together in the Ventura District Attorney’s Office. He was one of my closest friends. He was the first person to call and tell me I had passed the Bar Exam. We had both been out of the office a few years by 1980. He was active politically and scheduled to be appointed to the Superior Court bench in the very near future.

There was no evidence of robbery or any other motive. The Ventura police were totally stymied as to the existence of any suspects. That changed the following year. Approximately eighty yards from the Smith residence stands the largest church in Ventura, the Ventura Missionary Church. An assistant pastor named Don Mikel had joined their staff in 1981. He almost immediately demonstrated a very strong professional interest and association with the local police, both as a group and with individual police officers. He immediately formed The Christian Police Officers Thursday Morning Breakfast. Mikel volunteered to anyone who would listen, his past exploits with police officers, the FBI and many other law enforcement agencies in other states. He boasted of engaging in special, and oftentimes dangerous, “assignments” in Indiana, Idaho, Washington and Northern California, where he had supposedly been a pastor with other churches. At the church

here in Ventura his specialty was dealing with family matters. He became popular.

One of the couples who came to him with marital conflicts was Joe and Mari Alsip, recently arrived in Ventura. They were popular with many people in local construction circles. They saw Mikel individually and separately on two occasions. Little did Joe know then that due to the efforts of Mikel, he would shortly be spending over a year in the Ventura County Jail charged with the murder of the Smiths.

Joe Alsip was a young member of a five-man construction team which included Lyman Smith. They built homes in the Santa Paula area. Joe was one of scores of people who had been checked for possible complicity in the crime. Seven witnesses had been hypnotized and interrogated under police direction. Since he was one of the business partners, Joe Alsip was included.

The use of hypnosis-aided interrogation became very popular with police agencies during the late seventies. It was short-lived and ultimately knocked out by the California Supreme Court. (*People v. Shirley* (1982) 31 Cal.3d 18.) However, nothing of a suspicious nature was gleaned by the police from the seven witnesses examined.

Reverend Mikel became interested in the Smith house. He could see it through his window. He talked often with police officers about the crime. In 1981, acting on his own, using friends of Joe Alsip in an elaborate subterfuge, he obtained a waiver of the “priest-penitent privilege” from Alsip involving any statements made during his consultations. Shortly thereafter, he called a meeting of the now-anxious Ventura police detectives. With heavy emotion, he showed his “magic notes” capturing the statements of Alsip describing the killing of the two people. Two days later Alsip was arrested for the two murders. He was facing a preliminary hearing several months later when I was retained to defend him.

Despite my close friendship to Lyman and Charlene, and a desire to not get involved, I soon realized that Joe could not be the killer.

The method of death, the unusual knots in the ropes, the selection of weapons, and crime scene behavioral characteristics all pointed to a “nut case” perpetrator, totally incompatible with Joe’s persona. I would have no trouble representing Joe Alsip. He and his friends soon became my friends.

We put together a great investigative team and set out to find the “real” killer. After assessing the unusual local behavior of the pastor, we focused on his past. We went to Indiana, Idaho, and Northern California and checked out his stories of grandeur with the law enforcement agencies. It soon became apparent that there was a total absence of any facts to support his revelations of anti-crime adventures. But the locals all talked about his stories of dangerous exploits. By the time of the preliminary hearing, due to start in May of 1982, we were “loaded for bear.”

Most felony preliminary hearings take less than two hours. Ours took fourteen days, the longest in Ventura County history. It can’t be denied I threw the rule book “out the window” at the preliminary hearing. I not only put on evidence of two local suspects far more likely to personify the real killer, I put on psychiatric evidence to illustrate the pathological disorders of Pastor Mikel. I even put the defendant on the witness stand. Wisely, the prosecutor did not cross-examine him.

After two days, the Judge, **Bruce Clark**, granted the press unlimited use of photography in the courtroom. Publicity was heavy. Cross-examination of Mikel was frolicksome. Even his recollection of Alsip’s confession varied from his “secret notes.” His past journeys into pathological delusion and projection became readily apparent. While presenting a mature leadership persona, his responsive behavior revealed a delusional psychopathic underpinning.

