VCBA’s Pro Bono Role Models Have Their Own Role Models

Carolyn R. Tulberg
Recipient of the
VERNA R. KAGAN VCLA INC. PRO BONO AWARD

BY DONALD GREENBERG PAGE 9

Douglas K. Goldwater

PRESIDENT’S MESSAGE 3
HAVE YOU HEARD? 5
A TRIBUTE TO WOODY DEEM PART THREE: DEEM TRAINS LAWYERS 7
HOW TO LIVE WITH A LAWYER AND LOVE IT 13
PRINCIPLE-CENTERED LAWYERING: TEN PRINCIPLES TO STRIVE FOR 14
CELEBRATING A LEGACY: GALA HONORS THE COLLEGES OF LAW 17
CLASSIFIEDS 19

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How did that happen? It is already Nov. and time for me to write my penultimate message as President of the Ventura County Bar Association. Although so much has happened over this year, it feels as if it has flown by. As the leaves are changing and there begins to be a chill in the air, we start looking ahead to spending the holidays with our loved ones, with my personal favorite – Thanksgiving – first on the schedule.

With Thanksgiving on my mind, I want to use this month’s message to acknowledge people for whom I am thankful. Now, if you are reading this and find that you are not mentioned, please do not take that to mean that I am not thankful for you – I just have a word count limit! In no particular order…

The 2019 VCBA Board of Directors – Please take a moment and look at the list of fine individuals who have volunteered their time, efforts and ideas to make our bar association a better organization this year than it was the year before (and have plans for making it even better next year). We are truly lucky to have all of these devoted professionals serve on our Board and I encourage you to thank them for what they have devoted to our organization.

Citations Editors Cari Ann Potts and Wendy Lascher – This publication is one that I know our membership looks forward to receiving each and every month. I know how much work you both put into ensuring that we have quality material in each issue, and I believe that our membership owes you both great appreciation. Personally, I am thankful to have had you regularly remind me of my monthly submission deadline, because without that, the first page of each issue would likely have been blank.

Sandra Rubio – Thank you for your dedication to VCBA and all your hard work to make this year a seamless transition in leadership.

My Partners at Ferguson Case Orr Paterson – I recently met with somebody who described his prior experience in a law partnership as “being in a marriage without any of the benefits.” While the comment generated an immediate laugh in response, it also reminded me of how blessed I am to be surrounded by colleagues who are not just great attorneys, but great people in general. Thank you all for making our firm a great place to work.

My Legal Assistant, Angela, and Paralegal, Jessica – Both of these hard-working individuals are the backbone of my practice. I have already written about Angela in a prior message, and I do not know what I would do without Jessica, who has proven to a loyal, conscientious and skilled paralegal (not to mention a fantastic person in general).

My Wife and Kids – Thank you for putting up with me and accepting all of my commitments. As they say, this too shall pass, and I will be more available soon.

The culmination of my term as President will come at this year’s Annual Installation and Awards Dinner, which will be held on Nov. 23 at the Improv Levy Live in the Collection in Oxnard. Despite the annual dinner’s ever-changing location, I still regularly hear people refer to the event as “Law Prom,” and although many of us may have fond memories of prom, I was committed to altering the way this event is perceived. While it will still be an opportunity for everybody to get gussied-up in their finest threads, the focus of this year’s event is to provide entertainment for the attendees.

Beginning at 5:00 p.m., professional photographers will take pictures of the attendees and email those photographs during the event, allowing you to upload those fancy shots onto social media or otherwise share them with loved ones. Following the photo opportunity, attendees will be welcomed into a cocktail hour, during which the items up for silent auction (proceeds benefiting Ventura County Legal Aid) will be available for viewing. Thereafter, the group will be escorted into the main dining room for a delicious meal, as well as the installation and awards festivites. As you saw in last month’s issue, this year’s Nordman Award winner, Dennis Neil Jones, is an entertainer himself. Although he will not be accepting his award in his Beatles garb (at least I don’t think he will), he will be receiving it before stand-up comedian Tom Papa takes the stage to fill the room with laughter. After the show, the doors will open, but that does not mean that you must go home. Rather, we have arranged with the adjoining restaurant, Copper Blues, to have an 80’s cover band – Decadent Decades – take the stage for those who want to continue the party into the night.

