



CITATIONS

AUGUST - TWO THOUSAND TWENTY FIVE



JUDGE CAROL L. HUBNER FROM HIGH SCHOOL SPANISH TEACHER TO THE BENCH

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PRESIDENT'S MESSAGE

By Guillermo "Bert" Partida

FAN FAVORITE LAW MOVIE RESULTS

From the bar membership survey, we obtained results of the members' favorite legal movies. Here are the top three:

1. To Kill a Mockingbird
2. My Cousin Vinny
3. A Few Good Men

Thank you to all who participated. I hope you enjoy your summer with some popcorn and enjoy a good movie.

MEMBER FELLOWSHIP AND COMRADERY

Thanks to all who attended the first ever free annual event open to all members of the Ventura County Bar Association (VCBA). The social mixer was well supported with much socializing.

On behalf of the board and VCBA, we also gave a small token of appreciation to our executive administrator Sandra Rubio for 20 years of service to VCBA. Sandra is instrumental in the operation of the VCBA, which serves our members and the community. We are very lucky to have her and wish her many more years of continued success at the VCBA.



JUNETEENTH CELEBRATION AT PLAZA PARK

The Black Lawyers section of VCBA participated in the Juneteenth Freedom Day Celebration on June 21st at Plaza Park in Oxnard. This was the 34th annual celebration for Ventura County and touted as the longest running celebration. The event was well attended and many people stopped by the booth to try their hand at legal trivia in several areas of law. We also handed out informational QR codes for court tours, "A.S.K. Program," "When You Turn 18," and "Kids Law." Thanks to who all participated and volunteered their time.



VENTURA COUNTY LEGAL AID CLINIC

If you are still looking for pro-bono hours, the Ventura County Legal Aid clinic will be having its next advice clinic on August 5th and again on August 19th from 4:45 p.m. to 7 p.m. at the Colleges of Law 4475 Market Street, Ventura, California 93003. For attorneys who cannot attend in person, the clinic offers two Zoom remote appearance spots. Thanks for your anticipated and continued volunteer support.



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

He can be reached at (805) 658-7800, or by email at partida@srllplaw.com

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HAVE YOU HEARD?

Ventura Superior Court adds Service Hours And Walk In Service

Beginning August 4, 2025, the Clerk's Offices and the Records Department will be open from 8:00 am to 4:00 pm each weekday except Court holidays. These offices will no longer close during the lunch hour, allowing customers greater flexibility in accessing court services. Each of the Court's three courthouses – Hall of Justice in Ventura, Juvenile Courthouse in Oxnard, and East County Courthouse in Simi Valley - will feature these extended hours.

Appointments are no longer necessary at the Civil Clerk's Office at the Hall of Justice (Ventura); the Clerk's Office at the Juvenile Courthouse (Oxnard); and the Records Departments at the Hall of Justice and the Juvenile Courthouse.

Monique Fierro joins Berger Kahn



Monique L. Fierro has joined Berger Kahn, A Law Corporation as its newest partner. Fierro will open the Berger Kahn Ventura office in early 2026 as the managing partner.

Before joining Berger Kahn, Fierro was a civil litigation attorney at Myers, Widders, Gibson, Jones & Feingold, LLP, where she litigated cases in state court, federal court, and before administrative agencies.

Fierro brings over a decade of experience litigating a wide range of civil matters, including employment discrimination, wrongful termination, sexual harassment and assault, wage and hour violations, personal injury, civil rights, business disputes, and education law. She currently serves as the President of the Ventura County Unity Bar and as a board of director for Women Lawyers of Ventura County. Fierro can be reached at (949) 614-0100 or email at MFierro@bergerkahn.com

Kathleen Maheu returns to Pachowicz Goldenring



Kathleen Maheu, CITATIONS' Managing Editor, is returning to litigation practice with Pachowicz Goldenring, APLC after two years with the Ventura County Superior Court as a Legal Research Attorney. Maheu was previously employed with Pachowicz Goldenring, specializing in family law. Maheu can be reached at (805) 642-6702 or email Kat@pglaw.law.

