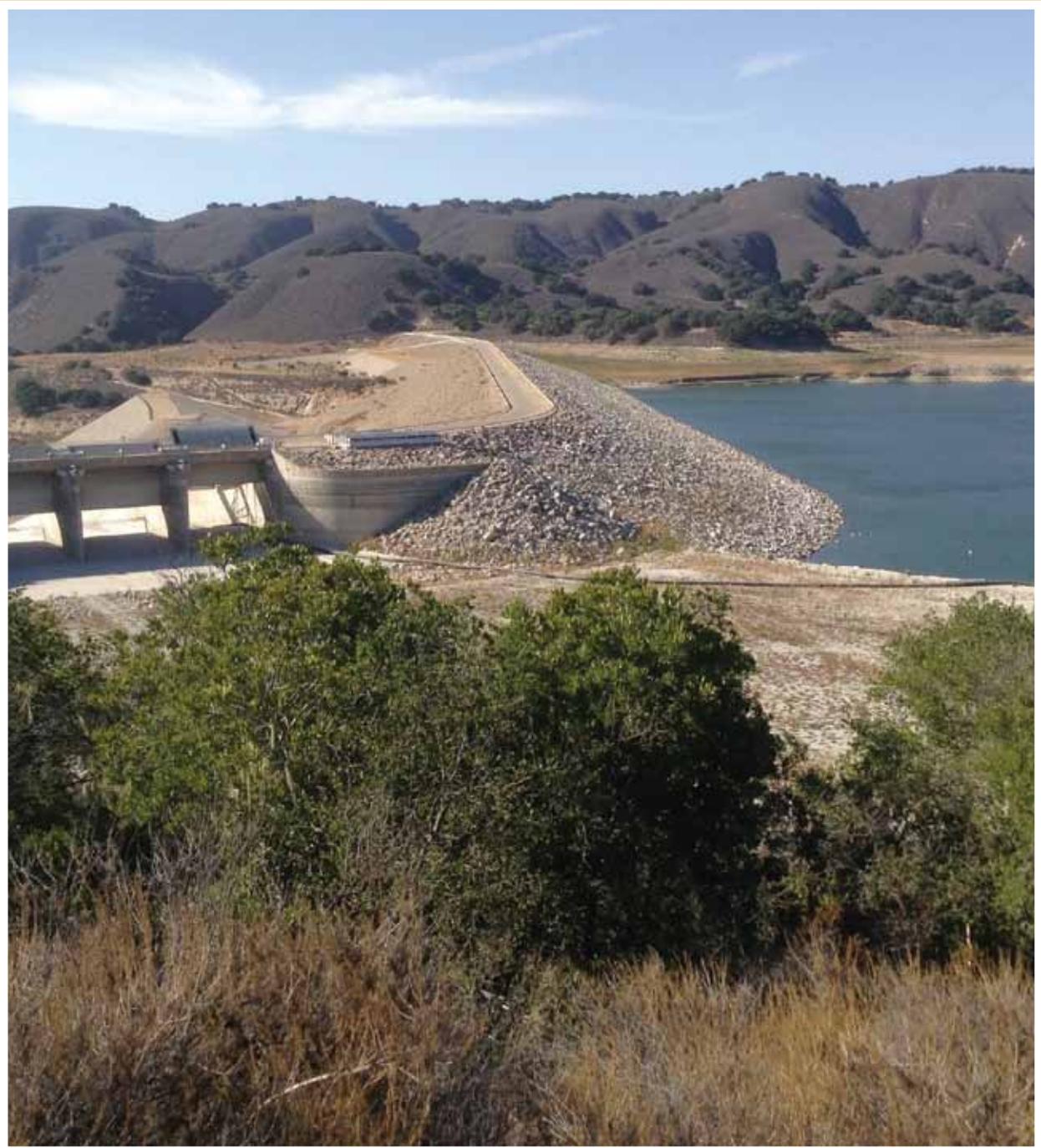


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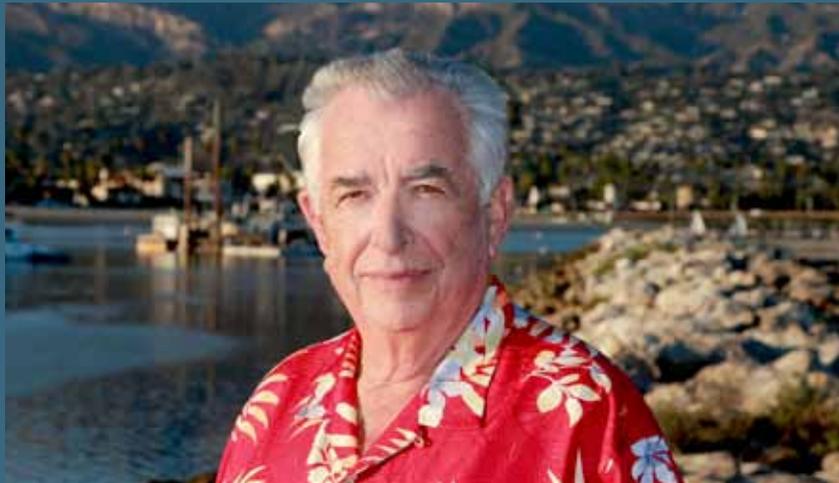
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The spillway at Lake Cachuma sits high and dry, in silent testimony to the severity of the current drought. Photo courtesy of Tom Hinshaw.



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Frank Ochoa Retires

BY SCOTT CAMPBELL & CLAUDE DORAIS



Honorable Frank J. Ochoa

The Honorable Frank J. Ochoa is retiring, effective January 5, 2015. If we are lucky, he may come back from time to time to sit on assignment.

Born and raised in Long Beach, Judge Ochoa came to Santa Barbara initially as a student. Not surprisingly, he thought this community might be a good place for a career. After graduating from UCSB in 1972, with degrees in English and History, he attended the then-new UC Law School at Davis, graduating in 1975.

In an experience many who came to maturity in that era share, the turmoil of the late 1960's and into the 1970's had an impact on him. The assassinations of Martin Luther King, Jr., and Robert Kennedy, the agony of the Vietnam War, the Watergate scandal, and the subsequent resignation of the sitting President - all contributed to his decision to turn to the law as an instrument of change and improvement. In his own words, "Our legal system holds us together as Americans."

On graduation from law school and after passing the Bar, Judge Ochoa was attracted to civil rights law. He started with an office providing rural legal services for the poor, and advanced rapidly. Within a year of passing the bar, Judge Ochoa was running the Yolo County office of Legal Services of Northern California, handling federal court trials and state and federal appeals on his own (he argued in the state Court of Appeal three times that first year), and supervising other attorneys and staff. While there, he was involved in some of the key civil rights cases of the era, among them (*Hennagin v. County of Yolo*) (481 F. Supp. 923), (*Vaughn v. Regents, of the University of California*) (504 F. Supp. 1349), and (*Driskill v. Woods*) (70 Cal. App. 3rd 622). He also wrote portions of briefs on behalf of national Civil Rights organizations in the case of *Regents v. Bakke*.

Ochoa returned to Santa Barbara to take the position of Executive Director of the Legal Aid Foundation of Santa Barbara County, a position he held from 1980-1983.

The rapid professional pace continued when Judge Ochoa took the bench at age 32, the youngest Chicano bench officer in modern California history, and the first Spanish

surnamed judge in Santa Barbara County in over 100 years. Starting on the Municipal Court in 1983, he was elected to the Superior Court in 1997. During his 32 years on the bench, Judge Ochoa has also served a Justice Pro Tem on the California Court of Appeal, as a Special Master for the Commission on Judicial Performance, and in various capacities in the California Judges Association and the California Judicial Council.

