



CITATIONS

MARCH – TWO THOUSAND TWENTY ONE



PUBLIC DEFENDER – CLAUDIA BAUTISTA

by Kathleen J. Smith

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PRESIDENT'S MESSAGE

by Marc D. Anderson



Let's get this out of the way. I love accordions. There, I've said it.

Playing a basic melody on an accordion is easy, but mastering the accordion takes years. Your right

hand plays a 41-key piano keyboard, your left hand plays the 120 bass buttons (single notes and chords) in accompaniment. You can't see your left hand, so you have to develop muscle memory to know where the buttons are. The left hand also controls the bellows – the breath of the instrument. When you play the accordion, you embrace it and it feels like a part of you.

I have two accordions, which is hardly enough; the bare minimum, in fact. I'm always looking for an accordion to grow my collection. Opening the eBay app on my iPad is a trip down the rabbit hole. Browsing through the listings and the photos brings me the same joy I had as a kid thumbing through the JCPenney Christmas catalog (I never did get that combination race car/train set!).

My most recent purchase was a 1940 Wurlitzer Artist – a professional accordion in its day. A young Lawrence Welk played one. The auction description said it had not been tested, its playing condition was unknown, and it was being sold as is. I loved its beautiful retro design, though, and decided to take a chance on its condition. A few days later my bid of \$65 won the auction. A week later a large box was on my doorstep.

Vintage accordions tell stories. I wish I knew the Wurlitzer's story – who owned it, the music it played, the people who enjoyed hearing it. When I opened the case and freed it from its protective bubble wrapping, I could tell it had been well-loved, well-played and well-taken care of. All the keys and registers worked, the leather straps were in great shape, there were few scratches, the bellows didn't leak air and there was no musty smell.

The Wurlitzer was in Phoenix when I found it, but I think that might just be where it retired. I imagine a young man in the Midwest using his savings to upgrade from the simpler accordion he had learned on and playing it at dances in small towns across his state. In my imagined history, it changed hands only once – sold to another accordionist who moved to Arizona to escape the winters of the Midwest and played it to the end. Family members who fondly remembered its music considered learning to play it, then tried to sell it and eventually donated it. It found its way to an accordionist in Southern California. The real story is certainly more interesting, but this will have to do.

Vintage accordions tell stories. Many of those stories are immigrants' stories. The history of the accordion in America is a history of immigration.

In the mid- to late-1800s, Germans and eastern Europeans emigrated to southern Texas and northern Mexico. They brought music from the old country and they brought accordions. Narciso Martinez, a Mexican American accordion player, was a Tejano music pioneer and the father of conjunto music. Tejano repertoire includes regional folk dances and European forms like the waltz, polka, and schottische. In an interview, Martinez (known as El Huracan del Valle) said he and a friend would listen to German bands and then go home and play the music on the accordion. His first record included the polka *La Chicharronera* and the schottische *El Tronconal*.

Viola Turpeinen's father emigrated from Finland to Michigan's Upper Peninsula where he worked in the ore mines. Turpeinen's mother taught her to play the button accordion and she quickly developed a repertoire of traditional Finnish polkas, waltzes, and schottisches. After hearing the piano accordion at an Italian dance hall, she took lessons with Italian teachers and learned to play the piano accordion. She began touring in 1927 at the age of 18. She played for working-class Scandinavians in social halls across the Upper Midwest but over time developed a broader audience. She was the first woman accordionist to

make records. One of her notable pieces is *Life in the Finnish Woods*, which is a Swedish song about an area in Sweden where a Finnish population settled.

The son of Volga German immigrants, Lawrence Welk grew up in a German-speaking town in North Dakota. His father bought him a mail-order accordion (\$5,000 in today's money!) with the agreement that Welk would work on the family farm until he was 21. Welk kept his promise and then left the farm to pursue a career as a bandleader and accordionist. He brought the accordion to middle-class audiences. In 1951 he settled in Los Angeles and *The Lawrence Welk Show* began on KTLA. By that time, Welk led the band and left most of the accordion playing to Myron Floren, the son of Norwegian immigrants. Floren's signature piece was *Lady of Spain*. I have fond memories of watching *The Lawrence Welk Show* when I was a young child.

