



CITATIONS

JANUARY - TWO THOUSAND TWENTY TWO

BRENDA MCCORMICK

by David Shain

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PRESIDENT'S MESSAGE

by Jacquelyn D. Ruffin

Blackness encompassed me. I could see nothing, sense nothing. It was not fear: it was the void of the absolute unknown. In mere hours, I would board a plane in San Francisco, fly to New York, then transfer to a flight to Dakar, Senegal. I was 23, traveling alone and carried a one-way ticket. I took a deep breath. The mysterious veil lifted as I recalled my aunt's research regarding our West African roots, my conviction to return to our ancestors' lands and the prior year's string of serendipitous events.

The connections began the previous autumn. I had recently completed one year of service with AmeriCorps (the domestic Peace Corps). Tutoring and mentoring six- to thirteen-year-old residents of a West Oakland public housing development had been challenging. But the experience was so invaluable that I chose to volunteer an additional year. Although motivated to continue working with underserved youth in the Bay Area, I was less enthusiastic about attending a second round of AmeriCorps orientation. That brisk fall morning, however, was fortuitous. I entered the crowded auditorium, found an empty seat next to a young man I had never met and discovered that he was finishing his second year of service. Out of the hundreds of AmeriCorps members I had encountered, I did not know anyone else who committed to two years of volunteering. When I asked Chris what he planned to do after finishing AmeriCorps, he replied, "I've joined the Peace Corps and am trying to get stationed in West Africa." I glimpsed around the teeming hall in disbelief, then informed Chris that I too hoped to travel to West Africa after AmeriCorps. Instant friends, Chris and I resolved to meet again in West Africa.

The coincidences continued the following summer, which was toward the end of my second year in AmeriCorps. In addition to coaching and supervising a team of fifteen volunteers, I was tasked with planning the annual "next steps" training for approximately 90 AmeriCorps members. This event historically involved workshops on topics such as résumé writing and interview skills. Perhaps because I had spent months unsuccessfully researching volunteer programs and internships in West Africa, I proposed a session on

international community service programs. My supervisor Dawn peered at me over her glasses, and said matter-of-factly, "Nice idea, but I don't have a single lead for you on facilitators for that kind of program. If you want it, make it happen." I do not remember how many cold calls I made to various Bay Area nonprofits before I heard the kind, thoughtful voice of a woman named Vivian on the other end of the line muse, "Yes, I could lead a presentation on volunteering abroad . . . But would it be okay for me to bring a woman who's visiting from West Africa so that she could provide her perspective on receiving international volunteers?" In that moment, everything froze. I knew that I was indeed going to West Africa.

The day of the "next steps" event arrived. Focused on conference logistics, I did not attend the morning international community service session. After lunch, my coworkers cornered me, offering to oversee the event and address any issues



Jacquelyn and Coumba in Mali

while I attended the afternoon workshop. I thanked them, then rushed to the meeting room since the next round of trainings had already commenced. I quietly opened the door; quickly contemplated the tiny West African woman who emanated benevolence, wisdom and dynamism; and felt another visceral confirmation about my path abroad. Vivian introduced herself as a local nonprofit director and Coumba as a Senegalese-Malian activist. Subsequently, one by one, the participants provided a brief introduction, including an explanation of



Coumba and Jacquelyn's sister Valerie at Jacquelyn's wedding, Mandalay Bay, Oxnard

why they chose to attend the volunteer abroad workshop. When it was my turn, I looked at Coumba and deliberately stated, "My name is Jacquelyn, and I'm here because I want to go to West Africa."

Coumba approached me shortly after the conference concluded. During her travels across the States, throughout Europe and Asia, and to numerous countries in Africa, several people told her that they wanted to visit West Africa "one day." Somehow, she knew that I meant it. And somehow, we instantaneously bonded. Over the next few weeks, we fostered our friendship. After she flew home, we corresponded over the internet. Email was slow and unreliable; back then, no one used or checked it every day. Eventually, she wrote with incredible news. "Found you a volunteer position with a non-governmental organization in Senegal. Includes housing." My joy, gratitude and amazement were doubled: Chris – the friend who joined the Peace Corps – had been placed in Senegal.

