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PRESIDENT'S MESSAGE: ADAPTATION IN THE TIME OF COVID-19

by Kathryn E. Clunen

Recently, I was reflecting on how 2020 has changed my life professionally and personally. I'm still adjusting and adapting to the "new normal."

I am back in my office at the Dion Law Group at least four days a week for a few hours and the rest of the week I work from home. I'm lucky enough to now have family and friends who are able to watch my kids during the day so I can work from home with minimal interruptions. Technology has been a game changer for me to be able to work remotely. With VOIP phones, texts and Zoom I have been able to connect with clients without having to meet them in person. I'm still learning how to take advantage of all the Zoom features. For example, after our last VCBA Zoom Board Meeting, I asked Board Member **Rick Seigenfeld** to show me how I could have a picture of me shown instead of having the video on. He was kind enough to walk me through the process.

Later this month I am set to do my first remote trial. It's a family law case in El Centro and that court offers remote trials through GoToMeeting. I've never used GoToMeeting before so I asked **Lauren Nicholson**, who used it for teaching at the College of Law this past spring semester, to show me the ropes. She spent 30 minutes with me on a Saturday morning walking me through the different features and showing me how to share my screen so I can introduce my evidence.

I've been taking advantage of all the video MCLE opportunities that the VCBA and other organizations have put on since April. I've earned nine hours without leaving the comfort of my own home, and most of those were at no cost. Be sure to check out and register for future MCLE VCBA webinars.

Also, from the comfort of our home, my family and I have been enjoying movies that are being released digitally. My husband and I had tickets to see *Hamilton* this summer at the Pantages Theater, which has

now been cancelled through Feb. 2021. Lucky for us, the Disney+ digital release of *Hamilton* has allowed our whole family to watch it together, and now my 3-year-old (Connor) and 6-year-old (Courtney) are able to quote parts of the show. Just the other day Courtney said she wanted to listen to the *Hamilton* song with the line "I am the damn fool who shot him." I quickly explained that we can't go around using the word "damn" unless we are specifically quoting Aaron Burr from *Hamilton* in our own home.

One thing I wish I could do at home, but don't have the skills for, is cut my hair. Although I had it trimmed in early March before quarantine, my hair grows fast, so I was dealing with dry hair and split ends. My mom knew of a hair stylist in Moorpark who was working at a salon that had a set-up out in its parking lot and she made an appointment for me. I arrived early to a white tent in the parking lot equipped with

a chair, a mirror and a little stand for the hair stylist. It happened to be one of the hottest days last month and although it was 9 a.m., it was quite warm in the tent. It was not the most comfortable experience and I couldn't get my hair washed, but after getting a few inches trimmed off, I left feeling refreshed.

I'm still looking forward to the future when we can meet again face-to-face, but until then I'm just becoming more tech savvy. If you have any tips or tricks with doing a remote trial, please send them my way.

And the VCBA Board is looking for new directors for 2021, so if you're interested in joining the Board please email me or incoming President **Marc Anderson**.

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.

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The Judges of the Ventura County Superior Court elected **Judge Bruce A. Young** as Presiding Judge and **Judge Kevin G. DeNoce** as Assistant Presiding Judge for the remainder of 2020 through 2022.



Eric Reed has joined Division Six of the Court of Appeal as a research attorney.



Diana P. Lytel and **Kevin McCormick** have joined Lowthorp, Richards, McMillan, Miller & Templeman. Lytel is a civil litigator and criminal defense lawyer. McCormick practices in government, corporate, civil rights and criminal law. (805) 981-8555 or <http://www.lrmmt.com>.



Myers, Widders, Gibson, Jones & Feingold, L.L.P. welcomes **Sasha L. Collins** as their newest Of Counsel attorney. Collins graduated from the Ventura College of Law in 2014 as the class valedictorian with a certificate of concentration in estate planning. She is a board member and past president of Women Lawyers of Ventura County, and currently serves on the board of the Ventura County Bar Association. Collins' practice focuses on estate planning, conservatorship, probate and trust administration matters. She can be reached at (805) 644-7188 or scollins@mwgilaw.com.



