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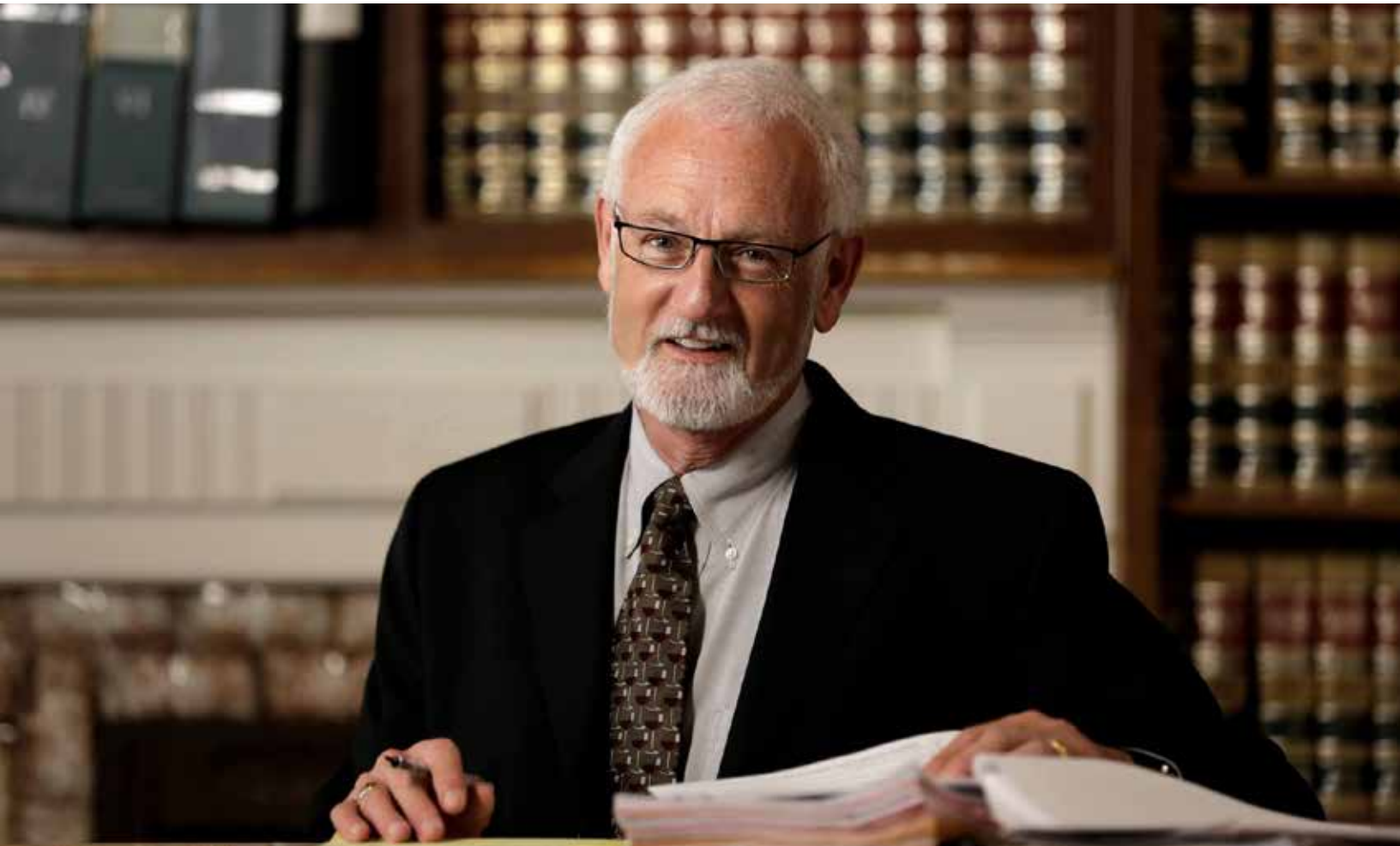
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CELEBRATION OF THE LIFE OF ED ELROD

by Rachel Coleman

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PRESIDENT'S MESSAGE

by Kathryn E. Clunen

As President of the VCBA, I “get” to write a President’s Message each month for *CITATIONS*. Since I have been a practicing attorney in Ventura County since 2005, I have met and got to know most of the attorneys involved with the VCBA, so I am going to take the opportunity to highlight a VCBA section or affiliate in each of my columns. I have been on the VCBA Board since 2008. I started on the Board when I was the President of Barristers, practicing insurance coverage law in Ventura, single, and in my late twenties. Now twelve years later, I am a family law attorney in Westlake Village, married and have two children: a five-year-old daughter named Courtney and a three-year-old son named Connor.