Albert Gustav Anderson emigrated to Minnesota from Sweden with his parents when he was twelve. His son, my grandfather, Austin Anderson, learned to play the accordion, served his country in the Navy during World War II, and was a legendary fisherman. He played the accordion with friends and at bars in rural Minnesota. His two favorite accordion tunes were Swedish folk songs – *Johan pan Snippen* and *Nikolina*. I have two pictures of him playing the accordion – one as a young man and one as the grandfather I remember. If I can ever find accordions like those my grandfather played, I will buy them. I'm going to end here and go check eBay. You go listen to some accordion music.



Marc D. Anderson is lawyer with Hiepler & Hiepler, APC, in Oxnard. He represents plaintiffs in personal injury and wrongful death cases.

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KEVIN MCVERRY: GOODBYE TO A GOOD MAN, A GOOD LAWYER AND A VERY GOOD FRIEND

by David E. Edsall



Our wonderful friend and colleague **Kevin McVerry** passed away on Jan. 18, after a brief illness. Kevin's loves in life were his family, the ocean and the law, in that order. Kevin is survived by his wife of 47 years, Anna, daughters Catherine and Margaret, sons-in-law Corrado and Seth, and grandsons Louis and Julian.

Kevin began his legal career as a law clerk for Judge A. Andrew Hauk of the United States District Court for the Central District of California. Shortly after, Kevin moved to Ventura County and was one of **Michael D. Bradbury's** first new deputies in the Ventura County District Attorney's Office. Kevin moved to civil practice with the Cohen, England, Whitfield and Osborne firm and later was a partner at Graves, Roberson & Bourassa where he practiced for more than 20 years. Kevin also served as an Adjunct Professor of Business Law at California Lutheran University for more than two decades. Kevin, who most recently hung his own shingle in Camarillo, continued to practice law until late 2020, when he became ill. People that knew Kevin were keenly aware that he had a very high IQ and was quite a storyteller. His ability to tell a story made him an excellent trial lawyer. Over the course of his career, he handled 100 jury trials, and an unknowable number of bench trials and arbitrations.

In college, Kevin was twice named an All-American swimmer by the NCAA. His love for the water never subsided. During most of his legal career, Kevin worked weekends and holidays as a Los Angeles County Lifeguard at the beaches along Pacific Coast Highway from Malibu to Zuma Beach. A typical Saturday in the McVerry household meant that Anna and the girls would join him for lunch down at the beach, while he worked and rescued beachgoers too numerous to count. A founding member of the Professional Lifeguards Foundation, Kevin helped launch their scholarship program which has helped more than 100 students.

When Kevin was in his 40s, he handled the swim leg of a triathlon relay that involved a two-mile ocean swim around the Ventura pier. There were over 200 participants, so the organizers started the swimmers in stages. White capped swimmers were in their twenties and entered the water first. Yellow capped swimmers (in their thirties) went in next and so forth. Kevin, with an "old guy" blue cap, entered the water last. To everyone's amazement, a blue cap began to rapidly overtake almost every swimmer in front of him. When the first group of swimmers hit the beach, it was a group of white caps and Kevin, finishing twelfth out of 200 after having started nearly dead last. Kevin was also one of the only swimmers without a wetsuit for the chilly early morning swim, swimming in just his red lifeguard shorts. You could hear people asking, "Who was that guy?" Until just last year, Kevin still swam several days a week at lunch in the many pools that he had memberships with throughout the County.

Kevin loved the law and although he did not have a financial need to continue practicing, he never thought of retirement. Winding down his practice confirmed what we suspected for years. He often represented clients and performed legal work for those in need without charging them. While most of his work was civil litigation, he did a fair amount of criminal defense work and provided excellent representation, as well as personal counseling to guide that person to a better life going forward.

Kevin was a friend of mine for the last 35 years, with our children going to school together and sharing office space during much of the last twelve. On occasion, we would grab lunch. During a burrito run to Establos on Ventura Boulevard in Camarillo, a homeless man was out front asking for money. I made no eye contact and kept walking. I turned around and Kevin was engaged in a full conversation with the homeless man. When Kevin eventually caught up with me in line, he said that man was Mark and he wants a chili verde burrito. Kevin did not know the man but recognized his need. While we will remember Kevin's Irish gift for storytelling and how much he loved to connect and talk with people, his gregarious and fun-loving personality belied a strong and serious character. However, his empathy for others was not an idle one. The respect and kindness he showed to Mark at Establos is just one of many, many times through the course of our friendship that I observed Kevin going out of his way to help someone. I suspect I am aware of only a tiny fraction of Kevin's charitable works. Kevin was a constant example of what we are supposed to do.

