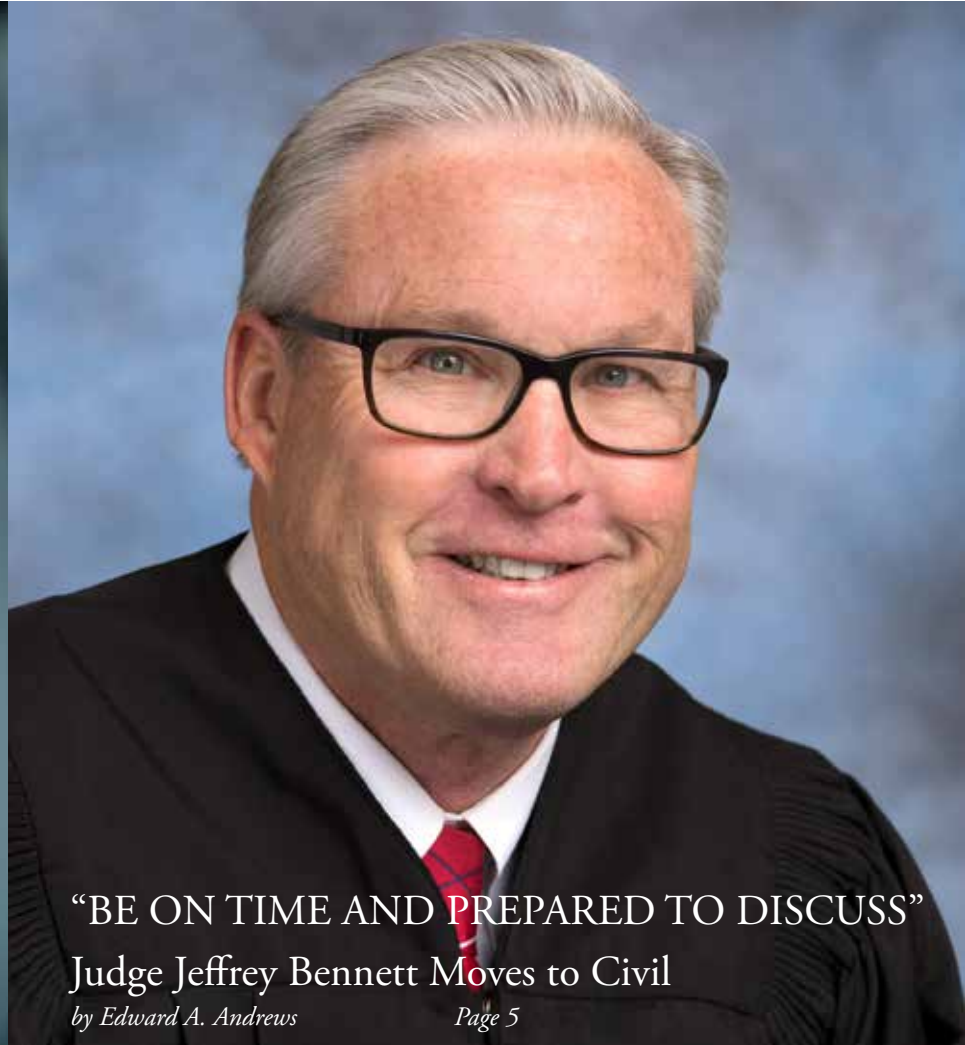


Need
Referrals?

Call Rosie at
LRIS today!
at **(805) 650-7599**

CITATIONS

M A R C H - T W O T H O U S A N D T W E N T Y



“BE ON TIME AND PREPARED TO DISCUSS”

Judge Jeffrey Bennett Moves to Civil

by Edward A. Andrews

Page 5

KATHRYN E. CLUNEN

CRAIG A. SMITH

SARA PETERS

KATHLEEN SMITH

LINDSAY NIELSON

H. FREDERICK SEIGENFELD

LAURA S. WITHROW &
RABIAH A. RAHMAN

PRESIDENT'S MESSAGE	3
LEVERAGE YOUR PRACTICE WITH A SKILLED PARALEGAL	7
KATHRYN CLUNEN: MOTHER, LAWYER, VOLUNTEER AND VCBA PRESIDENT	8
NEW VCBA BOARD MEMBER DAMON JENKINS	12
HAVE YOU HEARD?	13
THINKING THINGS OVER – NOLLAN v. CALIFORNIA COASTAL COMMISSION	14
BARRISTERS' CORNER	15
2020 EMPLOYMENT LAW UPDATE	16
WE READ SO YOU DON'T HAVE TO	18
CLASSIFIEDS	19

ARTICLES CAN BE VIEWED ONLINE AT WWW.VCBA.ORG

CREATIVE DISPUTE RESOLUTION

CONTINUING THE EXPANSION AND TRADITION
OF EXCELLENCE IN MEDIATION AND ARBITRATION
ESTABLISHED IN 1986 BY PAUL D. FRITZ ESQ. (1941-2011)

MEDIATION OF ALL CIVIL DISPUTES

- Business Litigation
- Partnership Dissolution
- Probate
- Employment - Wrongful Termination
- Construction Defects
- Insurance Claims
- Professional & Medical Malpractice
- Real Estate Disputes
- Serious Personal Injury
- Wrongful Death
- Trade Secret Disputes
- Health Care Issues

HIGHLY SKILLED AND EFFECTIVE MEDIATORS



Hon. David W. Long

- Ventura County Superior Court, Retired
- Appointed Judge of the Ventura County Municipal Court
- Appointed and served for two years as Ventura County Superior/Municipal Commissioner



David M. Karen, Esq.

- 35 Year Trial Attorney
- Member, American Board of Trial Advocates (ABOTA)
- The Straus Institute for Dispute Resolution Pepperdine School of Law (2004)
- Los Angeles Superior Court-ADR
- Chair of the VCBA-ADR Section

JOINING FORCES • WE GET IT DONE

cdrmediation.com

(805) 498-9494

3155 Old Conejo Road, Thousand Oaks, CA



LITIGATION AND TRIAL
REFERRALS WELCOMED!

DK LAW GROUP
DAVID M. KAREN
DK@DK4LAW.COM

OFFICES AVAILABLE!

(805) 498-1212

AMERICAN
BOARD
OF TRIAL
ADVOCATES





PRESIDENT'S MESSAGE

by Kathryn E. Clunen

I am happy to report that I was able to volunteer at the Ventura County Legal Aid and in my daughter's kindergarten class this past month. I also had time to attend a recent Ventura County Paralegal Association (VCPA) dinner meeting at Ottavio's Restaurant in Camarillo.

The meeting featured lawyer and VCBA board member **Rabiah A. Rahman**, who gave a presentation on the new employment laws that went into effect on Jan. 1. The attendees were a mixed group of lawyers, paralegals, legal assistants and other legal service professionals.

VCPA was formed to advance the paralegal profession in Ventura County. The goal is to be a resource for legal professionals on new laws and proposed changes to the rules of professional responsibility and ethics that affect the paralegal profession.

As a family law attorney, I rely heavily on my paralegal and assistant to help me with numerous daily tasks. Without their help, I do not know how I'd manage to stay organized and complete all the filings and service of process. I agree with the quote I often see on coffee mugs and magnets: "Behind every great lawyer is a great paralegal." VCPA is a great opportunity for those legal secretaries on whom we so strongly rely to stay informed and join their own legal community.