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BARRISTERS CORNER

by *Brian C. Israel*

As a past president of Barristers, I have had the pleasure of writing the Barristers Corner article a few times. This time feels different. Of course, these are not normal times and I never could have imagined holding board meetings and MCLEs via Zoom. Certainly, lawyering during the pandemic has brought a range of challenges and emotions. At a minimum, most members of the Ventura County Bar Association have probably added a new job title – Virus Data Researcher.

For me, the pandemic has me juggling lawyering with fatherhood. In one moment, I'm thinking, "What do you mean the courts are closed? And, when am I going to be able to file petitions again?" In the next, I get to be home on the Tuesday morning to see my son walk his first shaky steps. Maybe I should have been at my home office desk, but that is what working and parenting during the pandemic is like.

The pandemic also allowed me to reflect on family. I have been so fortunate to practice at Norman Dowler, LLP, with my father, **Michael Israel**. At first I had wanted to profile him. But, in true fashion, he was adamant about not wanting any self-promotion, so I decided to pivot. With the pandemic, I've gone from seeing my Dad every day at the office, to rolling out of bed to work next to my son. After a few weeks at home, I really began to appreciate the working relationship that I share with my Dad. Yes, it is great being home with my son. But I also loved going into the office every day to work my Dad. What does any of this have to do with the law? Well, for one, I know I am not the only member of the VCBA who has had to deal with the unique circumstances of the working from home during the pandemic. It has also made me realize how much we can look at our own families – our parents, our children –

and glean something from it. My Dad has taught me so much about the law. I am lucky. However, for him being an attorney was synonymous with being in the office. Now that I have had the opportunity to work at home with my son during the pandemic, I see what the future of lawyering can look like. No office, less paper, more Zoom meetings with clients. Surely, the workday will also see more interruptions.

I recognize that my parents grew up in a different world than the one I did, and the same will go for my son. With the pandemic come new issues and, accordingly, new law. Surely employment, civil and family law developments will have an impact on my son and his peers.

In sum, as we all move forward in this changed world, if you have not done so already, I encourage you to actively reflect on your families and the legal profession. There are many different angles of this pandemic. For me, I found an extra special appreciation for my life and the intertwining of family and this wonderful profession. I hope you find similar silver linings. Take care, stay healthy, and I look forward to navigating the new realities of this legal world with my colleagues of both Barristers and the VCBA.



Brian C. Israel is an associate attorney at Norman Dowler, LLP in Ventura. He serves on the Barristers Board as a Board Member and Past President.

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LESSONS LEARNED OVER FOUR DECADES

by Dennis Zentil



Having retired from the practice of law after almost 44 years, 29 as a sole practitioner, I've learned a few lessons, and I follow a few rules, that have kept me in business and out of trouble. Perhaps younger members of the bar will find a useful nugget or two in my experience. In no particular order of priority, I offer the following:

What Is a Win?

Almost anyone will tell you that when an issue is decided against you, that's a loss. Conversely, a decision in your favor is a win. There's a much more useful definition. You win when, at the end of a particular matter, the client looks back and is happy with the representation you provided. Just because someone is your client doesn't mean that he or she is in the right, or without fault. Some matters are not winnable in the conventional sense of the word, but certainly winnable in the context of having a client happy with the representation that his or her attorney provided. Happy clients are repeat clients and great sources of referrals.

An unhappy client doesn't generate new business, and can be the source of much consternation. Be reluctant to undertake the representation of a client who insists that you should be able to obtain a result you truly believe is not attainable.

Dealings with Clients

I have never advertised for business, and I have never networked, socialized or done any of those things to generate business. Clients have always found me, not the reverse. I attribute this to a few personal rules of professional conduct. Answer your own phone, and don't duck unwanted calls by using caller ID. Always tell your client the truth, even when you think it's not what the client wants to hear. Clients don't expect perfection, but they do expect honesty. If you make a mistake, at a minimum admit it to yourself and do whatever it takes to fix it. Certainly don't hide it. Clients will readily forgive an honest mistake, but not a lie or deception. Always put your client's interest before your own. When

in doubt about what to do in dealings with a client, ask yourself if you'd like to explain your behavior if your client asks why you did it the way you did. When you accomplish the desired task at a reasonable cost, and the outcome is consistent with the client's expectations, you end up with a "happy" client.

