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JANUARY - TWO THOUSAND NINETEEN



THE ALL STAR

by Wendy C. Lascher

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PRESIDENT'S MESSAGE

by Douglas K. Goldwater

GUILT! Not the kind that a jury may determine of a criminal defendant. Rather, I am talking about the good old fashioned weapon that seems to be best wielded by mothers. When I am asked “why did you choose to go to law school?” or “what made you decide to be an attorney?” I wish that I could respond that I had a fascination with the law throughout my childhood, or that I believed that becoming an attorney would give me the opportunity to right the wrongs that have been done to so many others. The reality of it, however, is that the answer is, in fact, guilt.

My father died at 43 years of age on Christmas Eve, 1999. I was home for winter break from Berkeley, and instead of celebrating the holidays, I was grieving with my mother and my then nine-year-old brother. I decided to return to Berkeley for the spring semester and take a double load of units so that I could complete my degrees and graduate after my junior year. When I returned home to help my mother and brother put together the pieces shattered by my father's passing, I got a job to help reduce the financial burden on my mother. I began waiting tables and bartending, and really enjoyed working in those atmospheres (and, of course, the tips).

After about six months, my mother engaged me in a conversation about my “plan.” At 21 years old and still feeling the effects of how short life could be, my “plan” did not go far beyond figuring out who I would be going out with the upcoming weekend. As a result, I did not have a good answer for her. I told her that I loved bartending, and she told me that that was not a “plan.” I then told her that I had considered following in my father's footsteps and becoming a mortgage broker. If, at this moment, we were in the Wild West, then this is where my mother unsnapped the holster on her weapon. She pulled it out and fired when she responded: “Your dad did not want

that for you. He wanted more. He always wanted you to go to law school.” There it was – and it hit me like a sack of bricks. How could I say no and go through life with it in the back of my mind that I let my father down? Of course I could not, and my mother knew it. And now, I thank her every day for doing it.

As a result of my mother's pulling of my heartstrings, I have been blessed to have practiced one of the noblest professions and have had the opportunity to help hundreds of people through some of the most difficult times in their lives. I have received the benefits and enjoyment of working with very fine attorneys and simply wonderful human beings at Ferguson Case Orr Paterson, LLP – the only firm at which I have worked. And, above all, I have had the opportunity to work within this amazing, collegial, close-knit legal community in Ventura County. So, again, I have to say – thank you, Mom.

Now, I have the honor to be the President of your Ventura County Bar Association. Over this year, my goals for the organization will be to bring back some of what the VCBA used to be, while also bringing in some change and new ideas. Changes are sometimes bittersweet, but often help us improve and adapt. I look forward to working with all of you as we evolve as an organization in 2019. Also, I hope that you will all mark your calendars to join me for the 2019 Annual Installation and Awards Dinner on November 23, 2019 at the Improv Levity Live comedy club in Oxnard – it promises to be an evening that you will not want to miss!

Doug Goldwater is a partner at Ferguson Case Orr Paterson, LLP. His practice focuses on family law. He can be reached at (805) 659-6800 or at dgoldwater@fcoplaw.com.

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CHANGE ON MARKET STREET



The Ventura County Bar Association's officers and directors, in collaboration with chief executive officer **Steve Henderson**, have selected **Sandra Rubio** as the new executive director of the organization. Rubio has been employed by the bar association for fourteen years as the associate executive director. She has also served as an executive director for seven years with the Ventura Center for Dispute Settlement and 25 years in the legal field. Henderson, who has been with the bar association for 28 years, will continue as a consultant through June of this year.

Rubio is a native of Ventura County and recently obtained a graduate certificate in non-profit management. She has been responsible for the day-to-day activities of the bar association, including the event management system, accounting software program, technology, Lawyer Referral & Information Service and the key responsibility for membership. Rubio and her husband, Joseph, reside in Camarillo with their three boys, 18, 17 and 10.

Henderson has been with the bar association since 1990 and is a Certified Association Executive (CAE). He managed the bar association, the Jerome H. Berenson Inn of Court and the charitable arm of the association, Ventura County Legal Aid, Inc. On two occasions, Henderson served as president of the Executives of California Lawyers' Associations (www.ecla.net), a network of bar CEOs and executive directors.

The transition has been in place for sixteen months and the officers and board approved the arrangement Dec. 3, 2018.

The County Bar Association is a 501(c)(6) organization and VC Legal Aid is a charitable 501(c)(3) entity established in 1996. The bar association has been in existence since the Depression and currently boasts of 1226 members and a 24-member board of directors.