For a number of years, Kevin coached the Thousand Oaks High School mock trial team with **Meghan Clark**, which was regularly a finalist in Ventura County's Mock Trial competition. Later, Kevin volunteered his time to various high school teams to act as a judge/critic during Mock Trial 'scrimmages' between schools, both in and out of Ventura County. Kevin had a significant, positive impact on the lives of these young people, at least six of whom went on to law school. Clark shared, "We had so much fun coaching those goofballs. They were great kids and Kevin taught them so much. One student called while he was at a highly rated law school. He said that he wanted me and 'Mr. McVerry' to know that he 'aced' Evidence without ever showing up to class. I said, 'How is that possible?' He told me, 'About 3 weeks in, I realized that I already took 3 years of "McVerry on Evidence," which was way more advanced than law school, so I never went to class again. I just showed up for the final and got an A.'"

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ERIK NASARENKO APPOINTED AS DISTRICT ATTORNEY

by Edward Andrews



Erik Nasarenko was recently appointed as the District Attorney for Ventura County. A Ventura city councilmember and Senior Deputy District Attorney at the time of his appointment, District Attorney Nasarenko was selected for the position unanimously by the Ventura County Board of Supervisors on January 26, 2021.

District Attorney Nasarenko comes from a background with a strong focus on both justice and community outreach. Prior to

becoming an attorney, District Attorney Nasarenko worked on behalf of public school districts in community relations while attending law school at night. When he graduated, he sought work in public service, resulting in thirteen years as a trial prosecutor in a wide range of assignments at the Ventura County District Attorney's Office, including obtaining guilty verdicts in a number of high-profile child molestation cases, and focusing on crimes involving sexual assault and family violence, where he worked with victims and survivors in many significant cases.

While a councilmember for the City of Ventura, District Attorney Nasarenko served as Mayor and Deputy Mayor, advocating successfully for funding a joint County-City homeless shelter, among other issues. As District Attorney, he seeks to pursue the Office's focus on community safety and his own passion for victim's rights, while focusing on emerging issues such as justice for the mentally ill and expanded community outreach.



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KEVIN MCVERRY: GOODBYE TO A GOOD MAN, A GOOD LAWYER AND A VERY GOOD FRIEND

Continued from page 5

For those students who did not aspire to become lawyers, Kevin's contribution was no less meaningful. He did not simply focus on the superstars. Like a true teacher, he figured out what each student needed to be the "best version" of themselves. Those that were nervous or shy found confidence and success in their public speaking, in part, because of his confidence in them.

Kevin's longtime assistant, Susie Hagen, shared that "Kevin was the best boss I ever had and the kindest and most tolerant. I can't tell you how much time he has spent over the years with people who called in with some kind of problem seeking legal advice and, although he knew he wasn't going to take their case, he would spend an hour or more with them on the phone or have them come in and help them out. He would take ensuing phone calls and answer emails when they had additional questions and never charged a dime."

Kevin's family would like to thank Hagen and Gundi Schneidersmann for their loyalty

and great assistance, especially during the short time that Kevin was ill. Also, a special thank you to Clark, **Danielle Everson**, **Brook Carroll** and **Diana Ponce-Gomez** at Clark Everson LLP, who jumped in immediately to handle Kevin's active files until they could be handed off to new counsel.

The loss of Kevin is a deep loss not only to his family and friends, but to the entire Ventura County legal community. -



David E. Edsall is the founding partner of Edsall Law, where his practice includes estate planning, probate and trust administration, general business matters, real estate law and civil litigation.

He profoundly misses his dear friend Kevin.

LETTER TO THE EDITOR

Even after almost 50 years in the business of the law, I absolutely loved **Wendy Lascher's** article in this month's Citations.

I just hope that every young lawyer takes those pieces of advice "seriously."

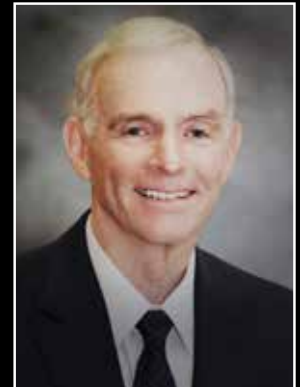
AND I want to add one, from my father, the best lawyer I ever knew, which was advice to me on the day I was sworn in as an attorney in 1973.

