



CITATIONS

A P R I L - T W O T H O U S A N D T W E N T Y F O U R



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PRESIDENT'S MESSAGE

by Joshua S. Hopstone

The VCBA Board of Directors is pleased to report that after a long hiatus, the VCBA Court Tour Program is back in business. Before Covid, this program was a hallmark of our platform that brought tens of thousands of students, seniors, nonprofits, and other special groups into the Hall of Justice to see courtroom operations in real time. This week I had the opportunity to speak with **Hon. Melinda Johnson (Ret.)**, Peggy Purnell (wife of **Hon. Ronald N. Purnell (Ret.)**), attorney **Dennis LaRoche**, Brenda Bodie (the Program's current Director), and others who piloted the Program and/or contributed to its long history of success over the years. Each expressed gratitude for the hard work and dedication of the docents, the support and positive encouragement of judges and courtroom staff, and of course, to the VCBA for reinitiating the Program.

Ventura County was formed on March 22, 1872, when its territory was separated from Santa Barbara County. Ventura County's first courthouse was constructed in 1873-1874 on Santa Clara Street, at a cost of approximately \$10,000, on land donated by the San Buenaventura Mission.



Credit: Brewster, John Calvin, "Original Ventura Courthouse," *Research Library at The Museum of Ventura County*, accessed March 21, 2024, <https://photographs.venturamuseum.org/items/show/3199>.

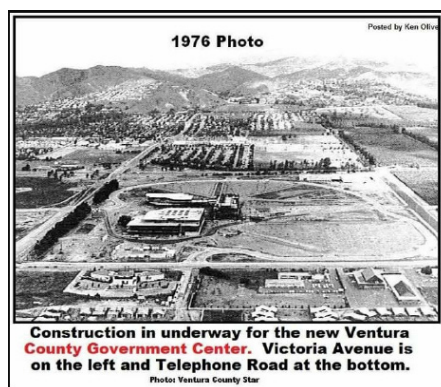
By 1910, the courthouse building was badly cracked and leaning. The County's population had also more than tripled (from 5,073 in 1880, to 18,347 in 1910). In 1911, voters approved a \$150,000 bond measure for construction of a new courthouse on Poli Street. The large, impressive building featuring ornate carvings and neoclassical architecture was built completed in 1913.



Credit: Unknown, "Ventura County Court House, 1915," *Research Library at The Museum of Ventura County*, accessed March 21, 2024, <https://photographs.venturamuseum.org/items/show/57>.

The grand building on Poli operated as the Ventura County Courthouse for nearly 6 decades thereafter. It also hosted other county government offices, and the Board of Supervisors. The building was expanded in 1930-1931 with a two-story annex on its western end. Nevertheless, the County government's need for more and more space continued to accelerate as the County's population expanded by nearly 2,000 percent in these years.

In the early 1960s, the County acquired 81 acres in east Ventura at the corners of Telephone Road and Victoria Avenue, as the site for a new government center. Development plans were expedited by a small earthquake in 1968, which revealed the courthouse building on Poli was structurally unsafe. Relocation of the County Government Center began in 1969. The Ventura Hall of Justice was completed in 1980 as part of Phase 2 of the Ventura County Government Center.



Credit: Unknown, accessed March 21, 2024, <https://pin.it/3B0Bjryjd>.

The "old" courthouse building on Poli was purchased by the City of Ventura in 1970 for \$145,000, and retrograded in the following years at a cost of approximately \$3.4 million. Today it houses Ventura City Hall and serves many other local municipal functions. It is registered as California Historic Landmark No. 847 and Ventura County Landmark No. 12.

By the mid-1970s, a group of local lawyers' wives —aptly named *Lawyers Wives*—was searching for a new substantive project. Judge Johnson had recently left the District Attorney's office to start a family. As the first Lawyer's Wife who was also a lawyer, she offered to leverage her contacts with the Sheriff's Office, District Attorney's and Public Defender's office, parole and probation departments, court reporters, judges, and others to organize a training session of sorts on courthouse operations to school-age children in the local schools. From this idea, the Court Tour Program was born. Pioneered by Judge Johnson, Peggy Purnell, Genny Hinkle (wife of attorney **Tom Hinkle**), Carol Smith, and many others, the program was an instant success. Schools would bus students from all over the county to participate in the Program.

