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# CITATIONS

MARCH - TWO THOUSAND NINETEEN



## VCLTA JUDGE OF THE YEAR PATRICIA MURPHY

*by Mickye Coyle*

*Page 7*

DOUGLAS K. GOLDWATER

MICHAEL D. PLANET

CAROL MACK

VANESSA FRANK

MARC D. ANDERSON

WENDY C. LASCHER

<b>PRESIDENT'S MESSAGE</b>	<b>3</b>
<b>JUDGE ANTHONY J. SABO'S FORMAL ENROBEMENT</b>	<b>5</b>
<b>ON THE PICKET LINE</b>	<b>8</b>
<b>THE VALUE OF HIRING YOUTH</b>	<b>12</b>
<b>ACCORDION LESSONS</b>	<b>13</b>
<b>HAVE YOU HEARD?</b>	<b>14</b>
<b>AS THE LAW TURNS - IOC TEAM 5</b>	<b>14</b>
<b>GAME NOT OVER</b>	<b>16</b>
<b>CLASSIFIEDS</b>	<b>18</b>

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## PRESIDENT'S MESSAGE

by Douglas K. Goldwater

A question I am often asked in 2019 is: How did you become President of the Ventura County Bar Association? (*Okay, well maybe not. But it seems like a good jumping off point for the following discussion*). That frequent (*not really*) question has led me to think that it would probably be a good idea to pull the curtain back for those members who, for whatever reason, have not yet chosen to get involved in the leadership of the VCBA. Hopefully this peek into how our Board members and officers are chosen satisfies the curiosity that has been keeping you up at night, while simultaneously encouraging you to consider throwing your proverbial hat into the ring to help us navigate the path to our organization's future.

Each year, in mid to late fall, the VCBA convenes a special meeting of its Executive Committee (i.e., the current year's President, President-Elect, Secretary-Treasurer and Immediate Past President), Executive Director, and as many of the prior Presidents of the VCBA as we can jar out of their hibernations from Bar activities. In recent years, we have been graced by the attendance of such VCBA luminaries as **Bill Grewe**, **Joseph Strohman**, **Dien Le**, **Laura Bartels**, **Charmaine Buehner** and **Erik Feingold**. At this meeting, the attendees review the list of prospective Board members who have either volunteered to serve or been nominated by somebody within the membership or the current constituency of the Board. To the extent that any materials are provided by the candidates, the group reviews those items. In general, though, the discussions at the meeting focus on the candidates' leadership qualities and experience, and their reputations within the local legal community. As the VCBA is an institution representing a great number of respected professionals who practice in our county, the attendees at this nominating committee meeting take great care to ensure that the proposed slate of directors contains not just quality attorneys, but quality attorneys who are high-caliber people.

The slate of proposed Board members is published in *CITATIONS* each year and, thereafter, presented at the Annual Dinner for a vote of approval. For as many years as I can recall, the motion for approval of the proposed slate has been (boisterously) made by **Ronald Harrington**. Upon approval at the Annual Dinner, each new member of the Board serves a two-year term. It is not uncommon for active, devoted directors to remain directors for successive two-year terms. Indeed, despite still being carded by bartenders to ensure that she can legally drink, **Linda Ash** is currently the VCBA's longest tenured director (although I am not at liberty to disclose the number of terms that have been served).

Also at the nominating committee meeting, the participants review and discuss the qualifications of candidates for the Executive Committee. The newest Executive Committee member first serves as the Secretary-Treasurer, then progresses to President-Elect the following calendar year, then serves as President the following year. I am sure that you are now thinking that I have had over two years prior to my presidency, and this is all that I could think of for the substance of my President's Message article – but, hey, it is a lot harder to come up with content than you think! After serving as VCBA President, that individual serves an additional year on the Executive Committee as the Immediate Past President, which requires a four-year commitment. The candidates for the

incoming Secretary-Treasurer are typically nominated by the existing Executive Committee from among those bar leaders who possess both extensive experience within the VCBA and the leadership skills necessary to successfully advance our organization. Upon approval by the nominating committee, the prospective new Executive Committee member is included on the slate of directors and officers that is ultimately presented for approval at the Annual Dinner.

As I mentioned in last month's column, the VCBA is in good hands with its current Board and the hard-working individuals who will be President in the next couple years. I also am excited to see who steps up to be the next Secretary-Treasurer, as our Bar is full of very worthy candidates. As "change" seems to be the theme this year, I want to take this opportunity to encourage all readers of this issue of Citations to consider being part of the change. We invite you to get involved! Participate in the leadership of the sections, committees and affiliates of the VCBA, and if you are interested in potentially serving on the Board, please reach out to the members of our current Board and let them know. New voices and new ideas are welcome in shaping the future of our Bar Association.