2019 President **Doug Goldwater** stated, "We genuinely appreciate the efforts of Steve and Sandra over these past few months and the bar association shall remain a vibrant, solid organization moving forward into 2019." President-elect **Kathryn Clunen** (2020) said, "I don't know how we can replace Steve, but Sandra is an excellent beginning."

Inquiries may be made by contacting President Goldwater at (805)659-6800 or dgoldwater@scoplaw.com. Additionally, President-Elect Clunen may be reached at (805)497-7474 or katiec@dionlawgroup.com.

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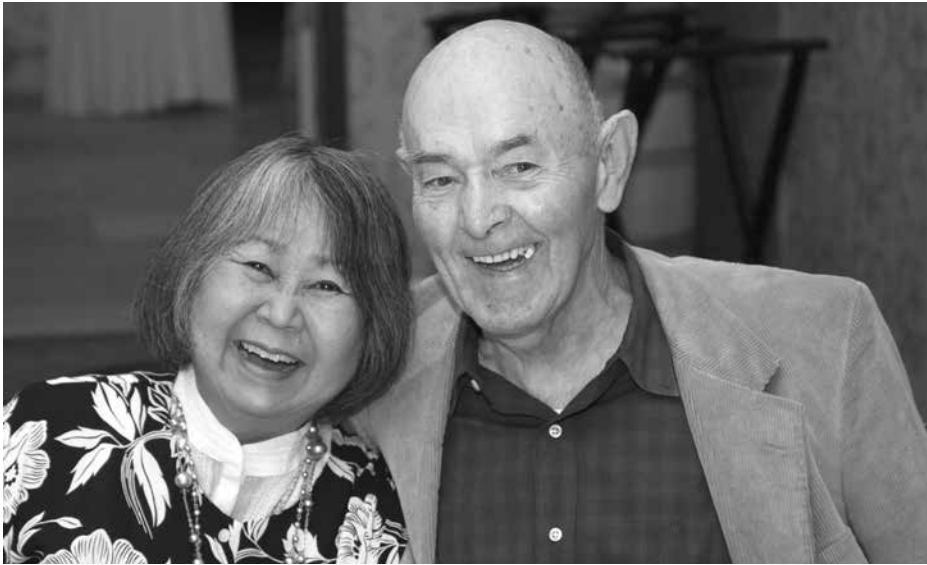
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THE ALL STAR

by Wendy Lascher



Not too long ago, the story goes, an elderly Oxnard woman made an appointment with **Ted England**. Entering the conference room, she put a twenty-dollar bill on the table, explaining to Ted, “I expect to pay for your time.” As the meeting ended an hour later, Ted took a ten-dollar bill from his wallet and handed it to the woman. She asked why, and he replied, “it’s your change.” Another time, a client sold his business with Ted’s help. He told Ted, “I know you have underbilled me for your services all these years. I am giving you this bonus as a sign of my appreciation.” Ted refused the bonus, but the client insisted. Ted took the check and put it in the client-trust account. Whenever the client called to ask for advice on odds and ends, Ted billed his time against the bonus. Whenever the client got the bill, he called Ted and told him, “That was a bonus! You need to bill me for your time.” Ted never did. And the retainer remained in our trust account until he died.

It clearly wasn’t about the money. Ted loved his clients. He was not just their advocate, but their counselor and friend. And clients loved Ted. One recounted that many years ago, after a well-respected CPA told her there was no use trying to turn around her family’s failing business and recommended a bankruptcy, Ted instilled in her an unshakeable sense of hope even though the

issues she faced were dire. Ted taught her to see what the business could become, gave her blueprints for difficult situations, and modeled the hard work and persistence she needed to succeed. Ted always listened, whether the problems were business or family-related, and he was invariably positive, helpful, creative and supportive.

One partner after another described chance encounters with Ted’s clients outside the office. Invariably the client would ask about Ted, then tell a story about how Ted had helped them out of a jam and became a friend in the process. As recently as a couple of weeks before Ted’s Dec. 9 death, **Jim McDermott** was getting out of the ocean after surfing when someone asked him to send greetings to Ted.

And Ted loved the law. His work ethic was legendary throughout his 51 years of practice. One night, at their former law firm, Ted’s brother **Robert England** worked till the wee hours. When Bob got ready to go home, he discovered that his car had a dead battery. “No problem,” Bob said to an associate, “I’ll just stay here till Ted comes in at 4:30 a.m.”