On Contract Drafting

Be a deal maker, not a deal breaker.

When at an impasse, devise a creative solution.

Keep it short. Even though you can easily create a ten-page contract dealing with the sale of a single five-cent pencil, doing so will not impress good business type clients. Put in the terms that count, and omit terms that don't.

Draft confrontationally. Don't hide terms that may create controversy or are onerous, put them up front where they cannot be missed.

Avoid redundancy: say it clearly and only once. If you are tempted to repeat a concept or clarify it later in the contract, go back to where you said it the first time and fix it there so the later clarification is not needed.

Organize the contract so that the things that the parties think are most important are up front, logically organized, and easy to find.

Anticipate the questions that your client will likely ask during the performance of the contract, and answer them in the contract.

Anticipate the likely changes of position that either party may wish to take during performance of the contract, and draft accordingly.

Keep exhibits to a contract to a minimum.

Use footers and pagination so that even a six-year-old could reassemble the pages if they become mixed up.

Don't ignore the boilerplate, think it through. For example: don't blindly accept a notice clause that requires notice only by certified mail when you know your client is lazy and will not likely give proper notice; if your client is the likely party that will breach the contract, consider omitting an attorney's fee clause; etc. Boilerplate can be important.

Avoid the overuse of defined terms ("Defined Terms"). Defined Terms are distracting, frequently not needed, and since Defined Terms are usually not proper nouns, grammatically they are spelled incorrectly. Worse yet: wholly upper case DEFINED TERMS.

If you define a term in a contract, don't use it in a generic way without the initial cap. If you want to use a word that is a defined term in a generic way (e.g. Tenant), use a synonym instead (e.g. lessee).

On Reviewing a Contract

Never review a contract prepared by the other party's lawyer before having your client explain your client's understanding of the deal and his or her business objectives to you.

When a client asks you to review a contract, in my mind the worst thing that you can do as a first order of business is read or review the proposed contract. The first thing that you should do is sit down with your client and have the client explain the transaction to you in as much detail as possible. If you look at the documents that the client has provided as a first order of business, then you may be misled, and you may unwittingly overlook issues and objectives that are important to your client. If you interrogate your client as to the terms and objectives of the proposed transaction before you looked at the paperwork, then you can actually gauge whether your client's expectations are met by the paperwork. Read first and then ask questions is the wrong way to approach the task. First interrogate your client, then review the documents.

On Taking and Defending Depositions

There are only three real questions that you should have for any deponent:

1. What can I get this witness to say that will help me win my case?
2. What can I get this witness to say that will be damaging to my opponent's case?
3. What does this witness know about the case?

When your client asks you what he or she should say while being prepared for his or her deposition, don't forget to insist that the client tell the truth.

Don't Let the Ball Come to a Complete Stop After Dropping It

Decades ago a couple I knew asked me to prepare a will and trust for them. While I don't usually do wills and trusts, I agreed. I had them sign a retainer letter and give me a \$500 retainer. I sat down to do a first draft, and because the task was not in my normal routine I had more questions than answers so I put the project aside for the day. Each day I saw the project on my desk, and each day I had other more pressing business. Days turned into weeks and months, until well over a year had passed. Occasionally I saw my clients, they would inquire, and I gave a lame excuse. Finally, I accepted my failure. I sat down and wrote a check refunding the clients' retainer, and I profusely apologized for my inexcusable behavior. Fortunately, the clients were understanding, they had another lawyer prepare their estate plan, and we remained friends. It's easy to drop the ball. I didn't make a mistake in taking a matter that was outside my normal wheelhouse: my error was not admitting to myself with the benefit of just a little hindsight that I wasn't making progress, and doing something about it right away.



Dennis Zentil spent the first third of his career doing mostly business litigation, and the remainder doing mostly transaction work, mostly relating to real estate.

Barry A. Cane

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IMPACT OF COVID-19 PANDEMIC ON CIVIL JURY TRIALS

by Meredith C. Doyle



Among the laundry list of uncertainties created by COVID-19 is the question of how California superior courts will move forward with civil jury trials. Public participation, civic duty and individual due process rights are foundations of our justice system. Participation has always required close physical interaction, though during these trying times, social interaction must be managed with care.

