

Santa Barbara Lawyer

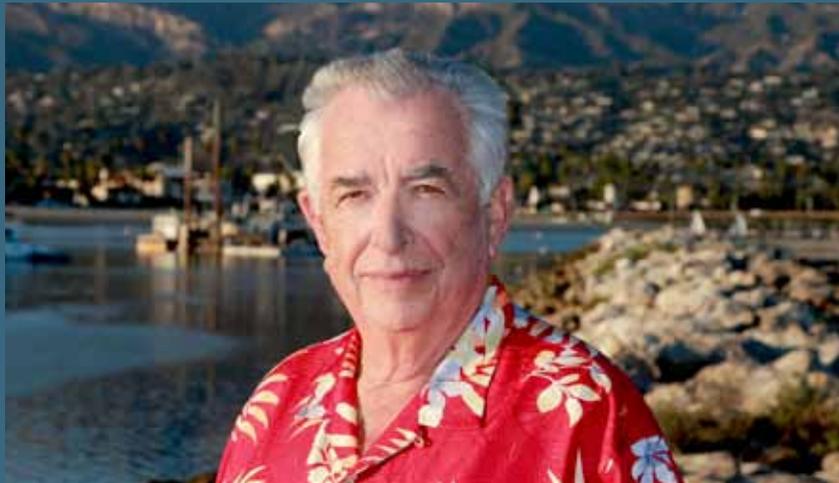
Official Publication of the Santa Barbara County Bar Association
May 2015 • Issue 512





KEITH C. BERRY

YEARS OF EXPERIENCE AND LOCAL EXPERTISE IN THE
SOUTH COAST SANTA BARBARA REAL ESTATE MARKET



WE KNOW MORE, TO GET YOU MORE!

Up-to-the moment market knowledge
Connecting sellers to the most qualified buyers.
Greater exposure to sell your home in the shortest practical time
Personal attentive and tailored service to meet the specific needs of
each customer

KEITH C. BERRY

REALTOR®, CRB, CRS, GRI, ABR
PREVIEWS ESTATES DIRECTOR & ARCHITECTURAL PROPERTIES DIVISION SPECIALIST
MOBILE 805.689.4240 | OFFICE 805.563.7254 | FAX 805.456.3808
3938 STATE STREET SANTA BARBARA, CA 93105
KEITH@KEITHBERRYREALESTATE.COM
WWW.KEITHBERRYREALESTATE.COM



facebook.com/KeithBerryRealEstate



linkedin.com/in/keithcberry

©2014 Coldwell Banker Real Estate LLC. All Rights Reserved. Coldwell Banker Real Estate LLC fully supports the principles of the Fair Housing Act and the Equal Opportunity Act. Each Coldwell Banker Residential Brokerage office is owned by a subsidiary of NRT LLC. Coldwell Banker® and the Coldwell Banker Logo, Coldwell Banker Previews International® and the Coldwell Banker Previews International Logo, are registered service marks owned by Coldwell Banker Real Estate LLC.

Get the Best Coverage at the Best Price

Selecting the right insurance broker is the first step in protecting your assets, clients, reputation and practice. You need a policy that serves your best interests at an affordable premium, and we offer you that choice.

Walter R. Anderson Insurance has specialized in lawyer malpractice insurance since 1981. We negotiate terms with 19 insurers throughout California, so we can offer you the best coverage options at the best prices.

Get the Best Choice of Coverage and Price

If fifty percent of your practice is devoted to one category, and you've had no claims in the last five years, you should be eligible for a large discount in your insurance premiums.

**Call for an estimate:
805.682.8885**

Or visit us online and complete
the law firm information form:
Lawyers-Insurance.com
Click on Get Started Now

**WALTER R. ANDERSON
Insurance Services, Inc.**

1834 Bath Street
Santa Barbara CA 93101
TEL: 805.682.8885
FAX: 805.563.1160
info@lawyers-insurance.com
CA License: 0711805

Santa Barbara County Bar Association

www.sblaw.org

2015 Officers and Directors

NAOMI DEWEY

President

Buynak, Fauver, Archbald & Spray
820 State Street, 4th Floor
Santa Barbara, CA 93101
T: 966-7422
NDewey@BFASlaw.com

ANGELA ROACH

President Elect

University of California Santa Barbara
Employee and Labor Relations
3101 SAASB
Santa Barbara, CA 93106-3160
Cell: (415) 309-3293
Angela.roach@hr.ucsb.edu

JAMES GRIFFITH

Secretary

Law Offices of James P. Griffith
1129 State St Ste 3
Santa Barbara, CA 93101
T: 962-5821; F: 563-9141
Jim@jamesgriffithlaw.com

MICHAEL DENVER

Chief Financial Officer

Hollister & Brace
P O Box 630
Santa Barbara, CA 93102
T: 963-6711; F: 965-0329
mpdenver@hbsb.com

SCOTT CAMPBELL

Past President

Rogers, Sheffield & Campbell, LLP
427 East Carrillo Street
Santa Barbara, CA 93101-2257
T: 963-9721; F: 966-3715
scott@rogerssheffield.com

EMILY ALLEN

Legal Aid Foundation
301 E. Canon Perdido Street
Santa Barbara, CA 93101
T: 403-5224
eallen@lafsbcc.org

LETICIA ANGUIANO

Union Bank
1021 Anacapa St.
Santa Barbara, CA 93101
languiano4@cox.net

JEFF CHAMBLISS

Santa Barbara County Public Defender's Office
1100 Anacapa Street
Santa Barbara, CA 93101
T: 568-3497
jchambl@co.santa-barbara.ca.us

ELIZABETH DIAZ

Legal Aid Foundation
301 E. Canon Perdido Street
Santa Barbara, CA 93101
T: 963-6754
ediaz@lafsbcc.org

STEVE DUNKLE

Sanger, Swysen & Dunkle
125 E. De La Guerra, Suite 102
Santa Barbara, CA 93101
T: 962-4887
sdunkle@sangerswysen.com

ROBERT FOROUZANDEH

Reicker, Pfau, Pyle & McRoy LLP
1421 State Street
Santa Barbara, CA 93101
T: 966-2440
rforouzandeh@rppmh.com

AMBER HOLDERNESS

Office of County Counsel
105 E. Anapamu Street, #201
Santa Barbara, CA 93101
T: 568-2969
aholderness@co.santa-barbara.ca.us

ANDREW MITCHELL

Attorney at Law
125 E. Victoria Street, Suite F
Santa Barbara, CA 93101
T: 500-6789
Andrew@mitchell-esq.com

NATHAN ROGERS

The Law Office of Nathan C. Rogers
3 W. Carrillo Street #214
Santa Barbara, CA 93101
T: 591-8000; F: 591-8001
rogers@nathanrogerslaw.com

KELLY SCOTT

Chief Deputy District Attorney
Santa Barbara County District Attorney
1112 Santa Barbara Street
Santa Barbara, CA 93101
T: 568-2309
kds cott@co.santa-barbara.ca.us

JAMES SWEENEY

Allen & Kimbell, LLP
317 E. Carrillo St
Santa Barbara, CA 93101-1488
T: 963-8611; F: 962-1940
jsweeney@aklaw.net

LIDA SIDERIS

Executive Director
15 W. Carrillo Street, Suite 106
Santa Barbara, CA 93101
569-5511; Fax: 569-2888
sblawdirector@gmail.com

Santa Barbara Lawyer

A Publication of the Santa Barbara County Bar Association

©2015 Santa Barbara County Bar Association

CONTRIBUTING WRITERS

Mark Coffin
David K. Hughes
Stephen A. Malley
Robert Sanger

EDITOR

Nathan C. Rogers

ASSISTANT EDITORS

Lida Sideris
Emily Allen

MOTIONS EDITOR

Michael Pasternak

VERDICTS & DECISIONS

EDITOR

Lindsay G. Shinn

PROFILE EDITOR

James P. Griffith

PHOTO EDITOR

Mike Lyons

PRINT PRODUCTION

Wilson Printing

DESIGN

Baushke Graphic Arts

Submit all **EDITORIAL** matter to
sblawyer magazine@gmail.com
with "SUBMISSION" in the email
subject line.

