



CITATIONS

AUGUST - TWO THOUSAND TWENTY TWO

Foundations For Successful Co-Parenting

by Janet Price

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PRESIDENT'S MESSAGE

by Jacquelyn D. Ruffin



An eerie cacophony emanated from deep in the canyon below, reverberated up the hillside and eventually reached the top of the trailhead. Although it was past midnight, I could not fall asleep. While the unidentified animals continued their unfamiliar nighttime howling, I turned over in my sleeping bag and wondered what exactly I had gotten myself into by signing up for an academic backpacking trip through the Northern Rockies. I had never even been car camping.

Shortly after dawn, the group of thirteen strangers began preparing our packs and otherwise readying ourselves for the first day's hike of approximately ten miles. The eleven college students – including me – speculated about what lay ahead on the trail. Within an hour, the two instructors were leading us down into the wilderness. What awaited us was breathtaking: immense, unobstructed blue skies; chains of majestic mountains; wide stretches of conifers such as pine, spruce and fir; pockets of aspen forest; fields of lupine and sagebrush, dotted with wild rose, bluebells and forget-me-nots; and turquoise lakes and shimmering rivers.

I had taken off the spring quarter of my sophomore year of college to work and earn money to participate in this six-week environmental studies field program, which was broken into three consecutive sessions.

Over the course of each two-week period, we hiked approximately 50 to 70 miles through the backcountry. While in the wilderness, we attended classes on the local ecosystem and conservation biology. At the end of each session, the instructors drove us to a nearby town to meet with governmental officials, nonprofit leaders and other stakeholders who provided lectures and workshops about local environmental issues. We then drove to a new trailhead in another part of the Northern Rockies and started the process all over again.

Not surprisingly, our education was more than academic. Many of the hikes were strenuous. There were steep inclines, sharp changes in altitude and areas with rough footing. Our packs were heavy with food, clothing, bedding and other necessities for ten to fourteen days. Some of those summer days were hot and humid. Initially, carrying an 80-pound backpack for ten to 20 mile hikes through a backcountry that was home to grizzlies, wolves, cougars and coyotes seemed intimidating. However, through our truncated homage to the proverb “a journey of 1,000 miles begins with a single step,” the novice backpackers (including me) learned that we could stretch beyond the familiar, push past our fears and strengthen ourselves physically and mentally.

Additionally, we learned that we could build community despite our differences in background, experience, perspective and opinion. These disparities often led to difficult, uncomfortable conversations at our nightly campfire group debriefs. However, we fully and respectfully engaged in those conversations, even when we did not agree.

Occasionally, the backcountry circumstances fostered our solidarity. One day, the group was hiking to a campsite when we had trouble crossing a river. First, my friend Kelly slipped on a rock in the water and sprained her ankle. Subsequently, I slipped, the weight of my borrowed military backpack submerging me entirely underwater. Although the summer days in the Northern Rockies were quite warm, the risk of hypothermia in the summer nights was real, especially with wet clothing. Due to Kelly's injury and my lack of dry clothing and gear, the group cut the hike short and set up camp. No one complained or objected. Instead, the community pooled its resources to help Kelly and me. Some people set up Kelly's tent and sleeping bag; others cooked her food. Some people loaned me clothes; others helped me hang my things to dry. The group adapted to support those in need with no expectation of anything in return. In the wilderness, we knew that we had to rely upon each other for our safety.

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Weeks later, we were in another part of the Northern Rockies. After class on the top of a mountain ridge, the group split into two halves. The first – which included both instructors – decided to hike to an adjacent ridge. The second – of which I was a member – chose to head back to camp.

After at least 30 minutes of walking, our group wound up off trail. Someone suggested that we find our way back to camp by following the river. We tracked the river along wild terrain in pairs and sometimes in single file, trying our best to “do no harm.”

Our conversation and pace remained relatively casual for about an hour until the person at the front of the path suddenly stopped. We gathered in a tight semicircle to watch in trepidation as the river met the edge of a rocky cliff and transformed into a waterfall. The only way to proceed was to climb down the driest part of the cliff or turn back. One by one, we carefully, silently inched our way to solid ground. When the last person’s feet finally touched soil and then scampered to the safest part of the riverbed, we collectively released our breath.

Then we bore witness to our surroundings. From this perspective, the waterfall was luminescent and its rippling sound peaceful. The river tranquilly lazed ahead. The air was crisp, ignorant of toxins and pollutants. The trees stretched up incredibly high, thick with foliage. The land seemed ancient and pure, long untouched by humans. We had stumbled upon paradise.