As a new attorney in Ventura County, I wanted to get involved with VCBA but I didn’t know where to start, so I thought it was such a coincidence when **Alfred Vargas** called me at work one day and talked me into joining the Board of Barristers. A “Barrister” is a lawyer either under the age of 36 or practicing under seven years.

It was on the Barristers Board that I met **Doug Goldwater**, the immediate past VCBA President. He was the Vice President of Barristers when I was the President. We wanted to put on more fun events for the newer attorneys in the area because we wanted an outlet where we didn’t need to talk about the law all the time. We started social events like Thirsty Third Thursday happy hours, basketball and bowling tournaments, and also community outreach programs, like volunteering to build a home with Habitat for Humanity.

I have fond memories of Barristers events. A highlight for me was the bowling tournaments held each summer. I have been a bowler since I was in elementary school and I even went bowling during my

wedding. To me, bowling is a competitive sport that can be played while enjoying a beverage and without having to break too much of a sweat. I am in discussions with this year’s Barristers President, **H. Frederick “Rick” Seigenfeld**, about bringing back this event for 2020 and making it more of a social family event.

The Barristers have a great calendar of events scheduled for 2020, starting with a day full of MCLE credit at Bridging the Gap on Saturday, Jan. 11 at the Ventura College of Law. This will be followed by trivia nights, wine and cheese night, MCLE events and Judges’ Pizza Night. The Barristers Board continues to meet monthly on the first Thursday of each month at the VCBA office. Although I am past the age of being a Barrister, I still go to as many of the events as I can. The Barristers continue to invite all lawyers to attend their events for networking and mentoring. The only event that remains open only to Barristers is Judges’ Pizza Night.

Doug and I were recently talking about the Barristers and he reminded me that we told the Barristers Board back then that “we are the future of the VCBA.” It has become true. Many Barristers or past Barristers now sit on this year’s VCBA Board, including **Rachel Coleman**, who sat on the Barristers Board with Doug and me. I look forward to working with the incoming Barristers Board, and if we have time to “spare” for the Barristers, I will get the “ball rolling” for a bowling tournament to be held later this year.

Kathryn E. Clunen is of counsel at the *Dion Law Group, APLC* and practices family law. She can be reached at KatieC@dionlawgroup.com or (805) 497-7474.



Katie and Tim Clunen, June 2012



Doug Goldwater and Katie at a Barristers volunteer event at Habitat for Humanity in May 2009



Katie Clunen, Tim Clunen, Robert Hester, Mike Stoner, John Corbett, the winning team from the Barristers bowling event in 2011

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WOMEN ON THE BENCH

by Justice Arthur Gilbert



Presiding Justice Joan Dempsey Klein.

*Watch her interview with Justice Albert Gilbert on YouTube:
<https://www.youtube.com/watch?v=nX0u3Bix6cc>*

In 2012, Presiding Justice Arthur Gilbert, and his colleagues on Division Six of the Second District Court of Appeal, Justices Kenneth Yegan and Steven Perren, spoke at a meeting of Women Lawyers of Ventura County. With Justice Gilbert's permission, CITATIONS summarizes his comments about women on the bench.

In 1975, I emceed an event honoring Presiding Justice Joan Dempsey Klein, who was a founding member and first president of California Women Lawyers. 1975 was the year that I was appointed to the Los Angeles Municipal Court.

"What? What's the Municipal Court?" It's a court they don't even have anymore, that's how old I am.

Jerry Brown, now whether you're a liberal Democrat or a middle-of-the-road Democrat, or Republican, whatever you are, let's forget about that, Jerry Brown was the first governor who sat down and talked about it. And he said, "The courts have to reflect the diversity of our state." And you know how many women were on the court then? Very few. But Joan Dempsey Klein was on the Municipal Court in 1962.

So this really happened. I was a young lawyer, and I had a lewd conduct case. And then Judge Klein was presiding in Division 40, which was the master calendar downtown of the Municipal Court; they sent cases out. And it's pandemonium down there, as you know, in those calendar courts. (Nothing's changed in that regard.) She's throwing cases around and she's calling cases, and dispos are going on, and the DAs are making deals, and you walk into this mass of confusion. And I had this guy who was really way out of it, you know, he was not all there.

She called the case, and I said, "Judge Klein, I would request that you appoint a psychiatrist."

