



CITATIONS

MARCH - TWO THOUSAND TWENTY FIVE



JUSTICE WITH HEART: JUDGE KRISTI PEARISO'S COMPASSIONATE APPROACH TO THE BENCH

By Rennee Dehesa

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PRESIDENT'S MESSAGE: HOPE SPRINGS ETERNAL

By Guillermo "Bert" Partida

As Spring approaches, I am happy to report that your Ventura County Bar is growing in the right direction. We have met with Ventura County Superior Court, **Presiding Judge Matthew Guasco**. We anticipate future meetings to discuss ways in which the bar membership may assist in the Court's mission and goals.

Further, I am grateful for all the members that participated in mock trial and made the event a great success. The students are very inspirational to watch, especially in the way they approach the mock trial competition. The students are excellent in their portrayals and the court sketch artists were phenomenal.

As a presider this year, I certainly took on a new perspective in the way I am viewed from counsel table from an elevated bench. It seems that standing to make argument rather than getting lower in a seated position may be a better presentation. In any event, it reminds me of the Court's good architecture in fact finding.

Furthermore, spring brings an opportunity for growth. As a member of the Ventura County Bar Association, I encourage the membership to join one of the sixteen sections, including Alternative Dispute Resolution, Animal Law, Bankruptcy, Black Attorneys Association, Business Litigation, Criminal Defense Bar, East County Bar, Employment Law, Estate Planning, Family Law Bar, Immigration Law, Intellectual Property, Natural Resources, Real Property, and Sexual Orientation and Gender Identity. For new and young attorneys, Barristers provides fellowship and an opportunity to meet the local judiciary. The sections may help build your practice as the opportunity of collaboration exists. Similarly, we have affiliated members including the Ventura County Asian American Bar Association (VCAABA), VC Woman Lawyers, VC Legal Aid, Inc., and VC Trial Lawyers Association. As for unaffiliated, there is the Ventura County Unity Bar. There is plenty of opportunity to get involved in more focused areas of law to build your practice.



Likewise, defense attorneys may enjoy attending the annual seminar or becoming a member of the Association of Southern California Defense Counsel (ASCDC), who this year will have Los Angeles Dodgers manager Dave Roberts as their keynote speaker. For plaintiffs' counsel, I would recommend attending the Consumer Attorneys Association of Los Angeles "CAALA Vegas" in Las Vegas (August), which has proven to be an insightful and amazing experience given the backdrop of learning and celebration. Despite the names, neither organization is exclusive to defense or plaintiffs' practices and all attorneys are welcome to attend the events. It certainly provides a whole perspective to an attorney who has only practiced in one or the other areas of law.

If you are looking to broaden your horizons and if you practice in more than one geographical location, then I also recommend getting involved in other bars. I have attended events hosted by the Mexican American Bar Association.

I have met members of the Hispanic Bar Association Orange County. I have attended events of ABOTA (American Board of Trial Advocates). It is a great way to gain different views to diversify your practice.

Finally, if I have not planted the seed for you to volunteer, we still have opportunities at the Ventura Legal Aid clinic held twice monthly at the Ventura campus of The Colleges of Law and we have the Oxnard Union High School District 40th annual Career Expo on March 14, 2025, where you could speak to students about a path to a legal career through the Attorneys Sharing Knowledge program.

Best wishes to you all!



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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HAVE YOU HEARD?

Mandatory Electronic Filing Effective May 5, 2025

The Ventura Superior Court will mandate electronic filing of documents filed by attorneys in unlimited civil, limited civil, and probate case types, effective May 5, 2025. (Cal. Rules of Court, rule 2.253(b).)

Self-represented parties in small claims, civil, and probate cases are exempt from the mandatory electronic filing requirements but may file electronically in addition to filing documents at the counter, utilizing drop boxes, or postal services.

Any party may make application to the Court requesting to be excused from the mandatory electronic filing requirement and for permission to file documents by conventional means if the party shows undue hardship or significant prejudice. (Code Civ. Proc. §1010.6, (g)(3) and Cal. Rules of Court, rule 2.253(b)(4).)

Please see Administrative Order Number 25.03 posted on the Court website for a list of documents ineligible for filing electronically and additional requirements for submitting documents electronically.

Judicial Enrobement Ceremony

The formal enrobement ceremony for **Judge Carla J. Ortega** and **Judge Julia**



A. Synder will be held Friday, March 14, 2025, in Courtroom 22 at the Ventura Superior Court, Hall of Justice, in Ventura. All are welcome. Please R.S.V.P. to admin-vsc@ventura.courts.ca.gov. If you plan to appear by Zoom, please indicate this in your R.S.V.P. email so the Court can provide you with Zoom information. For additional information, call (805) 289-8521.