Submit all **MOTIONS** matter to
Michael Pasternak at
pasterna@gmail.com.

Submit all **ADVERTISING** to
SBCBA, 15 W. Carrillo Street,
Suite 106, Santa Barbara, CA 93101
phone 569-5511, fax 569-2888
Classifieds can be emailed to:
sblawdirector@gmail.com

Mission Statement

Santa Barbara County Bar Association

The mission of the Santa Barbara County Bar Association is to preserve the integrity of the legal profession and respect for the law, to advance the professional growth and education of its members, to encourage civility and collegiality among its members, to promote equal access to justice and protect the independence of the legal profession and the judiciary.



Santa Barbara Lawyer

Official Publication of the Santa Barbara County Bar Association

May 2015 • Issue 512

Articles

- 6 A Farewell to Rick Hardin, *By Mark Coffin*
- 7 SBCBA Announces the Thomas P. Anderle Award for Judicial Excellence
- 8 The Great Charter, *By David K. Hughes*
- 10 Estate and Asset Protection Planning for International Assets, *By Stephen A. Malley*
- 14 Get to Know...Naomi Dewey
- 17 Shredded Fish Redux, *By Robert Sanger*

Sections

- 20 Classifieds
- 20 Section Notices
- 22 SBCBA Liaison Report
- 25 Motions

About the Cover

Poppies bloom in the spring on Figueroa Mountain. Photo © Joseph Sohm.



Judge Frank Ochoa's Retirement Party. From left: Judge George Eskin, State Senator Hannah-Beth Jackson, Alejandro, Daisy, Alana, Judge Frank, Paula and Olivia Ochoa, Mackenzie Zisser, Diego Ochoa, Tracy Lehr and Judge Kevin Denoce (© photo by Priscilla).

A Farewell to Rick Hardin

BY MARK COFFIN

I am sorry to report that Rick Hardin passed away on Friday, March 27, 2015, with his family at his side.

Many readers knew Rick, who was a 30-year civil litigator in Santa Barbara. I was fortunate to meet him early in my legal career. I had joined a large statewide defense firm, and Rick managed the firm's Santa Barbara office. He became a great mentor and friend, who taught me that litigation can be an ethical pursuit. Some years later when he left to start his own firm, Rick agreed to let me become his partner even though I was still a new lawyer. Over the next fifteen years, many attorneys were members of Hardin & Coffin. I think they would all agree that Rick was not only a great attorney, but a man of the highest integrity.

I have yet to meet any person who enjoyed being an attorney more than Rick Hardin. Rick had a naturally upbeat personality. He loved the challenges of litigation, loved helping his clients, and was a walking contradiction to the media's portrayal of attorneys dissatisfied with their profession. Rick was an accomplished trial attorney and longtime ABOTA member, with a great professional resume. However, Rick did not bring his work home with him. He had an active life outside the office, which included boating, fishing, dirt bike riding, and spending time with his wife Karen and three children, Whitney, Avery, and

Reed. He was also a Vietnam veteran, proud of his service in the Air Force.

Rick retired in 2013 after an unexpected diagnosis of cancer. He spent his remaining time with his family and friends, and was rumored to occasionally visit the golf course. At his funeral, his daughter, Whitney, read a letter Rick had written before he passed. I thought it would be fitting to share his words with you:

"Hello Family and Friends. I love you all, and always have.

I had the advantage of knowing my fate long enough before so I could really understand and appreciate how lucky I have been. I have been surrounded by a strong family, and I mean a wife and children who always loved each other, and loved me, as I loved them. I had friends I was very proud to have. They cared about me as much as I cared about them. I was a very lucky man, for this alone.

But I had more!

I built a law practice, in a small town, where everyone was accountable. I made friends and colleagues who anyone would be glad to know. They were, and are, smart, ethical, cared-about people, and always made me try to keep up. I tried my best to do so, and it made me a better lawyer and person.

I made a home in Santa Barbara that to me is perfect! I was a weekend 'wannabe' contractor, and it was my therapy to spend free time trying to improve our home. Some things turned out great, some not so great. But I

truly enjoyed breaking a sweat in my own backyard, often with the help of my friends.

I learned to play golf many years ago, but my golf talent was modest at best. To me, the best reward was the friendship and comradery of my many friends who joined me on Sunday mornings. We always had fun and laughed a lot.

Finally, I was very proud of my service to our county. I served in the United States Air Force with the 17th Special



Karen and Rick Hardin

Operations Squadron stationed at Phan Rang Air Base in Vietnam. I was barely of age when I enlisted out of high school, but became an adult in short order. I owe a lot to the discipline and fortitude I learned, and since then, I always tried to help us move forward as a country...yes, that meant supporting change sometimes, to make us better. We are (and I was) very fortunate to have been part of what we all have.

To my closest friends, Bob Perry, Cookie, Rodney, Bob Grossman, Brad and Monica, Bob Orender, Ed Szanowski, Chris, Joe, and my friends from the past, Tim, Jim, Mike, Mario, and others I have failed to mention only because I am weak now, you have been a special part of my life. When your time comes, I hope you will remember the good times we shared, and have comfort, as I do.

Please don't be sad at my passing. Instead, smile and laugh when you think of me, and some of our antics. That would make me very happy and proud at the compliment you pay me. It has been a great ride! I love you all."

-Rick Hardin

SBCBA Announces the Thomas P. Anderle Award for Judicial Excellence

The Santa Barbara County Bar Association is pleased to announce the creation of a new Award entitled "The Thomas P. Anderle Award for Judicial Excellence." The inaugural Award will be presented to Judge Anderle at the 2015 Annual Dinner. The Award will not be given annually, but will only be given occasionally, as merited. The SBCBA Board of Directors has approved the following criteria for this award:



Judge Thomas Anderle

The Award should be viewed as a recognition of a distinguished career on the bench, as well as contributions to the community and the practice of law. The following factors should be considered:

- Judicial Ability and Experience;
- Judicial Temperament and Demeanor;
- Knowledge of the Law, Legal Ability and Scholarship;
- Dedication and Diligence;
- Contribution to the Improvement or Education of the Legal Community;
- Contribution to the Community at Large;
- Contribution to the Practice of Law; and
- Judicial Independence, Integrity, and Fairness.

Congratulations to Judge Anderle on the well-deserved achievement. ■



Edward Jones ranked "Highest in Investor Satisfaction with Full Service Brokerage Firms, Two Years in a Row"

Visit jdpower.com

Daniel J De Meyer
Financial Advisor

www.edwardjones.com Member SIPC

125 E De La Guerra St Ste 101
Santa Barbara, CA 93101
805-564-0011




Judgments Enforced

Brigham Law Firm

831 State Street, Suite 240, Santa Barbara, CA 93101
805.845.0490 • www.brighamlawfirm.us
dbrigham@brighamlawfirm.us
Former FBI Agent • AV Rated

The Great Charter

BY DAVID K. HUGHES

Eight hundred years ago an event took place in rural England that forever changed the course of western civilization. It occurred on June 15, 1215, in a meadow at Runnymede on the Thames, near Windsor, and it was, of course, the execution of the Great Charter, more commonly known by its Latin name, the Magna Carta.

The background for that historic day is generally well known. John had been the despotic king of England since 1199. Duplicitous, cruel, petulant, incompetent, and autocratic, he has often been characterized as England's worst king. In fact, no male English sovereign has borne that same Christian name since his death. His actions, including higher taxes, conflicts with the Pope, and unsuccessful wars, angered and alienated one and all – the Catholic Church, the merchants, and especially the nobility, often historically referred to collectively as the barons.

The crisis came in 1214 when John, having renewed his war with the French, suffered a decisive defeat at Bouvines, which caused financial ruin to England and the barons' loss of titled land in Normandy. In January 1215, the barons presented John with a list of demands for reforms, including the specific demand that he confirm the 1100 Charter of Liberties wherein King Henry I had specified certain areas where his powers were limited. In response to the demands, John procrastinated and delayed, using the time to seek allies to take his side against the barons. Unsuccessful in that effort, John capitulated after the barons and their armies entered London on June 10, 1215.