A typical tour day in the Program advances as follows. The students meet in the courtyard around 10 am. A docent leads them on a 90-minute walking tour of the Hall of Justice and grounds, including some areas not typically accessible to the public. At noon, while court staff were on break, the students participate in a mock trial in an unused courtroom, with students fulfilling the roles of judge, jurors, lawyers, bailiff, and court reporter. After lunch, the students are invited to an active courtroom to observe a live trial in real time. Students then get to interact with judges, commissioners, attorneys, bailiffs, and other court personnel on a one-on-one basis.

The Program's success cannot be understated. At its height, the Program had as many as 26 docents running tours five days a week servicing up to 5,000 students per year. The Program would be booked up to a year in advance within days of posting its calendar of availability. Different scripts

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and programs were tailored to different age groups for elementary, middle school and high school levels, as well as specialized programs for deaf and disabled students. Few other Southern California counties offered tours of their court facilities at the time. Praise and appreciation were constant from teachers, parents, and students for providing an interesting, relevant, and wholesome experience to their impressionable youth.

By the late 1980s, *Lawyers Wives* had (fortunately) changed its name to the Legal Guild and was seeking assistance in running the Program's day-to-day operation. In 1991 the Ventura County Bar Association stepped up to assume responsibility for administration of the Court Tour Program. With the VCBA's assistance, and particularly that of Dennis LaRochelle and later Tom Hinkle who served as liaisons between VCBA and Legal Guild, the Program continued its success for decades thereafter. In 2019, the Program received Certificates of Congressional Recognition from the California State Legislature and the United States House of Representatives for the opportunity it provides for collaboration with the educational and work sectors in Ventura County.

After more than 40 years of constant success, it took an unprecedented natural disaster—the COVID-19 pandemic—for the Court Tour Program to finally be disrupted. The Program was shuttered in early 2020 and did not reopen – until now. The inaugural tour following its restart occurred on March 7, 2024, and was offered to a large group of 100 high school seniors from Oxnard. Eight tours are booked in the month of April for student groups of various sizes, grade levels and locations from throughout the County. With tours already being reserved into the summer, demand appears to be as strong as ever.

The VCBA is proud to have restarted the Court Tours Program and looks forward to facilitating it in the years to come.



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NOTHING STAYS THE SAME: WHY AI DOES NOT WORRY ME

By Wendy Lascher



Nothing stays the same. Humans change, life changes, the Earth changes. If we do not evolve, we go extinct. So we innovate and we adapt. We find ways around obstacles.

Practicing law changes, too. A hundred fifty years ago judges rode circuit and lawyers or their clerks wrote briefs and motions longhand. Fifty years ago, when I started practicing law, knowing how to use digests and Shepard's and carbon paper mattered. We had file carbon paper and file rooms. Then photocopiers came along, followed not long after by word processors. Now we have laptops, paperless (sort of) offices, and the cloud. Though I can no longer look up statutes and decisions in books, I have electronic resources. I don't have to go to the courthouse to see a file, because (at least in some counties, not to mention the entire federal judiciary) everything is in the cloud (although that turns out to be a bunch of server farms consuming scads of power.) True, there are power outages, but I also have lots of work I can still do when the internet goes down. Or I could finally take that walk I've been promising myself.

Recently I learned about software that can summarize a twelve-volume transcript so I don't have to, and then write a fact statement from the summary. But can the software figure out the nuances I want from the transcript, the particular phrases

witnesses and lawyers used that I can select to support the theme of my case? Can it discern that theme in the first place?

When I venture into a legal area I rarely handle there are treatises, practice manuals, action guides. It's primitive AI in that someone else has compiled the relevant statutes and court rules, and summarized what I need to do. I can follow the steps. But I don't rely on them; I use them to get started.