"Your client will always 'forget' to tell you something. If you can figure out what that is before the other lawyer does, you will succeed in this business."

Hon. Jack Smiley (Ret.)

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MARC ANDERSON: RENAISSANCE MAN, MORAL CORE ADVOCATE, AND 2021 VCBA PRESIDENT

by Sara Peters

At least one transition of presidential power that took place in January was peaceful: that of the Ventura County Bar Association presidency from **Kathryn Clunen** to **Marc Anderson**. Anderson represents plaintiffs in personal injury and wrongful death cases at Hiepler & Hiepler in Oxnard. He has served on the VCBA Board of Directors for the last four years. Anderson is also on the Board of the Ventura County Trial Lawyers Association (VCTLA) and was its president in 2016.

As a new VCBA Board member who's only had the privilege of meeting Anderson in-person once (and that was back before COVID struck), it was a pleasure to finally sit down with him (albeit on Zoom) and get to know him for this article. I also had the honor of speaking with several of his colleagues who shared their thoughts and stories.

Renaissance Man

VCBA Past President (2017) **Erik Feingold** describes Anderson as a "true renaissance man" who's "extremely well-dressed, wears cool bow ties, and plays the accordion." Having served with Anderson on the Boards of both VCBA and VCTLA, Feingold further describes him as witty, sharp, personable and having a big heart.



Anderson's coolness factor is boosted further by his riding a vintage motorcycle, which, Feingold points out, is the same one Anderson's father used to take him riding on when he was a child. His father purchased the Honda Trail 90 the year Anderson was born. Anderson had it shipped here and restored after his father passed away in 2012.

Witty

Among fellow Board members, one of the things Anderson is appreciated for is his dry wit. VCBA Past President (2020) Clunen says, "He's a genuine, nice guy with a great sense of humor you don't find in a lot of lawyers anymore."

Former VCBA Board member **Rabiah Rahman** says, "Marc's finest trait is his witty and sarcastic sense of humor." Rahman vividly recalls the time she and Anderson co-hosted the live auction for the VCBA's Annual Dinner in 2018. As they walked onto the stage, he leaned over to inform her there were a few "last minute donations." Then, as Rahman tells it, "somewhere between LA Laker tickets and a condo in Hawaii, Marc informed the crowd that one of our judges had donated the granting of a summary judgment motion and the bidding started at \$1,000."

Minnesota Roots

Anderson was born and raised in Minnesota where, besides motorcycle riding, he spent a good amount of time sailing on Lake Superior with his family. His love of sailing and camping followed him to California, and he's currently restoring a 1965 Pearson Commander sailboat. According to his wife, **Kristine "Kristi" Anderson** (who practices estate planning and was recently elected to serve on the Rio School District Board of Trustees), most weekends they're either sailing the boat or he's working on it.



Two of Anderson's favorite places are Bayfield, Wisconsin and Grand Marais, Minnesota, both of which are on Lake Superior. When their children Bodie, (age fourteen) and Libby (age twelve),

were younger, the Andersons took them on a month-long adventure that included driving a pop-up tent trailer there and camping along the way. They hoped the kids would develop an appreciation for the roughing-it-ish style of camping. But, Kristi muses, their favorite part of the trip ended up being the private KOA campground at Mount Rushmore that had all-you-can-eat-pancakes, three restaurants and "was more like a resort."

Playing the accordion is another pastime of Anderson's that stems from his Minnesota roots. His Swedish grandfather also played. Anderson took up playing thirteen years ago after finding a world-famous teacher in Westlake Village. He says he hopes that either Bodie or Libby will also learn to play and one day form a duet with him they'll call the "Hoop-Dee-Duo" – a name inspired by the famous *Hoop-Dee-Do* polka. He says that neither have shown interest in the accordion yet, but they both play the piano and Bodie plays the saxophone as well.

Anderson just acquired another accordion, which is an antique Wurlitzer. Videos and photos of Anderson playing his accordions – along with his wish lists for accordion accessories – can be found on Facebook and his YouTube channel (Marc Anderson). If you're lucky, you might be able to talk him into playing the *Chicken Dance* at your child's birthday party.

Personal Injury Practice

Anderson's path to practicing law began at Harding University in Arkansas, where he majored in economics. It was there that he took a business law class that inspired him to study law. He moved to California in the early 1990s to attend law school at Pepperdine University and has lived here ever since.

