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by Justice Steven Z. Perren

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PRESIDENT'S MESSAGE

by Douglas K. Goldwater

Believe it or not, it is already June. Summer is upon us, which means the kids will be out of school and, hopefully, many of us hard-working legal professionals will be taking some well-earned vacations. It also means that I am halfway through my term as President of the Ventura County Bar Association. When thinking of my responsibility as Bar President, I recall discussions I had with my wife when our twin sons were babies. Whenever we traded off responsibility for caring for them on our own, we joked that if they survived, it was a success. Looking back at the first half of my term as President, I feel that it has been a success because not only has VCBA survived, but also from all accounts it is thriving. While I selfishly would love to take the credit for our organization's advancements this year, it is really the because of the tireless work of our Bar's staff, Board of Directors, and the leadership of our sections and affiliates that we have made great strides.

This year has already seen us navigate the transition from our long term leadership to a new era headed by our new executive director, Sandra Rubio. Her energy and leadership have not only reinvigorated the organization, but have also led to improvements in its financial strength that promises only to continue over the coming years.

Indeed, VCBA's membership has grown in 2019 to 837 members, with new memberships and renewals still being processed. Additionally, to date VCBA has sponsored **33 continuing education programs** for our membership through the first five months of this calendar year. Our organization, however, has not limited its focus to education, as we also have devoted efforts toward enhancing the networking and social opportunities for its members. In addition to events at local breweries to facilitate our members' satisfaction of the State Bar's fingerprinting requirement, our Barristers group has hosted game and trivia nights giving our membership opportunities to match skills and wits.

On June 22, VCBA will offer another opportunity for the members of our community to compete with one another – this time athletically – in the 36th Annual Law Day 5K at Kimball Park. This year the gauntlet has already been thrown. **Judge Michele Castillo** has indicated that Her Honor, **Judge Rocky Baio**, and the rest of the judicial track team will be out there to capture medals. I, for one, will be accepting that challenge and, in turn, am offering a challenge of my own. Any licensed attorneys who beat my time in the 5K race this year will be profiled in an upcoming President's Message. So catch me if you can.

VCBA is also proud to announce that, in May 2020, it will host its First Annual Golf Tournament, at the Saticoy Country Club. Stay tuned for more details on what promises to become VCBA's signature membership event.

The organization has also made great strides this year in its main service programs, the Mandatory Fee Arbitration and the Lawyer Referral and Information Service ("LRIS"). The Fee Arbitration program has processed sixteen cases already this year and has added thirteen new attorney arbitrators and eight new lay arbitrators to its panel. The growth in the panel has assisted in expediting processing the arbitration cases in the queue. Similarly, LRIS has grown to 43 member attorneys who have received 216

referrals to date this year. Those referrals have generated more than \$100,000 in fees already. For those of you who are interested in getting more business, if you have not joined the LRIS attorney panel, you are missing out on a great opportunity.

This year, VCBA has also been recognized by the Ventura County Board of Education for a VC Innovates Pathfinder Award for our Court Tour Program, which gives local students the opportunity to watch actual trials, speak with judicial officers, and be led through the inner channels of the Hall of Justice by volunteer docents. **Judge Melinda Johnson** (ret.) and Peggy Purnell were the first two docents. In the first five months of this year, the Court Tour Program has already conducted 36 tours, allowing 1,033 Ventura County students to learn about how the justice system works in our county.

All of this progress has occurred in just the first half of 2019. With summer upon us, it is only fitting to quote Timbuk3: VCBA's future is so bright, we "gotta wear shades."

Doug K. 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.



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<p>Looking for a</p>  <p>PIT BULL</p>	<p>Simple questions elicit detailed irrelevant anecdotes</p> 	<p>States "I don't want to waste my time" in initial inquiry about your qualifications</p> 	<p>Plays on your sympathies before telling you what the case is about</p> 	<p>Irritated by attempts to educate him or her about applicable law</p> 
<p>Responds to devil's advocacy in initial meeting by angrily accusing you of representing opponent</p>  <p><i>Benedict Arnold</i></p>	<p>Basic thrust of why client believes him- or herself wronged still unclear after fifteen minutes</p> 	<p>WANTS</p> <p>FREE</p> <p>LEGAL ADVICE</p>	<p>Expects miracles in impossible situation</p> 	<p>Blames first lawyer</p> 
<p>Vendetta by/against</p>  <p>Police</p>	<p>Believes a case which will not survive summary judgment to be worth millions</p>	<p>Has excuses for EVERYTHING</p> 	<p>Views weakness of case as "beside the point" because "they'll settle"</p> 	<p>Putative defendant enjoys statutory or common-law immunity</p> 
<p>Quixotically convinced s/he can bend statutory term to mean something completely different</p> 	<p>Forgot wallet and checkbook</p> 	<p>"It's the principle of the thing"</p> 	<p>Other lawyers refused the case because they were "afraid of" opponent</p> 	<p>You receive official notice from state agency of lien on recovery of person whose representation you declined</p> <p>GOVERNMENT NOTICE</p>