At Runnymede five days later, John affixed his seal to the written terms of the barons, in a petition referred to as the Articles of the Barons, a large part of which was copied, nearly word for word, from the 1100 Charter of Liberties. In return, on June 19, the barons formally renewed their oaths of fealty to the King. Within one month of these events, the Articles were redrafted as a formal document and issued as the Great Charter.

Of the original 37 articles in the Charter, only 3 remain

in legal force in England today. So, why does a copy of this document hang next to the Declaration of Independence in the National Archives in Washington, D.C.? Why did the American Bar Association erect a memorial to the Magna Carta at Runnymede in 1957? Why is this lengthy document – dated, technical, and often repetitive in its language – of any importance to us today and worthy of recognition and celebration?



David K. Hughes

The objective of the Magna Carta was to require the King to observe not only what the barons believed were his feudal obligations to them, but the laws of the realm. It limited the power of the crown in an era when the principle of absolute royal rule was growing, and would continue to grow, elsewhere in the world. It firmly established in England the constitutional principle that everyone was subject to the law, and that no one, including the sovereign, was above the law. It was a defense against arbitrary government.

The most important extant provision of the Great Charter is Article 39, which is the historical basis for our Fifth Amendment and what we refer to today as due process of law. It reads: "No Freeman shall be taken or imprisoned, or disseised of his Freehold, or Liberties, or Free Customs, or be outlawed, or exiled, or any otherwise destroyed; nor will We not pass upon him, nor condemn him, but by lawful judgment of his Peers, or by the Law of the land. We will sell to no man, we will not deny or defer to any man either Justice or Right."

What the Magna Carta enshrined in written form was the principle that the supreme power in the land was not the sovereign/executive, but the rule of law and that in any conflict between the two the law would always prevail. It is thus no surprise that renowned English judge, Lord Denning, stated that the "Magna Carta is the greatest constitutional document of all times – the foundation of the freedom of the individual against the arbitrary authority of the despot." And clearly, there is a straight line that runs from Runnymede to Philadelphia in 1787 and the later adopted Bill of Rights. These are the reasons why we celebrate the anniversary of the Great Charter. ■

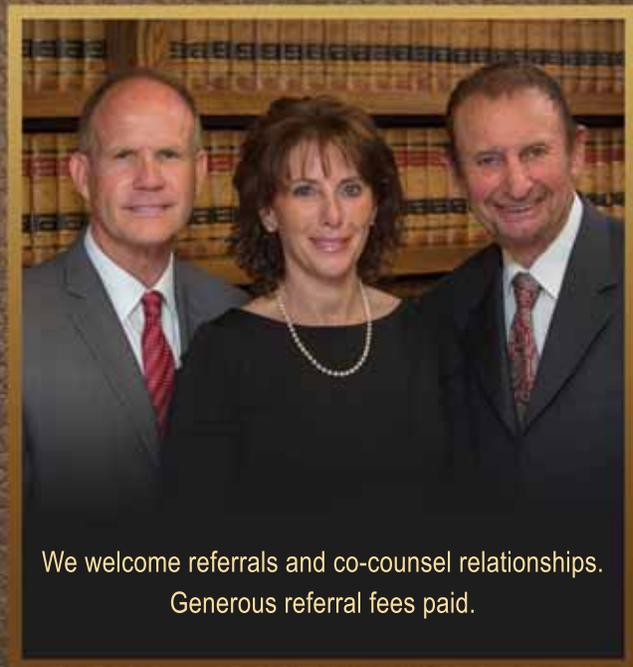
Make us your personal injury trial firm.

- Vehicular/Bicycle/Pedestrian Accidents, Product Liability, Premises Liability, Defective Products, Carbon Monoxide Poisoning.
- Trust your referral to us. We get results because we know how to maximize case value and have the experience and resources to win.
- Our office has a combined 75 years of trial practice and experience. We have tried over 150 personal injury cases to verdict resulting in many 6 and 7 figure verdicts and settlements.

LAW OFFICE OF
Renée J. Nordstrand

(805) 962-2022
www.nordstrandlaw.com

225 East Carrillo, Suite 202 • Santa Barbara, CA 93101



We welcome referrals and co-counsel relationships.
Generous referral fees paid.

Experienced. Trusted. Proven.

Mediator and arbitrator
for the resolution of
cases including:

- Business/Commercial
- Contracts, Employment
- Environmental and Real Estate
- Construction
- Wills and Trusts
- Family Law
- Personal Injury

Retired Judge, Elinor Reiner



Judge Elinor Reiner
MEDIATOR AND ARBITRATOR

To schedule a consultation, please call 805-879-7517
211 E. Anapamu Street • Santa Barbara, CA 93101
elinor@elinorreiner.com • WWW.ELINORREINER.COM

Hebda Property & Title Solutions

John Hebda
President



- ✓ Attorneys
- ✓ Title Companies
- ✓ Commercial, Industrial and Agricultural Real Estate Professionals
- ✓ Residential Real Estate Professionals
- ✓ Utility companies and contractors
- ✓ Government agencies
- ✓ Surveyors
- ✓ Developers

Hebda Property & Title Solutions is committed to sharing over 30 years of title insurance and real property problem solving expertise with Professionals seeking quality research and common sense solutions regarding a host of complex real property issues.

john@hebdasolutions.com
805.636.2537
www.hebdasolutions.com

Estate and Asset Protection Planning for International Assets

BY STEPHEN A. MALLEY

One are the days when families might rely on confidentiality for their assets and estates. The United States, Europe, and most Asian and South American countries have joined the disclosure “bandwagon,” with laws requiring annual and full reporting of international assets, with draconian penalties for non-compliance. In the U.S., IRS Form 8938 requires annual disclosure of foreign-held assets, including contracts with foreigners (with very limited exceptions). And, an ever increasing number of countries and financial institutions (over 87,000 last count) have signed on to the Foreign Account Tax Compliance Act (FATCA), usually with reciprocal reporting among tax authorities to ensure that beneficial ownership of assets is reported by one country to another.

In addition to ensuring that testamentary objectives are achieved, these issues must be taken into account in the estate planning process. Following is a brief description of just some of the important issues which both U.S. taxpayers and non-resident aliens with U.S. assets should consider.

Forced Heirship: Many civil law countries, including France, Germany, Japan, and South Korea, require that specified family members receive most, if not all, of an estate. In the Middle East, there may be religious rules governing heirship. China generally gives supported family members a priority claim. These countries may impose large and perhaps confiscatory transfer taxes on assets willed to persons other than direct family members. Canada, Ireland, Australia, the United Kingdom and some other countries, under very specific circumstances, may allow a will to be “reformed” to ensure that immediate family members who demonstrate “need” are not disinherited.

Citizenship, Residency, or Domicile: One or another of these attributes may determine how and what assets are subject to estate, transfer and/or inheritance taxes. U.S. Citizens and U.S. residents (Green Card holders and others) are subject to estate tax on world-wide assets, some of which may also be taxed by the country in which the asset is located. Most countries tax the estate of decedents who were “domiciled” there before death, and some focus

on mere residency (e.g., the U.S., Argentina, Brazil, Switzerland, and France).

The U.S. does not allow non-citizens the estate tax exemption, regardless of how long they have been here; the current estate tax exemption for non-citizens is \$60,000, although a restrictive “Qualified Domestic Trust” can be established to take advantage of the spousal exemption. This issue can be quite complicated when there are foreign assets, some of which may be subject to tax and/or direct inheritance rules.

Community or Separate Property: The character of asset ownership must be determined, and it can be complicated, certainly in the U.S. The character of assets and related laws may determine if and how much of an asset one has the right to transfer.

Conflict of Laws and Situs Rules: The relevant laws must be determined, and even then, there is often a potential conflict over which law should govern. The issues of “domicile” and “residency” can be problematic. In France, for example, owning or even renting a residence can, with other factors, cause one to be a “resident” there for tax purposes. The “situs” rules, which determine which asset classes are subject to local tax, must also be examined. In the U.S., these rules determine which assets are subject to U.S. estate and gift tax; stock in a U.S. corporation, for example, is a U.S. sited asset for estate tax purposes, but not for gift tax purposes.