I had the opportunity to speak with VCPA president Olivia Benavidez. She has been president for the last two years and continues to grow VCPA. She is looking to reconnect with VCBA and offered to help with volunteering at VCBA events such as the Golf Tournament on May 18 and the Law Day 5k.

Although this article is not about the new employment laws, I found Rahman's presentation to be very informative. For example, Assembly Bill 242 will require implicit bias training for all attorneys

starting in 2022. Also interesting is Senate Bill 142, which requires employers to develop a lactation accommodation policy with access to a lactation room, running water and a refrigerator. (See Rahman and **Laura S. Withrow's** 2020 Employment Law Update on page 16 of this issue of *CITATIONS*.) This is important to me as a mom who had to pump at work. I was very fortunate to have a supportive firm that provided adequate accommodations for my pumping needs. Many thanks also to my paralegal, who made sure no one interrupted me during this time.

Benavidez and her board are excited about their upcoming Springtime MCLE Conference at the River Ridge Golf Club from 8:00 a.m. to 4:00 p.m. The Conference will be held on March 28, and is open to all legal professionals, including paralegals, attorneys and legal assistants, and offers 1 hour of ethics, 1 hour of bias, and 3 hours of general MCLE. Speakers include **Ret. Judge Glen M. Reiser** (probate), Rahman (civil procedure), **Jonathan Light** (ethics), **Constance Zarkowski** (ethics) and **Angela Lopez** (bias). This is a great way to get those hard to find MCLE credits for bias and ethics.

VCPA has five MCLE dinners throughout the year. These dinners are held on the last Wednesday or Thursday of the month at 5:45 p.m.

I have heard from a few attorneys that they don't like going to different meetings because they may not know anyone in the room. I found the opposite to be true. At the VCPA meeting, I bumped into Rita Estefan who worked as a paralegal at my first attorney job in Ventura County at Procter, McCarthy & Slaughter. We lost touch after I left the firm in 2006, and it was great to catch up with her at this dinner. Ventura County is such a small community that it seems you'll always have a chance to run into someone you know at a meeting or social event.



Kathryn with her two paralegals Serena Dion and Emily Dion-Staebell.

In my remaining time as VCBA President, I will continue to engage with and promote sections, committees and affiliates of VCBA. If there is a particular section, committee or affiliate you would like me to highlight, please contact me.

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.



**2020 VCBA
BOARD OF DIRECTORS**

OFFICERS

President
Kathryn E. Clunen

President-Elect
Marc D. Anderson

Secretary-Treasurer
Jacquelyn D. Ruffin

Past President
Douglas K. Goldwater

Executive Director
Sandra D. Rubio

Linda K. Ash	Stephanie A. Johnson
Rachel Coleman	Kata Kim
Sasha L. Collins	Louis H. Kreuzer
Margaret J. Coyle	Guillermo "Bert" Partida
Vanessa M. Frank	Kymberley E. Peck
Carla L. Hartley	Trevor M. Quirk
Joshua S. Hopstone	Rabiah A. Rahman
Brian C. Israel	H. Frederick Seigenfeld
Damon L. Jenkins	Lauren R. Wood

CITATIONS EDITORIAL BOARD

Co-Managing Editor
Cari Ann Potts

Co-Managing Editor
Wendy C. Lascher

Publisher
Sandra D. Rubio

Creative
J.P. McWaters

Alice Arnold	Rabiah A. Rahman
Rachel Coleman	Lauren E. Sims
Karen B. Darnall	Kathleen J. Smith
Randall Delling	Claudia Silverman
Panda L. Kroll	Al Vargas
Carol Mack	Richard Walton
Michael McQueen	

CITATIONS is published monthly by the Ventura County Bar Association. The articles in CITATIONS are the views of the authors, and should not be construed as legal advice. Every situation is different. Consult a lawyer if you need legal advice.

Submit all advertising, classified and calendar matters to:

VCBA
4475 Market St.
Suite B
Ventura, CA 93003
t: 805.650.7599
f: 805.650.8059
e: bar@vcba.org
www.vcba.org

Submit all editorial matters to:

CITATIONS
5425 Everglades St.
Ventura, CA 93003
t: 805.644-7188
f: 805.644-7390
capotts@mugilaw.com



Richard M. Norman, Esq.

MEDIATOR/ARBITRATOR

**PERSONAL INJURY AND BUSINESS,
CONSTRUCTION, REAL ESTATE
AND PROBATE/TRUST DISPUTES
AND LITIGATION.**

- *Trial Attorney – AV Rated*
- *Member: American Board of Trial Advocates (ABOTA)*
- *Past President and Member of Ventura County Bar Association, and Ventura County Trial Lawyers Association*
- *Trained Mediator - Pepperdine University Straus Institute & Negotiation Strategy Institute*
- *American Arbitration Association and FINRA Arbitration Panel*
- *Reasonable Fees - Flexible Scheduling - No Administrative Charges*

Richard M. Norman, Esq., Of Counsel
Norman Dowler, LLP.

840 County Square Drive, Ventura, CA 93003-5406
(805) 654-0911 • RNorman@normandowler.com

Mediation

Where common sense
and the law intersect.

Business / Contract	Personal Injury
Employment	Oil & Gas
Real Property	Other

Gisele Goetz, Esq., Mediator
Hollister & Brace, a professional corporation

Serving Ventura and Santa Barbara Counties
Member: State Bar of California, VCBA, SBCBA

(805) 963-6711

GMGoetz@hbsb.com



“BE ON TIME AND PREPARED TO DISCUSS”

Judge Jeffrey Bennett Moves to Civil

by Edward A. Andrews

In 2018, **Judge Jeffrey Bennett** decided to follow nearly a decade of presiding over serious criminal cases with a new challenge: a trial assignment in the Ventura County Superior Court’s Civil Division. “And, you know what, I like it,” he explained one morning before beginning his law and motion calendar and returning to preside over a lengthy trial. As a judge in the Criminal Division, he completed hundreds of criminal jury trials, including many of the most serious cases. The civil assignment has been a good fit for a jurist with experience handling lengthy trials and a career in the law that has included a significant focus on fraud and related matters with voluminous discovery and long-running investigations.

Judge Bennett’s career of public service began as a deputy sheriff in Sacramento County in 1978, where he took on an assignment as an undercover detective in the Heroin Impact Program. Judge Bennett moved to the University of California Police Department in Santa Barbara, rising to the rank of Sergeant. While still working as a peace officer, he attended the Santa Barbara College of Law, and joined the Ventura County District Attorney’s Office under former District Attorney **Michael D. Bradbury**.

Judge Bennett took dozens of felony cases to jury trial and handled grand jury investigations while a prosecutor. Much of his experience centered on complex fraud, the kinds of “paper” cases that mirror many of the issues in commercial litigation. Judge Bennett worked to build up the DA’s Auto Insurance Fraud Program, along with the Workers’ Compensation Fraud Program. He was subsequently promoted to supervisor of the DA’s fraud unit, then appointed Chief Deputy District Attorney under District Attorney **Gregory D. Totten**.

Judge Bennett was elected to the bench in 2008 and assigned to the Criminal Division, where he earned the respect of his colleagues; in 2015, he was the Supervising Judge of the Criminal Division. He has found the transition to a civil calendar

interesting and satisfying, and has put his skills – honed in serious homicide and “life” cases – to good use in the matters he routinely handles now, including long cause trials and the law and motion mix of motions for summary judgment, pleadings practice and discovery disputes.

What advice does Judge Bennett have for lawyers appearing in his courtroom?