AmeriCorps paid a meager monthly stipend of approximately \$650. After one year of effort, I saved enough money to purchase my ticket. My lease had ended, my bags were packed, my goodbyes relayed. Then, a few hours before my first flight, I experienced that abrupt chasm, a sudden interruption in time as I faced the vastness of the unknown. Nevertheless, I boarded

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the plane, eagerly anticipating what lay ahead but with no idea of the impact it would have on the rest of my life.

Stepping foot in Africa was phenomenal. During my childhood, I moved several times, including a relocation to Ventura County when I was four. My mom, sister and I ultimately moved out of state, but I often returned to Ventura to visit my dad throughout my teens and college years. Despite living in a diversity of states and cities in my youth, I did not grow up imagining that I would be able to travel abroad. Therefore, I swiftly embraced the opportunity of living in Senegal, enrolling in French and Wolof classes, learning the local culture and customs, immersing myself in my work with a local community organization and the United Nations Development Fund for Women, attending a conference in The Hague, and traveling to nearby countries such as The Gambia and Mali.

Chris and I kept our promise to see each other in West Africa. I was based in Senegal's capital, Dakar, an international coastal city on the westernmost point of Africa. Chris lived in Kédougou, a rural community almost 450 miles away in southeastern Senegal. He visited me during his occasional trips to Dakar for Peace Corps trainings



River in Kédougou, Senegal

and social events. However, over the course of my twelve months abroad, I was able to make only one trip to Chris's village. My first attempt to visit Kédougou was thwarted by an awful bout with malaria. My second attempt was postponed due to a work conflict. But finally, I made it.

The thirteen-hour journey from Dakar to Kédougou traversed beautiful, varying terrain along a bumpy, mostly unpaved road. The sky in southeastern Senegal was wide, clear and unobstructed. A cerulean river ran through the village. Beyond the

adjacent woods lay a mountainous area. It required no coaxing for me to agree to join Chris, his Peace Corps colleagues and their friends on a hike in the preserve. And that is where the next auspicious event occurred.

Standing atop a mountain in eastern Senegal, I found myself alone with another woman from the group. We had not yet had a chance to talk. After reintroducing ourselves, I asked Lydia about her travels. She explained, "I recently finished medical school and am visiting my best friend (who happened to be Chris's girlfriend) before starting residency." I congratulated her and asked where she would complete her residency. When she replied "California," I noted that I am from California and asked which area. Her surprising response was "Ventura." I excitedly told Lydia that I was from Ventura and would contact her when I visited my dad.

A few months later I returned to the States, intending to briefly see family and then start a new position abroad. I had the foresight to have a Plan A, B and C. I lacked the prescience to consider what I would do if all three plans were frustrated. I was in Ventura when I learned that each program lost the funding necessary to support my role.

Dismayed, I applied for a temporary job while I redetermined my "next steps." The agency placed me at a local hospital. On my first day of work, Lydia and I physically ran into each other. Out of all the hospitals in Ventura County, I had been placed at the hospital where she worked.

But here is the weirdest yet best part. That weekend, Lydia invited me out with her friends. She introduced me to her coworker Thomas, who is now my husband ... and who is originally from West Africa.

In all earnestness, I am immensely thankful that Chris, Dawn, Vivian, Lydia and Thomas brought me back home to Ventura. It will be my honor to serve as my hometown bar association's president this year.



