



CITATIONS

DECEMBER - TWO THOUSAND TWENTY THREE

BARRISTERS CORNER: “BRIDGING THE GAP” MCLE EVENT RETURNS IN 2024

by Kristine Tijam
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PRESIDENT'S MESSAGE

by *Brian C. Israel*

As we end 2023 and begin 2024, there is much to both reflect upon and to look forward to. It was truly an honor to serve as President of the Ventura County Bar Association in 2023. Over the past years I took several occasions to look at the names (and sometimes pictures) of our past presidents. I can't help but feel a sense of pride, both as an individual, and as a member of the Ventura County legal community, to follow in their footsteps and to have hopefully made a positive impact in Ventura County.

This year and experience wouldn't have been possible without a cadre of people who are committed to serving Ventura County. Thank you to everyone who helped put together a bar event, spoke or moderated a program, promoted or sponsored an event, or supported by attending an event. One of the highlights this year was to thank some of you at our Volunteer Appreciation event.

A major thank you is in order for the Bar's Executive Director, Sandra Rubio, and the Bar's staff, Nadia Gray and new addition Reggie Brunner. They put in so much hard work this year and much of that work is "behind the scenes" where recognition and acknowledgment is unrevealed. To support our 900+ members and to facilitate the extraordinary relationship between our bench and bar is no easy task.

Their help also made the 2023 Annual Dinner and Installation Awards a major success. For those who attended, I still have no idea how Aaron O'Brien performed those magic tricks, and I will undoubtedly be talking about them for a while. On that note, I am not sure **Wendy Lascher's** cell phone will ever be the same after his last trick! I am also still waiting for a "curtain call" from the musicians in Deep Cover. It was impossible not to dance listening to them, and it is a great reminder that our bench is talented outside of their day jobs. Deep Cover, of course, features **Commissioner Dusty Kawai** and **Judge Dino Inumerable**.

Brad Marcus, **Mike Percy**, and **Karen Oakman** were worthy recipients of their respective awards. Oakman, true to form, held up her speech for the crowd, but it was not a speech. Rather, it was a Volunteer Application form for the Conejo

Free Clinic. That reflects Karen first and foremost. However, I wanted to add that I am so heartened that there are other members of our community who have that same attitude. Still, this was a pretty "baller" move, as some of the Bar's younger members would say. For me, it served as a reminder of what we already have at the Bar and as a challenge moving forward.

Thank you to my Board of Directors this year. All of your support, phone calls, emails, conversations, and general encouragement, was inspiring and important for me personally. The commitment to attending meetings and to our community does not go unnoticed.

The extra work put in by my fellow Executive Committee was truly humbling in some respects. That work by President-Elect **Josh Hopstone**, Secretary-Treasurer **Guillermo "Bert" Partida**, and Immediate Past President **Jacquelyn Ruffin**, was invaluable for our Bar. The advice, guidance, and stepping up when needed helped me achieve my goals.

We started this year needing to find a new Managing Editor for CITATIONS as Wendy Lascher deservedly stepped back. Wendy and **Cari Ann Potts** continued to help with this publication and **Kathleen "Kat" Maheu** stepped up in a BIG way to become the new Managing Editor of CITATIONS. The transition was seamless. All three of them deserve so much praise and the entire CITATIONS Editorial Board, including our graphics/production/annual dinner photographer J.P. McWaters are phenomenal at their roles. I have the utmost respect for them. Thank you all for producing the preeminent legal publication in the county and in the state.

I also would like to thank my law firm, Norman Dowler, for putting up with me for being out of the office and stepping up their responsibilities. Finally, special thanks to my wife and kids for their patience, understanding, and love. Some days I really needed it!

As for 2024 and the future, I am supremely confident in the future of the Ventura County Bar Association. Each and every part of the Ventura County Bar Association is in good hands. Our members are

undeniably talented and care about our community and profession.

I have learned from the past year as Bar President, that in such a divided world, one of war and strife, and where opinions are not only different, but hardened, that we can all come together in a place like the Bar. Our profession can be both mundane and special at times, just as our lives are. This year has allowed me to see so many positive things in our profession.

