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 To promote legal excellence, high ethical standards and professional conduct in the practice of law; to improve access to legal services for all people in Ventura County; and to work to improve the administration of justice.

CITATIONS

F E B R U A R Y - T W O T H O U S A N D T H I R T E E N

Judge Riley's love of the bench persists

By Kathryn Clunen

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PRESIDENT'S MESSAGE:

HELP THIS GREAT ORGANIZATION TO SOUND FISCAL STATUS

By Joel Mark



If you read my last column – and I am sure everyone did – you know that I just completed fourteen years of service on the State Bar's Committee on Mandatory Fee Arbitration. I chaired

it twice and for the last four years I was the State Bar Presiding Arbitrator. One of the committee's primary roles is to supervise MFA programs offered by over 45 local bar associations throughout the state. In my leadership role with the committee, I saw firsthand how all the other bar associations operate, the services they offer and the quality of their performance in all their areas of operation.

After fourteen years, I have come to one ineluctable conclusion about our own bar association: No other bar association in the state does it better than the Ventura County Bar Association.

A bold boast? Of course. But one that certainly can be backed up. The VCBA offers more to its members and to the community we serve than any other local bar association of our size. We offer more than many of the associations greater than our size. And, sure, some of the largest bar associations offer more services and benefits, but none offer the high quality we offer.

We are able to do this because we have dedicated members who freely volunteer their time and talents in support of the VCBA. Statistically, we have the highest percentage of member attorneys with official addresses within the county of any local bar association in the state. We have active sections and affiliates that provide so much more than the minimum. I also believe that we put on more CLE per member attorney than any other local bar association. Our VLSP, Inc. is a jewel among all other local bar programs.

As important in attaining this degree of excellence is the vision and leadership of our Executive Director, **Steve Henderson**. He is the second longest serving ED/CEO among

the local bar associations in the State. Steve and his staff are by far the hardest working. And Steve keeps our focus not only on doing what we do well, but also on the other things our membership and the community at large may need us to do.

But, Houston, we have a problem. We cannot continue to export our volunteers' efforts and Steve's outstanding vision for our organization to the community if we do not continue to provide it with the resources it needs to operate. By this, I mean money. In case you had not noticed, the VCBA has been operating financially in the negative for the past three years. And, as a client in the manufacturing business explained to me years ago, an important economic concept about running such an organization is: "When you lose money on each sale, you cannot make up the losses with volume." The VCBA is no different. It also cannot make up its losses with increased volume, either.

I don't want to be an alarmist, but to keep all our important and valuable VCBA programs and services in place, financially we can no longer keep things "business as usual." As I mentioned at the annual dinner in November, my goal for the year is to get the VCBA back on sound financial footing by the end of 2013. I need your help.

Steve has given us a good start by taking a number of steps to cut expenses. These include reduced hours of operation and reduced benefits for staff. Steve and staff have done their part. Also, thanks to **Dien Le's** herculean efforts organizing and finding sponsors for the annual dinner in November, our shortfall this past year was the least in three years, actually almost resulting in a break even for 2012 – almost.

Our board, and our younger attorneys, mostly our Barristers, also have stepped up to the plate and examined a number of initiatives designed to increase both membership and revenue from other sources. The most promising of these ideas, now in development and expected to be operational soon, is a volunteer mediation program, headed up by **Mike Strauss**, the

program will call upon our local mediators who receive referrals from the VCBA to volunteer some of their time devoted to these mediations, with the proceeds going to the VLSP, Inc.

Another one of our younger members, **Christina Stockholm**, along with Steve, has spearheaded an application to the State Bar for a share of the IOLTA funds collected from attorneys with official addresses within the county. If successful, that could mean a giant step toward reaching the goal.

And, some of our past initiatives are being revitalized. These include **Jon Light's** efforts to collect on pledges made during prior VLSP, Inc. campaigns (and we know who you are), **Tony Strauss's** efforts to organize a new VLSP, Inc. campaign, and **Don Hurley's** ongoing efforts to seek additional grant money from previously untapped sources.