Commissioner Van Sickle elevated to Judge

Judge Amy Van Sickle officially began her term on February 19, 2025, as Ventura County Superior Court's newest judge, after having been appointed by Governor Gavin Newsom. She was sworn into office by the esteemed Hon. John R. Smiley (Ret). She fills the vacancy created by the retirement of **Judge Patricia M. Murphy**.

Van Sickle is assigned to Courtroom 31 in the Family Law Department. Prior to her appointment, Judge Van Sickle served as a Commissioner in the Family Law Department at the VCSC, since 2023.

Before becoming a Commissioner, Van Sickle began her law practice at Van Sickle & Rowley in 2003, and in 2012 she opened her own solo practice. Between 2012 and 2020, Van Sickle served as a Judge Pro Tem in Ventura, handling family law, domestic violence, and civil harassment restraining order cases.

Van Sickle received her Bachelor of Science in Criminal Justice from California Lutheran University in 1996 and earned her Juris Doctor from Ventura College of Law in 2000.

Judge Van Sickle's formal enrobement ceremony has not yet been announced.

Sonia Dujan appointed as Judge in the Los Angeles Superior Court

Sonia Dujan, of Ventura County, has been appointed to serve as a Judge in the Los Angeles County Superior Court. She has served as a Commissioner at the LASC since 2024. Dujan has been a sole practitioner since 2004. She received a Juris Doctor degree from University of San Francisco School of Law. She fills the vacancy created by the retirement of Judge Margaret Oldendorf.

State Bar Pro Bono Practice Program now available

Ventura County emeritus attorneys providing pro bono services can now have their annual Bar fees waived. As a qualified legal services provider, Ventura County Legal Aid is eligible to sponsor retired attorneys who would like to work with us to stay active and give back to the community. In addition to having their licensing fee waived by the Bar, attorneys receive malpractice coverage and access to free MCLE programs from VCLA.

Attorneys must be in good standing with the Bar, provide only pro bono services, maintain their CEB requirements, and submit an application. Complete information about program rules and regulations and a link to the program application can be found here: www.calbar.ca.gov/Access-to-Justice/Pro-Bono/Pro-Bono-Practice-Program

If you are interested in the Pro Bono Program, or supporting VCLA in any manner, please email support@vclegalaid.org and you will receive a quick reply.

Trial Basics Seminar 2025: AAML SoCal's Free Family Law Training

The Southern California Chapter of the American Academy of Matrimonial Lawyers (AAML) proudly present the 2025 Trial Basics Seminar (TBS)—a free, comprehensive program designed to equip family law attorneys with essential trial skills. To date, nearly 1,500 attorneys have benefited from this training.

This year, TBS will be offered in two parts:

- Main Seminar (via Zoom): Friday, April 4, 2025 – A full-day program featuring approximately 20 fast-moving presentations covering everything from motions in limine to closing arguments. As always, family law expert Garrett Dailey will moderate the event.
- Live Practicum (at UC Irvine): Saturday, April 12, 2025 – A hands-on workshop where attendees can apply their trial skills in a dynamic setting.

Substantial MCLE credits will be provided.

TBS remains *free of charge* as part of AAML's commitment to fostering professional growth and supporting the legal community. The AAML, founded in 1962, is dedicated to advancing matrimonial law and ensuring attorneys are well-prepared to litigate when settlement isn't an option.

Interested attorneys may register at: herringimmming.com/events.



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JUSTICE WITH HEART: JUDGE KRISTI PEARISO'S COMPASSIONATE APPROACH TO THE BENCH

By Rennee Dehesa



“You *have* to get him a Christmas stocking.” These were the words **Judge Kristi J. Peariso** told me over the phone after she agreed to watch my Labradoodle “Osten” for two weeks this past Christmas. Did her direction catch me by surprise? No. I knew exactly what she was talking about and most importantly, I knew this was a Peariso house rule – the dogs have their own Christmas stockings, and she was not about to have my dog feel left out.

Much to her dismay, I did not get Osten a Christmas stocking. When I picked him up from her house two weeks later, I was greeted with a bag full of dog treats and toys that she and her family had given him.

