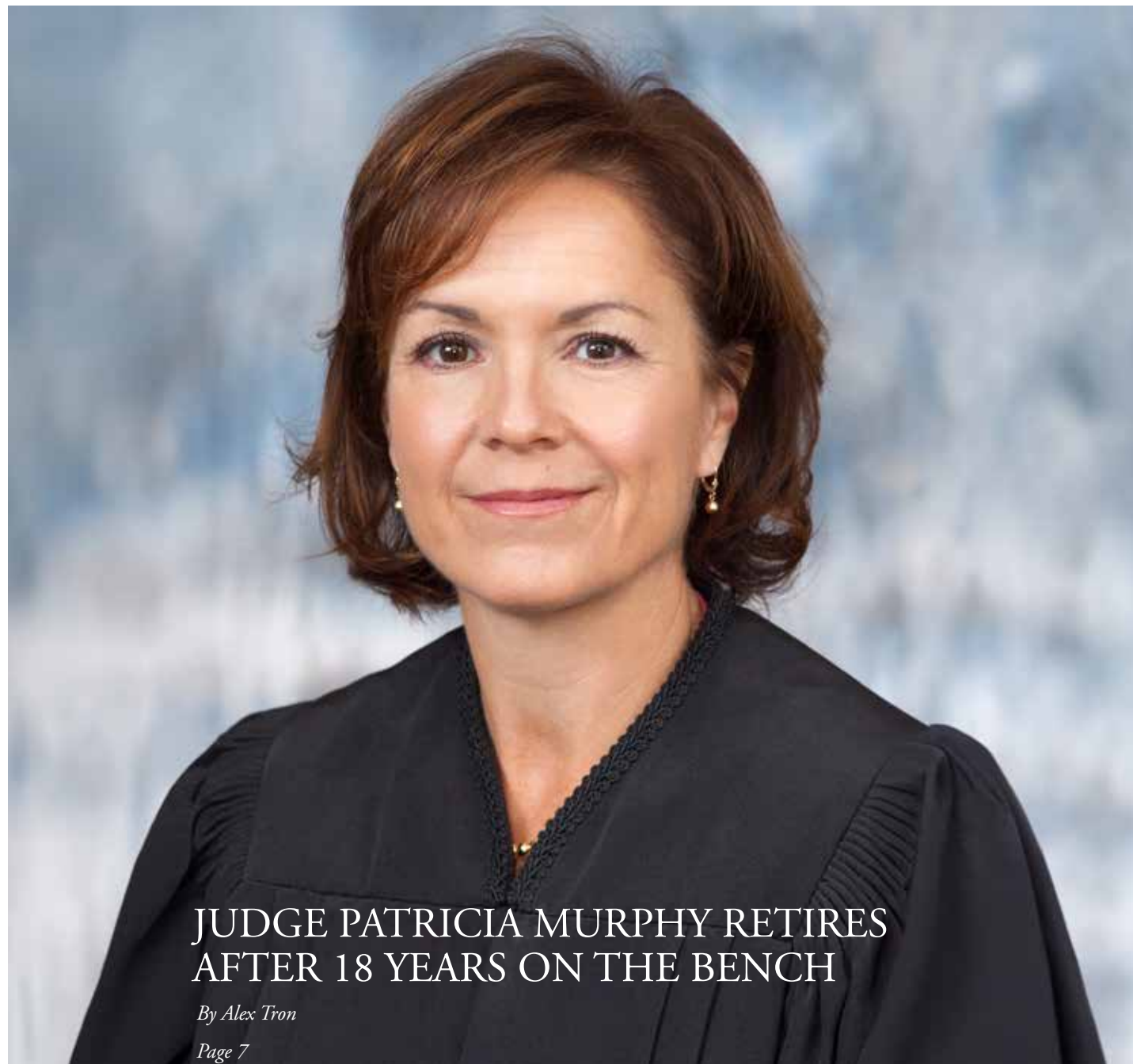




# CITATIONS

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## JUDGE PATRICIA MURPHY RETIRES AFTER 18 YEARS ON THE BENCH

*By Alex Tron*

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JOSHUA S. HOPSTONE

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# PRESIDENT'S MESSAGE

by Joshua S. Hopstone

Many in our community seem unaware that the Ventura County Superior Court bench is currently undergoing its largest turnover in recent history. Of 30 judge seats, one seat is currently vacant but an additional five seats will be vacant by the end of August (three of whom have already worked their last day on the bench), and another in December. Including three recent appointments, by early 2025 a total of ten judges—a full third of the entire bench—will have been replaced in the span of just over one year.