“Be on time. And be prepared to discuss the issues.” Building on his reputation for diligence and hard work, Judge Bennett is commonly in chambers hours before his calendar begins, and he appreciates when lawyers appear promptly and ready to discuss the issues. As his court rules note, counsel should be in the courtroom at least 15 minutes prior to the start of each day’s proceedings and 30 minutes prior to the start on the first day of trial.

Judge Bennett tries to prepare a tentative ruling, which is posted on the Court’s website in the usual course. He welcomes argument, however, and appreciates reasoned discussion. He wishes to handle cases efficiently, and this can even include such things as an

ex parte application in a discovery dispute, if it can be used to efficiently resolve an issue in a case. As he explained, whether in their papers or in court, it is important for attorneys to “get to the point. Focus on the issues and reasons why your client is correct.” And always check the authorities you cite beforehand.

When not presiding in Courtroom 21, Judge Bennett has a strong interest in astronomy, with an observatory in Ojai. A Ventura native, he participates with his family in charitable causes across Ventura and the Ojai Valley, including Meals on Wheels, Casitas Rowing Club, Ojai Center for the Arts and Ventura County Mock Trial. With over 40 years’ experience working on behalf of the public, Judge Bennett is excited to continue doing so in the Civil Division.



Edward (“Ted”) A. Andrews is a Ventura County deputy district attorney.

ELDER LAW SERVICES

VETERANS BENEFITS

VA NON-SERVICE CONNECTED PENSION BENEFITS

- VA Accredited Attorney
- Custom Designed Eligibility Analysis for Veterans and Surviving Spouses
- Preparation & Filing of Pension Claims
- Representation of Claimant during claim process

MEDI-CAL ELIGIBILITY

- Custom-Crafted Eligibility Analysis & Qualification Plan (Asset Protection)
- Application Preparation & Representation
- Medi-Cal Recovery Claim Avoidance
- Appeals of benefits denial/loss

Services focused on assisting individuals obtain Veterans/Medi-Cal benefits for Long Term Care

THE LAW OFFICE OF CRAIG R. PLOSS

290 MAPLE COURT, SUITE 118, VENTURA, CA 93003
TEL: (805) 642-8407 FAX: (866) 379-2149 EMAIL: PLOSS@TDS.NET
WWW.ELDERLAWVENTURA.COM

BAR LEADERSHIP

ADR SECTION

David Karen 498-1212

ANIMAL LAW

Emily Robinson 497-7474

ASIAN BAR

Vacant

BANKRUPTCY

Michael Smert 654-0311

BARRISTERS

Frederick Seigenfeld 254-2777

BENCH-BAR RELATIONS COMMITTEE

Hon. Matt Guasco 256-4972

BLACK LAWYERS ASSOCIATION

Jacquelyn Ruffin 644-7188

BUSINESS LITIGATION SECTION

Erik Feingold 644-7188

CITATIONS

Cari Potts 644-7188

Wendy Lascher 659-6800

CLIENT RELATIONS

Michael Christiano
attorney@michaelchristiano@gmail.com

COURT TOUR PROGRAM

Thomas Hinkle 656-4223

DIVERSITY BAR ASSOCIATION

Vacant

EAST COUNTY BAR

Doug Bordner 644-7188

EMPLOYMENT LAW

Rabiah A. Rahman 626-8337

FAMILY LAW BAR

Carla Hartley 639-0600

IMMIGRATION LAW

Vanessa Frank 641-9300

INTELLECTUAL PROPERTY

Chris Balzan 658-1945

J.H.B. INN OF COURT

Panda Kroll 551-0773

JUDICIAL EVALUATION COMMITTEE

Linda Ash lindaash99@gmail.com

LAW LIBRARY COMMITTEE

Eileen Walker 444-6308

LGBT ALLIANCE

Vacant

NATURAL RESOURCES SECTION

Kate Neiswender 649-5575

PROBATE & ESTATE PLANNING SECTION

Amber Rodriguez 643-4200

VCLA, INC.

Cesar A. Libanati support@vclgalaid.org
Managing Attorney

VC CRIMINAL DEFENSE BAR ASSOCIATION

Doug Ridley 208-1866

VC TRIAL LAWYERS ASSOCIATION

Richard Bredlau 650-3100

VC WOMEN LAWYERS

Jacquelyn Ruffin 644-7188

VCBA STAFF

650-7599
Sandra Rubio - Executive Director
Rosie Cisneros - Member Relations
Jennifer Ventura-Ramirez - Administrative Assistant
Brenda Bodie - CTP Coordinator



CISLO & THOMAS LLP[®]

Patent, Copyright and Trademark
Litigation Attorneys at Law



Super Lawyers
2018

Successfully Won or Settled 98% of Our Cases

"We have the best Intellectual Property
Attorneys in Southern California,
who litigate and protect IP."

Daniel M. Cislo, Esq.
Managing Partner

Serving Businesses in California Since 1979

With Office Locations in
West Los Angeles/Santa Monica, Westlake Village,
Santa Barbara, Pasadena and San Diego

www.cisloandthomas.com | (805) 496-1164

BONGIOVI MEDIATION

Mediating Solutions since 1998

Mediator • Arbitrator • Discovery Referee

*"There is no better
ambassador for the
value of mediation than
Henry Bongiovi."*



HENRY J. BONGIOVI

AV Preeminent Rating
(5 out of 5)

AWO Rated 'Superb'
(10 out of 10)

Conducting Mediations
throughout California
805.564.2115

www.henrybongiovi.com

LEVERAGE YOUR PRACTICE WITH A SKILLED PARALEGAL

by Craig A. Smith

As you head into a new year and a new decade, you may naturally set your sights on improving your bottom line by bringing in more clients. One way to reach this goal is by increasing your leverage.

If you are turning away clients (or not looking for more clients) because you are overwhelmed by the work you already have, you have too little leverage. The more associates and paralegals a lawyer employs, the greater the leverage, and, the greater the profits.

Associates or Paralegals?

Should you increase leverage by hiring associate attorneys or paralegals? Paralegals improve the efficiency, economy and availability of legal services. And paralegals can be paid less than an attorney, yet they can handle many tasks that would otherwise be performed by an attorney. Additionally, a paralegal can always be hired to work on a part-time or freelance basis, handling overflow.

California law defines a “paralegal” as “a person who either contracts with or is employed by an attorney or law firm,... and who performs substantial legal work under the direction and supervision of an attorney.” (Bus. & Prof. Code, § 6450, subd. (a).) Hence, paralegals can be delegated many tasks that are normally performed by a lawyer, as long as the lawyer supervises. For example, paralegals can:

- conduct factual and legal research,
- prepare documents for legal transactions
- draft pleadings and discovery notices,
- interview clients and witnesses
- maintain client files,
- draft correspondence,
- monitor deadlines,
- gather and manage small to large amounts of data and documents, and
- act as liaison with clients and others.

About the only tasks that aren’t on this list are appearing in court and giving legal advice.

Comparing the Costs

As of May of 2018, the Bureau of Labor Statistics reports that the hourly mean wage for a paralegal in California was \$29.44 and the annual mean wage was \$61,240. This

is compared to an hourly mean wage for lawyers of \$82.48 and annual mean wage of \$171,550.

Arguably then, a skilled paralegal can do about 80 percent of what a lawyer can do at roughly a third of the cost.

This frees up the lawyer to perform work that is the exclusive province of attorneys, while the paralegal is delegated other assignments. Liberated from more mundane tasks, lawyers can charge a higher hourly rate for tasks that aren’t delegated to paralegals, and can also bill clients for the work a paralegal performs under the lawyer’s supervision.