The late Michelle McNamara, author of the current bestseller, *I’ll Be Gone in the Dark*, who coined the label “The Golden State Killer”, did a good job of analyzing the 54 crimes of Joseph De Angelo, now known to be the real killer. McNamara

very competently covered the Alsip arrest in Ventura County, and the cases in the ten counties involved in his twelve-year uninterrupted crime spree. She described my attack on Pastor Mikel as a “gleeful destruction of the prosecution case,” but was left with the mystery of the identity of the real killer.

In 1984 DNA science was developed that tied together the thirteen murders and 54 rapes in ten counties. Subsequent genealogical projections in 2018 vectored in on Joseph De Angelo, the real killer.

At the preliminary hearing, the judge, grudgingly, held Alsip to answer on the charges. But “the ship had arrived in port.” Eight days later, the DA dismissed both murder charges and the defendant was released from jail.

That night, we (50-plus people) took over the Port Royale Restaurant in Oxnard to celebrate. It was past 3 A.M. before the last people were cleared out. The next day a photo of the defendant standing up in an open limousine smiling and holding a

bottle of champagne was on the front page of the *Star Free Press*.

Today, Reverend Mikel has passed on to history. Joe Alsip is now a commercial fisherman on the Big Island of Hawaii. My neighbors are still asking what comes next. We can only assume the prosecution site, presently agreed to be Sacramento, will provide the stage as Joseph De Angelo

becomes the final object in the chain of society’s retribution. But “nutcases” are never predictable.



Richard Hanawalt is a criminal defense lawyer in Ventura.

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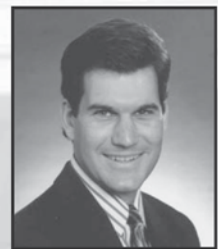
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JUDGE RONDA McKAIG JOINS THE VENTURA COUNTY BENCH

by Jaclyn Smith



In a crowded courtroom, buzzing with action between defense attorneys, the prosecutor, the bailiff, interpreters, defendants, and the audience at large, **Judge Ronda McKaig** sits thoughtfully hearing each matter before her. In her current assignment in Department 10, Judge McKaig hears up to 100 cases in a morning calendar and between 40 to 70 cases in the afternoon. And the issues before her are quite varied – from violations of probation, issuing and recalling bench warrants, and remanding defendants to jail, to difficult procedural questions requiring further briefing from the Public Defender's and District Attorney's Offices. What is most notable about Judge McKaig's style on the bench is her ability to hear each person before her with a high degree of respect and attention. It was clear from a morning spent in her courtroom that litigants in Department 10 walk away from the podium knowing that Judge McKaig will think deeply about, troubleshoot, and fairly resolve the issues pending before her.

Judge McKaig was appointed to the bench in July 2018 by Governor Jerry Brown. She is only the tenth woman to be appointed to the Ventura County Superior Court. Before her appointment, Judge McKaig

had a prestigious career as a litigator in both private practice and the public sector. She was counsel at Skadden, Arps, Slate, Meagher and Flom LLP from 2003 to 2014. Prior to that, she was an associate at Clifford Chance LLP and Brobeck LLP. In 2014, Judge McKaig and her husband returned to her home town of Santa Paula to raise their two young sons. Judge McKaig joined the Office of the Ventura County Counsel in 2014, where she served as a senior assistant civil attorney until her appointment to the bench.

At the County Counsel's Office, Judge McKaig successfully litigated numerous cases in both state and federal court involving land use, taxation, civil rights, and employment law issues. She also served as general counsel to a number of county agencies and departments. While at Skadden, Judge McKaig focused her practice on white-collar criminal defense, proceedings before the Securities and Exchange Commission, and complex civil litigation. She has taught classes on trial preparation and settlement at Pepperdine University School of Law as an adjunct professor. And she has received numerous awards and accolades for her work. As but one example, in 2013 Judge McKaig was named as a California Lawyer "Attorney of the Year" along with two other Los Angeles attorneys, for her pro bono work in successfully defending Planned Parenthood in federal False Claims Act litigation.