Initially, we were still and unrushed, content to marvel in the incomparable beauty that surrounded us. The mood shifted abruptly when one of my peers noticed a deep, large paw print. A bear print. *Filling up with water.* With little discussion, we implemented our instructors’ recommendation – offered weeks before at orientation – to give bears advance warning of our presence by making noise, and began loudly singing “Happy Birthday to You,” “Row, Row, Row Your Boat” and any other song that we spontaneously figured everyone in the group would know. We stayed close together for the remainder of that hike and without further incident made it safely back to camp.

Although my first backpacking trip was many summers ago, the life lessons maintain relevance, the friendships endure and the joy of witnessing those impressive vistas and that pristine sanctuary firmly remain. As this summer nears its end, I hope you find respite that includes beauty, community – and perhaps a small dose of adventure.



Jacquelyn D. Ruffin is a partner at Myers, Widders, Gibson, Jones & Feingold LLP. Her practice focuses on corporate/business, real estate and land use matters. She can be reached at jruffin@mwjglaw.com or 805-644-7188.

HAVE YOU HEARD?

Judge John R. Smiley retired on August 1, 2022, from the Ventura County Superior Court. After a Criminal Law assignment for the first ten years of his judicial career, Judge Smiley spent the next 26 years presiding in Family Law. His combined 36 years of judicial service make Judge Smiley the longest serving judge in Ventura County history. A celebration in his honor is being planned by the FLBA.


Also this month, Barristers host their annual Wine & Cheese Mixer Aug. 25 in the courtyard at Ferguson Case Orr Paterson, 1050 S. Kimball Road, Ventura. See flyer on page 15.

The now-closed CPA Law Society provided funds for VCBA to offer a one-time **scholarship of up to \$5,000** to any law student who has completed their second year at a Ventura County law school. The applicant must be a Ventura County resident, have a commitment to public interest work and a financial need for the scholarship. The application can be found on VCBA's website (on the tab "Scholarship Application"), in a flyer in the latest CITATIONS magazine or by contacting rachel@seigelaw.com. Submit the application and other required materials to vgrossman@beachlawgroup.com. Deadline is 9:00 a.m. PST on Sept. 18, 2022.

Neal Maguire, whose practice focuses on environmental, natural resources, public agency, real estate and land use, has taken the helm as managing partner of Ferguson Case Orr Paterson, LLP effective July 1. Neal follows **Michael Velthoen** in the management role. Velthoen will continue his work handling business and employment counseling and litigation. During the thirteen years he served as managing partner, the firm grew to be Ventura County's




largest private law firm. It added one more attorney in July, when **Morgan Lynch** became an associate. Lynch will be working primarily on intellectual property matters but will also share his experience in the related fields of unfair competition and privacy, working mainly out of the firm's Westlake Village office at 4550 E. Thousand Oaks Blvd., Ste. 250. All of the firm's attorneys are available at (805) 659-6800.



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VENTURA COUNTY LEGAL AID, INC. UPDATE

Ventura County Legal Aid, Inc. (VCLA) has two openings on its Board of Directors. Want to have the great experience of assisting the disadvantaged in our community? Apply at support@vclegalaid.org.

Maybe you'd rather be serving clients directly. VCLA is **always** looking for volunteers to assist at our Legal Clinic. It is held at the Ventura County Law Library on the first and third Tuesday of each month from 4:00 to 7:00 pm. Spanish speakers and attorneys proficient in family law are especially encouraged to attend. But don't let lack of those backgrounds stop you from coming to a clinic. Clients bring a wide swath of problems to unscramble and often just need to be told the best direction to go. Questions? Contact Cesar Libanati at support@vclegalaid.org.

Also, be thinking ahead to an item you can donate to the fundraising Auction (mostly silent but sometimes raucous) at the VCBA annual dinner on Saturday, November 19th.



Finally, with bittersweet feelings the Board of VCLA announces that our excellent President, **Chris Beck**, has found his dream job in Mono County and so has resigned as President of VCLA. Chris,



thanks for your hard work and leadership. Vice President **Kevin Staker** will fill in as chief executive for the remainder of the year.

LETTER TO THE EDITOR

To the Editor:

The County Bar lost a giant with the recent passing of **Bruce Finck**. He was one of the most intellectual lawyers I ever had the pleasure of working with. He could make the simple, excruciatingly complex.