If you learn one thing in fifty years of law practice, it is that no situation is exactly like the last one; no client has the exact same problem – or personality – as the one with a similar case who came before. Sophisticated enough AI can probably identify the differences. But at least so far, what humans can do, but AI still can't, is figure out when those differences *matter*, and what to do about the ones that do matter.

AI won't be taking my job soon.



Wendy Lascher is a partner at Ferguson Case Orr Paterson, LLP. She is a State Bar-certified specialist in appellate law, and a former editor of CITATIONS.

GOODBYE TO RETIRING JUDGE ROCKY BAIO

By Mike Smith

In April, the Ventura County Superior Court will lose a valued member of its bench, **Judge Rocky Baio**, when he literally heads for Las Montanas. “I’ve enjoyed hiking and backpacking since college and intend to do a whole lot more once I retire.” He also plans on learning Spanish, traveling, and reading “a few books.”

When asked what advice he would give to both new and more experienced lawyers, he said his advice would be the same to either: “Be prepared, don’t mislead, and don’t expect to win every case. Realize that there are usually two good faith sides to every issue. Argue the facts and the law, and resist ad hominem attacks. Introduce yourself to the Evidence Code. It is your friend.”

Judge Baio grew up in Orange County in the cities of Buena Park and Garden Grove, as the oldest of five children. He remembers the move to Garden Grove because it was around the time he broke his arm in the eighth grade. His father was a high school English and history teacher at a predominantly African-American School in Compton. He was also both the wrestling coach, and curiously, the drama coach as well. His father took him to school one day each year and he found himself to be *literally* the only Caucasian child on campus. “My dad was an unusual person. A once good relationship deteriorated over time to the point that we were not seeing each other at the time of his death. I wish I had done more to patch up our differences but to my regret I never did.”

Judge Baio was born when his mother was just 17 years old and his father 18 years old. He attended UCLA and Western State Law School. He wandered a bit as a youth, taking trips across country in a Volkswagon Van and traveling and working in Europe for a brief time. “The less said about what I did on those trips the better.” He shared an old photo framed and presented to him by **Judge Bruce Young** showing him standing with his mom during this time looking like he’d been out in the sun for a *long time* with no access to a barber or razor.

During his 14 years on the bench Judge Baio has sat on every assignment except for Probate and Juvenile Court. Among other things, he has sat on an all-purpose civil calendar, criminal trial calendar, domestic violence criminal arraignment calendar, and as a member of the superior court appellate division for five years. He is currently finishing up a two-year stint as a member of the Family Law department. He claims not to have had any favorite assignment, but admitted, “There is some truth in the expression a Jack of All Trades, Master of None, but I’ve enjoyed the variety and the challenge of learning new areas of the law.”

When asked what he least likes about his current Family Law assignment, he said that was easy, “the fact that allegations of domestic violence are presented in so many family law proceedings.” “Domestic violence is a serious problem and the legislature, and the courts, are doing all they can to address it. Assaultive behavior and people who intimidate or try to exert power or control over another cannot be tolerated. Victims must be protected. There are and should be serious consequences for perpetrators of domestic violence. Having said that, I think that sometimes we forget that there is going to be discord and disputes in any marital or intimate partner relationship. Normally responsible, reasonable people might on occasion say things in a heated moment that they later wish they hadn’t said. So many of our family law cases require our judicial officers to decide when a person has crossed the line from bad behavior to domestic violence. Often times it is not an easy call.”

Curiously, Judge Baio found “making decisions” to be the hardest part of being a judge, and unfortunately, he routinely leads his fellow judges with the number of matters on the “submitted” list. “Whether it’s a \$100 traffic fine, deciding a custody dispute between parents, or whether to place a criminal defendant on probation or sending him to prison, the rulings we make as judges have a significant impact on people’s lives, and it’s important that we do our best to make the right decision.”

