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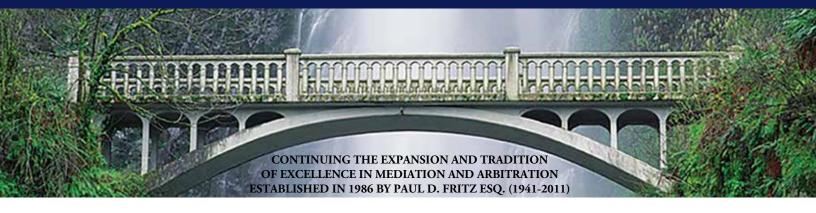
NOVEMBER 13, 2021 SPANISH HILLS CLUB

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PRESIDENT'S MESSAGE

by Marc D. Anderson



I was born and raised in Minnesota. My family lived in South Minneapolis near the Minnehaha Parkway in an area known as Tangletown. Our neighborhood was full of families - the Tollefsons, the Barnharts the Becks, the Nesses, the Ellingtons and the Frankenberrys. I still remember some of their phone numbers. In the summer we stayed out late playing kick the can, and in the winter we went sledding together on the big hill by the creek. We walked to school together, first Page Elementary, then Susan B. Anthony Junior High School and finally Washburn Senior High School. Chad Tollefson and I played with our little cars on my front walk, built Legos in his room, and painted model airplanes in his basement. Richard Ness's mom made us donuts when I slept over on Friday nights. Erin Frankenberry was my first crush.

I have two sisters. We adopted my younger sister, Jina, from Korea when she was three years old. I have a picture of my parents holding her soon after she got off a 747 at the Minneapolis airport. They are all smiles. I shared a room with Jina until the addition to our house was built. I remember her naturalization ceremony when she was a few years older. Sometimes when people asked if my sister was adopted, I'd tell them no, that I had been adopted by a Korean family. My older sister, Kristen, led the way for Jina and me.

Three times a week we attended the Richfield Church of Christ. It was a small non-denominational church in a state full of large Lutheran and Catholic churches. We sang a cappella and listened to sermons deeply rooted in scripture. My dad was a deacon and my mom wrote articles for the



church bulletin. Our church had many families and most of them lived in the suburbs so I had a whole group of church friends apart from my neighborhood and school friends.

My wife says I had an idyllic, Mayberry upbringing and I can't really disagree. We were comfortably middle class and had everything we needed. We had stability and consistency. We all got along pretty well and I was close with my parents, especially my mom. Growing up, I was taught the foundational values of honesty, integrity, hard work, humility, kindness and reverence. My home, neighborhood and church were full of role models.

I left Minnesota in 1991 to attend law school in California. My law school years proved formative for me, more so than my college years. I examined my beliefs closely – some stood up and some didn't. My foundational values developed and expanded. I was doing what we all do as we grow up – taking the beliefs and values I was taught and making them my own.

I didn't move back to Minnesota and my family didn't stay in Minnesota. My parents moved to Venice, Florida in 1995. My older sister and her family followed them a few years later. My younger sister moved to Alabama, her husband's home state, after college.

In the early 2000s, the differences in my beliefs and viewpoints and my parents' beliefs and viewpoints became more obvious. I visited them shortly after the 2004 presidential election and I remember a heated discussion while we were out for

dinner. Thinking back on it still makes me uncomfortable.

After that, the differences in our beliefs and viewpoints only became more pronounced. There were a few more uncomfortable conversations before we reached an unspoken agreement — we would not discuss religion, politics, or anything too controversial. For the most part, this worked, but it made our relationship incomplete. Conversations became mostly updates or reminiscences.

I struggle with this because I want a meaningful relationship with my mom (my dad died in 2012). I'm sure there are a lot of people facing the same struggle. How do we deepen those relationships with people who matter to us, but with whom we don't see eye-to-eye? How do we disagree fundamentally and still respect each other? I don't know the answers, but I'm sure it requires kindness and compassion.

I don't want or expect to discuss controversial issues with my mom every time we talk, but I also don't want us to avoid issues that matter to us just because we are worried the other may disagree. I want the love, support and acceptance I unconditionally had from her growing up. I want her to be proud of who I am now. And I want her to know that she has my love, support, acceptance and respect. We each probably know these things, but I don't want our different viewpoints to create any doubt. Doubt is my worry.