Estate Tax or Inheritance Tax: A country may tax an estate directly, or instead impose an inheritance tax, usually on beneficiaries. Some levy an income tax on certain transfers of property, such as Canada, the United Kingdom, Germany, Italy, and Chile. It is of course critical to determine what taxes will apply before determining an appropriate estate and tax plan.

Probate or Direct Inheritance: States in the U.S. generally have probate procedures to transfer assets from an estate. Many countries have “direct” inheritance rules, without a probate procedure. The relevant rules are an important consideration in an estate plan.

Multiple Taxing of Assets: The U.S. assets of a non-resident alien could be subject to U.S. estate tax, and with no tax credit allowed for foreign transfer or inheritance taxes on the same property. As for U.S. Citizens with foreign assets, the U.S. has only a few estate tax treaties which can afford some relief from double taxation. The application of tax credits is complex and must be additionally considered.

Asset Protection: Protecting assets from creditors, unanticipated claimants for a share of the estate, and from multiple taxation are common objectives. In Japan and some European countries, the “automatic” transfer of an

estate to heirs may carry liability to creditors of the decedent, although an election may be available to limit that liability; in Switzerland, for example, the election must be made within one month. Advance planning may well solve most if not all these exposures.

A U.S. Limited Liability Company which holds title to foreign assets might accomplish a number of objectives, including the avoidance of forced heirship, avoidance or minimization of tax, asset protection, and perhaps the elimination of conflict of laws issues. However, many countries will impose a transfer tax on the transfer of assets to an LLC or “foreign” corporation, and income tax issues must also be examined before any transfer to a holding entity;

the entity could be treated as a “permanent establishment” for income tax purposes, such as in Australia, for example.

With respect to any of the foregoing issues, the details of a tax and estate plan for those with international assets will of course be determined by the specific facts and require a country-by-country analysis. ■

Stephen A. Malley is an attorney with an emphasis on United States and international tax planning, international business structuring, estate, tax and asset protection planning for United States and foreign nationals and companies, international licensing of intellectual property, and international financial transactions generally.



*Judge Arthur and
Carmen Garcia,
Jeanie Hill and
Judge Brian Hill,
below*

*Judge Frank and Paula Ochoa, Beth
and Derek Westen, Judge Harry
Loberg (© photos by Priscilla)*

Judge Frank Ochoa Retirement Party



Who Deserves Recognition?

A Call for Nominations

Are you, or someone you know, a selfless contributor to our community and our local court system? The Santa Barbara County Bar Association calls for nominations for 2015 awards in the following four categories. Please do not allow us to overlook worthy candidates.

Award	Recipient Type	Criteria to be Honored
Pro Bono Award	Attorney	Has donated at least 50 hours of direct legal services to low income persons without expectation of remuneration during the previous calendar year.
John T. Rickard Judicial Service Award	Judge	Outstanding contributions to the judiciary and/or the local court system
Richard Abbe Humanitarian Award	Attorney or judge	Life, leadership and conduct that exemplify humanitarian principles
Frank Crandall Community Service Award	Law firm	Facilitating pro bono services to community non-profit organizations). Factors to consider: <ul style="list-style-type: none">• services benefiting low-income persons;• community projects' leadership;• nature and quality of work and hours per attorney;• percent of firm attorneys involved in pro bono work;• existence of a policy encouraging pro bono activity.

Submit your nominations to scott@rogerssheffield.com by July 31, 2015.

Please include specific facts that support each criterion

2015 Annual



BAR BBQ

The Santa Barbara County Bar Association invites Members, Guests & Family to our Annual Bar BBQ



When: 5pm, Friday, June 19, 2015

Where: Tucker's Grove

From Highway 101 take Turnpike Road north across Cathedral Oaks Rd.
The park entrance is straight ahead.

Celebrate the beginning of summer! With its special oak woodland environment, Tucker's Grove is the perfect location for our Annual Bar BBQ. A delicious BBQ will be prepared by master chef-attorneys Rusty Brace and Mack Staton and beverages by expert bartender Will Beall! Mingle with fellow attorneys and judiciary.

**\$40 per SBCBA Member/\$50 per Non-SBCBA Member (After June 12: \$50/\$60)
\$20 per Law Students, New Attorneys (0-3 years) & Public Interest Attorneys (After June 12: \$30)
Children 12 & under \$5**

Call (805) 569-5511 to pay via credit card

Mail checks to: Santa Barbara County Bar Association
15 W. Carrillo, #106, Santa Barbara, CA 93101

Sponsorship Opportunities available! Contact us at director@sblaw.org for more information



Get to Know...

Naomi Dewey

Naomi Dewey is a Partner at Buynak Fauver Archbald & Spray, President of the Santa Barbara County Bar Association and a member of the Board of Governors of California Women Lawyers.



1. What is your idea of perfect happiness?

A day with friends and family at Traeth Llyfn, my favorite beach (in Pembrokeshire, West Wales), followed by dinner al Fresco and a hike up the nearest mountain to watch the sunset. At a pinch, I would accept the same series of events if they took place in Brittany.

2. What is your greatest fear?

I'm pretty fearless. Before I met my husband I was afraid of the dark.

3. Which living person do you most admire?

Ofeibe Quist-Arcton, the NPR journalist that covers West Africa. For one woman to play such a huge role in reporting the news for such an enormous part of the world is amazing.

4. What is your greatest extravagance?

Having three children. But it's worth it.

5. What is your current state of mind?

Calm, pending a discovery dispute I see brewing on the horizon.

6. Which words or phrases do you most overuse?

"Sure, I can do that" comes to mind. I also overuse "Thank you for your courtesy and cooperation" as a sign-off in letters.

7. What or who is the greatest love of your life?

My husband, Jos. The most wonderful person I have ever met, he is wise, funny, handsome, an amazing cook, an excellent linguist and best of all he has the patience of a saint.

8. When and where were you happiest?

Most recently, sitting at the top of Figueroa Mountain with a picnic and some Brander sauvignon. But that will probably change this weekend – every day is an adventure.

9. Which talent would you most like to have?

I would love to be fluent in French. Hilariously, my colleagues believe I am. I hope none of them read this.

10. What do you consider your greatest achievement?

Raising three happy, healthy, wonderful daughters who are pursuing their passions and improving the lives of others.

11. Where would you most like to live?

Right where I live now, with a second home in Wales.

12. What is your most treasured possession?

Time.

13. What is your most marked characteristic?

I have no idea. In Santa Barbara, it might be my accent, but I do my best to hide that with a mid-Atlantic twang.

14. What do you most value in your friends?

Intellect, broad horizons, engagement in world affairs, a sense of fun and a willingness to eat good food at short notice.

15. Who are your favorite writers?

I love Jane Gardam, especially the books she wrote about Old Filth, the expat construction barrister. I also enjoy Margery Allingham, who started writing crime fiction in the 1920s.

Continued on page 20



LINDENAUER MEDIATION

Victoria Lindenauer, Esq.

STREAMLINED APPROACH
RESULTS
COST EFFECTIVE

Over 25 years PI litigation on the Central Coast

TRAINED MEDIATOR:
Straus Institute
Pepperdine University

MEDIATION PANELIST:
Santa Barbara, Ventura, San Luis Obispo
Resolute Systems, LLC

(805) 730-1959
lindenauer_mediation@cox.net

www.lindenauermediation.com



Hayes

COMMERCIAL GROUP

FOR SALE

Office/Income Property

KITTY CORNER FROM THE COUNTY COURTHOUSE



SB County Courthouse

RARE OPPORTUNITY FOR A LAW FIRM...

- Two buildings on contiguous parcels
- Own your own office
- Second building can be leased for income
- 9 on-site parking spaces

Kristopher Roth
805.898.4361
kris@hayescommercial.com

Francois DeJohn
805.898.4365
fran@hayescommercial.com

HayesCommercial.com | 222 E. Carrillo St, Suite 101, Santa Barbara

Redman Goodstein and Associates

Conflict resolution specializing in family law, probate, real estate litigation and employment law.