Finding a Paralegal

So where does one find a competent paralegal? If you don’t already have one in your office, that conscientious file clerk or receptionist whom you already employ (who may very well be an underemployed college grad) is a good candidate to become a paralegal. Keep in mind that not just anybody can hold themselves out as a paralegal. California law has a number of alternatives by which one may qualify as a paralegal. However, the most straightforward path to becoming a paralegal is to earn a certificate of completion from a paralegal program approved by the American Bar Association.

Locally, UCSB PaCE (Professional and Continuing Education) has offered an ABA-approved Paralegal Certificate Program for the past 21 years. Through this program students gain real-world exposure to the legal field, an understanding of the legal system, substantive and procedural legal knowledge along with practical applications, and professional skills. This program is designed to prepare graduates for employment and upward mobility as paralegals. Students gain knowledge through:

- An overview of the paralegal profession as well as the responsibilities of paralegals in various practice areas,
- Governing principles of law in the areas of contracts, torts, estate planning and probate, real property, and business organizations,

- Stages of civil procedure, from pleadings and discovery through preparing for and presenting evidence at trial,
- How to conduct legal research, analysis, draft legal documents and utilize legal technology.

The faculty includes several local attorneys and paralegals. Anyone with the appropriate educational background (basically an Associates degree) and a desire to work in the legal profession is eligible to enter the UCSB Paralegal Professional Certificate Program.

Archimedes, the Greek mathematician, once said, “Give me a lever long enough and a fulcrum on which to place it, and I shall move the world.” Standing in your law office surrounded by a few good paralegals, you can expand your practice and significantly boost your bottom line. Now that is leverage.

For more information on the UCSB Paralegal Professional Certificate Program visit ucsb.pro/PAR.



Craig A. Smith is an attorney and the Program Director of the Paralegal Professional Certificate Program at the University of California, Santa Barbara, Department

of Professional and Continuing Education. He is a former deputy district attorney and Santa Barbara Superior Court Commissioner and teaches at the Santa Barbara and Ventura Colleges of Law.

Editor’s note: Please see “The Independent Contractor Flux” in the Feb. 2020 issue of CITATIONS, in connection with whether lawyer-employers must treat paralegals as employees rather than independent contractors.

KATHRYN CLUNEN: MOTHER, LAWYER, VOLUNTEER AND VCBA PRESIDENT

by Sara Peters

Kathryn “Katie” Clunen was presenting at the Women Lawyers of Ventura County panel on limited scope representation the first time I saw her. Her matter-of-fact and unhesitating responses to members’ questions about limited scope representation fee agreements gave the impression that she runs a very well-organized and well-thought-out practice. When I actually met Clunen the following month, I was not at all surprised to learn that she had just ascended to VCBA president.

What I also learned is that Clunen is just as collegial as she is organized. When I mentioned I was re-starting my law practice after several years of teaching, she invited me to call her if I had any questions. And so it was with pleasure that I called to schedule an interview for this article.

After spending her morning in court, Clunen met me for lunch to discuss some of her goals for VCBA, her decision to pursue a career in law, her transition to practicing family law, and how she balances her career and with the demands of parenting two young children.

2020 Goals for VCBA

Before becoming president of VCBA, Clunen served on its board for 12 years. When asked about her goals for VCBA in 2020, Clunen says that making its website more user-friendly is one of her top priorities. Putting on a successful Golf Tournament and Annual Installation and Awards Dinner is also something she is focused on and planning is already underway. Clunen enthusiastically shared that the Annual Installation and Awards dinner will be held at the Camarillo Airport on Nov. 14. For this year’s entertainment, she is planning a montage containing clips from law-related movies and a legal version of carpool karaoke featuring local attorneys and judges.

Why Don’t You Just Be a Lawyer?

Clunen’s choice of a montage for the event’s entertainment this year is fitting, since her decision to pursue a career in law was itself inspired by a movie. While in high school, Clunen and her aunt went to see the movie

Primal Fear with Richard Gere. One of the characters in the movie worked as a paralegal, which Clunen found appealing. After the movie, she told her aunt, “I think I’d like to be a paralegal.” Her aunt replied, “Why don’t you just be a lawyer?”

Clunen majored in history at Cal Poly in San Luis Obispo, then attended Southwestern Law School. During law school, she planned for a career in sports and entertainment law and interned at Warner Brothers and Fox. After law school however, the necessity of getting a job quickly outweighed her desire for a job in sports and entertainment law. When she was offered a lucrative job doing insurance defense for the firm she interned at in Rancho Cucamonga, she couldn’t pass it up. The following year she accepted a position with a firm in Ventura.

Not long after, Clunen met her husband, Tim, who works in marketing. Like many busy young professionals, they met through an online dating website. “Once you’re out of school, you just don’t get to meet as many people,” said Clunen. Soon they were engaged and planning their June 2012 wedding.

In Search of a Family Friendly Workplace

By early 2012, the challenges of meeting her firm’s high billable hour requirement and commuting every day from Simi Valley to Ventura left Clunen with no time for wedding planning. Tim was able to take over much of the planning, but Clunen’s lack of time for life outside of work got her thinking about a new, more family-friendly job.

Steve Henderson, former VCBA Executive Director, suggested Clunen talk to **Marc Dion**. Clunen knew Dion from when they both served on the VCBA board. She liked his down-to-earth approach and thought he would be a great person to work for. But Dion had a family law practice, and she had no experience in that area.

She decided to meet with him anyway. Dion offered her a job on the spot. “Let me show you your office,” he said. When told she had no experience in family law, Dion said he would teach her. Clunen accepted. At that time the firm

consisted of only two attorneys: Dion and **Al Martinez**. Now there are six.

Marc was right about his firm being a family friendly place to work. Clunen’s first child, Courtney, was born in 2014. Back then, before California passed Senate Bill 142, nursing mothers weren’t even guaranteed pumping or nursing breaks at work. Fortunately, that was never an issue for Clunen because Dion Law Group was already accommodating its nursing employees by allowing them to bring their babies to work and nurse them there! Clunen and her co-worker **Karen Oakman** hired a childcare provider to care for their infants at the firm every Tuesday and Thursday, allowing them the rare opportunity to actually nurse their babies during part of the workweek.

Clunen says that friendships with co-workers also make her workplace feel like a home away from home. This was especially so in Oct. 2016, when Clunen was expecting her second child, Connor, and her water broke while she was at work. After she finished drafting the marital settlement agreement she was working on, Clunen walked over to Oakman’s office to share the news. The two of them then went to lunch at Jamba Juice before heading to the hospital, where Oakman stayed for several hours until Tim was able to get there.

Balancing Career with Parenting

In addition to serving as VCBA president, Clunen also serves on the board of Inns of Court and volunteers every month at the Ventura County Legal Aid legal clinic. She volunteers her time as a settlement officer for family law cases in the County as well. Clunen manages to do all this by arranging for childcare, which includes help from family.

Not that Tim is able to pick up too much of the slack. A former soccer player, he coaches the boys’ soccer team at Simi Valley High School. Until just last week, when the season ended, Tim had either practice or a game every school night, thus requiring Clunen to singlehandedly tackle the kids’ dinner, bathing and bedtime routines every weeknight.

Clunen and Tim are fortunate to have family living close by. Every Sunday afternoon, Clunen's family gathers for Family Soccer Night. They all meet at a park for a game of soccer and then have dinner together afterward. Clunen likes that her kids get to spend time with their extended family.