Anderson began practicing plaintiffs' personal injury law about 26 years ago when he worked for Ronald Goldman in Century City. (No, not that Ronald Goldman, although Anderson did live in Brentwood and was studying for the bar exam during the infamous Bronco chase in June of 1994.) It was then that Anderson worked on his first complex case: the UC Irvine fertility scandal, which, according

to the LA Times, is widely considered the country's worst. It involved UCI doctors stealing eggs or embryos from dozens of patients and implanting them in others – and secretly pocketing almost \$1 million in the process. For his part, Anderson was sent to San Antonio to depose a witness – the biologist who took detailed notes about which couples received which stolen genetic material. Anderson says he was a “very young lawyer” at the time, and that when he arrived for the deposition, the other lawyers mistook him for the videographer.

Moral Core Advocate

Anderson also lived and practiced in San Diego before relocating to Ventura County at the behest of long-time friend and fellow cigar aficionado **Greg Johnson**, with whom he went to law school. Anderson and Johnson practiced elder abuse and neglect law together from 2003 to 2008.

Reflecting on the cases he litigated with Johnson, Anderson asks, “Is it really the best system that for-profit companies are in charge of people’s welfare and health?” Anderson has spent most of his career advocating for plaintiffs up against adversaries with considerably more power. Many of his clients were injured due to corporations prioritizing profits to the exclusion of the health and safety of those they were supposed to protect. Referencing the famous quote from *The Law of Torts*, Anderson says, “Prosser and Keeton said, ‘the law of torts is a battleground for social theory,’ and there’s nothing truer than that. How we decide to resolve and make laws for civil wrongs is really social policy.”

Johnson describes Anderson as “the perfect advocate,” and says that when he heard the presentation “Moral Core Advocacy, Finding the Heart of Your Case,” it made him think of Anderson. The term Moral Core Advocacy was coined by trial attorney and author Rick Friedman, who, according to Trial Guides’ website, encourages plaintiffs’ lawyers to “cultivate the moral high ground and juxtapose it with the repugnant morals of the defense.” Johnson says, “Marc finds the moral core of every case and that’s his motivation. He goes all-in. He’s an amazing advocate. He’s the perfect advocate.”

Mark Hiepler, who’s worked with Anderson for over ten years at Hiepler & Hiepler, says Anderson has “the brilliance of a law professor balanced with the compassion of a minister.” Hiepler admires Anderson’s mastery of “wrestling very difficult issues and writing in such a succinct manner.” And he especially appreciates Anderson’s ability to balance being analytical with being compassionate: “To be so analytical but at the same time be able to place himself in the shoes of our most injured is truly remarkable.”

Anderson says he “loves every bit” of being a plaintiffs’ lawyer and that he’s happy for having made that choice. One thing he particularly appreciates about his practice is the opportunity to become an expert on the different subjects and issues presented with each new case. Bypass surgery, heart-lung machines, neurosurgery, eye surgery, oil pipelines, train design, transmissions, fire investigation and farming are just a few of the subjects he’s become familiar with over the years.

In his case that involved neurosurgery, the defendant was a surgeon who practiced in Ventura County for only sixteen months. During those sixteen months he performed 350 surgeries. Anderson represented seven of the 23 patients who filed medical negligence lawsuits after suffering devastating injuries at the hands of the surgeon. When his bad practices caught up to him, the surgeon left Ventura County to practice medicine in Michigan. He hurt other patients and is now serving time in federal prison for Medicare fraud. Anderson was disappointed the system failed to protect others: “The medical community failed in its moral obligation to stop this physician from hurting others. I am thankful the civil and criminal justice system eventually did what others weren’t willing to do.”

Anderson has tried cases in state and federal court and has argued four appeals. In recent years, he’s obtained more than \$155 million in settlements and a \$2 million jury verdict. The jury verdict was a Ventura County case where dependent adult neglect resulted in wrongful death.

Currently, he’s representing plaintiffs who were injured in the 2015 Metrolink train crash in Oxnard and serves on the plaintiffs’ steering committee. When asked if he’ll ever ride on a train again, he replied, “Yes, but I don’t sit in the front car.”