But Judge McKaig's professional accomplishments are only part of the reason she makes an excellent addition to Ventura County's bench. Those who have worked alongside her can testify that Judge McKaig is not just a great lawyer and thinker, but a wonderful and kind person too. Jack DiCanio, one of the partners Judge McKaig worked with at Skadden, said at her swearing-in ceremony, "everything Ronda touches seems to turn to gold." Even in the most stressful of times, litigating the most challenging of cases, Judge McKaig was never one to lose sight of the human aspects of practicing law. She is kind to her colleagues, supervisors, support staff, and clients alike. She is graceful and eloquent in getting the work done. We at the County Counsel's Office dearly miss her sharp wit, enviable

litigation skills, signature bright smile and infectious laugh coming from down the hallway, though we know that her intellect and warm personality now fill the Hall of Justice.

Judge McKaig is also committed to her family and community. In what little spare time she has between raising her sons and winning her cases, Judge McKaig has received numerous pro bono awards, including a 2014 community service award from the Santa Paula Chamber of Commerce for advocacy to improve public safety and youth programs. She volunteers with the Santa Paula Recreation Department to help coach her sons' basketball teams and she serves on the Board of the Blanchard Community Library Endowment Fund. She is also a devout power walker and, regardless of the busyness of her schedule, takes time out of her work day to complete a four-mile loop over a one-hour lunch break with former colleagues. That's no easy pace.

Judge McKaig's formal enrobement ceremony on Oct. 19 was yet another indicator of her down-to-earth approach. Despite the pomp and circumstance, Judge McKaig thanked her family and two close friends to give remarks. One of these, Matt Umhofer, a colleague from Skadden, surprised the crowd when he walked to the front of the room with a guitar and welcomed Judge McKaig to the bench with a song – a first for Department 22. Umhofer strummed his guitar and sang, to the tune of Billy Joel's "Piano Man," these lyrics striking the best chord about who Judge McKaig is and where she may be headed:

*But the good news is Ronda's ascending
the bench*

Perhaps she might make things okay.

Maybe Ronda could be like Notorious RBG

Just in a much taller way.

*She'll be better than Wapner, she'll avoid the
Lochners*

Robingroom.com raters she will enthrall

*She'll vindicate Korematsus and Dred Scotts
if they sue*

Judge Ronda might just save us all

. . . and the law law law law law law law . .

Now Ronda McKaig, she's a friend of mine,

I can say she's as good as its gets.

She's a fabulous lawyer, a phenomenal mother,

And the kindest soul I've ever met.

I'll admit I've grown tired of singing her praises

She's just so *!@%\$&# nice, is she real?

As a judge she'll be superior, not a pain in the rear-ior... at least

Til she heads to the court of appeals.



Jaclyn Smith is an Assistant County Counsel for Ventura County. She practices in the areas of civil litigation, juvenile dependency, and appellate law. She also serves as legal counsel to a number of county agencies and departments. She is a graduate of the University of California Davis School of Law.

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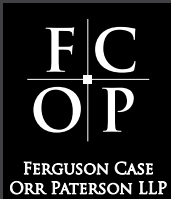
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From left to right: New FCOP partners Jaye Heybl, Corey Donaldson, Brian Philpott

LEGISLATURE ENHANCES CHILD CUSTODY PROTECTIONS IN CASES INVOLVING DOMESTIC VIOLENCE

by Greg Herring

Domestic violence (DV) is a potential game-changer in child custody contests. In 2014's AB 2089, the Legislature expressly declared that "[t]here is a positive correlation between [DV] and child abuse, and children, even when they are not physically assaulted, suffer deep and lasting emotional, health, and behavioral effects from exposure to [DV]." (Uncodified section I of AB 2089.)

Parts of Family Code sections 3011 and 3020, and all of section 3044, address DV in child custody cases. They are a part of the "hodgepodge" of confusing and sometimes contradictory provisions, as California Family Law guru Garrett Dailey has put it, enacted by the Legislature in its rush to enact DV statutes over the past twenty or so years.

AB 2044, signed by Governor Brown in Sept. 2018, strengthens the anti-DV aspects of all three statutes.

Section 3020 broadly addresses competing policy concerns. One is the policy of protecting children's health, safety and welfare. Another is that children should have frequent and continuing contact with both parents. In adding new section 3020, subdivision (c), AB 2044 clarifies that the former trumps the latter: "When [these] policies ... are in conflict, a court's order regarding physical or legal custody or visitation shall be made in a manner that ensures the health, safety, and welfare of the child and the safety of all family members."