I am sure my mom and I still share the foundational values of honesty, integrity, hard work, humility, kindness and reverence. I know I am the person I am today, even with our differences, in large part because of my upbringing and my mom's example.



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

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HAVE YOU HEARD?



With utmost sadness, we regret to report the passing of attorney **Joe Herbert**. Although he was a fierce advocate for his clients, opposing counsel enjoyed working with him. He was proud

of his service in the Navy, but his real pride was being a father to his son, Sam. Services are pending. Please contact **Lou Kreuzer** at (805) 383-4131 or *lou@louiskreuzerlaw.com* to pass condolences to Joe's family and for further information.



Valarie Grossman, an associate with the Beach Law Group, has been appointed for a three-year term as the Attorney Member for the five-member Air Pollution Control

District Hearing Board. The Board's membership must be comprised of one attorney, one registered professional engineer, one representative of the medical profession, and two public members.

The judges of the Ventura County Superior Court are seeking comments on proposed Amended Local Form VN-135, no later than Monday, Nov. 15. The proposed form may be viewed at http://www.ventura.courts.ca.gov/local_rules/PLF_01-01-2022.pdf.



Nicole M. Threlkel has joined Schneiders & Associates, L.L.P. Threlkel assists businesses with entity formation, intellectual property, litigation and transactional needs.

She also offers her time and expertise to local groups to educate them on business strategies that can help them avoid future litigation.

Attorneys and real estate professionals often interact through their work, but that work



can be serious and fastpaced, leaving little to no time to connect on a meaningful level. On Sept. 30, led by president **Jessica Wan**, the Ventura County Asian American Bar

Association (VCAABA) held its first inperson event since its revival last year, partnering with the Ventura County chapter of the Asian Real Estate Association of America (AREAA-VC.) The mixer for real estate and legal professionals, attended by several VIP guests, supported the local economy at Slate Bistro in Camarillo, with raffle prizes from Ventura County businesses like Tamai Farms. The two groups plan to make this an annual event to foster connections and relationships. For more information about VCAABA, please visit www.vcaaba.com.

Jesse Cahill, Doug Goldwater, Kymberley Peck and Lauren Sims announce the launch of Ventura Coast Law LLP, on Nov. 1. The new firm will be based in Newbury Park and will focus on estate planning, probate and trust administration, family law and probate/trust litigation. Phone (805) 947-4790.





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WILDFIRES AND EMBERS: WHAT ARE HOME HARDENING LAWS?

by Mari K. Rockenstein

Anyone living in Ventura County the past few years is well aware that this is an area prone to wildfire. However, those buying homes might not be aware of how extreme that fire danger is depending on where the house is located or when it was built. California's brutal back-to-back fire seasons motivated California legislators to change disclosure laws regarding protecting ("hardening") a home from wildfires and embers. Passed in 2019, the Home Hardening Disclosure law (Gov. Code, §\$ 51182 & 51189; Civ. Code, § 1102.19) will affect many Californians, including Ventura County homeowners, in two ways: (1) requiring seller's provide relevant disclosure information, and (2) increasing enforcement with respect to rules about creating defensible space. (Ibid.)

Home hardening refers to building resistant materials and home features that protect a home from catching fire. Effective Jan. 1, sellers are required to disclose hardening characteristics for a home or property if: (1) the property was constructed prior to 2010, (2) is located in a high or very high fire hazard severity zone, (3) and is a residential one-to-four-unit property, including condominiums or other common interest development units, or manufactured homes. (Gov. Code, §§ 51182 & 51189; Civ. Code, § 1102.19.)

Sellers must provide buyers a notice that includes language on how to fire harden homes, and a list of any specific home features that the seller is aware might make the home vulnerable to wildfire and flying embers (Gov. Code, §§ 51182 & 51189; Civ. Code, § 1102.19.) Disclosure is based on the seller's actual knowledge and the list can include materials such as untreated wood shingles, single pane glass windows, and combustible landscaping near the home (Gov. Code, §§ 51182 & 51189.)

