



CITATIONS

NOVEMBER - TWO THOUSAND TWENTY

WHAT NOT TO SAY

by Wendy Lascher

Page 7



KATHRYN E. CLUNEN

TATIANA DEVITA

HON. DAVID W. LONG (RET.)

JOSHUA S. SMITH

PRESIDENT'S MESSAGE	3
JUDICIAL SPOTLIGHT: CATHERINE VOELKER	5
HAVE YOU HEARD?	8
A FAREWELL TO BENTON ORR DUVAL & BUCKINGHAM	12
BARRISTERS' CORNER	13
IF YOU REMEMBER THE SIXTIES ...	14
CLASSIFIEDS	19

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)
- Chair of the VCBA-ADR Section

WE GET IT DONE

cdrmediation.com

(805) 498-9494

JUDICATE WEST -- JOINING FORCES WITH CDR IN VENTURA COUNTY



David M. Karen, Esq.
DKaren@Judicategroup.com



OFFICES AVAILABLE (805) 498-1212

3155 Old Conejo Road, Thousand Oaks, CA



PRESIDENT'S MESSAGE

by Kathryn E. Clunen

According to the National Day Calendar, November is National Gratitude Month. Gratitude is more than simply saying “thank you.” It’s appreciating what’s positive in our lives.

Having a month of gratitude in 2020 may not seem fitting. But even with the uncertainty and change the year has brought, there have been silver linings for which to be grateful.

One such silver lining was, for me, a break from the usual momentum of practicing law and raising a family. It was in this unexpected break that I was able to plan and decide to take the leap to open my own firm, as many of you have done. I did this with my friend **Karen Oakman** (who is also known as my “work wife”). Karen and I both practice family law. In addition, I do family law mediations and Karen does criminal defense. We both worked at Dion Law Group before starting Clunen and Oakman Law, LLP.

I started at Dion Law Group in the spring of 2012, when I was getting married and moving from Camarillo



Dion Law Group at a Conejo Free Clinic Fundraiser dinner in 2019

to Simi Valley. I was looking for an attorney position on the east side of Ventura County when **Marc Dion** invited me to check out his office, which was then called Dion Law Office in Westlake Village. He offered me a position practicing family law, even though my experience was mainly in insurance litigation. I’m so grateful for the opportunity he gave me; I feel fortunate to have been able to work in a family-friendly firm for over eight years.

In 2014, I met Karen through a mutual friend. Karen was a practicing criminal defense attorney in San Diego and wanted to move to Ventura County to be closer to family. A mutual friend emailed me to see if I knew of any job openings in the area. I reached out to Karen to see if she would be interested in working at the Dion Law Group. She came to the firm and also appreciated the family friendly environment there. We became fast friends and so did our children. It turned out that my husband went to Cal Lutheran with Karen and her husband.

Over the years, Karen and I watched how Marc ran his firm and took notes. When we decided to start our own, Karen and I researched and asked other solo attorneys for their tips and recommendations. Everyone we talked to was supportive of us going out on our own.

Although it made me nervous to give up the security of a job with a regular paycheck, we’re now one month into our new endeavor and things are going smoothly. As many of you know, it

is both scary and exciting when you venture out on your own.

I am grateful for this opportunity and I’m grateful for the support from the legal community. It’s the support we’ve received that stands out the most when I think about why I enjoy practicing in Ventura County. I love our tight knit community.

So I propose we spend this month of gratitude appreciating the good in our community: from our judges who learn our names and participate in VCBA events, to our staff at VCBA who continue to work to bring more value to our members, to our mentors who help guide us along our journeys. There is so much to appreciate.

***Kathryn E. Clunen** is a family law attorney and mediator at Clunen and Oakman Law, LLP in Newbury Park. She can be reached at Katie@ClunenandOakman.com or (805) 273-4200.*

**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

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

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





CISLO & THOMAS LLP
Patent, Copyright and Trademark
Litigation Attorneys at Law



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

JUDICIAL SPOTLIGHT
CATHERINE VOELKER
by Tatiana DeVita



Catherine Voelker is a homicide attorney at the Ventura County District Attorney's Office. She was recently elected a Ventura County Superior Court Judge. She officially takes the bench in Jan. 2021.