Finally, our financial situation, and how we can reach our goal of a positive fiscal operation for 2013, is one of the main agenda items for our Bar Leaders Conference on Feb. 9. We are counting upon the leadership of all of our sections and affiliates to come with new ideas for additional initiatives to help reach our economic goals.

While we expect these efforts to bear fruit, they will not be the entire solution. Now is time for each of you to do your part as members as well. We need your further involvement, and we are not picky about how you give that to us. Please look carefully at our calendar and at the fliers for upcoming events in *CITATIONS*. When you see that part of the proceeds of an event are being donated to VLSP, Inc., as many events this year will advertise, sign up! When Jon or Tony, or someone on their respective committees gives you a call for a VLSP, Inc. pledge, please say yes. Heck, why wait for a call? You can write a check to the VLSP, Inc. at any time you want. Just send it on to Steve. And, it is tax-deductible, too, my friends.

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PRESIDENT'S MESSAGE:

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Finally, if you know of any of your colleagues who are not yet 2013 VCBA members, hound them mercilessly until they do join. This is very important. In 2011, 100 more members would have changed the financial performance for the year from negative to positive. And also implore them to donate to VLSP, Inc. by using the check box on the application form. What could be easier?

Sound fiscal status by the end of 2013? I know we can do it, with everyone's enthusiastic support! Please join me in realizing our goal. Thank you.

Joel Mark is the managing partner at Nordman Cormany Hair & Compton in Oxnard, where he chairs the litigation group.



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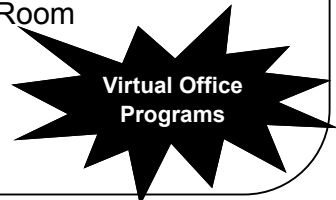
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JUDGE RILEY'S LOVE OF THE BENCH PERSISTS

By Katie Clunen

Only 3,000 people lived in the small town of Gillette, Wyoming, when **Judge Rebecca Riley** grew up there. She graduated in 1967 from the University of Wyoming with a bachelor's degree in English, and entered the working world teaching kindergarten for a year at a private elementary school.

"That was an interesting experience," Judge Riley said with a laugh.

In 1974, Judge Riley moved to California. After eight years as a real estate broker she decided to go to law school. A law degree might help her real estate practice, she thought. She packed much into her days. Before anything else, Judge Riley would wake up early to ride her two horses. She'd work all day, go to law school after work, then study at night. Often, she ended up getting just three hours of sleep.

In 1984, she graduated from Ventura College of Law. After law school, Judge Riley worked two years at Waldo, Malley & Lacey, a civil law firm in Camarillo, before she was offered a six-month contract attorney position at the Ventura County District Attorney's Office.

"I just loved it," she said.

The District Attorney's office liked her work, too, and offered her a permanent position. She worked there for the next decade.

Then Riley's husband – retired **Judge Ken Riley** – encouraged her to apply for a

judicial position. He thought she would be a good judge.

For her own part, Judge Riley worried that leaving the D.A.'s office would leave her bored on the bench.

"[Those concerns were] totally unfounded, as it turns out," Riley said.

But as much as her colleagues at the D.A.'s office had appreciated her work for them, they also encouraged her transition to the bench. "I am sure that I would not be a judge today without the support of then **District Attorney Mike Bradbury** and the current **District Attorney Greg Totten**, who was with the California District Attorney's office at the time," Judge Riley said.

Judge Riley filled out the 140 page application and in November of 1995, Governor Pete Wilson appointed Judge Riley as a municipal court judge where she resided over criminal and limited civil cases. At that time, she was the only woman in the Ventura County Municipal Court. Her husband swore her in.