Throughout his judicial career, Judge Ochoa has found time to serve the community in additional ways. To name just a few, he has taught "Law and Civil Rights" in the Chicana/o Studies Department at UCSB, and has taught, served on the Board, and served as Board President at the Santa Barbara College of Law (which he was instrumental in keeping from impending demise during a State of California receivership action in the 1980's), founded the Latina/o Lawyers Association of Santa Barbara, served on the Board of Old Spanish Days, provided Board service for the Alumni Associations of UCSB and UC Davis' King Hall School of Law, served as a founding trustee of the Santa Barbara Courthouse Legacy Foundation, served on the Santa Barbara Community Action Commission and as Judicial Coordinator for the Santa Barbara County High Schools Mock Trial Competition. He was also Honorary El Presidente for the 1987 Fiesta, and, for many years, has co-hosted Noches de Ronda in the courthouse Sunken Gardens with his wife, Paula Lopez.

During his career, Judge Ochoa has been keenly aware of the need to provide the opportunity to resolve cases before trial. He feels there are windows of opportunity to settle most cases and they occur at the very beginning of a case and just before trial, provided the mechanism exists to provide the context to fully explore the possible resolution.

Judge Ochoa was the main force in creating and implementing the CADRe program. He also feels that judges benefit from training to enhance their skills in making settlements happen and he has taken the Straus mediation training program at Pepperdine University School of Law.

Judge Ochoa has also championed innovations such as both adult and juvenile drug courts and other courts focused on helping offenders break the cycle of repeat offenses.

In recognition of his achievements, Judge Ochoa has received numerous honors and awards, among them: the Santa Barbara County Bar Association's John T. Rickard (who Ochoa considers a judicial model and mentor) Judicial Service Award (2012) and President's Judicial Award (1999), the Legal Aid Foundation of Santa Barbara County's Hero for Justice Award (2011), the Influential Latino award from *Latino Today Magazine*, Judge of the Year from the Southern California Mediation Association (2000), the UC Davis King

Hall School of Law Distinguished Alumni Award (2000), the Dyslexia Awareness & Resource Center's Vision and Task Award (1998), and the Santa Barbara Mental Health Association's Leadership in Public Policy Award.

Having spent most of his career on the bench in the criminal courts, Judge Ochoa has been keenly aware of the tension between the need for such courts to move many cases through the system, while at the same time providing individual attention and justice in each particular case. One of the things he is looking forward to in the next phase of his life, whether sitting by assignment or serving as a private mediator or judge, is the chance to work on one case at a time. ■

Scott Campbell is a member of the Board and the President of the Santa Barbara County Bar Association; Claude Dorais is a member of the Board and Editor of Santa Barbara Lawyer.

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Grandparents Have Visitation Rights, Too

(Family Code Section 3102)

BY STEPHEN E. PENNER, ESQ., AND NOEL E. GARCIA, J.D.

This article focuses on Family Code Section 3102, which allows the grandparent of a minor child, whose biological parent is deceased, to bring a petition for visitation with the minor children. The court may grant visitation to the grandparent upon finding that grandparent visitation is in the best interests of the minor children. The court may grant grandparent visitation over the surviving parent's objections, upon finding that the surviving parent is not acting in the children's best interests in denying visitation.

In *Troxel v Granville*¹ the U.S. Supreme Court found that parents are presumed to be acting in their children's best interests when making decisions concerning the children's upbringing. The same presumption applies to a surviving parent under Family Code Section 3102. This presumption may be rebutted by showing that a parent is using spite or selfish reasons for objecting to grandparent visitation, or when the surviving parent concedes that the requested grandparent visitation would be in the best interests of the children.

When a grandparent files a Petition for Grandparent Visitation under Family Code Section 3102, a parent must first be given the opportunity to negotiate their own visitation plan before a court may intervene. Any offers of visitation made by the surviving parent to the grandparent must be meaningful. A court may still intervene and order grandparent visitation over a surviving parent's objections when the offers of visitation are not found to be meaningful, or if it is determined that the parent may not follow through with the offer of visitation.

A court may also intervene and order grandparent visitation over a surviving parent's objections if the grandparent rebuts the presumption that the surviving parent is acting in the children's best interests when denying visitation to the grandparent. This presumption can be rebutted by showing "detriment" to the children if visitations do not occur.

A grandparent who brings a request for grandparent visitation order under Family Code Section 3102 need not prove the existence of a prior relationship with the minor

children which engendered a bond that would render grandparent visitation as being in the best interests of the minor children.

A PARENT'S RIGHTS TO RAISE THEIR CHILDREN AS THEY SEE FIT IS NOT ABSOLUTE AND A COURT MAY ORDER GRANDPARENT VISITATION OVER A FIT PARENT'S OBJECTIONS.

"[T]he Due Process Clause of the Fourteenth Amendment protects the fundamental right of parents to make decisions concerning the care, custody, and control of their children" as stated in *Troxel v. Granville*.² "Although the fundamental right of parents to make decisions regarding the care, custody, and control of their children requires the court to give the decisions of fit parents special weight, it does not necessarily preclude a court from ordering visitation over the parents' objection" according to *Fenn v. Sherriff*.³

The *Fenn* court ruled that a parent's decisions "about whether and under what conditions [grandparents] should have visitation with [their] grandchildren is entitled to 'special weight' under *Troxel*...but no more".⁴ Despite a parent's objections, grandparents may be granted court-ordered visitation with grandchildren "upon a proper showing" under *Rich v. Thatcher*.⁵

A PARENT IS NOT ACTING IN THE BEST INTERESTS OF THE MINOR CHILDREN WHEN USING "SPITE" TOWARD GRANDPARENTS AS JUSTIFICATION FOR WITHHOLDING VISITATION.

In analyzing whether grandparent visitation is proper under section 3102, subdivision (a), the court must start with the presumption that a fit parent acts in the best interests of their children. While "*Troxel* commands the courts to presume that the surviving parent's objection to grandparent visitation is in the best interest of the children... this does not mean that the surviving parent is free to use the denial of visitation as Big Bertha in his or her own personal war with the grandparent" according to the decision in *Hoag v. Diedjomahor*.⁶

A parent's objections to grandparent visitation must "arise out of a genuine concern for the best interest of the children," as required by the *Hoag* court, otherwise the court may intervene and order grandparent visitation despite the parent's objection.

THE PRESUMPTION THAT A SURVIVING PARENT IS ACTING IN THE BEST INTERESTS OF THEIR CHILDREN WHEN OBJECTING TO COURT ORDERED GRANDPARENT VISITATION IS OVERCOME WHEN THE PARENT CONCEDES THAT SUCH VISITATION WOULD BE IN

THE BEST INTERESTS OF THE CHILDREN.

Oftentimes a parent will testify that he/she does not have some built-in objection to the concept of grandparent visitation in order to appear reasonable in the eyes of the court, while at the same time asserting that court intervention into what is a family matter, not a legal matter, is unnecessary.

In the case of *Hoag v. Diedjomahor*, the surviving parent testified that grandparent visitation was in the best interests of his children, that he would allow voluntary visitation with the grandmother, and that he was only opposed to court-ordered visitation. The court in the *Hoag* case ruled that the presumption that the father was acting in the best interests of his children in objecting to court-ordered visitation was rebutted because the parent “conceded that visitation with the grandmother would be in the best interest of the children. He merely argued that court-ordered visitation would be detrimental.” The father never testified as to “why he objected to court-ordered visitation, even though he was supposedly willing to allow visitation voluntarily.”⁷

If a parent has conceded that it would be in the best interests of the children to have visitation with grandparents and is not objecting to grandparent visitation, per se, but only to court-ordered grandparent visitation, the court may find that the presumption that the parent is acting in the best interests of the children has been rebutted. The court may order grandparent visitation over the parent’s objection.

A PARENT THAT DOES NOT OFFER MEANINGFUL VISITATION TO THE GRANDPARENT MAY JUSTIFY COURT INTERVENTION TO ENSURE THAT THE MINOR CHILDREN HAVE ACCESS TO GRANDPARENT VISITATION.

If a parent reserves the right to grant or deny grandparent visitation only when he/she feels it is appropriate, then meaningful visitation for the grandparents has been withheld and the grandparents may seek court intervention.