*Doug Goldwater is a partner at Ferguson Case Orr Paterson, LLP. His practice focuses on family law. He can be reached at (805) 659-6800 or at [dgoldwater@fcoplaw.com](mailto:dgoldwater@fcoplaw.com).*

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# JUDGE ANTHONY J. SABO'S FORMAL ENROBEMENT

by Michael D. Planet



Photo Credit: Victoria Borgesson

On Friday, Feb. 8, Judge **Anthony J. Sabo** was formally enrobed as a Superior Court judicial officer in Courtroom 22. Judge Sabo was elected to the bench on June 5, 2018, to fill the vacancy created by the retirement of Judge **Brian Back**. He received an interim appointment by Governor Edmund G. Brown, Jr., on Oct. 11, 2018, allowing him to immediately assume the position he was otherwise elected to begin in January.

Presiding Judge **Kent M. Kellegrew** and Assistant Presiding Judge **Bruce A. Young** presided over the full-house event which was very well-attended by Judge Sabo's family, who traveled from Indiana and Florida; friends; current and retired Superior Court judges; state and local government officials; County of Ventura department heads; court staff; members of the local bar association and legal community; as well as Judge Sabo's

former colleagues from the Ventura District Attorney's office. Judge Back administered the oath of office, and Judge Sabo was assisted with the donning of his robe by his wife, Nicole Sabo, and mother, Jeannie Sabo.

Guest speakers included Ventura County Supervisor Kelly Long; Betsi Cervantes, Field Representative for Senator Hannah-Beth Jackson, 19th District; Marcee Davis, Field Representative on behalf of Congresswoman Julia Brownley, 26th District; Samantha Omana, Field Representative for Assemblymember Monique Limón, 37th District; and **Douglas Goldwater**, President of the Ventura County Bar Association. The grand finale was given by Judge Back, who shared heartfelt and humorous stories about Judge Sabo, including his days of stealing candy from Judge Back's candy dish in chambers when he was a Deputy District Attorney. It was certainly a memorable day for everyone in attendance.


*Michael D. Planet is the Court Executive Officer for the Ventura County Superior Court.*



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# VCLTA JUDGE OF THE YEAR, PATRICIA MURPHY

by Micky Coyle



Judge Patricia Murphy's unflappable temperament and keen intellect have made her courtroom a popular venue for hearings and trials since she first took the bench in 2006. Ventura County Superior Court's Presiding Judge for 2017 and 2018, Judge Murphy's steady hand guided the courthouse and the legal community through the smoky haze and chaos of the Thomas Fire. Her dedication to justice and strong leadership are just two of the many reasons the Ventura County Trial Lawyers Association is honored to name her the 2019 Judge of the Year.

Judge Murphy, the third of four children from an Irish father and Greek mother, grew up in the San Fernando Valley. She always knew she wanted to be a deputy district attorney. After graduating from Southwestern Law School in 1987, she began her career as a Ventura County deputy district attorney under **Michael Bradbury**. She quickly moved up the ranks, eventually moving to Major Crimes where she tried homicide cases for several years. She was later promoted to supervisor over the Sexual Assault Family Protection unit. In 2002, she became one of the most beloved chief assistants to ever hold that position. Governor Schwarzenegger appointed her to the Ventura County Superior Court in 2006. The District Attorney's office loss was an invaluable gain for the courts


and courthouse. Judge Murphy has been a mainstay of the criminal courts since her elevation.

In the early morning hours of Dec. 4, 2017, the Thomas Fire swept through the hillsides, destroying homes and forcing citizens to evacuate just ahead of the flames. Judge Murphy, her husband, and the loyal but skittish Nala were three of the hundreds of thousands of evacuees. The Murphy family fled with just the clothes and fur on their backs and watched from the courthouse parking lot as the orange glow of the fire whipped through their neighborhood. Judge Murphy spent that night and the following day working with the courts to keep the courthouse running while dealing with the smoke in the courtroom; coordinating with the many judges, courthouse staff and lawyers who lost homes or who couldn't make it to court

due to evacuations and road closures; and addressing the shortage of bailiffs to move inmates from the jail to the courthouse. She managed the crisis and kept things running while wearing the pajamas she evacuated in under her robe.