Ellen Goodstein:

- *Former Florida Certified Civil and Family Law Mediator
- *Civil Dispute Resolution Center, LA County Bar Association, 36 hour course
- *Conflict Solution Center's 6 day Mediation Course
- *UCSB Family Law Mediation Course, 17 hour
- *UCSB Employment Mediation Course, 17 hour



Brandi Redman:

- *Certificate, Straus Institute for Dispute Resolution, Pepperdine University School of Law, 42 hours
- *Conflict Solution Center's Mediation Course, 6 Days
- *UCSB Family Law Mediation Course, 17 hours



Phone: 805-570-2321 **Fax:** 805-248-7985
Address: P.O. Box 281
 Santa Barbara, CA 93102
Website: redmangoodstein.com
Email: Ellen Goodstein- egoodsteinsb@gmail.com
 Brandi Redman- b.redman@cox.net

HON. FRANK J. OCHOA (RET.)

MEDIATION, ARBITRATION & CONSULTING SERVICES
The Patience to Listen, the Experience to Resolve
OVER 32 YRS. JUDICIAL EXPERIENCE



“... A PATIENT,
COMPASSIONATE, INTELLIGENT
JUDGE ...
A LEADER IN SANTA BARBARA’S
LEGAL COMMUNITY”
“OCHOA EXCELS IN SETTLEMENT
NEGOTIATIONS...” (Italics added)
L.A. DAILY JOURNAL
“Judicial Profile” 7/17/2008

MEDIATION

ARBITRATION

Neutral Case Evaluation
Special Master Services
Discovery Management

Consultation:
Professional, Political,
and Crisis Management

MEDIATION BACKGROUND

- ◆ Created: Santa Barbara Superior Court’s CADRe (Court Administered Appropriate Dispute Resolution) Program
- ◆ Southern CA. Mediation Association’s “Judge of the Year Award”
- ◆ Pepperdine Univ. School of Law: Straus Institute for Dispute Resolution
- ◆ American Institute of Mediation: Mediating Commercial & Litigated Cases

831 State St., Suite 279, Santa Barbara, CA 93101
Phone: (805) 965-8898 FAX: (805) 962-3889
WWW.FRANKOCHOA.COM

SoCal IP
Law Group LLP

STATESMEN & WARRIORS



SANTA BARBARA · WESTLAKE VILLAGE · IRVINE
WWW.SOCALIP.COM

Help your clients plan
beyond the settlement

You're invited to a complimentary settlement services review

Preserve your clients' post-settlement assets

Ameriprise Financial provides different levels of service, including full financial planning services, to help guide your client through the settlement process, including structured settlement annuities offered through Millennium Settlements, Inc. - AVITAS division.

Contact me today
to schedule your
complimentary
settlement services
review.



ALEJANDRO J. OCHOA, CRPC®

Financial Advisor
Business Financial Advisor
1625 State Street, Ste 5
Santa Barbara, CA 93101
818.334.8246
alejandros.j.ochoa@ampf.com
ameripriseadvisors.com/alejandros.j.ochoa
CA Insurance #OE15343



The complimentary settlement services review provides an overview of structured settlement products and financial planning concepts and does not include a written analysis and/or recommendations. Financial planning services may be purchased separately.

Millennium Settlements, Inc. - AVITAS division is not affiliated with Ameriprise Financial.

Investment advisory products and services are made available through Ameriprise Financial Services, Inc., a registered investment adviser.

Ameriprise Financial Services, Inc. Member FINRA and SIPC.

© 2015 Ameriprise Financial, Inc. All rights reserved

Shredded Fish Redux

BY ROBERT SANGER

In the Criminal Justice column of the June 2014 edition of the *Santa Barbara Lawyer* magazine,¹ we covered the *Yates* case in which certiorari had been granted to the United States Court of Appeals for the Eleventh Circuit. The article was entitled “Shredded Fish” because the sea captain in *Yates* was prosecuted under the document shredding provisions of the Sarbanes-Oxley Act of 2002 for destroying fish. That case has now been decided by the United States Supreme Court in *Yates v. United States*, on February 25, 2015.²

From time to time, in the Criminal Justice column, we have also discussed the rule of lenity and over-criminalization. The rule of lenity has been ignored more often than applied, resulting in the over-criminalization of business activities. However, from time to time, the Supreme Court does invoke the rule of lenity. This was one of these times. In this Criminal Justice column, we will bring the saga of *Yates* and the “shredded fish” up to date and also explore the role of the rule of lenity in curbing over-criminalization.

Shredded Fish and Captain Yates

The case arises from an interaction with a Florida (and federally cross-deputized) Fish and Game agent who boarded John Yates’ fishing boat at sea. The agent measured fish that had been taken on board and determined that some of them did not appear to meet the requirement that they be of a certain length. The Fish and Game agent instructed Yates to preserve the collection of fish that the agent had set aside so that federal authorities could evaluate them as a part of a civil investigation upon docking. While there are disputed facts, the jury apparently found that Yates, as the boat captain, had directed another member of the boat’s crew to dispose of the fish.

Yates was not subject to criminal prosecution for his fishing activities and, if the government had proceeded, he would have been subject, at most, to a civil fine and administrative sanction regarding his fishing permit. However, in this case Yates was prosecuted criminally – not for the fishing violations (if there were any) but for apparently

instructing his crew to throw the fish overboard. The statutory basis for federal prosecutors to assert jurisdiction over this incident as a federal felony prosecution was the “anti-shredding” provisions of the Sarbanes-Oxley Act of 2002.³

The Court, through the Opinion of Justice Ginsberg and the concurrence of Justice Alito, held that this went too far. The “anti-shredding” provisions of the Sarbanes-Oxley Act of 2002 imposed criminal liability on anyone who “knowingly . . . destroys . . . any record, document, or tangible object with the intent to impede, obstruct, or influence the investigation or proper administration of any matter within the jurisdiction of any department or agency of the United States.”⁴ Through a multifaceted analysis on statutory construction, including the rule of lenity, the Court found that in this context “tangible object” is one used to record or preserve information.

Even though a fish is a tangible object, it appeared from the analysis of the legislation – which was passed in the aftermath of the Enron investigations – that the code section was intended to punish the intentional destruction of documents or other sources of information. While the exercise in statutory construction in *Yates* is interesting, it seems that the real issue was that allowing the “creative” use of broad federal statutes that were designed for a particular purpose results in an unreasonable expansion of federal criminal power.

The Rule of Lenity and Overcriminalization

Although Justice Scalia was not pleased with the judgment of the Court in *Yates*,⁵ he once described the rule of lenity concisely. He said, when interpreting the words of a criminal statute, “the tie must go to the defendant. The rule of lenity requires ambiguous criminal laws to be interpreted in favor of the defendants subjected to them.”⁶ In United States Supreme Court jurisprudence, the doctrine was expressed as early as 1820 by Chief Justice Marshall, where the Court held that there was no room to speculate in the interpretation of a statute: “Probability is not a guide which a court, in construing a penal statute, can safely take.”⁷

The fundamental concept behind the rule of lenity in criminal cases is that criminal liability in this country must



Robert Sanger



CONSIDER MAHO PRENTICE FOR YOUR PERSONAL INJURY REFERRALS

Over 80 Jury Trials to Verdict	\$17 Million in Verdicts/Settlements in the Past Two Years	Generous Referral Fees Per State Bar Rules
--------------------------------	--	--

Maho | Prentice LLP is a Santa Barbara firm which focuses its practice on handling plaintiff personal injury cases. We welcome your referrals on matters of personal injury and wrongful death and pay referral fees per State Bar rules. Maho | Prentice has successfully obtained settlements and verdicts in amounts exceeding \$17 million dollars in the past two years alone. We will speak with all potential clients free of charge and will handle all good cases anywhere in the State of California. Please consider establishing a rewarding relationship with us.



MAHO | PRENTICE, LLP
ATTORNEYS AT LAW

Fifthian Building
629 State St., Suite 217, Santa Barbara, CA 93111

www.maho-prentice.com
(805) 962-1930

be based on statute. The requirement of statutory liability is designed to promulgate laws subject to criminal sanctions and to allow the public (and any potential defendant) to have notice of the conduct that is proscribed. In that regard, the power of prosecutors, state and federal, is circumscribed.