Troxel’s “emphasis on a parent’s voluntary efforts for visitation [means] that before a court may intervene, the parent must be given an opportunity to voluntarily negotiate a visitation plan” as required under *Punsly v. Ho*.⁸

According to *Fenn v. Sherriff*, “[i]t does not follow, however, that the decision of a fit parent to allow some amount of grandparent visitation, however small and under whatever circumstances, necessarily renders imposition of any court-ordered visitation unconstitutional as a matter of law regardless of any other facts or circumstances.”⁹ Only offers of “meaningful visitation” must be accorded “‘significant weight’ in determining whether intervention by the court would be constitutional.”¹⁰

GRANDPARENTS MUST ESTABLISH THAT DENYING GRANDPARENT VISITATION WOULD BE DETRIMENTAL TO THE CHILDREN BECAUSE THEIR SOCIO-EMOTIONAL DEVELOPMENT AND MEMORY DEVELOPMENT MAY BE HAMPERED IF SUCH VISITATION DOES NOT OCCUR.

This is where expert testimony may be most helpful. For example, the proper expert could effectively testify that it would be positive for the children to have visitation with the grandparents in order to hear stories about their deceased parent growing up. Also, interaction with the grandparents would be important for the children’s socio-emotional development, and help the grandchildren develop their own personal narrative over time from hearing stories about their deceased parent. Experts may testify that, in their clinical opinion, it would be developmentally beneficial for grandchildren to have visitation with grandparents; such that denial of contact with grandparents could result in a risk that the children will fill in gaps of information with misinformation that comes with one parent being gone, thus resulting in inaccuracies and fears which could become a future problem for the children, when alternately the grandparents could fill in these gaps with information about the deceased parent that only they would know, thereby helping to accurately fill-in these development gaps for the benefit of the grandchildren whose parent had died.

Such evidence will help the court find that the grandparents have rebutted the presumption that grandparent visitation is not in the children’s best interest, and demonstrate by clear and convincing evidence that denying grandparent visitation would be detrimental to the grandchildren.

If the parent is not acting in the children’s best interests by objecting to grandparent visitation, then the court may intervene. When rendering a decision on grandparent visitation under Family Code Section 3102, the court must take into account all factors to overcome the presumption that a fit parent is acting in the best interest of his/her children. ■

ENDNOTES

- 1 *Troxel v. Granville*, 530 U.S. 57 (2000)
- 2 *Id.*
- 3 *Fenn v. Sherriff*, 109 Cal.App.4th 1466 (2003)
- 4 *Id.* at p.195
- 5 *Rice v. Thatcher*, 200 Cal.App.4th 1176 (2011)
- 6 *Hoag v. Diedjomahor*, 200 Cal.App.4th 1008 (2011)
- 7 *Id.* at p. 1019
- 8 *Punsly v Ho*, 87 Cal.App.4th 1099 (2001)
- 9 *Fenn, supra* at pp.1482-1483
- 10 *Id.* at 1484.

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Posttraumatic Stress Disorder

BY RENEE J. NORDSTRAND

Lawyers in a variety of practice areas have likely represented clients who experience Posttraumatic Stress Disorder (PTSD) and other psychiatric conditions. PTSD is a mental health condition that is triggered by experiencing or witnessing a tragic event.

The question arises: How do attorneys deal with damage claims for a client's mental health issues, such as PTSD?

Determining whether to claim psychiatric injuries is a judgment call because it opens the door to inquiry about the client's past mental health history. If the client has preexisting issues, this may be a subject better left undiscovered. However, oftentimes a client with underlying psychiatric conditions may experience an exacerbation of emotional distress injuries, which may greatly affect their damage claims.

Recognizing a client with underlying psychiatric conditions may be the first step in getting clients diagnosed and treated and may increase the value of their case.

Our office represented a woman in her 60's in a dog mauling case. A 75 pound pit bull/mastiff mix bit her lower leg, pulling and tugging on it on while she clung to a post, fearing for her life. She suffered a painful injury with some tissue loss and scarring. Our client also suffered mentally; she was distressed due to the attack but also because she felt ignored. For months before the dog attack she had complained to her apartment manager about the aggressive dog and the cavalier attitude of the dog's owner, who lived next door and allowed the dog to run free.

After the mauling, our client became withdrawn, and experienced sleep disturbance and depression. After a year she quit her job and moved out of the state, only to move home again months later. She became deathly afraid of dogs and rarely left home.

At the binding arbitration our expert testified that our client was vulnerable to being devalued and that the dog attack was a substantial factor in causing her adjustment disorder with anxiety, depression, and PTSD. He also testified that her past vulnerabilities left her less resilient. He proposed a treatment plan for her. Based on that information the ar-

bitrator awarded my client general damages ten times greater than her special damages.

Below is an overview of how to recognize a person suffering from PTSD and treatment sources.

Causes of PTSD

A person can develop PTSD when they go through, see, or learn about a horrific event involving actual or threatened death, such as combat; a motor vehicle accident; dog bite; childhood neglect, abuse, or sexual violation; physical attack; being threatened with a weapon; fire; natural disaster; plane crash; or life-threatening medical diagnosis.

Doctors are not sure why some people get PTSD. As with most mental health problems, PTSD is probably caused by a complex mix of:

- Inherited mental health risks, such as an increased risk of anxiety and depression
- Life experiences, including the amount and severity of trauma endured since early childhood
- Inherited aspects of personality — often called temperament
- The way the brain regulates the chemicals and hormones our bodies release in response to stress

Symptoms

Post-traumatic stress disorder symptoms may start within three months of a traumatic event, but sometimes symptoms may not appear until years after the event. These symptoms cause significant problems in social or work situations and in relationships.

PTSD symptoms are generally grouped into four types: intrusive memories, avoidance, negative changes in thinking and mood, or changes in emotional reactions.

Intrusive memories

Symptoms of intrusive memories may include:

- Recurrent, unwanted distressing memories of the traumatic event
- Reliving the traumatic event as if it were happening again (flashbacks)



Renee J. Nordstrand

Continued on page 15

Dearly Departed: Remembering Our Colleagues

BY PETE UMOFF

This is the fourth installment in *Santa Barbara Lawyer's* "Dearly Departed" series, an in memoriam series remembering some of our fallen comrades. We appreciate the very positive responses we have received, both from members of the Bar and from family members, and we urge others to take up the pen and remember those friends and colleagues who have gone before.

Judge William McLafferty

I did not know Judge McLafferty well, but because of the Inns of Court I gained insight into some aspects of his character that I would like to share.

For those readers who do not know (and with the indulgence of those who do), the Inns of Court is an educational institution which brings lawyers and judges together once a month for dinner, social interaction, and education. The Inns of Court, through groupings of judges and lawyers

of differing experience levels (called "pupilages"), gives judges and lawyers an opportunity to work together to educate themselves and their colleagues on a wide variety of subjects within the legal field, provides mentoring opportunities for young and old alike, and allows the bench and the bar to get to know one another through working together in a collegial setting of educational and entertaining presentations to the group at large. It is one of the best ways we have to interact with our fellow lawyers and, more importantly, with our local judges.

I had the good fortune to be in Judge McLafferty's pupillage several years ago. In the course of close group interaction over a period of several months, I learned several things about him. The first thing I learned was that he loved a good musical. In fact, under his guidance our pupillage presented the first, and as far as I know, the only musical presentation of an educational program in the history of the Inns, a take-off on *Guys and Dolls*. As was appropriate and befitting to both his stature and his knowledge, Judge McLafferty was the director and the rest of us were assigned roles in keeping with our own proclivities. We had a surprisingly talented group and under Judge McLafferty's tutelage we put on an entertaining and enlightening program. Aside from that, however, what struck me was the Judge's passion for the project. He put in long hours in script writing and directing, had us do multiple takes, and even arranged for location shoots when he felt our original "set" simply was not suitable for the material. He demanded a lot from us and even more from himself. He was a man who believed in the old adage that "A thing worth doing is worth doing well." Bear in mind that our's was an unusual and potentially disastrously embarrassing undertaking. Judge McLafferty was determined to make our production and presentation as good as it could be and under no circumstances was he going to allow it to be an embarrassment to us all. Humorous, yes. Mildly embarrassing, how could it not be? But an embarrassment? Not a chance. For that we were all grateful.