Publicly-announced retirements include **Hon. Bruce Young**, **Hon. David Worley**, **Hon. Rocky Baio**, **Hon. Patricia Murphy**, **Hon. Jeffrey Bennett**, and **Hon. Henry Walsh**. Recent gubernatorial appointments include **Hon. Paul Feldman** to the criminal division (courtroom 24), **Hon. Marine Dermardzian** to the criminal division (courtroom 26), and **Hon. Dana Caudill** to the family law division (courtroom 33). **Comm. Julia Snyder** recently won election to judge and will assume Judge Walsh's seat on the bench after January 1, 2025. Two new commissioners were also appointed to the bench, **Comm. Diana Aizman** to the criminal division (courtroom 10) and **Comm. Amy Van Sickle** in February of 2023 to the family law division (courtroom 34).

Court leadership is well aware of the significance of this major transition and has not been sitting idle. Spearheaded by **Presiding Judge Kevin G. DeNoce**, the court has been actively engaged at the state level and has received commitment and support from the Governor's Office in making the appointment process as smooth as possible. The court has also been proactive in securing the assistance of qualified retired judges to sit on assignment in various departments until permanent replacements are appointed, averting the concern of any serious disruption in operations.

Earlier this year, the Ventura County Superior Court, in conjunction with the Santa Barbara County and San Luis Obispo County Superior Courts and with the Governor's office, announced the formation of a joint Judicial Mentor Program, with a goal of "recruiting and developing a highly qualified judicial applicant pool that reflects California's rich diversity." The

Program's inaugural event on February 21 was moderated by **Hon. Michele M. Castillo** and featured presentations from Judge DeNoce, Judge Dermadzhyan, as well as Hon. Rita Federman of the San Luis Obispo Superior Court and Hon. Gustavo Lavayan of the Santa Barbara Superior Court. Perhaps most importantly, the panel was joined by Luis Cespedes, the Judicial Appointment Secretary of the Governor's office—a role previously held and influenced by Hon. Martin Jenkins before his appointment to the California Supreme Court. Secretary Cespedes described the process of applying for a judgeship and provided insight on what qualities his office looks for in candidates seeking appointment.

California superior court judges typically serve six-year terms and are ordinarily elected by county voters on a non-partisan ballot at a general election during even-numbered years. Vacancies that arise during those terms (due to death, retirement, or other departure) are filled through direct appointment by the governor. The vast majority of judges initially reach the bench via gubernatorial appointment.

The only statutory qualification to serving as a judge is the candidate must have been an attorney admitted to practice law in California (or served as a judge in California) for at least 10 years immediately preceding her election or appointment. More generally however, to be recommended for appointment to a seat on the superior court bench, a candidate must prove himself or herself to be of good moral character and reputation in the community.

The application and interview process is extensive. It begins with a written questionnaire and application (available at <https://govapps.gov.ca.gov/judicial/start.php>) that requires not only explanation of the applicant's credentials and professional accomplishments, but detailed explanation of past significant legal matters that he or she has handled and their outcomes. Judge Dermadzhyan described the application a "deep dive into who you are as a lawyer, but more importantly as an individual." The panel recommended anyone to familiarize themselves with the application early in the process, and to seek support and recommendations from sitting judges who

are familiar with the applicant's work in the courtroom.

The written application is first read by the Judicial Appointments Secretary, which ultimately decides which applicants are sent to the Judicial Selection Advisory Committees (JSAC) for further consideration. Secretary Cespedes described a holistic view of an applicant's "life resume," and emphasized the importance of demonstrated personal values, humility, and judicial empathy. He referenced section 12011.5, subdivision (o) of the Government Code, which encourages the governor and JSACs to give "particular consideration to candidates from diverse backgrounds and cultures reflecting the demographics of California, including candidates with demographic characteristics underrepresented among existing judges and justices."