DDA Voelker attended the University of the Pacific, McGeorge School of Law and passed the bar exam in 2004. Her family background is in farming and agriculture, but she decided to pursue a legal career after **Judge Vincent O'Neill** (then a Chief in the DA's Office) gave her seventh grade class a tour of the courthouse. During that tour, her class had the opportunity to watch a preliminary hearing, and she was intrigued and fascinated by everything she saw taking place in the courtroom. After that, she knew that she wanted a career in the courtroom someday, so she pursued a legal education with a focus on trial advocacy.

After law school she briefly worked for a civil firm in Sacramento before joining the Ventura County District Attorney's Office in 2005. Since then, she has prosecuted a variety of crimes, including DUIs, narcotics violations, thefts, domestic violence, child molestation and rapes, gang violence and murders. She says she looks forward to continuing her career in public service as a Superior Court Judge.



Tatiana DeVita is a Deputy District Attorney at the Ventura County District Attorney's Office and a member of the Ventura County Bar Association Barrister's Board.

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

*** NOW: MEDIATIONS AND ARBITRATIONS BY VIDEO CONFERENCING *
VIRTUAL PRIVATE CAUCUSES AND COMPLETE CONFIDENTIALITY**

CARRINGTONLINDENAUER.COM

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

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

BAR LEADERSHIP

ADR SECTION

David Karen 498-1212

ANIMAL LAW

Emily Robinson 497-7474

ASIAN BAR

Jessica Wan 659-6800

BANKRUPTCY

Michael Sment 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 ALLIANCE

Jill Friedman 644-7188

EAST COUNTY BAR

Doug Bordner 644-7188

EMPLOYMENT LAW

Rabiah A. Rahman 626-8337

FAMILY LAW BAR

Carolyn Diacos 535-4227

IMMIGRATION LAW

Vanessa Frank 641-9300

INTELLECTUAL PROPERTY

Peter Veregge & Rebecca Makitalo 496-1164

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

LGBTQIA + ALLIANCE

Mickye Coyle 662-1716

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
Nadia Avila - Associate Executive Director
Nayrin T. Banuelos - Member Relations Assistant
Brenda Bodie - CTP Coordinator

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



Your Real Estate Advisor

TEAM DEMBOWSKI

Bankruptcy Sales • Court-Ordered Sales • Divorce Sales
Investment Properties • Probate Sales • Trust Sales

Ellyn Dembowski is a graduate of the Pepperdine
Mediation Program with more than 27 years of
experience in mediation.

VALUATIONS PROVIDED WITHIN 24 HOURS



Team Dembowski
Ellyn Dembowski / Kellye Patterson
Top Producer 2007-2018
805.320.1206, 805.415.4419
team@teamdembowski.com
DRE 01441424 / 01914558


BERKSHIRE HATHAWAY
HomeServices
California Properties
LUXURY
COLLECTION

WHAT NOT TO SAY

by Wendy Lascher

I am not a judge. I have not even played one on TV. But I know something about persuading judges.

So do you. Unless you were wilderness camping or in the ICU for the last six months, regardless of your political stance you have been exposed to a barrage of tweets, television and radio spots, talk show screeds, and even attempted debates that centered around telling you why the other candidate is so heartless, ugly, unscrupulous, contagious, coarse, feeble-minded, and just plain wrong that you have only one choice on Nov. 3. Did any of that change your mind in favor of the other candidate?

Why, then, would a judge be persuaded by your brief explaining that the opposing party is a poopoo-head? Judges skip past phrases like these because they want to know why you should win, not why the other side should lose. There are many ways lawyers do this, sometimes reflexively, and they all waste words:

- “In a further misguided attempt”
- “In a desperate effort to avoid the statutory bar, plaintiff resorts to making an absurd argument”
- “A transparent attempt to mislead ...”
- “Counsel engages in pure fiction”
- “Incoherent memorandum”
- “Blithely ignores”
- “Most alarmingly”
- “More of the same belabored and misguided argument ...”
- The opposing brief is “a spectacle of revisionism”
- “Kafkaesque”
- Anything that accuses a court of manipulation, favoritism or intellectual dishonesty (see *In re Koven* (2005) 134 Cal.App.4th 262).

Whatever you do, refrain from saying that an opposing party “now attempts to slink back into its hidey hole by firing its putrid pool of purple ink into the faces of these plaintiffs, who dare challenge its hegemony over the health care of the persons in this market area, to wit: its

Motion to Dismiss.” (*Bearden v. Ballad Health* (6th Cir. 2020) 967 F.3d 513, 516.)

Whether you use this kind of language by habit, or because your client thinks you are a wimp, or because (let’s face it) you are a bully, if you are writing things like this, you are wasting words and sabotaging your case.