According to the California Department of Forestry and Fire Protection ("Cal Fire"), it is estimated that approximately half the homes burned in wildfires ignite from embers that blow miles ahead of the blaze rather than from flames or heat in the fire front. Some homes burn from the inside out after embers find a way in through a heat-cracked window or vent. (CA Dept. of Forestry, https://www.fire.ca.gov.) Accordingly, Cal Fire urges all homeowners

within fire hazard zones to make home hardening retrofits. Suggestions for home hardening include:

- Use a noncombustible gutter cover to prevent buildup of debris.
- Install weather stripping around and under the garage door to prevent embers from blowing in.
- Cover all vent openings with 1/16-inch to 1/8-inch metal mesh.
- Remove accumulated vegetative debris from the roof.
- Install dual-paned windows with one pane of tempered glass to reduce the chance of breakage in a fire.

(Ibid.)

On July 1, the new Fire Hardening and Defensible Space Advisory also went into effect. (Gov. Code, § 51182; Pub. Resources Code, § 4291.) Defensible space is the term for a buffer zone between a structure on the property and any flammable grass, trees, shrubs or wildland area that surrounds it. Existing state and local laws require certain property owners to maintain defensible space, usually 100 feet, on their property. Sellers of such properties must provide documentation that their property is in

compliance with defensible space laws and/or any local vegetation management ordinances. (Civ. Code, § 1102.19.) If documentation demonstrating compliance cannot be obtained by the close of escrow, the law allows the seller and buyer to enter into a written agreement showing that the buyer agrees to obtain documentation of compliance within one year of the close of escrow. (*Ibid.*) The exact rules will depend in part on whether relevant local ordinances already exist. (*Ibid.*)

And finally, starting July 1, 2025, sellers' disclosures will also need to include a list of low-cost retrofits regarding home hardening and specify which ones the seller actually completed for the home (Gov. Code, §§ 51182 & 51189.) For more tips and resources regarding home hardening here in Ventura County, check out: *venturafiresafe. org/* or *readyforwildfire.org/*.



Mari K. Rockenstein is a faculty member in the MVS School of Business & Economics at California State University Channel Islands. She is a frequent commentator on legal

issues for radio and television and is of counsel to the Camarillo-based law firm of Panda Kroll, Esq. & Associates.



CONSIDER MAKING THIS PART OF YOUR ESTATE PLAN

by Carol H. Mack

I am 73 years old, and, although I am in good health, I have determined that I am closer to my death than to my birth. Consequently, as every good attorney does, I have been doing some estate planning. I own a home and have a modest retirement fund in the form of investments, and so I have executed a living trust. My estate (what's left of it) will pass to my two daughters equally without the necessity for probate. For the eventuality that I should become incapacitated, I have also executed an advance directive. If I become unable to make my own medical treatment decisions, my older daughter will make them for me. I have talked with both of my daughters about my wishes at the end of my life. My physician and close relatives have copies of my advance directive.

I have made arrangements with the Neptune Society for the handling of my remains, and they have, thoughtfully, already sent me an urn for my ashes, along with a guest book for the service! I think I'm pretty well prepared, don't you?

But I have lately turned my attention to another instrument to include with my estate plan – the ethical will.

An ethical will, also known as a legacy letter, is a way to pass on or not your material possessions, but your wisdom and values to your heirs. It is another way of leaving a legacy for future generations. Let me share a couple of personal examples of when it might be helpful.

Years ago, I received an inheritance through my mother from a distant relative. My mother told me, "Uncle Orville would have wanted you to spend it wisely." How meaningful it would have been to have some insight into Uncle Orville's values! What would "spending it wisely" look like to him? And who was this relative, whom I had never met? An ethical will or legacy letter would have helped me fill in the blanks.

On a similar note, my ex-husband used to complain that no one would remember him when he was gone. I think that this is a fear that many of us have. How will we be remembered by future generations? One way to enhance the memory others have of you is through an ethical will.

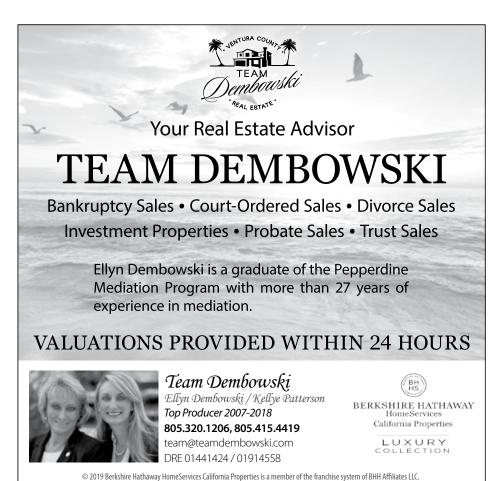
Ethical wills had their origin in ancient times. They were first described 3,000 years ago in the book of Genesis, and there are references to this tradition throughout the Hebrew and Christian scriptures. Ethical wills have continued to be common in the Jewish tradition, but they are no longer limited to any one faith or culture.