More importantly, he did it all with good humor. There was never a rehearsal or a taping or a meeting that was not conducted with humor, no matter how hard we worked, no matter how long it took, no matter whether it was the first take or the fifth. I have always considered it the mark of a great man to give more of yourself than you demand of others, while demanding of them more than they might otherwise give. Fittingly, the Inns of Court created the J. William McLafferty Award for Excellence for the Most Theatrical, Entertaining, and Educational Presentation in his honor.

I also learned through this process that Judge McLafferty was a happily devoted family man. During this time



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his own son was involved in a musical production at San Marcos High School, and you could tell just how proud and happy that made him. He himself helped with sets for that production, and he loved doing it.

As I reflect on these things and recall the attention to detail, the good humor, and the virtually inexhaustible devotion that Judge McLafferty the educator and colleague brought to our relatively meaningless undertaking, I recognize those same traits in Judge McLafferty the jurist. Always fair, always hardworking and prepared, and always the gentleman on the Bench, he was an excellent judge and is sorely missed by our entire community.

Kevin McIvers

There are so many among us who knew Kevin better than I did that I am embarrassed to presume to write about him. On the other hand, having presumed to write this series in the first place, how could I not think of and write about Kevin? As has been said of others, though of none more aptly than of Kevin, "He was the first man among us."

Kevin was everything we all should aspire to be. He was a gentleman and a gentle soul, yet he was as tough as he needed to be. He was highly intelligent, yet supremely compassionate. He was an excellent lawyer and a superb mediator. Mediation suited him because he was able to apply his great talent for bringing people together, which was also part of what made him such a good lawyer.

It is not possible to think of Kevin without seeing the kindness in his eyes and hearing the kindness in his voice. He always had a good word, a friendly smile, an open mien. As with most men of his quality, he loved his family above all else. I often saw him at kids' events. He always maintained his equanimity and his generosity of spirit. I never saw him interact with his kids, or anyone else's, with anything other than kindness.

When I first met Kevin thirty some years ago he was still practicing law with Archbald & Spray. As a lawyer he personified the kind of civility and courtesy that makes the practice of law pleasurable no matter how challenging it may be. He combined those traits with an intelligence and a quick wit that made it fun to spar with him. As a mediator, those same traits served him well. He was very good at putting the parties at ease and equally good at making them uncomfortable when the need arose. His intelligence enabled him to analyze a situation accurately and focus the parties on whatever was needed to bring them to a reasonable resolution; his kindness and his courtesy made it palatable even when emotions were running high.

As with most of our dearly departed friends, we did not get enough of Kevin. ■

Nordstrand, *continued from page 13*

- Upsetting dreams about the traumatic event
- Severe emotional distress or physical reactions to something that reminds you of the event

Avoidance

Symptoms of avoidance may include:

- Trying to avoid thinking or talking about the traumatic event
- Avoiding places, activities, or people that remind you of the traumatic event

Negative changes in thinking and mood

Symptoms of negative changes in thinking and mood may include:

- Negative feelings about yourself or other people
- Inability to experience positive emotions
- Feeling emotionally numb
- Lack of interest in activities you once enjoyed
- Hopelessness about the future
- Memory problems, including not remembering important aspects of the traumatic event
- Difficulty maintaining close relationships

Changes in emotional reactions

Symptoms of changes in emotional reactions may include:

- Irritability, angry outbursts, or aggressive behavior
- Always being on guard for danger
- Overwhelming guilt or shame
- Self-destructive behavior, such as drinking too much or driving too fast
- Trouble concentrating
- Trouble sleeping
- Being easily startled or frightened

Tests and Diagnosis of PTSD

Getting effective treatment after PTSD symptoms for more than a month can be critical to reduce symptoms, prevent worsening symptoms, and improve function.

If you suspect a client may be suffering from PTSD or other psychiatric issues and you need to establish emotional distress damages, it is crucial to refer them to a neuropsychologist or a psychiatrist for evaluation, testing, diagnoses, and a treatment plan. ■

Waste Not, Want Not: Is It Safe to Donate Leftovers?

BY WENDY LASCHER

Every day, stores, restaurants, caterers, and food trucks send hundreds or even thousands of pounds of unused but perfectly edible food leftovers to landfills. Some sources put the amount of food waste nationally at 14 billion pounds each year.

Every day, nonprofit organizations in the county feed hundreds of hungry people. So would it not make sense to donate the excess food to local food banks and other nonprofit organizations instead?

Too often, business owners decline. “We might get sued if someone gets sick,” they say. “If something happens, we could be liable.”

It is easy to see how headlines about food poisoning litigation might give rise to these concerns. Fortunately, federal and California laws provide some measure of protection for food donors who fear lawsuits.

President Bill Clinton signed the Bill Emerson Good Samaritan Food Donation Act of 1996 to encourage donations of healthy food that would otherwise be wasted. That law, named after a Missouri Congressman who fought for the law but died before its passage, protects retail grocers, wholesalers, restaurants, caterers, gleaners, organizations, and individuals from damage awards and criminal prosecutions when they donate “apparently wholesome food” to a nonprofit organization for “ultimate distribution to needy individuals.”

Nonprofit organizations receiving the food are likewise protected from liability based on the food donations they accept. Because the Emerson Act protects organizations, it applies when one nonprofit organization donates food to another.

The Emerson Act does not immunize food terrorists. It does not protect against intentional misconduct (donating something the donor knows is harmful) or against gross negligence (acting or failing to act knowing that the action or inaction is *likely* to be harmful.) Additional fine print somewhat limits how far the Emerson Act goes.

It defines “donate” to mean giving “without requiring anything of monetary value from the recipient.” So, mak-

ing a product available at a reduced price would not qualify under the Emerson Act.

“Apparently wholesome food” means the food has to meet “all quality and labeling standards imposed by federal, state, and local laws and regulations.” If you take the time to look them up, there are shelves (or at least flash drives) full of those laws and regulations.

Continued on page 24

Donation Do’s and Don’ts

What does the Bill Emerson Good Samaritan Food Donation Act of 1996 mean to residents who would like to donate food? Here are some examples of donations that are—or are not—covered by the law.

YES:

If your grocery store has bakery products that are going to be thrown out, they may be donated without concern about packaging and labeling, so long as the products have been handled with care.

If a nonprofit group (such as a religious or service organization) has a fundraiser and there is extra food, it may be donated as long as it has been handled with care. This includes food prepared by a caterer, but not food prepared by volunteers in their homes.

If you have a large catered party in your home, the caterer who sold you the food may donate the leftovers to a nonprofit, again provided the food has been handled with care.

A nonprofit community garden, such as Color Gardens in downtown Ventura, and home gardeners may donate produce to nonprofits, under the protection of these food donation laws.

An individual may donate unexpired, nonperishable food to nonprofits, under the protection of these food donation laws.

NO:

If you cook a huge meal for your family and have leftovers, your food donations may not be protected by California law because private homes are not “food facilities.”

If you operate a beer or wine-tasting room that also serves snacks, you may not give away leftovers to nonprofits under these laws because these tasting rooms also are not considered “food facilities.”