Of course, local public health requirements and the juror needs of each county vary so each county will conduct itself differently. A working group comprised of 23 volunteer judges has created the Pandemic Continuity of Operations Resource Guide provide some degree of order as the courts wrestle with this unprecedented pandemic. Several of the issues addressed in the resource guide with regard to jury service are discussed below.

Juror Yield

As long as COVID-19 poses a threat, the juror yield will be reduced. There will be more jurors that fail to appear or seek to postpone service. This may require a large increase in the number of jurors summoned. To determine the number of jurors that need to be summoned, a remote process may be created to prescreen for eligibility, hardships, underlying health conditions, COVID-19 symptoms, exposure, or self-isolation status. Additionally, it may be preferable for courts to postpone or defer an individual's service and follow up with them rather than listing them as a failure to appear. Courts should also consider modifying the deferral or postponement periods to meet the needs of jurors and account for their schedules to increase participation. If there are not enough jurors to empanel a jury for a trial, the courts may consider a "good cause" finding to continue a jury trial.

Juror Safety

With regard to safety of jurors, normal jury assembly rooms may not suffice if it is not possible to maintain social distancing measures. Assembly rooms may need modifications, including temporary barriers and the addition of other areas for juror assembly to keep the numbers in each room low. Courts should consider providing masks, gloves, hand sanitizer and disinfecting wipes to jurors and prospective jurors. It is also recommended that Courts have facilities staff frequently clean high traffic juror areas to maintain a clean space in addition to inspiring juror confidence in their safety. Temperature checks of each potential juror prior to entry into the courthouse should also be considered.

Remote Communications with Jurors

The resource guide also encourages increasing internet, phone and text

communications with jurors to provide emergency alerts, reporting instructions, security screening and new court rules. Further, the resource guide suggests using on-call and telephone standby procedures to minimize grouping prospective jurors in one place. Updated protocols for jurors should be included on jury summons, court interactive voice response upon call-in, jury portals and courts' websites to educate jurors. All these protocols must be properly managed by a court's jury management system and software. Further, in-house technology staff must be heavily consulted to ensure that software is suitable for proceedings.

Staggered Juror Reporting

In addition to providing increased information on different forms of media, potential jurors may also be summoned to appear in two-hour intervals to limit the number of individuals that are congregating at the same time. The number of prospective jurors who enter a courtroom during the *voir dire* process should also be limited. Courts should consider linking to other areas of the courthouse where prospective jurors are being held via video to allow more people to be questioned remotely by judges and attorneys. In some cases involving large jury pools, jury selection may be held in spaces larger than a courtroom such as school gymnasiums, hotel conference rooms and other municipal buildings with large spaces. The use of online questionnaires to facilitate the *voir dire* process can also minimize the amount of time jurors are in the courtroom in an enclosed space.

Challenges

Some jurors may resent their compulsory jury service during a pandemic. Some may also notice the conflict between obeying public health orders to stay at home and serving as

a juror in a public place. As a result, they may be inclined to not trust the process, judges, attorneys or other court personnel. Courts need to work on positive messaging to gain public support for jury service during the pandemic. For example, courts should emphasize that jury duty is considered an "essential service" and thus there is no legal conflict in observing public health orders and showing up for jury service. Other positive messaging to jurors could include appealing to jurors' moral courage and civic mindedness as well as the fact that the public's failure to serve on juries is a threat to access to justice for the public.

Another concern is that the current situation will impact the demographic make-up of juries and perhaps affect the goal that a jury be a cross-section of the community. For example, older people or people with certain health conditions may not feel it is safe to appear for jury service when COVID-19 poses a disproportionate threat to their health. Political leanings may impact people's choice to serve during this time. This could have a skewed impact on verdicts.

There is also a risk that jurors, in an attempt to expedite their jury service and limit their enclosure in a confined space, may rush through deliberations without properly analyzing the evidence and arguments.

Attorneys and judges need to tailor their questions to jurors during the *voir dire* process to ensure that they will have a committed, fair panel.

