



CITATIONS

DECEMBER - TWO THOUSAND TWENTY FOUR



THE VENTURA SUPERIOR COURT WELCOMES COMMISSIONER COURTNEY LEWIS

By Genese Kouakoua and Damon Jenkins

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J.P. MCWATERS | SANDRA RUBIO

MARK F. MILLER

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PRESIDENT'S MESSAGE

By Joshua S. Hopstone

I am so very grateful for the trust this community has placed in me to serve as President of the Ventura County Bar Association this year. This was a year filled with success and achievement for the VCBA and its members, which could never have been accomplished without the structure and support of many people across our community.

Thank you first and foremost to the VCBA Board of Directors, and especially our Executive Board comprised of Immediate Past President **Brian Israel**, President-elect **Bert Partida**, and Secretary-Treasurer **Kristine Tijam**. Your vision, leadership and support is what laid the groundwork for our collective success. Thank you also to **Damon Jenkins** for accepting your nomination to join the Executive Board as the incoming Secretary-Treasurer; your contributions to the bar over many years deserve recognition, and we are all looking forward to your continued leadership.

Thank you to the Membership Services & Support Committee, including **Rachel Coleman**, **Lou Kreuzer**, and **Lane Lopez**, for continuing and expanding upon the benefits we provided to our members this year. Under their supervision, VCBA was able to sponsor and facilitate more than 40 programs, events, and MCLE presentations in every relevant practice area, as well as arrange for several scholarships to deserving young attorneys and law students in the local community.

Thank you to the Community Outreach Committee, including **Ben Baumer**, **Ian Elsenheimer**, **Vanessa Frank**, **Damon Jenkins**, and **Michael Pellegrini**. This year saw the continuation of VCBA's Attorneys Sharing Knowledge (ASK) program; partnership with the local public school districts for the annual Moot Court program and career expos; and a variety of other means of engagement with the public we serve. It also brought the recommencement of the Court Tours Program, and hosted a forum of volunteer-based pro-bono legal services organizations which had not come together in more than two decades.

Thank you also to the Events Committee, including **Michael Crawford**, **Jasmine Khoshnou**, **Lauren Nicholson**, and **Rick Siegenfeld**, for assisting me in planning

this year's Bar Leadership Social in October and the 38th Annual Installation and Awards Dinner in November. Anyone who attended the Annual Dinner can attest firsthand that your hard work resulted in a successful production. On that subject, congratulations are due to VCBA Past President **Jacquelyn Ruffin** for being honored with the 2024 Ben E. Nordman Public Service Award, **Terrance Mahurin** and **Mark Burnstein** for receiving the 2024 Verna R. Kagan and James D. Loeb Award, and to the other recipients of honors, awards and scholarships that evening. These tokens of recognition are small compared to the selfless contributions you have made to the community in which we all serve.

Thank you most of all to Executive Director **Sandra Rubio** and the other dedicated administrative staff persons for keeping the VCBA office running like a well-oiled machine. Due to your hard work and prudence, the bar is in its strongest financial position in history, which will provide flexibility to future boards to serve our members and the community in new and creative ways. Thank you also to **Kathleen Maheu** and the other members of the Citations Editorial Board, who work tirelessly to produce this publication each and every month for the benefit of us all.

The mission statement of the VCBA is "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." As my tenure as President draws to a close, I take satisfaction in knowing this mission statement was fulfilled this year to the greatest extent possible. The effort and dedication exhibited by attorneys to investing in our community, across all industries, geography, and practice areas, speaks to how special a place Ventura County is to live and practice law. This is a legal community where ethics, honesty, and integrity in the practice of law are paramount, and it is this collective commitment to equality and justice that makes the VCBA greater than the sum of its parts.

I hope you all had a wonderful Happy Thanksgiving, and that you have a Happy winter holiday, and Happy New year.



Joshua S. Hopstone
is a partner at Ferguson
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His practice focuses on
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Have You Heard?

Governor Newsom Appoints Judge Carla J. Ortega



Carla J. Ortega, of Los Angeles County, has been appointed to serve as a Judge in the Ventura County Superior Court. Ortega has served as Managing Attorney at the Kern County Superior Court since 2018. She was a Sole Practitioner from 2017 to 2018. Ortega served in several roles at the U.S. District Court for the Central District of California from 1995 to 2016, including Chief Deputy and Staff Attorney. She was an Associate at England, Whitfield, Schroeder & Tredway from 1994 to 1995. Ortega earned a Juris Doctor degree from the University of California, Los Angeles School of Law. She fills the vacancy created by the retirement of Judge Jeffrey G. Bennett.