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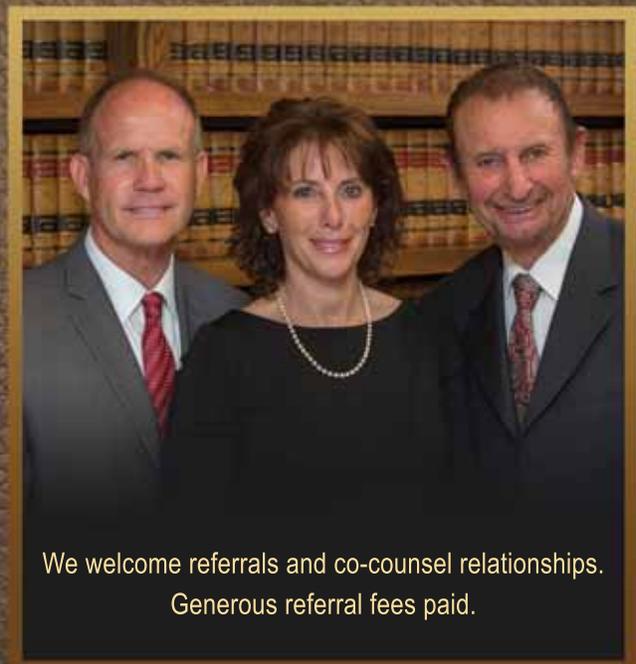
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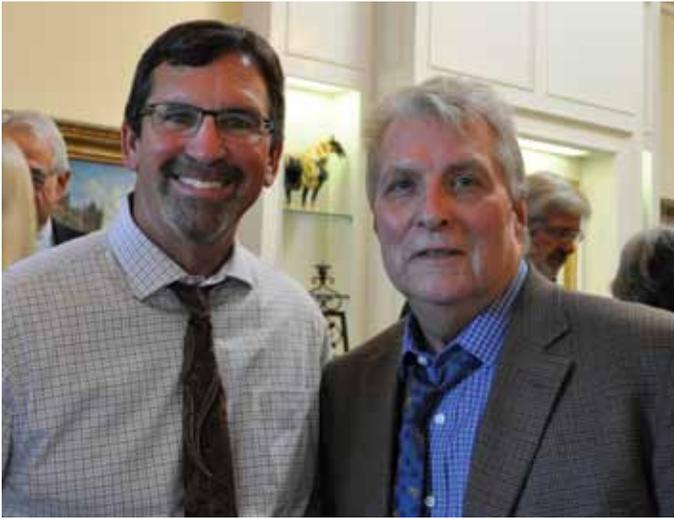
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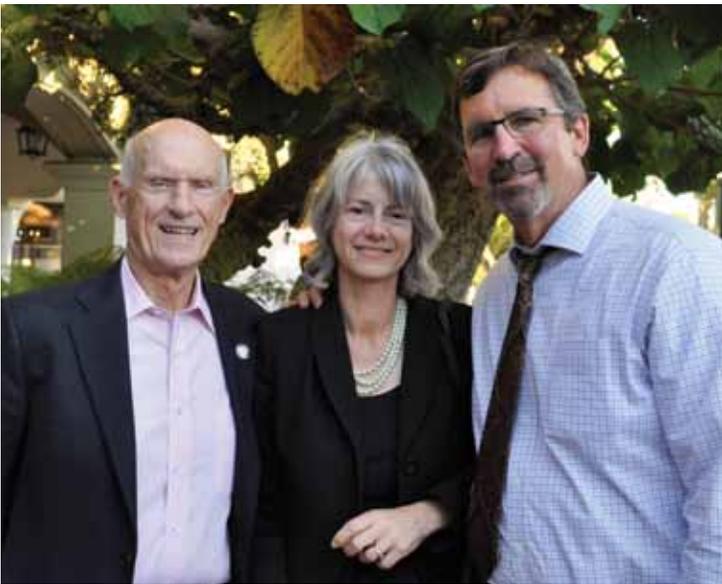
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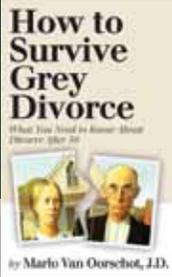
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Cooking: Work / Life Balance

By COMMISSIONER PAULINE MAXWELL

Cooking, for me, has always been associated with having a party. I often invite friends over to make dozens of appetizers or desserts that we can each put in our freezer and save for a future event. Of course they do not all make it into the freezer! We enjoy planning birthday parties and wedding celebrations for our friends and family - we even have aprons that say "BFF Catering."

Cooking is also a way that I show my love for others. My sons have told me, now that they are adults, that whenever I was REALLY mad at them (which meant they were grounded) I made their favorite foods. I never even realized I did that, but it reminded them that I still loved them. And what is more loving than taking the time, out of all of our busy schedules, to prepare a gourmet meal for someone?

Not that I am a cooking snob. I am happy to find a prepared product that is as good as I can make (and is not too

expensive). For example, in one of the recipes I am sharing, I use a store-bought pie crust, which also saves me from having to wash a pan. But otherwise, I do use all fresh ingredients.

Cooking is also connected to my love of travel. Wherever I go, I try to learn to make local specialties: moussaka and spanakopita in Greece, paella in Spain. In the United States, I try to find a Junior League cookbook from wherever I am visiting. That way I know what real people are eating.

I am sharing two of my favorite recipes. Both can be served as a hearty appetizer, or as an entrée. I recently made the "tort" for my friend from Arkansas. Her comment: "Y'all might call this a tort in California. In the south we call it Tomato Pie." ■

LAMB "LOLLIPOPS"/RACK OF LAMB

Sauce sufficient for 2 racks:

1/4 Cup toasted sesame seeds

1/4 Cup Dijon mustard

3 Tablespoons olive oil

3 Tbsp. brown sugar

2 Tbsp. soy sauce

3 Tbsp. minced garlic

Salt & Pepper to taste

Trim as much fat as possible off of the racks of lamb.

Combine ingredients and with a spoon or brush, cover lamb on all sides. Place in roasting pan, bigger side up, and cover end bones with foil.

Preheat broiler, and then broil lamb for 5 minutes, or until there is a nice, crisp brown crust. Reduce heat to 375 and bake for another 20 minutes. Do not overcook – done when very pink in middle, as it keeps cooking after you take it out. Slice between bones.

Optional: Add a few tablespoons of chicken broth to the drippings in the pan for a sauce to pour over the lamb on the plate.

TOMATO BASIL TORT

Place your favorite pie crust in a 9 inch pie dish, prick with a fork, and prebake for 10 minutes.

Sprinkle with **1/2 cup shredded mozzarella**.

Cut **4 tomatoes** into slices and arrange on top of cheese. In a food processor or mini-chopper, combine **1 cup of fresh basil** and **4 cloves of garlic**. Spoon over tomatoes.

Combine **1 more cup of shredded mozzarella** with **1/2 cup mayonnaise**, **1/4 cup shredded parmesan cheese**, and **1/8 tsp ground white pepper**. Spread this evenly on top of everything.

Bake at 375 degrees for 30 to 40 minutes until top is golden and bubbly.



Verdicts & Decisions

F&F, LLC v. East West Bank

LOS ANGELES SUPERIOR COURT, DOWNTOWN

CASE NUMBER:	BC462714
TYPE OF CASE:	Lender Liability, Breach of Contract
TYPE OF PROCEEDING:	Jury Trial
JUDGE:	Hon. J. Stephen Czuleger
LENGTH OF TRIAL:	19 days
LENGTH OF DELIBERATIONS:	3 days
DATE OF VERDICT OR DECISION:	September 8, 2014
PLAINTIFFS:	F&F, LLC, 618 Investment, Inc. and 128 LLC
PLAINTIFFS' COUNSEL:	Robert A. Curtis and Justin Karczag of Foley Bezek Behle & Curtis, LLP
DEFENDANT:	East West Bank
DEFENDANT'S COUNSEL:	John Hosack and Karen Stevenson of Buchalter Nemer

OVERVIEW OF CASE: F&F, LLC borrowed over \$34,000,000 from East West Bank to build a mixed-use real estate development in Rancho Cucamonga, California consisting of a hotel, retail center, office space, and gas station. Plaintiffs contended that East West Bank failed its obligations to them and acted to further its own interests to the detriment of Plaintiffs, resulting in Plaintiffs' loss of the entire project in foreclosure. East West Bank denied it did anything wrong.

FACTS AND CONTENTIONS: Plaintiffs F&F, LLC (the primary plaintiff, which took out the loan from East West Bank and owned and developed the project), 128 LLC (formed to operate the hotel on the project), and 618 Investment, Inc. (formed to operate the gas station on the project) were three family-owned businesses owned by Mr. and Mrs. Yik, Cambodian refugees who came to America 30 years ago. Despite their limited language skills, they were hard workers and, over the decades, were able to build a small fortune.