Since the 1970s, there has been a renewed interest in these letters, and many attorneys recommend them to their clients. Ethical wills can help your heirs know you better and gain insight into what motivated you, such as the values reflected in your life and your estate plan. They can help those who come after understand what principles informed your various decisions. And for charitable bequests, they can provide context for the gift. Be cautious, however;

although an ethical will can be used to clarify the rationale for the terms of a legal will, it is not a legal document, and it is important to avoid contradicting your standard will.

For me, one of the considerations in drafting an ethical will is that I am, as I said, 73, and my twin granddaughters are four. What is the likelihood that I will live to see them reach adulthood? Depending upon how much more time we have together, after I'm gone they may not retain a clear memory of the person I was. I would like them to have an awareness of the values that directed my actions during my life. Also, they will grow up and, perhaps, have children of their own. I would like those children also to have an appreciation for the fact that I lived and for how I lived.

What will I write in my ethical will? Well, I'd like my surviving family and



the generations to come to get a sense of the person I was. I would like them to understand the values I learned from my parents and my faith tradition and how I demonstrated those values in my life. Both of my daughters were raised in the same faith tradition, but neither still practices, and my granddaughters are being raised in no faith tradition. While I respect their choices, I would like them to understand what my faith has meant to me and how it has informed my actions. I also hope that, as I have reached a certain age, I have also reached a level of wisdom that I might convey to my family and heirs.

I will include some examples of decisions I have made that are best understood as reflections of the principles I hold dear. I will also share some family history and some stories told by my elders. In doing so, I will try to convey a sense of what it means to be a member of this family. And I will express my love as well as my hopes and dreams for my children and grandchildren as they continue on life's journey.

Ethical wills can be very valuable to those who receive them, but I would like to suggest that the process of drafting an ethical will can also be valuable to you who create it, even if you never send the letter or attach the instrument to your other estate documents. One author writes that articulating your values in this way can help you live your life more intentionally. It is a reflection of what is important in your life, as much for yourself as for those who come after you. I think that it is worth considering.



Though she is retired from practicing law, **Carol Mack** continues participating as a member of the CITATIONS editorial board. She is a member of the health care faculty at CSUCI.

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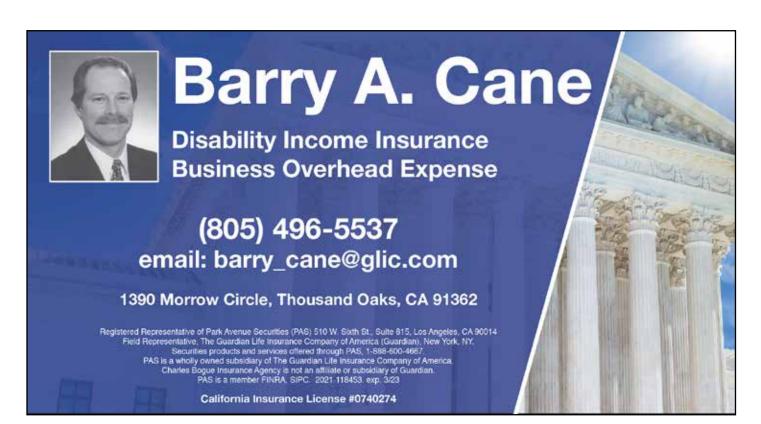
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CONTINUING COURT JURISDICTION TO ENFORCE A SETTLEMENT v. CONDITIONAL SETTLEMENT, IS THERE A DIFFERENCE?

by Mark E. Hancock

You've reached a settlement, but wonder if the other side will honor the agreement. It's not a simple money for release and dismissal settlement. The other side has promised to do things that will take time. You'd like to have options other than paying to file and serve a new lawsuit for breach of contract, or making a motion for summary judgment in the present one, to secure performance. How should you terminate your present case?

Fortunately, you have options. This article focuses on two procedures that are separate, but often confused with one another.