Brian C. Israel, joins Lowthorp Richards, LLP



Brian C. Israel, has joined Lowthorp Richards, LLP as a partner. He specializes in estate planning, trust administration, probate, and corporate law,

He serves on the Ventura County Superior Court's Private Counsel for Conservatee's Panel and is frequently appointed in conservatorship cases. Additionally, he advises businesses on legal entity formation, contract negotiation, and corporate transactions.

Israel is a dedicated community member, having served as President of the Ventura County Bar Association in 2023 and contributing pro bono services through the Camarillo Health Care District. Israel can be reached at (805) 981-8555 or email at bisreal@lrmmt.com

DAVID L. SHAIN'S LETTER TO CHIEF JUSTICE JOHN ROBERTS



In July, Ventura County attorney **David L. Shain** submitted his resignation from the Bar of the Supreme Court of the United States. In a letter addressed to Chief Justice John Roberts, Shain, who was admitted to the Supreme Court Bar in June 2018, expressed his concerns about the Court's evolving role during a turbulent political era.

Letter to Chief Justice John Roberts

July 7, 2025

Dear Mr. Chief Justice:

I hereby resign from the Bar of the Supreme Court of the United States. I was proudly admitted on June 18, 2018. Now, I take this step with great sadness as I have always regarded the Court as the true bulwark of our democracy.

However, during this dark time, when our form of government faces its greatest challenge, rather than protecting our institutions, the Court is now facilitating their demise. President Trump poses the greatest threat to democracy in my lifetime—I am now 72. In my view, the Court has, in effect, become a coconspirator, unwittingly or not, with those who would do away with our way of life.

In the days to come, I hope that the Court will endeavor to consider the big picture and take the necessary steps to protect our democracy, which I fear is in great peril.

Sincerely,

David L. Shain

cc: Clerk of the Court, Justices of the Supreme Court

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JUDGE CAROL L. HUBNER. FROM HIGH SCHOOL SPANISH TEACHER TO THE BENCH

By Rachel Coleman

On May 7, 2025, Governor Gavin Newsom appointed **Judge Carol L. Hubner** to the Ventura County Superior Court (VCSC). Previously, she served as a Commissioner in Santa Barbara County Superior Court (SBSC) from September 2022 to when she was judicially appointed to serve as Commissioner at VCSC in December 2024.

Prior to her appointment as Commissioner in SBSC, Hubner spent approximately 17 years as Child's Counsel at her private practice, Kelly & Hubner, LLP where she represented children in dependency proceedings and provided legal training to Court-Appointed Special Advocates (CASA). Hubner enjoyed not having "a traditional brick and mortar practice" as her role as Child's Counsel required her to visit the children she represented in their homes or anywhere the child lived. She traveled to see the living conditions of her clients and their day-to-day environment firsthand which kept her out of the office a majority of the time.

Of her time at Kelly & Hubner, LLP, she often represented the same children from the beginning of their dependency matter until the end, no matter how long that child's case was active with the court. Some children were "frequent fliers" which meant that they were reunified with their parents for periods of time and then placed back into group homes, foster care or with relatives. She recalled the hardest part of this job. "Even though the children were resilient, seeing some of them broken hearted by their circumstances was very difficult for me personally."

Her fondest memories of her time as Child's Counsel were developing deep and lasting relationships with some of her clients as she was often the same child's counsel for many years. Many of the children she represented still reach out to her as adults to ask her questions and for advice. She is "grateful for the opportunity to be a stable presence in their lives." She considered this the best part of her work during that time.

From 2001 to 2005, Hubner was Deputy County Counsel for Santa Barbara where she advised Child Welfare Services on adoptions, dependency law and

appellate work. Prior to that, she worked at Weil, Gotshal & Manges, LLP as a corporate associate. She also worked as a naturalization attorney with the Legal Aid Society of San Mateo County where she represented clients before the Immigration and Naturalization Service.