Many feel that this fundamental concept has been ignored in deference to expanded criminal liability, primarily in what has previously been “business regulation.” Lenity has been ignored in the ever expanding federal jurisdiction asserted by the growing forces of federal special agents, United

States Attorneys and special prosecutors.⁸ Statutes are used in an expansive and selective way to criminalize behavior that few people would know was criminal.

The majority (or plurality) opinion used several canons of statutory construction, including the rule of lenity, to rein in the scope of this particular statute. It was, after all, designed to avoid the kind of paper shredding that occurred during the Enron investigation. The statute was intended to avoid destruction of records. The plurality, Alito’s concurrence, and the dissents conduct an interesting examination of the various mechanisms that can be used to construe a statute.

But the significance of the opinions is not so much the exercise in statutory construction but the overall philosophical concern that the justices seemed to have. That is, this statute was so broad and had such a wide range of possible punishment, that it was a prime example of over-criminalization. Justice Ginsberg, writing the plurality opinion, did not use the word “over-criminalization” nor did Justice Alito in concurrence. However, the rule of lenity was invoked to disallow just the sort of federal jurisdiction enlargement that is encompassed in the term.

In the plurality opinion, Justice Ginsberg stated: “Yates would have had scant reason to anticipate a felony prosecution, and certainly not one instituted at a time when even the smallest of the fish he caught came within the legal limit.”⁹ Ginsberg further stated: “. . . the Government urges a reading of §1519 that exposes individuals to 20-year prison sentences for tampering with any physical object that might have evidentiary value in any federal investigation into any offense, no matter whether the investigation is pending or merely contemplated, or whether the offense

subject to investigation is criminal or civil.” (Emphasis in original.)¹⁰

It was Justice Kagan in dissent who used the term “overcriminalization.” Kagan dissented based on statutory construction grounds; nevertheless, she recognized that the law was overbroad. She said that the breadth of the statute, “brings to the surface the real issue: overcriminalization and excessive punishment in the U. S. Code.”¹¹ Justice Kagan went on to say: “Still and all, I tend to think, for the reasons the plurality gives, that §1519 is a bad law—too broad and undifferentiated, with too-high maximum penalties, which give prosecutors too much leverage and sentencers too much discretion. And I’d go further: In those ways, §1519 is unfortunately not an outlier, but an emblem of a deeper pathology in the federal criminal code.”¹²

At the oral argument in the *Yates* case, Justice Kennedy said, “I understand the argument and the argument that you make has considerable force about over criminalizing . . .”¹³ Later, in April 2015, Justice Kennedy, joined by Justice Breyer, spoke before a House appropriations subcommittee. In discussing the criminal justice system as a whole and the resultant “mass incarceration,” Justice Kennedy said, “In many respects, I think it’s broken.”¹⁴ Justice Kennedy joined Justice Kagan’s dissent in *Yates*, which squarely raised the concern about the phenomenon of over-criminalization.

Conclusion

This kind of broad statute, interpreted widely as it was by the government, gives almost unlimited power to federal agents and federal prosecutors to institute criminal prosecutions. Historically, the police powers were reserved to the states. The federal government’s incursion into this area is a phenomenon of the twentieth and twenty-first centuries. Given these broad statutes and the use of the general statutes on mail fraud, wire fraud, securities fraud, money laundering, RICO and others, federal criminal law has taken over what was at one time the jurisdiction of state prosecutors and courts. In addition, this expansion has permeated what was once administrative regulatory law. ■

Robert Sanger is a Certified Criminal Law Specialist and has been practicing as a criminal defense lawyer in Santa Barbara for over 40 years. He is a partner in the firm of Sanger Swysen & Dunkle. Mr. Sanger is Past President of California Attorneys for Criminal Justice (CACJ), the statewide criminal defense lawyers’ organization. He is a Director of Death Penalty Focus. Mr. Sanger is a Member of the ABA Criminal Justice Sentencing Committee and the NACDL Death Penalty Committee. He is a Member of the American Association for the Advancement of Science (AAAS).

Mr. Sanger is also a member of the Jurisprudence Section of the American Academy of Forensic Sciences (AAFS).

ENDNOTES

- 1 Robert Sanger, Shredded Fish, *Santa Barbara Lawyer* magazine (Issue 501, June 2014) p. 22.
- 2 *Yates v. United States*, 574 U. S. ____ (2015) slip opinion.
- 3 18 U.S.C. §1519.
- 4 18 U.S.C. §1519 (emphasis added).
- 5 Justice Scalia joined Justice Kagan’s dissent.
- 6 *United States v. Santos*, 553 U.S. 507 (2008) citing *United States v. Gradwell*, 243 U.S. 476, 485, 37 S.Ct. 407, 61 L.Ed. 857 (1917); *McBoyle v. United States*, 283 U.S. 25, 27, 51 S.Ct. 340, 75 L.Ed. 816 (1931); *United States v. Bass*, 404 U.S. 336, 347-349, 92 S.Ct. 515, 30 L.Ed.2d 488 (1971).
- 7 *United States v. Wiltberger*, 18 U.S. 76, 105 (1820).
- 8 Brian W. Walsh and Tiffany M. Joslyn, *Without Intent: How Congress Is Eroding the Criminal Intent Requirement in Federal Law*, published jointly by the Heritage foundation and the National Association of Criminal Defense Lawyers (2010).
- 9 *Yates v. United States*, 574 U.S. ____ (2015), slip opinion at 17.
- 10 *Yates v. United States*, 574 U.S. ____ (2015), slip opinion at 18.
- 11 *Yates v. United States*, 574 U.S. ____ (2015), slip opinion at 18, Kagan, J. dissenting.
- 12 *Yates v. United States*, 574 U.S. ____ (2015), dissent slip opinion at 19, Kagan, J. dissenting.
- 13 Transcript of Oral Argument, November 12, 2014, p. 5, http://www.supremecourt.gov/oral_arguments/argument_transcripts/13-7451_i2d1.pdf
- 14 Justice Kennedy’s Plea to Congress, *New York Times*, April 4, 2015.



Friend us on Facebook!

@Santa Barbara County Bar Association

twitter



Follow us on Twitter!

@SBCBA

Classifieds

CONFERENCE ROOM

Conference Room at 21 E. Carrillo. ADA, water, single serve coffee; tabletop power, internet, and video connection to 60" flat screen TV; Seats 8. \$130/day, \$80/half-day. Call 805.963.1120.

Legal Community

Dewey, continued from page 14

16. Who is your hero of fiction?

Inspector Morse, definitely.

17. Which historical figure do you most identify with?

Niccolò Machiavelli on a bad day, my grandmother on a good day.

18. Who are your heroes in real life?

Pat Gillette at Orrick is pretty amazing as a rainmaker and a trailblazer; I am also continuously impressed by Nancy O'Malley, DA for Alameda County, and the work she does for victims of sex crimes, human trafficking and domestic violence. On a local level, the attorneys at Legal Aid do a huge amount of work with a limited budget and I truly believe they save lives.

19. What is it that you most dislike?

Bad behavior among lawyers, evidenced by a lack of civility that is a disservice to the attorney exhibiting it, to their clients and to the legal profession.

20. What is your motto?

Don't f%^& this up. ■

PETRU CORPORATION

A FULL SERVICE LAND COMPANY

Title Searches/Reports
Title Consulting/Research
Oil, Gas, Mineral Land Consulting
Water, Geothermal, Wind & Solar
Management/Administration
Leasing & Land Contracts
Title Engineering
Right-of-Way Consulting
Environmental Studies
Subdivisions/Parcel Maps
Permits/Regulatory Compliance
Expert Witness & Due Diligence
Map Drafting / AutoCAD

TIMOTHY B. TRUWE
Registered Professional Landman
Registered Environmental
Property Assessor
250 Hallock Dr., Suite 100
Santa Paula, CA 93060-9218
(805) 933-1389
Fax (805) 933-1380
<http://www.PetruCorporation.com>
Petru@PetruCorporation.com

Family Law Section of the Santa Barbara County Bar Association

What is E-Discovery and Why Should You Care?