I first met Peariso in 2006 while interning at the Ventura County District Attorney’s office in the general felony unit. That summer I was introduced to this wonderful legal community. I received invaluable lessons through professional experiences and hands-on education while assisting in dozens of preliminary hearings on general felonies including narcotics, driving under the influence, and petty theft cases. But the greatest gift I got that summer was a new best friend – now Judge – Kristi Peariso. After having conducted one of my first preliminary hearings, where Peariso was the public defender on the case, she came up to me, congratulated me and offered me

her support – “let’s go to lunch,” she said. From that day forward, we have remained best friends.

Those who know Peariso personally know that what you see is what you get. She is genuine, sincere, compassionate, and empathetic. Her personality and temperament are not something that she turns off and on – it’s who she is at her core. These traits shape her judicial demeanor and philosophy. Her experience as a public defender and private attorney representing a variety of criminal defendants and victims of human trafficking instilled in her the unique ability to understand that there is often more to a person than what meets the eye. She understands that people are not all “good” or “bad” and that the actions of individuals are usually a direct response to a multitude of intervening factors in their life including trauma, addiction, mental illness, poverty, and lack of social support networks. This understanding of people and their complexities helps shape her approach on the bench when encountering cases involving mental health, homelessness and substance abuse.

Prior to her judicial appointment, she represented criminal defendants in a variety of complex criminal matters including theft, homicide, gang related crimes, and human trafficking. The human trafficking cases

are complicated, because often the victim in the human trafficking case is also facing their own criminal charges. These cases are complex webs of actions and parties, making for cases rife with emotional and physical trauma for everyone involved.

Throughout her career, Peariso sought to provide her clients with an opportunity for a second chance. She is a firm believer that everyone should have an opportunity to improve their life, and through her work as a criminal attorney, she sought to ensure that those who were willing to take that opportunity had a chance. As a judge, she seeks to continue to foster and develop that spirit through the cases and individuals she encounters on a daily basis. When asked what she hopes to accomplish as a judge she says “Giving people a voice. Equal access. Giving them a forum to be heard, that’s a big thing. This cookie-cutter approach to justice is not really my thing. I want to hear people’s stories; I want to understand why they are doing what they are doing.”

In her current assignment, Peariso oversees cases that involve defendants who are eligible for mental health diversion under California Penal Code Section 1001.36. These cases involve individual defendants who have a qualifying mental illness listed in the DSM-5, whose mental disorder played a significant role in the offense they are being charged with, have waived their right to a speedy trial, and are willing to accept the treatment the Court recommends.

Since its inception in 2018, mental health diversion programs across the State have expanded access to community-based services for people with mental health needs in the criminal justice system. The purpose of these programs is multifaceted – tackle an overburdened criminal justice court system, provide treatment options for individuals suffering from mental health disorders who were not eligible or able to get the necessary treatment before their arrest, to reduce recidivism, increase public safety, and improve an individual’s quality of life.

My practice of trust and estates is far removed from the criminal law world, and I rarely venture over to the main courthouse on Victoria. But recently, I had the privilege

to see Peariso in action in Department 13. I quickly realized that the same person who was my friend off the bench – the person who buys Christmas stockings for dogs and wants to make sure that people are the best versions of themselves – was the same person sitting on the bench.

Case after case, person by person, her calendar flowed with a certain rhythm that allowed for all parties involved to handle their cases efficiently and productively. Her approach was consistent and meticulous with each matter – she wanted to know how the individual was doing, how their treatment was going and what needed to be done to help accomplish the goal of the particular program that individual was in. She was attentive, deliberate and tempered. Even when faced with an individual who had failed to complete the necessary requirements of their probation, she was not condescending, scolding or demeaning. She explained the expectations of them, that they had not met the expectations and went on to dispense whatever consequences resulted from their actions. What I enjoyed the most was her sincere joy at seeing individuals who had completed their diversion program. She clapped for them and had words of encouragement and praise for their accomplishment. She appeared comfortable and truly happy.

“I cannot imagine a better person for that job – she is perfect for it.” **Judge David Hirsch** told me when I asked him why he picked her for the assignment. “She dedicated her career as an attorney to helping marginalized individuals. She’s focused on making sure they get access to the services and help they need and to ensure the justice system works the way its intended and she gives them [in her current role] the attention they need,” he said.

As I observed her courtroom, I could see just that – she was not just a person who was there to hand down a punishment to someone who may be suffering from mental illness, she was there to help them through the services and resources provided by law. She is actively participating in an attempt to improve their lives, because many of the individuals benefitting from the mental health diversion program have

suffered from untreated mental illness for many years, some their entire lives, and have suffered alone and in the shadows. To the extent their crimes were caused by their mental health issues, making services and treatment accessible to them is a positive outcome, not just for the individual, but for the community.