Judge Riley is currently assigned to Courtroom 40, where she presides over civil matters. Judge Riley says the move to civil court is "a breath of fresh air," even though there seems to be a lot more work, constant motions and work on weekends. Her job is challenging, but she's never bored. Still, Judge Riley derives the most enjoyment from hearing medical malpractice, real estate and personal injury cases because those cases tend to be the most exciting, even though they're also the toughest.

Judge Riley also is chair of the Board of Trustees for the Santa Barbara and Ventura Colleges of Law.

When Judge Riley is not in the courtroom you can find her outdoors. She is an avid hiker. In July 2010, with ten of her girlfriends, she hiked Mount Whitney carrying a 40-pound backpack. These women trained for one year before setting

out to conquer the highest summit in the Continental United States (an elevation of 14,505 feet). Judge Riley also enjoys hiking in Yellowstone and the Grand Canyon. She was soaking wet by the end of a whitewater raft trip on the Colorado River through the Grand Canyon, but had a great time.

Though Judge Riley loves to hike, she is afraid of snakes. During a hike near Pt. Mugu, she and her friend heard the distinct sound of a rattlesnake. They took off down the trail as fast as they could. They then waited to warn another hiking group that had a small dog with them.

Judge Riley's family has rescued eight dogs. She and Ken currently have five rescue dogs. They also have three cats.

Two of the dogs are standard poodles – rescues from Cold Noses, Warm Hearts in Santa Barbara – that she describes as "so smart." Both started responding to hand signals to sit after only two attempts to combine the signal with verbal commands.

"When you look into their eyes it seems that a person is looking back at you," Judge Riley said. "The male is so tall that when he goes up on his hind legs he hooks his paws over my shoulders and we are eye to eye."

After fifteen years on the bench, Judge Rebecca Riley still loves her job. Her active lifestyle shines through her friendly personality and positive outlook.

Katie Clunen is an associate of the Dion Law Office in Westlake Village, where she practices family law.



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PERSONAL INFORMATION, PRIVACY, AND RELATED CONCERNS

By Greg Herring

I am encountering more and more personal information and privacy concerns in my practice. This has largely developed with the rise of email and the emergence of social media. Here's a glimpse into how I discuss privacy with clients:

Advice to Family Law Clients About Personal Information and Privacy

An attorney's ability to represent a client requires the attorney to gather from the client complete and truthful information. We rely upon the full and complete truthfulness of the information you provide to us in formulating strategy, giving you advice and calculating the best positions to be taken.

During our representation, we will need to collect sensitive data including your personal financial information. But the sensitive information that is required to be disclosed to the other party in litigation, or filed with the court, may then be used by anyone who comes into its possession. Please be very clear that the content of all court filings are most probably going to be available for examination by the public as court files are very rarely sealed.

Remember that, generally speaking, eavesdropping and recording private communications by another person is illegal. Additionally, such evidence would be inadmissible under the Family Code. I believe that these principles could reasonably be extended to the reading of private email messages and copying of electronic data.

Keep in mind that serious problems can also arise with other forms of surveillance, such as hidden cameras, automobile tracking, etc. Do not undertake surveillance without clearing it with me.

Email Communications

As we know, there are substantial timing benefits to communication by email. Please, however, be very clear about the following:

1. Email communication is not a secure method of communication.
2. Any email that is sent to you or by you may be copied and held by the various

computers it passes through as it goes from me to you or vice-versa.

3. Emails that reside in computers are subject to being accessed or copied by persons innocently or with a hostile agenda.
4. Emails may be inadvertently accessed by, or delivered to, persons not intended to participate, nor authorized to being a part of, our communication. Our email communications may be intercepted by persons improperly accessing your computer or my computer or even some computer unconnected to either of us through which the email passes. By inadvertence someone may reply to an email and mistakenly include an unauthorized person, even opposing counsel or the opposing party, because of using the "reply to all" feature.

As a result, I expressly offer the option of not using emails and restricting our method of communication to either the US Postal Service, overnight delivery services or direct messengers.