Section 3011 provides that, in making a custody order, the court "shall" consider any history of abuse by a parent seeking custody.

As a prerequisite to the consideration of allegations of abuse, the court **may** (not "must") require "**independent corroboration.**" This can be, without limitation, through written reports by law enforcement agencies, child protective services or other social welfare agencies, courts, medical facilities, or other public agencies or private nonprofit organizations

providing services to victims of sexual assault or DV. AB 2044 **de-emphasizes** the level of "independent corroboration" potentially required. The statute previously stated "substantial" amounts, but the adjective is now eliminated.

If DV allegations are made in a custody proceeding, section 3011, subdivision (e) (1) requires a court to "consider" them and to ultimately state its reasons in writing or on the record if it makes any orders allowing custody rights to the abuser.

Because section 3011 merely makes a finding of DV one of many potential factors to be considered in a custody award, and allows a trial court to potentially require "independent corroboration," **DV victim/parents – especially those who might not have previously reported the DV – would be better off if they could come within the purview of section 3044.**

Section 3044 allows a narrower universe of people against whom the DV must have been committed than section 3011: the other parent, a subject child or the child's siblings. It requires that the DV must have occurred within the previous five years, whereas section 3011 provides no time limit.

In contrast to section 3011's requirement for a court to merely "consider" DV allegations and then state its overall reasoning for its eventual order, section 3044 requires a specific "**finding**" of whether DV was committed within the above parameters. AB 2044 requires a court to make that finding **before** making any custody orders at trial. In practice, this might call for **bifurcated proceedings** regarding the existence of prior DV before litigating custody. The court would have authority to proceed in this manner under Code of Civil Procedure section 128, subdivision (a)(3) ("Every court shall have the power to do all of the following ... provide for the orderly conduct of proceedings before it ...") and Evidence Code section 320 ("... the court, in its discretion, shall regulate the order of proof.")

A big plus to victim/parents who did not previously report DV is that "**independent corroboration**" is never required as it can be under section 3011. Rather, section 3044 broadly provides that the court "shall" consider any relevant, admissible evidence submitted.

If a victim/parent can overcome these barriers and establish DV, then section 3044 provides a **rebuttable presumption** that an award of sole or joint physical or legal custody of a child to the perpetrator is detrimental to the children's best interests. To victim/parents, this is section 3044's main advantage over 3011.

2016's *In re Marriage of Fajota* 230 Cal. App.4th 1487 sent a strong message upholding 3044's integrity. There, the trial court found that the father had engaged in DV under 3044, but nonetheless awarded him joint legal custody of the children. The Court of Appeal reversed, stating that 3044's principles must be applied, and that it did not matter if the mother had not previously obtained DV restraining orders. The rebuttable presumption must not be ignored. (Accord, *Celia S. v. Hugo H.* (2016) 3 Cal.App.5th 655.)

If the presumption against joint custody is achieved, section 3044 provides that a court must consider various specified factors in determining whether the abuser is able to rebut it. They include without limitation whether it is in the best interest of the children for the abuser to have custodial rights and whether the abuser has successfully completed a batterer's or substance abuser's treatment program. AB 2044 requires the trial court to make specific findings concerning each of the factors and why the findings are consistent with the children's health, safety, and welfare, and also general "best interests," under section 3020. As with the holding of *Fajota*, the purpose is to give judicial officers cause for pause consistent with the Legislature's 2014 findings, stated in above AB 2089.

Conclusion

The “positive correlation” between DV and child abuse is undeniable. Multiple statutes require serious consideration of it toward protecting children in custody proceedings. AB 2044 enhances them in various ways. In light of the ongoing legal “hodgepodge,” victim/parents must thoughtfully traverse them.



Greg Herring is a CFLS and is the principal of Herring Law Group, a family law firm serving the 805 with offices in Santa Barbara and in Ventura County.

He is a Fellow of the Southern California Chapter of the American Academy of Matrimonial Lawyer and of the International Academy of Family Lawyers. His prior articles and ongoing blog entries are at www.theherringlawgroup.com.

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EMO - A Remembrance of Judge Edwin Osborne

by Lindsay Nielson

It was with sadness that I read of the passing of the late Superior Court **Judge Edwin M. Osborne**. He was widely known as “EMO” by the local bench and bar throughout his distinguished career.