Wendy Lascher is a co-editor of *CITATIONS*, a partner in the Ventura office of Ferguson Case Orr Paterson, LLP, and a State Bar-certified specialist in appellate law. If you find bad examples of legal writing you would like to share, please send them to wlascher@fcoplaw.com.

Empower families with a better blueprint for co-parenting

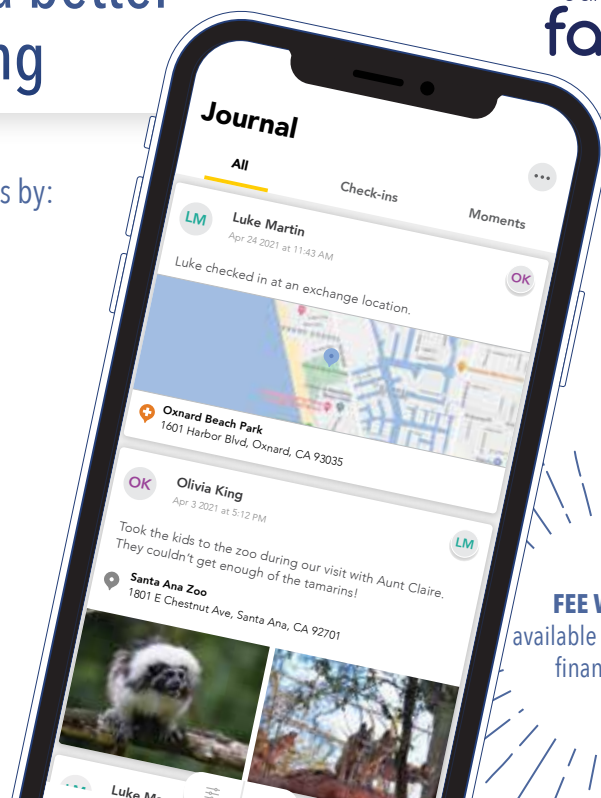


OurFamilyWizard supports better family outcomes by:

- ★ Predicting common pain points
- ★ Mitigating conflict
- ★ Reducing repeat visits to court
- ★ Ensuring family law practitioners have reliable access to thorough documentation

OURFAMILYWIZARD.COM/FOR-PROS

Visit our website to schedule a personalized product tour of OFW’s powerful platform



FEE WAIVERS
available for families in financial need

HAVE YOU HEARD?

VCBA welcomes new board members. They will serve a two-year term beginning 2021.



Kristine A. Tijam received her Bachelor of Arts degree from the University of California Santa Barbara in 2012. She then worked as a litigation assistant for a workers' compensation insurance company. In 2014, she began law school at The Santa Barbara and Ventura Colleges of Law. Tijam is with Procter, Shyer, & Winter, a civil litigation law firm specializing in the defense of complex public entity litigation, insurance litigation, and other civil litigation matters, representing clients in state and federal courts throughout Southern California.



Monica M. O'Hearn earned her Juris Doctor and Masters in Dispute Resolution at Pepperdine University School of Law in Malibu, California. While at Pepperdine, Ms. O'Hearn was a member of the law school's Journal of Business, Entrepreneurship, and the Law. Prior to Pepperdine, O'Hearn earned her Bachelor of Arts degree from Thomas Aquinas College in Santa Paula, California. She is with The Alvarez Firm and represents clients in estate planning, trust administration and probate matters. The Alvarez Firm provides entrepreneurs, property owners, and individuals with expert legal advice and strategic guidance tailored to achieve each client's unique goals.



Sara Peters was born and raised in Ventura County and is a proud alum of Ventura High School, class of 1992. She earned her Bachelor's

degree in Sociology from UC Berkeley and law degree from McGeorge School of Law in Sacramento. She is admitted to the bar in Hawaii, Wisconsin and California. Driven by a passion for social justice, Peters interned at the Equal Employment Opportunity Commission in Washington, DC, and ultimately started an employee-rights law practice in Wisconsin and then California. In 2013 she moved back to Wisconsin where she earned a Special Education Teaching Credential and taught high school students with emotional behavioral disabilities. She also taught in California for two years before returning to the practice of law in 2019. She now practices family law in Ventura where she lives with her son Colin (13), and daughter Paige (10).