For one client in a particularly high-profile case, I set up an encrypted communications system, called "CryptoExpress." It allowed instant messaging, emails and voice over internet services. A cost was involved, but, under the circumstances, the client was happy to incur it.

Certainly not everyone is aware that emails to and from an employer's computer are considered non-confidential. Thus, I ask clients to please only use their own private email, especially in order to protect the attorney-client privilege. Because it is hard to keep track of all clients' various email addresses, I tell them ahead of time that I assume they are using their private email address, and not an employer-provided email address.

Documents that are sent by email often contain "metadata" (i.e., information describing or tracking the history, authors or management of electronic data) that clients and attorneys may not want someone else to know. As we cannot be responsible for removing metadata from the documents that clients may sending us or others (as opposed to the documents that we send from this

office), please be aware of this concern. Even converting a document to a .pdf through computer software may not do the job. The safest way to "scrub" metadata from a document is to convert it to .pdf format by scanning it by hand.

It is unpleasant for a lawyer to be presented with a copy of an email at a hearing that might contradict the client's position or otherwise put him or her in an unfavorable light. Thus, please take a deep breath before emailing, texting or otherwise communicating something that could come back to haunt you.

Danger of social networking sites

"Facebook" and other social networking services are more popular than ever. Please be careful, however, if you already have or might in the future upload any information or documentation on them. For instance, I have had more than one client embarrassed when "confessions" made to friends on Facebook came back to haunt them when used against them as evidence. Please consider everything you might put "out there" available to those who would potentially use it against you.

On the other hand, please do keep your eyes out for such communications that may have been made by your spouse. Unless you expressly instruct me to do this, I will not pursue such potential evidence because most clients do not want to pay for me to scan the other party's sites.

Electronically Stored Information

Recent changes in the law require that you now protect from change and destruction all electronically stored information (ESI) during your case. This means that until your case is over and you are told otherwise by me, you must not delete or modify any email, text messages, voicemails or even social networking postings (a lawyer in another state was recently disbarred for encouraging this). If you are using QuickBooks, Microsoft Money or other accounting software at home, you cannot delete their files. Frankly, if in doubt, keep it.

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A DAY I WILL NEVER FORGET

By Britany Folsom

On December 4, 2012, I was officially sworn in as a member of the State Bar of California. I, along with my parents and around 20 other inductees and their families, gathered together in Courtroom 22 at the Superior Court of Ventura County. **Justice Arthur Gilbert** of the California Court of Appeal and **Judge Brian Back** of the Ventura Superior Court presided over the ceremony. They entertained us with humorous anecdotes and thoughtful advice as they welcomed us to “this noble profession.”

Before we took the oath, the inductees were encouraged to state our names, where we were from, and which law school we

attended. I was surprised by the diversity of such a small group. While many of the inductees attended law school in California, several attended schools in other states; there were even two inductees from Europe. The inductees also got the chance to acknowledge individuals who had helped them during the difficult process that eventually led to this ceremony. I could see audience members beaming as their child, significant other, or friend offered thanks for all of the patience and support throughout law school and bar exam study.

After introductions, other members of the legal community spoke, giving us advice and encouraging us to become involved in the local bar associations. The last of these was a representative from the State Bar who joked that we “didn’t need to be afraid of the State Bar anymore.” After Judge Back administered the oath, we, the newly-inducted lawyers, met with our proud families to take pictures and share in conversation.

My swearing-in ceremony was certainly a day I will never forget. Not only was it the culmination of years of difficult study, it was also the beginning of my career as a lawyer. I am so glad I was able to take this first step in my career in my hometown of Ventura County.