Thoughts About the Future

In addition to keeping her New Year's resolution to spend more time volunteering, Clunen plans to take the temporary judge training offered by the court. When asked about the possibility of becoming a judge in the future, Clunen says she's uncertain, but quickly adds that Ventura County needs more women judges. She is right about that. According to the Judicial Council of California's most recent (2018) Judicial Officer Demographic Data, women make up only 21 percent of the bench in Ventura County. In comparison, women make up 31.8 percent of the bench in Santa Barbara County, 58.3 percent in San Luis Obispo County, and 37.1 percent in Los Angeles County.

Clunen also wants to see Collaborative Divorce pick up steam. In Collaborative Divorce, each party has an attorney and a therapist, and the parties share a financial consultant and a neutral. All meet to try to settle. If that fails, the parties must find new attorneys to litigate; they sign an agreement saying so at the outset. Clunen has received special training in Collaborative Divorce and believes it offers a number of benefits over traditional divorce.

While waiting to see if Collaborative Divorce catches steam, Clunen's practice remains focused on family law mediations. Clunen prefers mediation because it's a party-centered process that helps divorcing couples reach agreements outside of the courtroom. Clunen laments the break-down of civility among lawyers in traditional divorce litigation and believes that mediation offers a beneficial alternative to what she calls "litigation nonsense." I like the way she said that: "litigation nonsense." I think it's my new favorite phrase.



Sara Peters practices family law and civil litigation in Ventura. She has a background in employment law and is a former Special Education Teacher. She can be reached at (805) 200-7418 or srp@peterslawgroup.com.

**SOUTHERN CALIFORNIA'S
PREEMINENT PROFESSIONAL
LIABILITY AND BUSINESS
LITIGATION FIRM**

16255 Ventura Boulevard, Suite 300
Encino, CA 91436

TEL: 818.788.9500 / 877.314.1177

WWW.NEMECEK-COLE.COM

NEMECEK·COLE
Attorneys At Law

FRANK W. NEMECEK* JONATHAN B. COLE* MICHAEL MCCARTHY*

* Certified Specialist in Legal Malpractice Law from The State Bar of California Board of Legal Specialization



Now Available at Our **Ventura Mediation Center**



Hon. Frederick
H. Bysse (Ret.)



Hon. Reva G.
Goetz (Ret.)



Hon. Mary Thornton
House (Ret.)



Hon. Frank
J. Ochoa (Ret.)



John K.
Raleigh, Esq.

840 County Square Drive • 2nd Floor • Ventura, CA 93003 • 805.643.1052 • www.arc4adr.com

Barry A. Cane

Disability Income Insurance
Business Overhead Expense

(805) 496-5537 Fax: (805) 496-5598



Lic. #0740274

240 Lombard St., #100, Thousand Oaks, CA 91360

Registered Representative Park Avenue Securities (PAS), 7 Hanover Square, New York, NY 10004. Securities products and services offered through PAS, 1-888-600-4667, Member FINRA. PAS is an indirect wholly owned subsidiary of The Guardian Life Insurance Company of America. Representative of The Guardian Life Insurance Company of America, New York, NY and other fine insurance companies.



MEMBER BENEFITS THAT ADVANCE YOUR PRACTICE.

Lawyers' Mutual Insurance Company is the most stable and consistent provider of professional liability coverage in California. We continue to collaborate with industry-leading vendors to include value-added benefits with every policy.

Whether it's our complimentary on-demand CLE or a \$100K Cyber endorsement, Lawyers' Mutual continues to add exclusive benefits to assist members at making the ease of doing business as a lawyer their sole focus.

We are lawyers serving lawyers and are proud to introduce our newest member benefit:



FREE access to the next-generation legal research system for the internet age.

Fast Facts:

- Comprehensive access to the law
- Advanced sorting tools
- Visualization of search results with interactive timeline
- Live webinars and on-demand training videos
- Authority check with Bad Law Bot
- Reference support available via live chat, email at support@fastcase.com or by phone at 866.773.2782

When members ask, we listen...

To find out more about Lawyers' Mutual, visit us at www.lawyersmutual.com.

Follow us on social media for regular news and updates: [f](#) [i](#) [t](#) [i](#)



**LAWYERS'
MUTUAL**
INSURANCE COMPANY

Our strength is your insurance

SCAN & VISIT





NEW VCBA BOARD MEMBER DAMON JENKINS

by Kathi Smith

Damon Jenkins will mesmerize you with his remarkable memorizing skills. Jenkins is a deputy public defender with the Ventura County Public Defender’s office. Jenkins’s special talent is jury *voir dire* – the first thing he does is memorize every potential juror’s name. I witnessed this firsthand when I was chosen as an alternate on a drunk driving case a few years ago. Jenkins transfixed my attention once I realized he knew every panelist’s name.

Jenkins has been in public defense for years, the past five in Ventura County, after coming here from stints in Bakersfield and San Francisco. I’ve always thought of VC as a happy medium compared to Bakersfield and San Francisco. Jenkins grew up in Goleta, which he probably thinks of as God’s country compared to other places he’s lived. Like other VC lawyers, Jenkins is a surfer. We could call an emergency Ventura County Bar Association board meeting at

the shoreline and get at least **Trevor Quirk** to join Jenkins in a quorum call. No idea if President **Katherine Clunen** would be found surfing though.

Jenkins joined the VCBA executive board this year. His purpose is to help support the legal community, represent the criminal defense field, advocate for more legal training, and become more involved in the community. Jenkins has served on the board for Black Lawyers of Ventura County for the past five years.

When asked for suggestions to improve civility in VC’s bar, Jenkins stated, “Remember, there is a good chance you will be working with these professionals for the rest of your career, so it benefits everyone’s quality of life and work relationships to be as civil as you possibly can. I try to treat others the same way I would want to be treated.” So, basically, the Golden Rule for all, which is a great synopsis of VCBA’s Rules of Civility recently presented by Women Lawyers of Ventura County in Department 22.

Jenkins brings a love of travel to VCBA’s board. He has traveled to Athens and Santorini and cruised the Nile in Egypt. Locally, Jenkins has fished, snorkeled and kayaked at the Channel Islands. Jenkins is seemingly everywhere. He is currently the JV basketball head coach at Carpinteria High School, and has served as a mock trial coach at Santa Paula High School and Buena High School.

Jenkins’ achievements, and his pursuit of travel, surfing, basketball, and community service, might make the rest of us feel as if we’ve done nothing with our lives. Maybe we should make a checklist out of this profile and get busy, like Damon Jenkins.



Kathi Smith is a litigator at Schneiders & Associates LLP, and a member of CITATIONS editorial board.

PROBATE, TRUST & DIVORCE REALTOR

JOSE LUIZ MORALES

#1 IN VENTURA COUNTY*

Serving Ventura, Santa Barbara and Los Angeles Counties

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**

MORALES GROUP
— MAKING A DIFFERENCE —

RESULTS MATTER.

The largest asset in your case deserves a proven expert

Days on Market

23

Market Average: 70 Days

Reviews

100+ 5 Stars

**Yelp, Zillow, Google, Facebook

Served in

100+ Cases

Market Average >5

*Based on listings sold in 2017. **Source VCCAR 2017

805 387 9333 | MRG@MoralesREgroup.com | WhyHireMorales.com

601 E Daily Drive Camarillo, CA 93012. DRE #01891119 Powered by Remax Gold Coast Realtors

HAVE YOU HEARD?