VCBA in 2021

Since last May, when George Floyd, an unarmed Black man, was killed by a white police officer in Anderson’s hometown of Minneapolis, Anderson has been giving a lot of thought to how the VCBA can advance the goal of equal justice for all – and also encourage its members to do the same. To be sure, this year the board will continue to collaborate with Black Lawyers of Ventura County, which, according to its president, **Damon Jenkins**, is presently focused on getting the County to implement the measures outlined in the resolution passed by the Board of Supervisors last November. Those measures include establishing an advisory group to identify public concerns related to policing policies and procedures and also a working group of health care subject matter experts and community stakeholders aimed at improving health care services for underserved populations.

The COVID-19 pandemic is another thing that’s affected what VCBA will do, or, rather, won’t do, in 2021. The board has already voted to cancel the golf tournament and Law Day 5K this year. It remains to be seen whether the Annual Dinner will take place in November. But if it does, I for one would like to see Anderson play the *Chicken Dance* on his new Wurlitzer while everyone dances along.



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.

PUBLIC DEFENDER--CLAUDIA BAUTISTA

by Kathleen J. Smith

Claudia Bautista is Ventura County's new Public Defender. Bautista was unanimously appointed on Oct. 20, 2020 by the Ventura County Board of Supervisors. Bautista succeeds **Todd Howeth** in leading the agency. Video of Bautista's acceptance of the promotion is viewable at <https://www.vcnewschannel.com/news/402-cov-new-public-defender>.

Bautista started work with the VC Public Defender's office on Christmas Eve, 2001. This wintertime inception is fitting for a University of Wisconsin law graduate, who left the endless summer of Southern California to see how they live in wintry Wisconsin. There, Bautista deepened her interest in criminal justice for vulnerable communities, while learning about the Wisconsin culture of brats and beer at Badger tailgate parties. Bautista is dedicated to the Badger alumni community, especially maintaining ties with other Californians who did stints in Madison.

Bautista returned from Wisconsin, passed the California bar, and started applying for jobs at public defender and district attorney offices all over Southern California. Bautista considered working in either side of the criminal justice system – prosecution or defense. If Bautista had become a district attorney, she would have sought to make a difference at the level of charging decisions. Bautista's overarching life view is to be of service. From the time Bautista was big sister to two younger siblings, and throughout her

public defender career, Bautista always took responsibility to do something meaningful and be of service.

When Bautista came to Ventura for an interview at Public Defender **Ken Clayman's** office, **Susan "Sue" Olson** reached out to invite Bautista for coffee at the Government Center. Olson's advice to Bautista was to go over to the arraignment courtrooms on the first floor of the county courthouse and find out if she could see herself working there. Bautista saw cells that seemed like cages, holding people who looked like her – Latinx folks accused of crimes. Bautista saw that racial minorities were overrepresented among Ventura County's criminal defendants. Bautista decided to take a job representing these folks to promote the humane administration of justice. Bautista has developed a philosophy that the public defender ensures everyone – police, prosecutors, defendants, and judges – follows the rules. Bautista enforces the constitutional rights of the accused by testing the system and making sure no one shortcuts. If there is wrongdoing, Bautista will raise her hand and object. As Public Defender, Bautista plans to instill the "raise your hand" ethic in deputy public defenders.

Bautista was born in Penjamo, Guanajuato, Mexico in 1971. She arrived in the US as a two-year old whose mother, a college student from Mexico, overstayed her student visa. Bautista's father entered in Texas, crossing the Rio Grande. Years later the entire family

obtained documented status in 1986 with President Reagan's immigration amnesty. Bautista's first language is Spanish, which she still speaks. The family still maintains a home in Penjamo that Bautista visits occasionally. Penjamo reminds Bautista of Ventura County with its agricultural economy.

Growing up, Bautista's parents were the managers of her apartment complex. What this meant for Bautista was weekend chores with her family – painting, collecting rent, landscaping – which Bautista disliked. Her grandfather, visiting from Mexico, explained the solution: work hard in school and achieve the life you prefer. Bautista's parents also urged her to excel in her education. They explained that she could choose any life she wished, but would always be better off with a strong education.

Bautista graduated from Burbank High School as a debater. On the debate team, Bautista felt the invigoration of successfully preparing and arguing debate points on abortion and women's reproductive health. This early training set a standard Bautista also saw in her VC co-workers and mentors, like **Jean Farley**. Bautista found in Farley a supervisor who inspired Bautista to work zealously, diligently and tirelessly for her clients, and leave nothing on the table. Bautista saw Farley invest personal time and money in her clients, and Bautista learned that Farley trusted her with new difficult assignments. Farley's management style was to give an assignment, with a few clues about the controlling law, and expect that Bautista would work to learn the new issues and come talk to Farley when she knew what questions to ask.