Matt Haig, a bestselling author and individual battling mental health issues once said, “Mental health problems don’t define who you are. They are something you experience. You walk in the rain and you feel the rain, but you are not the rain.” Like Haig, Peariso sees individuals for who they are, not for their mental illness or the actions resulting from their illness.

Notwithstanding her ability to see people’s potential and her desire to ensure equal access to justice, Peariso does not shy away from holding people accountable for their actions. She understands the role each party has in a criminal matter. She will tell you that she has “friends on both sides.” Understanding the role each party has in the system, including the role a judge has, is vital to ensuring that those who are part of that system are treated with respect, fairness, and dignity.

“She treats people with kindness and respect. She is confident in her rulings and doesn’t have an ego to get in her way of dispensing justice” **Deputy District Attorney Lauren Malan** said when I asked her to describe Peariso’s interactions with people in her courtroom. **Judge Dusty Kawai** agrees. “She is exactly what is needed in a judge – she wants to do the right thing, always. That is what drives her decision-making and what makes her a stand-out judge. She’s amazing.” Peariso is respected among her colleagues on the bench and by attorneys – both criminal defense attorneys and prosecutors. **Judge Catherine Voelker**, a former District Attorney, said “She’s my friend and one of the most kind and generous people I know. She has the ability to accurately and reasonably assess a case and discuss the merits, candidly. Her goal has always been to do the right thing.”

Peariso is a judicial officer who has demonstrated over the past three years

of her tenure that she fully understands the importance of a judicial system that is focused on ensuring equal and fair justice. She understands that providing a fair process upholds judicial integrity, benefiting both individuals and the system as a whole.

Her commitment to ensuring that all persons have access to justice and a “fair shake” extends far beyond the courtroom. The opportunities provided by the mental health diversion calendar she oversees allow people to participate in programs to treat their addictions and stay out of jail. She is a staunch advocate for mental health awareness and understands that participation in these programs is a matter of life or death for many of the people she sees in her courtroom.

Peariso believes that understanding the human side of the law is essential to achieving true justice and works daily to ensure that her courtroom reflects those values. Peariso is not just a judge; she is a champion of justice and a respected figure in our community. We were lucky to have her as an attorney representing the rights of the indigent and marginalized and we are now lucky to have her as a judge whose sole mission is to impart fairness, equity, and justice.

Justice Ruth Bader Ginsberg famously said “Whatever you choose to do, leave tracks. That means don’t do it for yourself. You will want to leave the world a little better for your having lived.” Thank you, Judge Peariso, for doing your part every day to leave this world a little better for all of us, and thank you for loving my dog.



***Rennee Dehesa** is a partner with Becker & Dehesa, LLP, a firm specializing in Estate Planning, Probate and Trust Administration, Conservatorships and Guardianships, and Special Needs and Incapacity Planning. venturaestatelegal.com*



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NEW CALIFORNIA LAWS FOR 2025

By Alex Tron

The 2025 year brings several new laws that will impact California's legal landscape. From expanded tenant protections to restrictions on financial penalties and credit reporting, these changes reflect a broader push for consumer rights and public safety.

Extended Time for Tenants Facing Eviction (AB 2347)

Starting January 1, tenants facing eviction will have more time to respond to an eviction notice. Assembly Bill 2347 doubles the response period from five business days to ten, providing tenants with greater opportunity to seek legal assistance and assert their rights. Tenant advocates argue that this procedural extension could reduce the number of default judgments against renters, which often lead to financial penalties and long-term housing difficulties. The law also includes provisions aimed at expediting eviction cases by limiting the time attorneys can take to file certain procedural motions, a concession to landlords who prefer quicker resolutions.

Bans on Fees for Declined ATM Withdrawals (AB 2017)

Assembly Bill 2017 eliminates fees charged to consumers when an ATM withdrawal is declined due to insufficient funds. The law, supported by consumer rights groups, is part of a broader initiative to eliminate so-called "junk fees" that disproportionately impact low-income individuals. In a related move, Senate Bill 1075 will cap overdraft fees at \$14 for credit unions starting in 2026, and Assembly Bill 2863 will strengthen consumer protections for subscription services, requiring companies to obtain explicit consent before charging for automatic renewals after a free trial.