Space is limited, so I recommend that you RSVP as soon as possible to secure your spot. See you there!

Douglas 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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HAVE YOU HEARD?

Sad News

The Oct. 7 death of Ventura attorney, and former bookstore owner, Ed Elrod leaves an enormous hole in the Ventura County legal world, as it does in the many other worlds Elrod shared with his family, his clients, and our community. Expect a thorough remembrance in the Dec. issue of CITATIONS.

Corporate Games 2020

The City of Ventura invites all businesses and organizations to next Spring's annual Corporate Games, a business-to-business team sports competition between companies of similar sizes. Early registration for the six weeks of events slated for March through May, 2020 will begin this month. For more information, contact Recreation Supervisor, Eric Burton: eburton@cityofventura.ca.gov or 805-658-4738.

William E. Winfield, a partner at Oxnard based Nelson Comis Kettle & Kinney LLP, has been appointed to the Insolvency Committee of the California Lawyers Association (CLA). The Insolvency Committee (calawyers.org/tag/business-law-insolvency-law-committee) is part of CLA’s Business Law Section and focuses on creditor/debtor and bankruptcy law issues in California. Winfield is board certified in Business Bankruptcy by the American Board of Certification (www.abcworld.org). Reach him at 805-604-4106 or wwinfield@calattys.com.

Myers, Widders, Gibson, Jones & Feingold, L.L.P. welcomes Rachel Coleman as a new associate. Coleman is a member of VCBA’s 2019 Board of Directors and a long-standing member of CITATIONS’ editorial board. She can be reached at 805-644-7188 or rcoleman@mugilaw.com.

The Alvarez Firm proudly welcomes Dien T. Le

Dien brings to the Alvarez Firm more than two decades of sophisticated business and civil litigation experience. His current practice primarily focuses on business, employment, and elder abuse litigation as well as disputes relating to probate, trust, and conservatorships. Dien is the former President of the Ventura County Bar Association.

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A TRIBUTE TO WOODY DEEM Part Three: Deem Trains Lawyers
by Michael Bradbury

After being sworn in as a deputy district attorney, I was assigned to be the “circuit rider” and handle court trials in Ventura, Santa Paula, Fillmore, Port Hueneme and Ojai. I left the D.A.’s office after two years to earn more money, but I missed the office, and returned as the chief criminal deputy. District Attorney Woody Deem allowed me to teach criminal justice courses at a local college to make up for the loss in income. Retired Santa Barbara Superior Court Judge George Eskin, a friend and mentor, had left the D.A.’s office for private practice and Stan Trom, the former chief trial deputy, had been appointed assistant D.A.

Deem was a great trainer. He developed exceptional trial lawyers. He would hold Friday “brown bag” lunches where he would deliver a lecture on some aspect of jury trial or the role of a prosecutor. Ten of those lectures have been preserved in a volume that graces the shelves of one of the DA’s meeting rooms. Some of his wisdom:

“It is important that you create an image of courage; that you got backbone; that you can stand up for the things that you know you have to do; that you won’t take the cowardly way out. One way that you can take the cowardly way out is to take pleas to reckless driving in drunk driving cases, which we don’t permit in this county…. It is indispensable that you have the image of a fighter.”

“It is indispensable that you keep perspective on your criminal cases, that you don’t get ego involved or emotionally involved so that you get angry or get emotionally upset when something goes against you in one of your cases…. Nevertheless, “old timers” in the local bar reported that Deem once told off a defense attorney in the late Judge Charles Blackstock’s courtroom for five minutes at about one hundred seventy-five words a minute.

Deem also cared about appearances:

“No, now when we get into the trial…. watch your haircuts. Don’t go shabby to a jury trial. And since most of your juries will start on Tuesday, then if you needed a haircut the last weekend and you forgot to get it by Saturday, you’re cooked.” (At that time, barbershops were closed on Mondays.) According to Deem, “To many people on the jury, it’s tremendously annoying. And they see the back of your head quite a bit of the time and they will be disturbed if you’re shaggy and need a haircut.”