I was a forensic real estate appraiser for nearly 50 years. Bruce hired me to be his real estate expert in several cases he was defending. One case involved damage due to some serious flooding. My job was to estimate the damage to the real property. When Bruce addressed the jury, he couldn't simply say water runs downhill. I remember him telling the jury that according to Newtonian laws and principles, matter is attracted to a larger mass. Since gravity was pulling things

to the center of the earth, and water was a fluid, it had to seek its equilibrium at a lower elevation than its source. I remember the jury seemingly looking perplexed. What the hell was he talking about?

Bruce was like that. There was no finer lawyer, but, damn, he was difficult to understand at times. Especially when we were trying to figure out how to come up with a credible argument for the jury. RIP, Bruce.

Lindsay Nielson

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REMOTE COURT APPEARANCES IN DEPARTMENT J6

Unless ordered otherwise by the court, remote appearances in Department J6 will be conducted as stated below, using the following services:

CourtCall (Audio Only)

For Ex Partes, Probate Estate & Trust Hearings, and Conservatorship & Guardianship matters appearances may be made telephonically by contacting CourtCall at www.courtcall.com. CourtCall arrangements must be made with CourtCall by 4:00 p.m. the court day prior to the hearing. This is a no exception policy. No requests for appearances via CourtCall will be granted beyond the 4:00 p.m. deadline.

Zoom

For Hearings heard on Tuesday through Friday in Department J6, appearances may be made by Zoom. For information on how to appear by Zoom, please visit the court website under the Divisions tab, then scroll down to Probate.

<http://www.ventura.courts.ca.gov/probate.html>

Participants intending to appear remotely must comply with the requirements of California Rules of Court, rule 3.672. Please see "Remote Appearances" on the homepage which identifies the proceedings where remote appearance is available.

http://www.ventura.courts.ca.gov/pdf_files/RemoteAppearance_CourtWebsite.pdf

Public Access (Audio Only):

In order to expand access to justice the court has set up a free Public Access number for Department J6 through CourtCall for all hearings in Department J6.

Any interested person or member of the public can dial in and observe the court (audio only) using the phone number below. A person will not be able to speak or participate on this free public line. Please note that these numbers are specific to Department J6.

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LAW OFFICES GOING GREEN

by Shandra L. Todd



Law offices use a lot of paper. Between discovery, the number of filings needed for a case and copies for notice, a law office can generate tons of documents. Although the legal world has not yet become entirely electronic, there have been technological advances to ease the use of so much paper, such as e-filing, electronic notice and sending PDF rather than hard copy documents.

Luckily, there is a way the legal community can make a huge impact and lead by example. By becoming a California Certified Green Business, legal businesses

can implement practices that will lead to a healthier community. This is a great way to show that legal professionals care about sustainability by making small changes to conserve resources, reduce waste and prevent pollution.

Here's how you can get started. Most cities have a local Green Business Coordinator to help guide you through the process. For Ventura, Lars Davenport will walk you through the registration process and discuss any steps that need to be taken. These changes are nothing daunting. Minor steps may include energy efficient light bulbs, buying recycled paper, printing double-sided for hard copy notices, placing recycle receptacles in the lunchroom, switching to non-toxic cleaners and hiring local vendors. The law office for which I work got certified as a green business almost without even trying and at no cost.

Businesses will get connected with rebates including a \$500 rebate for any updates

needed on the checklist. Businesses that become certified are recognized by ceremony at the City Council meeting, posted on the city's social media and placement on a statewide green business directory. Once certified, you can proudly display the logo stating your office is a California Certified Green Business on your window and/or your website. For more information and to create a greener community look up your local city's Green Business Certification Program or go to <https://greenbusinessca.org>.



Shandra L. Todd works as a paralegal for The Law Office of Amber Rodriguez and has been in estate planning, trust administration and probate for about ten years. Todd is entering her third year of law school at the Ventura Colleges of Law.



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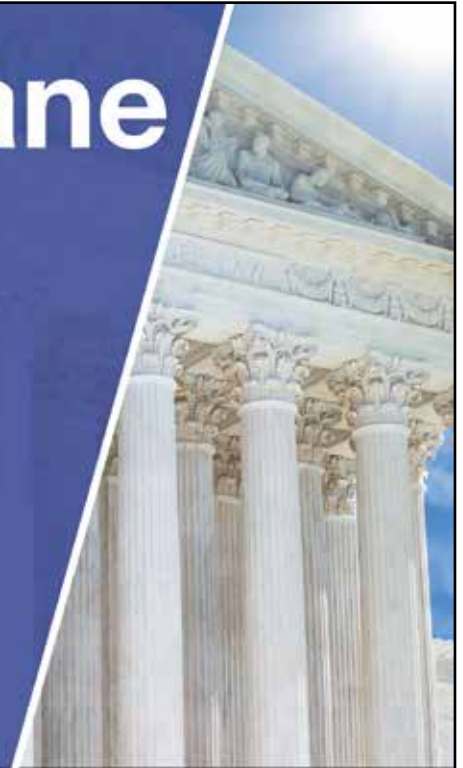
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A (REMOTE) CHANGE IN ATTITUDE?