Ted regularly told his partners at Ferguson Case Orr Paterson, LLP that he had no intention of leaving the firm; his retirement plan was to call 911. Over the years he

had weathered medical emergencies, but as McDermott reminded at a recent partnership meeting, “we called 911, but he still didn’t leave.” Ted loved helping clients too much to consider retirement.

Lane Lopez observed that “Ted was every man’s and woman’s attorney, and quite literally was nearly everyone’s attorney at some point. He would offer you a few sentences of commentary on a legal question if you were lucky, but locked beautifully within that was the key to your case.”

Ted’s fearlessness as a lawyer was legendary. The State Bar certified him as a specialist in taxation law, but Ted was willing to tackle any legal problem a client brought him. His intellect was stunning, and he would figure out what needed to be done. **John Orr** recounted Ted’s comment at one of the firm’s recent retreats, as attorneys were discussing preferred practice areas: “We are all just sewer rats. We eat anything.” **Mark Barney** summarized, “He truly loved the practice of law and the challenge of solving difficult legal issues. In his words, analogizing to another love – softball – each new matter was a new at bat.”

Ted expected other lawyers to approach problems the same way. He was famous at the office for handing associates a stack of papers with a note saying “handle this” – and no further instructions. When Ted trusted another lawyer, he trusted them as deeply as Ted’s clients trusted Ted. As their former firm was splitting up, Ted approached his partner **David Tredway** and directed Tredway to “choose one.” Tredway remembers Ted knocking on his door at Ferguson Case Orr Paterson a few months after the merger and saying simply, “you made a good choice.” **Melissa Cohen**, who had been an associate at Ted’s former firm, heard Ted say that the highest compliment he could pay to someone was to say, “they are competent.” Cohen came to understand that meant the person is a really good lawyer, one who was “effective in their area of law, professional, who could spar with opposing counsel and still be friends at the end.”

Continued on page 9

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Continued from page 7

Ted could be gruff. Paralegal Nancy Boles said that when she first started working at the firm, “Ted seemed unapproachable. But Ted’s crusty outside was misleading. He was “a marshmallow” inside. Boles said “hi” every time she saw Ted, “and his warm, friendly side immediately appeared.”

Jesse Cahill had always perceived Ted as “busy and somewhat intimidating.” But at a firm retreat when Jesse was an associate, he and his wife, Stephanie, spotted Ted reading by the hotel fireplace. Stephanie asked if Ted cared to join them for a cup of tea. Ted surprised them by saying yes. “The three of us sat down together in a little tea shop down the street from the hotel,” Cahill said, “and Stephanie and I spent the next two hours riveted. Ted’s warm personality and enthusiasm came shining through as Ted regaled us with stories about growing up in Oxnard, getting into (substantial!) trouble as a student at UCSB, and the early days of his law practice.”

Ted’s personal side shone around family. A client reported seeing Ted and Bob at a restaurant with their aged mother, each of the “boys” holding one of their mother’s hands. And Ted’s love for his wife, Annette Okamura, was charming. “Annette was the best thing that ever happened to Ted,” according to Ted’s friends. Ted and Annette lived on a 38.5 acre ranch in Wheeler Canyon, where they grew two dozen crops to make sure there was always something in season they could share with visitors. Cahill said, “there was nothing quite like seeing Ted’s passion as he guided our children through his orchards and gardens.”

Ranching was not Ted’s only extracurricular interest. In addition to serving on three nonprofit boards, Ted loved dogs and baseball. He founded and played for the Tequila All-Stars baseball team, which won the Men’s 55 AA National Championship in 2007.

Ted’s secretary, Jackie Melgoza, kept her comments simple: “I had the honor of working with Ted for 28 years. Ted had a brilliant mind and a heart of gold.”

The day Ted passed away, Dec. 9, his sister-in-law **Sandra Robertson** mused that some people would look back at Ted’s life and say, “poor guy; he slaved away in the office and never got to enjoy life.’ Those people couldn’t be more wrong, because he was able to do up until the end what he loved doing and thrived on, being counselor to his clients.”

Thanks to all the staff and attorneys at Ferguson Case Orr Paterson, LLP for their contributions to this very small sampling of our beloved Ted.

Wendy Lascher is a partner at the firm, and co-editor of CITATIONS. wlascher@fcoplaw.com; 805-659-6800.



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PROPOSED PROBATE ORDERS

by Amber Rodriguez

Last October, **Judge Glen Reiser** retired from his long-held position on the probate bench. **Judge Roger Lund** has taken his place and has kept the court running smoothly during the transition. There are, however, a few items that have caught his eye and need to be kept in mind if you appear in Department J6, our Probate Court.