Judge Patricia Murphy's intellect, integrity and easy demeanor mark her as a born leader. Her no-nonsense attitude enables her to get things done so efficiently and so quietly that it is easy to overlook her many accomplishments. That is, until you shine a spotlight on her to expose an exceptional woman and an undeniable role model for the bench and the Bar. Congratulations to Judge Patricia Murphy, the Ventura County Trial Lawyers Association Judge of the Year.

*Micky Coyle is a Senior Deputy District Attorney in the Consumer and Environmental Protection Unit.*



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## ON THE PICKET LINE

by Carol Mack



*The family that pickets together sticks together*

I don't think that I've ever been as wet as I was the morning of Jan. 14, in the driving rain, when I joined my daughter Jennifer, a teacher for the Los Angeles Unified School District, on the picket line in front of her high school. None of the teachers wanted to be on strike, but they had been negotiating with the school district for twenty months and had been working without a contract for over a year when talks broke down. Earlier, 98 percent of the union teachers had voted to authorize a strike action, and now the date was set.

Demands from the union included a salary increase, smaller class sizes, and increased numbers of librarians, counselors, and nurses at the schools. The district maintained that it did not have the money to fund these demands.

Los Angeles schools are, indeed, seriously underfunded, in part due to the effect of the property tax caps enacted under Proposition 13, which passed in 1978. Because of the limited funding through property taxes, 58 percent of the funding for California schools has to come from the state budget. In addition, union members claim that charter schools, which are privately run but publicly funded, are taking needed

resources from the public schools. They see the current superintendent, Austin Buetner, an investment banker rather than an educator, as attempting to privatize the school system. Union President Alex Caputo-Pearl characterized the strike as “a fight for the soul of public education.”

The district tried to prevent the strike, but its offers were rejected as “woefully inadequate.” The district then filed several legal actions to prevent the strike, including seeking an injunction to keep special education teachers from walking off, but all were rejected by the courts. The start of the planned strike was also moved up from Jan. 10 to Jan. 14 because the district had claimed inadequate notice.

So what happened? Well, first it rained. And rained. It rained steadily for the first four days that the teachers stood outside their schools with their signs. Some of the picket signs dissolved in the wet weather, while others, made with waterproof markers or laminated, held up. Teachers were on the lines two hours in the morning before gathering for a rally at City Hall and then two hours in the afternoon. In the rain.

Overwhelming support for the strike came from parents and students, who could relate to the issues of class size and the need for nurses and counselors. Many parents kept their children home, and the school district, which receives funding according to attendance, lost \$151 million over the course of the strike.

Other unions also offered support. More than 50 SAG-AFTRA members joined the picket line. SEIU Local 99 members led sympathy strikes, and on the sixth day, more than 1,000 firefighters and their trucks joined the teachers. My own union, the California Faculty Association, encouraged its members to join the picket lines in solidarity.

Like the furloughed federal workers, teachers were not paid while on strike. The difference was that the teachers chose to strike. Still, it was costly. My daughter

estimates that she lost \$3,000 in pay due to the strike. In addition to missed pay, there were additional expenses, such as transportation downtown and parking, lunches, and for some, additional childcare. But then the community stepped up. One fundraiser called “Tacos for Teachers” raised a total of \$45,000 to send taco trucks to the striking teachers, feeding over 10,000. Every day on the picket lines, coffee and snacks appeared. Local restaurants sent food, including vegan burgers from the falafel restaurant across the street. One day, a school administrator sent word to my daughter that an anonymous donor had given \$2,000 to support a teacher in need. My daughter's response was, “Is the anonymous donor my mother?” But it was actually someone else who just wanted to support the teachers.

After six days of the strike, Mayor Garcetti helped to broker an agreement between the school district and the union, and the teachers went back to work. So was the strike a success? The union voted overwhelmingly to endorse the agreement, while admitting that they did not get everything they asked for.

What they won was a six percent salary increase, a commitment to place a full-time nurse in every school by the 2020-2021 school year, additional counselors and librarians, and a commitment to class size reductions. Among the most important concessions was an agreement to eliminate Section 1.5 of the contract. That section had provided that the district could overrule the class size caps if it declared a fiscal emergency. With the elimination of that section, class size limits have real meaning.

Another important outcome of the strike was Mayor Garcetti's endorsement of the Schools and Communities First initiative, which put a measure on the November 2020 ballot seeking to close a commercial property tax loophole in Proposition 13. Under the ballot measure, commercial property would be reassessed every three years, but residential property would not be affected. This change could potentially





result in an additional \$11 billion a year for schools and other local services.