I first encountered him when I was a young forensic real estate appraiser (before becoming a lawyer) in 1969. I was an expert in a case in which the County had condemned a eucalyptus windbreak to make way for a new drainage channel in Oxnard. EMO was the County Counsel assigned to prosecute this eminent domain case.

The landowner’s attorney was a young attorney, **Charles McGrath** (later Judge McGrath). It was my first time testifying as an expert and I was nervous.

The late **Ben Nordman** of the former powerhouse law firm, Nordman, Cormany, Hair & Compton, gave the opening remarks to the jury. Chuck McGrath was a young associate at his firm. “Ladies and gentlemen of the jury, you will hear two young men starting their careers. This will be their first time trying a case, including Mr. McGrath, the defendant’s attorney and Mr. Nielson, a young man who will be testifying for the first time. Please give them your attention and realize they may seem hesitant and nervous, but give them the benefit of your understanding and patience. Thank you.” He never spoke again in the trial. But it was a perfect set up for a young man like me who was still wet behind the ears.

In an eminent domain case, the condemnee is required to put their case on first. (Yes, it seemed weird to me also.)

Right out of the chute, EMO, after politely introducing himself, went for my jugular.

“So you are an expert real estate appraiser?”

“Yes, counselor.

“What allows you to sit there and call yourself an expert?”

“Well, I have studied a lot about real estate valuation principles and I have read many books on the subject.

“I’ll tell you what, Mr. Nielson, tomorrow I want you to give me a list of all the

books you have read that allows you to call yourself an expert.”

At this point my heart nearly froze. Droplets of blood were starting to come out of my forehead when, out of the heavens, the judge hearing this case, the late **Edwin F. Beach**, later Court of Appeal Justice Beach, came to my rescue.

“That’s an interesting question, Mr. Osborne. Tell you what. Tomorrow morning I want **you** to give me a list of all the books you’ve read that allows you to ask that question.” He had saved my bacon.

I had come up with a novel theory about how to value the loss of a wind break on a lemon orchard. We won. The County appealed and the Court of Appeal, two years later, liked my theory and confirmed our victory. (See my all-time favorite case, *Ventura County Flood Control Dist. v. Security Pacific Bank* (1971) 15 Cal.App.3d 996.)

That case was the seminal case for the participants. EMO and Chuck McGrath both went on to become Superior Court judges, Judge Beach was elevated to the appellate bench and I, the lowly real estate expert, went on to become a lawyer.

Over the ensuing four decades, that encounter back in 1969 was always a source of discussion between Judge Osborne and me. He always contended that the Court of Appeal got it wrong. I disagreed. But he was a scholar and a gentleman and a friend. He will be missed.

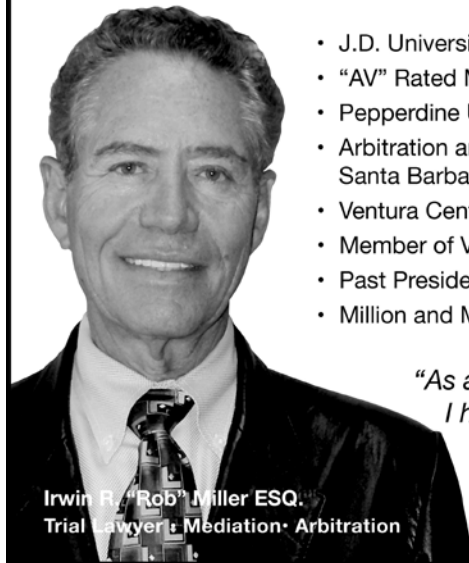


Lindsay Nielson is a lawyer and receiver. You can contact him at nielsonlaw@aol.com

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SETTLEMENTS, ANYONE?

Most litigators have a settlement agreement template. Might be time to update it to reflect amendments to Civil Code sections 1541 and 1542 that take effect Jan. 1.

Here's a redline version:

SECTION 1. Section 1541 of the Civil Code is amended to read:

1541. An obligation is extinguished by a release therefrom given to the debtor ~~by the creditor~~ *or the released party by the creditor or releasing party*, upon a new consideration, or in writing, with or without new consideration.