And the DA was one of the older guys, I'll never forget the guy, his name was McCarty. And McCarty said, "He doesn't need a shrink."

So Judge Klein looks at him, and then she says to me, "Oh, are you having trouble communicating with him?" I said, "Yes, your Honor."

McCarty said, "I'm telling you, he doesn't need a shrink."

So she turns and looks at him and says, "McCarty, get off my back. Psychiatrist appointed." And it was at that moment that I thought, "We need more women appointed." I was a convert.

One of the people on the court was Judge Nancy Cannon. And she had a Chihuahua (or maybe it was a poodle, but Chihuahua sounds better), and she used to hold her dog on the bench. And it's unfortunate that this involved a woman, as there were also guys on the bench who were certifiably insane. But anyway, she had this Chihuahua on the bench. Her chambers were done up in pink. She was the judge when a police officer didn't show up, and she held him in contempt 'cause he was on vacation and forgot about it, some small case, a misdemeanor. And she called him into chambers and said she was going to give him a "38-caliber vasectomy."

I had a bailiff in my court who was Nancy Cannon's bailiff. Now the judge's name was Nancy Cannon, and she figured, "You know what? People don't like having women on the court, and I'm controversial." So she changed her name to Noel Cannon so maybe people wouldn't know...

There was a research attorney, a very famous research attorney in the Court of Appeal. At that time he was a public defender. Justice Yegan knows who it was, but we are not mentioning names.

So this really happened, I swear to God. There was a jury trial going on. It was a packed courtroom. So the judge is sitting there, holding a Chihuahua, and this PD opens the door to the courtroom just a fraction and blows a dog whistle. Nobody hears it – except the dog. The dog freaks out and pees all over. Judge Cannon knew he did it, but she couldn't prove it.

So those kinds of things used to happen. That's why they got rid of the Municipal Court.

NEW LIFE FOR ADUS: THE POTENTIAL CREATION OF THREE INCOME STREAMS FROM A SINGLE-FAMILY PROPERTY

by Mark F. Miller



Recent changes to statewide rules concerning Accessory Dwelling Units (“ADUs”) and Junior Accessory Dwelling Units (“JADUs”), intending to address the growing lack of affordable housing in California, now provide real property owners with a unique opportunity to convert a single-family residential lot into income-producing property yielding as many as three separate streams of rental income.

An ADU is defined by the Government Code as an attached or detached residential dwelling unit that provides permanent, complete, independent living facilities, including facilities for living, sleeping, food preparation and cooking, eating and sanitation, for one or more persons, on the same parcel as a primary dwelling. This classification also includes a JADU, which is a structure attached to or part of an existing structure.

Recent legislative changes (notably AB 68, AB 587, AB 881 and SB 13) remove many former restrictions, impediments and impact fees that previously made conversion or construction of an accessory unit impractical or unlawful. New law now allows both an ADU and a JADU to be created on a single lot, and also explicitly identifies opportunities for ADUs/JADUs in multifamily buildings, including storage rooms, boiler rooms, etc., as long as building standards are met.

Former restrictions eliminated by the new law include:

1. Covered parking requirements: AB 68/AB 881 prohibit local agencies from requiring replacement of off-street parking

when a “garage, carport or covered parking structure” is demolished or converted to construct the ADU. Parking requirements can now be satisfied by parking in the driveway;

2. Setback requirements/floor area ratio requirements: Both requirements have been eliminated under AB 68/AB 881;

3. Owner occupancy requirements: SB 13 prohibits, until Jan. 1, 2025, cities from conditioning approval of ADU building permit applications on the applicant being the “owner-applicant” of either the primary dwelling or the ADU;

4. Permit processing delays/impact fees: AB 68 requires local agencies to either approve or deny an ADU project within 60 days of receiving a complete building permit application. Municipally-imposed “impact fees” have been eliminated for ADUs up to 750 sf, and are greatly reduced for larger ADUs;

5. Sale of separate ADUs: AB 587 provides that local agencies may now allow ADUs to be sold or conveyed separately from a primary residence if certain conditions are met. Prior law often prohibited ADUs from being sold or conveyed separately from the primary residence with which they are co-located. This hindered co-ownership models such as tenancies in common.

6. HOA prohibitions: AB 670 prevents homeowner associations from prohibiting ADUs or JADUs (similar to solar panels and ham radio towers, which cannot simply be prohibited by HOAs). HOAs are allowed to (properly) promulgate rules

setting minimum and maximum allowable sizes for ADU/JADUs, but cannot prohibit all ADU/JADUs.