In May 1998, Hubner received her Juris Doctorate from the Santa Clara University School of Law where she made the Dean's List each year. Prior to attending law school, in June 1990 she obtained her bachelor's degree and master's degree in June 1991 in Spanish Language and Literature. Prior to entering the legal profession, Hubner was a high school Spanish teacher in New Jersey. Before deciding to attend law school, she considered pursuing a career in secondary school administration. Although no one in her family worked in the legal profession, she wanted to do something different with her bilingual skills and her interest in immigration law. This motivated her to attend law school.

Although Hubner spent a majority of her career working in Santa Barbara County, Hubner has resided in Ventura County since 2006 with her husband and three children. She commuted to Santa Barbara from Ventura as necessary for her work. When she was a Commissioner in Santa Barbara, she spent two days working at the Santa Barbara Courthouse and three days working at the Lompoc Courthouse which took her away from her family for a majority of the week. She is "grateful" to now be working in Ventura so that she can spend quality time with her family instead of commuting.

Prior to the official announcement, she received a very "warm and friendly" phone call from Governor Newsom's appointments secretary Luis Céspedes. Her 91-year-old mother cried when she heard the news and congratulated Hubner. Her mother said that "her father would also be very proud of her." Unfortunately, her father passed away in 2004. She reflected that she knows he would be elated over her achievement. Hubner stated "whenever I think of my father, I smile." Hubner also fondly recalled when her appointment was officially announced online, she was on the

LETTER TO THE EDITOR

Dear Editor,

One should not be ignorant of the intersection of law and politics. As Madiba K. Dennie says in "The Originalism Trap": "Judges appointed by Biden and Obama tend to interpret the Constitution very differently than judges appointed by Trump and Bush (pick a Bush, any Bush)." In a way, this is empowering, forward-looking, and gives people agency. Consequently, if one is disappointed in rulings such as: *Dobbs v. Jackson Women's Health Organization*, *Brnovich v. DNC*, *Rucho v. Common Cause*, *Shelby County v. Holder*, and *Citizens United v. FEC*, etc., there are two possible remedies. As a Lawyer, you can argue that these rulings were wrongly decided and/or that your case can be distinguished such that those decisions shouldn't apply to your Clients. As a Citizen, you can vote, like your rights depend on that vote, because they do.

Sincerely,
Mark Hancock

phone in her office at VCSC. She heard her secretary and other colleagues in the other room clapping. "They are very supportive."

Being bilingual helped Hubner not only as an attorney to connect with her clients but also as a judicial officer. The litigants appear grateful that she can explain to them in Spanish the procedures in the court room such as "we are calling an interpreter to assist you, so you can take a seat, and we will call your case again once the interpreter is here." The litigants appreciate that she can make the experience a little less confusing. Many litigants entering the courtroom are navigating a foreign court system in addition to having to understand the words and procedures in a foreign language.

Although Hubner is getting settled into courtroom 33, she intends to adopt all of Judge Caudill's prior trial rules and procedures. Her only additional request to attorneys appearing before her is to immediately inform her secretary or the judicial clerk if your matter settles. That way, she can use the afternoon to hear

other matters. She intends to keep a list of other cases that she can slide into an empty afternoon on short notice. She intends to hear as many matters as she can as time permits.

In her spare time, Hubner enjoys travelling and reading. During and after college, she lived in Mexico and Puerto Rico for a summer and lived in Spain for six months which gave her the travel bug. She uses every moment of her vacation time travelling with her family.

When she is not in Dept. 33, you can catch Hubner reading a book by the beach in Tanzania or maybe Bali.



Rachel Coleman handles civil and family law matters with Siegel Law. She can be reached at rachel@seigellaw.com.



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LEGAL SILENCE, CONSTITUTIONAL IMPACT: THE SUPREME COURT, NATIONWIDE INJUNCTIONS, AND CHILDREN BORN THROUGH ASSISTED REPRODUCTIVE TECHNOLOGY

By Maya Shulman, Esq.