As I sign off as President for the last time, I hope and pray my children grow up in a kind and loving world; one in which the law and those who practice share a foundation in equality, justice, and doing what's right for our clients and our community.

I can't help but be reminded that this sentiment is reflected in VCBA's Mission Statement:

"To promote legal excellence, high ethical standards, and professional conduct in the practice of law; to improve access to legal services for all people in Ventura County; and to work to improve the administration of justice."

I wish you all a happy holidays and a bright new year.



Brian C. Israel is an associate attorney at Norman Dowler, LLP in Ventura. His practice focuses on estate planning, probate, and trust administration. He can be reached at bisrael@normandowler.com or at 805-654-0911.

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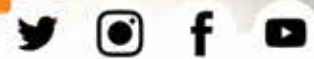
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Lowthorp Richards and Hathaway Law Firm Join Forces in Merger

Two of the leading law firms on the Central Coast are merging. Lowthorp Richards, McMillan, Miller & Templeman, and The Hathaway Law Firm will merge effective January 1, 2024. The combined firm will operate as Lowthorp Richards, LLP.

This merger represents a historical turn that will cement long-term strength and continuity, as we combine our talents to meet the needs of our clients in the twenty-first century and beyond,” says **Cristian Arrieta**, managing partner of Lowthorp Richards.

Both firms have a deep history in the Central Coast. Lowthorp Richards dates back to 1913 when attorneys primarily represented local farmers and ranchers. Today, the firm’s practice areas include business and real estate, trusts and estates, agriculture and land use, business and civil litigation, personal injury/wrongful death, and family law.

The Hathaway Law Firm, established in 1961 in Ventura, provides legal services to individuals, businesses, and governmental agencies in local, statewide, national, and international matters.

“We are excited to be joining forces with Lowthorp Richards. The pooling of talent and resources will allow us to better serve clients and their increasingly diverse legal needs,” says **Seth Shapiro**, managing partner of The Hathaway Law Firm.

Arrieta will serve as managing partner of the combined firm, Lowthorp Richards, LLP, headquartered in the Oxnard Tower at 300 E. Esplanade Drive, Suite 850, Oxnard, 93036. For more information, contact the law firm’s controller, Kris Viles, at 805-981-8555.



Ferguson Case Orr Paterson is pleased to welcome **Shane Maguire** as a partner of the firm. Shane’s litigation practice primarily encompasses real estate, business, and employment law matters. In his spare time, Shane enjoys spending time with his wife and four children, coaching youth sports, and surfing.



Jessica Villar, transactional associate with Schneiders & Associates, has given birth to a daughter! Daniela Catalina Angeles Villar was born July 8, 2023.

VERNA KAGAN APPRENTICE PROGRAM OPPORTUNITY

Ventura County Legal Aid, Inc., is presently accepting applications from law students (and recent alums) for the Verna Kagan Apprentice Program. Verna ran the VCLA Pro Bono Attorney program until her passing in 2014. It is in her honor we offer apprenticeship positions with VCLA. New attorneys seeking practical experience are also welcome.

Students who have completed their Evidence and Civil Procedure classes may be certified by the State Bar to make court appearances in superior court trial or appellate matters. VCLA would provide the practical training needed to work up a case, including necessary pleading guidance with mock hearing sessions before any actual appearances.

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BARRISTERS' CORNER

"Bridging the Gap" MCLE Event Returns in 2024

by Kristine Tijam

The Ventura County Barristers are excited to announce that our "Bridging the Gap" event will be held on Saturday, January 20, 2024, from 9:00 a.m. to 3:30 p.m. at the Ventura campus of the Colleges of Law. Bridging the Gap is the Barristers' full-day MCLE event aimed at helping attorneys "bridge the gap" between their outstanding MCLE requirements and the 25 total required credits.