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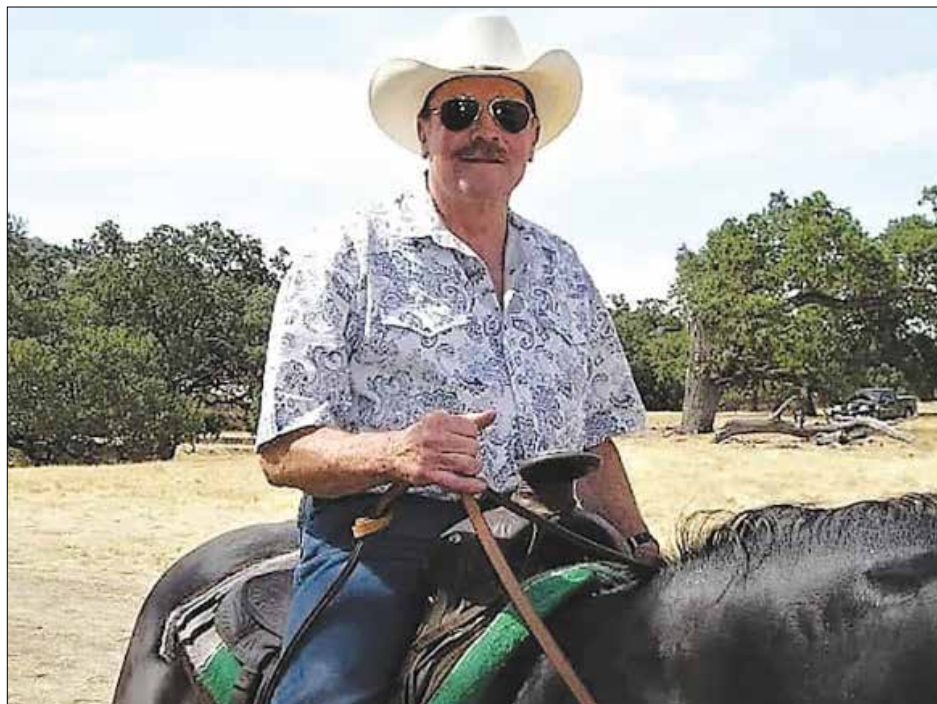
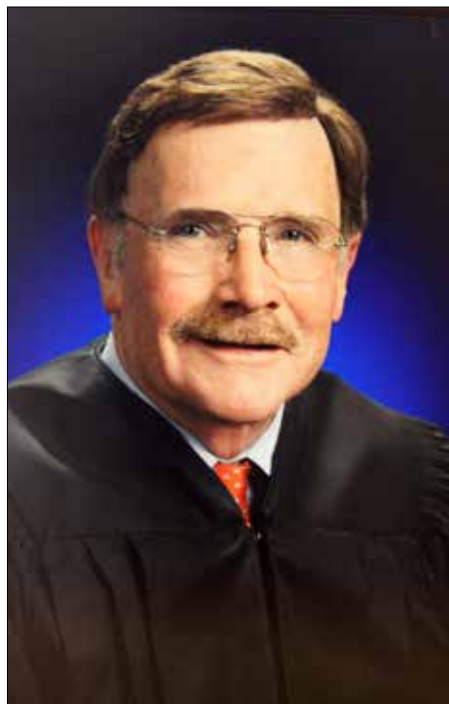
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THINKING THINGS OVER: A REMEMBRANCE OF JUDGE CHARLES MCGRATH

by Lindsay Nielson



It certainly is with sadness that we learned of the passing of Judge **Charles McGrath**. Anyone who knew him in a non-judicial capacity called him Chuck, which was his preferred name. I first met Chuck in the late 1960s when he was a young associate in the premier law firm of Nordman, Cormany, Hair & Compton. It was the legal colossus that bestrode the county. It represented most of the large landowners and handled much of the emerging development of the transition from agriculture to incipient urbanization in the county.

My introduction to Chuck as a young lawyer came about in about 1968. The County Flood Control District was condemning a new flood control channel across a lemon orchard near Rice Road. I was a young forensic real estate appraiser with a major land management firm. We provided real estate appraisals for all kinds of court cases. My boss assigned me to handle this assignment. **Ben Nordman** wanted my boss to handle this case as I was a freshly minted “expert.” But, to his credit, my boss informed Mr. Nordman that if our firm was to grow, his young protégé (me) was going to do the assignment.

Chuck was assigned to this case as the trial attorney even though it was his first

significant trial as well. The orchard was owned by an important client. The case involved the destruction and removal of a large eucalyptus windbreak that protected a lemon orchard. I came up with a theory that farmers do not waste money and that windbreak (the first windbreak that protected the orchard from the destructive east winds on the Oxnard Plain) contributed to the productivity of the lemon orchard. My theory was that the lemons would suffer from loss of quality and quantity until a replacement windbreak grew and could provide similar protections.

The County Counsel who was assigned to the case was the late **Ed Osborne** (later Judge Osborne). I remember on the first day of the trial, Nordman sat at the counsel table and addressed the jury for the one and only time he would appear. “Ladies and Gentlemen. You are about to hear from two young men, both of whom will be handling their first trial of their careers – Mr. Charles McGrath of my firm and Mr. **Lindsay Nielson**, a young real estate appraiser who will be testifying as our expert for the first time. Please give them your attention and realize that they are new to this process but they will give you their best. Thank you.” He never appeared in the trial again.