An attorney's obligations under the ethical duty of competence evolve as new technologies develop and become integrated with the practice of law. In today's technological world, almost every litigation will involve ESI and e-discovery. Failure to preserve ESI can result in evidentiary and monetary sanctions. State Bar of California Standing Committee on Professional Responsibility Formal Opinion No. 11-0004 spells out the attorney's obligations with respect to preservation of, discovery of, and disclosure of ESI including the obligation of a higher level of technical knowledge and ability.

MCLE program will explore the reaches and ramifications of State Bar Formal Opinion 11-004, as well as the California E-Discovery Act of 2009, and how they will affect your practice. Pointers will be given with respect to how you can bring your practice "into the digital age" and how to protect yourself and your clients whether you are on the giving or receiving end of the new world of e-discovery.

When:

Monday May 4, 2015

Time:

Noon-2:15 p.m.

Place:

SBCOL

Lunch will be provided.

MCLE:

2 general units (approval pending)

Panel:

Hon. James E. Herman, Elizabeth Vogt, Matthew Long, Renee Fairbanks

Cost:

\$40 SBCBA members; \$50 non-members

R.S.V.P.:

There are only 50 spots available for this course. Reserve your spot by mailing your check, made payable to SBCBA, to:

Maureen A. Grattan
DORAIS, McFARLAND, GRATTAN & POLINSKY
Law Corp.
25 East Anapamu Street, Second Floor
Santa Barbara, CA 93101

Is your malpractice renewal a cliffhanger?

Lawyers' Mutual Insurance Company has seen many carriers come and go.

Since 1978, we have stayed committed to only one feat: *protecting the lawyers of California.*

As carriers withdraw from the market once again . . . **LMIC is prepared and ready to assist you.**



LMIC... *here to stay.*



www.LMIC.com or call (800) 252-2045

LAWYERS' MUTUAL INSURANCE COMPANY 3110 West Empire Avenue, Burbank, CA 91504

Lawyers' Mutual
*LMIC... Exclusively
providing California Lawyers
with trusted service
and innovation since 1978*
Insurance Company

SBCBA Liaison to Affiliate and Legal Community Organizations

COMPILED BY ANDREW B. MITCHELL

California Women Lawyers

CWL Annual Conference on May 8, 2015. Keynote Speaker, Michele Coleman Mayes, Vice President, General Counsel and Secretary of the New York Public Library. This is an all-day conference offering MCLE with a reception following.

Location: DoubleTree by Hilton San Francisco Airport.

Website info <http://www.cwl.org/events/cwl-annual-conference-40/details>

SB Barristers

The next MCLE will likely be related to “e-Filing.” Dates are being coordinated with the Court and the e-filing company.

CALCPA Channel Counties Chapter

Networking Mixer on August 25, 2015 at the Canary Hotel Rooftop.

Golf Tournament on September 29, 2015. Location and time TBA.

Stay tuned for flyers on events.

Santa Barbara College of Law

The Santa Barbara & Ventura Colleges of Law (COL) is pleased to announce it has been granted initial accreditation by WASC Senior College and University Commission (WSCUC). COL is already accredited by the Committee of Bar Examiners of the State Bar of California and graduates of the J.D. program are eligible to take the state bar exam.

ORGANIZATION INFORMATION

Santa Barbara County Law Library

Ray MacGregor, Library Director

info@countylawlibrary.org

SBCBA Foundation

Renee Fairbanks

rfairbanks@ehlersandfairbanks.com

Chris Kopitzke

ckopitzke@socalip.com

<http://www.sblaw.org/Public/santa-barbara-county-bar-foundation>

Santa Barbara North County Bar

Cynthia Valenzuela, President

Cynthia@valenzuelalaw.com

<http://www.nsbbar.org/>

Monthly MCLE lunch meetings are held on the 4th Thursday of every month at Testa Bistro in Santa Maria.

Santa Barbara College of Law

Michelle Wise

mwise@collegesoflaw.edu

<http://www.collegesoflaw.edu/Home>

Southern California Institute of Law

Dean Stanislaus Pulle

admissions@lawdegree.com

www.lawdegree.com

Santa Barbara Women Lawyers

Betty L. Jeppesen

jeppesenlaw@gmail.com

<http://www.sbwl.org>

Santa Barbara Women Lawyers Foundation

Elvia Garcia

elvia@mcmurraylaw.us

California Women Lawyers

Kristen Calderon

Executive Administrator

CALIFORNIA WOMEN LAWYERS

kcalderon@cwl.org | www.cwl.org

1215 K Street, Suite 940

Sacramento, CA 95814

(916)930-9020

William L. Gordon Chapter of the American Inns of Court

Cheryl Johnson

cjohnson@hbsb.com

Meets on the first Wednesday of every month (Feb – Nov)

Legal Aid

Emily Allen
eallen@lafsb.org
Elizabeth Diaz
ediaz@lafsb.org

Courthouse Legacy Foundation

Olivia Marr
OMarr@BFASLaw.com
Linda Rosso
Lindarosso805@gmail.com
<http://www.courthouselegacyfoundation.org/>

Santa Barbara Barristers

Andrew B. Mitchell
andrew@mitchell-esq.com
www.sbbarristers.com

Environmental Defense Center

Betsy Weber
Communications Director
906 Garden Street
Santa Barbara, CA 93101
805.963.1622 x 100
bweber@environmentaldefensecenter.org
www.EnvironmentalDefenseCenter.org

Santa Barbara Young Professional Association

Tyler Dobson
Tyler.J.Dobson@wellsfargo.com
Kristine Ulrich
Event Director
Santa Barbara Young Professionals Club
P.O. Box 23316 | Santa Barbara, CA 93121
Email: kristine@sbypc.org
<http://sbypc.org/>

Santa Barbara Paralegal Association

Barbara Liss
2015 Liaison
Barbara@eatonjones.com
Gretchen Lichtnberger
2015 President
justicemattersnow@yahoo.com
Kimberly Mumford
Kmmumford@bhfs.com
<http://wp.sbparalegals.org/>

CALCPA Channel Counties Chapter

Rita Williams
rita.williams@calcpa.org

Santa Barbara Legal Professionals Association

(formerly the SB Legal Secretaries Association)
info@sblegalnet.com
Noemi Vasquez
nvasquez@rppmh.com
Lisa Velez
lvelez@rppmh.com
<http://www.sblegalnet.com/>
Board meetings are on the second Wednesday of every month from 12:15-1:15 at 1421 State Street, Suite B

District Attorney's Office

Kelly Scott
KDScott@co.santa-barbara.ca.us

Public Defender's Office

Jeff Chambliss
JChambl@co.santa-barbara.ca.us

Office of County Counsel

Amber Holderness
aholderness@co.santa-barbara.ca.us
Jerry Czuleger
Czuleger@co.santa-barbara.ca.us

Santa Barbara Trial Lawyers

(Personal Injury Plaintiffs lawyers)
Tyrone Maho
TMaho@sbcaw.com
2nd Tuesdays of the month at Arch Rock. Plaintiffs counsel only.

Latina/Latino Lawyers Association

Beatriz Pimentel Flores
bpf@mapsblaw.com
Beatrizpflores@hotmail.com

"The Other Bar"

A state-wide network of recovering lawyers and judges dedicated to assisting others within the profession who have problems with alcohol or substance abuse and anonymity is protected.
(800) 222-0767
www.otherbar.org;
confidential@OtherBar.Org

Bar Foundation Race for Justice

On April 11, the Santa Barbara County Bar Foundation held its Race for Justice 5K fundraising event. Congratulations to race winners Stuart Smith and Jessica Douglas.



Motions

Lytel & Lytel, LLP is pleased to announce that partner **Roger B. Lytel** has been honored as the Nation's Top 1% of Attorneys by the National Association of Distinguished Counsel (NADC). By virtue of the selectivity of the research process, only an elite few are invited to join the ranks of the NADC. The four-stage process begins with a lengthy vetting by a research team, peers, a blue ribbon panel of attorneys and finally, a judicial review board of former judges. The mission of the NADC is to objectively recognize the attorneys who elevate the standards of the Bar and provide a benchmark for other lawyers to emulate.