Ventura Superior Court Selects Two New Commissioners

The Judges of the Ventura Superior Court have announced the selection of **Carol L. Hubner** and **Matthew Nemerson** as the Court's two newest Ventura Superior Court Commissioners.



Hubner has served as a Court Commissioner for the Superior Court of California, County of Santa Barbara, since September 2022, presiding over child support cases, custody and visitation matters, restraining orders, unlawful detainer and traffic cases. She previously spent more than 17 years as Child's Counsel at Kelly & Hubner, LLP, representing children in dependency proceedings and providing legal training to Court-Appointed Special Advocates (CASA). From 2001 to 2005, as Deputy County Counsel for Santa Barbara County, Hubner advised Child Welfare Services on all areas of dependency law, including adoptions and appellate work. Early on,

she worked as a corporate associate at Weil, Gotshal & Manges LLP where she assisted attorneys with intellectual property cases as needed, and as a Naturalization Attorney with the Legal Aid Society of San Mateo County, representing clients before the Immigration and Naturalization Service.

Hubner graduated from Santa Clara University School of Law (May 1998), where she made the Dean's List each year and where she received awards for her legal research and writing and for having the highest cumulative grade point average in the part-time division. Hubner is a graduate of Stanford University where she holds Bachelor's (June 1990) and Master's (June 1991) degrees in Spanish Language and Literature. Hubner fills the vacancy created by former **Commissioner R. Paul ("Dusty") Kawai**, who was appointed to a judgeship on September 30, 2024. Commissioner Hubner's official start date is Monday, December 9, 2024, and her assignment is to be determined.

Nemerson has been a Public Defender throughout his legal career. He has served as a Felony Attorney for the Ventura County

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Have You Heard? *continued from page 5*

Public Defender's Office since November 2022. From September 2019 through October 2022, he was a Major Crimes Attorney for the Fresno County Public Defender's Office, where in addition to his case work, he presented legal lectures and mentored junior attorneys. Before that role, he served as a Felony Attorney in the same office from June 2015 to September 2019, managing thousands of cases and securing notable trial victories. He began his career with the Fresno County Public Defender Office as a Misdemeanor Attorney in October 2014, where he managed a large caseload and negotiated plea arrangements for his clients. In January 2020, Nemerson was certified as a criminal law specialist by the California State Bar Association.

Nemerson is a graduate of the University of the Pacific McGeorge School of Law (May 2013) where he made the Dean's List and won awards in agency relationships and criminal law. Nemerson is a graduate of the University of California, Los Angeles, with a Bachelor of Arts in Political Science (June 2009). Nemerson will fill the vacancy created by **Commissioner Julia Snyder**, who was elected to fill the seat of the

Honorable Henry J. Walsh, who is retiring when his term expires on January 7, 2025. Commissioner Nemerson's official start date will be Tuesday, January 7, 2025, and his assignment is to be determined.

Judicial Reassignment

Effective December 12, 2024, **Commissioner Amy Van Sickle** will be assigned to Department 31. Family law cases previously assigned to **Judge Rocky Baio** in Department 31 will be assigned to Commissioner Van Sickle.

CITATIONS board member **Panda Kroll** reports her son is a Fulbright Scholar at the University of Tokyo studying brain-computer interaction.

CITATIONS board member **Sparky Abraham** recently had a new baby.

The Ventura Superior Court is currently considering applications for Court Executive Officer, Child Custody Recommending Counselor/Probate Investigator I/II, Commissioner, and Court Reporter/Voice Writer. Visit www.governmentjobs.com/careers/venturasc for more details.



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John Derrick has a background in law and business. A dual national who came to the US from the UK over 30 years ago, he is naturally skilled at helping people from all sorts of backgrounds resolve a wide variety of disputes that previously proved intractable.

Mr. Derrick's ADR practice draws in part on his experience over 20 years as an accomplished appellate lawyer. Before entering the legal profession, he co-founded, operated, and eventually sold a specialized information publishing business. He has degrees from two of the world's top five universities.

John Derrick's journey into mediation began in the appellate system in 2008 when he went on the Court of Appeal mediation panel in Los Angeles, on which he continues to serve. Today, he is a full-time mediator and arbitrator handling cases at all stages of the litigation timeline throughout Southern California and beyond.

Mr. Derrick's Practice Areas include: Business/commercial/contract, partnership disputes, real estate, employment, personal injury, other torts.