Well, we won the case. The County appealed and Chuck asked me to comment on their appeal. The appeal attacked my theory and indicated that the income stream was too variable to be trustworthy. I wrote my thoughts and responses. When I read his reply brief, Chuck used my words with some law thrown in. That started me down the road to becoming a lawyer. The case became a seminal case as the two lawyers became judges, the presiding judge, **Ed Beach**, was elevated to the appellate court and I, the young expert appraiser, became a lawyer. The appellate court agreed with my theory and we won the appeal.

Chuck was a gentleman in the truest sense of the word. We once had a discussion of what justice meant to him. I thought I certainly could live with his judicial philosophy. We lost a good man and a good judge this year.



Lindsay Nielson is a lawyer and reciever. You can contact him at nielsonlaw@aol.com.



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BRENDA MCCORMICK

by David Shain

Brenda McCormick is a Cornhusker. She grew up in North Platte, Nebraska, the oldest of three children. Her “wonderful” parents were not college educated. Yet, they instilled in her and her siblings the importance of higher education and achieving a professional degree.

McCormick thought about medical school, but after high school chemistry, she decided that pathway was not in her best interests. (A conclusion shared by more than one practicing attorney!) Along with her dad, she shared a love of history, government and politics and enjoyed debating issues. She attended the University of Nebraska as a political science major, and law school was a logical extension. McCormick stayed in-state and attended the University of Nebraska’s law school. She remains a fanatical Cornhusker football fan though the team has, of late, experienced lean times.

McCormick graduated from law school during the recession when local law jobs were scarce. California law firms were hiring. Having frequently visited her paternal grandfather in Van Nuys as a child, seeking work in the state seemed a good alternative. Leaving home was painful, but her family was supportive of her move. After exploring several California alternatives, McCormick settled on Ventura, where she was offered a position by the venerable firm of Benton, Orr, Duval & Buckingham. This was indeed a fortuitous decision! Although she loved Ventura, it took a few years before she became entirely comfortable with the idea of staying. As we are never far from our roots, in some ways, Nebraska is still home.

Initially hired as a transactional attorney, McCormick shortly gravitated to the litigation side. She remained with Benton Orr for seventeen years, primarily focusing on insurance defense and public entity defense. She is by nature a warm and friendly person who found satisfaction interacting with colleagues and working with other counsel. (In fact, she met her husband on a case – more about that below.) She counts among her mentors **Bob Davidson**, who taught her much about life, and **Jim Sherren**, whose principled commitment to hard work made a lasting impression. She remains in touch with both.

In 2001, McCormick set out on a path which would eventually culminate in her current position. She became panel counsel for the Judicial Council, the policy making and administrative body of the California courts. Following court unification, county counsel offices no longer automatically represented the courts. In this role, she represented judges and court employees in actions filed primarily by dissatisfied litigants. These included defending section 1983 actions, habeas corpus matters and contempt issues, among others. While the bulk of her representation involved the Los Angeles courts, she also had the opportunity to represent personnel from the Ventura County Superior Court. She found the work to be challenging and satisfying.

In the process, she became familiar with our local court administration. In 2005, McCormick left Benton Orr to become Managing Attorney of the Ventura County Superior Court. In that capacity, she managed the court’s attorneys (research, case management, self-help attorneys and family law facilitators), worked closely with court administration and the presiding judge and was a liaison with Judicial Council legal services. Having had her primary experience in the civil realm, McCormick needed to become well versed in all areas of the law that the court serves.

In 2011, McCormick was designated a Deputy Executive Officer and General Counsel. While her managing attorney responsibilities remained the same, she now assumed an active administrative role. Initially, she was the executive manager over records and exhibits; later, over the civil and family law clerks’ office and Family Court Services. A typical day would consist of general legal work, handling administrative record requests, and working through problems with managers and human resources. She also would typically have daily contact with the presiding judge, working on various legal administrative issues. Of course, over the years she also worked with and assisted recently retired Executive Officer Mike Planet with any number of issues.