Lytel & Lytel, LLP is also delighted to announce that **Diana P. Lytel** has become a partner at the firm. She will continue to concentrate her litigation practice in transportation, general liability, retail/premises liability, personal injury and construction defect in state and federal Courts. Lytel & Lytel, LLP represents insurance companies, business entities and individuals in general litigation matters.

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. Please note that the Santa Barbara Lawyer editorial board retains discretion to publish or not publish any submission as well as to edit submissions for content, length, and/or clarity.

THE OTHER BAR:

Meets every Tuesday at noon at 330 E. Carrillo St. We are a state-wide network of recovering lawyers and judges dedicated to assisting others within the profession who have problems with alcohol or substance abuse. We protect anonymity. To contact a local member go to <http://www.otherbar.org/> Link: Santa Barbara in 'Meetings' menu.

Lawyer Referral Service

805.569.9400

Santa Barbara County's ONLY
State Bar Certified Lawyer
Referral Service • A Public
Service of the Santa Barbara
County Bar Association

2015 SBCBA SECTION HEADS

Alternative Dispute Resolution

David C. Peterson 441-5884
davidcpeterson@charter.net

Bench & Bar Relations

James Griffith 962-5821
jim@jamesgriffithlaw.com

Civil Litigation

Mark Coffin 248-7118
mtc@markcoffinlaw.com

Mandatory Fee Arbitration

Thomas Hinshaw 729-2526
tmhinshaw@cox.net
Scott Campbell 963-9721
scott@rogerssheffield.com
Saji Gunawardane 845-4000
saji@CALitigator.com

Criminal Law

Catherine Swysen 962-4887
cswysen@sangerswysen.com

Debtor/Creditor

Carissa Horowitz 708-6653
cnhorowitz@yahoo.com

Elder Law

Denise Platt 682-8271
deniseplatt@cox.net
Russ Balisok (818) 550-7890
russ@balisok.com

Employment Law

Jonathan Miller 963-2345
jonathan@nps-law.com

Estate Planning/Probate

Timothy R. Deakyne 963-8611
tdeakyne@aklaw.net

Family Law

Maureen Grattan 965-2288
mgrattan@dorais.com

In-House Counsel & Corporate Law

Betty L. Jeppesen 450-1789
jeppesenlaw@gmail.com

Intellectual Property/Tech. Business

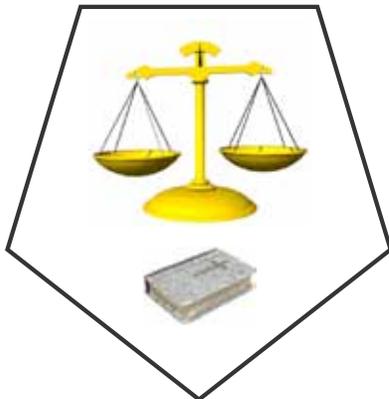
Christine L. Kopitzke 845-3434
ckopitzke@socalip.com

Real Property/Land Use

Joshua P. Rabinowitz 963-0755
jrabinowitz@fmam.com
Bret Stone 898-9700
bstone@paladinlaw.com

Taxation

Peter Muzinich 966-2440
pmuzinich@rppmh.com
Cindy Brittain 695-7315
cdb11@ntrs.com



**SANTA BARBARA
CHRISTIAN LAWYERS ASSOCIATION**

Meeting for lunch and fellowship
on the last Friday of each month
at 12 pm
The University Club
1332 Santa Barbara Street

\$20 for attorneys, \$10 for students

For more information please call or email Brenda Cota
at (805) 963-9721 or bcota@rogerssheffield.com



CISLO & THOMAS LLP
Patent, Copyright and Trademark
Litigation Attorneys at Law



Super Lawyers
2014
Serving Businesses in Southern California Since 1979

IP Filings, Counseling, Licensing & Litigation
With Offices In
Santa Monica, Westlake Village and Santa Barbara
Visit us at www.cislo.com or call us at
1 (866) CISLO LAW

We have Successfully Settled or Litigated
Over 98% of Our Cases

BONGIOVI MEDIATION

Mediating Solutions since 1998

Mediator • Arbitrator • Discovery Referee

"There is no better ambassador for the value of mediation than Henry Bongiovi."



HENRY J. BONGIOVI

AV Preeminent Rating
(5 out of 5)

AVVO Rated 'Superb'
(10 out of 10)

Conducting Mediations
throughout California

805.564.2115
www.henrybongiovi.com

JOHN E. NORDSTRAND ECONOMIC CONSULTING

For 22 years serving the Central Coast as an expert economist for personal injury, wrongful death, wrongful termination, and business litigation matters.

SERVICES:

- Valuations of Wage and Fringe Benefits Loss
- Household Services
- Business Valuations
- Loss of Profit Analyses
- Statistical Studies

EXPERIENCE:

Over 150 appearances of courtroom testimony in Superior Courts of Santa Clara, Monterey, San Luis Obispo, Santa Barbara, Ventura, Los Angeles, and Orange Counties, as well as U.S. Federal Court.

(805) 684-2750

www.johnnordstrandconomics.com

john.nordstrand747@gmail.com

If it's there,
we'll find it.
It's that simple.



White, Zuckerman, Warsavsky, Luna & Hunt, LLP offers much more than accounting expertise. Our creative ideas and new strategies give our clients a competitive edge. In family law, you need professionals who can analyze financial situations and provide unimpeachable analysis and expert testimony. With decades of experience, we are highly qualified in all areas including:

- ▶ Business & Professional Practice Valuations
- ▶ Cash Flow Available for Support
- ▶ High Earner Child Support Situations
- ▶ Lifestyle Expense Analysis
- ▶ Community/Separate Property Balance Sheets
- ▶ Tax Effects of Divorce & Tax Planning
- ▶ Asset Tracing
- ▶ Reimbursement & Misappropriation Analyses

White
Zuckerman
Warsavsky
Luna
Hunt LLP

Certified Public
ACCOUNTANTS
Expert Witnesses
Forensic Accountants
Business Appraisers
Marital Dissolution
Lost Earnings & Profits
Wrongful Termination
Fraud Investigation

Call us today so you can focus on what's important – your clients.

To attend our Santa Barbara Family Law Study Group, e-mail llasseube@wzwlw.com. There is no charge for the dinner or program and you will receive one hour of MCLE credit.

Our two California locations include:

Los Angeles 818-981-4226
Orange County 949-219-9816

E-mail: expert@wzwlw.com www.wzwlw.com

Santa Barbara Lawyer

The Santa Barbara County Bar Association
15 W. Carrillo St., Suite 106
Santa Barbara, CA 93101

Change Service Requested

PRSRT STD
U.S. Postage Paid
Santa Barbara, CA
Permit #734



Gary Goldberg

Real Estate Broker • Licensed Attorney
UC Hastings College of Law • Order of the Coif
CalBRE License # 01172139

- Intensive Marketing Plan for each listing
- Member, Santa Barbara, Ventura, and Santa Ynez Real Estate Boards
- Expert witness in Real Estate and Divorce Matters, and Estate Planning
- Licensed Attorney, Professor Real Estate Laws Course at SBCC

COASTAL PROPERTIES

EXCEEDING YOUR REAL ESTATE EXPECTATIONS

For your Real Estate needs, choose carefully and choose experience!

“I’ve been a Lawyer for 23 years and a Real Estate Broker with my own company for over 20 years.”

“As a real estate company owner beginning my 20th year of serving Santa Barbara, I look forward to helping you buy or sell real estate property, and as always, personally dedicating myself to striving for excellence in every transaction.”

Over \$550,000,000 Sold Since 2000

Among the top 10 agents in Santa Barbara

(per MLS Statistics in Gross Sales Volume)



1086 Coast Village Road, Santa Barbara, California 93108 • Office 805 969-1258 • Cell 805 455-8910

To view my listings visit www.garygoldberg.net • Email gary@coastalrealty.com