Finally, there is always the possible exposure to illness when people congregate. Courts need to put in place protocols to address a confirmed exposure in the courthouse or jury pool. This could impact business as usual for the required fourteen day self-isolation period.

Possible Solutions

Judges and attorneys in civil trials may want to consider holding expedited jury trials heard by a smaller jury pursuant to Code of Civil Procedure sections 630.11 through 630.20. The court on its own may also contemplate a closer review of civil cases to determine whether they qualify for a mandatory expedited jury trial pursuant to Code of Civil Procedure sections 630.20 through 630.29. Parties may also consider bench trials and alternative dispute resolution.

Conclusion

Some of the new procedures enacted to deal with COVID-19 and its potential effects may make courts, the Judicial Council and Legislature rethink the justice system as we know it. This difficult time may inspire courts to trim fat from the judicial process and come up with ways for fewer jurors to be physically present in courthouses and to streamline the *voir dire* process. It may also lead to more efficient protocols for jury service and communications with jurors. We may actually use this unprecedented pandemic as an opportunity to strengthen the efficiency of the justice system.



Meredith Doyle is an associate at Slaughter, Reagan & Cole LLP, where she handles primarily habitability and personal injury insurance defense cases.

THE LONG-TERM LITIGATION SURGE – ASSESSING THE FUTURE OF LONG-TERM CARE LITIGATION POST-PANDEMIC

by Taryn Reid

As of Aug. 3, there were more than 550,000 confirmed COVID-19 cases in California, with over 19,000 of those cases being in nursing homes. And out of the nearly 10,000 COVID-19 related deaths in California, over one-third have been in long-term care facilities. (“Skilled Nursing Facilities: COVID-19, *CA Dept. of Public Health* (Aug. 3, 2020) https://www.cdph.ca.gov/Programs/CID/DCDC/Pages/COVID-19/SNFsCOVID_19.aspx.)

In Ventura County alone, there have been 111 confirmed cases of COVID-19 among nursing home patients, with an estimated 200 additional cases in Ventura County’s long-term care facilities. (“Tracking the coronavirus in Ventura County” (Aug. 3, 2020) <https://www.latimes.com/projects/california-coronavirus-cases-tracking-outbreak/ventura-county/>.)

So what does all this mean for the future of long-term care litigation? Lawsuits, and lots of them.

California’s History of Elder Abuse Litigation

Civil lawsuits against skilled-nursing facilities are nothing new. In 1982, California was one of the first states to pass legislation specifically protecting the elderly from abuse and neglect. (Welf. & Inst. Code, §§ 15600, *et seq.*) Identifying the elderly as a vulnerable class provided a new, distinct cause of action for elders and their families to seek recovery for abuse or neglect by caretakers and long-term care facilities.

In practice, cases stemming from elder abuse are often found accompanied by negligence, negligent supervision and wrongful death claims. The claims typically involve allegations

of understaffing, failure to provide necessary care, failure to provide adequate infection control, and failure to monitor patients’ ongoing conditions. And with long-term care facilities as the primary COVID-19 hotspots, any and all medical decisions made resulting in another infected patient run the risk of an elder abuse suit.

COVID-19 Immunity for California Long-Term Care Facilities?

Amidst the surge of COVID-19 cases, lobbyists across the country are pressuring state legislatures to decide whether to grant immunity to long-term care providers.

In April 2020, a coalition of healthcare industry representatives sent a letter to Gov. Gavin Newsom requesting immunity from liability for long-term care providers regarding decisions made during the pandemic. (Cox, Carmela, Cornett, Craig, and Michael, Sally, et al, “Request for Executive Order Related to Liability Protection” (April 9, 2020).)

The push for immunity stems from Government Code section 8659, which provides immunity from civil liability to physicians, hospitals, pharmacists and nurses during any state of emergency. Such immunity, however, does not extend to several categories of healthcare facilities, including skilled nursing, assisted living facilities and unlicensed staff providing custodial care to the elderly.

Despite significant pressure from industry associations, lobbyists against immunity argue that granting immunity runs the risk of giving long-term care facilities a free pass to commit abuse

and malpractice. Individuals opposing immunity point to the pervasive government citations imposed annually on nursing homes throughout the nation. (“Nursing Homes: Improved Oversight Needed to Better Protect Residents from Abuse,” Government Accountability Office (June 2019).)