Medical Debt No Longer Affects Credit Scores (SB 1061)

A significant change in consumer protection law under Senate Bill 1061 prevents medical providers and debt collectors from reporting medical debt to credit agencies. While the law does not erase debt, it ensures that outstanding medical bills will no longer appear on credit reports. This is expected to provide financial relief to millions of Californians, particularly those with lower incomes who are disproportionately affected by medical debt. However, the law does not cover medical debt incurred through credit

cards, which can still impact credit scores.

Changes to Consumer Protections in Auto Sales (AB 1755)

California's lemon laws are undergoing revisions under Assembly Bill 1755, which could weaken consumer protections for used car buyers. AB 1755 will take effect in two phases, starting on January 1 and April 1, 2025. It establishes new procedural guidelines, including early discovery exchanges, expedited depositions, and mandatory mediation—all within six months of filing an answer—for manufacturers that choose to follow the new "opt-in" procedures. Additionally, a recent state Supreme Court ruling has limited warranty protections, raising concerns that consumers may face greater risks when purchasing used vehicles. (See *Rodriguez v. FCA US LLC* (2024) 17 Cal.5th 189.) Lawmakers are expected to revisit these issues in future legislative sessions.

Tougher Penalties for Retail Theft

California lawmakers have introduced a series of bills aimed at addressing theft-related crimes through stricter penalties, procedural changes, and enhanced enforcement mechanisms. Among them, AB 2943, authored by Assemblymember Rick Chavez Zbur, allows prosecutors to aggregate the value of stolen property across different victims or counties to meet the \$950 felony grand theft threshold. Similarly, SB 905, introduced by Senator Scott Wiener, permits aggregation of stolen property from multiple vehicle break-ins to charge offenders with automotive property theft for resale. These measures aim to close

legal loopholes that previously enabled repeat offenders to evade felony charges.

Legislation also targets shoplifting and petty theft, broadening law enforcement's ability to respond to such crimes. AB 2943 grants officers the authority to arrest individuals for shoplifting based on probable cause, even if the act was not witnessed firsthand. Additionally, it doubles the probation period for shoplifting and petty theft from one year to two years, while also allowing defendants under 25 to be referred to rehabilitative programs. Another bill, AB 3209 by Assemblymember Marc Berman, introduces "retail theft restraining orders," which can prohibit individuals convicted of retail-related offenses from entering specific stores for up to two years.

To combat organized retail and cargo theft, lawmakers have introduced harsher penalties and streamlined prosecutions. AB 2943 creates a new crime for possessing over \$950 worth of stolen goods with intent to sell, eliminating the requirement for prosecutors to prove that the accused knew the goods were stolen. Further, SB 1416, introduced by Senator Josh Newman, mandates sentencing enhancements for large-scale property resale operations, while AB 1972 expands cargo theft enforcement efforts.



Alex Tron is the Social Impact Center's staff attorney specializing in reentry. thesocialimpactcenter.org. He is also VCBA's section leader for Barristers.



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PICKING UP THE PIECES

By Erik Feingold

Before the Thomas Fire destroyed my family's home in Ventura, I hadn't worked on a first party property insurance claim in several years, and I knew very little about inverse condemnation in the context of a utility company's liability. That all changed really fast when I found myself simultaneously juggling my family's immediate need for shelter in addition to handling my own insurance claim, managing a ground-up construction project, and working with my lawyer on litigating my family's inverse condemnation lawsuit. These tasks occupied a lot of my personal and professional bandwidth for several years after the Thomas Fire and continued with my involvement helping families in the wake of the Woolsey Fire in 2018 and the Mountain Fire in 2024. By the end of 2024, when I was taking stock of my year personally and professionally and mapping out my plan for 2025, I actually had a thought that for the first time in several years, I would not be devoting as much of my time and energy into fire-related professional services. Boy was I wrong.

January 7, 2025, heralded a new era in wildfire destruction and devastation in Southern California. The Palisades Fire, which erupted on the morning of January 7, burned more than 23,448 acres, destroyed and damaged 6,839 homes and businesses, and killed 12 people. Later that same day, the Altadena Fire erupted and burned more than 14,021 acres, destroyed and damaged 9,400 homes and businesses,

and killed 17 people. I am contacted on a nearly daily basis with calls from people affected by these tragedies with all kinds of insurance, fire, and construction rebuild-related questions, and wanted to take this opportunity to provide a refresher to those receiving similar calls with some of the lessons I learned from my own personal and professional experiences.