Black Lawyers of Ventura County has a new president. Welcome **Damon Jenkins**. Jenkins is an attorney with the Ventura County Public Defenders Office. **Rabiah Rahman** will serve as Vice President and **Jacquelyn D.**



Ruffin will serve as secretary. For more information on how to join or get involved, please email Jenkins at damon.jenkins@ventura.org.



Rachel Coleman, who has been practicing law in Ventura since she earned her JD degree at The Ventura and Santa Barbara Colleges of Law in 2010, has

moved to Columbus, Ohio. Thanks to the wonders of technology, Rachel will continue handling California legal matters on a contract basis and will remain part of the CITATIONS editorial team.



Devi Rao, former law clerk for the late US Supreme Court Justice Ruth Bader Ginsburg, will guest host the Jerome M. Berenson chapter, Inns of Court second informal Zoom meeting on the evening of November 17. Rao is a graduate of Rio Mesa.



David Feder, son of local attorney **Steve Feder** and former clerk for US Supreme Court Justice Neil Gorsuch will guest host the December meeting.



The Jerome H. Berenson chapter of the American Inns of Court met for an entertaining and informal Zoom get-together on Oct. 15. Officiating were founding member **Hon. Harry Walsh** and special guest hosts, **Justices Arthur Gilbert, Martin Tangeman** and **Steven Z. Perren** of the Second District Court of Appeal, Division Six. Division Six hears appeals and writs arising from the Ventura, Santa Barbara and San Luis Obispo Superior Courts.



Judge Kevin DeNoce has been elected to be the Assistant Presiding Judge of the Ventura Superior Court and therefore will be moving to courtroom 22 effective Nov. 1st and conducting the MSC calendar among other duties Effective Nov. 1, **Judge Benjamin Coats** will be taking over the calendar and case load for courtroom 43. All cases previously assigned to Judge DeNoce will be reassigned to Judge Coats effective Nov. 1st except CEQA cases. **Judge Ronda McKaig** will be taking over the CEQA judicial assignment effective



November 1st.



Congratulations to **Karen Oakman** and VCBA President **Katie Clunen** on the launch of Clunen and Oakman Law. Both attorneys have been active in a wide variety of pro bono and lawyer-focused endeavors. The new firm, which can be reached at (805) 473-4200, will focus on criminal defense white collar defense, civil harassment restraining orders, domestic violence restraining orders, family law including custody, support, property division, guardianships, mediation and collaborative divorce.



RAISING THE BAR

CONTINUING LEGAL EDUCATION FOR FAMILY LAW PROFESSIONALS

The Baby Zoomers: COVID's Ripple Effect on Custody, Schooling, and Holiday Travel

COVID has impacted all aspects of life, and divorces are no exception. Take already complicated custody battles and add in lockdowns, vaccine decisions, holiday travel, and parents exposed to the disease, and you have a recipe for disaster.

Minor's Counsel, Marie Moreno Myers, CFLS, is joined by Clinical and Forensic Psychologist Dr. James Husen as they discuss COVID, custody, and how to serve all clients fairly in these challenging times.

When: Wednesday, November 18th at 12:00-1:15 PST (Virtual)

Where to Register: Go to www.RTheBar.com

Cost: \$55 (For complimentary access, use my Guest Pass "SallyCDRE")

Please Contact Me With Any Questions



SALLY SOLOMON, CDRE

805.338.7878 • www.sallysolomon.com
 Sally@SallySolomon.com
 DRE#00841652



An application requesting MCLE credit for this activity is pending for approval by the State Bar of California.



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.



Yolanda Castro

BROKER | OWNER
BROKERAGE DRE#02087306 | BROKER DRE#01406193

**SERVING VENTURA COUNTY AND
SURROUNDING AREAS SINCE 2003**

Direct: (805) 797-4524
Yolanda@CastroRealtyCompany.com

@Castro_Realty_Company

Spanish Hills Plaza
1317 Del Norte Rd., Ste 115
Camarillo, CA 93010

“Yolanda is a true professional. She is always checking in with her clients and referral partners and going above and beyond for them. She is easy to talk to and her dedication to ensuring that her clients receive the best outcome, whether it is to sell or buy a home, is clear in the way she conducts herself in every transaction.”

Renee R. Dehesa,
Esq. Estate Planning Business Law & Bankruptcy



Divorce Sale • Probate/Trust Sales • Short Sales • Conservatorship Sales • Bankruptcy Sales



CASTROREALTYCOMPANY.COM



NOW YOU'RE READY FOR A STRONG START...

