



CITATIONS

AUGUST - TWO THOUSAND TWENTY FOUR



JUDGE NANCY L. AYERS RETIRES AFTER FIFTEEN YEARS OF DEDICATED SERVICE ON THE BENCH

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PRESIDENT'S MESSAGE

VCBA CHAMPIONS ACCESS TO JUSTICE

by Joshua S. Hopstone

One of the Ventura County Bar Association's paramount roles is to champion and support pro bono legal services within our community. Pro bono work stands as one of the most noble and vital traditions in the legal profession. By offering their expertise, pro bono attorneys can profoundly impact the lives of individuals who might otherwise be unable to defend or assert their legal rights. This dedication not only enhances access to justice but also fortifies the integrity and strength of our legal system as a whole.

It also is not optional – *not exactly*. Comment [5] to Rule 1.0 of the Rules of Professional Conduct (establishing that “these rules shall be binding on upon all lawyers”) emphasizes the responsibility of lawyers to ensure equal access to justice and encourages all attorneys to dedicate professional time and resources to this cause, with an aspiration to “render at least fifty hours of pro bono publico legal services per year,” primarily for the benefit of indigent individuals and nonprofit organizations dedicated to serving the poor or disadvantaged.

The Pro Bono Resolution of the State Bar of California reinforces this commitment by urging all attorneys in the state to “devote a reasonable amount of time, at least 50 hours per year, to provide or enable the direct delivery of legal services, without expectation of compensation other than reimbursement of expenses, to indigent individuals, or to not-for-profit organizations with a primary purpose of providing services to the poor or on behalf of the poor or disadvantaged, not-for-profit organizations with a purpose of improving the law and the legal system, or increasing access to justice.” The Resolution further “urges all attorneys and law firms to contribute financial support to not-for-profit organizations that provide free legal services to the poor, especially those attorneys who are precluded from directly rendering pro bono services.”

The California Legislature codified these professional obligations in 2008 through its enactment of Business and Professions Code section 6073, which provides that “Every lawyer authorized and privileged to practice law in California

is expected to make a contribution. In some circumstances, it may not be feasible for a lawyer to directly provide pro bono services. In those circumstances, a lawyer may instead fulfill his or her individual pro bono ethical commitment, in part, by providing financial support to organizations providing free legal services to persons of limited means.”

As attorneys practicing in Ventura County, we are fortunate to have a wide variety of outlets through which to fulfill these professional duties. Whether by volunteering your time in a clinic or contributing financially to one of the nonprofit legal services organizations described below, your assistance provides direct and meaningful impact to those most in need in our community.

Ventura County Legal Aid *vcla.org*

VCLA is widely known for the top-tier civil legal services it provides to low income and vulnerable residents of Ventura County. VCLA promotes equal access to justice through direct representation, legal advice, information, and educational outreach services which are offered at its law clinic and at the Family Justice Center located in Ventura. VCLA assists low-income residents with issues such as domestic and elder abuse, restraining orders, eviction protection, labor and employment, guardianship, divorce, contracts and other civil issues, and consumer protection. VCLA also collaborates with local attorneys who may provide direct pro bono representation to clients in certain cases. For years, VCLA has offered a free walk-in clinic that has assisted countless residents in a myriad of legal disputes. VCLA recently changed the time and location of the legal clinic, which is now held at The Colleges of Law from 5:00 pm to 7:00 pm on the first and third Tuesday of each month beginning September 17.

California Rural Legal Assistance *crla.org*

CRLA is a nonprofit law firm founded in 1966 to provide free civil legal services to low-income residents of California's rural counties, including Ventura County, from

its brick-and-mortar office in Oxnard. CRLA provides legal consultation and document assistance and occasionally direct representation of clients in wide ranging areas such as education, labor and employment, housing, health, and public benefits. As just one recent example of its wide reach, in June 2024, CRLA (in conjunction with its partner organizations) held a free legal clinic for criminal record expungement, part of a five-county mass record clearing campaign, at which volunteer attorneys assisted community members with preparing and filing their expungement petitions in the Ventura County Superior Court.

Free Clinic of Simi Valley *freeclinicsv.org*

The Free Clinic of Simi Valley has provided continuous charitable service since its establishment in 1971 as a nonprofit, volunteer-based community service organization. Its mission is to provide medical care, counseling, dental and legal assistance to individuals and families in need, regardless of their ability to pay. The Clinic's clients are the uninsured and the underserved, but it is open to providing services to all persons, regardless of age, ethnicity, religion or socioeconomic background who are unable to use traditional sources within the Simi Valley community.