Secretary Cespedes explained that he takes this charge seriously, and encouraged any and all interested attorneys with demonstrated integrity and honesty in their personal and professional lives to consider applying. The Governor's office recognizes that not all attorneys have identical professional experience or even extensive trial experience, and for this reason the law requires consideration of "legal experience broadly, including but not limited to, litigation and nonlitigation experience, legal work for a business or nonprofit entity, experience as a law professor or other academic position, legal work in any of the three branches of government, and legal work in dispute resolution." (§ 12011.5, subd. (d).) Cespedes elaborated that the Governor cares far more about an applicant's ability to view the world through someone else's perspective than he does about societal status or connections: "Going to Yale and Princeton is not a ticket to ride in this administration. It is about who you are, not who you know."

For those applications that are selected by the Governor's Office for further review, JSACs assist in vetting the applications by interviewing references, opposing counsel, and judges who may have experience and observations of the candidate. JSACs, which are comprised of attorneys and judges selected by the Secretary, ultimately make

*continued on page 5*

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recommendations on which applications should be sent to the Commission on Judicial Nominees Evaluation (JNE) for further vetting. Several rounds of interviews are held throughout the application process, and the process can take up to a year from the time of application submission to appointment.

As for Ventura County, Presiding Judge DeNoce, on behalf of the entire superior court bench, wishes to strongly and publicly encourage any interested potential applicant to contact him or another judge they have a connection with to get more information. The judges can demystify the process and explain what working as a judge is really like, and provide guidance, mentorship and support to make an application as strong as possible.

An inevitable reality of this year's large turnover is that after this flurry of seats are filled, the composition of the Ventura County Superior Court bench is going to essentially freeze for a very long time. This is an unprecedented moment of fluidity on the bench with seven vacancies to be filled within the next year. If a person who wants to become a judge waits another year or two to apply, this unique window of opportunity will have closed and it simply may be too late. In the years ahead there will of course be an occasional retirement or other opening here or there, but nothing like the transformation the court is currently experiencing. For anyone even remotely considering a judicial career, the time to act is right now.

The VCBA Board of Directors, on behalf of the Ventura legal community at large, has expressed our commitment to assisting the superior court in any way possible throughout this exciting and challenging time of transition.



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# MUNCHAUSEN SYNDROME BY PROXY – COUNTERPOINT

*By Panda Kroll*

In the March 2024 issue, CITATIONS ran an article, “Exposing Juvenile Dependency’s Harsh Realities,” which reviewed two topical non-fiction works. One of these, the Netflix documentary, “*Take Care of Maya*,” described a social worker’s misdiagnosis of “factitious disorder imposed on another,” more commonly known as “Munchausen syndrome by proxy,” with tragic results.

Gypsy Rose Blanchard’s story (currently in its fourth broadcast) is a counterpoint to Maya Kowalski’s. In December 2023, 32-year-old Blanchard was released from Chillicothe Correctional Center in Missouri after serving seven years of a 10-year sentence. She had pleaded guilty to second-degree murder for conspiring with her then-boyfriend to kill her mother, Dee Dee Blanchard, when Gypsy was 21 years old.

Experts believe Gypsy was a victim of Munchausen syndrome by proxy. Leading up to the murder, Dee Dee had subjected Gypsy to painful and unnecessary medical procedures for years and proclaimed that Gypsy was severely disabled and chronically ill, falsely stating Gypsy suffered from epilepsy, leukemia, intellectual disabilities, and muscular dystrophy. Dee Dee abused her daughter when she suggested that she was not actually sick and forced Gypsy to use a feeding tube and a wheelchair. Dee Dee regularly shaved her daughter’s head to fake a cancer diagnosis, garnering sympathy and donations from charities such as Make-

A-Wish Foundation, and a house from Habitat for Humanity, wheelchair ramp included.

Gypsy’s story was first broadcast nationally in HBO/Max’s 2017 documentary, *Mommy Dead and Dearest* and more recently reenacted in Hulu’s 2019 eight-part true-crime dramatization, *The Act*. Patricia Arquette, playing Dee Dee, won an Emmy and a Golden Globe for best supporting actress. A second documentary, *Gypsy’s Revenge*, was also released in 2019 and is streaming on multiple platforms. A six-episode docuseries, *The Prison Confessions of Gypsy Rose Blanchard*, is currently airing on Lifetime. In this most recent rendition, Blanchard tells her own story.

