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Join the Race Around the World. Photo by Leandra C. Rayford

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The Kern County Bar Association provides leadership in advancing the professional interests of the membership and serving the legal interests of the community. Our goals are to: promote professional development and improve participation by all members, foster cooperation and goodwill between the legal profession and the community and disseminate information to the public, build and maintain programs to assure financial stability and facilitate the use of technology in the practice of law.

Indigent Defense Program Staff
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Tina Calistro and Citlali Carrillo, Assistants
The Celebration Reception of the Kern County Bar Association Charitable Foundation provides a rare opportunity to celebrate our legal community in an intimate and friendly setting. It is one of our few legal community events where the Judges often outnumber the attorneys.

This year was another beautiful evening at the Bell Tower Club. Monsignor Craig Harrison began our evening with a stirring invocation, followed by his personal pledge of $500 to support the good works of the KCBA Charitable Foundation. Thank you, Monsignor Harrison!

As we do each year, the Charitable Foundation presented gavels to newly-sworn Kern County judges. This year, Jennifer Zahry, KCBA immediate past president and Charitable Foundation board member, presented gavels to Judge David R. Zulfa, Commissioner W. Steven Shayer, Commissioner Alisa R. Knight, Judge Michael G. Bush, Judge John D. Oglesby, Judge Colette M. Humphrey, Judge Gary R. Witt, and Commissioner Ralph McKnight, Jr.

Joan Wallace, widow of Judge Arthur E. Wallace, helped us present the Arthur E. Wallace Scholarship to Vincent Oddo. Joan Wallace shared her memories of her husband, Judge Wallace, as did Judge Wallace’s good friend, Jim Barks. Judge Tom Clark, along with Barks, presented the award to Oddo. Oddo is a second-year student at Pepperdine, and he is a 4th generation Bakersfield native.

Stockdale High School’s Mock Trial Team couldn’t be at the Celebration Reception to accept a donation from the Charitable Foundation, as they were on their way to the state competition in Sacramento. Devin Brown, Charitable Foundation board member, presented a $2,500 donation to Stockdale High School’s Vice Principal, Michael Akey. Our two KCBA attorney coaches, Monica Bermudez and Alekxia Torres-Stallings, were with the team, though their husbands were at the Celebration Reception to wish the team well.

Each year at the Celebration Reception, we remember those from our legal community who we have lost during the past year. Judge Susan Gill read the names of those we lost, and introduced family members who attended the Celebration Reception:

- Guy Joseph Gattuso, Jr. (wife, Debra Gattuso, and daughter, Natalie Gattuso, representing)
- Stanley Mosley, Sr. (wife, Valerie Strong Mosley, son, Justin Mosley, and granddaughter, Talyaa Mosley, and sister, Shirley Mosley, representing)
- Kenneth Keith Cooley
- J. Richard “Dick” Thomas (daughter, Renee Wylie and grandson, Brady Wylie, representing)
- Sonia Simrin
- Eric Wendell Matlock
- Robert T. Baca (wife, Marion Baca, representing)
- Christine “Chrissy” Elizabeth Mettler (parents Steve and Judge Sharon Mettler, representing)

After the names were read, we lifted our glasses in a champagne toast to these members of our legal family.

We had a very nice event this year, and would love to have you join us next year. This is a heartwarming event that serves as a reminder of why we live and practice law in Kern County.

On behalf of the board of directors, I would like to thank the generous benefactors who helped to support this year’s KCBA Charitable Foundation Celebration Reception.

Gold Benefactors
- Joan Wallace
- Clifford & Brown

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- Cathy Bennett
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- David A. Torres
- Steven Katz
- H. A. Sala
- Esquire Deposition Services
- Brumfield & Hagan, LLP
- Dr. William T. Altmiller Pharm.D, MBA
- Illene Matlock (In Memory of Eric Matlock)

Bronze Benefactor
- Jennifer Zahry

Mark your calendar for next March, so you do not miss the Celebration Reception.
“So, how is your presidency going?”
“Congratulations on being president, or should I offer you condolences?”

The two questions above have been asked of me many times over the last six weeks. So many times in fact, and by so many different people that it seemed like I should address the questions in this forum.