Conejo Free Clinic *conejofreeclinic.org*

The Conejo Free Clinic has been providing free legal and medical services to those in Ventura County and northern Los Angeles County since it was founded in 1976. Its clients are the uninsured, underinsured, homeless, and those who “fall through the cracks,” – people who cannot qualify for public services yet cannot afford them on their own. The Clinic provides legal help with divorce, bankruptcy, child custody and other legal issues, as well as medical services such as clinics, immunization programs, anonymous HIV counseling and testing, and dental services. The Clinic is proud of the strong reputation it has developed for

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Swap Meet Justice is a citizenship and family resources fair held at the Oxnard College Marketplace on the last Sunday morning of each month. With an emphasis on immigration, volunteer lawyers and community members assist members of the public with completing applications for citizenship, DACA and green card renewals, as well as voter registration and Selective Service applications. The group also assists with other legal areas when possible, including family and domestic issues, labor and employment, and consumer protection. Additionally, the group has recently expanded to cooperate with the Ventura County Public Defender’s Office in offering a free criminal record expungement clinic, and with the Ventura County Department of Public Health to offer free testing, screenings and vaccinations.

The Mission Statement of the Ventura County Bar Association is “To promote legal excellence, high ethical standards and professional conduct of law; to improve access to legal services for all people in Ventura County; and to work to improve the administration of justice.” VCBA is dedicated to fulfilling this mission every day by supporting the pro bono legal services organizations operating within the County through communication, outreach, publicity and engagement. By fulfilling their ethical and professional obligations to contribute time and/or financial support to pro bono work, every attorney and law firm operating within the county can help to improve access to justice for those in need.


Warning!

Dear Counsel,

Does your client or their family member have possible criminal exposure they may be unaware of? Don’t wait until a criminal complaint or indictment has been filed. Be fully advised on the procedures and possible consequences your client may be facing because it could impact your case.

You and your client can meet with a criminal attorney and former Deputy District Attorney with over 30 years of experience in the practice of criminal law in California, for a free consultation.

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VENTURA COUNTY UNITY BAR HOLDS INAUGURAL EVENT AT VENTURA CITY HALL

By Monique L. Fierro and Vanessa B. Valdez, Esq.



On July 12, 2024, the Ventura County Unity Bar (“VCUB”) held its Inaugural Event at the historic Ventura City Hall. Attended by judges, justices, lawyers, and community members from all over the state, diverse legal minds met in unity to celebrate the efforts to increase the number of diverse judges statewide and in Ventura County.

The event kicked off with a reception at Myers, Widders, Gibson, Jones and Feingold, LLP before moving to City Hall. Guests were invited to enjoy food catered by Ottavio’s, while grooving to the music provided by local band, Deep Cover, which included **Judge Ferdinand “Dino” Inumerable** on drums, Bobby Apostol on guitar, Todd Matheson on bass guitar, Heather Wynalda on vocals and Carlos Costa covering on keys for **Commissioner Dusty Kawai**. The band also welcomed guest guitarist **Judge Matthew Guasco** and **Judge Julia Snyder** for a surprise-guest performance of Corey Hart’s “Sunglasses at Night.”

Halfway through the festivities, the crowd was directed inside for a presentation and judges’ panel.

Welcomed by **Jill Friedman**, a founding member and former chair of the Ventura County Diversity Bar Alliance (“VCDBA”) and member of the VCUB, she explained the history of the VCDBA which has been comprised of each of the diversity bar associations in Ventura County, including Women Lawyers of Ventura County (“WLVC”), Ventura County Asian American Bar Association, SOGI, Black Lawyers Association, and the Latinx Bar Association.

She explained that in November 2023, the VCDBA voted to become the VCUB. The decision to become a unity bar was a thoughtful and deliberate decision to join the statewide effort to help ensure that the judiciary reflects the rich diversity of California. The VCUB mission is to advance and empower, through advocacy and education, all those who have been historically underrepresented and disenfranchised in the legal profession and in the judiciary, thereby increasing access to and confidence in the judicial system.

Reminding the audience that the Governor cannot appoint diverse judges to the bench if diverse applicants do not apply,



Ms. Friedman introduced Deputy Judicial Appointments Secretary, Adam Hofmann to conduct the judges panel to discuss the application process.