Eric A. Hirschberg joined the Camarillo office of Jones, Lester, Schuck, Becker & Dehesa, LLP on Jan. 31. Hirschberg will practice in the areas of estate planning, trust & estate administration, trust & estate litigation and business law. He can be reached at (805)604-2655 or eric@venturaestatelegal.com.

On Jan. 23, the California Supreme Court issued its much anticipated decision in *Barefoot v. Jennings* (January 23, 2020 - S251574) 20 Cal. Daily Op. Serv. 531, --- P3d ---- reversing the Fifth Appellate District. The Supreme Court held that a former beneficiary challenging the validity of later trust amendments, which removed her as a beneficiary on the grounds of lack of capacity, fraud or undue influence, has standing to pursue those allegations which would set aside those subsequent versions. The short opinion tracked almost identically the analysis and legal authorities provided in the Amicus Brief filed by the Ventura County Bar Association Probate and Estate Planning Section and co-authored by the San Fernando Valley and Orange County Bar Association Trusts & Estates Sections. Although the court specifically held that it was not deciding the issue whether an heir who was never designated a beneficiary in a trust would have standing to contest validity, the court noted that the probate court has “jurisdiction over practically all controversies which might arise between trustees and those claiming to be beneficiaries under the trust.” Interpreting PC section 17200 expansively (and consistently with other sections of the Probate Code) “not only makes sense as a matter of judicial economy, but also recognizes the probate court’s inherent power to decide all incidental issues necessary to carry out its express powers to

supervise the administration of the trust.” It was the first Amicus Brief ever submitted by VCBA’s Probate and Estate Planning Section.

The Conejo Free Clinic Legal Clinic, a non-profit in Thousand Oaks providing free medical, dental and legal services for low-income adults, is honored to receive its second grant from the American College of Bankruptcy Foundation in Virginia. The grant will continue to support new attorney recruitment, and bilingual bankruptcy and educational materials. To discuss volunteer opportunities in all areas of law, please call **Karen Oakman**, (805) 497-7474.



Martin Zaehring



Catherine Voelker

VCBA has released its ratings of the candidates in the contested judicial elections for Judicial Office No. 2 and Judicial Office No. 8. For Judicial Office No. 2, the two candidates are **Martin Zaehring** and **Catherine Voelker**. For Judicial Office No. 8, the two candidates are Commissioner **Paul Baelly** and **Steven Pell**. Zaehring has been rated as Exceptionally Well Qualified for the office of Superior Court Judge. Voelker has been rated as Well

Qualified for the office of Superior Court Judge. Commissioner Baelly has been rated as Well Qualified for the office of Superior Court Judge. Pell has been rated as Not Qualified for the office of Superior Court Judge. More information about the candidates and VCBA’s rating system can be found at <https://www.vcba.org/wp-content/uploads/2020/02/2020-JUDICIAL-CANDIDATES-RATINGS.pdf>]

Lyon & Harr, LLP is an intellectual property law firm that has been patenting inventions and registering trademarks in Ventura County for more than two decades. The firm just moved into its new Camarillo offices at 900 Avenida Acaso, Suite E, Camarillo, CA 93012. Its new telephone number is (805) 384-6435.



The American Institute of Family Law Attorneys has recognized the exceptional performance of Ventura attorney **Thomas J. Hutchinson**, naming him among 2019’s “10 Best Family Law Attorneys for Client Satisfaction” in California. Hutchinson has been associated with Ventura-based Norman Dowler, LLP, since 1998, and a partner since 2006.

The Solo and Small Firm Section of the California Lawyers Association is looking for five new members to serve three-year terms on its Executive Committee. The Section’s mission is to foster a supportive community for solo and small firm practitioners across all areas of practice, to guide our members on their path to becoming strong, competent and ethical solo and small firm business owners, and to recognize the accomplishments of solos and small firm professionals across the state. Solo and Small Firm is defined as any firm with 5 or fewer attorneys. **Applications are due on March 2**, and can be found online.

THINKING THINGS OVER – *NOLLAN V. CALIFORNIA COASTAL COMMISSION*: VENTURA COUNTY'S LANDMARK SUPREME COURT CASE

by *Lindsay F. Nielson*

Any law student who has suffered through Constitutional Law in the last 30 years has had to read the leading property rights case of *Nollan vs. California Coastal Commission* (1987) 483 U.S. 825. The case dealt with the Coastal Commission's requirement that the Nollans grant an easement along the beach in front of their oceanfront home in exchange for a permit to demolish and reconstruct a new beach house.

What isn't too widely known is that this landmark case started here in Ventura County. The Nollans were lessees at Faria Beach, one of the beach colonies as you drive toward Santa Barbara on Highway 101. I was the attorney and business manager for the Faria family. Many of the beach cabins were substandard. They had been built decades earlier by people living in Santa Paula and Ventura, as places to spend the day at the beach. The Faria family required that, in order to renew their ground leases, the tenants had to bring their beach houses up to current building codes and standards.

When the Nollans started the process of demolishing their old cabin and obtaining permits for their new house, they had to obtain a Coastal Development Permit. The Commission was very aggressive in trying to obtain lateral access (access along the beach). At Faria Beach, the Faria family previously gave Faria Park to the County so the public had vertical access (access from the street to the beach), but the Commission wanted more.

It was standard in those days that one requirement for a Coastal Development Permit was for the applicant to agree to an offer to dedicate an easement along the beach in front of their house in order to receive the blessing of the Commission. (It is important to note that the beach consists of wet sand and dry sand. The wet sand is generally considered state owned; the dry sand, the sand landward of the mean high tide line, belongs to the adjacent landowner. The public can use the wet sand, but the dry sand is under

the ownership and control of the adjacent landowner.)

The Nollans (Pat worked for the Los Angeles City Attorney's Office) disagreed with the dedication requirement and sued the Commission. The case began its journey to the Supreme Court right here at the Victoria Avenue courthouse. The late Judge **Bill Peck** was the trial judge. During the bench trial, he held that the Commission's requirement was an unconstitutional taking and ruled in favor of the Nollans. The state appealed Judge Peck's ruling and his decision was reversed. The Nollans appealed directly to the U.S. Supreme Court.

Oral argument was heard in 1986 and the landmark property rights decision was issued in 1987. Justice Scalia wrote the opinion, which stood for the proposition that there must be a nexus between what the state demanded (extorting was his word) and the impact of the project. Here, the landowner was rebuilding his pre-existing house. That was not a new burden on the public and therefore, to demand that the Nollans give up property rights to obtain their permit amounted to an unconstitutional taking. (The Fifth Amendment to the Constitution contains twelve very important words that protect all of us: "Nor shall private property be taken for public purposes without just compensation.") It had been over 30 years since the Supreme Court had considered a property rights case. When *Nollan* came down, it was considered a landmark decision.

As a corollary, there is a twist that was not addressed by this decision. The Nollans were tenants. They leased their oceanfront lot from the Faria Family. The tenant was the one seeking a permit, not the landlord, the Farias. In essence, in order for the Nollans to obtain their permit, the land owner was the one that had to grant the easement, not the tenant. This was an unusual conundrum. It led me to craft a unique solution which the Commission,

over the initial objection of its attorneys, thought was good and began to later utilize uniformly for similar permit issues.