For some background, the Executive Committee of the Board of Directors meets on the first Tuesday of every month and the board at large meets on the second Tuesday of every month. At each of those meetings, I am responsible for giving a president’s report. It is supposed to either summarize or detail, depending on which is appropriate, my activities on behalf of the Bar Association during the previous month as well as any intended future endeavors.

There is always somewhat of an element of that in this column, but this month that is what you are getting—my president’s report. Alas, it is only a partial report since there is a lot happening and there is not enough room here to adequately update you on all of it. Look for more details in future months.

I traveled, as a member of the Bench Bar Coalition (BBC), to Sacramento in order to support the integrity of the judicial branch as a co-equal branch of government (as opposed to just another department asking for funds) through appropriate levels of funding. I was part of a four-member team representing the Central Region of California. The other three members of my team were: Anthony Capozzi, Past President of the Fresno County Bar Association and Law Office of Anthony Capozzi; Hon. Brad Hill, Presiding Justice from the Fifth District Court of Appeal in Fresno; and Hon. Charles “Chuck” Poochigian, Associate Justice of the Fifth District Court of Appeal in Fresno.

In short, I believe it was a worthwhile endeavor. There were just over 35 BBC Members who completed over 80 constituent appointments. Of those, 48 were directly with legislators. Many legislators were interested in making court visits to actually view the impact of budget reductions on the courts and were very sympathetic to the need of our trial courts for greater resources in order to function properly.

Through this process it became apparent to me that the Central and South Valley needs a voice on the Judicial Council as our judiciary navigates the difficult waters of trying to increase access to justice with limited resources. (California’s Judicial Branch gets about 1.3% of the state budget. The national average is 2%. That extra 0.7% could actually solve the resource problem, but that is a discussion for another day.)

First, what exactly is the Judicial Council? In short, it is the rule making body for the courts of California. It is comprised of 28 members:

- The Chief Justice of the Supreme Court of California, who serves as the council’s chair;
- Fourteen judges appointed by the Chief Justice;
- Four attorney members appointed by the State Bar Board of Governors;
- One member from each house of the California Legislature;
- Seven advisory members, including court executives; and
- The Administrative Director of the Courts, who serves as secretary.

It became apparent to me through my involvement in the BBC that Kern County needs a voice over the coming years in the administration of justice in this State. Kern County Superior Court Judge, Roy Gargano, was appointed in 1964 and served one three-year term. Since then, there have been no members from Kern County. That means it has been 48 years since Kern County has had a voice at the table of the constitutionally-created rule making authority for our Judiciary.
I have said many times that I am proud of the quality of the members of our bar and the integrity of our bench. With such quality, we have a responsibility to lend our voice to the very important arena of judicial administration. It is vital that we participate in the process of maintaining a statewide and local judiciary that is able to provide services at the local level in such a degree that the public trust is maintained. It is with the realization of this responsibility and need for participation that, at my request, our board voted unanimously to nominate the Hon. Charles “Chip” Brehmer for appointment to the Judicial Council.

This column does not lend itself to an explanation as to all the ways that Judge Brehmer is qualified for such a nomination. Nor does it lend itself to a long explanation of our responsibility to become more involved. Suffice it to say though that a considerable amount of my time spent in the capacity of KCBA President in the past 30 days has revolved around these issues.

On a more locally oriented level, I always assumed that all of our members understood that KCBA administers the Indigent Defense Program. I have recently learned that this might not have been an accurate belief. Essentially, when the public defender has a conflict and cannot ethically represent a defendant, alternate counsel must be appointed. In our county, our bar association administers the conflict panel. There are a significant number of our members who volunteer their time in order to provide oversite to the program. Their long volunteer hours and dedication make it possible to eliminate an expensive and complicated management hierarchy.

Henry Marquez* is the program administrator and he, along with his staff Tina Calistro and Citlali Carrillo, have worked to make Indigent Defense Program run efficiently and productively. In this instance, that means that the indigent people in need of conflict-free counsel get constitutionally appropriate representation, and our tax-paying citizenry benefit by the efficiencies of low overhead—something not possible without our volunteer members.