Gypsy advocates awareness about Munchausen syndrome by proxy and earned “clout” in social media with nearly eight million Instagram followers, while #gypsyrose had 3.4 billion views on TikTok.

*Note: In March of this year, Rolling Stone magazine reported that Gypsy had deleted her public social media accounts, although she maintains a private Instagram account.*



**Panda L. Kroll** is the founder of Panda Kroll, Esq. & Associates and the Timeshare Law Library, Inc.

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# JUDGE PATRICIA MURPHY RETIRES AFTER 18 YEARS ON THE BENCH

By Alex Tron

**Judge Patricia Murphy**, a prominent figure in Ventura County's judiciary, is preparing to retire after a storied career marked by commitment, diligence, and a profound influence on the legal community. She agreed to speak with the Vice President of the Barristers Board, Alexander Tron, regarding her path to the judiciary, the significant changes she has observed in the courts, the advice she offers to aspiring judges, and her plans for life after retirement.

## A Determined Path to the Bench

From an early age, Judge Murphy felt a strong calling toward the legal field, aspiring first to become a prosecutor and then a judge. Having no family connections to either law enforcement or the legal profession, she felt called to the bench as early as the 6th grade. Her journey was characterized by choices aimed at achieving her goals while managing economic practicalities. She pursued her undergraduate degree at local schools – California State University, Northridge, followed by law studies at Southwestern Law School – and stayed at home throughout her education to keep costs low.

Her legal career began at the Ventura County District Attorney's office where she secured a position before even completing her bar exam. Her tenure there was notable not just for its length but for the breadth of experience she gained. Over 18 years, she rose through the ranks, ultimately joining the Major Crimes Unit as a homicide prosecutor—a role she undertook as the sole woman in the unit at the time. Showing her determination for justice, Judge Murphy recounts participating as a District Attorney in a homicide trial - all while nine months pregnant. Her tenure at the DA's office solidified her resolve to seek a judicial appointment, a goal she achieved in 2006.

## Lessons From the Bench

Upon her appointment, Judge Murphy brought to the bench decades of extensive courtroom experience. Yet, she quickly realized the scope of influence that legislative

actions and voter decisions had over judicial proceedings. The rapid implementation of new laws often left little time for judges to adapt, pushing her and her colleagues to the forefront of legal evolution without the luxury of gradual integration. This aspect of her role, she noted, was both exhilarating and daunting, as it required constant adaptation and a proactive approach to judicial responsibilities.

Judge Murphy's judicial career has been largely defined by her focus on criminal law, where she has been an eyewitness to and a participant in significant legislative reforms. Notably, she tried Ventura County's inaugural three-strikes case, which marked a pivotal moment in how repeat offenders are prosecuted. Over the years, she has seen shifts in the perceptions of what constitutes a successful legal outcome influenced heavily by evolving societal values and legislative frameworks. Looking to the future, she anticipates continued changes driven largely by external forces such as voter mandates and budgetary considerations, guiding the judiciary as the conception of criminal justice continues to evolve in California.

## Guiding Aspiring Judges

For lawyers contemplating a judicial career, Judge Murphy advises deep self-reflection. "It's not a job for the faint of heart," she cautions, emphasizing the need for honesty about one's motivations and abilities. Judging requires making critical decisions quickly, often with incomplete information, and it demands a temperament suited to the gravity of the role. For those seeking the role for prestige or ego, she warns, the judiciary might not be the right path.

The role of a judge, she advises, is far removed from the glamor some might envision. It requires a robust commitment to fairness, the ability to make tough decisions swiftly, and a temperament that balances assertiveness with empathy. Throughout her time on the bench, Judge

Murphy has had to make sacrifices in her personal life to ensure she is impartial and fair in her rulings. As a self-described introvert, she has been able to navigate these limitations, but looks forward to living a life unencumbered by those restrictions.

## Life After the Bench

As her retirement quickly approaches, Judge Murphy looks forward to engaging more deeply with her personal interests. She and her husband plan to travel more extensively, particularly enjoying time on their sailboat. She is excited to return to her hobbies with newfound freedom, such as participating more actively in her book club, hiking, cooking, gardening, and watercolor painting. While she remains open to occasionally serving on assignment, her primary focus will be on enjoying the personal time that her rigorous career often limited.