The panel included Ventura County Superior Court judges including the **Honorable Ethel Hernandez** and the **Honorable Dana Caudill**, along with **Presiding Judge Kevin DeNoce** and the guest of honor, Judicial Appointments Secretary Luis Céspedes.

The empowering conversation highlighted the importance of not succumbing to imposter syndrome that may make us doubt our abilities and hinder qualified lawyers to apply to become a judge. Luis Céspedes reminded everyone that attorneys have always been at the forefront and an integral section of society fighting for civil and human rights. We are uniquely qualified to serve our community and must continue to do so.

The VCUB encourages diverse attorneys to join their local judicial mentoring programs to be assigned a judge for help with the application process, and to apply before August 2025 to get your application in the pipeline for Governor Newsom's team to review.

The VCUB sincerely thanks each and every one of those who attended the event. Your support warms our hearts because it means we are not alone.

We are not alone in standing up for, in advocating for, and in fighting for diversity, equity belonging and inclusion on the bench and in the legal profession throughout the state, but particularly here in our own beloved Ventura community.

A very special shout out and huge thank you to our sponsors without whom the event would not have been possible.

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We cannot say "thank you" enough.

We greatly appreciate the generosity of our sponsors and those of you who

chose to donate. The event proceeds, approximately \$2,000.00, will go toward the 2024 WLVC Mary Sullivan Scholarship Award. The award will be given to one or more law students or recent law school graduates with strong ties to Ventura County, commitment to public interest work and advancing the interests of women/girls, and whom have financial need, but who also exemplify compassion, dignity, and excellence in the pursuit of their future legal careers.

VCUB looks forward to a bright future advocating for equity, diversity and inclusion in the legal profession and in the judiciary. Visit our website at vcub.org to learn more and stay connected.



Monique L. Fierro

is a civil litigation attorney at Myers, Widders, Gibson, Jones & Feingold, LLP specializing in civil rights, personal injury, employment and education law.

JUDGE NANCY L. AYERS RETIRES AFTER FIFTEEN YEARS OF DEDICATED SERVICE ON THE BENCH

By Christal Porter

Who is Judge Nancy L. Ayers?

It is very rare that you meet someone with equal levels of grit, determination, and compassion. **Judge Nancy L. Ayers** is one of those unique people who is, among other things, fierce but friendly, strong but empathetic, opinionated but understanding, passionate but measured, and determined but considerate. Her balanced qualities have guided her during her fifteen years of service as a Judge for the Ventura County criminal courts. Judge Ayers joined the Ventura County legal community in 1984 as a Deputy District Attorney. After twenty-five years as a prosecutor (two of those years in Fresno County), Judge Ayers was appointed to the Ventura County Superior Court in 2009 by the former Governor Arnold Schwarzenegger. (*Read more about Judge Ayers' legal professional journey in the July 2012 issue of Citations*) Judge Ayers retires from the bench effective August 15th.

Contemplations of Time on the Bench

During her fifteen years on the bench, Judge Ayers has experienced working with and learning from wonderful colleagues. Serving on the bench proved to be an interesting job for her and one that always presented new things to learn. Judge Ayers expressed, as attributed by **Judge Patricia Murphy (ret.)**, that service on the bench is not a job for the faint of heart. Serving as a judge proves to place limitations on personal and political associations and may require the severance of existing friendships. Judge Ayers has carried the weight of decisions that need to be made in the courtroom while facing the reality that she would not be able to make everyone happy or whole again. She has grappled with the hard reality that even as a judge, there were some occurrences and consequences from people's decisions that she could not fix and the choices she had available to remedy or rectify them seemed insufficient. Judge Ayers' time on the bench has increased her patience and ability to be objective. After spending close to forty years in criminal law, Judge Ayers opines that the area of criminal practice is interesting, evolving, and intriguing with an admirable end goal – justice.

Judge Ayers' Thoughts on Best Practices

Be prepared. Read documents ahead of the hearing time, know what options are available and what outcomes you want – before the hearing. Talk to other counsel to know what to expect. Ventura is an accommodating local bar and attorneys tend to be willing to help each other.

Don't be so adversarial. Don't be so demanding. There is a lot of room to work things out. Working well with opposing counsel often leads to better outcomes for both sides and gets things done a lot faster. Most cases shouldn't be all or nothing.