Your Strong Start Program is specifically designed to provide a foundation for your new practice to thrive.

Cost effective, easy to apply for and providing the essential tools for your practice to grow stronger.

Your Strong Start Program is waiting for you with a first year **premium of \$500**.

Start with \$100,000 **per claim** / \$300,000 in the **aggregate**.

Start with Free \$100,000 **cyber coverage**.

Start with Free access to **Fastcase** legal research.

Start with Free access to lawyer-to-lawyer **hotline**.

Start with Free **Continuing Legal Education**.

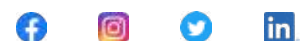
Protect yourself. Protect your clients. Protect your future.

www.lawyersmutual.com



**LAWYERS'
MUTUAL**
INSURANCE COMPANY

Our strength is your insurance



A FAREWELL TO BENTON ORR DUVAL & BUCKINGHAM

by Hon. David W. Long (Ret.)

I had two “incarnations” with Benton Orr Duval & Buckingham. The first beginning on May 17, 1976 (a Monday, the first workday of my 35th year on earth) and my entry into the “law business.” The late **Jim McGahan** convinced me to leave Carl Warren & Co., where I was an Assistant VP and had opened their first real “branch office” outside of the metro LA/Orange County area, by dangling the job of Legal Assistant/ Investigator in the trial department of the firm. McGahan had the cockamamie idea that BOD&B could increase billable time of the trial department lawyers by having a “skilled” paralegal/legal assistant accomplish many of the discovery, research, motion and opposition drafting tasks as well as assistance in trial preparation and locating developing experts in the medical malpractice defense sphere, much of which I had done while with Carl Warren & Co. We even billed paralegal time!

Part of the enticement to begin a “new career” was that if I were to I decide, which I did three years later in 1979, to attempt to go to law school, they would assist me in getting admitted to The Ventura College of Law, where I did the four year law school program in three and a half years, and passing the Feb. 1983 General Bar Examination. (The pass rate, statewide, for that bar exam was 27.6 percent, the lowest in California bar exam history until several years ago when the pass rate for a Feb. bar exam was 27.3 percent.)

Upon my passing the California bar examination, BOD&B, having never had to face a potential associate who was a graduate of a non-ABA school prior to that, had a special partner’s/shareholder’s meeting to decide what to do with a seven plus year employee who had brought in much business and produced significant paralegal income to the firm. They did offer me an associate attorney position but also offered to reduce my salary by \$7,000 per year as I was no longer an “experienced paralegal” but a brand new, rookie attorney, at age 43.

In the words of legendary New York Yankees manager Casey Stengel, I politely told them to have that around their infield.

But, some years later, after a brief stint at Henderson, Allen & LaRoche followed by a partnership with Roger Borrell in a firm we called Borrell & Long, I was invited back to BOD&B in the middle of 1988 with a partnership promise in 1989, which promise was kept. I was with them until being appointed to the bench in the fall of 1993.

I look back on my time at BOD&B, both as a paralegal/legal assistant/investigator and as a lawyer with great fondness. I became a paralegal under the tutelage of premier civil trial lawyers, **Don Benton**, McGahan, **Jim Sherren**, **Bob Davidson** and **Mike Case** (who was with BOD&B for a couple of years before leaving with **John Orr** and **David Cunningham** to form Case Orr Cunningham) and to sit through numerous jury trials at the counsel table with those partners even before beginning law school.

I owe the firm a debt of gratitude that can never truly be repaid for the privilege of learning how civil trial law should be practiced with professionalism, dignity and integrity and being able to learn that at the

feet of some of the best, most honorable lawyers I’ve ever known in my life.

I’ve even forgiven **Tom Olson** for taking over my office, which actually had windows, when he came to the firm in late 1978, right out of UC Davis Law School, which relegated me to a windowless, dungeon-like office in the basement, next to the law library! Of course, Tom is now Shirley’s and my estate planning lawyer, a dear friend who laughs with me about our meeting at the firm some 42 years ago! It seems like almost yesterday to both of us, I suspect.

What a distinguished and noble history the firm has had since it was founded in 1882.



Retired Ventura Superior Court Judge Dave Long provides mediation, arbitration, evidentiary hearings and related services throughout Southern California and the Central Coast. Creative Dispute Resolution. info@cdrmediation.com; 805-498-9494.