Assisted Reproductive Technology (ART) continues to reshape the legal understanding of parenthood, family formation, and citizenship. While California leads in recognizing diverse family structures, federal immigration law has not always kept pace, particularly when it comes to children born abroad through surrogacy or ART to non-genetic but legally recognized U.S. citizen parents.

Recent federal court decisions have struck down policies that denied U.S. citizenship to children born through ART abroad unless a genetic link existed with the U.S. citizen parent. Although the U.S. Supreme Court declined to review these cases, its silence has profound implications: it allowed lower court rulings to stand, affirming the rights of families formed through modern reproductive methods.

This article explores those decisions, the role of nationwide injunctions, and the potential constitutional ramifications of the Court's passive approach.

The Legal Framework: Citizenship and the INA

Under the Immigration and Nationality Act (INA), a child born abroad to a U.S. citizen parent may acquire citizenship at birth if the parent satisfies certain residency requirements. Historically, the State Department required a biological relationship between the citizen parent and the child. This created legal and emotional hardship for:

- Same-sex couples using donor sperm or eggs
- Gestational surrogacy arrangements
- Posthumous conception cases

For many California families, particularly in Los Angeles, where international surrogacy is common, this policy effectively excluded lawful children from citizenship protections.

Key Federal Court Decisions

1. *Mize v. Pompeo* 482 F.Supp.3d 1317 A same-sex married couple, both U.S. citizens, challenged the State Department's

refusal to recognize their daughter as a citizen because she lacked a genetic connection to one parent. The court found the agency's policy inconsistent with the INA and discriminatory under the equal protection principles of the Fifth Amendment.

2. *Kiviti v. Pompeo*, No. 1:19-cv-03331 (D. Md. June 2020)

Another same-sex couple prevailed in their challenge to the genetic-link requirement. The court held that the agency misapplied the INA by treating the married parents as if they were unmarried and ignoring the legal parentage established under state law.

The Role of Nationwide Injunctions

The lower courts in these cases issued nationwide injunctions, preventing the State Department from enforcing its restrictive policy across the country. However, the Trump administration vigorously opposed the use of such injunctions.

In *Department of Homeland Security v. New York*, 140 S. Ct. 599 (2020), the Supreme Court stayed a nationwide injunction related to the "public charge" rule, and Justice Gorsuch criticized their broad use as "a significant departure from traditional equitable practice." While this critique was not directly aimed at ART-related cases, it signals a growing concern at the high court about the power of district courts to issue remedies with national scope, even in cases where individual rights are at stake.

The Supreme Court's Passive Endorsement

The Supreme Court denied certiorari in all three of the ART-related citizenship cases, allowing the lower court rulings to take effect. While not a full-throated endorsement, the Court's refusal to hear the government's appeals functionally validated the rulings.

This is especially significant in the absence of controlling precedent on ART and citizenship. By letting these decisions stand, the Court implicitly allowed the federal judiciary to modernize the application of the INA without its direct intervention.

Implications for California Practitioners

For attorneys advising intended parents, surrogates, or LGBTQ+ families, these decisions underscore the importance of:

- Securing valid parentage judgments under California law
- Understanding federal citizenship laws as they apply to ART
- Preparing for international issues where birth occurs outside the U.S.

The citizenship status of a child born through ART may hinge on whether the U.S. recognizes the intended parents as legal parents at birth—even absent a genetic tie. These cases confirm that legal parentage is sufficient, aligning with California's long-standing recognition of intentional families.

The Supreme Court's silence may not be as headline-grabbing as a landmark opinion, but in this context, it preserved critical protections for ART-born children. The judiciary's willingness to look beyond biology reflects a growing understanding that family law, constitutional rights, and immigration must evolve alongside reproductive medicine.

As we await further clarity from the high court, attorneys must remain vigilant in securing and defending the rights of all children, especially those born in ways the law is still learning to recognize.



Maya Shulman is a reproductive and family law attorney in Calabasas and Santa Barbara, focusing on surrogacy, adoption, and parentage matters. She regularly advises clients

navigating international ART arrangements and speaks on reproductive justice issues nationwide.