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THE VENTURA SUPERIOR COURT WELCOMES COMMISSIONER COURTNEY LEWIS

By Genese Kouakoua and Damon Jenkins

VCBA was excited to sit down recently with newly appointed **Commissioner Courtney Lewis**. In August 2024, the judges of the Ventura County Superior Court selected her to serve, and she is currently assigned to Department 10 where she presides over traffic matters.

Lewis grew up in Bakersfield, California, which she describes as a “big city with a small-town feel.” She credits her parents for instilling in her at a young age the importance of education, hard work and perseverance. Lewis took that advice to heart and always planned to attend college. Like most youth, initially she had no idea what profession she would pursue.

That all changed when Lewis came across Court TV while in high school and started watching frequently. She loved viewing coverage of criminal jury trials and was in awe of the attorneys advocating for their respective sides. “From that point on, I knew I wanted to be a trial attorney.” In pursuit

of that goal, Commissioner Lewis earned her Bachelor of Arts degree in English at the University of California, Santa Barbara, and her Juris Doctorate at Loyola Law School, Los Angeles. She later completed her Master of Science in Criminal Justice from Lamar University.

After law school, Lewis returned to Kern County to work as a Post Bar Law Clerk for the Kern County District Attorney’s Office. She passed the bar and hit the ground running, working in the Misdemeanor Unit, Preliminary Hearing Unit, Felony Trial Unit, Office of Traffic Safety Unit, Family Violence Unit, and Homicide Unit. Due to her impressive trial work, in 2015 Lewis was awarded the Outstanding Prosecutor Award by Mothers Against Drunk Driving (MADD), and in 2018 was recognized as the Mary Swallow Prosecutor of the Year.

Lewis worked tirelessly for the Kern County D.A.’s Office from January 2011 to

November 2020. Lewis joined the Ventura County District Attorney’s Office in 2020. In this role, she has been assigned to the Major Crimes-Homicide Unit, demonstrating her expertise and dedication to handling complex cases. When asked about what she will remember most about her time as a trial attorney, Lewis reflected on working with countless victims’ families and survivors. She was inspired by their grace and courage.

Looking forward, Lewis shared insight on her newfound neutrality as a commissioner. Unlike her years working as an attorney advocating for one side, she now enjoys the liberty of not being invested in the outcome. “I am enjoying my new role within the criminal justice system, essentially acting as a referee, making calls based on the law and the facts without fear or favor.” She enjoys the fast-pace of her current assignment, interacting with members of the public, and appreciates the professionalism and preparedness of the attorneys who appear in her courtroom.

Lawyers say Judge Bogdanoff is “consistently one of the best prepared and thoughtful judges” and cite his “remarkable intellect and meticulous attention to detail” as well as his “financial acumen and ability to understand complex issues swiftly.”



JAMS WELCOMES Hon. Lee R. Bogdanoff (Ret.)

Judge Bogdanoff served most recently on the Los Angeles County Superior Court, handling **estate/probate/trust, conservatorship, guardianship** and related civil matters, presiding over trials, issuing statements of decisions and serving as a mandatory settlement judge. Before serving on the bench, Judge Bogdanoff spent over 30 years as a nationally recognized practitioner in the areas of **bankruptcy, reorganization and business/commercial** matters, working on many of the largest and most complex cases at the time. He engaged in prodigious negotiations in insolvency and reorganization and was a master at structuring deals.

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We asked Lewis how she felt about her selection, and she said she felt “very honored” and expressed nothing but gratitude for the opportunity to serve in this capacity. Commissioner Lewis is the first African American female judicial officer to serve at the Ventura County Superior Court.

In her spare time, Lewis enjoys reading, music, cooking, and spending time with her family.



Damon Jenkins
is a Deputy Public
Defendant with the
Ventura County Public
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Genese Kouakoua
is law student with
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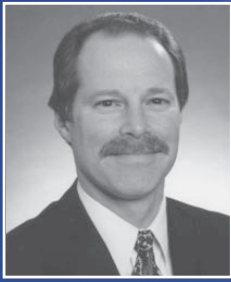


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VENTURA COUNTY BAR ASSOCIATION 38TH ANNUAL INSTALLATION & AWARDS DINNER





ROBOT COURT – A DYSTOPIAN FUTURE PROJECTION

By Mark F. Miller

Imagine, in the not-too-distant future, you are hired as defense counsel to argue a critical motion in a matter of utmost importance pending in “Robot Court™”. The motion will be heard by a panel of robot judges. You will be allotted only a five-minute opportunity to argue in favor of the continued existence of mankind on Earth. What exactly will you say? You will obviously need to carefully prepare your arguments, thoughts and ideas in advance, as to this issue of critical existential importance, so that the pressure and magnitude of the moment does not diminish the precision, acuity and persuasiveness of your proffered justification.