When asked who some of his favorite judges on the bench were, Judge Baio said there are and have been so many judges whom he has admired and learned from that he was hesitant to mention any by name out of fear of failing to mention a deserving colleague. However, he was quick to name **Judge John “Jack” Smiley** as someone he learned from both as a lawyer and judge. “I inherited Judge Smiley’s calendar a little over two years ago. I’ve had the opportunity to read many of his notes, transcripts, and rulings, and it has just reinforced by previous opinion that he is everything a judge should be. The litigants and attorneys who appeared before him were all very well served.”

At the close of the interview an interesting dichotomy became apparent. Judge Baio’s chambers are filled with work. Extra work stands around his desk with files open, relevant case law is strewn about. Snippets of case law and messages with underlined statutes abound, and there are at least 30 ties ready for use if necessary. It is clear this is not really a Judge’s Chambers, it is a workstation extraordinaire. Yet, when asked to give his advice about life he stated very decidedly, and as only the oldest of five children can and really make you believe it, “Don’t make life too hard. Enjoy yourself.”

So, we say farewell to Judge Baio and remind him that if he encounters any banditos dressed like Park Rangers in the mountains who don’t have badges, if they say, “Oye, amigo, we don’t need no stinking badges!”, run like hell.



Mike Smith is a practicing family law attorney based in Ventura, California. He can be reached at (805) 658-2465. www.msmithventuralaw.com

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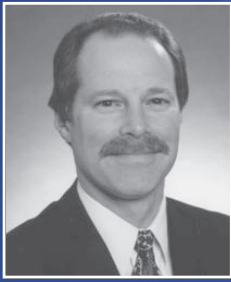
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LETTER TO THE EDITOR: RE: EXPOSING JUVENILE DEPENDENCY'S HARSH REALITIES

We were disheartened to read the article in the March 2024 CITATIONS, Exposing Juvenile Dependency's Harsh Realities. The story gave a very one-sided and small view of the Juvenile Dependency Court. We can understand why people may wonder about Juvenile Dependency Court because of the legal requirement for confidentiality.

The fact is, Juvenile Dependency not only saves the lives of children at risk of abuse and neglect, but it also helps families grow stronger in health and sobriety. The goal of Juvenile Dependency Court is to reunify families who have struggled with mental health issues, drug issues, domestic violence, and physical & sexual abuse.

Our Ventura County Children's and Families service social workers go above and beyond to keep families together and not remove children. If children must be removed for safety reasons, the social workers do their best to place children with family members, as is supported by the law. The attorneys who work in the Juvenile Dependency court are experienced

and make sure that each participant, the parents, the children, and social workers are heard by the Judge.

Judge Romero and **Judge (now Justice) Cody** have always listened to the participants and have made decisions based upon what is best for the family.

The article printed in the March issue gave two very remote and tragic examples of cases that went wrong. The article did not in any way talk about all the good things that happen in Juvenile Dependency Court. The March article gave a biased and unfair portrayal of the people that work so hard to keep children safe and to reunify them with their families.

The two authors of the article have provided a misleading view by doing nothing more than book reports of the materials upon which they relied without ever mentioning anything about how the system actually operates in California and in Ventura County. There is no mention of the fact that Ventura County in 1988 became the first

County in California to appoint attorneys to provide independent representation for all children in the system. This occurred several years prior to it becoming mandated throughout California.

The system is not perfect. Wouldn't it have been far more beneficial if they had taken the time to responsibly investigate how the system works here rather than to cherry-pick the facts which fit their agenda?

We are proud of the work we do, and the work Ventura County does for their families through Juvenile Dependency Court and we would be discouraged to think that the article published is the lens through which we are judged.

Sincerely,

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LEXIS DIGITAL LIBRARY AVAILABLE THROUGH THE VENTURA COUNTY LAW LIBRARY

By Katie Drow

When I took over the position of Director of the Ventura County Law Library (VCLL) in June of 2018 from the incomparable Dolly Knight, I knew I had big shoes to fill. I had only earned my J.D. from the University of Oregon School of Law the year before, but I'd already gained experience at Lane County Law Library in Oregon and Los Angeles County Law Library in downtown L.A. I also knew I was up for the challenge. Our beloved retired law librarian, Jane Meyer, came out of retirement to show me the ropes. Just as soon as I was feeling comfortable and competent with this new position, the pandemic hit. Less than two years into my new position as Director, the pandemic rendered VCLL inoperable.