SEC. 2. Section 1542 of the Civil Code is amended to read:

1542. A general release does not extend to claims ~~which~~ *that* the creditor *or releasing party* does not know or suspect to exist in his or her favor at the time of executing the ~~release, which~~ *release and that*, if known by him or ~~her~~ *must her, would* have materially affected his or her settlement with the ~~debtor~~ *debtor or released party*.

SEC. 3. *The amendments to Sections 1541 and 1542 of the Civil Code made by this act are declaratory of existing law.*

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Angel Flight West	Habitat for Humanity Maui	Santa Barbara Teen Court
Ascension Lutheran Church Jail Ministry Fund	Habitat for Humanity Mongolia	Seeds of Learning (4)
ASPCA (3)	Habitat for Humanity New Zealand (2)	Senior Nutrition Action Council
Blessings in a Backpack	Habitat for Humanity Northern India	SPARC
Boys Town (2)	Habitat for Humanity 44% Orphanage Rehab	SPCA International (2)
Bridge of Mission International (2)	Habitat for Humanity Zambia	St. Bonaventure High School
Buena High School	Heal the Ocean	St. Elizabeth Community Center
Casa Sirena	Jehovah's Witnesses (2)	St. Jude's Hospital (3)
Chabad of Conejo (2)	Jubilee Church (2)	St. Sophia Philoptohos Society
Children's Hospital Los Angeles	Korean American Friendship Bell (2)	St. Vincent de Paul Society (3)
Church in Cerritos	Keren Yehoshua V'Yisroel Inc. (2)	Stray Rescue of St Louis
Church of the Foothills	Kiwanis, East Ventura	Teen Challenge
Clinton Bush Haiti Fund (2)	L. A. Family Housing	The Community Shul
Cottage Hospital	Life Without Limbs (2)	The Ear Foundation
Doctors Without Borders Somalia (3)	Make a Wish Foundation	The Friendship Walk
Eastridge Elementary PTA	Many Mansions	Toberman Neighborhood Center
Ek Disha	Mazon	Ventura County Humane Society (2)
Family Promise San Gabriel Valley	National Conference of Synagogue Youth	Ventura County Rescue Mission
Food Bank of Santa Barbara	National Multiple Sclerosis Society	World Impact
Friendship Walk (3)	Open Charter School	World Wildlife Fund
Grameen Foundation	Pastor Thomas Stout	Yeshiva Aharon Yaakov Ohr Eliyahu (4)
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EXEC'S DOT...DOT...DOT...

by Steve Henderson, M.A., CAE

Rabiah Rahman, a VCBA board member and recent addition to Myers Widders, solidified her place in the VCLA, Inc. Silent Auction Hall of Fame alongside **Don Hurley** and **Amy Kiesewitter**. Rabiah and her committee generated over \$10,000 for legal services during the bar's Annual Dinner. Shout-out to **Judge Bruce Young**, who purchased Sheriff Geoff Dean's Deputy Sheriff's Tour in the amount of \$650, all of which was donated to the family of fallen Sergeant Ronald Lee Helus...

Josh Groban has overseen the appointment of nearly 600 state judges over the past two terms. Like Brown's three previous appointments to the Supreme Court, Groban has never been a judge. This is Brown's fourth pick on the seven-member court ...



Anything can happen during a gathering of the Jerome H. Berenson Inn of Court. Pictured during the November meeting is a quartet including **Bill Winfield**, second from left ...



Stephen Wood, a Certified Specialist in Estate Planning, Trust & Probate Law, may now be found at Wood Law in Newbury Park. His new address is 3205 Old Conejo Road, Suite 200A. He can be reached at 805.623.7139...

AND you feel you've got troubles...A 20-year-old son of a North Carolina Court of Appeals judge threatened to damage a synagogue in early November and burned a cross in a town park just last month. The son of Judge Lucy Inman said in a statement that the arrest can be attributed to long-standing mental illness... In good news, Scott Beierle opened fire at a Tallahassee, Florida, hot yoga studio in early November, and it was a Florida State University law student who confronted the shooter. Joshua Quick (no pun intended), a 2L, is set to receive \$30,000 for school expenses, raised by John Thrasher, President of FSU. Quick told authorities that when Beierle opened fire in the studio, he grabbed a vacuum cleaner and hit Beierle with it. He also hit the gunman over the head with a broom...