There is more happening…but that will have to wait until the next president’s report. The answers though: The presidency is going well, but I am very busy. Congratulations and condolences both, but not to me, to Christine**. She is the one who is finding ways to make the time for me to try to be a good president and at the same time work out creative ways for family time… all in a way that somehow still lets me properly attend to my practice.

*Henry is new to this position, having been a long-time Indigent Defense Panel attorney. He has made the transition seamlessly. Thanks Henry!

**Christine, in case it wasn’t clear by context, is my wife and mother of our 8-month-old daughter.

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The Mediator

Kenneth M. Byrum

Rated “A+” by Martindale-Hubbell, Kenneth M. Byrum is widely recognized as one of the top lawyers in alternative dispute resolution. As a mediator, Mr. Byrum’s lengthy experience in a wide variety of practice areas gives him the skills and knowledge to assist parties in finding common ground—even in the most challenging circumstances.
Camacho appointed to bench

New judge holds diverse background in various areas

by H.A. Sala

The Governor's recent appointment of Marcos R. Camacho to the Kern County Superior Court has enriched the quality of our bench and the fair administration of justice to our community.

Camacho has a wide spectrum of experience that will enable him to listen to the legal positions advanced by the parties who will appear before him, and fairly decide the merits based upon equal application of the facts and law.

As a private practitioner and General Counsel for the United Farm Workers since 1990, Camacho has litigated complex labor and employment matters, including class action wage and hour litigation, and employment discrimination cases. He also enjoyed a successful practice in criminal, family, and immigration law, and was widely recognized as a leading authority on immigration issues. As General Counsel, he litigated cases throughout the United States against some of the most prominent lawyers in the nation.

His work on labor relations issues required him to travel to Washington D.C. to meet with senators and members of Congress on issues of importance to the agricultural industry, including testifying before various congressional committees. Although he was an advocate for the rights and working conditions of farm workers, he was also mindful of the significant and important contributions of agricultural employers. It was this keen sense of reason and consideration of competing interests that resulted in superlative results for his clients. Camacho also contributed to the development of significant legislation in California regarding agricultural employer-employee relations resulting in the passage of several bills by the California State Legislature, which were later signed into law by the Governor.

Camacho's storied legal career began after he joined the United Farm Workers Legal Department as a paralegal after briefly attending Fresno State University. He thereafter enrolled in the Law Office Study Program of the State Bar of California in 1981, and successfully earned his Doctor of Jurisprudence in 1986. After passing the bar examination on his first attempt, he was admitted to the California State Bar in 1986. After becoming an attorney he began working closely with the President of the United Farm Workers, Cesar Chavez, which required him to manage the Union's legal department and to represent the UFW in numerous legal matters.

His interest in defending the rights of farm workers stemmed from his own experience growing up in the small agricultural town of Dinuba, California, where both his parents were farm workers. He spent school holidays and vacations working with his father and siblings picking citrus, tomatoes and grapes, often working 12 hour days under the unforgiving sun of the San Joaquin Valley.

Camacho served as counsel of record in 12 reported appellate decisions in California, including a significant class action decided by the California Supreme Court. Additionally, he served as counsel of record in numerous cases decided by the United States District Court for the Eastern District of California and the United States Court of Appeals for the 9th Circuit.

In 1993, while defending a labor matter in Arizona, after preparing Cesar Chavez for his testimony in that case, Camacho arose early the next day and noticed that Cesar had not awoken, which was uncharacteristic for the iconic labor leader. He knocked on the door and found Cesar had passed away in his sleep. After the funeral, Camacho relentlessly worked on the trial. Although the verdict
was adverse to his client, he appealed the decision, which resulted in the verdict being set aside, and ultimately causing plaintiffs to dismiss the action.

Camacho intended to apply for appointment to the Bench in 2011, however, his beloved wife Eva—who was a Court Certified Interpreter for the Kern County Superior Court and known to many practitioners and judges as a bright, spirited and kind person—was diagnosed with cancer and sadly passed away in August 2012. This was an exceptionally difficult time for Camacho and his three young daughters as Eva was the focal point of the girls’ upbringing. She, along with Camacho, encouraged them to pursue higher education, and to become good, compassionate and caring people. Consequently, two of his daughters are attending nationally prominent universities and the youngest is in high school and intends to follow in the footsteps of her older sisters.