“I recommend that you be extremely conservative in your dress in jury trial, that you always wear a white shirt. You can get by with some of the pastel shades but I think that you’re safer to wear a white shirt because you might have some man on the jury who thinks that any man who wears colored shirts are economists. Or he may think that any man who’d wear colored shirts is a dude. And you don’t have a chance to defend yourself…. Your suit should be dark with no distracting figure – while the herringbones are disturbing, or big horse-blanket squares are disturbing to the jury. Your tie should be neutral enough that it will not call the attention of the jury to you or away from what you’re saying. Now, for goodness sakes, don’t wear white socks. Wear dark socks that don’t call attention to themselves. No suede shoes; these are things that distract the attention of the jury.”

Former executive secretary Pat Clark remembers how Deem’s playful side could prove embarrassing. Once Eskin brought his guitar to the office and serenaded the clerical staff with “They Call the Wind Maria.” Suddenly Deem decided to sing along, but in Chinese. They appeared to be in a contest over who could sing the loudest emotion upset when something involved so that you get angry or get emotionally upset when something goes against you in one of your cases…. Nevertheless, “old timers” in the local bar reported that Deem once told off a defense attorney in the late Judge Charles Blackstock’s courtroom for five minutes at about one hundred seventy-five words a minute.

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The Ventura County Bar Association has named Louis J. Vigorita as the recipient of the 2019 James D. Loeb Ventura County Legal Aid Pro Bono Award.

Vigorita was born and raised in Brooklyn. Dr. John L. Vigorita, Lou’s father, played an instrumental role in his life. John grew up during the great depression and served as a medical officer and surgeon during World War II, Korea and Vietnam. A philosophy and pre-med major at Fordham University, his hard work and tenacity allowed his family to realize the American dream. John believed it was important for his children to be aware that not everyone was fortunate enough to have the same opportunities as Lou and his siblings, and his greatest fear was that his children would grow up entitled and unappreciative of the opportunities they had. Vigorita still lives by two of his father’s guiding principles: 1. Charity begins at home, and 2. Be honest with others as well as yourself. Vigorita can hear his father say, “If you do a good deed and it is found out, then it doesn’t count.”

Vigorita describes his mother, Pauline, as “really cool!” She was part 1950’s homemaker and part outgoing social counterpart to her husband. She worked hard to create a loving and warm environment in the home. Lou has fond memories of a household filled with music.

Vigorita graduated from Long Island University with a degree in English and Education. After teaching high school for a few years in New York City, Vigorita’s adventurous spirit compelled him to load up his van and make his way out west to attend Western State University College of Law (today known as Thomas Jefferson School of Law) in San Diego, CA.

After passing the California Bar Exam in 1977, Vigorita took the specialization exam in workers’ compensation and became a certified specialist in workers’ compensation law. He began his legal career working for the Ventura branch of a large Los Angeles workers’ compensation defense firm representing counties, school districts, large insurance companies and many other large entities. He later went on to open his own firm and started representing injured workers before the Workers’ Compensation Appeals Board and the Office of Hearings and Appeals of the Social Security Administration.

Vigorita’s commitment to community service goes back to his father’s principle that charity starts at home. Ventura County is our home, and Vigorita says, “If we aren’t charitable in our home, what is the use of looking elsewhere?” Vigorita is a regular volunteer at the Legal Aid Clinic where he not only gets to exercise his mind by helping members of the community, but also becomes inspired by seeing all of the other generous volunteer attorneys. “There is a wide cross-section of legal professionals, not just the people you typically expect to see,” Vigorita says. “It is wonderful to see people of all ages sharing their time and expertise. At the clinic, you get people from all over the political and legal practice spectrum,” he continued.

Volunteering also just makes Vigorita feel good. He leaves the clinic feeling invigorated by being around his colleagues and watching them work. “It’s such a positive feeling and gives one a sense of hope for the world.”

Vigorita wants other lawyers to know that they shouldn’t be insecure about not knowing “enough” law to volunteer at the clinic. “New lawyers, and even law students, know more than they can ever imagine and can help others resolve some of the Continued on page 17...
The extremely deserving recipient of the 2019 VCBA Verna Kagan Pro Bono Service Award is Carolyn Richards Tulberg.