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TORT LAW IN THE AGE OF ARTIFICIAL INTELLIGENCE – AN ACADEMIC APPROACH

By Massimo Genovese

Introduction

Artificial Intelligence is rapidly transforming society, from healthcare and transportation to journalism and national security. Alongside its promise, AI sparks concern: job loss, bias, discrimination, and privacy risks from powerful surveillance tools. Deepfakes and misinformation further erode public trust. But the risks go deeper. Experts warn that advanced AI may act in ways we neither intend nor control, leading to a dangerous misalignment with human values. This “alignment problem” refers to the challenge of ensuring AI systems do what we want after deployment. AI tools already influence lives and livelihoods, and their harms are no longer theoretical; they’re appearing in court. Increasingly, these harms fall within the scope of tort law.

Current AI Lawsuits: The Front Lines of Legal Disruption

Many AI-related lawsuits have arisen, including those related to autopilot systems, medical robots, and the copyright implications of Generative AI. Autopilot lawsuits include those involving Tesla, which have been linked to hundreds of accidents and some fatalities. Legal rulings on autopilot have varied.⁹ Another series of lawsuits focused on a semi-autonomous surgical robot, Da Vinci, used in an estimated 1.5 million surgeries. A significant allegation is that Da Vinci caused a woman’s death by burning her small intestine during surgery.¹⁰

On another front is Generative AI with lawsuits including *Getty Images v. Stability AI* regarding twelve million images used without consent; *J.L. v. Alphabet and Google* regarding copyrighted data to train AI; *Krista Perry v. Shein* regarding replicating copyrighted designs; *Author’s Guild v. OpenAI* regarding AI using an author’s work; *Universal Music v. Anthropic* regarding AI using song lyrics without permission; *Huckabee v. Meta et al.* regarding AI using copyrighted books in training; *Anderson v. Stability AI* regarding AI using visual artists work; *New York Times v. Microsoft and OpenAI* regarding AI using millions of copyrighted articles; and *Basbanes v. Microsoft and OpenAI* regarding AI and

visual artists.¹¹ These cases span a range of legal doctrines, but they all reflect the same pressure: courts must apply old rules to new, adaptive, and opaque technologies. The legal system is already playing catch-up.

Tort Law and Its Traditional Limits

Tort law is notably broad and already includes AI developers. This wide reach is partly due to the fact that, by default, tort law imposes a general duty on everyone to take reasonable care to avoid harming others or their property.¹² AI developers, therefore, face potential liability for AI systems that are negligently built and cause property damage or physical harm.¹² Despite this reach, existing laws cannot address every AI challenge. As AI replaces humans, specific liability gaps emerge, leading to disruptions.¹⁵ Traditional theories like negligence, product liability, and strict liability are necessary but insufficient.¹⁰

Negligence in the Age of Machines

Negligence, as applied to AI, presents several challenges, including the lack of a clear duty of care, unclear standards of care, and difficulties in establishing causation. For instance, plaintiffs in AI medical lawsuits struggle to demonstrate a duty of care because AI systems still require doctor oversight and can’t act independently. Future fully autonomous systems may establish this duty more directly.¹⁰ These medical AI cases also require a new analysis of what constitutes a breach. AI should be evaluated against comparable systems, rather than human doctors, as traditional standards and expert testimony may unfairly favor machines due to their lower error rates.¹⁰ AI may simplify causation by using precise recording, but alternatively, algorithms can make it difficult to determine who or what caused harm.¹⁰

Strict Liability for Autonomous Systems

Strict liability may apply to AI, but courts are reluctant to expand the concept of abnormally dangerous activities. They often will not impose strict liability on products that have already been sold.¹² Law Professor Gabriel Weil studies this crossover area and argues that complex AI companies should

be held strictly liable, consistent with the Third Restatement of Torts.¹³

Another proposal recently vetoed by Governor Gavin Newsom is California’s AI bill, SB-1047, which aimed to establish a regulatory framework to address the unintended consequences of AI.¹³ The bill provides developers with two pathways to compliance.¹³ The first is an exemption if developers can reasonably exclude the possibility of a severe threat to public safety.¹³ If not, various safeguards must be integrated, including a “kill switch” and the implementation of standards promulgated by NIST.¹³ A strict liability approach suggests that assigning fault for AI behavior may be impractical, even if harm is foreseeable.