Judge Patricia Murphy leaves behind a legacy of judicial prudence and significant legal contributions. Ventura County has been blessed by Judge Murphy's long tenure in our legal community. Her presence on the bench will be sorely missed.



*Alex Tron has been a resident of Ventura County for over 20 years and is the Reentry Attorney at The Social Impact Center. Alex can be reached at alex@thesocialimpactcenter.org and by phone at (213) 534-6229.*

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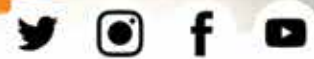
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# BARRISTER'S CORNER: THE MANY FACES OF REMOTE APPEARANCES IN CALIFORNIA

By *Christal Joy Porter*

As the legal community and court system are well underway into normalized remote appearances, it seems like the days of having to make your way to the courthouse for every court hearing or mandatory settlement conference are over. As a Barrister and not quite into my fifth year of practice, I only know what life was like before remote appearances were normal from the stories of more seasoned attorneys. My life would be very different if I had to physically make my way down to the Stanley Mosk Courthouse multiple times a week. Having the availability to appear remotely has truly changed the daily life of attorneys as well as expanded attorneys' client reach. Now that there is no turning back from regular remote appearances, we can only look forward to improving the remote appearance approach.

With new technology comes "kinks" to work out and hurdles to overcome. One of the major hurdles of this new world of remote appearances is the differing platforms, rules, and procedures for each county's court. Counties have the discretion to select their remote appearance platform, which can prove difficult for practitioners in preparing for appearances. Common remote appearance platforms are Zoom, CourtCall, and Microsoft Teams. Los Angeles County, being the largest Superior Court system in California, utilizes its own web app called LA Court Connect. Many of these platforms require registration and a fee. Additionally, some counties, but not all, require a *Notice to Appear Remotely* (Judicial Council Form RA-010 for the uninitiated) to be filed before the attorney may appear remotely. Counties' selection of virtual appearance platforms and required procedures are based on California Rules of Court, Rule 3.672, adopted January 1, 2022, amended August 4, 2023, which details remote proceedings guidelines and procedure. The goal of this rule is to "promote greater consistency in the practices and procedures relating to remote appearances and proceedings."

Just like each county's filing procedure may be different, each court is allowed to

make its own local procedure for remote appearances. Herein lies the difficulty for attorneys seeking to make remote appearances across varying counties. In preparing to appear remotely, one must be diligent to find out what is required by the court and when. Some counties require their own form or procedure to be submitted days prior to the hearing for the attorney to receive access to the relevant remote proceeding information (i.e., links, numbers to call, passwords, etc.)


As we progress with the frequency and ease of remote proceedings, should all courts statewide use a single platform for remote appearances and one standardized procedure for notice and access to the remote proceedings? That question remains unanswered.

On the next page, I have compiled a list of each county court's remote proceedings platform and generally what is required to access the hearing information. This is not an exhaustive list, but something to show the similarities and differences in the platforms and procedures that each county requires for remote proceedings. I hope to see you in a tiny box on my computer screen one day soon!

*Christal Porter hopes to periodically update CITATIONS readers with developments in the world of remote appearances. Stay tuned!*



**Christal Joy Porter** is an attorney with *Rodnunsky & Assoc.* practicing in the areas of trust and estate litigation and estate planning. She can be reached at the office at (818) 737-1090.