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A RANDOM WALK DOWN 1440 BAR PASS STREET

by Richard Walton

Let's proceed from where we are to where we have been. The California Bar announces the pass rates from the California Bar twice per year, providing the results as the number of examinees who passed the examination and a series of pass rates (percentages). The passing score announced (adjusted at least twice from the raw performance data) is set at 1440 out of 2000 (72 percent). The two Bar Exam sections are written (essays and performance) and quantitative (multi-state MBE multiple choice answer). The raw score average on the written is typically in the middle 60s (about 64 to 67 percent), based on guidance to the graders; the written scores are then adjusted upward in the process of combining the sections for a final score. The raw MBE scores (about 64 to 67 percent) distribution are also adjusted, using the written distribution as the reference. These scores are "weighted" before being combined. These "adjustments" are performed by the Bar Statistical Center, based on varying factors. While observations tend to concentrate on the percentage pass rate, one might consider the number of examination passers may more closely track the number of graduates in a given season from the accredited law schools. Might one argue that the adjustments represent a "quota" rather than a performance against a fixed criteria or standard?

As an aside, one may look at the example of the California Bar First Year lawyer Students' Examination (FYLSE), required of students enrolled in non-accredited law schools or other avenues. In the early 1970's, a written examination addressed the subjects of Torts, Contracts and Criminal law. Given twice per year, with a 70 percent score required for passing, the passing rate was about mid-30s percent in June and about upper teens in the Fall. By the late 1980s, with the California Bars' Statistical Center in operation, the examination consisted of four written essays, and a 100 question MBE on the First Year Law School core subjects. The raw score on the written essays was typically in the mid-60's. The MBE raw scores were adjusted downward (from above 65 percent) and combined with the written raw scores to reduce the passing rates to below 20 percent. The California Bar sent a detailed list of student performance on the FYLSX examination to the respective non-accredited schools,

listing each students' name, performance on each essay by subject, and MBE raw score by subject. The number of times the student had taken the FYLSX was also listed, as well as the passing rate for the specific law school. After a specific law school commented to the California Bar that there was a mathematical error in this reporting (in 1989), the California Bar ceased providing this information, indicating concerns regarding "privacy". "Privacy" appears to be a frequent concern of the California Bar regarding access to information regarding the examinations and passing determination.

Now let us go to the side street of student loans, whether financed or backed by the U.S. Government. Law school tuition can be expensive, especially after four years of undergraduate education. Law schools may also be considered to be "cash cows" for institutions of higher learning. A person might use an analogy going back about three centuries, where poor immigrants from Europe were going to the colonies

seeking a better life, and signing on as "indentured servants for seven years" in exchange for passage to the new world. One might find a comparison with current students, burdened with student loans for many years, with employment opportunity determined by an arbitrary process and undisclosed as to rationale and standards, with the cloak of privacy the justification for the continuation of the system.

Upon leaving this random walk down the street, consider the students hoping to pass off this street, with an earned BA and JD in hand, going out into the world to find and learn how to utilize the remaining 22 letters.



Richard Walton is an attorney, engineer, certified financial planner, enrolled agent, model ship builder and Trivia champion. He practices in Ventura. rwalton@richardwalton.com

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VENTURA COUNTY BENCH & BAR HISTORY PROJECT



WHO'S WHO ON THE WALLS OF 22?

Ever wondered about the judicial portraits hanging in Courtroom 22? Thanks to the Ventura County Bench & Bar History Project, a new booklet provides brief biographies. Thanks to **Justice Steven Perren** for the idea, and to him along with **Charmaine Buehner, Jaclyn Smith**, Court Executive Michael Planet, and Planet's assistant Victoria Borjesson for the hard work it took to assemble the information.

The **Jerome H. Berenson** Inn of Court is named for a much-loved former presiding judge whose portrait is among those hanging in Courtroom 22. Inn members got a look at the booklet as part of a May 9 panel presentation moderated by **Judge Melinda Johnson** (ret.) and featuring **Bill Paterson**, Justice Perren, **Judge Harry Walsh**, and Santa Barbara Superior Court **Judge George Eskin** (ret.).