As a result of these recent legislative changes, it is now possible and often feasible for property owners to construct both an ADU and a JADU on a single-family residential lot. With such construction (and permit issuance and final sign-off), three rentable units can be created on a single property, all of which can be rented out, with no requirement that the owner occupy any of these units. It is important to note that other restrictions exist concerning the creation of multiple rentable units on a single-family lot (such as the need for separate entrances, separate plumbing and separate electrical and water meters for each unit). Per AB 2299 and SB 1069 (effective Jan. 1, 2017), California cities are not permitted to charge utility connection fees or capacity charges including water and sewer for ADUs which are a conversion of existing space.

A possible scenario for the potential creation of three rentable units on a single lot (which is already improved with a residence) could include:

1. Making an existing single-family home rentable unit one;
2. Converting the garage into a JADU to become rentable unit two;
3. Building a free-standing ADU on the lot as rentable unit three.

Upon creation of these three rentable units (none of which are required to be occupied by the owner), and leasing to tenants, the property owner could have three rental income streams.

A typical investment scenario may contemplate acquisition of the property with a standard mortgage loan (or refinance of an existing mortgage), followed by a construction loan to build the detached ADU and convert a portion of the residence (such as the garage) into a JADU. Following the JADU conversion (or construction) and construction of the ADU, the real property could be refinanced to pay off the construction loan. The refinance loan would then be supported by the increased improvement


value of the property, and by the income producing capacity of the three rental units.

Overall, due diligence should be performed as to any given lot on which construction of an ADU or JADU is being considered, and in particular the restrictions that continue to exist despite the above legislative changes. It also remains to be seen exactly to what degree municipalities attempt to push back against some or all of these changes, and whether new or additional fees and requirements are imposed by municipalities to address the loss of municipal revenue that will likely result. Assuming such pushback, it is possible that the courts may be asked to weigh in on disputes between municipalities and the state, and it may prove easier to legislate than to effectuate real change in the supply of affordable housing units.




Mark Miller is a graduate of USC Law Center, and a partner with Manfredi, Levine, Eccles, Miller and Lanson in Westlake Village. His practice emphasizes real estate, contracting, business, insurance and litigation matters.

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HELP THE CHILDREN

by *Randall Delling*

After a networking breakfast with four Ventura County colleagues, I came away thinking our legal system suffers from the same problem as the public schools where I spent more than 30 years as an educator and high school principal.

I became an attorney two years ago with the idea of continuing to help children. I want to work in juvenile court to help young people through their legal issues. My original idea was that I could use my public-school experience to ensure that children in the juvenile court system would have excellent legal representation that included solid help in setting them up to become well-educated and productive citizens.

I am no stranger to high expectations from politicians, superintendents, parents, students, teachers, fellow administrators and society at large. I am also no stranger to resource starvation. As an educator, I would say, "You all expect Mercedes Benz service, and we want to give it to you, but you funded a go-cart." Often that go-cart only had three wheels.

Our breakfast conversation made it glaringly apparent that the same can be said for the legal system. Ventura County funds only one firm to help over one thousand children per year in cases where there is a conflict with the public defender. The attorneys at that firm cannot provide everything students need; there is not enough time and there are not enough attorneys.

It occurred to me that education-based organizations, such as the Association of California School Administrators (ACSA) (which I chaired for a year) could partner with bar associations to educate the public, and to educate legislators in both Sacramento and Washington, D.C. about the needs of students and the needs of the multitude of programs that provide services to those students.

Students caught up in the legal system are going to have their education suffer. Entry into the juvenile court system, which some educators call "the pipeline to prison," can devastate a child's entire life. Hearing about

the lack of resources available in Ventura County and the struggle to provide access to justice and legal services prompted me to call the executive director of ACSA to begin the conversation about teaming up to take on another issue in the advocacy for students and children everywhere.

I am hopeful we can join the resources and expertise of ACSA with VCBA and LACBA and other organizations to help create programs and resources that will assist us in helping children everywhere.



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.

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CELEBRATION OF THE LIFE OF ED ELROD

by Rachel Coleman

Sadly, on Oct. 7, local attorney and former bookstore owner **Edward Bruce Elrod** suddenly passed away at his home. On Nov. 2, a celebration of Ed's life was held at City Hall in Ventura. There was standing room only for the large group of people from all walks of life who gathered in remembrance.