***Britany Folsom** graduated from the Hastings College of Law in 2012. She lives in Thousand Oaks and hopes to practice law in Ventura County.*

The new attorneys sworn in with Britany Folsom were:

- | | |
|----------------------------|-----------------------------|
| <i>William McKenna</i> | <i>Houbanes Tatevossian</i> |
| <i>Kristin Leefers</i> | <i>Beatriz Chen</i> |
| <i>Mitch Neumeister</i> | <i>Alexander Yarbrough</i> |
| <i>Jonathan Geiger</i> | <i>Omolara Akinlode</i> |
| <i>Natasha Bhushan</i> | <i>John Peter Rose</i> |
| <i>John Taylor</i> | <i>Christina Fialho</i> |
| <i>Katherine Lee</i> | <i>Edie Beau de Paris</i> |
| <i>Michael D. Peterson</i> | <i>Timothy Boone</i> |
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Continued from page 11

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You are likely wondering why this is all necessary! The answer is simply that now the law requires it and it is my duty to make sure you are informed of your responsibilities.

***Greg Herring** is a State Bar Certified Specialist in family law and is a partner with Ferguson Case Orr Paterson LLP. He is a Fellow of the Southern California Chapter of the American Academy of Matrimonial Lawyers. Acknowledgment is made to Kolodny & Anteau, whose prior presentation provided the basis for Greg's client letter.*

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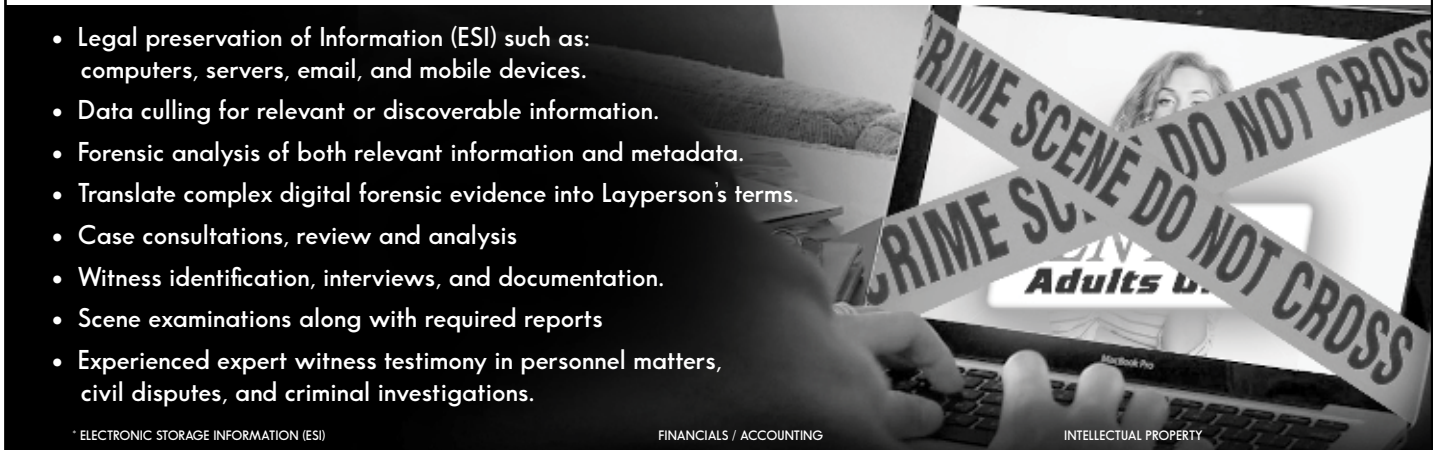
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UNDERSTANDING CHAPTER 9 BANKRUPTCY

By Michael R. Sment

The Great Economic Recession has resulted in many problems. They include the loss of jobs, millions of American homes, consumer savings, and the creation of a huge national deficit (with an impending self-imposed federal “fiscal cliff”). Revenue losses, and reductions at all levels have also accompanied municipal government tax, fee and property tax share losses and a general severe decline of municipal income. More problems have followed those decreases, including huge operating deficits, forced service reductions and layoffs, and deferred maintenance in most California cities.