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# REMOTE APPEARANCES BY COUNTY IN CALIFORNIA

## MAY 2024

COUNTY	REMOTE APPEARANCE PLATFORM	SPECIAL NOTES: "NTAR" Notice to Appear Remotely Form RA-010
Alameda	Zoom	Contact clerk's office for info
Alpine	Zoom	Contact clerk's office for info
Amador	Zoom	Requires NTAR filed and local online form
Butte	Microsoft Teams	
Calaveras	Zoom	
Colusa	Platform unknown	
Contra Costa	Zoom	Requires NTAR (can be waived at hearing)
Del Norte	CourtCall	CourtCall arrangement
El Dorado	Zoom or Telephonic	Requires NTAR and Order filed
Fresno	Zoom	Requires NTAR and Order filed
Glenn	Zoom	Requires NTAR and Order filed
Humboldt	Zoom or Conference Call	Info available online
Imperial	Microsoft Teams	Local form required
Inyo	Zoom	Requires NTAR; Info available online
Kern	Zoom or Legacy (audio only)	Local Form required
Kings	CourtCall	CourtCall arrangement
Lake	Zoom	Info available online
Lassen	Zoom and CourtCall	Info available online
Los Angeles	CourtCall / LA Court Connect	CourtCall/LA Court Connect arrangement
Madera	Zoom	Local online form required
Marin	Zoom	Info available online
Mariposa	Zoom	Info available online
Mendocino	Zoom	Requires NTAR and Order filed
Merced	Zoom or CourtCall	Requires NTAR
Mono	Zoom or CourtCall	Info available online
Monterey	Zoom	Info available online
Napa	Zoom	Info available online
Nevada	Zoom	Requires local registration form online
Orange	Zoom	Info available online
Placer	Zoom	Requires NTAR and local attachment

COUNTY	REMOTE APPEARANCE PLATFORM	SPECIAL NOTES: "NTAR" Notice to Appear Remotely Form RA-010
Plumas	Telephonic Appearance	Website under construction
Riverside	Zoom	Informal NTC required
Sacramento	Zoom	Info available online
San Benito	Platform unknown	Requires NTAR and Order filed
San Bernardino	Zoom	Requires call to court or NTAR
San Diego	Microsoft Teams	Info available online
San Francisco	CourtCall or Zoom	Info available online
San Joaquin	Zoom or Bridge Conference	Info available online
San Luis Obispo	Zoom	Info available online
San Mateo	Zoom	Info available online
Santa Barbara	Zoom	Info available online
Santa Clara	Microsoft Teams	Info available online
Santa Cruz	Zoom	Requires NTAR filed
Shasta	CourtCall	Requires NTAR filed
Sierra	Zoom	Info available online
Siskiyou	Zoom	Requires NTAR filed
Solano	CourtCall	CourtCall login needed
Sonoma	Zoom	Info available online
Stanislaus	VCourt	Court form registration (\$28 fee)
Sutter	Lifesize	Requires NTAR filed
Tehama	Webex	Info available online
Trinity	Platform unknown	Unknown
Tulare	Zoom	Local online registration form and NTAR filed
Tuolumne	CourtCall	Requires NTAR
Ventura	CourtCall or Zoom	Requires NTAR filed
Yolo	Lifesize	Info available online
Yuba	Zoom	Requires NTAR to be filed

# CIVIL RIGHTS IMPLICATIONS OF “CRIME-FREE” HOUSING POLICIES BEING ADDRESSED THROUGH AB 1418.

By Alex Tron

People with a criminal record carry an albatross around their neck that lingers long after they have successfully completed their sentences. According to the U.S. Commission on Civil Rights, one third of Americans today have criminal records and face over 44,000 legal sanctions which are collectively referred to as “collateral consequences,” including denial of employment, housing discrimination, and a host of other restrictions. The yoke of a criminal record can impoverish and restrict some of our most marginalized communities and serve as an incredible source of resistance for well-intentioned individuals who seek to improve their lives and become happier, more productive members of society who are less likely to need government assistance or reoffend.

The impact of these collateral consequences is perhaps most acutely felt in the realm of housing. Landlords possess considerable leeway to deny housing based on past convictions. This issue has been compounded by the implementation of “crime-free housing” policies across various municipalities, effectively institutionalizing discrimination under the guise of community safety. According to a comprehensive study by The Rand Corporation, from 1995 to 2020, 104 municipalities within California alone adopted such policies, with a staggering 2,000 cities nationwide following suit by 2019. ([https://www.rand.org/pubs/research\\_reports/RR2689-1.html](https://www.rand.org/pubs/research_reports/RR2689-1.html))

Enforcement of these policies also underscores a troubling trend towards the exclusion and marginalization of vulnerable populations. The United State Justice Department’s recent settlement with Hesperia, California, serves as a poignant illustration of the discriminatory nature and harmful repercussions of “crime-free housing” policies. In a landmark settlement between the Justice Department and the City of Hesperia, along with the San Bernardino County Sheriff’s Department, the egregious discriminatory practices underpinning Hesperia’s “crime-free housing” policy were brought to light.