While several other states have granted some form of COVID-19 immunity to long-term care providers, Gov. Newsom has remained silent on the issue. (Sklar et al., “States are making it harder to sue nursing homes over COVID-19: Why immunity from lawsuits is a problem” (June 9, 2020) <https://theconversation.com/states-are-making-it-harder-to-sue-nursing-homes-over-covid-19-why-immunity-from-lawsuits-is-a-problem-139820>.) This lack of response indicates that California long-term care providers will not see any form of immunity for the foreseeable future.

No Immunity, Now What?

Without state-provided immunity, COVID-19 will bring a new wave of elder abuse litigation. And while these claims will resemble other types of elder abuse and neglect claims, healthcare provider decision-making during the COVID-19 era poses new, unique challenges in both bringing and defending these claims.

Long-term care facilities may face additional obstacles in showing they met the applicable standard of care, requiring an analysis and evaluation of how effectively a facility integrated state COVID-19 prevention requirements and CDC recommendations. Conversely, long-term care providers will have several arguments rebut the breach of care and causation elements,

including a lack of access to safety equipment, sanitizers and ventilators. (Jaffe “As Congress Weighs COVID Liability Protections, States Shield Health Providers” (May 2020) <https://khn.org/news/as-congress-weighs-covid-liability-protections-states-shield-health-providers/>.)

Are COVID-19 Claims Insured?

In addition to focusing on their patients, their staff and a new wave of litigation, long-term care providers must also be on the lookout for changes to their insurance coverage.

Amidst the pandemic, long-term care facilities risk losing affordable liability insurance coverage or losing coverage entirely. (Barlyn, “Coronavirus Crisis Heightens Insurers’ Caution About Senior Care Market” (July 10, 2020) <https://www.insurancejournal.com/news-national/2020/07/10/575053.htm>.) Eyeing a losing market, insurers have begun to increase premiums while

simultaneously decreasing coverage in anticipation of the upcoming wave of litigation. (*Id.*) Even with liability insurance, long-term care providers may still be on the hook for COVID-19 claims if a policy includes an “Infectious Disease Exclusion.”

For example, a complaint may allege that several facility deficiencies caused a patient to become infected with COVID-19, resulting in that patient’s death. Based on how the allegations are set forth, an insurer may be able to deny coverage under an infectious disease exclusion if COVID-19 is the sole cause of damages. To avoid exorbitant out-of-pocket litigation costs in the midst of a pandemic and financial crisis, long-term care providers should carefully evaluate their insurance policies to determine if coronavirus cases are covered. Finding coverage to insure against the coming wave of COVID-19 lawsuits will be critical to ensure the financial stability of long-term care providers.

A Wave of Long-Term Care Litigation

As COVID-19 cases remain on the rise, disproportionately impacting residents of nursing homes and assisted living facilities, California will soon see a massive surge in long-term care lawsuits.

And with no immunity in sight, it is imperative that long-term care providers get prepared.



Taryn Reid defends health care facilities as an associate at Beach Cowdrey Jenkins in Oxnard.

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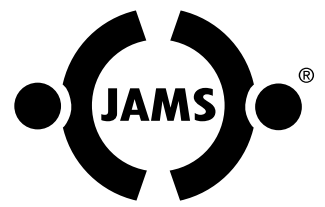
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Black Lawyers of Ventura County



STATEMENT REGARDING THE KILLING OF UNARMED BLACK PEOPLE

Black Lawyers of Ventura County (BLVC) condemns police brutality, the continued violence against our Black brothers and sisters, the over-policing of communities of color and all systems of oppression that have plagued the United States of America for far too long. We are deeply saddened and disturbed by the recent deaths of Rayshard Brooks, George Floyd, Breonna Taylor, Ahmaud Arbery and the tragic deaths of many other unarmed black men, women and children throughout this nation.

Consistent with our mission to represent and empower marginalized groups, BLVC is uniquely situated to help bring about change through civic involvement and legal action. The time for change is long overdue. Black Lives Matter.