Tulberg has a long and impressive history of public service. She came to the law later in life – after giving birth to and raising ten children. Her late husband, Lieutenant Colonel Ellsworth Eugene “Bob” Tulberg, Sr., asked her what she wanted for their 25th anniversary. Tulberg replied, “To go to law school.” And the rest is history!

During law school, Tulberg contracted encephalitis which caused her to have some significant temporary loss of memory. However, with help from family and friends, she made it through, and was admitted to the State Bar on June 10, 1982. After two years of private practice, she worked as a research attorney with the Court of Appeal in Los Angeles, first with Justice Edwin Beach and then, after he retired, as part of the central research staff. During that time she attended night classes to earn a master’s in Theology from Mount St. Mary’s University. Later, she came up to Ventura and worked several years for Division 6, retiring in 1996.

Tulberg began actively volunteering with the VCBA pro bono legal services program (then “VLSP”) in 1998. And she has been an indefatigable, almost omnipresent participant in these programs ever since. While she had not practiced family law, working with her dear colleagues Verna Kagan and Pauline Zebker, and by attending CLE programs extensively, she learned that area of the law. In 2002, she and the other emeritus attorneys in the VLSP program were awarded the State Bar President’s Pro Bono Service Award.

She has continued her tremendous “pro bono” work in the ensuing 17 years. Over the years as a VCBA “emeritus attorney” and most recently in our Association’s Ventura County Legal Aid program at the Ventura County Law Library, Tulberg has been one of the “go to” persons for the many, many clients needing help in family law, landlord-tenant and sometimes real estate (she also holds a realtor’s license) matters. She is always there willing to help – and an empathetic and effective counselor.

In her spare time these days, after having cared for her husband Bob, who unfortunately passed away in March of 2018 (they were married 65 years!), Tulberg not only continues her regular VCLA service, but she is also very involved in helping the homeless in Santa Paula, particularly in the Laundry Love program for which she solicits donations. Every Friday morning, she is at a laundromat providing quarters, supplies and encouragement to homeless individuals. She is also active in her church, treasurer of the Ventura County Garden Club, and a docent at the Santa Paula Art Museum. At the age of 85, this year she once again participated in the Female 70+ Division of the VCBA Annual Law Day Race/Walk. And, she also continues to be the “Mom” of ten grown children, grandmother to 32 grandchildren, and great-grandmother to 42 (soon to be 44) great grandchildren!

Somewhere Verna Kagan is smiling broadly and giving a standing ovation to the recipient of this year’s award!

Don Greenberg is, among other things, a former city attorney for the City of Ventura and senior assistant county counsel for the County of Ventura. He has been involved in the VCBA “pro bono” and legal aid programs for 14 years.
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How can a lawyer's wife live with her husband and love it? Here are some dos and don'ts that should prove fruitful for lawyers' wives.

THE LAWYER'S WIFE must accept the law as part of her husband's life. The key to abiding with a lawyer husband and loving it is to respect and honor his commitment. The following rules should be observed:

When Your Husband Is at the Office

Never, never repeat anything, or a portion of anything, you may hear about what happened at the office. Of course, he will probably never tell you anything, but bear this rule in mind in the event lawyer-husband talks in his sleep.

Above all, never ask, wheedle, pry or seek such information as, “What was Bad Bart doing at your office yesterday? I hear he and Stella aren't getting along.” Of course, there are permissible questions. For example, “What did you have for lunch?” The answer will be given voluntarily, however, when lawyer-husband discovers that you are serving for dinner precisely what he had for lunch.

A telephone call to the office should not be made frivolously. After you have asked yourself if your conversation can wait until dinner and have determined that it cannot, a call is permissible. When you have reached your counselor the first question should be, “Do you have a minute?” The thought of his wife condensing the call to one minute intrigues him, and he may say yes. If so, don't take longer than five. If you find lawyer-husband saying “um-humm” more than three times, you may assume that he is working, with the phone cradled on his shoulder. This is your signal to say, “Goodbye, dear.” It is definitely against the rules to make requests at this time.