Camacho’s experience in labor relations, family, criminal, and immigration law provides a unique background to listen to the competing interests and claims of the parties who will appear before him, apply the law objectively and fairly to the facts, and reach a just decision. He is familiar with the importance of providing every party, regardless of their socio-economic background, with a fair opportunity to be heard and to receive equal justice. Those familiar with Camacho describe his temperament as courteous and patient, which are attributes that will serve the community well throughout his tenure on the bench.

Former Chief Justice of the Supreme Court of the United States, John Marshall, who also studied law without a formal education, said, “Courts are the mere instruments of the law, and can will nothing. When they are said to exercise a discretion, it is a mere legal discretion, a discretion to be exercised in discerning the course prescribed by law. Judicial power is never exercised for the purpose of giving effect to the will of the judge. It is always for the purpose of giving effect to the will of the law.” It is this philosophy that epitomizes what our community can expect from Judge Camacho in the years to come.

Plans for a June swearing-in ceremony are underway.
Two’s Company –
  three’s a crowd

by Timothy Swanson

On March 25, 2015, Judge Stephen Schuett addressed the Family Law Section of the Kern County Bar Association in a training on California’s new law regarding additional parents.

While, previously, California law provided for no more than two parents for any child, the realities of modern reproductive technology and modern family structures led the legislature to enact SB 274 in an effort to do justice in a wider variety of situations.

Judge Schuett noted at the outset that societal attitudes have changed when it comes to family structure, with a large majority agreeing that a single parent with a child or children is a family and a significant majority agreeing that a same sex couple with a child is a family as well. In addition to the issues raised by these modern families, technological assistance in reproduction has brought new legal issues. It is estimated that between 30,000 and 60,000 children are conceived annually through sperm donation, and that 5 million children have been born since 1978 through the use of assistive technology. These children and their relationships to their parents often come before the courts, and the law needs to be able to act in a way that works toward their best interest.

In California, biology has never been the sole factor in determining parentage. Adoption, for example, has been recognized as taking precedence over biology, as has the presumption that a child born during a marriage is the child of the couple.

More recently, issues have arisen in cases such as the following: a woman in a lesbian relationship (or marriage) conceives a child with a man, who seeks to be involved in the child’s life. He is granted a judgment of paternity. Later, after several years of raising the child as their own, the lesbian couple separates (or divorces), and the non-biological parent seeks custody of the child.

Under the old law, there are already two parents: the biological parents. There is no room for a third parent, so the other woman is out of luck, despite having a significant parental relationship with the child. This is the sort of situation that the law was intended to correct.

Under the new law, the court can in fact find that there are more than two parents. However, the court has to make two determinations. First, that the “third” parent meets the requirements to be a presumed parent pursuant to Cal. Fam. Code §7611. For practical purposes, this will usually be under subsection (d), which requires that “[t]he presumed parent receives the child into his or her home and openly holds out the child as his or her natural child.”

This, of course, raises additional issues. Can both partners in a same sex relationship hold the child out as their “natural” child? The answer appears to be “yes.” In the case of stepparents, there is more case law on that issue, starting with Clevenger v. Clevenger, 189 Cal.App.2d 658 (Cal. App. 1961), which held that holding the child out as a stepchild is not sufficient to trigger presumed parentage. Still, this issue may well pose some risks for a stepparent not wishing to accidentally incur a child support obligation as a result of treating the stepchild as a child. If anything, this issue promises to become more complex as reproductive technologies advance. (The United Kingdom recently approved a procedure, mitochondrial DNA transfer, which would create an embryo containing genetic material from three parents.)

In addition to determining that the “third” parent qualifies as a presumed parent, the court must also find that recognizing only two parents would be detrimental to the child. The court is permitted to consider all relevant factors. One factor specifically mentioned is the harm of removing the child from a stable placement.