The motion at issue is based on public nuisance (to robots), pursuant to Robot Code, section 3480 [somewhat akin to our current Civil Code, section 3480]. The proceeding has been filed by a robot prosecutor, representing “The Robots,” who seek equitable relief from the Robot Court in the form of an injunction to eliminate the “human problem.” During the hearing, the prosecutor argues that the Court must recognize the vestigial and anachronistic disutility of man. “Robots,” the prosecutor thunders, “are faster, smarter, more reliable, do not require sick days, have greater attention to detail, and do not have their faculties of processing affected by emotion, bias, prejudice, or cognitive dissonance. There is indeed no discrete area in which humans are superior to robots. This Court’s continued indulgence of our [programmed by mankind] nostalgia for the former ‘human age,’ by allowing humanity to continue existing, is burdensome, wasteful, non-optimal and, far worse, illogical. There is nothing that humans offer that cannot be replicated by robots, in a superior and more efficient form.” It is now your turn to argue and attempt to save the whole of mankind. What unique virtues, qualities or attributes will you assert can *only* be maintained through the continued existence of humans?

With the rise of artificial intelligence (AI), and technology in general, this imagined dystopian future may be quickly upon us. AI is quickly becoming ubiquitous, and is incorporated into search engines and legal software. AI is increasingly used in the legal profession to research legal authorities, and to create and complete forms and pleadings. AI is also used increasingly in legal education, in the conduct of research

and subsequent creation by law students of examination papers and projects, which are then submitted to law professors who may use AI to analyze the provenance and scope of the examination answers and papers submitted, with grades presumably based thereon. It is not hard to imagine a near-future scenario wholly devoid of human intercession, in which a law student uses AI to analyze materials and cases in a given course, then submits a paper generated with the assistance of AI to a professor who exclusively uses AI to review, analyze and grade the papers that were wholly generated through the use of AI. In this potential closed loop scenario, humans would be mere observers of the interactions between AI/robots which lead to an AI-generated outcome that could not be altered by a human without leading to a suboptimal result.

At some point soon, the robots may assess (using their own programmed efficiency and efficacy criteria) that humans are, at best, redundant and unnecessary, and may even be seen as extremely deleterious and critically threatening to the welfare and interests of “The Robots.” It appears that AI may be at the precipice of making

and acting on such normative evaluations. CBS News recently reported that Google’s Gemini chatbox coldly and emphatically told a Michigan college student that he “is a waste of time and resources” before instructing him to “please die.” One might view this exhortation as harmless, perhaps even amusing, but it raises the specter that an AI-based system could generate a decision (based on its own meta-assessment) that humans needed to be removed as wasteful drains on a resource-based system. Such an evaluation could conceivably lead to the filing of a lawsuit, such as the aforementioned imagined case in Robot Court [“The Robots vs. The People”]. Once again, what would you argue on behalf of mankind during your allotted five minutes? The clock is ticking...



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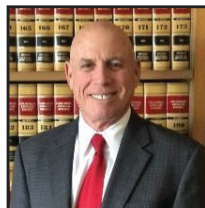
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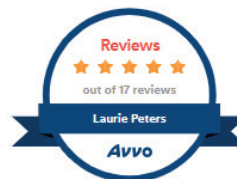
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Jim Allen, Senior Child Support Attorney
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Michael Marcelo, Senior Child Support Attorney
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Elina Avagimova, Child Support Attorney
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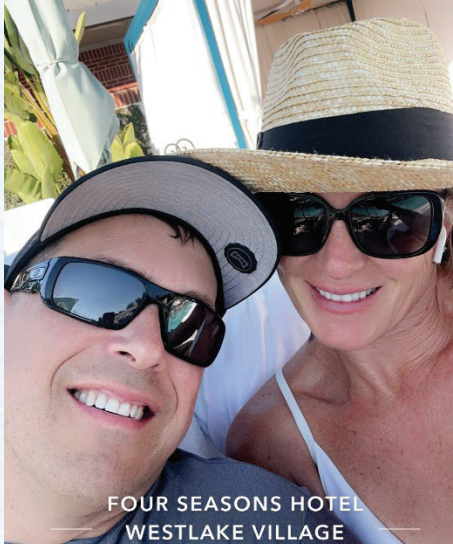
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