One option is to request, under Code of Civil Procedure ("CCP") section 664.6, that the Court retain jurisdiction to enforce a settlement. Another is a "conditional settlement" under California Rules of Court ("CRC"), Rule 3.1385(c). These are sometimes confused because court forms relating to both methods use the term "conditional settlement."

Requesting that the court retain jurisdiction to enforce the settlement (CCR § 664.6)

It is public policy to encourage the voluntary settlement of litigation. (*Osumi v. Sutton* (2007) 151 Cal.App.4th 1355.) CCP section 664.6 is a means toward this end. It states: "If requested by the parties, the court may retain jurisdiction over the parties to enforce the settlement until performance in full of the terms of the settlement." (Emphasis added.)

Section 664.6 creates a summary, expedited procedure to enforce settlement agreements when certain requirements are met. (*Inamed Corp. v. Kuzmak* (C.D. Cal. 2002) 275 F.Supp.2d 1100.) Neither a new lawsuit nor a motion for summary judgment is required and the trial court, in deciding the motion, is able to determine disputed facts based on declarations and/or oral testimony. (*Wackeen v. Malis* (2002) 97 Cal.App.4th 429; see also *Elyaoudayan v. Hoffman* (2003) 104 Cal.App.4th 1421.) In ruling on a motion to enter judgment based on settlement, the court acts as the trier of fact. (*Terry v. Conlan* (2005) 131 Cal.App.4th 1445.)

Two things about CCP section 664.4 are important to remember. First, it is not the exclusive remedy for enforcing a settlement. (*Gauss v. GAF Corp.* (2002) 103 Cal. App.4th 1110.) Second, it is only available if statutory prerequisites have been satisfied. (*Harris v. Rudin, Richman & Appel* (1999) 74 Cal.App.4th 299.)

What are the statutory prerequisites? First, it must be a settlement of pending litigation. (Kirby v. Southern California Edison Co. (2000) 78 Cal.App.4th 840.) Second, it must be made in a writing signed by all the parties, or made by them orally before the Court. (Harris v. Rudin, Richman & Appel, supra, 74 Cal.App.4th; see also Sully-Miller Contracting Co. v. Gledson/Cashman Construction, Inc. (2002) 103 Cal.App.4th 30.) It is especially important to remember the requirement that the settlement be signed by the parties, because, generally, an agreement that is signed by an attorney, but not by her client, may not be summarily enforceable under section 664.6 and there certainly may be problems trying to enforce such a "settlement" by other methods as well. (Robertson v. Chen (1996) 44 Cal. App.4th 1290; see also Knabe v. Brister (2007) 154 Cal.App.4th 1110.)

When parties to pending litigation enter into such a settlement (i.e., one in writing signed by the parties, or made orally by them before the court), the court retains jurisdiction to enforce the settlement even after a dismissal, **provided that the parties request that retention of jurisdiction before the dismissal.** (*Hines v. Lukes* (2008) 167 Cal.App.4th 1174, 1182.)

The Ventura Superior Court has a local form, VN059, that provides for this. The form provides: "All parties consent to the Court retaining jurisdiction pursuant to CCP section 664.6." According to the clerk's office, the filing fee for a motion requesting entry of judgment pursuant to a settlement is \$60 and is filed under the original case number. (This is less expensive than filing a new case.)

The form also takes care of two other matters that have to be addressed. First, there is a duty to inform the court of settlement under CRC, Rule 3.1385(a). Form VN059 provides that: "[t]he above-entitled case has been settled."

The second matter has to do with dismissal of the case. CRC, Rule 3.1385(b) provides that, except as provided in (c) or (d) (the latter subsection having to do with compromising the claims of a minor or disabled person), a request for dismissal of the entire case has to be filed within 45 days of the date of settlement. If this is not done, the court must, in the absence of a demonstration of good cause, dismiss the case. How this is handled in Form VN059 highlights a difference from the other option to enforce settlement.

Conditional settlement (CRC, Rule 3.1385(c)

In a typical money for release and dismissal case, the insurer may tell you that it will be a couple of weeks to issue and mail you and your client a check. 45 days is enough time for that, but what if the settlement requires the other party to do things that will take longer than 45 days? Another way to handle this is through CRC, Rule 3.1385(c).