Reputation is easily won and hard to get rid of. A good reputation will proceed you. Be forthcoming. Don't be rude. Be respectful to fellow attorneys and the Court.

What's Next for Judge Ayers?

Judge Ayers has been in the workforce since the age of 13. She is ready to chill and relax, at least for the first six months of retirement. At this time, Judge Ayers does not have a desire to continue practicing law but knows that the options are limitless for how she can spend her time in this new chapter of her life. Some of Judge Ayers' hobbies include caring for her beautiful dogs (Pepper Grace, Willa, and Arlo), antique collections, fleece knitting, estate sales, auctions, sewing, and gardening.

Warm Wishes & Reflections from the Bar

"Judge Ayers was my chambers mate for several years during my time in a criminal assignment and we became good friends at that time. I fondly remember being an "uncle" to some of the guide dogs she was raising and training, enjoying their morning greetings and kisses. Judge Ayers always had a kind smile, helped me with difficult sentencing decisions, and was a fun lunch buddy. I wish her the best in her hard-earned retirement. The residents of Ventura County are better off because of her selfless service as a judge." **Judge Roger L. Lund**

"I was involved in a ten-week complex fraud jury trial with Judge Ayers. Judge Ayers read everything the attorneys wrote and by the end of the case, she knew the case better than we did. That trial stretched from Thanksgiving into January. Due to frequent bench conferences, we had swapped multiple viruses between counsel and the court. I was sick and running on fumes by the end. While defense counsel was extremely professional, his client sought every advantage. One of those was frequently asking me to repeat questions or reread an exhibit that was displayed because she "could not see it." I objected to the practice, understanding that most judges would not become involved. I was pleasantly surprised that Judge Ayers was, as usual, two steps ahead of me and had been keeping notes on this practice. Objection sustained." **Howard Wise, Senior Deputy District Attorney**

"I conducted my third ever jury trial with Judge Ayers in March 2013. It was a misdemeanor possession of a controlled substance case. Given my inexperience, I asked if she would meet with me after the trial to give me her insight. Judge Ayers agreed and was so encouraging and friendly. She gave me advice that I carried with me throughout my career. She said that she noticed I could be soft-spoken and she said there was nothing wrong with being a soft-spoken prosecutor, because she was a soft-spoken prosecutor before becoming a judge. She then said, just make sure you remain assertive so people don't mistake being a soft-spoken woman prosecutor with being a pushover. She went on to explain how sometimes, in the law, people who weren't the loudest voice in the room, particularly women, can be mistaken as timid or uninformed but make sure when I speak, people listen. I'm grateful she took the time to speak with me and encouraged me that I could find success while remaining true to who I am." **Amber Lee, Senior Deputy District Attorney**

"Thank you for the many years of service you have given to our community. I had the good fortune to have worked with you both as an attorney and a judge. You have been a mentor and a friend. I wish you all the best." **Judge Gilbert A. Romero**

“Judge Ayers inspires me with her composed, no-nonsense manner, her wisdom and her dedication to the court. She has served our community with both true heart and pragmatism, harmonizing compassion with neutrality. Her retirement is an incredible loss for us all. Thank you for being a friend and mentor; we will miss you, Judge Ayers!” **Judge Ronda McKaig**

“For most criminal judges and attorneys alike, mornings in courtroom 13 are foreign in nature. Depending on the morning, the types of mental health proceedings vary. Mental Health Diversion is different than Mental Health Court. Felony competency proceedings are different than misdemeanor competency proceedings. Accordingly, if another judge was covering for Judge Ayers, the combination of foreign subject matter along with varying procedures resulted in matters being continued out instead of being acted on substantively; and by just continuing matters out in her absence, what her job entailed was underappreciated.

What I will miss most about Judge Ayers is her passion for the subject matter. It takes a special person to be the mental health judge and Judge Ayers was that person. She thought about the victims, she thought about the defendants, and she thought about our community. Judge Ayers understood that there is a time for everything: a time for leniency and a time for protection, a time to encourage and a time to reprimand, a time for second chances and a time for termination.

While I did not always agree with Judge Ayers, she always had my respect due to her preparedness and dedication to making informed decisions. Before every ruling, she read everything; motions, doctors reports, case law, you name it. Not only would she read everything, but if you ever needed to borrow the court’s copy, you would see highlights and handwritten notes all throughout her documents which was a testament to her passion; and by reading everything, Judge Ayers understood the big picture.