Like a myriad of other businesses and public agencies, the Ventura County Law Library made many adjustments to its operations and policies during the COVID-19 pandemic. With limited in-person contact allowed, VCLL found ways to offer fully remote resources for its patrons. Resources such as Westlaw & LexisNexis were accessible remotely for the first time. Patrons need not enter the Law Library to carry on with their legal research.

Once VCLL returned to normal operations, the remote access provided by Westlaw & LexisNexis ended. However, remote access was so popular and in such high demand that VCLL's Board of Trustees voted to approve a new three-year contract with Lexis for its newest offering: Lexis Digital Library. After registering for a Law Library account, one has full remote access to digital versions of Lexis print subscriptions on VCLL's bookshelves.

All registered borrowers can access the Digital Library with their library card numbers and library code *vencolawlib*. If you need help identifying your card number or accessing Digital Library through our website, please give the VCLL staff a call at 805-642-8982. And, if you'd like to thank the Board of Trustees for this free remotely accessible resource, our current Board consists of **Glenn Campbell, Tiffany North, Judge Maureen Houska, Vincent E. Woodward, Juliet Buff, and Claudia Y. Bautista.**

Katie Drow is the Director and Secretary to the Board of Trustees, for the Ventura County Law Library. She can be reached at katied@vencolawlib.org Monday through Friday, or out at the roller derby rink every Tuesday and Thursday night.



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HAVE YOU HEARD?



Attorney **Bob England** passed away on March 25, 2024, at the age of 80. A former partner at Ferguson Case Orr Paterson LLP, Bob was a beloved friend and pillar of our legal community.

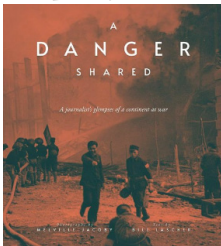


Attorney **Richard Gilman** passed away on January 15, 2024. He was born on July 10, 1948, in Minnesota, the son of Richard and Dorothy Gilman. He graduated from Grant High School in Van Nuys. Following graduation, he received his Bachelor of Arts from the University of California, Santa Barbara. He earned his Juris Doctorate from Hastings Law School in San Francisco. Rick practiced law for more than 45 years in Ventura County. He is survived by his wife of 41 years, Barbara Gilman.



In March, Citations editor **Panda Kroll** was appointed for a three-year term to the board of the California Appellate Defense Counsel, Region Two.

Bill Lascher (son of attorney **Wendy Lascher**), authored the newly published book *A Danger Shared: A Journalist's Glimpses of a Continent at War*, described as a "searing visual history of Asia during World War II as seen by foreign correspondent Melville Jacoby." (<https://lascheratlange.com/a-danger-shared>)



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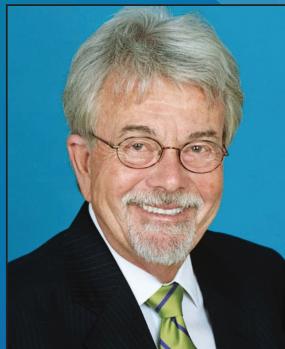
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NEW EXECUTIVE DIRECTOR AT VENTURA COUNTY LEGAL AID

By Paul Bujold.

Paul Bujold was appointed Executive Director of Ventura County Legal Aid (VCLA) in February after **Cesar Libanati** accepted a position with the Ventura Superior Court's self-help legal access center. The Executive Director position is being supported through a generous donation from the Gilbert and Aileen Chuck Charitable Trust. **Kevin Staker**, a long-time VCLA board member and past president, was instrumental in securing the donation. Bujold has considerable operational and administrative experience implementing programs for low income and vulnerable residents. He worked for the County's Human Services Agency as a part of its senior management team for 14 years, assisting in the administration of the Medi-Cal and CalFresh programs that provide access to medical care and fresh food for more than 300,000 county residents.