Following Planet’s retirement earlier this year, McCormick was selected by the judges

as the Executive Officer, Clerk of the Court, and Jury Commissioner of the Ventura County Superior Court. In this position, she acts under the direction of the presiding judge and is responsible for overseeing the management and administration of the nonjudicial operations of the court, including budget, contracts, human resources, jury management, technology, records management, facilities and liaison with other government agencies. She oversees an assistant executive officer who is also the chief financial officer, three deputy executive officers, and an interim general counsel, who are responsible for the courtroom and clerk’s offices’ personnel, branch courts, human resources, fiscal, finance & planning, jury, interpreters, court reporters and collections.

Not surprisingly, McCormick’s biggest challenge has been court operations during Covid. At the beginning, managers and supervisors got together on a weekend, after receiving the statewide order to close the court. It was initially thought the closure would last only two weeks; accordingly, cases were continued for about two weeks, an ultimately futile act. While the court was closed for three months, many employees reported for work for emergency matters and to plan for reopening protocols. Of course, arraignment and domestic violence courts needed to remain accessible. McCormick remains impressed with how staff rose to the occasion.

McCormick worked closely with the presiding and supervising judges during this period. Numerous emergency orders were obtained from the Chief Justice, particularly relating to criminal trial continuances. By the time the court reopened, it needed to have designed and implemented new technology; it scrambled to set up Zoom-enabled court appearances, and an appointment system for the clerk’s office and self-help centers. It all enabled court processes to function, though on a much more limited basis. A system of outside triage was established where litigants and attorneys needed to check in for a courtroom, after responding to Covid screening questions. Jury clerks were also set up outside the courthouse. Staff put themselves on the front lines. Obviously, masks were required without exception.

Over the last year, there were huge budget cuts attributable to Covid, necessitating the largest number ever of employee furloughs. While the budget has improved for this fiscal year, it is still lean. Last year the court had 40 vacancies out of approximately 340 positions, due to a necessary hiring freeze.

Will the use of video appearances remain once we are beyond the pandemic? McCormick says yes, some, but not all video appearances will likely remain. It slows down the calendars and there are divergent views among attorneys. However, there are also some distinct benefits, notably in child support cases where parents do not need to leave work to participate. Also, mandatory settlement conferences have worked well on Zoom and it is anticipated that will continue for the foreseeable future.

McCormick met her husband, attorney **Kevin McCormick**, when they were opposing defense counsel on a case. Interestingly, Judge **Henry J. Walsh** was

also an attorney on that matter. Kevin is now a partner at the Lowthorp Richards firm. McCormick and Kevin are the proud parents of 20-year-old twins, Brendan and Aidan, both college sophomores. Brendan is following in his mom's footsteps at the University of Nebraska, planning to be a physical therapist. Aidan, at Cal State Fullerton, is a budding geneticist. Neither intends to be an attorney.

Despite all the challenges of the last year, McCormick loves her job. While as a young lawyer, McCormick never expected to wind up in court administration, she regards her new position as the happy culmination of the path embarked upon so many years ago. She notes that running a court during the pandemic is a new way of life; she has had to tap into hitherto unknown areas of her brain. She aims to continue the emphasis on service to the public carried on by her predecessors. McCormick notes that many court employees have worked there for 30 or more years. As a sixteen-year employee,

she is a newbie! She is fortunate to work for and with a "great court, great judges and employees. I still come to work with a smile on my face."

Note: the Civil, Family and Probate Clerk's Offices and Records Department hours are 8:30-noon, and 1:30-3:00, by appointment only. E-delivery and the drop boxes are available until 4:00 p.m.



David Shain, a former VCBA president, is of counsel to Ferguson Case Orr Paterson.



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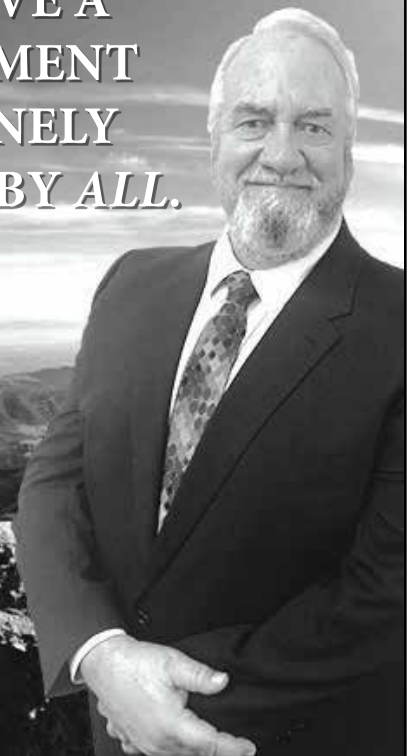
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Ferguson Case Orr Paterson is excited to welcome **Shane M. Maguire** to our litigation team. He graduated from UC San Diego with degrees in Management Science and Political Science. He earned his law degree from Notre Dame and has been practicing law in California since 2005. And yes, it's the right photo. Shane is the identical twin of Ferguson Case Orr Paterson partner **Neal Maguire**.