Here are some of Justice Perren's recollections of the subject of another Courtroom 22 portrait:

JUDGE ROBERT SHAW

by Justice Steven Z. Perren

These were the halcyon days of yore. Or at least I remembered them as such. It was very much a status environment: Judges were up there, lawyers, not so much. We knew each other. We visited behind the

rail overlooking Poli. It was Smallville, Seneca Falls, Peyton Place and Ventura. It seemed as sudden as the 1969 earthquake that closed the courthouse, moving the courtrooms to trailers where they remained "temporarily" – for a decade.

Virtually all the bench, Municipal Court and Superior Court, had come from private practice. Direct appointment to the bench from government office was as uncommon then as it is commonplace today.

Judge Robert Shaw was an avid fly fisherman. Herbert Hoover said, "Be patient and calm—for no one can catch fish in anger." With Judge Shaw, not so much. He was a fascinating conflation of brilliance and anger. He mentored me, he chastened me, he frightened me. I tried cases in his courtroom as a DA and private lawyer. He became my colleague, my friend – and I still was anxious in his presence.

He was at the center of *Pollack v. Hamm* (1970) 3 Cal.3d 264, a bit of our history. **Judge Roy Gustafson** went to the Court of Appeal and **Phil West** was appointed into his vacancy. West had to stand for election and Judge Shaw, then a Municipal Court judge, opposed him. The filing date passed, but before the election Judge West died in a boating accident. **Don Pollack** was appointed into the vacancy and sought to restrain the election. He lost his petition. Shaw won the election and remained on the bench until his retirement.

My first jury trial was in front of Bob Shaw. It pitted me against a pro (*pause*) per. It was a charge of following too close. I lost. Such was the foundation of a great relationship.

Department Five was the criminal calendar. It sat adjacent to the jail in the old courthouse. I recall sitting in Judge Shaw's chambers shortly after Star Wars was released. In those days, you could just walk into chamber and BS with the judges. It was common. Get a shoe shine just outside the courtroom door – an inmate would run the concession. Judge Shaw had just quit smoking...his cigarettes. He bummed one from me. We discussed how Chewbacca had been discriminated against in the first Star Wars.

I wrote an article on the Sence Ranch Fire. In that trial, I sat silent riding second seat to the principal insurance defense attorney. During the trial a witness offered an answer to a question that resulted in counsel, the jury, me and even Judge Shaw in tears with laughter. He did not declare a recess. Things calmed down. I was looking down at counsel desk biting my cheek. Slowly my gaze rose; my eyes met his. He winked. Lost it. He mercifully took a recess.

Judge Shaw's bio is in the Courtroom 22 booklet. I add: Shaw had been a DA, and moved on with **Bob Soares** to form Hathaway, Clabaugh, Soares and Shaw. He knew his way around a courtroom. Still, he did not suffer fools gladly. I was trying a

robbery against the legendary **Jim Farley**. The jury convicted. When the verdict came in Shaw brusquely left the bench; he did not thank or excuse the jury. On motion for new trial he excoriated me, declaring that the evidence was insufficient even if proof was by a preponderance of the evidence. Battered and bloody I left the courtroom and slowly walked back to my office on the fifth floor. My phone was ringing. He wanted to assure me that it was nothing personal.

Judges Storch, Stone and Shaw made periodic appearances at a floating poker game. It was the only time that I played cards where I asked if it was alright to raise the bet.

I gave a eulogy at his memorial service. His daughter Martha worked with me in my last job before appointment. I cautioned her that there some unpleasant moments with her dad. She replied that he always liked me and would be pleased that I was there.

He retired in 1986. I recall sitting in the judges' library one lunchtime. It was a Monday. He had formally retired the preceding Friday. We were alone. He looked at me. "Steve," he said, "enjoy it now for as soon as you leave they forget you."

"How so?" I asked. He replied that he had just come up from the garage. He had parked in his reserved space. A note was on the windshield informing him that the space had been reassigned and asking that he not park there again. No anger. He smiled and shrugged.

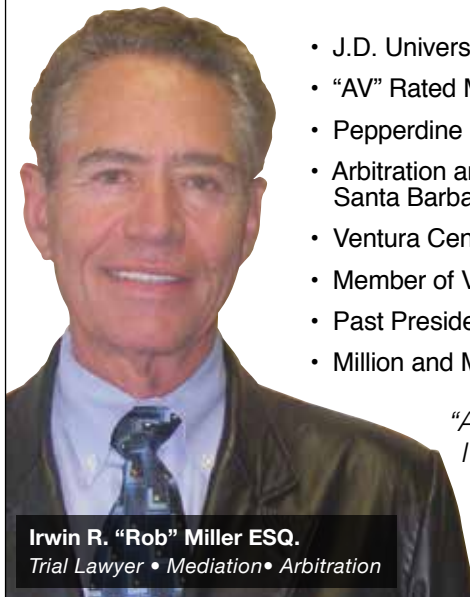
Yes, there are sins of omission in my comments. So be it. As Thoreau said, "many men go fishing all of their lives without knowing that it is not fish they are after."