Finally, according to the *Los Angeles Times*, the strike has had an impact far beyond Southern California because it brought to the forefront a discussion of how public education is funded and the effect of charter schools. We have begun seeing more teacher strikes around the country, including in Oakland and Denver. Denver teachers have reached a tentative agreement with the school district, but Oakland teachers continue to fight for increased wages and decreased class sizes. Either way, there is no longer any question of the teachers' ability to make their needs known through collective action.

**Carol Mack, PhD** is Of Counsel at Darnall law and also teaches ethics and health law in the health science program at California State University, Channel Islands. She is a member of CITATIONS' editorial board.



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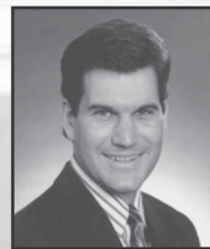
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## THE VALUE OF HIRING YOUTH: Please Allow Me to Brag About My Staff

by Vanessa Frank

In ten years of solo practice, I have had eight regular paralegals, along with another seven interns and researchers. When you put it that way, it sounds like a disaster. Perhaps **someone** is not so fun to work for?? I'm sure you're not thinking **I'm** the reason!

Doubters be damned. My staff turns over because that is the plan. We hire folks who are young – often still in college or even high school – and provide them with an early professional experience. Often on the date of hire, I also find out their date of termination, as they have plans to enroll in college or graduate school in the near future.

Nearly all of my staff have been immigrants or the children of immigrants, and while this may not be surprising (I am an immigration lawyer, after all), it is not just the pull factor of my practice area that draws such employees to me. I also make the effort to recruit young people who may not have grown up with ready access to a professional career track. I have worked with professors and counselors at our local universities and colleges and they will often refer ambitious people to me.

A small or solo practice can make a huge impact on the career trajectory of young people.

Many young people who are first in their families to achieve high school diploma or attend college have no practical experience working in a professional environment. Everything from answering the phone with a smile in your voice, to knowing how to set your own reasonable work expectations and meet them is novel. Here in Ventura County, immigrant and first-generation youth often look to fast food and mall-related retail for their work experience. So many kids work at Metro PCS, it's almost a high school unto itself. Kids do get some solid customer-service skills in these jobs. But there is no room for professional growth at Metro PCS and thus, there is no training or emphasis placed on improving leadership skills: how to set a meeting, how to break a large project into smaller pieces, how to get your boss's attention on behalf of a client who is driving you crazy.

Of course, hiring first-generation and immigrant youth as staff in my particular

practice also benefits me – my staff often have first hand knowledge of experiences similar to those of our clients. So, while it may take me some extra time to explain what a “conformed copy” is, I don't have to explain why it's important to ask for precise details about how a person crossed the border.

Where do I find these folks? Well, speaking at our local colleges and universities has helped me meet professors and counselors, as well as students themselves. I get lots of résumés. I look for the person who not only drops me an email with their résumé but also follows-up, advocates to get a meeting with me and timely responses to my requests. If they show up on time, prepared and ready to talk about their experience and goals, we are more than halfway there. And since there is always more to do around the office than time do it, we can be flexible about what work the staffer will do and what their schedule will be, fitting it around class schedules or a second job. Some prefer to do more clerical and practical things, others are more interested in delving into the narratives of our clients and developing community outreach materials.

Beyond getting the work done, however, are the connections my staff make which can lead them into their professional career. I have staff alumni working in major international law firms, as well as smaller local firms. Several have gone to law school, others have pursued advanced degrees and administer non-profit or university programs. We always make sure their resumes sparkle with the range of advocacy, research, writing and managerial experience they gain at my office so that when they take the next step, they are ahead of the pack. And having my staff alumni succeed also helps me succeed. To paraphrase Vidal Sassoon, “if they look good, I look good.”

*Vanessa Frank is the principal at the Ventura-based immigration law firm, Law Office of Vanessa Frank.*



*She is currently a member of the Ventura County Bar Association Board of Directors and is always up for a date with someone with good references.*

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# ACCORDION LESSONS

by Marc D. Anderson

Grandpa Andy played the piano accordion. Or so I've been told. I don't remember ever hearing him play and I don't remember ever seeing his accordion. But trusted family members assure me he played the accordion with friends and at bars in rural Minnesota. He had two favorite Swedish folk songs - *Johan pa Snippen* and *Nikolina*. I have a treasured picture of Grandpa Andy playing at the cabin in Grand Marais with my uncle accompanying on guitar.