In 2005, the Yiks, through F&F, LLC, invested their entire fortune into a mixed-use commercial development known as Victoria Promenade, located in Rancho Cucamonga. The project was to include a franchised Sheraton Four Points hotel, with 128 LLC being the franchisee, retail shops and office space run by F&F, LLC, and a franchised gas station with convenience store and food service, with 618 Investment, Inc. as the franchisee. On June 14, 2007, F&F, LLC obtained a \$34,850,000.00 construction loan from East West Bank to help finance construction of the Victoria Promenade Project.

As part of the development process, two banks were interested in loaning the project money, including Defendant East West Bank. Plaintiffs contended that F&F, LLC went with East West Bank in part on the basis that East West Bank made certain representations and promises, including that the Bank would perform fund control and other services that were necessary for the project. East West Bank disputed this.

Thereafter, Plaintiffs contended that East West Bank failed its obligations and commitments to them by, among other things, wrongfully siding with the contractor, making false representations, and failing to abide by its contractual commitments, including performing proper fund control during construction of the project. Plaintiffs further alleged that East West Bank acted to further its own interests to the detriment of Plaintiffs. Plaintiffs claimed that East West Bank's wrongful

conduct caused Plaintiffs' loss of the entire project, including the property and all of the businesses thereon, in foreclosure.

Before and during trial, East West Bank denied these contentions. Defendant contended that it did nothing wrong to Plaintiffs, that its actions were justified, and that Plaintiffs and others were solely to blame for Plaintiffs' loss, which was because of the economy and delays in the completion of the project. Further, East West Bank denied that it had any liability to the Plaintiffs, but in the event that it was found liable, it denied that Plaintiffs were damaged.

SUMMARY OF CLAIMED DAMAGES: Plaintiffs' Second Amended Complaint sought \$15,000,000 in compensatory damages plus punitive damages. At the time of trial, Plaintiffs claimed \$20,793,610 in out-of-pocket, loss of equity, lost profit, and interest damages for F&F, LLC and \$539,000 in lost profit damages for 618 Investment Inc.

RESULT: The jury awarded \$38,914,610 to F&F, LLC, comprised of \$16,914,610 in compensatory damages plus \$22,000,000 in punitive damages (lost profits were not awarded).

Ullman v. Lindros

LOS ANGELES SUPERIOR COURT

CASE NUMBER:	BC437756
TYPE OF CASE:	Intentional Interference with Contractual Relations
TYPE OF PROCEEDING:	Court trial
JUDGE:	Hon. Michelle Rosenblatt
LENGTH OF TRIAL:	3 Days
DATE OF VERDICT OR DECISION:	August 7, 2014
CROSS-COMPLAINANT:	Jeffrey Ullman
CROSS-COMPLAINANT'S COUNSEL:	Steven Schuman of Leonard, Dicker & Schreiber
CROSS-DEFENDANT:	Carl Lindros
DEFENDANT'S COUNSEL:	Eric A. Woosley of the Law Offices of Woosley & Porter

OVERVIEW OF CASE: Initially this case was a Declaratory Relief action brought by Plaintiff Carl Lindros. That claim was resolved and remaining was a Cross-Complaint against Carl Lindros for alleged intentional interference with contractual relations.

FACTS AND CONTENTIONS: Cross-Complainant Ullman alleged that Cross-Defendant Lindros intentionally interfered with a contract he entered into with a third party (Rebecca Richards) to acquire and re-sell millions of dollars' worth of real property in the Hollywood area. That interference included eventually foreclosing on the properties. Cross-Defendant Lindros responded that he acted solely as a lender for the properties and did nothing to interfere with the contract between Ullman and Richards.

SUMMARY OF CLAIMED DAMAGES: Ullman sought over \$4,106,675 plus punitive damages.

RESULT: Judgment for Cross-Defendant Lindros

Penner and Garcia, *continued from page 10*

Stephen Penner graduated from the U.S. Naval Academy in 1971 with a Bachelor of Science Degree in engineering and from California Western School of Law in San Diego attaining his Juris Doctorate in 1977. He practices in the areas of family law, estate planning, real estate, civil litigation, and criminal law.

Noel E. Garcia graduated from California Polytechnic State University at San Luis Obispo in 2008 with dual degrees in Biological Sciences and Psychology. After graduation, Noel attended California Western School of Law in San Diego where she was a Dean's Scholarship recipient and member of the Pro Bono Honor's Society, graduating in 2011. She is with the Law Offices of Stephen E. Penner.



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Lascher, *continued from page 16*

The Emerson Act does not supersede state or local health regulations, so it is important to consider California laws that regulate food facilities and agricultural products. (A food facility is “an operation that stores, prepares, packages, serves, vends[,] or otherwise provides food” directly to consumers.)

When a “food facility” donates food fit for human consumption to a nonprofit organization or food bank for distribution free of charge, California law protects the donor from civil liability and criminal prosecution for labeling or packaging violations that occur after the donation.

Retail food facilities may not be held liable for injuries due to donated food unless the injury resulted from negligence (acting or failing to act below the standard of care of reasonable people in the same circumstances), recklessness, or intentional misconduct. The nonprofits receiving the donated food are also immune from civil liability for injuries caused by the food, so long as they are not negligent or reckless, and do not intentionally hurt anyone.

Let us see what we can all do to reduce food waste and help feed people who are hungry.

Consult local nonprofit organizations' websites to learn about their specific policies and guidelines regarding food donations. ■

This article originally appeared in Edible Ojai & Ventura Magazine, which has graciously consented to its publication here.

Wendy Lascher is an attorney with Ferguson Case Orr Paterson LLP in Ventura. Her practice focuses on appeals writs and trial court strategies. She also owns the downtown Ventura lot where COLOR Gardens grows produce for FOOD Share Ventura County and other charities. For more info, visit FCOPLaw.com.

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Smell the Flowers

We are all told to take the time to “smell the flowers.” Tom Hinshaw does that, to be sure, but he also takes pictures. Has anyone else noticed the beautiful flowers right on the Courthouse grounds? Here are two examples shared by Tom. ■

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Legislation Signed into Law

BY ANGELA D. ROACH

Governor Brown recently signed dozens of new bills. He also vetoed nearly equal number of bills.¹ Some new laws are highlighted below.

Assembly Bill 802 (Wieckowski, D-Fremont): Private Arbitration Companies; disclosures.

Existing law regulates arbitration conducted pursuant to an arbitration agreement, as specified. Existing law requires a private arbitration company involved in consumer arbitration cases to collect and make certain information regarding those cases available to the public in a computer-searchable format, accessible at the Internet Web site of the private arbitration company, if it has an Internet Web site, and on paper upon request.

This bill requires a private arbitration company to collect additional information related to a consumer arbitration case, as specified, and to provide the information in a single cumulative report. The bill requires a private arbitration company to make the report available in a format that allows the public to search and sort the information using readily available software, and to make the report accessible on the private arbitration company's Internet website. The bill expresses the intent of the Legislature that private arbitration companies comply with all legal obligations under these provisions, and also provides that any amendments made by this act to the reporting requirements of a private arbitration company would not apply to consumer arbitrations administered by the private arbitration company before January 1, 2015.

This bill was signed into law by the Governor on or about September 28, 2014.

Senate Bill 873 (Gonzalez, D-San Diego): Human Services.

The Governor's office issued the following press release relating to this legislation:

Governor Brown Signs Legislation to Help Unaccompanied Minors , 9-27-2014

SACRAMENTO - In action announced earlier today,

Governor Edmund G. Brown Jr. signed legislation to provide legal services to the unaccompanied minors arriving in California from Central America.

"Helping these young people navigate our legal system is the decent thing to do and it's consistent with the progressive spirit of California," said Governor Brown when the legislation was introduced last month with the support of Attorney General Kamala D. Harris, Senate President pro Tem Darrell Steinberg, Assembly Speaker Toni Atkins, and members of the Latino Legislative Caucus.