Product Liability and the Algorithmic Frontier

The application of product liability to AI-enabled products is unclear, as it’s uncertain whether algorithms qualify as “products” under the Restatement (Third) of Torts. Even if they do, plaintiffs face the daunting challenge of satisfying the “reasonable alternative design” test. Proving the availability of a technologically feasible and safer AI-enabled medical device would be too burdensome, highly contentious, uncertain, and subject to exorbitant legal and expert fees.¹⁰ Moreover, autonomous AI systems may act independently of developers or manufacturers, complicating defect attribution and undermining traditional theories of liability for design defects or failure to warn.¹⁰

Emerging Tort Solutions for AI Harm

New legal proposals range from developing evidentiary black boxes (record-keeping systems) to granting AI legal personality (treating specific AI systems as legal entities for purposes of liability).¹⁰ Another proposal is a specialized AI product liability doctrine, which faces a significant roadblock because case law is scant on whether software is subject to product liability, and the most common answer appears to be no.¹² Additionally, AI is not a typical product, raising two further problems: First, AI is new and unfamiliar, so courts may find it

challenging to define defectiveness and assess public safety expectations.¹⁴ Second, AI is not a static product, like a toaster, which must be defective at production or due to a pre-existing defect.¹⁴ Instead, AI is often adaptive, and liability arises in later malfunctions due to AI learning from experience.¹⁴

Legislative ideas include adopting no-fault insurance, similar to New Zealand's, to guarantee coverage regardless of fault or causality issues.¹⁰ Additionally, statutes might clarify doctrines and rules, such as AI foreseeability, burdens of proof, and calculation of damages.¹² As discussed, legislation may require companies to minimize negligence or replace it with strict liability.¹² Some argue these reforms could stifle innovation; one moderate response is that tort law should employ its most technology-neutral calculus, striking a balance between safety for all and innovation.¹⁵

The Alignment Problem

The Alignment Problem is a subfield of AI safety, primarily concerned with accidents, a concern that aligns closely with tort law. It arises because we cannot maintain constant oversight over complex AI systems. Alignment has at least two main parts: the engineering aspect, which is a design problem, and the normativity aspect, which is a philosophical problem.¹ The engineering side involves designing and coding AI to follow human instructions. In contrast, the normative side involves determining the values that AI should adhere to, such as our ethical principles, laws, or public policies.¹ Established approaches include a utilitarian (consequence-based) design, often aiming to maximize general utility, such as user satisfaction. A deontological (rule-based) approach resists aggregation designs in favor of optimizing specific duties or rights.¹

A growing body of research on Alignment is motivated by the hypothetical consequences of Artificial General Intelligence (AGI).² Unlike current programs, AGI would deploy domain-general skills to real-world situations, like humans, potentially strategizing or forming new theories.³ This could lead to the instrumental

convergence thesis. To easily explain this thesis, Philosopher Nick Bostrom put forth a thought experiment called the Paperclip Maximiser.³ In this scenario, a robust AI system (built without or with poor alignment) is given a seemingly innocent or arbitrary goal: to manufacture as many paper clips as possible.³ The system succeeds, but the steps it takes are impermissible, including seizing, transforming, and monopolizing resources to establish as many manufacturing facilities as possible.³

A related but different problem is an unpredicted runaway "intelligence explosion," known as a technological singularity.³ A significant safety implication is that advanced systems may require self-preservation to ensure optimal results, which could lead to the subversion of previously established control methods.³ Some disagree with the alignment concerns in whole or in part. Counterpoints include alarmism, the 'build-first, align-later' policy, profit maximization, apathy, a lack of evidence, or ignorance. Some designers acknowledge the issue but make poor or egregious decisions, such as those involving AI, which is designed to cause harm or act imprudently, unpredictably, or self-destructively.¹

Why should lawyers care?

