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FEBRUARY – TWO THOUSAND TWENTY FIVE



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PRESIDENT'S MESSAGE: FROM THE HOTEL CALIFORNIA TO THE INN BETWEEN

By Guillermo "Bert" Partida



Mental health should be on the minds of all lawyers. We mostly work in critical situations where the outcome for clients is potentially win or lose, with the threat of ever looming sanctions, and counsel where civility is lost upon them. Further, we have cases involving pro se litigants who face mental health challenges, which has left the Courts to decide cases where perhaps former state hospitals would have housed the mentally ill.

State Hospitals in California were made known to me through the *Eagles* song and the album cover of a bell tower, which was not lost on me when I attended California State University, Channel Island ("CSUCI"), a former state mental hospital facility. Although it was later debunked as not being the bell tower on the album cover, the grounds at CSUCI were tranquil, having large trees and grassy quad areas. I would make time to enjoy the scenery for my mental health. Today, I take some solace in preparing for a crisis by having a Psychiatric Advance Directive (PAD), which allows individuals to prepare for a mental health crisis as they would for a physical crisis under an advanced health care directive.

In the late 1980s, most of the state mental hospitals were closed, which had served criminal and non-criminal individuals with mental illness or physical defects. Today, only four mental hospitals remain in California – Patton, Norwalk (Metropolitan), Atascadero, and Napa for criminal offenders. The offenders with mental health disorders are either restored for competency in order to go to trial; found not guilty by reason of insanity; or are being held for some or all of their parole due to being a danger to the public. A mentally ill prisoner who is incarcerated for a life sentence may become eligible for parole. A "lifer hearing" is held before a parole board and legal counsel is provided

by the state to determine if the person should be paroled.

For those not housed, there are some programs and non-profit organizations attempting to solve the issue. We, in our Ventura County, now have the benefit of Care Court, which provides a mechanism to deliver mental health and substance abuse treatment and services. The importance is that by utilizing the Care Court program, participants and families will not have to wait for incarceration to obtain needed services.

As for the future, there is hope in programs such as the "Inn Between" program to evolve and prove to be a workable model of providing mental health and homelessness services to vulnerable people. As the name implies, the facility is like a motel that allows participants to receive services but also allows for independence of the participants. Currently, it is limited to hospice care as a component of the service.

I firmly believe that we should take time as lawyers to enjoy that activity that recharges our batteries so to speak and to avoid the "other" bar as a coping mechanism. Although we face many mental challenges and fatigue from the mental work we perform, we should treat each other with civility through honesty, integrity and courtesy, that will lead to longevity in the profession.

Perhaps Don Henley said it best — "Take it easy."



Guillermo "Bert" Partida practices law at Slaughter, Reagan & Cole, LLP in the areas of Personal Injury Defense, Premises Liability, and Habitability Defense.



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REFLECTIONS ON THE RECENT FIRES

By *Christal Joy Porter*

I started my legal career in Ventura County commuting from Altadena to Santa Paula. Before then, I lived on the border of Santa Monica and the Pacific Palisades and I have held a Palisades Post Office box for six years, and before then I lived in Malibu for three years while attending law school.

The recent fires have touched and devastated the communities that I have had the special opportunity to experience and enjoy. Due to the Palisades and Eaton fires, communities have lost staple landmarks, businesses, religious centers, schools, and homes that gave each community a unique character and identity. The structures were visible proof of each city's decades long history and held memories of generations of families and people, like me. The loss suffered by the Malibu, Pacific Palisades, and

Altadena communities is greater than just the loss of a family home; it is a loss of an identity and lifestyle for those who were established within the communities. Decades long neighbors will be separated, traditions of visiting businesses or restaurants on special occasions are over, and the opportunity to see a building in the area and get flooded with memories is no longer.

Experiencing unexpected loss is shocking and jarring, especially when your place of retreat and rest is the thing that has been taken away from you. There have been so many inspirational efforts to support and provide the immediate needs and essentials of those affected or displaced by the fires, yet the emotional impact will certainly take time to heal. As residents and business owners of these communities grapple with the reality of the impact of these

fires in the coming weeks and months, they will be seeking a new normal and new lifestyle, a new place to call home whether temporary or permanent.

As some find their way into the Ventura County community, I know they will be met with open arms and openness as they seek to establish new community, new connections, and a new life.



Christal Joy Porter, a graduate of Pepperdine University School of Law, is an attorney with Rodnunsky & Associates, 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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HAVE YOU HEARD?

JUDGE WALSH RETIRES

Judge Henry J. Walsh retired on January 5, 2024, from the Ventura Superior Court after almost 27 years of dedicated service.



Judge Walsh was appointed to the bench in 1998 by former Governor Pete Wilson. He filled the vacancy created by the death of the **Hon. Frederick A. Jones**.

Walsh's judicial assignments have included civil trials and family law. Walsh also served as the Presiding Judge of the Appellate Division, Supervising Civil Judge of the Ventura Superior Court, Chair of the Superior Court Jury/Grand Jury Committee, and Co Chair of the Expedited Jury Trial Pilot Program.

Prior to his appointment to the bench, Walsh was a civil litigation partner at the law firm of Lawler, Bonham, and Walsh beginning in 1985. He also worked as an attorney at Lawler and Ellis from 1980 to 1985 and for Kosmo, Walsh, and Cho from 1971 to 1980.