Bautista has had more than 50 jury trials. Having experienced so many verdicts, Bautista recognizes there is no exact science to choosing a jury or interacting with them. Rather, she focuses on this rule: the only thing you can control in a jury trial is your own level of preparation. In a jury trial, the most fearful person in the courtroom is the client. Bautista says the public defender must communicate with the client to make sure they know what the defense is doing and to keep them engaged in the defense. At the end of the day, when counsel gets in her car



Left to right, Paul Drenstedt, Andre Nintcheff, Todd Howeth, Bautista, Larry Carlton, Tim Quinn, Lorin Calderon and Aurora Lazaro.

and goes home; the client goes back to jail and endures another day accused of a crime.

Bautista will be a Public Defender known well by the public defender's office rank and file. Bautista has served in multiple assignments including arraignments, misdemeanors, felonies, life and death cases, mentally ill offenders, conservatorships, and even worked on an appeal. She trains other criminal defense attorneys, focusing on her extensive background in mental health. Mental health is a significant issue for poor people ensnared in the criminal justice system – not only are they ill with a condition that will probably never be cured, but they are also being declared a danger to society. There is little flexibility for the mentally ill once that happens.

Bautista also volunteers as a judge in the high school mock trial competition. Many of us have served as scorers, but the judge has a heightened requirement to be extremely familiar with the students' packet of facts and law, ready to rule on the pretrial motion

and all trial objections. Bautista's presence on the mock bench shows Ventura County's students that they are seen and heard.

Bautista says that by protecting criminal defendants' rights, we also protect our own. The system is forced to rely on substantive evidence. Bautista says we cannot get to the point where "it's OK to throw away the rules." Bautista plans to continue advocating for humane justice and sees current events as relevant to this advocacy. Society is entering a time of awakening to the fact that our practices in criminal justice, like money bail and incarceration for low-level offenses, have failed. As a public defender, Bautista has lived with injustices in the system for so long. At this time, people are listening, and Bautista wants to help describe the current deficits and give her suggestions on how to fix them. Ventura County gets to experience this harmonic convergence of exactly the right person in the job at exactly the right time.

Bautista speaks on her humane justice topic whenever the opportunity arises. She has spoken to local civil rights groups, Black Lawyers of Ventura County, the NAACP, LULAC, CAUSE and MICOP (Mixteco Indigena Community Organizing Project). Bautista looks forward to speaking to VC rotary clubs, chambers of commerce and service clubs. She sees the interconnectedness of our community fabric, and how that has been affected and altered by the current pandemic. With this prominent appointment, Ventura County adds a woman agency leader who lives her agency's mission.



Kathleen J. Smith
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Rodriguez has been dedicated to giving back to her community. Her goal is to help bridge the gap in access to justice for the lower to moderate income members of the community by focusing her practice on providing limited scope and flat rate family law and estate planning services. You can reach Rodriguez at (805) 947-0718 or caitlinrodriguezlaw@gmail.com.

The California Asian-Pacific American Judges Association offers two opportunities to learn about the judicial appointment process in California – March 10 at noon, with judges from Northern California, and April 7 at 5:15 p.m. with judges from Southern California. Each presentation will feature Luis Céspedes, Governor Newsom's new Judicial Appointments Secretary.



Ventura County's own **Judge Paul Baelly** is featured on April 7. Register for the Southern California presentation here: <http://bit.ly/judge-event-4-7>; and for

the Northern California presentation here: <http://bit.ly/judge-event-3-10>.

Diana Lytel, who practices with Lowthorp, Richards, McMillan, Miller & Templeman, was named 2021 president of the Association of Southern California Defense Counsel (ASCDC) on Feb. 5. She will lead the organization in providing networking opportunities, specialized continuing education and representation in legislative and appellate matters for civil defense attorneys across Southern California.




Lytel specializes in general litigation for businesses and individuals, professional liability, premises liability and criminal defense. With a background in securities law, Lytel has defended Fortune 500 companies, financial institutions, mutual funds and insurance entities. Contact Lytel at (805) 981-8555 or visit <http://www.lrmmt.com>. More information about the Association of Southern California Defense Counsel <http://www.ascdc.org>.