Insurance

The obvious first step when your home or business is destroyed is to submit a claim to your homeowners insurance company. Fortunately for me, I had adequate insurance coverage because I am fortunate to have an insurance agent who was proactive with me over the years and insistent on going over my coverages annually. As I came to discover, however, a lot of insurance agents are not as proactive and many people found themselves *underinsured* in the aftermath of a devastating and emotional loss which compounded their grief. If you take one thing away from this article, I cannot stress enough the importance of conducting an annual risk assessment and ensuring your insurance company is aware of any upgrades or modifications to your house, along with increased articles and contents coverage if you purchased expensive items during the preceding year.

In terms of navigating the insurance claims process, the first step is to get a complete copy of your insurance policy, including the declaration page, endorsements, and

riders so you know the nature and extent of all available coverages. From there, the insurance company will typically tell the policyholder what they need to do to prove up their claim such as providing a detailed real property description and itemizing contents. And since every insurance policy has a cooperation clause requiring compliance with the claim terms and conditions, cooperation is paramount. But cooperation is a two-way street, and for that reason California has strict rules imposing stringent requirements on insurance companies for handling claims. (See California Code of Regulations, Title 10, Chapter 5, Subchapter 7.5) These regulations impose strict timelines for acknowledgment, investigation, communication, and payment of claims. In addition, the California Insurance Code defines what constitutes unfair or deceptive acts in connection with claims adjusting. (See California Insurance Code section 790.03(h)(1)-(16).)

My general advice to policyholders navigating the claims process is to realize that the insurance company is keeping a claims file, and that the adjuster is documenting the claim to reflect positively on the insurance company's actions. It is imperative to document the claim continuously from the policyholder's perspective and to confirm all communications in writing. No matter how sympathetic an insurance adjuster is, they work for a for-profit business and the burden is on the policyholder to prove up the claim and to call out the adjuster



if they feel they are being lowballed. The insurance company is obligated to adjust the claim in good faith, but that's not always the case. Keeping in mind that any communications may later end up as exhibits in a lawsuit, I always encourage people to keep the communications above board and professional.

Some of the most common issues I see in connection with insurance claims involve getting immediate funds into the hands of the policyholder for immediate needs, additional living expense (ALE) and obtaining insurance funds sufficient to rebuild in a timely manner. Most insurance policies provide some form of ALE which is typically a dollar amount. If the loss occurs because of declared state of emergency under Government Code section 8558 (as is the case with the Palisades and Altadena fires), the ALE coverage can be for no less than 24 months. (Ins. Code § 2060, subd. (b)(1).) In addition, the insurance company is required to immediately pay a minimum on one-third of the estimated value of personal contents coverage and a minimum of four months' worth of rent for the area in which you live. (Ins. Code §§ 10103.7 and 8558.)

And, if because of circumstances beyond the policyholder's control there are construction delays (which is typical when there is heightened demand for contractors and building materials), the insurer must grant a 12-month extension on ALE (Ins. Code § 2060, subd. (b)(1)), and "additional extensions of six months shall be provided to policyholders for good cause." (*Ibid.*)

Once the rebuilding process in the wake of a declared state of emergency is ongoing, the insurer may not impose a time limit to complete the repair, replacement or rebuilding process of less than 36 months. (Ins. Code § 2051.5.)

Inverse Condemnation

Dozens of lawsuits have been filed to date against Southern California Edison alleging that the company's high-voltage transmission towers were the source of the devastating Eaton Fire, which was driven by high winds over bone dry vegetation. The lawsuits plead claims primarily for inverse condemnation which is typically asserted against the government for the taking of private land. (Cal. Const., art. I, § 19, subd. (a).) In California, the doctrine has been extended by case law to apply to utility companies under the theory that strict liability is appropriate when damage is caused to private property while providing a public service such as electricity. (*Pettis v. General Tel. Co.* (1967) 66 Cal.2d 503; *Simple Avo Paradise Ranch, LLC v. Southern Cal. Edison Co.* (2024) 102 Cal. App.5th 281.) The compensable damages are for uninsured and underinsured losses such as personal injuries, wrongful death, lost wages, lost business income, costs to rebuild, attorneys' fees, and other losses which exceed available insurance coverage. (*Pacific Gas & Elec. Co. v. San Mateo County* (1965) 233 Cal.App.2d 268, 274.)

Picking up the pieces after a natural disaster is a marathon, not a sprint. There are an endless number of tasks to perform, and it sometimes seems overwhelming. It is a great time to take a breath, and to take stock of family and community which matters the most in navigating problems in life, and to never forget that we are all in this together. As Lester Holt says when signing off on the NBC Nightly News each night, "Please take care of yourself and each other."