Steve Henderson has been the executive director and chief executive officer of the bar association and its affiliated organizations for a very long time. Henderson will be spending the New Year in Belize attending the annual celebration honoring him. Lastly, Henderson will be dining with Justice Kavanaugh during the Bowl games and enjoying just enough brewski. Henderson may be reached at steve@vcba.org, FB, LinkedIn, Twitter at [steve_hendo1](https://twitter.com/steve_hendo1), Instagram at [steve_hendo](https://www.instagram.com/steve_hendo), or better yet, call 650.7599.



The Bar's Annual Installation and Awards Dinner was a wild success and no ghosts were spotted inside the Grand Salon Ballroom on the campus of Cal State Channel Islands University. Incoming

President **Douglas Goldwater** accepted the Changing of the Gavel from outgoing President **Mark Kirwin**...

A judge isn't automatically disqualified from hearing a case because of a Facebook friendship with one of the lawyers, the Florida Supreme Court ruled Nov. 15. In the most basic sense, the Florida Supreme Court said, a FB friendship is a digital connection between people, and they may or may not be friends in the traditional sense of the word. FB friendships are more casual and less permanent than traditional friendships, and the connection "may be as fleeting as the flick of a delete button," the court said...

VCBA Board member **Linda Ash** spent her last day with the County Counsel's office Nov. 16. Linda has served with distinction for three terms and has managed the tough job as chairperson of the Judicial Evaluations Committee for many years...



Only 40.7 percent of the people who took the California July 2018 bar exam passed. The rate in 2017 was 49.57 and for July 2016 the overall pass rate was 43.57 percent. The 2018 pass rate is the lowest it has been in 67 years...



License Plate-of-the-Month: Spotted on a late model Mercedes Benz and would appear to have a back story that I would like to hear about...

One for the record books – A woman left paralyzed after being "catapulted" from her new bed during sex has lost her damages claim against the supplier. Claire Busby, of Maidenhead, Berkshire, suffered a serious injury to her spine when she fell from the super bed. But rejecting her case, Judge Barry Cotter found the bed was "not defective," even taking into account "reasonable foreseeable misuse"... FCOP announced early November the addition of three new partners. Intellectual property lawyers **Jaye Heybl**, **Brian Philpott** and **Corey Donaldson** joined the firm...

The Barristers have identified their slate of officers and directors for 2019: **Brian Israel**, President; **Kevin Heimberg**, Vice-President; **Jessica Wan**, Secretary; **Rick Seigenfeld**, Treasurer; and Members at Large, **Lauren Sims** and **Elana Cuzzo**. A job well done by 2018 President Lauren Sims... A Texas judge ousted in November's mid-term elections spent the following day releasing nearly all of the juvenile defendants who came before him – and didn't show up to court Thursday. "He was releasing everybody," public defender Steven Halpert told the local media. "Apparently, he was saying that's what the voters wanted." Judge Glenn Devlin asked each of the defendants he saw whether they planned to kill anyone upon their release. Then released them until a re-scheduled January 4 court date... Gov. Jerry Brown on November 7 nominated his senior advisor for judicial appointments to a seat on the California Supreme Court.

CITATIONS

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Name the Lehr Kid Contest#2!

We are expecting Child #11 on March 31st I am offering one bottle of Sea Smoke **Ten** to the individual who emails me the most correct answers to the following questions **BEFORE** the baby's Birth:



- 1)Date of actual birth? (10 points)
- 2)Name? (50 points)
- 3)Gender? (10 points)
- 4)Height ? (10 points)
- 5)Weight ? (20 points)



Current kids are named:
Kaylene, Aubrey, Elly, Trinity, David, Patrick, Ameliya, Joseph, Victoria & Lucy!

Rules: Only one winner. In the event of a tie, Then Daniel Garcia will do a random drawing to determine the winner. If you actually help us pick the kid's name then you are likely to win. We currently have 7 girls and 3 boys. Wifey always has C-sections. If this contest violates some state law, then I will find another way to give you the bottle! **YOU MUST BE 21 or over to enter!** (P.S. We have truly run out of girl names, we need your help!)

25 years of trial experience
We appreciate your civil and criminal referrals!

[Email: David@DavidLehrLaw.COM](mailto:David@DavidLehrLaw.COM)

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