Loss of income, growing expenses, increasing employee payroll and benefits, unfunded pension liabilities, loss of redevelopment funds – the problems just keep adding up for cities. Municipal areas with large numbers of foreclosed homes have additional expenses for neglected properties, graffiti, crime, fencing, and extra security. Some towns face climate-related problems and growing expenses related to wild animals, floods and drainage, and firefighting. California cities and towns face more, and more expensive, problems and liabilities than ever before, with even less state help.

California cities also face expensive issues relating to increased labor costs, union agreements, and liabilities for unfunded or under-funded government employee pensions. The recession, a volatile stock market, and internal investment problems caused the California Public Employees Retirement System (CalPERS) to demand increased contributions from its member California municipal agencies. Many cities have higher CalPERS bills just as their revenues are severely depressed. Unlike businesses or corporations, California cities cannot issue stock or take on loans to raise funds; they may, mostly, only extend the time to repay their debts or force creditors (unions) to accept less.

As a result, California cities are exploring, authorizing and filing municipal bankruptcy cases under Chapter 9 of the United States Bankruptcy Code. California is one of only ten states which expressly allow the filing of a municipal bankruptcy, as required by

Congress. Under 11 U.S.C. §109(c)(2), to be eligible to file a Chapter 9, a municipality must be specifically authorized to do so “by State law” (See also, 11 U.S.C. §903: a state has the power to restrict a bankruptcy filing by a municipality; Gov’t Code §§53760, 53760.3: a municipality must engage in 60 day pre-filing good faith mediation)

In 2008, near the beginning of the recession, Vallejo filed one of the longest-running municipal bankruptcy cases. Its amended plan of adjustment was not approved until late 2011. In June 2012, Stockton commenced the then-largest municipal bankruptcy filing in U.S. history (*In re City of Stockton*, USBC Case No. 12-32118), owing \$800 million for unfunded liabilities and with a \$26 million operating deficit. In August 2012, San Bernardino commenced its Chapter 9 case in Riverside County (*In re City of San Bernardino*, USBC Case No. 12-28006), listing assets and debts “totaling \$1 Billion Dollars” and a \$46 million budget deficit. Other California cities like Mammoth Lakes, San Diego and San Jose, possibly as many as 20 at present, have also explored, authorized, or face a municipal bankruptcy filing.

The United States Bankruptcy Code – Title 11 of the United States Code – provides a specific mechanism for a municipal bankruptcy filing in its Chapter 9 procedures. Titled “Adjustment of Debts of a Municipality,” the provisions of Chapter 9 were part of the 1978 revisions to United States federal bankruptcy law.

A precursor to the present Chapter 9 proceedings had been created through a 1934 Depression-era amendment to the prior U.S. Bankruptcy Act. That amendment created a new Chapter X proceeding (later changed to Chapter IX) and sought to provide non-tax raising relief to, and authorized a bankruptcy filing by, a municipality that could not pay its creditors. The amendment and the new Chapter IX were upheld as constitutional by the Supreme Court. *United States v. Bekins*, 304 U.S. 27 (1938). In 1976, in response to the huge bankruptcy filing by the City of New York, Chapter IX was amended to add “Voluntary Reorganization Procedures.”

Those changes were mostly carried over into the Chapter 9 provisions of the bankruptcy code.

In a Chapter 9 municipal bankruptcy proceedings the municipality is required, among other things, to be insolvent and to have tried in good faith, and failed, to negotiate a pre-bankruptcy agreement with its creditors. The municipality must then seek to have a “plan of adjustment” approved. 11 U.S.C. §109(c). Creditors and “taxpayers” may object to the plan, and any plan must be confirmed by the U.S. Bankruptcy Court. Elements required for confirmation include: the municipality is not prohibited by law from carrying out the plan; any needed regulatory approval has been obtained; the plan is in the best interests of creditors; and the plan is feasible. (11 U.S.C. §943(b).