Lourdes and **Terance Geoghegan, Carmen Ramirez, Judge Frederick Bysshe (ret.)**, regional artist MB Hanrahan and Joseph Summers of the Diversity Collective spoke about Ed and his positive impact on their lives and the community.

Born in Kittery, Maine in 1954, Ed and his family moved to Camarillo in 1959. Ed studied at the University of California, San Diego where he graduated in 1977 with a B.S. degree in biochemistry. After graduation, he met his life partner, Kent Weigel. Ed joined Kent in running and owning the Ventura Bookstore. They expanded their business into Ojai in the late 90s. Kent died in 1999, which led to the closure of both bookstores. Ed went on to study law at Ventura College of Law and passed the bar exam at the age of 57.

Ed was very involved in visual and performing arts in the community. He was the first president of the Chamber Music Festival. He passionately advocated for gay rights and avidly supported the Diversity Collective of Ventura County. He regularly volunteered for the annual AIDS Life Cycle, a fundraising bike ride from San Francisco to Los Angeles.

Ramírez provides this remembrance of Ed:

After moving here in 1978, I first met Ed when I discovered the wonderful Ventura Book store in downtown Ventura, which he owned with his life partner, Kent Weigel. What a delight to go to a favorite refuge and find a warm, inviting atmosphere with helpful owners who let their dogs, especially Solomon, their Great Dane, be part of the welcoming committee. Many times, it was necessary to step over the slumbering mini horse to get to a particular book! Such fun, such memories. Early on, in the last century, before it was more accepted, Ed and Kent courageously showed us by example that "love is love."

After Kent died, Ed bravely changed his life, began law school and then passed the bar exam. Becoming a lawyer late in life has challenges but also rewards. With more life experience for the problems we humans have, we can give better advice and counsel to our clients. Ed and I would frequently confer, especially about the injustices he felt his poorer clients were experiencing. As a legal aid attorney for most of my career, we agreed that the fight for justice was important even if we couldn't always achieve what our clients needed and wanted. I remember that caring and gentle voice, inquisitive and reflective as we commiserated. I still hear that distinctive voice in my head when I think of Ed. I won't forget you Ed. Here is a champagne toast to you, to celebrate your life and your lessons. Salud! L'Chaim!

Lourdes Geoghegan shared her memories of her friendship with Ed at the ceremony and read a poem by Merrit Malloy entitled "Epitaph." If you would like to read the poem, you will have to go to a local bookstore and inquire if they carry the book that contains this poem. Ed would have wanted it that way.

Ed holds a special place in Terence Geoghegan's heart. Terence spent a lot of time and money at the bookstore, and volunteered for the Ventura Music Festival when Ed was its president. In 2013, Ed asked Terence to move his office from Westlake to share a space in Ventura, which they did for the six years leading up to Ed's death.

Terence notes that Ed bought a brand-new Volkswagen hotrod a few weeks before his death. One week after he got it, he drove to Delano for a deposition on behalf of his client, an elderly woman who could not afford to pay Ed.

Terence recounts:

At his hotel, it was stolen and thoroughly trashed before the police recovered it. His suit and all his files on the case [were] stolen and never recovered. Many lawyers, at that point, would have realized that maybe it was time to refer the case to another lawyer. One in Kern County. But not Ed. He kept right on fighting for her.

Ed had taken the case on a contingency, and the specifics of the case are such that it will be very difficult to define just what that contingency might be—how it could be calculated. The bottom line is that Ed went in there knowing that there was a good chance that he wasn't going to get paid, or at least paid much, even if he won. Just because this woman needed him. Ed did that a lot. The important thing wasn't getting paid. It was that someone had been wronged, someone had been hurt, someone needed some of that thing that we all talk about—justice. It was going to stay the way it was, unless Ed did something about it. And Ed did, over and over and over.... Ed left a giant hole in this community. In this life.

Regional artist MB Hanrahan offered her remembrances of Ed at the Celebration of Life ceremony as well as for this article.

At the points where our lives intersected, just by being two local people who celebrate living out loud and believing in the power of Art, truth, and human rights—well, we recognized each other. We totally accepted each other. That's why our relationship worked: respect and straight up communication....

Ed sold me a book that changed my life: Training the Mind and Cultivating Loving Kindness, by Chögyam Trungpa. When Ed reinvented himself as a lawyer, he advised me and helped me get a lawyer before he had passed the bar. When my neighbor decided to ignore the shared driveway easement between our properties and started building a wall, Ed didn't hesitate to take the case on, as he had beat a contentious easement case concerning his own property while he was a law student. It wasn't his specialty, and people told me it wasn't a strong case ... yet, we won. He wouldn't give up because we were in the right. We traded money and art. Justice was served.