Erik Feingold is a partner with Myers Widders Gibson Jones & Feingold, LLP. Feingold practices in the areas of employment law, insurance coverage/insurance law, and personal injury. Erik can be contacted at EFeingold@mwiglaw.com.

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LOCAL IMPACT OF NEW PRESIDENTIAL ORDERS

By Christal Joy Porter

Within weeks of his inauguration, President Trump has shaken up the status quo for many federal departments and agencies. From reversing the ban of plastic straws and banning paper straws to the renaming of the Gulf of Mexico to the Gulf of America and throwing America a “grand celebration” in honor of the 250th anniversary of American Independence Day, the new administration has not wasted time in directing and taking steps to implement significant changes within the federal government structures and operations. Typically, local governments tend to have the most impact on everyday life, but this article hopes to highlight some of the ways that the new federal policies and actions are having practical effects on Ventura County operations and its residents. [For a list of all of President Trump’s Executive Orders and Memorandums visit www.whitehouse.gov/presidential-actions/]

Immigration

The increased immigration enforcement efforts are one of the biggest concerns of local Ventura County residents and has most immediately affected local families. The new administration has directly reversed the 2011 U.S. Immigration and Customs Enforcement (ICE) Memorandum that established the general rule of non-ICE engagement in “sensitive locations.” ICE engagement includes immigration agents’ ability to make arrests, civil apprehensions, searches, inspections, seizures, service of charging documents or subpoenas, interviews, and surveillance for purposes of immigration enforcement. The “sensitive locations” as detailed in the 2011 memorandum are schools, hospitals, institutions of worship (including buildings rented for the purpose of religious services), the site of a funeral, wedding, or other public religious ceremony, and a site during the occurrence of a public demonstration, such as a march, rally, or parade. After the entrance of the new administration, ICE agents no longer need to obtain approval to engage in enforcement activities in these “sensitive locations.”

Local Ventura County immigration and civil rights attorneys have been making substantial efforts to educate the local community, particularly the migrant farm worker communities in Ventura County.

There has been increased ICE engagement and presence in the Port Hueneme and Oxnard areas. The Ventura County Sheriff’s Office has reiterated through its website that it does not participate in the enforcement of immigration laws. Additionally, it is the Port Hueneme and other local Ventura County police departments’ policies not to investigate, interrogate, detain, detect, or arrest persons for immigration enforcement purposes. Local police departments hope this policy fosters trust and cooperation between residents and officers, so that the department can be most effective in protecting and serving the entire community, especially victims and witnesses in criminal cases.

Federal Workforce Mandates

President Trump issued a Presidential Memorandum which directs federal agency heads to “take all necessary steps to terminate remote work arrangements and require employees to return to work in-person at their respective duty stations on a full-time basis... as soon as practicable.” (United States Office of Personnel Management, January 22, 2025, Memorandum) Due to this mandate, federal teleworking policies are now being revised. Agency heads are now being advised to state that “eligible employees must work full time at their respective duty stations unless excused due to disability, qualifying medical condition, or other compelling reason certified by the agency head and the employee’s supervisor.” (*Ibid.*) The new administration also issued a deferred resignation buyout to more than two million federal employees. This buyout was challenged by federal employee unions with a lawsuit brought against the administration on behalf of the members of the union, but a Boston federal judge ruled that the federal employee unions were not directly impacted by the buyout offer and thus lacked standing to bring the lawsuit.

Among offering the opportunity for federal workers to resign, the President also issued an executive order for a hiring plan that shall require each agency to “hire no more than one employee for every four employees that depart...this ratio shall not apply to functions related to public safety, immigration enforcement, or law enforcement.”

Our local federal buildings that have been empty for years will soon again be bustling with activity. Will there be enough space to house ALL of the employees at the same time? Will there be a need for an increase in budget to provide for housing an entire building of workers everyday (i.e., the cost of toilet paper and cleaning supplies)? Will the technology and equipment sustain the demands of an entire workforce? These are the practical decisions that local department heads are making in order to effectively implement the new mandates.

Water

President Trump’s executive order issued the following, “The Secretary of the Interior shall utilize his discretion to operate the Central Valley Project to deliver more water and produce additional hydropower... notwithstanding any contrary State or local laws...”

The federal Central Valley Project supplies water mainly to farmers in the Central Valley and urban areas in the Bay Area (Contra Costa and Santa Clara counties). The State Water Project supplies most of its water to farmers in the San Joaquin Valley and to urban users in Southern California and the Bay Area. Both operations are operated jointly under a Coordinated Operation Agreement that meets state and federal regulations to protect water quality and endangered species. Most federal water exported from the Sacramento-San Joaquin Delta goes to farms in the San Joaquin Valley.