SB 873 by the Committee on Budget and Fiscal Review eliminates any ambiguity regarding the jurisdiction of the state court to make findings necessary to enable the federal government to grant these minors special immigrant juvenile status. This federal status provides for an expedited naturalization process. The legislation also reinforces the court's authority to provide interpreters to unaccompanied, undocumented minors. Additionally, the Budget Act of 2014 signed today appropriates \$3 million to qualified nonprofits to provide legal services for unaccompanied minors.

During California's Trade and Investment Mission to Mexico in July, the Governor met with Archbishop of Los Angeles José H. Gomez and religious and diplomatic leaders from Mexico and Central America for a wide-ranging discussion on immigration reform and pledged to help with the influx of unaccompanied children migrating to the United States.

For full text of the bills, visit: <http://leginfo.ca.gov/bilinfo.html>.

This bill was signed into law by the Governor on September 27, 2014.

Senate Bill 505 (Jackson, D-Santa Barbara): Peace officers; welfare checks; firearms.

Existing law allows a person to be taken into custody for a period of 72 hours for crisis intervention when probable cause exists that the person, as a result of a mental disorder, is a danger to others, or to himself or herself, or is gravely disabled. Under existing law, the Attorney General is required to maintain a registry of specified information concerning the sale, lease, or transfer of firearms, and to include in the registry specified data provided to the Department of Justice.

This bill requires law enforcement agencies to develop, adopt, and implement written policies and standard protocols pertaining to the best manner to conduct a "welfare check," when the inquiry into the welfare or well-being of the person is motivated by a concern that the person may be a danger to himself or herself or to others. The bill would require those policies to encourage a peace officer,

prior to conducting the welfare check and whenever possible and reasonable, as specified, to conduct a search of the Department of Justice Automated Firearms System via the California Law Enforcement Telecommunications System to determine whether the person is the registered owner of a firearm. By imposing additional duties on local law enforcement agencies, this bill imposes a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement. This bill provides that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

This bill was signed into law by the Governor on September 30, 2014.

Assembly Bill 2195 (Achadjian, R-San Luis Obispo): Juveniles; truancy.

Existing law provides that a juvenile hearing officer may

hear and dispose of any case in which a minor is alleged to have committed any one of specified misdemeanors or infractions. In those cases, the juvenile court is known as the Informal Juvenile and Traffic Court. Existing law also provides that a minor may be adjudged to be a ward of the juvenile court on the basis of certain noncriminal conduct, including truancy, as specified.

This bill authorizes a juvenile hearing officer to hear cases in which a minor is alleged to come within the jurisdiction of the juvenile court on the basis of truancy, as specified. The bill authorizes a hearing before a juvenile hearing officer, referee, or judge to be conducted upon a written notice to appear for truancy, with the consent of the minor. The bill prohibits a judge, referee, or juvenile hearing officer from proceeding with a hearing of a minor on the basis of truancy unless the court has been presented with evidence that the minor's school has undertaken certain actions to address the minor's truancy and the available record of previous attempts to address the minor's truancy. The bill provides that a court in these cases may restrict the minor's driving privilege, order the minor to pay a fine of not more than \$50, and order the minor to perform community service. The bill, among other things, authorizes the judge, referee, or juvenile hearing officer to give the minor the opportunity to demonstrate improved attendance before imposing those orders.

This bill was signed into law by the Governor on September 30, 2014.

Vetoed – Assembly Bill 2673

Governor Brown has also vetoed numerous bills and his veto messages are telling, such as this message relating to Assembly Bill 2673²:

September 30, 2014

To the Members of the California State Assembly:

I am returning Assembly Bill 2673 without my signature.

The author intends to prohibit a victim of a hit-and-run accident from settling the case through civil remedies in lieu of prosecution. With trial courts facing severe backlogs, I am not inclined to eliminate a means for parties to settle their disputes outside the criminal court system.

Sincerely,

Edmund G. Brown, Jr. ■

ENDNOTES

- 1 A complete listing of the bills that were recently signed and vetoed can be found at <http://gov.ca.gov/news.php?id=18744>.
- 2 http://gov.ca.gov/docs/AB_2673_Veto_Message.pdf

SAVE THE DATE!

The Litigation Section of the
Santa Barbara County Bar Association presents:

HOW TO WIN AT TRIAL:

Learn the Tactics, How to Emphasize and
What's Really Important

Take the guesswork out of trying cases. Successful trial work involves much more than knowing the trial process and "leaving it up to the jury." This presentation will reveal key tactics in trial practice, how to emphasize evidence and what really matters to win a case. The speaker shall provide a multi-media presentation that includes selected slides from over twenty successful jury trials.

Speaker

Matthew Haffner of HAFFNER LAW GROUP

Date and Time

Thursday, January 15th, 12:00 pm to 1:30 pm

MCLE Credit

One and ½ hour credit applied for

SBCBA Liaison to Affiliate and Legal Community Organizations For SBCBA Board Meeting on October 8

BY PAULA WALDMAN

November 7 at 5:30pm: Judge Carrozzo swearing in ceremony at 1745 Mission Drive in Solvang.

SB County Bar Association:

Nov 14 from 12pm – 1pm: MCLE at SB College of Law on “Top 10 ethical mistakes litigators make and how to avoid them” by Wendy Wen Yun Chang and Scott Garner

SB North County Bar:

(Cynthia Valenzuela, president, Cynthia@valenzuelalaw.com); <http://www.nsbbar.org/>; President is Cynthia Valenzuela.

November 20 at 12pm: MCLE lunch meeting at Testa Bistro in Santa Maria with Hannah Sink, of Ameriflex

Financial Services, speaking on “Avoiding critical financial errors in divorce settlements.”

SB Women Lawyers:

(Emily Allen: eallen@lafsbcb.org); <http://www.sbwf.org>
November 19 from 5:30-8 pm at Cabrillo Pavilion Arts Center: Restorative Court Event celebrating their 3rd year; \$20 donation; RSVP to restorativecourt@gmail.com

SB Women Lawyers Foundation:

(Betty Jeppesen: jeppesenlaw@gmail.com);
November 3: **Santa Barbara Women Lawyers Foundation Awards Luncheon and MCLE** (Gender Bias) presented by Federal Magistrate Louise LaMothe. University Club, 12pm to 1:30pm.

Legal Aid:

(Emily Allen: eallen@lafsbcb.org); www.lafsbcb.org;
November 2 from 1pm – 4pm: Legal Aid 5th Annual Chowderfest, Bacara Resort (new location!). further information at <http://www.sblaw.org/events/legal-aid-save-date-5th-annual-chowderfest> ■

You are cordially invited to attend the
swearing-in ceremony of

Michael J. Carrozzo

as Judge of the Superior Court of California, County of Santa Barbara

The ceremony will be held on Friday, November 7th, 5:30 p.m.

Solvang Veterans' Memorial Building, 1745 Mission Drive, Solvang

Reception to follow

Arthur Garcia
Presiding Judge
Superior Court of California
County of Santa Barbara



Motions



Hager & Dowling is proud to announce that **Lora D. Hemphill** has become a shareholder with the firm, and that **Amber N. Hurley**, **Brett B. McMurdo**, and **Caitlin R. Maurer** have all joined the firm as associate attorneys.

Ms. Hemphill joined the firm in 2013. Lora came to the law from a background in the environment and medical fields. Her practice currently involves a variety of civil litigation matters, naturally including personal injury and medical related cases, as well as construction defect and representation of government entities. Ms. Hemphill earned her Bachelor of Arts from the University of California at Santa Barbara and her law degree from Santa Barbara College of Law.

Ms. Hemphill is very involved in the Santa Barbara legal community and has served on the board of directors of the Santa Barbara County Bar Association, Santa Barbara County Bar Foundation, Santa Barbara Women Lawyers, Santa Barbara Women Lawyers Foundation, and Court-house Legacy Foundation.