Wendy Lascher offers these memories of Ed:

If a person's life is measured by their connections to others, Ed lived a monumental life. My personal recollections go back to the late 1970s or so, when Ed and Kent operated the Ventura Bookstore at the corner of Main Street and Chestnut Street, across from the old Union Oil gas station that is now Starbucks.

Almost every day after lunch, I would walk down the hill with my law partner and husband Ed Lascher to see what new books had appeared, but more so to chat.

Ed and Kent's already-eclectic circle broadened when they moved the store to larger digs on Main Street. At Ed's celebration of life, I realized how many people I know in Ventura because I had met them through Ed. He developed personal relationships with many customers of the Ventura Bookstore, and he invariably introduced customers to one another, as well as to new authors and sometimes new literary genres.

A cartoon published a few years ago said something like, "I was gay before it was trendy." Ed and Kent were an out gay couple long before it was comfortable, let alone trendy. Their matter-of-fact courage in their relationship inspired many. They showed, rather than told, people how to live.

Ed and Kent gave my eldest son Bear his first post-college job. Bear later became a lawyer, a few years before Ed made the same career change. By the time Ed launched his law practice, I had been practicing for 28 years. Judging by the legal questions Ed sometimes asked, his ran his law practice the same way he ran the bookstore, focusing on forging and maintaining connections between his clients and their families and business associates when he could, minimizing tensions when relationships needed to be severed, and always giving more of himself than was reasonable to people who asked for his help – and always with that adorable smile.

As for my personal recollections of Ed, we met in the library at Ventura College of Law when I was a first-year law student and he was in his third year. He was very generous with his outlines and study materials, not only with me but also with other students. He taught me how to buy my books online (at a fraction of the price) and to re-sell them at the end of the semester. We became fast friends. After we both graduated and started practicing, we occasionally called each other seeking legal advice or just to chat.

Sadly, Ed's mother passed away shortly before his untimely death. I'm not one for

posting my condolences on social media, so I figured I would give him a call instead. I put it off because I didn't want to bother him while he was out of town for the funeral. When I heard of Ed's passing, I immediately felt sadness for delaying the call. Never put off reaching out to friends and family. You may never again get the chance.

At Ed's memorial, it was impossible to ignore the extent to which Ed's love, generosity and friendship impacted so many. You will never be forgotten, my friend.



Rachel Coleman is an associate with Myers, Widders, Gibson, Jones & Feingold, LLP, and a member of the boards of VCBA and CITATIONS.

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VENTURA COUNTY WELCOMES ITS NEWEST ATTORNEYS

by Kristine A. Tijam



On Dec. 10, Department 22 of Ventura County Superior Court buzzed with excitement as some of the state's newest attorneys were sworn into the California Bar. The department known for case management conferences and mandatory settlement conferences was full of proud family members, friends, judges and local law school professors and faculty.

The group of fifteen new attorneys, comprised of ten women and five men, boasted a diverse background. The ceremony's participants represented Ventura College of Law (3), Pepperdine (2), UC Davis, Concord Law School, Maryland School of Law, Harvard, University of Florida, Seattle University School of Law, University of Minnesota, University of Georgia, and even Brazil and Ukraine.

Our newest bar members' future plans are just as diverse as their backgrounds. Some aim to enter private practice, while others are considering County Counsel or hanging their own shingle. A variety of career interests were also evident throughout the group – from civil litigation and criminal law to estate planning and transactional work. Regardless of these differences, a

common theme emerged: the applicants know a world of opportunities awaits them.

Justice Arthur Gilbert and **Judge Kent Kellegrew** led the proceedings, during which they also offered their words of wisdom and advice for our newest attorneys. Various speakers representing the Ventura County Bar Association, Ventura County Barristers, Women Lawyers of Ventura County and California Young Lawyers Association joined the event to offer their congratulations and promote their organizations.

The speakers echoed important reminders for both new and seasoned attorneys: keep ethics at the forefront, stick to your word and remember the reasons why you chose to practice law.

The event concluded with Justice Gilbert administering the attorney oath, followed by photos, hugs and celebration. Congratulations to our newest members of the California Bar!

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Kristine A. Tijam is an associate attorney at Procter, Shyer & Winter, LLP in Camarillo. She practices civil litigation and serves on the Barristers Board as a member-at-large.

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