Under the Coordinated Operation Agreement, the Central Valley Project and the State Water Project share the burden of meeting state and federal water quality standards in the Delta. One potential consequence of the Central Valley Project taking more water out of the Delta would necessitate the State Water Project to meet the existing state water quality standards and result in less water available for Southern California. The primary Ventura County cities that utilize water through the State Water Project via the Calleguas Municipal Water District are Oxnard, Port Hueneme, Point Mugu, Newbury Park, Thousand Oaks, Westlake, Simi Valley, Moorpark, and Camarillo. Most other Ventura County cities utilize their

own local water sources, including various groundwater basins.

No specific plans have been made public in response to the executive order. Although, the U.S. Army Corps of Engineers opened two dams in central California which released roughly 2.2 billion gallons of water from those reservoirs in response to this executive order.

Parting Thoughts

The new administration's actions and the increasing challenges to those actions are evolving every day. Whether you are a proponent of the changes or an opponent, this new administration is challenging historical norms of government actions and policies as the decisions made on a federal level trickle to our local everyday lives. With change and transition comes opportunity. Opportunity to innovate and create new ways to be effective, as attorneys we will be pressed for new ways to advocate for clients, businesses, local municipalities, school districts, and individuals alike.



Christal Joy Porter is a graduate of Rice University ('15) where she played on the Rice Women's Division I Basketball Team, serving as a team captain for three out of her four

seasons. She graduated from Pepperdine School of Law ('19) and practices in the area of trust and estate litigation and estate planning with Rodnunsky & Associates. Her office number is (818) 737-1090.



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NEW FEATURE - VCBA MEMBER SPOTLIGHT



Laura McAvoy

Laura McAvoy has been a steadfast presence in Ventura County's legal community for nearly five decades. A proud UCLA alum—both undergrad and law school—McAvoy was admitted to the California Bar in 1974 and has been practicing law ever since. Currently with Musick Peeler & Garrett LLP, she focuses on business and a transfer/estate planning.

McAvoy's dedication to the Ventura County Bar Association runs deep. A past member of the VCBA Board of Directors, she currently serves as Secretary to the Nordman Award Selection Committee. Raised in Oxnard and now residing in Camarillo, McAvoy is deeply rooted in Ventura County and prizes family and community. Her two children have followed impressive professional paths, with one earning an MD/JD and the other a JD/LLM. Her love for family extends to her four-legged companion, Lucky Belle, a cherished part of her household.

Beyond the law, McAvoy finds joy in gardening, reading, watching baseball and, perhaps surprisingly to some, dancing! If she could sit down with any historical figure, it would be Harry Truman—no doubt a conversation filled with insight and candor. A lover of baseball, classic films like *Apollo 13*, and Ventura County's own Peking Inn, McAvoy embraces a well-rounded life.

When asked about her guiding philosophy, she shares a favorite quote: *"Of those to whom much is given, much is required."* It's a fitting reflection of her commitment to both her profession and the community she holds dear.



William Lenehan

For nearly thirty years, **William Lenehan** has been dedicated to the legal profession, bringing his expertise to the Ventura County Public Defender's Office, where he focuses on probate conservatorships. A U.C. Santa Barbara graduate who earned his law degree from the University of Oklahoma, Lenehan has been a member of the California Bar since 1995 and an active participant in the Ventura County Bar Association since 2006. He currently serves as a board member of the Estates and Probate Section, contributing his knowledge and experience to the local legal community.

Lenehan's journey into law was somewhat pragmatic—complex math wasn't his strong suit, and realized that a medical career wasn't for him given his distaste for the sight of blood. Instead, law became the perfect fit for his commitment to advocacy. If he weren't practicing law, he could easily see himself teaching history.

Outside the courtroom, Lenehan embraces adventure. He once took a gap year to teach English in Asia, interned for a U.S. senator, and—perhaps most impressively—learned to drive at the age of ten! When he's not working, you might find him running on the beach with his dogs (at an undisclosed prime location in Ventura), enjoying a meal at RumFish y Vino, or cheering on Sooner football. A fan of *The Godfather*, *The Stand*, and vintage Ford Broncos, Lenehan values integrity, health, and the pursuit of new experiences.

He lives by two guiding principles: *"If you are not on an adventure, or planning an adventure, there is something wrong,"* and *"If you walk through life and never help anyone, you have not had much of a life."* It's safe to say that Lenehan is living a life full of purpose—both inside and outside the legal field.



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