This subsection provides that if the settlement agreement provides for things that will not be performed within 45 days of the settlement (such as the completion of installment payments by an uninsured defendant), the notice of conditional settlement must provide the (later) date by which the dismissal will be filed. If the case is not dismissed within 45 days of that later date, the court must, in the absence of a showing of good cause, proceed to dismiss it.

The form used for this method of settlement enforcement is Judicial Council Form CM-200 and the "incentive" for performance is that the pending case does not get dismissed (assuming, of course, that the plaintiff remains awake and diligent) until and unless the other party performs. If they don't perform as agreed, an option here is to continue the case.

This highlights some differences between Local Form VN059 and Judicial Council Form CM-200 (and between CCP section 664.6 and CRC, Rule 3.1385(c).) Using Form VN059, the Court enters a dismissal without prejudice when you file it. **One does not have to set a date by which dismissal will be entered; it is entered right then.** (Note, however, that Form VN059 provides that the parties request and consent to the court retaining jurisdiction under CCP § 664.6 and that the court expressly reserves

the right to vacate the dismissal and to enforce the settlement upon a showing of default.) Recall the case law cited above that voluntary dismissal of the case does not prevent enforcement under CCP section 664.6 and that, to get it, one has to request section 664.6 enforcement power before the present case is dismissed. Using this method, you only have to do something when and if there is default and then you pay \$60 and file papers to move to enforce the settlement.

Form CM-200, on the other hand, nowhere provides or requests that the Court retain jurisdiction under CCP section 664.6. By itself, this can create problems, especially for a settlement reached out of court. Further, the onus is on you to keep your case alive (and not dismissed before section 664.6 jurisdiction is requested.) So, one question you and your client have to ask yourselves is: do you want enforcement of a settlement, or to continue with a case? If you want

the former, where have you (in addition to providing for it in your written settlement agreement) requested (to the court) that it retain jurisdiction to enforce the settlement and where has it agreed to do so?

I would suggest that Form VN059 is incorrectly titled and this creates confusion. It is not used with "conditional" settlements. It is used to enforce settlements. A more appropriate title would be: "Notice of Settlement and of Dismissal Based Thereon Providing for Court Enforcement of the Terms."



Mark E. Hancock is a Ventura attorney who handles disability insurance, other types of insurance, bad faith and personal injury cases for insureds and plaintiffs.



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FAREWELL TO A BETTER PERSON

by Laura Bartels



Debora S. Vierra died peacefully on Sept. 25 in her Fillmore home. She was 67 years old.

After graduating from Ventura College of Law in 1996, Vierra established Santa Clara Valley Legal Aid, a free legal clinic in Fillmore. Started in the church basement, it eventually moved to its permanent home on Lemon Way where, on every Thursday night since 1996, people could come and receive access to justice. Vierra touched people with her big heart. She was empathetic and a good listener. She lived her life motto: "How can I be a better person? Put others' needs before your own." Because of Vierra's vision, over 12,000 Santa Clara Valley families have received legal assistance enabling them to keep their homes or to receive compensation for wrongful discharge, and always to enjoy a smile and encouraging word.

Vierra was a sole practitioner in employment law in Ventura for more than fifteen years. She was passionate about how people are treated in the work place and fiercely advocated for safe environments for employees. In 2005, Vierra was hired by cPanel as employee number five; the company went on to become a global web hosting company. She advocated from a "power with," not "power over" paradigm. As a result of Vierra's employee-first and employee-centered philosophy, cPanel was regularly named "best place to work" in the Houston area.

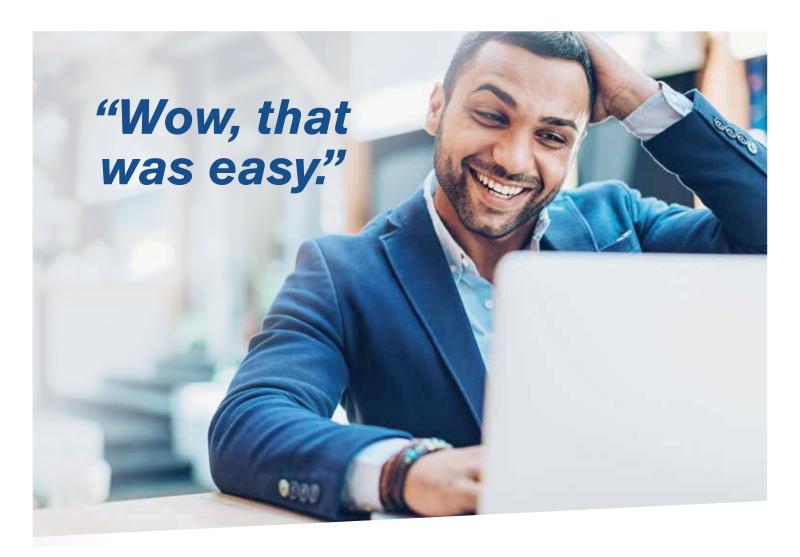
One of Vierra's heroes, former Chief Justice of California Ronald George, honored Vierra with the State Bar President's Pro Bono Service Award. Also, Vierra served for many years on the board of California Employment Lawyers Association and was a proud member of the Ventura County Bar Association.