The lawsuit, initiated in 2019 following an investigation by the U.S. Department of Housing and Urban Development (HUD), revealed that the policy was not only aimed at curbing crime but also at addressing what an elected official described as a “demographical problem,” a euphemism for the city’s growing Black and Latinx populations. The policy mandated the eviction of tenants upon any alleged criminal activity reported by the Sheriff’s Department, irrespective of whether these allegations led to an arrest, charge, or conviction. This broad and unchecked authority resulted in the disproportionate eviction of Black and Latinx renters, further evidenced by HUD’s analysis, which highlighted that Black renters were nearly four times, and Latinx renters 29% more likely, to face eviction compared to their white counterparts. (<https://www.justice.gov/crt/case-document/file/1449361/dl?inline>)

The ramifications of Hesperia’s policy extended to the unjust eviction of entire families based on the actions of a single member and even targeted survivors of domestic violence, further victimizing the vulnerable. Additionally, the ordinance mandated that landlords screen potential tenants through the Sheriff’s Department, establishing a prejudicial barrier to housing that disproportionately affected minority communities.

In a press release, Assistant Attorney General Kristen Clarke of the Justice Department’s Civil Rights Division described these policies thusly:

*“So-called ‘crime-free’ ordinances are often fueled by racially discriminatory objectives, destabilize communities and promote modern-day racial segregation... These ordinances can uproot lives, force families into homelessness and result in loss of jobs, schooling and opportunities for people who are disproportionately low-income people of color. ‘Crime-free’ ordinances may also constitute a discriminatory solution in search of a problem and run afoul of the core goals underlying the Fair Housing Act.”*

(<https://www.justice.gov/opa/pr/justice-department-secures-landmark-agreement-city-and-police-department-ending-crime-free>)

The legislative response to these challenges, and the broader issue of housing discrimination, materialized with the enactment of AB 1418 in California. Championed by Assemblywoman Tina McKinnor and effective January 2024, this law marks a significant milestone in the fight for housing justice, prohibiting local governments from imposing eviction mandates based on law enforcement calls, suspected criminal activity, or other alleged nuisances. Furthermore, AB 1418 restricts the ability of local governments to compel or even suggest that landlords conduct criminal background checks during the tenant screening process, thereby reducing the potential for discrimination and broadening the spectrum of housing opportunities for those with criminal records.

The law carefully balances the rights and responsibilities of property owners, who retain the discretion to conduct criminal background checks voluntarily and to initiate evictions based on legitimate nuisances. This approach ensures that while avenues for discrimination are curtailed, the legitimate concerns of landlords regarding property management and community safety are not disregarded.

Looking to the future, the path towards a more equitable and inclusive housing system in California and beyond may involve further legislative efforts. Such initiatives could include limitations on the consideration of certain offenses (such as misdemeanors or infractions) in rental decisions, or the exclusion of offenses beyond a specific time frame from impacting eligibility for housing. These measures, while potentially perceived as limiting landlords’ discretion, align with the principles of rehabilitation and redemption, emphasizing the capacity for personal growth and transformation on behalf of the community members that have worked hard to improve their lives following their incarceration.



As the legal community navigates the complexities of housing discrimination and criminal justice reform, the story of Hesperia and the legislative progress embodied by AB 1418 serve as critical reference points. They highlight both the challenges and opportunities that lie ahead in our collective pursuit of a society that values individuals for who they are today, rather than who they were in their past.

Society should not continue to restrict the legitimate ways that individuals can live and work because of their old convictions - such a policy leads to increased recidivism rates, as legitimate forms of prosperity can be foreclosed as a result of an individual's conviction. By creating more opportunity for formerly incarcerated community members, society can create more meaningful pathways to stability, which will in turn increase the safety of the community as a whole. Through continued legislative innovation and societal reflection, our society can aspire to dismantle the barriers that hinder reintegration and foster a more just and inclusive community for all.



*Alex Tron has been a resident of Ventura County for over 20 years and is the Reentry Attorney at The Social Impact Center. Alex can be reached at alex@thesocialimpactcenter.org and by phone at (213) 534-6229.*

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