Our esteemed speakers for this upcoming Bridging the Gap event consist of **Justice Hernaldo J. Baltodano**, Ventura County Superior Court Presiding **Judge Kevin G. DeNoce**, **Judge Gilbert A. Romero**, **Judge Von T. Nguyen Deroian**, **Jon F. Light**, Esq., and **Robin L. Oaks**, Esq. Attendees will receive 6 hours of participatory MCLE credits, including 1 Competence, 1 Elimination of Bias (Implicit Bias), 2 Ethics, and 2 General.

The Barristers are looking forward to this event, and we hope you will join us. Aside from Bridging the Gap being a convenient

way to obtain multiple MCLE credits, this upcoming event will also be a fun and unique opportunity to hear directly from many local judges and a justice, outside of the courtroom. Our judicial officer speakers will be sharing their perspectives from the bench and provide invaluable advice for legal practitioners of all ages and experience levels, including a general update on the "State of the Superior Court", the role of the Presiding Judge of Ventura County Superior Court, news from the court, requirements and tips for mandatory settlement conferences, "dos" and "don'ts" from their perspectives, ethics and professionalism, professional conduct and civility, and how implicit bias affects the work performed by attorneys and judges. Additionally, presentations by attorneys Light and Oaks will focus on the important topics of marketing and attorney wellbeing, respectively.

As Bridging the Gap is a full-day event, coffee and pastries will be provided for breakfast, and lunch will be served.

Registration for Bridging the Gap 2024 is now open. Attendees who register before December 28, 2023, will be eligible for a reduced rate. Those who are interested can either register online at vcba.org, or by returning the registration slip on the Bridging the Gap flyer mailed with this month's issue of Citations. We hope to see you there!



***Kristine Tijam** is a civil litigation attorney at Procter, Shyer & Winter, LLP and an adjunct law professor at The Colleges of Law. She is currently serving as the 2023 Barristers President and is on the VCBA Board of Directors.*



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Those who wish to place other names in nomination for the 2025 Board of Directors may petition for candidacy as set forth in the VCBA Bylaws of which is available online at www.vcba.org.



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WE READ, SO YOU DON'T HAVE TO On knowing when "enough is enough."

"A bulldozer can move piles of dirt from one place to another. But when the goal is to move minds rather than dirt, employing a bulldozer may be counterproductive. The bulldozer in this case is appellant Debra Wear's counsel. In our prior nonpublished opinion, *Tedesco v. White* (June 15, 2022, G059883, 2022 WL 2155962) (*Tedesco 1*), we made clear to these lawyers that "[w]e do not confuse aggressive argument with persuasive advocacy." Although the aggression has not abated, our view of it remains unchanged."

California's Fourth District Court of Appeal (Div. 3) began its recent decision in *Tedesco v. White* with these words of wisdom. The case involved – at least on the surface – a challenge to an order of discovery sanctions in the amount of \$6,000. Wear's counsel used the sanctions challenge as a platform to attack the merits

of the trial court's *nonappealable* underlying order quashing Wear's document subpoena, and then used the trial court's analysis underlying *that* discovery ruling into a basis for reviewing a separate order the Court had already ruled cannot be appealed. The Court found Wear's "broader quest" was to "again collaterally attack the validity of a conservatorship over the estate of Thomas S. Tedesco, which was established in the probate court in Riverside County in 2015." In furtherance of that goal, Wear's counsel presented the appellate court with an appendix in excess of 9,000 pages.

The decision is an interesting read that, among other things, distinguishes the appealability of discovery *sanctions* orders with related *discovery* orders. The former is appealable; the latter is not. ["When reviewing an appealable sanctions order, we review the merits of related orders only to

the extent necessary to resolve the challenge to the appealable monetary sanctions."]

In explaining that the attack on the probate matter had already been repeatedly rejected by both the probate court and the appellate court in Riverside County, and elsewhere, the Court opined: "Counsel's dogged refusal to acknowledge these losses (other than by disparaging some of the courts involved) changes nothing..."

Tedesco v. White (2023) 96 Cal.App.5th 1090, reh'g denied (Nov. 20, 2023).

Submitted by Wendy Lascher



Wendy Lascher is a partner with Ferguson Case Orr Paterson LLP, and State Bar-certified specialist in appellate law. She is also the former Editor of CITATIONS Magazine.



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