The Ventura County Law Library has reopened. New hours are 8 am - 12 pm, Monday – Friday. Both prescheduled and walk-in appointments are available. No-contact lockers are still located inside the courthouse and are also available. Overdue fees are currently waived to assist the patrons. You can also complete your MCLE requirements for free with their materials. For more information please call (805) 642-8982 or visit <https://www.ventcolawlib.org/>.

Speaking of the Law Library, four members have retired from the Law Library Board of Directors: **Robert Coit, Todd Howeth, Judge William Liebmann, and Leroy Smith**. The Law Library welcomes new members to its board, which now includes: **Claudia Bautista, Glenn Campbell, Tiffany North, Vincente Woodward, and Judge Ryan Wright**.

A sad note is the November death of former Ventura County Counsel **Frank Sieh**. He is survived by his wife of 50 years, Nancy Sieh, as well as his children, grandchildren and many friends.

Announcing NIELSON RECEIVERSHIP ASSOCIATES (“The Other NRA”)

Lindsay F. Nielson is announcing the formation of a new entity to assist in those cases where a Receiver, Referee, Provisional Director or Successor Trustee is required.

For over 45 years and over 500 cases, Mr. Nielson. (“*More than just a pretty face*” as the Court has noted) has acted as a Court Appointed Receiver and Referee. He has operated and sold dozens of businesses during litigation. He has sold all types of properties including residential, commercial, and agricultural.

Mr. Nielson has been involved in cases ranging from family law, partitions, fraud, appointed as an interim director and Health and Safety Code Receiverships by governmental agencies. He has been appointed by over twenty-five Judges in Ventura County which is the main focus of the firm. He has also been appointed as a Receiver in Riverside, Los Angeles, Santa Barbara, and Orange counties.

He is pleased to announce the formation of an association of qualified individuals who can provide these services along with Mr. Nielson. Our goal is the resolution of disputes and to provide whatever is required by the Court to achieve the Court’s purposes and directions in an efficient and cost-effective manner.

We provide expertise in all matters involving the operation of diverse businesses. Prior assignments have included running or liquidating a motel, a grocery store, a medical billing practice, a film distribution company, a fishing business, a dog breeding business, a large pharma company and an agricultural fertilizer company among others. We have sold several millions of dollars of real estate and assisted in the partition of real property.

We bring expertise, experience, and competency to the role of Receiver. I am pleased to have seasoned attorneys **Jeffrey Stinnett** and **Stuart Nielson** join this Receivership association.



For more information or qualifications, please contact:
Lindsay F. Nielson
(805) 658-0977
nielsonlaw@aol.com

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**Need to reach out to your colleagues and rely on their experiences?
Use the VCBA ListServes which are a Member Benefit!**

The ListServe is intended to facilitate communication among its members by providing an opportunity to post a query on a substantive or procedural issue. Once you send an email, every member on that specific list will receive the message. To protect the ListServe participants from spam or other unwanted solicitation, you can only send messages using the email in your VCBA Profile. Otherwise, it will automatically be rejected. Members are automatically added based off your Areas of Practice and VCBA Sections you belong to. **If you do not belong to that group email, the system will not allow you to use it.**

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BARRISTERS' CORNER

by Kevin J. Heimberg

The Ventura County Barristers is pleased to report that after the difficulties everyone has continued to face during the recent climate, we have been able to successfully resume in-person events and there will be more to come. We began with resuming our annual Wine and Cheese event in August 2021. It was generously hosted at Ferguson Case Orr Patterson LLP. With multiple local judges, attorneys and even a new group of law students attending, it was a great return to discussion and networking in our local community. We were also able to host our annual Meet the Bench mixer in October 2021 where over half a dozen local judges and multiple commissioners were able to join. We welcome all Barristers to join us for these and other events in this New Year.