Remember, his secretary is a necessary part of his practice. She must be efficient, but if she has a charming personality and is attractive, the atmosphere will be more pleasant for him. Never attempt to select his secretary or make specifications, such as suggesting the efficiency of senior citizens. The only permissible overt action that can be taken is to become a proponent of the midiskirt for working girls.

When Your Husband Is at Home

If you are wed to a lawyer, don't expect to get the last word in an argument. You are often at the mercy of his keen, logical mind and well-trained vocabulary. This, for lawyers' wives, is an occupational hazard.

Although lawyers, as a group, are known to have extremely high IQs, it must be borne in mind that mundane matters are oftentimes of primary importance to them. Woman's lib not withstanding, they can become grizzly when their socks don't match.

It takes a rare talent to prepare gourmet meals that taste delicious after being reheated three times. If unable to develop this talent, the lawyer's wife should learn to serve scrambled eggs with a smile at 10 PM. They say the law is a jealous mistress, and so she is.

Keep his social life social. If you find him being cornered at a cocktail party and barraged with legal questions, run, do not walk, to the appropriate corner and bring up the question of wood vs. steel tennis rackets.

Be interested in your husband's profession and prepare yourself to discuss it intelligently. But, remember that a little knowledge is a dangerous thing. Resist the urge to practice law by association.

Your Husband as Lawyer-Father

Encourage lawyer-father to sign report cards of young children who are getting Ds in handwriting. Teacher will notice the similarity and be more lenient.

Telephone messages for lawyer-father are not to be written in blue crayon on the back of the electric bill.

That “long yellow paper” is not to be used for making paper airplanes. There may be something important written on it. It is also inadvisable to sail any of these planes out of your bedroom window.

Teenage daughters who desire lawyer-father to speak on Law Day at the junior high are to be commended for their appreciation.
Hello fellow attorneys. I am a second-year attorney who retired from education after a 30-year career as a teacher, assistant principal and twelve-year principal of North Hollywood High School. I ended my career as the President of the Association of California School Administrators (ACSA), the largest organization in the nation representing school administrators. I started law school when I was 60 years old, graduated in 2016 at 64 and passed the July 2017 California Bar Exam.

I have written about and presented on this subject many times in my educational leadership career. My belief is that these ideas transcend professions and apply to all human endeavors.

The cornerstone of my budding law practice is to be of genuine help to people. To set that cornerstone, I strive to be as principled a human being as I possibly can, committing my practice to truth, honesty, consideration, respect, responsibility, caring, kindness, loving, seeking justice for all with courage, and working for the common good secure in the knowledge that as I lift others in my practice, I lift myself as a human being and a lawyer.

None of us are perfect, but as we all strive to be as principled as a human being can be, the world around us improves. Improvement for all of those around us is the goal of our practice, and the best path to that goal is a principled path. It is not an easy path. It requires disciplined study, thought, visualization, and conversation with like-minded people. It often takes more time.

If I were to choose my favorite principle, I would choose consideration. The path to principle centered lawyering lies in being considerate of your professionalism and expertise, ensuring that you are safe to express your views, and that your views are authentically heard by all. Consideration of all that one hears is the key to collaboration and the resolution of the varied human conflicts we see and deal with daily. You may feel that principle-centered lawyering is a good idea but too slow and slightly unrealistic in this age of impatience and search for quick fixes. Many times, I hear the refrain, “I just want this off my desk.” I would push back. The reality is that the ten principles I have outlined above guide us to the best solutions to the conflicts we work to resolve. Deviating from these principles invites natural consequences that are often in opposition to what we are attempting to resolve. Those natural consequences are in play whether or not one is aware of them. Natural consequences become counterproductive and destroy our long-run capacity to resolve human conflicts. Spending the extra time it may take to practice in a principled manner pays off in the long run for my clients and for myself. I know that in the long run, principle-centered lawyering will pay off for your clients and you.

Randall Delling practices in Simi Valley. He is a licensed general contractor, and former high school teacher, as well as the California State Secondary Principal of the Year for 2010. As a relatively new solo, Delling is available for a variety of cases at (818)335-2987 or randalldelling@outlook.com.
CELEBRATING A LEGACY
50th Anniversary Gala Honors the Colleges of Law Story and Those Who Made it Possible
by Matthew Nehmer, PhD

The Santa Barbara & Ventura Colleges of Law (COL) held its 50th Anniversary Gala to a sold out, capacity crowd at the Museum of Ventura County on Sept. 21. Over 200 alumni, trustees, students, faculty, and the legal communities of Santa Barbara and Ventura gathered together to celebrate distinguished honorees and to mark the passing of a milestone for the region’s oldest law school.