Despite all the recent attention, California does not lead the nation in municipal bankruptcy filings. Due to quirks in state and local law, Nebraska (45) has had almost one-fifth of the 220 or so municipal bankruptcies filed in the United States since 1981. California (39) had the second most filings, followed by Texas and Alabama. Only a few of the Chapter 9 bankruptcy filings actually involve cities, towns or counties - California only had five, Nebraska none. Most Chapter 9 bankruptcies were for other types of districts, particularly special tax districts created for residential subdivisions. The total of 220 municipal bankruptcies since 1981 is mostly *de minimus* when compared to the more than 20,000 corporate Chapter 11 cases filed during that same period.

Some cities believe that negotiations with unions and other groups and the use of outsourcing will mitigate some of the increasing municipal expenses and obligations. The more intriguing question is what can a city legally do to reduce, slow or eliminate its unfunded, under-funded or future liabilities for employee pensions and to CalPERS or to retirees. Are pension benefit debts to CalPERS subject to impairment under a

Continued on page 19

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CHAPTER 9 BANKRUPTCY

Continued from page 17

municipal bankruptcy restructuring plan? Some have argued that those issues have “put federal bankruptcy law on a collision course with the U.S. and state constitutions.” The answers may directly affect dozens of California cities and hundreds of other school districts, agencies and public entities that will owe hundreds of millions of dollars in pension liabilities over the next several years.

It may no longer be true that retirement benefits are guaranteed by the state constitution. California has authorized municipalities to seek protection and debt relief under the United State Bankruptcy Code. If California cities continue to have budget problems, reductions in revenue and increased expenses, will the “economic repair” option of a municipal bankruptcy be too attractive to pass up or ignore? Only time and the general economy will determine that.



Michael Sment is a member of the CITATIONS Editorial Board, and Chair of the VCBA Bankruptcy Section. Mr. Sment has handled bankruptcy matters since 1981, and is a long-standing mediator for the U.S. Bankruptcy Courts.

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By Steve Henderson, Executive Director, M.A., CAE



A trust has been established for **Michael Lavenant's** three children, Brittany (12), Brianna (10), and Christian (7). Checks may be made payable to "Memorial Fund for Michael Lavenant" and mailed to County Commerce Bank, 2357-B, Pickwick Drive, Camarillo, Ca. 93010...**Judge Gilbert Romero's** formal enrobement ceremony is scheduled for March 1 at 4 p.m. inside CR# 22...The 23rd Annual Strategic Planning Session of Bar Leaders is scheduled for Feb. 9, beginning at 8:30 a.m. inside the Courtyard by Marriott in Oxnard. Fifty board members and representatives from our sections, committees, affiliates, and friends will attend to chart our course for 2013-2014 in addition to sharing information about their activities. The first session I orchestrated in 1991 was attended only by **Bart Bleuel, Wendy Lascher, Roger Myers, Dennis LaRochelle, and Jim McBride** at the Mandalay Bay in Oxnard...Annual Stella Awards (for those unfamiliar, these awards are named after 81-year-old Stella Liebeck who spilled hot coffee on herself and successfully sued the McDonalds in New Mexico, where she purchased coffee) for the most outlandish lawsuits and verdicts in the U.S. First Place? Mrs. Merv Grazinski of Oklahoma City, Oklahoma, who purchased a new 32-foot Winnebago motor home. On her first trip home from an OU football game, having driven on the freeway, she set the cruise control at 70 mph and calmly left the driver's seat to go to the back of the Winnebago to make herself a sandwich. Not surprisingly, the motor home left the freeway, crashed and overturned. Also not surprisingly, Mrs. Grazinski sued Winnebago for not putting in the owner's manual that she could not actually leave the driver's

seat while the cruise control was set. The Oklahoma jury awarded her \$1.75 million PLUS a new motor home. Winnebago actually changed their manuals as a result of this suit...Please welcome **Doug Bordner** as the new President of the East County Bar Association. dabordner@sbcglobal.net or 496.0111...