Justice Steven Perren has served on the Court of Appeal since 1999. Before that, he was as judge of the Ventura County Superior Court for seventeen years.

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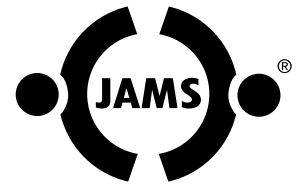
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Brian Israel and Carolyn Kircher-Israel are proud parents of Levi Gregory Israel born May 1, weighing 7 lbs., 13 ozs and 20.5 inches long.

Israel, an associate at Norman Dowler, sits on the VCBA board and serves as the Barristers President. Congratulate him at bisrael@normandowler.com.



Sasha and Rob **Collins** welcomed baby Natalie Georgia Collins, who arrived May 9. Stats: 8 lbs., 9 ozs. and 20 inches long. Everyone is happy,

healthy and a bit exhausted! Sasha Collins is an attorney with StakerLaw in Camarillo and presently sits on the VCBA board.



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Jamie Holzer-White is the newest associate at Ferguson Case Orr Paterson. Formerly employed by Crescendo Interactive, Jamie earned her BA with honors from UCSB in 2012,

her JD from Pepperdine in 2015, and her LLM in Taxation from Loyola in 2016. She will be part of FCOP's estate planning department. jholzerwhite@fcoplaw.com.

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2019 CHAMPIONS OF BARRISTERS TRIVIA



The 2019 champions of the May 15 Barristers Trivia Night are (left to right) **Matthew Graf, Michael C. Martin, Miles Hogan, Ivy Paek, and Richard Walton.** Their team earned over 40 points and landed them bragging rights until next year. Although they did not know what the dot above the letters i and j are called (correct answer: tittle), they successfully named the

three good fairies in Disney's *Snow White*, knew that Florence Nightingale was a nurse, and identified the orange men in *Willy Wonka and the Chocolate Factory* as well as the two South American countries that do not border Brazil. Get your team to work preparing for next year. Meanwhile, email Brian Israel at bisrael@normandowler.com to participate in Barristers.

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36th Annual **LAW DAY 5K RACE**

**Saturday
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**9:30 A.M. ONE MILE
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I am an attorney in Camarillo and I have worked with many real estate agents over the years. I am very happy to report that Jose Luiz is one of the very best. He recently helped sell two properties, one in Camarillo and one in Ventura, that were in a trust. He is very knowledgeable regarding the real estate market and quickly developed a sales strategy that sold both properties promptly and for excellent prices that benefitted the trust beneficiaries. His staff is also excellent and they stayed on top of all the details during the escrows. Jose Luiz and his staff regularly kept in touch during the entire sale and escrow process. I highly recommend Jose Luiz for your real estate needs. - Bill Dunlevy, ESQ



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ACTUAL:	3/10/19	10 POINTS	ARIYA MAIRE LOVE	POINTS	50	GIRL	10 POINTS	19.5	10 POINTS	6.6	20 POINTS	
CONTESTANT	DATE		NAME			GENDER		HEIGHT		WEIGHT		TOTAL
NANCY AYERS	3/12/19	8	SOPHIE			GIRL	10	20.5	9	7.1	9	36
DEBORAH MEYER-MORRIS	3/17/19	3	CASSIDY			GIRL	10	20.5	9	7.4	6	28
ELANO CUZZO	3/31/19	0	LIANA			GIRL	10	22	7.5	7	10	27.5
DEBI JURGENSEN	3/31/19	0	REYNOLDS			BOY	0	20.5	9	6.10	16	25
KELSEY GONZALES	3/31/19	0	KELSEY			GIRL	10	19.2	9.5	7.6	4	23.5
WENDY LASCHER	3/28/19	0	YSIDORA			GIRL	10	20	9.5	7.13	0	19.5
MARIA PORCHE	3/31/19	0	NATALIE			GIRL	10	N/G	0	7.5	5	15
MEGHAN CLARK	N/G	0	AINSLEY			GIRL	10	N/G	0	N/G	0	10

OUR BEAUTIFUL ARIYA MAIRE LOVE LEHR CAME ABOUT A MONTH EARLY ON SUNDAY, MARCH 10TH AT 6:20 P.M.! SHE CAME OUT **VERY** LOUD (LIKE HER FATHER) AND SPENT A COUPLE DAYS IN THE NICU. JEN AND ARIYA ARE BOTH HOME AND DOING WELL!



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