VCLA is committed to its mission to provide free civil legal services to low-

income residents, and is looking to increase its impact via three strategic goals:

- securing stable long-term funding
- recruiting and supporting staff and volunteers
- improving organizational infrastructure, operations, and administration

VCLA is actively working to secure long-term funding from numerous sources including the California State Bar, private foundations, federal, state and local grants, individual donors, and fundraising activities. VCLA recently hired **Vanessa Valdez** and two part-time administrative staff to assist the Carmen Ramirez Family Justice Center on March 5, and VCLA is actively recruiting another part-time attorney for the same purpose. **Michael Jump**, Chief Deputy District Attorney said, "The Carmen Ramirez Family Justice Center will provide unprecedented access to services for underserved crime victims and strengthen our community as a whole.

We are honored and excited to work with VCLA as a trusted partner in providing wrap around services for all Family Justice Center clients."

VCLA is streamlining its administrative infrastructure so that it can focus more on core services and supporting the people who need its services. For example, one goal is to prescreen clients at the self-help center. This will make VCLA more efficient in providing services and give volunteer attorneys more time to work directly with clients.

If you are interested in volunteering or supporting VCLA in any manner, please email support@vclegalaid.org and somebody will respond quickly.



Submitted by
Paul Bujold.



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WELCOME!

LAURENCE R. GOLDMAN

We'd like to welcome Laurence R. Goldman to our team. Laurence is a Certified Family Law Specialist recognized by The State Bar of California Board of Legal Specialization and brings over 40 years of Family Law experience. His expertise includes handling high net-worth individuals in their divorce proceedings and in often high conflict and complex matters related to custody/visitation, support, community estate division, premarital agreements, and domestic violence. Martindale-Hubbell has consistently awarded Mr. Goldman the AV Preeminent Rating since 1994. A Southern California Super Lawyer for many years, he served as past President of the Beverly Hills Bar Association and chaired various sections, including Family Law. Mr. Goldman is also a member of the Family Law Executive Committee of the Los Angeles County Bar Association and serves on the Board of Public Counsel, the nation's largest Pro Bono Legal Aid Organization.

CRIMINAL DEFENSE BAR FAREWELL

The **Honorable Rocky J. Baio** is retiring and while he currently serves our county in the family law courts, we have had the opportunity of working with him in the criminal courts prior to this assignment. Judge Baio is a great judge. He was fair and kind and balanced. Tough when he needed to be, and compassionate when the circumstances warranted.

Attorney **Scott Bentley** explains: *Judge Baio is a down to earth judicial officer who does not put himself above others. He listens to both sides of an argument and considers both parties, their interests and positions - and then makes the call that he thinks is correct based on the law. My clients and I have always enjoyed the respectful and fair treatment we have received in Judge Baio's courtroom and he will be missed.*

Attorney **Christina Vanarelli** shares: *I tried a criminal child abuse case in front of Judge Baio in which my client was accused of saying mean things to a disobedient child. When we were discussing the nature of this "abuse," Judge Baio said, "Sounds like my mom owes me."*

Always able to balance a sense of humor with a sharp wit, Judge Baio was a pleasure to appear in front of and will be greatly missed. On behalf of the Ventura County Criminal Defense Bar Association, we wish you well in retirement, sir!

Very truly yours,

Doug Ridley

Ridley Defense, APC

President, Criminal Defense

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ASSOCIATE ATTORNEYS - Well established Ventura County law firm specializing in Public Entity Defense seeks a full-time associate and a part-time associate with at least 5 years' experience to handle depositions, law and motion, and trial support. Public entity defense experience preferable, but not required. Competitive salary, flexible and relaxed working environment. Email resume to kiwood@woodfinck.com.

ASSOCIATE ATTORNEY - Cowdrey Jenkins, LLP, seeks an associate attorney for elder abuse/wrongful death/medical malpractice cases. The ideal candidate will have 7+ years of litigation experience, including trials. You bring your knowledge of civil litigation, and we will train you on the substantive law. Excellent support team and latest technology. Base salary, health/dental/vision, 401(k), reasonable hours, plus significant bonuses available. Résumé to scowdrey@cowdreyjenkins.com.

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