This is our call to action. BLVC calls on its members, allies and elected officials to take action and support the Black Lives Matter Movement. We all have a right to equal protection under law. We all must have equal access to justice.

We want to work with our community, public agencies and elected officials to bring about sustainable and systemic change throughout Ventura County. Therefore, we propose the following:

- (1) All law enforcement agencies within Ventura County shall join the dozens of cities and counties across the nation in adopting the immediate harm reduction policies of the #8CANTWAIT campaign (<https://8cantwait.org>). These eight policies include banning chokeholds and strangleholds; requiring de-escalation; requiring warning before shooting; requiring the exhaustion of all alternatives before shooting; instituting a duty to intervene and stop excessive force by other officers; banning shooting at moving vehicles; requiring the use of force continuum; and requiring comprehensive reporting. We commend the Ventura County Sheriff's Department, City of Ventura, the City of Oxnard and the City of Simi Valley for already implementing some of these policies. In fact, it is currently our understanding that the Sheriff's Department and Simi Valley Police Department have already instituted bans on carotid holds. We urge all local law enforcement agencies to take immediate steps to adopt all eight policies by Aug. 15, 2020.
- (2) Ventura County Board of Supervisors shall convene a multiracial, multigenerational, gender diverse, nonpartisan commission to provide civilian oversight of all local police departments, law enforcement agencies and public agencies. The commission will independently review and investigate complaints of racial bias, racial profiling, disparate treatment, excessive use of force and violence. The commission's review and approval will be required for all departmental policies, including hiring practices and training requirements. The commission shall maintain statistics and publish biannual reports. The commission shall have the authority to implement its recommendations, and to enjoin unlawful policies, practices and procedures from continuing.
- (3) All public schools within Ventura County shall make Black history a requirement in primary education curriculum. The material must cover, among other things, pre-slavery, slavery, the Civil War and reconstruction, redlining policies, Jim Crow, and the Civil Rights Movement and demonstrate how historical inequities continue to persist today.
- (4) Local, state and national legislative bodies shall implement national standards similar to those listed above herein and create a mandatory reporting protocol which will result in an independent investigation every time there is a police involved shooting of an unarmed Black person or when a Black person is shot in the back by law enforcement.

These steps are more than reasonable. They are necessary strides in the direction of creating a truly equitable society and to prevent more tragedies from occurring. Implementing these proposals will ensure that the perpetrators of unlawful conduct are held accountable for their crimes. Too many lives have been lost and the price of continuing to fail to act is far too high.

Thank you in advance for your response, which is requested no later than September 1, 2020. Respectfully,

Black Lawyers of Ventura County
Blacklawyersvc@gmail.com

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This training session is offered to all prospective and current volunteers who arbitrate attorney-client fee disputes for the Mandatory Fee Arbitration Programs under the umbrella of the State Bar of California. The course will provide the basic training required to serve on a bar program's fee arbitration panel. Non-lawyer (lay) arbitrators, in addition to attorneys, are encouraged to attend this valuable training session and be a part of the Mandatory Fee Arbitration Program.

The program will be presented by Zoom. Speakers will address the basic processes of arbitrating a fee dispute, recent developments in the area of fee arbitration and other important topics such as:

- How to Ensure Your Arbitration Award is Upheld and Enforceable
- Understanding How the Statute of Limitations Applies
- How an Attorney's Conflicts of Interest Related to the Underlying Case Affects the Arbitration Proceeding
- What an Arbitrator Must Disclose When They Have a Relationship with One of the Parties
- Controlling the Proceeding

SPEAKERS

Clark Stone, Assistant Presiding Arbitrator, California State Bar Mandatory Fee Arbitration Program; Member, Executive Committee, Santa Clara County Bar Association Fee Arbitration Program; Law Offices of Clark Stone, San Jose, California

Jeremy Sugerman, Chair, BASF Fee Disputes Executive Committee; partner, Gordon-Creed, Kelley, Holl & Sugerman, LLP, San Francisco, CA

Lorraine Walsh, former Chair and Vice-Chair of the State Bar Mandatory Fee Arbitration Committee; State Bar Certified Specialist in Legal Malpractice Law; Law Office of Lorraine Walsh, Walnut Creek, CA.

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