Kenny Minkel

CERTIFIED DIVORCE LENDING PROFESSIONAL

805.320.7898

Kenny@CoastPro.net



Financing Strategies for Divorcing Homeowners:

- Post Decree Real Estate Financing
- Equity Buyout / Pre-Approval
- Comprehensive Perspective of Divorce & Mortgage Financing Options

KennyMinkelMortgagePro.net

Please contact me to schedule a meeting or a ZOOM meeting

DRE #01469552 • NMLS #360639 • SPL DRE #01258835 • NMLS #71667

BARRISTERS' CORNER

by Joshua S. Smith

March 2020 marked the start of my second year practicing law here in Ventura County. It was also the start of COVID-19, you know, that “thing” that has unapologetically turned all our lives upside down and buried them in endless Netflix and Amazon Prime streams. To say that my first year practicing law here has been “eventful” may be an understatement, but probably not in the typical first-year-of-practice sense.

For the most part, my limited time practicing in this county hasn't provided too many chances to expose myself to our local legal community. This is partly because most of my legal work at A to Z is limited to our firm's public law and land use practice, and thus, most of my work-related interactions are with our local agencies' staff, private clients and various city and county planners. This is also partly due to the fact that nearly a third of my legal career has now been under the auspices of social distancing, Zoom calls and working from home.

I made one court appearance in that first year of practice before the pandemic.

You could say it was educational and informative, but it would be better to say it was anxiety ridden, nerve racking and stress inducing. It went by so quickly that nearly nine months later, all I remember from the hearing is the hour I spent in front of the mirror at home beforehand, reciting my legal arguments to the cat who may or may not have been more receptive to my theory of the case than the presiding judge. In hindsight, it's still a toss-up. I also attended a handful of VCTLA CLEs, a few Barrister events, one VCBA Installation Dinner (featuring renowned comic Tom Papa!), and volunteered at the county's Mock Trial event (where I realized that this county is armed to the teeth with fifteen and sixteen year olds who are way more qualified to practice law than yours truly).

The point is, after a year and a half of practicing in this county, I still haven't had the pleasure of meeting most of you. Nonetheless, with things being as they are, I feel extremely fortunate to be practicing amongst you all. Ventura County is an amazing place. It offers a quality of life that is unrivaled by any other region of

Southern California (trust me, I know, I lived in the other ones). It has miles of beaches, countless surf breaks (with free parking!), a plethora of hiking trails, bike paths, and camp sites, endless sunsets, and beautiful star-filled night skies. But most importantly, it has the sort of legal community that is welcoming to a new, young attorney.

I truly look forward to developing and growing my legal practice here in Ventura County, and as things get back to normal, I hope that we all have more opportunities to get to know one another in the near future. However, until that time comes, I'd like to offer a simple thank you to all those in our legal community for creating a warm, welcoming and inviting place for a new guy like me to call home.



Joshua S. Smith is an associate attorney at Arnold LaRochelle Mathews VanConas & Zirbel LLP in Oxnard, CA.



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

IF YOU REMEMBER THE SIXTIES ...

"If you remember the sixties," the saying goes, "you weren't really there." But most of CITATIONS' readers will not remember the 1960s because they **really** weren't there; they weren't even born yet.

But VCBA was going strong 50+ years ago. CITATIONS brings you these flashbacks from the July 1969 edition of VCBA's DOCKET. The editor at the time was some guy named **Ed Lascher**. The bar was smaller and more gossipy in those days, apparently. And the State Bar apparently did not contemplate women on its committees.

STATE BAR COMMITTEEMEN SOUGHT

Chairman JIM LOEBL of the COMMITTEE ON STATE BAR COMMITTEES urges all members of the Ventura County Bar who are interested in serving on a committee of the State Bar to make that fact known to JIM, who will pass them on to the powers that be. His address is 790 East Santa Clara Street, Ventura, 648-3031. Haste is advised with the convention in the offing.

FROM THE EDITOR'S FOOLSCAP by Edward L. Lascher

Some Harvard professor writing in Saturday Review says that of course the faculty deplores violence and lawlessness and that jazz, but also that the academic community should be considered a big family. Therefore, when the goons take over with the rifles and bandoliers and spears and .45s and the like, one would no more call in the police than he'd call them into his home if one of his kids got unruly. Make a note never to visit that guy's home. Might skip his classrooms, too, while you're at it.

* * * * *

While this club, of course, has many distinctions, one of them particularly intrigues us. It's got to be the only group in this day and age in which the younger a member is, the stuffier, more conservative and humorless he is bound to be. In short, when in Ventura, don't trust anybody under 35.