I reasoned that the offer to grant an easement had to wait until a yet-to-be-determined public agency could accept the many such offers to dedicate lateral easements. It also meant that the offeror would be liable as the owner of these dominant tenements. I suggested that as part of the permit process, the applicant could grant a license to the public. It would give immediate coastal access to the public, but ownership would remain with the underlying landowner. As a license, the wording could restrict what the public could and could not do (passive activities but no active activities); if the public abused these rights, the landowner could ask the Sheriff for their removal. If the public obtained a property right via easement, this control could not happen. It took about three months for the state's attorneys and me to settle on the precise language in the license. But it later became a common requirement in these permits.

Little did anyone think that a permit dispute involving a small 50-foot oceanfront lot at Faria Beach could reach the halls of the U.S. Supreme Court and have such an important influence on the property rights of all Americans.



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

BARRISTERS' CORNER

JUDGE SPOTLIGHT: THE HONORABLE TARI L. CODY AND J1

by H. Frederick Seigenfeld



Few attorneys venture over to the Oxnard Courthouse. Fewer still to courtroom J1. That is where Judge **Tari L. Cody** presides over the juvenile dependency court. Her caseload

includes proceedings for reunification, termination of parental rights, guardianship and adoption.

Judge Cody has a reputation for being fair, astute and open-minded. She started her career with Nordman, Cormany, Hair & Compton where she became a partner before beginning work with Lemieux & O'Neill. She was appointed by Governor Gray Davis in 2000. In an interview in chambers on Jan. 29 of this year, Judge Cody was more than happy to share the ins and outs of her courtroom.

Many cases before her start with abuse and/or neglect. Minor(s) in these cases are

removed and placed with family or in foster care. What follows are reunification proceedings and a concurrent plan for permanency in the event reunification fails. This concurrent planning can result in different outcomes.

Parents of minors under the age of three are given six months to prove their fitness to be reunified. Parents of minors three and older are usually given a year. During this period, the parents are given a case plan.

If Judge Cody finds the parents have made substantial progress on their case plan, but are not yet fit for reunification, she may extend the proceedings by another six months before making a final determination. It is rare that proceedings are extended more than the additional six months.

In the event reunification fails, adoption is the presumptive first choice for the minor(s) unless Judge Cody finds exception under Welfare & Institutions

Code section 366.26(c)(1)(B). If not adoption, guardianship is the next most desirable outcome.

Adoptions fall on Fridays. Not a bad way to end the week.

Judge Cody tells young lawyers to be prepared. Know the law and the cases. Pleadings need to get to the point. Be on time. Her best advice to the public at large, "If you can't explain the decision then maybe you shouldn't have made it." She is a strong believer in everything in moderation.

My personal assessment from chambers and court: Judge Cody is a true minister of the law.



H. Frederick Seigenfeld is a solo practitioner specializing in estate planning and business transactions in Santa Barbara and Ventura County.



Sometimes numbers are the only prints left behind.

Arxis Financial is a proven forensic accounting and litigation specialist. We will examine the financial data and help you determine the "bottom line." Arxis provides financial and valuation analysis needed to resolve a variety of legal disputes from family court to civil, criminal, and probate courts. In many cases our experts can help you reach a settlement. If trial or arbitration is required we give you the support you need to win.

Chris Hamilton, CPA, CFE, CVA
805.306.7890
www.arxisfinancial.com
chamilton@arxisgroup.com



FORENSIC ACCOUNTING BUSINESS VALUATION FRAUD ANALYSIS

2020 EMPLOYMENT LAW UPDATE

by *Laura S. Withrow and Rabiya A. Rahman*

The 2019 legislative cycle produced a number of game-changing laws for California employers. Perhaps the most notable and controversial was Assembly Bill 5 (“AB 5”) regarding independent contractors vs. employee categorizations. AB 5 has been extensively covered elsewhere, so rather than diving deeply into the history and substance of the new law, we instead focus on other new employment legislation and how it affects California’s employers and employees.

Challenges to AB 5

In Jan. 2020, a Los Angeles County Superior Court judge ruled that AB 5 does not apply to the thousands of independent truck drivers in the state because the statute is preempted by federal law. It is also anticipated that there will be many more lawsuits challenging the application of AB 5, and numerous industry groups are advocating additional exemptions to the controversial legislation. Uber, Lyft and DoorDash have invested a combined \$90 million into a political committee to craft, qualify and promote a 2020 statewide ballot measure that would seek to preserve the status quo for their business models.

Although the future of AB 5 remains uncertain, it is the current reality for employers throughout the state. The statute empowers the attorney general, city attorneys in large cities, and local prosecutors to sue companies for violations of the Labor Code, the Unemployment Insurance Code, and/or the wage orders of the Industrial Welfare Commission. The city attorneys of both San Francisco and Los Angeles appear ready to act upon this.

Wage Claims

Assembly Bill 673 amends Labor Code section 210. This new law entitles an employee to recover \$100 if an employer fails to pay wages on time while the employee is still employed, and a \$200 penalty for each subsequent late payment or willful or intentional violation. The employer must also pay an additional 25 percent of the amount unlawfully withheld. Civil penalties were previously enforceable only through an

action by the Labor Commissioner. Employee recovery is limited to statutory penalties or civil penalties under the Private Attorney’s General Act (“PAGA”), but not both.

Senate Bill 688 permits the Labor Commissioner to issue citations where the employer has contractually promised to pay more than minimum wage but has failed to pay the promised wage. Previously, the Labor Commissioner could only enforce actions for violations alleging unpaid minimum wages.

Claims of Harassment or Discrimination

Assembly Bill 9 extends the filing period for Fair Employment and Housing Act (“FEHA”) complaints from one to three years. However, it does not revive statutes of limitations that have already lapsed. The one-year statute of limitation to file complaints after obtaining the right-to-sue letter remains. Although plaintiffs’ attorneys are celebrating the additional time to file claims of harassment or discrimination, defense attorneys are concerned about the repercussions of delayed claims on witness availability and memory.

Senate Bill 188, also known as the CROWN Act (Creating a Respectful and Open World for Natural Hair) prohibits discrimination based upon hairstyle. It adds the following to FEHA definitions: “Race is inclusive of traits historically associated with race, including, but not limited to hair texture and protective hairstyles.” “Protective hairstyles” includes, but is not limited to such hairstyles as braid, locks and twists.

Assembly Bill 749 prohibits “no rehire” clauses in settlement agreements entered into on or after Jan. 1. A “no rehire” clause is “a provision prohibiting, preventing, or otherwise restricting a settling party that is an aggrieved person from obtaining future employment with the employer against which the aggrieved person has filed a claim, or any parent company, subsidiary, division, affiliate, or contractor of the employer.” There are two exceptions, however. The prohibition on “no rehire” clauses does not preclude the parties from agreeing to “end a current employment

relationship,” such as in a severance or separation agreement; and it does not apply if the employer has made a good faith determination that the settling party engaged in sexual harassment or sexual assault in the workplace.

Training

Senate Bill 778 extends the deadline for compliance with Sexual Harassment Training to Jan. 1, 2021 (extension from prior deadline of Jan. 1, 2020). Employers with five or more employees must now provide sexual harassment training and education to all employees by the extended deadline.

Senate Bill 530 strengthens sexual harassment training requirements in the construction industry; and Senate Bill 547 strengthens sexual harassment training requirements in the janitorial industry.

Assembly Bill 242 requires implicit bias training for all attorneys and authorizes the Judicial Council to develop training on implicit bias, and requires all court staff, who interact with the public, to complete two hours of any training developed by the Judicial Council every two years.