Eleven years ago, my accordion gene activated. Apparently, it skips a generation. I bought an accordion and found Janet, a teacher in Westlake Village. The Minneapolis public school system had given me a good music foundation, but I had never held an accordion or played the piano. Janet took on the challenge and slowly, 30 minutes at a time, began molding me into a musician. Her struggle continues to this day.

Every Saturday I pack up my accordion and drive from Oxnard to Westlake Village for my lesson. Don't let Janet, an Iowa-



raised great-grandmother, fool you - she's a demanding teacher. A Gordon Ramsay minus the cursing. But she knows what she's doing. She knows when to push and when to let up; she knows when to criticize and when to praise. Most importantly, she believes I can be a better accordionist than I do. It's nice to have someone like that in your life. Even if you're paying them. And that is what amazes me about my Saturday mornings in Westlake Village - that, for a mere \$25, I can sit down with a professional musician who has a lifetime of knowledge and experience and learn to play a mean polka.

Ralph Waldo Emerson said, "Our chief want in life is somebody who will make us do what we can." Find that mentor, adviser, sensei or whatever title you give someone who teaches you, pushes you and makes you do what you can. Find her and really listen to her. Then, be that person for someone else.



*Marc Anderson is an attorney with Hiepler & Hiepler, APC, in Oxnard. He represents plaintiffs in personal injury and wrongful death cases. He plays a Sano Model 50c and a Roland FR-2.*

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## HAVE YOU HEARD?



**Katie** and **Rick Becker** welcomed **Mara Jane Becker** on Feb. 19, at 11:48 a.m. 7 lbs, 13 oz, 20.5 inches long. We're told all are doing great, and big brother, **Declan**, is excited to have a baby sister. **Katie** is a partner at **Schuck, Becker & Dehesa, LLP**.

**Ferguson Case Orr Paterson LLP**, announces the addition of two new attorneys, **Tyler Train** and **Natalie Jay**. **Train's** practice focuses on intellectual property litigation and prosecution. **Jay's** practice focuses primarily on business transactions and employment matters.

## AS THE LAW TURNS – IOC TEAM 5

Jerome H. Berenson Inn of Court Master **Judge Harry Walsh** and Team 5 (see picture) presented their hilarious ethics CLE presentation, "As The Law Turns" on the new Rules of Professional Responsibility. Do you need a primer on the new Rules but missed the February program? Team 5's CLE handout may be found here: <http://tinyurl.com/y5pvalt8>.

Team 6, headed by IOC Master, **Judge David Long (Ret.)**, presents a TOP SECRET program not to be missed on Thursday March 14 at the Saticoy Country Club. Join the IOC by visiting the bar's webpage at [VCBA.ORG](http://VCBA.ORG) or by calling the bar office at (805) 650-7599. Non-members may always attend as guests. Come experience the camaraderie of the group going strong since 1994.



*Left to right: Julie Taylor, Judge Harry Walsh, Terence Geoghegan, Daniel Taylor, Denise M. Trerotola, Alyse Lazar and Timothy Sotille.*



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# GAME NOT OVER

by Wendy C. Lascher



*Editor's Note: This article was first published in the American Bar Association's Voice of Experience magazine*

My mother, who is 92 and a lawyer herself (but that's not what this story is about), would never fly in a small airplane — certainly not a single-engine plane. When my dad was alive, he cautioned about the dangers of such modes of transportation as small planes and motorcycles. I listened, so it was a surprise to me when my adventures in online dating (also not what this story is about) led me to Art Friedman's hangar at Santa Paula Airport. Our second date was a flight to the "Airport in the Sky" at Catalina Island, and our third or fourth date was my first motorcycle ride.

I do not have a motorcycle license yet, but last July I earned my private pilot's license. Flight training is full of acronyms and mnemonics, including "ABC" for in-flight engine failure. "A" is for airspeed; you should trim the elevator to pitch the airplane for the speed that will allow you to glide the farthest. "B" is for best place to land, which of course includes "off airport" sites. "C" is for checklist: several steps to see if the engine will restart, followed by several others to set up for an emergency landing if it won't. The last item on the list is, "unlatch doors just prior to touchdown."

The training syllabus uses all capital letters to remind student pilots that "THE FIRST RESPONSIBILITY IS TO CONTROL AND FLY THE AIRPLANE TO A SAFE LANDING," but most pilots remember the colloquial version, "fly the airplane all the way to the crash."