* * * * *

We oppose capital punishment. With one exception. People who get in their cars when the courthouse parking lot's full (as when isn't it?) and then sit and gab, lighting cigarettes, etc., while everybody else waits, panting, for them to back out. There's no point in trying to rehabilitate that ilk. Kill!

Speaking of parking, our nominee for Ventura's most zealous public servant is the little guy who superintends the lot. He is likely to give you a ticket if you even slow down in front of a reserved spot.

* * * * *

Seems to us that HERB ASHBY (the finest County Counsel we've ever had) must have the best press agent of any member of this club. Every time he gets involved in promoting prize fights or the like, it's good for a couple of three-page profiles. And when things are kinda slow for Herb, his kids' cat gets caught in a tree and that's good for a multi-page, in-depth picture story. The best that RUSS KING'S flack can do is get a few jokes planted in the columns and attributed to him. Oh, well, you can't fight County Hall.

* * * * *

ANNUAL AWARDS: Other fusty, unimaginative publications give year-end awards. We have the year-middle-award market cornered. And they are:



EDITOR'S FOOLSCAP (Continued)

THE RALPH NADER TRAFFIC SAFETY PRIZE to the CHP for their fearless war on following too closely.

THE ROY BEAN JURISPRUDENCE GOBLET to the Honorable Richard Love for his espousal of the doctrines of reasonable doubt and conflicting evidence.

THE JACQUELYN SUSANN PRIZE FOR ORIGINALITY IN JOURNALISM to Bob Holt of the Star-Free Press.

THE JUDGE CRATER MEMORIAL MEDAL FOR FOSTERING PUBLIC RESPECT FOR THE JUDICIARY to the United States Supreme Court for its decision to exempt itself from conflict-of-interest rules to be imposed on other judges.

THE MARIO SAVIO EDUCATIONAL ADVANCEMENT AWARD to the University of California, Berkeley, for its statesmanlike decision to spend a half million bucks fixing up the grounds of the president's palace -- at this particular time.

THE BILLY SOL ESTES-BOBBY BAKER-TEAPOT DOME TROPHY to Governor Reagan, Senator Hugh Burns and all but nine others in Sacramento for passing that giveaway bill. And to our own Bob Lagomarsino for excusing his favorable vote on the ground that there is so much to vote on you can't know what you're voting for. (Our other legislator, Ken MacDonald, was disqualified as one of the nine subversive miscreants who refused to go along with the gag.)

THE BOB CRATCHETT JOGGING TROPHY to Don Holt, Jr.

THE JIMMIE HOFFA GOVERNMENTAL EXCELLENCE PLACQUE to the Ventura County Animal Control Department for its novel and imaginative campaign against animals. (This calls for some explanation: If you just pick up strays, nobody knows you're doing your work because the evidence is self-removing and -effacing. Therefore our minions have restricted their campaign to licensed dogs, poodle-sized and under, and exclusively on their owners' front door step -- and preferably in the presence of small children or aged pensioners. That way the public really knows who's getting serviced by whom.)

THE JACK BERKOWITZ TRIAL STRATEGY GONFALON to Don Grant for his masterful planning of following-too-closely prosecutions.

THE MARTIN BORMANN DEMOCRACY-IN-ACTION GOBLET to the Grand Jury for fearlessly uncovering the fact that the Public Defender's Office, while apparently playing the game, was in actual fact surreptitiously defending some of its clients.

LAWYER OF THE YEAR: John Van Geldern.

INDUSTRIALIST OF THE YEAR: John Van Geldern.

Virtual



Trivia



Night

RSVP as a team or as an individual!

**THIS FREE EVENT IS OPEN TO ALL
JUDGES, ATTORNEYS, LAW STUDENTS & FRIENDS.**

Thursday, November 12, 2020

Check-In: 5:30 PM

Trivia Start Time: 6:00 PM

No suggested donation

Ways to register:

- 1) 805.650.7599
- 2) vcba@vcba.org
- 3) www.vcba.org/calendar/



2021 PROPOSED VCBA SLATE OF OFFICERS AND DIRECTORS



Marc D. Anderson
President



Jacquelyn D. Ruffin
President-Elect



Brian C. Israel
Secretary-Treasurer



Kathryn E. Clunen
Past-President

RETURNING BOARD MEMBERS (1 YEAR REMAINING)

Linda K. Ash

Rachel Coleman

Carla L. Hartley

Damon L. Jenkins

Kata Kim

Louis H. Kreuzer

Guillermo "Bert" Partida

Trevor M. Quirk

H. Frederick Seigenfeld

NEW BOARD MEMBERS (2 YEAR TERM)

Margaret J. Coyle

Vanessa M. Frank

Joshua S. Hopstone

Stephanie A. Johnson

Monica O'Hearn

Sara Peters

Kristine A. Tijam

Lauren R. Wood

Those who wish to place other names in nomination for the 2022 Board of Directors may petition for candidacy as set forth in the VCBA Bylaws (a copy of which is available online at www.vcba.org).