Lactation Accommodation

Senate Bill 142 addresses lactation accommodations and specifies that a designated lactation room must be safe, have a surface to place a pump, include a place to sit, have access to electricity, be close to employee’s work area, shielded from view, and free from intrusion. The employer must provide access to running water and a refrigerator and develop a lactation accommodation policy. Small employers (< 50 EEs) may apply for an exemption from the Labor Commissioner. The bill also prohibits retaliation for exercising the right to lactation accommodation and authorizes a \$100 civil penalty for EACH DAY an employee is denied break time or adequate space.

Arbitration

Assembly Bill 51 prevents employers from making arbitration agreements a mandatory condition of employment. Specifically, this

statute amends Labor Code section 432.6 and makes it unlawful for an employer to: (1) require an applicant or employee to waive any right, forum or procedure under the Labor Code and FEHA; (2) retaliate against an employee or applicant for refusing to consent to a "waiver;" (3) require a waiver as a condition of employment. The bill also provides injunctive relief and "any other remedies available," PLUS attorney's fees. However, this law does not apply to settlement or severance agreements, is not retroactive and is already being contested in the courts. In fact, a federal judge has enjoined the State from enforcing this law pending further briefing. Who knows what the fate of this law will be by the time this article is published?

Senate Bill 707 enhances penalties for failure to pay arbitration claims. As a matter of public policy, employers are required to pay for the cost of arbitration if they require it as a condition of employment. This law penalizes employers for failing to pay arbitration fees within 30 days of due date by considering this delay a material breach of the arbitration agreement. If the breach occurs prior to initiation of the arbitration, an employee may proceed to court or compel the arbitration to go forward. If the breach occurs during pendency of the arbitration, an employee may start over in court, get a court order compelling the employer to pay, the employee can pay employer's fees and recover the costs at the end, or the arbitration company can pursue a collection action against the employer for failure to pay.

This law goes even one step further and requires the court to impose monetary sanctions on the employer for breaching the duty to pay for the arbitration. Sanctions include reasonable expenses, attorney's fees and costs resulting from the breach. The court may award additional sanctions (up to terminating sanctions), unless the employer acted with substantial justification or sanctions would be unjust.

Additional Bills

Assembly Bill 1223 extends the amount of leave an organ donor may take. Currently,

private employers with fifteen or more employees must provide employees 30 days of paid leave in a one-year period when an employee participates in an organ donation. Employers are also required to provide bone marrow donors five days of paid leave. Effective Jan. 1, employers must provide a maximum of an additional 30 business days of unpaid leave. The employee is required to provide written verification of their participation in either organ donation or bone marrow donation, which must include verbiage that the procedure is medically necessary.

Assembly Bill 1124 recognizes the sad reality that wildfires have become an inescapable part of life in California. This statute requires employers to make respirators available to outdoor workers on any day the outdoor worker could reasonably be expected to be exposed to harmful levels of smoke from wildfires.



reached at (818) 591-6724 or Laura@workwiselaw.com



Rabiya@Rabiyaatlaw.com

Laura S. Withrow is an employment law attorney at WorkWise Law, and exclusively represents employers in compliance matters and employment litigation. She can be

Rabiya A. Rahman is an employment law attorney, and her firm exclusively represents employees in employment litigation. She can be reached at (805) 626-8337 or

CARRINGTON LINDENAUER
ALTERNATIVE DISPUTE RESOLUTION PROFESSIONALS



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.

Serving Los Angeles, Orange, Ventura, Santa Barbara, San Luis Obispo, and Kern Counties

CONTACT

R.A. CARRINGTON
805-565-1487
ratc@cox.net

VICTORIA LINDENAUER
805-730-1959
lindenauer_mediation@cox.net

CARRINGTONLINDENAUER.COM
californianeutrals.org/ra-carrington
californianeutrals.org/victoria-lindenauer

WE READ SO YOU DON'T HAVE TO

ORGANIC TRADE ASSOCIATION,

Plaintiff,

v.

**UNITED STATES DEPARTMENT OF
AGRICULTURE, *et al.*,**

Defendants.

Civil Case No. 1:17-cv-01875-RMC

CONSENT MOTION TO RESET DEADLINES BY TWO DAYS

Plaintiff respectfully submits the following unopposed request to reset the present briefing deadlines by two days. As grounds counsel states:

1. Washington D.C.'s professional baseball team, the Nationals ("Nats"), began this baseball season by losing 31 of its first 50 games.
2. Since that time, due in part to the unflagging support of a certain nine-year old boy closely associated with undersigned counsel, the wheels of justice have turned and the team has rightfully advanced deep in the baseball playoffs.
3. The nine-year old and counsel wish to continue to stay up late watching baseball and to attend tomorrow's game, if it is necessary. Counsel's attendance at each is required for supervision.
4. A respectful request is submitted to reset the Plaintiff's date for filing summary judgment from October 18, 2019 to October 21, 2019 and to reset Defendants' Answer and Cross-Motion from November 22, 2019 to November 25, 2019. No other date needs resetting.
5. With the consent of the parents and baseball fans at the Department of Justice, this request is unopposed.

CLASSIFIEDS

HELP WANTED

Seeking an attorney with one to three years of experience. Practice is in general criminal law, national and international computer crimes and cannabis business law. Must be from an ABA-accredited school. 20 hours/week to start, maybe full time by Feb. Salary will vary depending upon experience. Résumés to jay@criminal-lawyer.me.

Westlake Village Law Firm Seeks Secretary/Legal Assistant - Well established (30 yr) busy law firm seeks well qualified legal secretary/assistant for litigation and transactional. Exciting career opportunity. Experience with Windows, Microsoft Outlook, WordPerfect, Word, Excel, Essential Forms or similar, Timeslips. Email résumé in confidence to sam@silverandarsh.com.

Ferguson Case Orr Paterson LLP seeks two attorneys - Ventura County's largest law firm is looking for top caliber lawyers: a litigation associate with one to five years of experience and (for the Westlake Village office) a family law attorney with at least three years' experience in family law.

Candidates must have strong academic credentials, and excellent writing and communication skills, ties to the Ventura County area are a plus. This is an ideal opportunity to build your career in a great community with an esteemed law firm that pays competitive salaries and benefits. Please send a résumé with a cover letter introducing yourself and describing your experience. Applicants without the relevant experience will not be considered. Please send résumés to sbarron@fcoplaw.com.

Associate - Central Coast litigation firm seeks associate with a minimum of seven years' experience, superior analytical capabilities and strong oral advocacy, research and writing skills. Submit résumé to lawyerresponse2020@gmail.com.

SEEKING SUMMER INTERNSHIP

Law student seeking summer internship in Ventura County. Looking for practical, hands on legal experience. Open to all areas of practice. Available 5/18/2020 – 8/21/2020, full-time or part-time. No compensation required. Please contact for resume, writing sample, etc. Email: zachary.ahles@washburn.edu

Ventura County Bar Association GOLF TOURNAMENT THE SATICOY CLUB



LIMITED TO 120 GOLFERS | 8:00 A.M. REGISTRATION / BREAKFAST

10:00 A.M. SHOTGUN START

All proceeds benefit the VCBA and the Ventura County Legal Aid Foundation

CITATIONS

Ventura County Bar Association
4475 Market Street, Suite B
Ventura, CA 93003

PRSR STD
US POSTAGE
PAID
PERMIT NO. 507
OXNARD, CA 93030



We appreciate your criminal law referrals!

WWW.DavidLehrLaw.COM

805-477-0070