Dr. Stephen M. Omohundro, a well-known researcher and systems scientist in artificial intelligence, hypothesizes that we have reached a point where even innocuous chess programs pose a safety risk.⁴ Lawyers would not be the first to pause and question such discourse as too abstract, alarmist, speculative, or futuristic. However, Dr. Omohundro's concern is ancient, dating back to Homer's *Odyssey* (ca. 700 B.C.). Anticipating that the Siren's song would cause future harm, Ulysses instructed his crew to bind him to the mast to avoid self-destruction.⁴ Today, AI researchers anticipate conceptually similar safeguards to prevent harm.⁴ If we extrapolate the Paperclip Maximizer idea, we can see legal analogies. Private law firms already utilize large-language models, which can result in errors, such as "hallucinating" fictional case law. Multi-modal improvements have launched (meaning they use text, image, audio, video,

etc.); therefore, imagine a prompt like "counter the opposing litigation strategy." A robust litigation maximizer, if unaligned, might respond with impermissible steps, such as side-stepping rules of professional responsibility or the law.

Beyond daily practice, lawyers should note that, led by the United States, the United Nations recently approved its first resolution on AI, urging the development of AI to be "safe, secure, and trustworthy."⁷ Executives at OpenAI, Google, DeepMind, Microsoft, and numerous prominent researchers, including Geoffrey Hinton, recognize AI alignment as a global priority. Given the widespread adoption in the United States, lawyers should be concerned about the potential effects of AI on constitutional democracy and the alignment problems across various sectors.⁸ In 1960, cybernetics pioneer Norbert Wiener predicted today's situation when he identified the alignment problem. He suggested we use the "full strength of our imagination to examine where the full use of our new modalities may lead us."⁵ Many disagree, opting for practicality and innovation over highlighting scenarios that are arguably extreme or unlikely.⁶ Regardless, AI will continue to automate steps previously performed by humans, and lawyers must be present to ensure compliance with law and fundamental rights.⁸ Just as architects must comply with building codes, AI architects must respect the rule of law, and lawyers will play a critical role.⁸ Some lawyers must educate themselves on technical issues such as unintended side effects, scalability issues in supervision, and undesirable behavior during learning.⁶ This is partly because the legal field cannot ignore all technicalities if machines are causing harm resulting in lawsuits.

Conclusion

At the crossroads of AI and tort law is a liability system designed for human actions, but faced with machines.¹⁵ Some lawyers will address issues as grand as the alignment problem. In contrast, others will ignore AI entirely.⁶ Historically, tort law has not been able to ignore the disruptions caused by steam engines, automobiles, mass production, and the internet; AI is

no exception.¹⁵ These socio-technological changes rupture the fabric of existing liability systems.¹⁵ The future of those systems will depend not only on courts and the legislature but also on everyday lawyers. Lawyers can be proactive, possibly adopting the ex-ante mentality typically found in regulators.¹⁵ The most effective scheme will emerge from interdisciplinary collaboration, informed research, and targeted action. If the legal community does not engage in the conversation, others will, and the result is likely a system that is neither safe nor just.

Massimo Genovese is a law student at the Colleges of Law.

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JODI PRIOR



For nearly three decades, **Jodi Prior**, a Loyola Law School graduate, has dedicated her legal career to expanding access to justice for the Ventura County community. A Ventura County Bar Association member since 2004 and a California State Bar member since 1995, Prior currently serves as the Managing Attorney for the Ventura Superior Court. In this role, she oversees Family Court Services, the Civil and Family Law Self-Help Centers, and the Children's Waiting Room, guiding two dedicated teams who help self-represented litigants navigate everything from family law matters to civil disputes.

Prior also coordinates the court's Homeless Court program, which helps individuals experiencing homelessness clear fines and fees so they can more readily access employment, housing, and services. She is proud to help lead the court's participation in the annual Stand Down event, where unhoused veterans are able to resolve eligible infractions and misdemeanors in a supportive setting.