Ms. Hurley's practice will focus on all areas of insurance coverage, insurance bad faith, commercial, and business litigation. Ms. Hurley earned her Bachelor of Arts from the University of Redlands, and her law degree from Chapman University School of Law.

Mr. McMurdo's practice will focus on all areas of insurance coverage, insurance bad faith, commercial, and business litigation. Mr. McMurdo earned his Bachelor of Arts from UC Berkeley and his law degree from the UC Davis School of Law.

Ms. Maurer's practice will focus on all areas of insurance

coverage, insurance bad faith, commercial, and business litigation. Ms. Maurer earned her Bachelor of Arts from the University of California, Davis and her law degree from Golden Gate School of Law, San Francisco, CA.

The Law Offices of **Ghitterman, Ghitterman & Feld** has expanded its practice to Kern County with the opening of a Bakersfield office at 1430 Truxton Avenue, Suite 510. Local attorney **Megan Compton** has accepted the daunting task of opening the new location and bringing the firm's services to this community. Ghitterman, Ghitterman & Feld specializes in representing employees with their Workers' Compensation, Social Security Disability, or Disability Retirement claims.

Local 6th grade teacher at Peabody Charter School **Meagan Pasternak** and her husband **Mike Pasternak** (local attorney and humble editor of the Motions column) are excited to announce the birth of their first child Cooper James Pasternak. Cooper, or Coop-a-loop as he is known to friends and family, was born at 3:23pm on August 23, 2014, weighing in at 7 lbs. 13 oz. and 21 in. Cooper is a happy, mellow little guy who, when he is not sleeping (which is most of the time) loves being around people and staring at shapes. Welcome Cooper!



It was brought to our attention that the Motions announcement appearing in the October issue regarding attorney **Catherine Wilbur's** joining of **Ambrecht & Associates** failed to mention that Ms. Wilbur also holds an L.L.M. in taxation, which she earned from New York University School of Law.

If you have news to report - e.g. a new practice, a new hire or promotion, an appointment, upcoming projects/initiatives by local associations, an upcoming event, engagement, marriage, a birth in the family, etc... - The Santa Barbara Lawyer editorial board invites you to "Make a Motion!". Send one to two paragraphs for consideration by the editorial deadline to our Motions editor, Mike Pasternak at pasterna@gmail.com. If you submit an accompanying photograph, please ensure that the JPEG or TIFF file has a minimum resolution of 300 dpi.

The Intellectual Property/Technology Business Section and In-House Counsel & Corporate Law Section of the Santa Barbara County Bar Association present:

Headlines in Biotech
Controversies: Science in the Courts
and in the Court of Public Opinion

Biomedical Controversies, Farm Wars, and Food Fights! Join us for an intriguing look at some of the key legal battles playing out in the world of biotechnology, including the Supreme Court's watershed decision on the patentability of DNA in the context of a diagnostic tool for cancer, the FDA's tentative approval of a genetically modified salmon and its monitoring of DNA diagnostic kits marketed to consumers, co-existence disputes between conventional/organic and GMO crop producers, class action suits and legislation concerning "all natural" labeling of foods manufactured using transgenic ingredients or processes, and a legal dispute over human embryonic stem cell research.

Speaker

Panda Kroll, Esq.

Panda Kroll is Of Counsel at DK Law Group and an adjunct faculty member in the field of biotechnology law and regulation at the Martin V. Smith School of Business & Economics at California State University Channel Islands. She serves both as chair of the Biotechnology Section and as an editor of *Citations* magazine for the Ventura County Bar Association.

Date and Time

Tuesday, November 18, 12 noon

Location

Santa Barbara College of Law, Room 1, 20 East Victoria Street, Santa Barbara

Reservations

Reserve via email to Chris Kopitzke, Chair of Intellectual Property/Technology Business Section, by Thursday, November 13, ckopitzke@socalip.com

Cost and Payment

\$25.00 – includes lunch Mail checks by Thursday, November 13, payable to Betty Jeppesen, Chair of In-House Counsel & Corporate Law Section, 855 Clark Road, Santa Barbara, CA 93110

MCLE

One hour general credit applied for

The Litigation Section of the Santa Barbara County Bar Association presents:

Top 10 Ethical Mistakes Litigators
Make, and How To Avoid Them

Learn the top areas of ethical exposure for litigators and tools for avoiding the risks. Taught by two attorneys who serve in leadership with the State Bar of California's Standing Committee on Professional Responsibility and Conduct, our speakers focus their practice on the law governing lawyers. This program is culled from their experience in counseling attorneys and in litigating the consequences of attorney mistakes. Get your Ethics MCLE credit in a format that will have a meaningful and positive impact on your practice.

Speakers

Wendy Wen Yun Chang, Partner, Hinshaw & Culbertson, LLP and Scott B. Garner, Partner, Morgan, Lewis & Bockius, LLP

Date and Time

Friday, November 14th, 12 noon to 1:00 pm **Location**
Santa Barbara College of Law, Room 1, 20 East Victoria Street, Santa Barbara

Reservations

Reserve via email to Mark Coffin, Chair of Litigation Section, by Monday, November 3rd, at mtc@markcoffinlaw.com

Cost and Payment

\$35 members, \$40 non-members (includes lunch)

Mail checks by Monday, November 3rd, payable to:

Santa Barbara County Bar Association
c/o Mark Coffin
LAW OFFICE OF MARK T. COFFIN
21 E. Carrillo Street, Suite 240
Santa Barbara, CA 93101
Tel: 805-248-7118

MCLE Credit

One hour MCLE credit applied for



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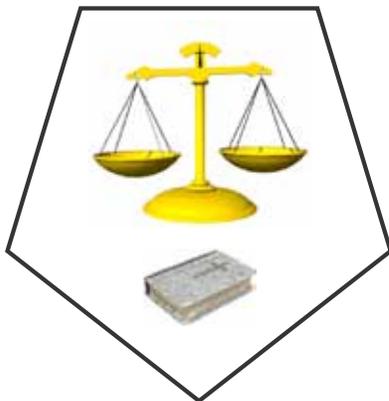
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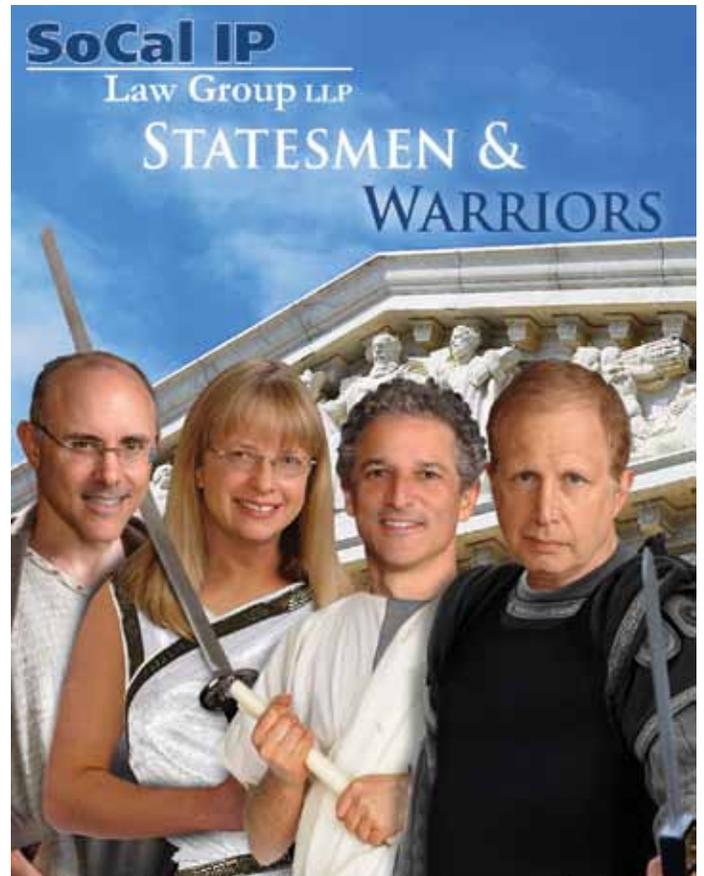


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