The courtroomJ6@ventura.courts.ca.gov email address should be used respectfully and **only by invitation**; you may not use it to submit items not specifically authorized by the court.

During his tenure Judge Reiser, working with the local bar, reviewed, revised and updated our Local Rules extensively, including guidelines for submitting proposed orders. A proposed order must be lodged before the hearing (Local Rule 10.00.D.1). Local Rule 10.00.D.2. limits the time to submit requested orders by email to 24 hours post-hearing, but Judge Lund is giving extra wiggle room by allowing attorneys 48 hours to submit proposed orders electronically. Remember that “any such post-hearing electronic submission shall show upon its face an electronic copy delivered to all counsel of record and to all self-represented litigants who have formally appeared or requested special notice.” Please be certain to include all such persons on your email to the court to assure there are no ex parte communications.

The court encourages attorneys not only to lodge a proposed order before the hearing, but also bring a hard copy to court so that counsel, clients and the court can more quickly process the order. If only minor changes are necessary, it may be possible to have the order modified in court.

Another issue concerning some attorneys who frequently litigate probate matters in Ventura County is post-trial motions. There has been some confusion and inconsistency when a case is assigned out to another courtroom for trial (i.e. “across the river”). Effective immediately, court staff will set a date in the civil department where the case was tried when the motion is presented for filing. To assist clerks, the court requests that attorneys add “POST TRIAL MOTION” in the caption and the courtroom number where the motion is to be heard. The clerks will then look for the next available date for that judge.

A slight exception regarding a motion for new trial: A hearing date will **not** be assigned when the motion is filed. Those items will be sent to the person responsible for calendaring within the trial courtroom, as Code of Civil Procedure section 660 sets the parameters for scheduling new trial hearings.

As of Jan. 1, 2018, new notice requirements took effect for Probate Code section 850 petitions, but the Judicial Council form has not yet been updated. To comply with the new notice requirements, it is necessary to manually insert the statutory language on to the Judicial Council notice form. (See, Prob. Code, §§ 851(c)(1),(3).) Without this additional language, the court will likely need to continue your 850 hearing, even if the petition itself would otherwise be approved.

You may want to review Jan. 1, 2019 updates to the Ventura County Superior Court Local Rules, several of which

affect the probate bar, including updates to our local Care Plan/Status Report (VN 233). Go to ventura.courts.ca.gov. Click on the “Court Resources” tab, then on “Local Rules.”

I hope this information is helpful and allows you to more effectively assist your clients. If you have a particular issue that needs to be addressed, please feel welcome to let me know.



Amber Rodriguez is the Chair of the Executive Committee for the Estate Planning and Probate section of the VCBA. Her practice focuses on probate and trust litigation and administration, estate planning and conservatorships. She can be reached at arodriguez@estateattorneycalifornia.com, or you can visit her website at estateattorneycalifornia.com.

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COMINGS AND GOINGS

Tyler Train and **Natalie Jay** are the most recent additions to Ferguson Case Orr Paterson, LLP’s letterhead. Train is a Pepperdine Law grad currently working on a master’s degree in biomedical engineering. Admitted to practice in California and before the United States Patent and Trademark Office and the Federal Circuit Court of Appeals, he will focus on patent prosecution and intellectual property litigation. Jay, who earned her J.D. at Harvard Law School, clerked for the U.S. Eighth Circuit Court of Appeals and then worked as a contract and cap specialist for the Brooklyn Nets before returning to Ventura County to practice law. She will focus on transactional matters and related litigation. Both can be reached at 805-659-6800.



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CONEJO FREE CLINIC WINS BIG GRANT

The Conejo Free Clinic Legal Clinic is honored to receive a first-time grant of \$10,000 from the American College of Bankruptcy Foundation in Virginia. This grant will support new attorney recruitment for the CFC's all-volunteer legal team, and bilingual bankruptcy and personal finance educational materials for clients.

"We are honored to receive this important new funding that will help us continue to strengthen our Legal Clinic program," said **Karen Oakman**, CFC Board member and Legal Clinic chair. "It will support our efforts to help our bankruptcy clients to better understand their rights, the legal process and to navigate the legal system."

The Conejo Free Clinic is a 501(c)(3) organization that has been serving low-income residents of Ventura County and

North Los Angeles County free of charge in most areas of the law, for 41 years. Numerous VCBA members are long-time dedicated CFC Legal Clinic volunteers. Visit online at www.conejofreeclinic.org.