Judge Ayers, while you had what may have felt like a thankless job for many years in 13, I noticed you, I appreciated you and I thank you.” **Chelsea Noble, Senior Deputy District Attorney**

Judge Ayers has left a positive impact on the Ventura County legal community and her presence at the Ventura Hall of Justice courthouse will surely be missed. We wish you the best in your next new season!



Christal Porter is an attorney with Rodnunsky & Associates, practicing in the areas of trust and estate litigation and estate planning. She can be reached at the office at (818) 737-1090.



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Our Attorneys

Dee Dinnie, Managing Attorney
dee.dinnie@ventura.org

Jim Allen, Senior Child Support Attorney
jim.allen@ventura.org

Michael Marcelo, Senior Child Support Attorney
michael.marcelo@ventura.org

Elina Avagimova, Child Support Attorney
elina.avagimova@ventura.org

About Us

Our mission is to ensure children receive consistent financial and emotional support from both parents. We have a dedicated team of professionals that guide each family through the child support process, from case establishment to case closure. Let's work together to transform lives through the true power of child support.



Need to reach out to your colleagues and rely on their experiences?

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The ListServe is intended to facilitate communication among its members by providing an opportunity to post a query on a substantive or procedural issue. Once you send an email, every member on that specific list will receive the message. To protect the ListServe participants from spam or other unwanted solicitation, you can only send messages using the email in your VCBA Profile. Otherwise, it will automatically be rejected. Members are automatically added based off your Areas of Practice and VCBA Sections you belong to. **If you do not belong to that group email, the system will not allow you to use it.**

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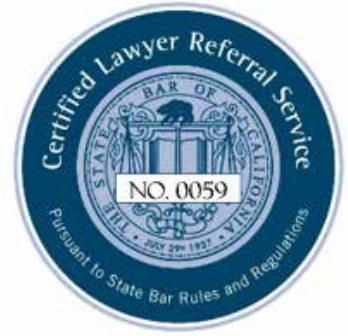
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Judge Jeffrey G. Bennett retired on July 12, 2024, from the Superior Court of California, County of Ventura after more than 15 years of service. Judge Bennett was elected as Judge of the Ventura Superior Court on June 3, 2008, and was administered the oath of office on January 5, 2009, filling the vacancy created by the retirement of **Judge Bruce A. Clark**. During his tenure, Judge Bennett was assigned to civil, criminal and juvenile matters.

Before he joined the Ventura Superior Court, Judge Bennett served as Chief Deputy of the Ventura County District Attorney's Special Prosecutions Division beginning in 2002. Prior to that, he served as a Chief Deputy District Attorney of the Child Support Operations and Administration Division beginning in 1999. From May 1994 through 1998, he was Chief Deputy District Attorney in charge of the Bureau of Investigation. He also managed the Major Fraud Unit. He joined the Ventura County District Attorney's Office in January 1989 as a Deputy District Attorney and became the Major Fraud Supervisor in 1993. He is also a former University of California Police officer and Sacramento County deputy sheriff.

Judge Bennett has served as an Adjunct Professor at Ventura College of Law, as well as serving as a committee member for the Santa Barbara & Ventura Colleges of Law's Compensation & Benefits Oversight Committee.

Judge Bennett earned his Bachelor of Arts degree from California State University Sacramento (1978) and his Juris Doctorate degree from Santa Barbara College of Law (1988).


"It has been my great honor to have served the People of the State of California for over forty-five years" said Judge Bennett.

Ventura County Legal Aid to Receive IOLTA Funding in 2025.

Beginning in 2025, Ventura County Legal Aid (VCLA) will receive IOLTA funding. The funds will provide additional resources for VCLA's mission to serve indigent Ventura county residents and their families. IOLTA approval also designates VCLA as a Qualified Legal Services Provider (QLSP), opening the door for additional grant opportunities and participation in the State Bar's Pro Bono Practice Program. The program allows qualifying legal services organizations to "sponsor" emeritus attorneys who limit their practice to pro bono work, so they do not have to pay annual bar dues.



Steven Trolard, a Ventura College of Law alumnus, passed away on February 11, 2024. Steven practiced with his loving wife and effervescent paralegal Jubilee in the County for over 25 years. Jubilee passed just days before Steven. Please contact CITATIONS with any memories of Steven and Jubilee you'd like to share for an upcoming obituary.



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