Probate and Estate Planning Section Chair, **Amber Rodriguez** was appointed by **Judge Brian Back** to serve on the Board of Trustees for the Ventura County Law Library...Lawyer John Tull nearly died after his diagnosis with bubonic plague during a visit to New York in November 2002. Tull fared worse than his wife, Lucinda Marker, who recovered in a few days. Tull was put in a medically induced coma and surgeons amputated his legs to curb the raging infections. "At one point I was on a respirator, I had a tracheotomy and a feeding tube. I was unconscious, and I was on a dialysis machine," he told the *New York Times*. "Hell, I was hooked up to every damn machine in the hospital except the vacuum." Authorities soon dispelled fears that the plague was related to terrorism. Tull and Marker were likely infected from fleas carried by a pack rat found on their property in Santa Fe, N.M., that summer. Today 63-year-old Tull drives his own car and goes on fishing trips. Have a nice day...**Robert Ostrove** had a letter to the editor published in the *Los Angeles Times* Dec. 14. Something about the Dodgers of course...

CITATIONS contributor **Michael Sment** has written "California Real Estate: Many Rules, Many New Laws, and the Top Ten Issues for Consumers," a chapter in the recently published *Representing Consumers in California Real Estate Transactions*. In April, Mr. Sment will be teaching "Banking and Foreclosure Mediation," a newly-created course for UCSB...In case you have been living in a cave – On Monday morning, Jan. 14, Justice Clarence Thomas broke nearly seven years of silence at the Supreme Court oral arguments. Problem is, what he said was apparently so funny that you had to be there. Really – the court's official transcript didn't catch his words. What we do know is that Justice Thomas was speaking to a lawyer representing the State of Louisiana. The

State was arguing that its five-year failure to fund a lawyer for an indigent defendant facing the death penalty did not undermine the defendant's constitutional right to a speedy trial. Before Thomas spoke in *Boyer v. Louisiana*, Justice Antonin Scalia was asking the state's attorney about the competency and experience of the lawyers for the capital defendant, Jonathan Edward Boyer. After learning that the lawyers went to Harvard and Yale law schools, Scalia said, "Son of a gun." Then Thomas spoke. According to the transcript, he said, "Well – he did not –," followed by laughter. Louisiana's lawyer then responded, "I would refute that, Justice Thomas."...**Tina Rasnow** donated money to the Volunteer Lawyers Services Program, Inc. in honor of Emeritus Attorney **Jerry Cline's** 77th birthday...

Welcome if you will, to the new co-chairs of the bar's Lesbian Gay Bisexual Transgender Alliance, **Ed Elrod** and **Kim Shean**. They may be reached at edward.elrod.law@gmail.com and duffy-shean@sbcglobal.net...Kim is also a new member of the bar's board of directors. Joining her are new board members **Rachel Coleman, Rennee Dehesa, Kata Kim, Robert Krimmer, Susan McCarthy, and Kathryn Clunen**...A real estate investment trust partner in the Dallas office of Locke Ford has the highest billing rate in a new survey – \$1,285 an hour. The *National Law Journal* survey also revealed the lowest rate for associates – \$130 at Dinsmore & Shohl based in Cincinnati...*CITATIONS* editorial board is looking for a few good lawyers to pitch in. Contact Managing Editor Wendy Lascher at wlascher@fcoplau.com or 659.6800...Also at FCOP, **Bret Anderson** and **Leslie McAdam** have been named partners and **Lauren Sims** has been hired as an associate...

Steve Henderson has been the executive director and chief executive office of the bar association and its affiliated organizations since November 1990. He has indeed admitted to Oprah a seven-year doping issue in the '90s leading to humongous revenues for the bar. Additionally, his girlfriend may be reached at NotreDame.com. He may be reached at steve@vcba.org, FB, Twitter at [stevehendo1](https://twitter.com/stevehendo1) and [vcba1](https://www.facebook.com/vcba1), or better yet, 650.7599.

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Some of you have requested pictures of the whole family, . . . so here you go!



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