In 2018, the American College of Bankruptcy Foundation awarded 48 pro bono grants to non-profit legal services in 27 states including the District of Columbia. Since 2013, over \$2 million in grants have been awarded. Visit online at www.americancollegeofbankruptcy.com.

To discuss attorney volunteer opportunities with the Conejo Free Clinic Legal Clinic, please call Oakman at Dion Law Group, 805-497-7474.

LAWYERS IN GOLD

Attorney Randy Schoenberg will be the special guest speaker at the 16th Annual Ventura County Jewish Film Festival's screening of *Woman in Gold*, on Sunday, Feb. 10, at 2 P.M. Following the film, Court of Appeal **Presiding Justice Arthur Gilbert**, who collaborated with Schoenberg on the *Republic of Austria v. Altmann* litigation, will join Schoenberg to talk about their work in preparation for the Altmann case as well as other issues surrounding recovery of stolen art.

Woman in Gold chronicles the story of Maria Altmann's attempts to reclaim her family's art, most particularly Gustav Klimt's spectacular portrait of Altmann's Aunt Adele Bloch-Bauer, stolen by the Nazis during World War II. Schoenberg, who represented Altmann and won her case in the 2004 Supreme Court hearing, was awarded California Lawyer's Attorney of the Year award in 2007 for outstanding achievement in litigation practice.

The event is open to the public. Ticket information is available on the Film Festival website, **VCJFF.org**. The Ventura location of the event will be announced on the website.

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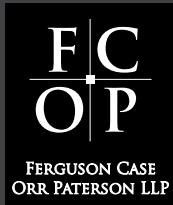
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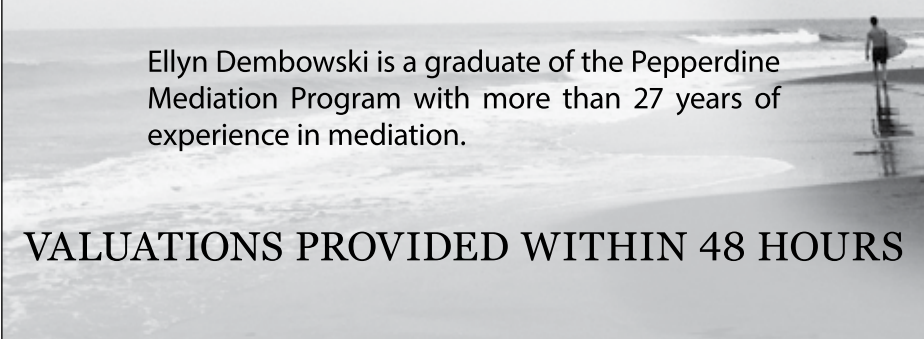
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BEEN A WILD RIDE...

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VCBA Board meetings – 336

VCBA Executive Committee meetings – 672

CITATIONS Editorial Board Meetings – 330

Annual Installation Dinners – 28

Nordman Award Recipients – 28

CITATIONS Exec's Dot...Dot...Dot... – 216 columns/ 216,000+/- words

VCBA Presidents served – 28

Board members served – 280

Inn of Court meetings – 192

VCLA, Inc. Presidents Served – 22

VCLA, Inc. Board meetings – 264

President of Executives of California Lawyers Association – 1996 and 2015

National Association of Bar Executives Board Member – 2000-2004

Tweets – 1,512

FB Posts – Hundreds

CLE Events – 2,640

THANKS TO THE 2018 AND 2019 BOARD OF DIRECTORS FOR THEIR INSIGHTS AND GENEROSITY. KUDOS TO **BART BLEUEL, WENDY LASCHER, J. ROGERMYERS & DENNIS LaROCHELLE**, WHO THOUGHT I'D ONLY BE HERE A COUPLE YEARS!

CITATIONS

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Name the Lehr Kid Contest#2!

We are expecting Child #11 on March 31st! I am offering one bottle of Sea Smoke **Ten** to the individual who emails me the most correct answers to the following questions **BEFORE** the baby's birth:



- 1)Date of actual birth? (10 points)
- 2)Name? (50 points)
- 3)Gender? (10 points)
- 4)Height ? (10 points)
- 5)Weight ? (20 points)



Rules: Only one winner. In the event of a tie, then Daniel Garcia will do a random drawing to determine the winner. If you actually help us pick the kid's name then you are likely to win. We currently have 7 girls and 3 boys. Wifey always has C-sections. If this contest violates some state law, then I will find another way to give you the bottle! **YOU MUST BE 21 or over to enter!** (P.S. We have truly run out of girl names, we need your help!)

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