As some courts weigh whether to resume in-person court appearances after two years of mostly remote hearings, it is interesting to revisit the thinking of two-plus decades ago. In 1989, when he was still a judge on the San Francisco Superior Court, now-Presiding Justice Stuart Pollak (First Dist., Div. 4) reported that “the time has arrived for a major change in attitude.” (Pollak, “Telephone Appearances: No Longer ‘If You Please,’” *California Litigation*, Winter 1989, p. 3.)

The attitude in question was lawyers’ reluctance to appear in court by telephone. Justice Pollak set out to refute the reasons lawyers offered for insisting on in-person appearances.

Fees: “Most cynically, some see the use of time-saving telephone appearances as reducing the fees (from \$100 to \$250 per hour at the time) they can charge their clients. ... The whole point, of course is to eliminate unnecessary legal fees, not to aggrandize the lawyers.”

Training: “[Y]oung attorneys are provided valuable training by personally appearing at law and motion hearings. But clients should not be required to pay the costs of educating new lawyers. Moreover, as telephone appearances become more common, young lawyers will be learning about actual practice in the courts by participating in hearings conducted by telephone.”

Clients’ perceptions: “Clients will feel that [their lawyers] have not made a whole hearted effort if they fail to appear personally at a hearing, especially if the court ultimately rules against them. This concern is fed by the attorneys’ own belief that the party’s chances of prevailing are enhanced by a personal appearance. When lawyers begin to realize that this is not so, and as appearances by telephone become more common, clients will be quick enough to accept counsel’s judgment that their position can be just as effectively presented by telephone – especially when they learn how much they are saving by not financing unnecessary trips to the courthouse.”

Persuasiveness: Lawyers believe “that” an attorney who is not personally present in the courtroom may somehow be at a disadvantage. To the extent there is any basis for this concern, the problem is non-existent

if all counsel appear by telephone. ... [¶] There is, however, little reason to believe that counsel is more effective at a nonevidentiary hearing if he or she is standing in the courtroom rather than speaking over the telephone. In most instances, the issues to be decided will have been briefed and the court’s conclusions will be strongly influenced by its evaluation of the written submissions. Indeed, the issuance of tentative decisions is becoming increasingly common, and counsel frequently accede to the court’s tentative ruling without any argument at all.”

Facial expressions: “Counsel’s inability to observe the judge’s facial expressions is no great impediment to discerning the judge’s apparent inclinations and those points which therefore merit emphasis or response. If it is the judge’s practice to advise counsel of his or her questions or concerns, the judge will do the same by telephone. If the judge remains silent before submission of the motion, that silence is also communicated by telephone. The look on the judge’s face is not likely to convey any additional useful information. Lawyers and nonlawyers regularly use the telephone to conduct sophisticated negotiations and to transact complex and important business.”

Now that remote appearances have expanded from telephone to Zoom and from routine scheduling and law and motion matters to evidentiary proceedings, lawyers and judges still debate the importance of personal presence and body language on persuasion. But it appears Justice Pollak was right.

A 2021 pandemic workgroup convened by Chief Justice Tani Cantil-Sakauye heard from civil and criminal attorneys, law enforcement, legal aid attorneys, dependency counsel, and court staff and concluded that “most judicial branch users and stakeholders ... expressed strong support for the expansion of remote access to court proceedings during the pandemic, and for maintaining extensive remote access going forward,” for several reasons.

Greater access for court users: Court users can attend a remote hearing without missing work or arranging childcare, saving transportation time and costs. Californians who entered courts in person dropped from approximately 40 million to 12 million during the pandemic; 75% of self-help visitors chose to use services remotely.

Collaborative court participants can attend remote appearances without disrupting drug or medical treatment. Online mediation tools helped those in the military and out of state attend family court hearings. In juvenile law cases, remote options met the needs of those with non-traditional work schedules, incarcerated parents, and youth in school to participate. (In El Dorado County, youth were driven 176 miles over a mountain pass to get to court, prompting safety concerns).