Last fall, Art and I, along with his Australian Cattle dog, Zero, took off from Santa Paula on a busy Saturday morning to visit my mother. Art's Cessna T210 could get us across the mountains to an airport near her home in about 30 minutes. When we were eight or ten minutes out, at about 4,000 feet over Sespe Creek north of the city of Fillmore, we were discussing the best spot to cross the 8,000-foot ridge when the plane's nose suddenly dropped. I yelped, "What are you doing?" I assumed Art had leaned on the yoke, either accidentally or as a bad practical joke.

Art has been a pilot for 34 years. Despite a career in motorcycle journalism that started with fifteen years as a professional motorcycle road racer, he is not a daredevil. He pitched the nose back up as he said, "the engine quit." There hadn't been any roughness or other warnings. Because of the noise from the still-windmilling propeller, I thought he had managed to restart the engine as we turned back toward the valley. But there was no power, and it was evident

we could not glide all the way back to Santa Paula. There was a sense of urgency and alertness, but neither of us believed we were going to die. Contemplating landing on the highway, Art had me hand-pump the landing gear down.

Sespe Creek is a tributary of the Santa Clara River. The river runs east and west past Fillmore, parallels the runway at Santa Paula Airport, and joins the Pacific Ocean about twelve miles west of Santa Paula. It is dry much of the year. Bushes grow in parts of the riverbed, but other parts are just wide expanses of sand. It is one of the places I practiced simulated engine failures during my flight training; the instructor would close the throttle without warning, and I would go through the ABC procedure and line up to land — but we never did an actual power-off landing, except at the airport itself.

There were a lot of cars on the highway, so landing there would have endangered other people; we later realized that it would have been a bad choice because hard-to-spot wires crossing the road might have snagged us on the way down. Art decided it would be better to go for the riverbed. He had made a Mayday call on the Santa Paula frequency. One plane in the air with a student pilot and flight instructor said they would fly out and circle overhead as we landed. A friend listening on a handheld radio heard Art's Mayday and alerted 911 that a plane was going to be landing in the riverbed.

We were very lucky the engine had quit when it did because there are far fewer landing options once you're over the mountains. As we lined up to land in the sand, Art reminded me to tighten my shoulder belt and I reminded him to unlatch the doors. Then we were feeling the relief of rolling along as the plane slowed from its 65-knot touchdown. I was thinking about the paint damage from flying sand when the nosewheel thudded against a rock. The nose gear collapsed and the weight of the engine forced the nose down. As it dug into the sand, the relief





was replaced by a still-not-panicky sense of “Oh, I guess something bad is going to happen after all.” And then, as the plane somersaulted over, I had the same “game over” feeling you get when the pinball slips away between the flippers.

But the game was not over. Hanging upside-down in the shoulder harness, I realized that I was conscious and had only a slight bump on my head. Art said he was okay, though his scalp was bleeding. I had

indeed remembered to unlock my door, so I figured out how its handle worked upside down, clambered out (weird to be standing on the bottom of the wing), and walked around the plane to help Art get out.

We feared the worst for Zero, who had not moved or made a sound. But when I climbed back into the overturned plane to turn off the fuel valve (we didn’t quite remember everything on the emergency checklist), I felt in the back seat and found Zero trapped under a blanket that had flipped over him. He was very much alive, uninjured, and calm until the Sheriff’s rescue helicopter arrived. We persuaded the deputies to let us take a dog in the copter and we persuaded Zero to come with us.

My phone had vanished when the plane flipped over, but I used the iPad that had been on my lap to text my kids that I was okay. Because there was no major trauma, the helicopter took us to a waiting

ambulance. When the ambulance arrived at the hospital, my son and a friend held up an Olympics-gymnastics style sign reading “7.5.” It was a successful landing, but they dinged Art for the dismount.

Yes, I have flown again. The next day, in fact, and several times since — so has Art. (The T210 was totaled, but we had just bought a Cessna 172, a less complicated plane that his kids and I could fly.) However, my mother won’t fly with us still. I think she should. Inevitably, the game will be over for both of us. Meanwhile, why not have as much fun as we can?



*Wendy Lascher is a partner at Ferguson Case Orr Paterson, LLP and co-editor of CITATIONS. She can be reached at [wlascher@fcoplw.com](mailto:wlascher@fcoplw.com); 805-659-6800.*

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