Remember MadLibs? A local firm recently sent employees an email cautioning them about what items go into the shred bins: Today our shred truck driver found an [NOUN], two [PLURAL NOUN] in the shredding. The last time the company picked up our shredding, they found an [NOUN] and before that found a [ADJECTIVE] [NOUN]. Please be aware that these items will damage their trucks. Use your imagination; the various items

were not binder clips, or anything else you'd expect to be discarded at your office.



The Ventura County Diversity Bar Alliance (VCDDBA) encourages members of historically underrepresented groups to apply to become a judge. Contact **Jill Friedman** (jfriedman@mwglaw.com) if you are interested in learning more about the VCDDBA, or **Jessica Wan** (jwan@scoplax.com) with questions about the CAPAJA educational events.



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OBITUARY OF ROBERT LAGOMARSINO

by Kathleen J. Smith

California lost one of its best on Super Bowl Sunday. **Robert “Bob” Lagomarsino**



passed away at his home ranch in Ojai, at the age of 94. Lagomarsino was with his son and grandson, ready to watch the big game, when he peacefully passed away.

Lagomarsino was admitted to the bar in 1954. He was 27 years old. By that time, Lagomarsino was already a war veteran and a father.

In 2017, *CITATIONS* interviewed Lagomarsino and profiled his long, accomplished life. Trained as a U.S. Navy pharmacist's mate and then a dental technician, Lagomarsino spent two years caring for sailors as World War II ended, helping pull their teeth as they cruised home from Japan in 1946.

Upon military discharge, Lagomarsino enrolled at University of California, Santa Barbara to study economics. Lagomarsino was married while in college, and had a daughter while in law school at Santa Clara University Law School.

Lagomarsino moved back to Ventura County after passing the bar, and practiced in Ventura and, later, in Ojai with the late **Jack Fay**. Lagomarsino then started a law firm in Ventura: Danch, Farrell & Lagomarsino. Then Lagomarsino entered politics.

Lagomarsino was elected to the Ojai City Council in 1958 and was appointed mayor. In 1961, the local State Senator, James McBride (*see* Hwy. 101 “Senator James J. McBride Memorial Bridge”), passed away in office, and Lagomarsino ran as a Republican in the special election to fill the seat. He was elected by a plurality when the two Democratic candidates split the vote.

In Sacramento, Lagomarsino won approval of criminal justice bills by schmoozing at dance nights. Sen. Phil Burton said in committee, “Well, I had two dances with your wife, so we’ll move two of your bills out.” Attorney General Evelle Younger labeled Lagomarsino “Law Enforcement’s Best Friend in Sacramento.” And

Lagomarsino also sponsored environmental legislation improving air and water quality around offshore oil drilling.

When Congress member Rep. Charles Teague died in office, Lagomarsino ran in the 1974 special election and won. In Congress, Lagomarsino authored the legislation designating the Channel Islands as a National Park. He was acquainted with the owners of Santa Cruz Island, who had dedicated their island to a land conservancy, “for the future,” as Lagomarsino said.

Lagomarsino served nine terms in Congress, until 1993. His second wife Norma Jean died in 2015. Norma Jean's son Dana Smith cared for Lagomarsino in the last years of his life, at home in Ojai.



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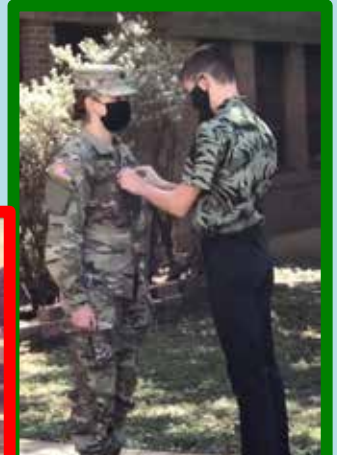
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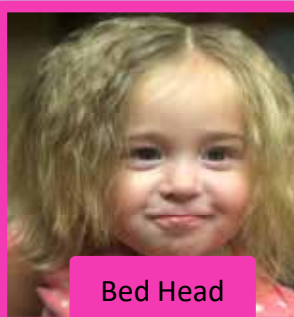
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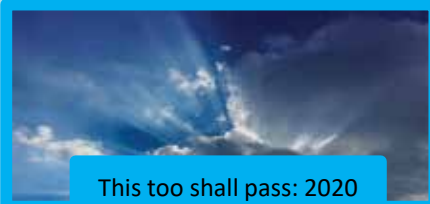
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