LRIS REFERRALS PAY!



The VCBA's Lawyer Referral and Information Service (LRIS) has referred **1,844** clients to participating lawyers since 2018. With its low annual enrollment fee, LRIS is one of the most effective ways to help the community and increase your clientele. Be a part of a nationwide service. It's a win-win all around!

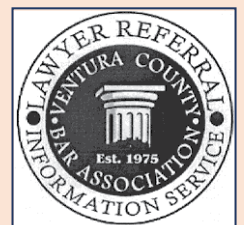
To name a few, join the many attorneys already supporting the VC community while benefiting from VCBA's LRIS.

- Since 1998, DK Law Group
- Since 1998, Ferguson Case Orr & Paterson, LLP
- Since 2005, Heredia & Associates
- Since 2000, Johnson Moore Trial Lawyers
- Since 2008, Lowthorp, Richards, McMillan, et al
- Since 1998, Myers, Widders, Gibson, Jones & Feingold
- Since 1998, StakerLaw
- Since 1998, Law Office of Joseph E. Hohenwarter
- Since 1998, Law Office of Robert M. Baskin
- Since 1998, Law Office of Robert I. Long
- Since 1998, Law Offices of Kenneth M. Yaeger
- Since 2012, Law Offices of Kevin L. Dorhout
- Since 2003, Law Offices of Krause & Hirschhorn
- Since 1998, Law Offices of Mark T. Jessee

LRIS carefully screens clients that match your practice area. Our clients know they are being paired with quality attorneys too, thanks to our thorough lawyer qualification process. This is your assurance of the best possible referrals.

Referrals made:

- 294 Medical Mal Practice
- 287 Labor
- 285 Family
- 239 Personal Injury
- 205 Real Property
- 140 Estate Planning & Probate
- The list goes on...



REQUEST YOUR LRIS APPLICATION:

Contact Nadia at 805.650.7599 or bar@vcba.org

CLASSIFIEDS

HELP WANTED

Westlake Village law firm seeks full-time paralegal. Busy family law firm seeking paralegal with experience in family law and/or civil litigation. Great opportunity for employment in a pleasant office. Competitive salary and benefits offered. Position available immediately. Email résumé in confidence to lisa@slmfamilylaw.com.

Family Law Attorney - The Law Offices of Stephanie L. Mahdavi is seeking a hardworking and personable family law attorney. The ideal candidate will have a minimum of three years of family law and/or civil litigation experience. Candidate must possess strong analytical skills. Competitive salary and benefits. Great opportunity for employment in a pleasant office. Please send resume with a cover letter in confidence to lisa@slmfamilylaw.com.

Family Law Attorney. Ferguson Case Orr Paterson's Westlake Village office seeks an experienced family law attorney to add to its growing practice area. The ideal candidate has at least three years of experience in practicing family law, strong academic credentials, and excellent writing skills. Ties to the Ventura County area are a plus. This is an ideal opportunity to further develop 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 to sbarron@fcoplaw.com. Applicants without family law experience will not be considered.

OFFICE SPACE FOR RENT

Executive office spaces available in three lovingly restored Victorian homes built in the late 1800's. They are located across from the California Court of Appeal building in historic "old town" Ventura. All three are designated as Ventura Historical Landmarks. Quick and easy 101 access, and a short walk to Surfers Point, the waterfront promenade, and to fine shops and restaurants on Main Street. Handicapped access. Landlord provides furnished reception area and pays for utilities and janitorial service. Free on street and onsite parking - no meters. Rents from \$500/month. Contact Don Parrish at 805-340-1204 or Jenny Perry at 805-653-6794, ex. 203.

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



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

CITATIONS

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

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



When times get crazy, just remember what really matters: Family, friends and helping others. Blessings from the Lehrs during these troubled times!

We appreciate your criminal law referrals!

WWW.DavidLehrLaw.COM

805-477-0070