Vierra was tenacious in ways that matter: love, loss, forgiveness, loyalty. She gave from the heart. Please join close friends in honoring her life on Saturday Nov. 6 at 2:00 PM for Mass Celebration at St Francis of Assisi Church in Fillmore and then a Celebration of Life starting at 3:00 at 2767 Grand Avenue, Fillmore, Sow a Heart Farm.



Laura Bartels, who practices law in Fillmore, also regularly volunteers with Santa Clara Valley Legal Aid.





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DONNA MUNYON IS THE DESERVING 2021 RECIPIENT OF THE VERNA R. KAGAN AWARD

by Maritza Garcia-Lopez



Janet Reno once said, "Being a lawyer is not merely a vocation. It is a public trust, and each of us has an obligation to give back to our communities." And that is exactly what **Donna Munyon** has done since passing the California Bar.

Munyon was born and raised in Natick, Massachusetts. Munyon and her family lived in the projects outside of Boston and at an early age it was apparent to Munyon that her standard of living was not the best. Sadly, when Munyon was ten years old, her mother died of leukemia leaving behind Munyon's father, two older brothers, herself and a younger sister. Munyon's father struggled with mental illness and alcoholism, so Munyon and her siblings to grew up quickly, surviving essentially on their own.

Munyon as well as her siblings were eager to leave the family home when they were old enough. Her school aspirations were not clear when she graduated high school, and she knew neither her nor her family could afford college. This prompted Munyon to enlist in the Navy at seventeen. Munyon used enlisting as a way to get away from home and give her something to do aside from college.

Munyon's father eventually became homeless sometime after all the children had left the home, due to his mental illness struggles. Munyon was able to find him and get him the help he needed. Earlier this year Munyon's father passed away. But Munyon finds some comfort that her father was able to find peace.

The Navy brought Munyon and her husband to Ventura County in 1994, though by then Munyon worked for the federal civil service.

The Navy provided the financial assistance for Munyon to attend college. She attended the University of Maryland, where she majored in Management Studies. Later Munyon went to law school at Ventura College of Law. During law school, Munyon clerked at the Public Defender's office, specifically for the Veterans Treatment Court and Mental Illness Court Division. She also interned for the Ventura Center for Dispute Settlement and mediated in both Ventura and Simi Valley Small Claims court. Munyon retired from her civil service position when she graduated from law school in 2017.

One of the driving forces leading Munyon to become an attorney was the lack of resources available to help, people like her father, with mental illness. She says, "Someone with a mental illness gets left behind if no one is there no one to advocate for them." Munyon went into law to serve the underserved.

Munyon worked for a family law firm immediately after passing the bar, but resigned because she was not able to spend enough time on pro bono work. She credits that job as a great learning experience but her true passion is to give back. Munyon is now a solo practitioner providing contract attorney support to other family law firms. This lets Munyon set her own schedule and offer pro bono or low-bono services much more frequently. Her contract work allows her to keep her skills intact and to support her pro bono/low-bono efforts. Fortunately, her Navy retirement benefits allow her to work without seeking compensation. She dedicates herself full-heartedly to each individual who comes her way.

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In her free time, Munyon loves to spend time with her family. Munyon visits her daughter in Massachusetts every chance she gets. Her family recently bought a R.V. and hopes to travel all over the U.S soon.

Munyon left me with this snippet for the newest attorneys: "I urge attorneys not to wait until you grow older to help others. There are people in need today and you are in a position to help them today."