Victims often prefer to have the option of appearing remotely: Vulnerable court users, such as victims of domestic violence or elder abuse, reported they had less anxiety and stress by not having to appear in court with the perpetrator.

Availability of expert witness testimony: Civil and criminal law attorneys reported expert witnesses were more willing to testify if they didn’t have to spend a full day of travel to appear in court.

Virtual visitation option promotes improved relationships and increased participation: Many families involved in court proceedings face housing issues and tend to change residences during the life of their case. This can make it difficult to appear in court and to maintain in-person visitation. Parents who live out of state who have never participated in proceedings or visitation are now able to do that remotely. In dependency cases, offering virtual visitation promotes relationships between birth parents and foster parents, and helps children to stay in touch with parents and other supportive adults in their life.

Remote options increase efficiency, safety, and participation: Remote appearances are efficient for many parts of criminal and civil cases, such as arraignments, pretrial conferences, and progress report hearings. They reduced failure to appear rates in many courts, and courts also saw efficiencies in work for staff and less down time in courtrooms.

Court users expect it: Court users expect that if the courts can serve people equally or better remotely, those options should be available.

(“Interim Report: Remote Access to Courts,” Workgroup on Post-Pandemic Initiatives, Aug. 16, 2021, <https://tinyurl.com/jc5ntyvt>.)

Foundations For Successful Co-Parenting

by Janet Price



Co-Parenting: so many emotions, feelings, and thoughts get wrapped up in one little word!

When parents are divorcing, two major business arrangements are occurring simultaneously: dissolving the marriage contract and creating the business partnership called: “The Children.” For most parents, the shift in the relationship may take a little adjustment time but parents do get there. However, other divorcing parents stay stuck in the emotions of the past and are unable to find a common ground in their new business partnership. The children of these families suffer at the hands of their parents’ inability to change their family dynamic.

These four foundations for co-parenting may be useful for you when your clients are divorcing parents. **Help your client understand that they are an owner in a business called The Children in which the client and the other parent are business partners.** In this business relationship, neither partner can buy the other person out of the business (after all the children come from both parents and **need both parents** in their lives to thrive). This partnership’s mission is to raise happy, healthy, emotionally stable adults. To do this the business partners need to create an environment where the children are allowed to love both of their parents and

be loved by both of their parents. I’ve found it useful to explain this to parents using the following visual concept... think about a tree that needs to grow and thrive. Both parents are the roots of the tree and for the children to grow up and flourish they need both parents’ roots, love, and support.

Help your client assess their boundaries and set up new boundaries that are more appropriate for the new business partnership.

Personal boundaries tend to be pushed in a marriage relationship; in fact that may be one of the reasons the couple is divorcing. Helping your clients look at what personal boundaries are important for them as an individual and potentially providing them with some guidelines that are natural for the co-parenting partnership will help your client begin to shift into the new partnership.

Become a mirror for your client to objectively evaluate their past couple dynamic.

To effectively run the new business partnership, the parents will need to understand how to work with their business partner. Taking the time to objectively evaluate the past “couple decision-making dynamic” will help you and your client determine a parenting structure and

plan that will support a successful shared parenting business partnership. You might start by asking your client these questions:

- How did you relate to each other while married?
- Were you able to have a conversation about a topic in which each of you had different opinions and, in the end, both of you compromised to resolve the issue?
- Was there one person in the relationship that made all the decisions in your home?
- Were you unable to have a talking discussion about a topic where you had different opinions, and always ended up arguing with very little resolution?
- Did one person in the relationship have more control in the decision making as it relates to the children or have the final say in what happened with the children?

Answers to these questions may provide you with information to support your client when it comes to the level of specificity you and your client decide to use in the time sharing and parenting plan (example: if the couple dynamic was unable to compromise in the best of times, then maybe a very detailed parenting plan with few joint decision-making clauses would support this family most effectively and keep the parties from being frequent fliers in the courts.)

Support your client in becoming observant to the other parent’s preferences.

Becoming aware of how the ex-spouse is acting and or reacting to a client is necessary for the success of the new partnership. For example, if the other parent is getting physically upset by seeing your client, help your client see and understand that in-person communication is not an appropriate manner to communicate and suggest written communication be the form of communicating with each other.



Janet Price is a Certified Divorce Specialist, Conscious Co-Parenting Coach, and Life Purpose Coach. Reach her at jprice@jpcoachingandconsulting.com.



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