Among the many program highlights: Judge Colleen Toy White’s (Ventura ’77) recognition as the first recipient of the school’s Distinguished Alumni Award; Assistant Dean Barbara Doyle and Professor Craig Smith being honored with the inaugural Distinguished Service Awards; and a history panel featuring some of COL’s longest serving trustees—Marilyn Anticouni (Ventura ’80), Mary Jane Miller (Santa Barbara ’82), Lindsay Nielson (Ventura ’75), and Ben Bycel, who served as Dean from 1986 to 1991.

“With so many worthy alumni, I am honored to have been selected,” said Judge White. “We can all be proud that so many good things happening in the Ventura and Santa Barbara legal communities are because of our graduates. It was gratifying to see how far we have come in the past fifty years and is exciting to think about how far we can go in the next fifty.”

Matthew Nehmer is the President of the Colleges of Law.
of the law and lawyer-father. He should never, however, be volunteered without his express permission, which should never be obtained while a football game is being televised.

Remember, the law is his life. To love it and serve the cause of justice requires dedication, time and energy. Hear Ye, ye who live with lawyers, respect and honor his commitment, and he will love you for it.

At the time this article appeared in the ABA Journal, Steven, Susan, Shirley, Gerald and Matthew Haney lived in Ohio, where Mr. Haney was a labor relations attorney. Both Mr. and Mrs. Haney hold BS degrees from Loyola University (Chicago), from which Mr. Haney also received his J.D. (1958). In 1971, they had been married for fifteen years.

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Mr. Carrington and Ms. Lindenauer have conducted over 4,000 mediations, 300 arbitrations and have been discovery referees in multiple complex matters. Mr. Carrington (ABOTA Member) has been a full-time mediator since 1999 and Ms. Lindenauer has been mediating since 2011. Their professional association as of 2017 reflects their jointly held commitment to the values of tenacity, creativity, and the highest ethical standards applied to the resolution of every dispute.

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LOU VIGORITA – 2019 JAMES D. LOEBL PRO BONO AWARD RECIPIENT
Continued from page 8

issues clinic clients are having.” Vigorita continues, “Just your presence can help.” At the clinic, “You have an opportunity to work with other professionals, both legal and non-legal professionals, that may be helpful to your personal or professional development,” Vigorita says.

Before Charmaine Buehner and Mark Kirwin started VCLA, Vigorita volunteered with VCLA’s predecessor in 1981. He helped found Advocates for Civil Justice with Richard Weinstock, Peter Dowler, Will Gorenfeld, Ron Harrington, Barbara Macri-Ortiz and Carmen Ramirez. Vigorita also supports Occidental College, his high school Poly Prep Country Day School, St. Vincent DePaul Society, and is an active member of the Ventura Downtown Lions Club.

When this award recipient isn’t out making the world a better place, you may catch him working out at the Pierpont Racket Club or taking ballroom dance classes with his wife, Rosemary. Vigorita admits that Rosemary is the best thing to happen to him. Not only is she supportive, she is also a great mother to their two children, a great partner and a very patient person.

James D. Loebl is remembered as a large guy. He was big in stature and even bigger in personality and presence. Vigorita admired Loebl, a five-time Ojai mayor, and feels incredibly honored to receive the award named in his honor. “It is important for young attorneys to have role models,” Vigorita said in remembrance of Loebl. “After you get out in the real world, it is important to know who you can look up to in your personal and professional lives,” he continued. Just like Loebl, Vigorita to has become a model for kindness, generosity and an adventurous spirit for us all to look up to.

We can’t agree with Vigorita’s father on one point; we think all Lou’s good deeds count.

CITATIONS editorial board member Rabiah A. Rahman practices plaintiff’s employment law. (805)626-8337 or Rabiah@Rabiahatlaw.com.
VENTURA COUNTY BAR ASSOCIATION
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