Maritza Garcia-Lopez is the Pro Bono Coordinator at Ventura County Legal Aid Inc. If you are an attorney wishing to provide pro bono legal services please contact her via email: maritza@vclegalaid.org.

"THERE ARE LAWYERS AND THERE ARE LAWYERS." AND THEN THERE ARE LAWYERS."

- Marshall Cole, Partner

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THE 2021 JAMES D. LOEBL AWARD IS AWARDED TO ELVIA GARCIA

by Maritza Garcia-Lopez



Elvia Garcia's story is one of triumph. Garcia was born in the small town of San Agustin, Guanajuato, Mexico. At the age of seven, Garcia immigrated to the United States with her family. Raised in Moorpark, she is the second oldest of four, but Garcia would tell you she is the second oldest of seven.

When Garcia was nine years old a family loss altered her life. Garcia's paternal aunt and uncle were killed by a drunk driver, and Garcia's mother and father adopted her three cousins. During the adoption process Garcia was exposed to the lack of representation in the courthouse by those of similar descent. Garcia's parents therefore relied on her and her siblings to translate the predominately English proceedings. One of Garcia's main goals is to provide the representation in their own language that her family needed when going through the process of adopting her cousins.

In 2002, Garcia became a United States citizen. She double majored in Women's Studies and Spanish at the University of California, Santa Barbara, but exactly one month before her graduation ceremony, Garcia's mother passed away from colon cancer. In between graduating UCSB and beginning law school, Garcia became the caregiver to her three cousins. Moving them from Moorpark to Santa Barbara,



Top left with pink dress, San Juana "Lala", held by Garcia's father, Sergio Pacheco; Juan Pacheco; Garcia's brother Sergio "Checo"; Garcia; Garcia's mother, Antonia Pacheco, holding Jose Pacheco; Brenda Pacheco: Ana Karina.

Garcia's cousins enrolled and attended middle school in Goleta. Garcia inherited her mother's role and became their sole caregiver during that time.

After graduating UCSB, Garcia began working as a legal assistant at Cruz & McMurray, LLP with the intent that she would work temporarily while one of its staff members took the California Bar. Of course, Garcia ended up being hired full-time.

While in law school, Garcia also interned with the Santa Barbara Public Defender's office. She attended Santa Barbara College of Law, graduated, passed the California Bar in 2013, and became a practicing attorney at the Law Office of Gregory I. McMurray, LLP, where she assisted clients with issues related to their family, guardianship, conservatorship and criminal law cases.

During her tenure with McMurray, Garcia began providing pro bono and low-cost services to Mexican Nationals living in Ventura and Santa Barbara Counties, through the PALE program (External Legal Assistance Program) of the Mexican Consulate in Oxnard. Elvia continues that work today, and also volunteers for Ventura County Legal Aid Inc.'s Pro Bono Program. Volunteering brings Garcia joy! Knowing

she helped make someone's life a bit easier is why she continues to volunteer.

Garcia credits colleague/friend/ex-husband, Gregory McMurray, as one of her biggest legal influences. McMurray has always provided Garcia with the upmost encouragement that she can handle any matter that comes her way. When asked, McMurray expressed admiration for Garcia in her collaborative work practice and her sharpness. Garcia continues to ask McMurray for professional guidance. The pair remain amicable, so much so that Garcia named McMurray as a reference for this article.

Garcia's biggest inspiration is her family. She learned what work ethic looks like from her father, which she attempts to emulate every day of her career. But her ultimate inspiration is her mother, whom Garcia considers super woman. To this day, Garcia does not know how her mother did everything she did for her family!

In her free time, Garcia is an avid traveler and sports fan. She hopes to continue stamping the passport and rooting for the Raiders and Lakers.

Garcia recently opened her own practice, which she is currently expanding to offer estate planning.

Garcia shares one of her favorite quotes that inspires her to live in service of others: "Entre los individuos, como entre las naciones, el respeto al derecho ajeno es la paz. (Among individuals, as among nations, respect for the rights of others is peace)." (Benito Juárez (July 1867).) Garcia also provides the following advice to all her fellow attorney colleagues: "Do not forget where you come from, give back!"



Maritza Garcia-Lopez is the Pro Bono Coordinator at Ventura County Legal Aid Inc. If you are an attorney wishing to provide pro bono legal services please contact her via email: maritza@vclegalaid.org.

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