Her commitment to access to justice extends beyond Ventura County. Jodi serves as a Commissioner on the California State Bar's Legal Services Trust Fund Commission, reflecting her career-long focus on public interest law. Before joining the court in 2006, she was a legal aid attorney representing survivors of domestic violence and low-income families in family law cases, working for organizations such as the Legal Aid Foundation of Los Angeles, the Legal Aid Society of Hawaii, and the Coalition for Family Harmony in Oxnard.

Raised in the San Fernando Valley and now a Ventura resident, Prior is active in numerous professional organizations, including the Ventura County Bar Association's Judicial Evaluations Committee, the Ventura County Unity Bar, and Women Lawyers of Ventura County.

When she's not working, Prior enjoys time with her husband Chris, their two adult children Riley and Cooper, and their 135-pound dog, Wallace. She can often be found walking on the beach, hiking, or swimming, and she's known to put her creative streak to work through stand-up comedy, unique gift baskets, and elaborate Halloween decorations. Her favorite place to unwind is the Ventura Promenade or Ojai Valley Inn, though her love of travel frequently draws her to North Lake Tahoe and Truckee.

A lifelong fan of public service, Prior says the spark for a legal career was lit when she was just five years old, attending an ERA march with her mother. That early lesson in the power of advocacy still resonates today. In college, Prior interned in Washington, D.C. with the Human Rights Caucus, and that experience made a huge impact on her, seeing how advocacy and policy could shape people's lives, and that the law was a powerful tool — one that could actually give her the ability to help people in real, concrete ways. Whether she's helping self-represented litigants find their footing in the legal system or cheering on USC football, Prior remains grounded in her belief that even small voices can make a difference.

Her favorite quote, from Anne Frank, captures that spirit perfectly: *"How wonderful it is that nobody need wait a single moment before starting to improve the world."*

MARK LESTER



Mark Lester has been a familiar face in Ventura County's trusts and estates litigation community for decades. A member of the Ventura County Bar Association since 1998 and a California State Bar member since 1981, Lester is a founding partner at Lester & Hirschberg, LLP, where he focuses exclusively on resolving complex disputes in the trusts and estates arena.

His extensive professional service record speaks for itself. Lester has served on the VCBA Executive Committee for the Estate Planning & Probate Section since 2010, was a member of the California Board of Legal Specialization from 2016–2021, and currently serves on the American Bar Association's Committee on Legal Specialization (2025–2028). This dedication reflects his long-standing commitment to strengthening the legal profession and ensuring high standards of practice in his field.

Originally from Michigan but raised in Southern California's San Gabriel Valley, Lester attended Stanford University before earning his law degree from the University of Puget Sound School of Law (now Seattle University School of Law). Before focusing on trusts and estates, he practiced business law, business litigation, and governmental contracts, experience that provided a strong foundation for his current work.

Lester is known for his integrity, a value he prizes above all else. He credits his paternal grandfather, also an attorney, with inspiring his career path. His grandfather's advice, *"Even if you don't end up practicing as an attorney, law school will be great training that you can apply anywhere,"* has proven true many times over in Lester's practice.

Outside the courtroom, Lester is a proud father and grandfather. He and his wife enjoy life in Camarillo with their two cats, Butters and Clarabelle. He has three children (a daughter and twin boys), three step-children, and a five-year-old grandson who, as Lester says, "rules the roost."

When not working, Lester can often be found at the golf course or the Spanish Hills Club, and he's a passionate Dodgers baseball fan. A lover of travel, he counts Florence, Italy, as his favorite vacation spot.

One little known fact about Lester is that his picture appeared on the front page of the sports section of the Philadelphia Enquirer in September 1975, playing his clarinet while lying down on the 50-yard line at halftime during the Stanford v. Penn State game at State College, PA.

Lester has a sense of humor about his work, captured in one of his favorite quotes: *"You can't prevent stupid; you can't solve greed; and when they combine, I'm fully employed."* It's a reminder of the challenges that come with litigation, and also why he remains so committed to helping clients navigate the complexities of the law.





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