With 2021 now at a close, it was an interesting year to serve as the President of the Ventura County Barristers. We were unable to hold a number of our annual events and had to transition to Zoom meetings and events. This made it more challenging in finding and incorporating the new law students and attorneys in our community into our great organization.

However, once we were able to return to in-person events, we found the local community's willingness and desire to get out and participate fantastic. We particularly want to and will continue to thank our local judges and commissioners for coming out and remaining involved with our organization. The participation of those who we all admire continues to ensure we can get the new members of our community engaged and networking.

The close-knit Ventura legal community flourishes when we are able to jointly share experiences and help teach our new attorneys the magnificent practice of law. While being so close to the larger community of Los Angeles, the Ventura legal community shares a closer bond where we are able to regularly see and interact with the same group of judges, attorneys, clerks and staff. In order to help keep that sense of community, we encourage everyone to recommend that law students in the area and new or young attorneys join the Barristers group to be provided that additional and helpful opportunity to meet and mingle.

For those who do not know, a "Barrister" is any member in good standing of the Ventura County Bar Association who, on January 1 of a given year, meets at least one of the following requirements: (i) is under the age of 36 years; (ii) has been admitted to practice law in any jurisdiction for a period of seven years or fewer; or (iii) has been in practice in any jurisdiction for a total of seven years or fewer. Active law students who are members of the Ventura County Bar Association are considered "Student Barristers" and may serve on the Board as a Member at Large, but may not serve as an officer of the Board.

I am lastly proud to announce that the Barristers' slate of officers for 2022 as follows:


President: **Leonidas Nicol**
 Vice-President: **Kristine A. Tijam**
 Treasurer: **Tatiana DeVita**
 Secretary: **Ian Elsenheimer**
 Past-President: **Kevin J. Heimberg**

Members-at-Large: **Ben Baumer, Meredith Doyle, Devin Mirchi** and **H. Frederick Seigenfeld**

This slate of officers were seated on January 1, 2022. Any questions, comments or requests for more information about the requirements to serve on the Barristers Board, the time commitment and/or expectations, or if you would like to get involved with the Ventura County Barristers, contact any member of the board or e-mail us at vcba.barristers@gmail.com. Make sure to ask us to add you to our e-mail list to receive regular updates for upcoming events, and check us out on Facebook @VCBarristers.



Kevin J. Heimberg is a partner at Slaughter, Reagan & Cole LLP in downtown Ventura. He served as the 2021 President on the Barristers Board.




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MCLE MAY BE HARD TO GET

by Kathleen J. Smith

If you usually acquire your Minimum Continuing Legal Education credits by attending in-person bar section or Inn of Court events – which were restricted during the 2020 and 2021 Covid shutdowns – you may want to calculate your MCLE credits and figure out a plan. To date, the State Bar has not relieved attorneys in reporting groups 1 A-G (Feb. 1, 2019-Jan. 31, 2022) or 2 H-M (Feb.1, 2021-Jan. 2024) or 3 N-Z (Feb. 2020-Jan. 31, 2023) from having to acquire and report 25 hours of MCLE.

You can ask VCBA to provide you with their record of MCLE credits earned from VCBA events. Go to the VCBA website, telephone or email to Bar@VCBA.org to obtain their record of your credits. If you have lost your certificate of attendance for any VCBA MCLE's, VCBA will email you a replacement certificate.

If you know you need additional credits to make your 25, you can attend VCBA's Bridging the Gap event on Jan. 8, 2022, at the law school/VCBA office starting at 8:30 a.m., ending at 3:15 pm. You will earn six hours of credit with this event.

You may also find the following helpful links at VCBA.org: MCLE requirements, MCLE reporting groups and compliance deadline, MCLE compliance reporting, log into My State Bar Profile, and MCLE Personal Log Sheet.



Kathleen J. Smith practices law at *Schmeiders & Associates* in Oxnard, where she handles civil litigation, including employment and business matters. She is a member of *CITATIONS'* editorial board.

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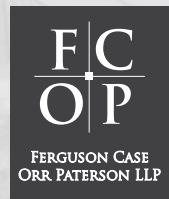
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