Walsh served as an officer in the United States Air Force and has been a member and director for the Organizational Charter 228 of the Inns of Court since 1994.

During his judicial career, Walsh received notable awards and honors including: the Ventura County Trial Lawyers Attorneys' Judge of the Year Award (2002) and the Knights of Columbus Council #750 Public Safety Award (2012) in recognition of his contributions to the community.

Walsh received his BA in 1965, Commission 2nd Lt. USAF from Stanford University in 1965 and earned his Juris Doctorate from Loyola Law School in 1970.

Judge Walsh and his wife Deanna live in Ventura and have successfully raised five children.

INTERFACE CHILDREN AND FAMILY SERVICES AWARDED GRANT

The Ventura County Public Defender's Office, Interface Children and Family Services and Turning Point Foundation were recently awarded a \$7.3 million grant to connect people with non-violent criminal offenses with housing, treatment and ancillary services in the Ventura County Superior Court's criminal division.

Although the program is based in the misdemeanor arraignment courtroom, all people with non-violent charges-open or closed- needing services are welcome to participate.

Interface Peer Navigators will be embedded in Department 11 to directly connect justice-involved people with services through Interface, Turning Point and various government agencies. Services provided will include, inter alia, housing, mental health/substance abuse treatment, and assistance obtaining identification and government benefits, as well as transportation to these resources.

The program is set to begin on March 3, 2025, and is open to all people with non-violent criminal offenses, open or closed, in the Ventura County Superior Court.

A training for attorneys will be provided over Zoom on February 26, 2025, at 4pm. Interested parties are welcome to provide input and feedback through the monthly Local Advisory Council meetings. The next meeting will be over Zoom on February 27, 2025, at 4pm.

For more information and links, please visit www.venturacountyantirecidivismgrant.com or contact **Mike Albers** at the Public Defender's Office michael.albers@ventura.org or (805) 654-3016.

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Lindsay Nielson



American internees of Santo Tomas Internment Camp raise the first American flag on Feb. 6, 1945.
US Army Photo 162-20. Manila, Philippines. 6 February 1945



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Notable Arbitration Award in *Lange v. Mulder, et al.*

By Myers, Widders, Gibson, Jones & Feingold, LLP

Attorneys **Jill L. Friedman** and **Michael J. Pellegrini** of Myers, Widders, Gibson, Jones & Feingold, LLP representing Plaintiff Cari Lange, obtained a significant award in the case of *Cari Lange v. Kerry Mulder, et al.* Plaintiff Cari Lange was awarded \$3,191,061.38 in damages against defendants Kerry and Robert Mulder. This real estate fraud and breach of contract dispute arose after Lange purchased a hillside property in February 2020, which the Mulders had flipped after making unpermitted and superficial modifications to disguise its severe structural issues. The case was arbitrated by **Hon. Vincent J. O'Neill** who found in favor of Lange.

THE CASE

Case Name: *Cari Lange v. Kerry Mulder, et al.*

Court and Case Number: Ventura Co. Sup. Ct. Case No 56-2021-00557202-CU-BC-VTA

Date of Award: 8/28/24 (Judgment entered on Arbitration Award dated 6/11/24)

Date Action was Filed: 8/16/21

Type of Action: Real Estate Fraud and Breach of Contract

Arbitrator: Hon. Vincent J. O'Neill (Ret.)

Plaintiff: Cari Lange, college professor

Defendants: Kerry and Robert Mulder

THE RESULT

Type of Result: Arbitration Award

Total Award: \$3,191,061.38 (judgment, including prejudgment interest, fees and cost)

THE ATTORNEYS

Attorneys for Plaintiff: Jill L. Friedman and Michael J. Pellegrini of Myers, Widders, Gibson, Jones & Feingold, LLP for Plaintiff, Cari Lange.

Attorneys for Defendant: **Christopher A. Fortunati**, Westlake Law Group, APC for Defendants Kerry and Robert Mulder

THE FACTUAL CLAIMS

The Mulders, who were prolific property flippers, purchased the highly distressed view property in 2019 for \$785,000. Prior to purchase, they hired a general contractor to inspect the property. The contractor outlined several structural and safety issues, including problems with the structural foundation beams. The Mulders used this information to negotiate a credit on the purchase. They put the property on the market with little modification. When several potential buyers withdrew their offers and the property fell out of escrow, the Mulders took the property off the market and made substantial and unpermitted modifications before putting it back on the market for \$1,300,000. Plaintiff purchased the property in February 2020.

Plaintiff's Contentions: The hillside property was in grave disrepair, a condition that the Mulders became increasingly aware of as they attempted to sell and alter it. With no construction expertise and the help of unlicensed laborers, they made low quality, superficial changes to disguise its fundamental failings. Through misrepresentations, failures to disclose, and concealment, and with the help of an inexperienced real estate broker who represented both sides, Defendants sold the property to Plaintiff with a short escrow and inspection contingency period. Plaintiff's inspectors did not do destructive testing, nor did they have reason to suspect that such testing was needed.

Defendant's Contentions: The Mulders claimed that the property was sold "as is" and that they "over disclosed," pointing to all the reports that were turned over as part of the mandated disclosure packet.

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