Judge Schuett declined to comment on specific situations as he will be hearing cases involving the new law, and cannot comment on how he would rule in specific situations. However, the discussion did raise some interesting potential issues. First, since the statute provides for allocation of child support based on income and timeshare, how does one calculate that? The computer programs which calculate guideline support do not provide for those situations, and the cost of reprogramming them appears to be prohibitive at this time. Judges will have to muddle along as best they can without a firm guideline.

Another issue raised by multiple attorneys was the possibility that this law could be used to claim grandparents’ rights in cases where the children have lived with the grandparents, perhaps as a result of a guardianship. If the grandparents could meet the presumed parent test, then it is possible that they could be determined to be additional parents.

As with any new law, the details will be left to the courts to sort out over the coming years. The bottom line, however, is that parents in non-traditional family structures now have the ability to gain recognition from the law of relationships that have always been about more than mere biology.
I am a mom and I am a lawyer. This means I have a de facto family law practice. I call it Mommy Law.

Mommy Law is a fairly limited practice. I have only three clients. It’s also amazingly un-lucrative. My clients have no money. Even worse, they manage to spend all the money that my real clients actually do pay. Nevertheless, I practice Mommy Law every day.

Yesterday, my 12-year-old asked if she could walk to her friend’s house by herself. I told her no.

Kid: “Why not? Her mom said it was fine.”
Mommy: “Objection. Relevance.”
Kid: “But she said everyone else is walking over.”
Kid: “Come on, Mom. Please???”

Daily evidentiary rulings such as these are not subject to appeal. However with larger issues (such as a Disneyland trip for example), my clients sometimes seek a writ of certiorari from the grandparents. If Granny grants cert, an immediate reversal usually follows. Granny Law preempts Mommy Law.

Mommy lawyers must possess a firm grasp of tort law. Battery, intentional infliction of emotional distress, and conversion are punishable by temporary imprisonment (i.e., grounding). Nuisance charges can also be brought based on screaming in the aisle at Target, refusing to remain seated while out to dinner, or incessantly asking “How much longer until we get there?” from the back seat.

Property law also comes into play. Typically, adverse possession rights.

“That’s MY scarf.”
“Well, you left it in MY room and I am already wearing it.”

I try to encourage alternative dispute resolution (i.e., “Can’t you girls just work it out?”). Unfortunately, mediation is rarely successful. In those cases, I often exercise my powers of eminent domain. This works well (particularly if it is a high-priced item) because then I can just keep it for myself.

Perjury is punishable by the immediate loss of the client’s favorite toy, electronic device, or outfit. However, Mommy retains wide discretion with regard to sentencing. Plea bargaining occurs regularly. “If I do the dishes every night, can I have my phone back?”

In an effort to avoid a split in authority, issues that have been decided by Daddy will have a res judicata effect. Daddy steps in whenever there is an exhaustion of remedies issue. As in, Mommy is too exhausted to come up with any more remedies.

Perhaps the most notable difference between Mommy Law and Actual Law involves constitutional protections. “Due process” is defined as whatever process Mommy has selected. There are no appeals based on cruel and unusual punishment, nor is there a “penumbra of rights” triggering any privacy protections. Mommy has full and unfettered access to each client’s Instagram account, text messages, and pile of junk that has been hidden under the bed instead of put away. And, of course, “probable cause” refers to the fact that Mommy already knows who probably caused all the trouble in the first place.

Ask any Mommy Lawyer and she will tell you that this is an extremely challenging field of practice. The “Bar Exam” rapidly transforms into a daily urge to examine what’s in the bar. But every Mommy Lawyer will also tell you that there is no area of law more satisfying, no clients more loved, and no court more supreme than that which convenes around the kitchen table. At least, that’s the ruling from Mommy’s Bench.

Judgment Affirmed.
Many people dream of retiring to a fabulous home in another state, but few people actually realize such a dream. Don Butz and Terry Dennis are now making this dream a reality. As of April 1, they are permanent residents of Arkansas.

Don Butz and Terry Dennis grew up in Southern California, but they have been fixtures in the Kern County Family Law community for so many years, they seem like natives. The story of their romantic courtship and wedding was the subject of the first Lawyers in Love article published in the February, 2007 RIL, on p. 9. After Don and Terry purchased a second home on the Central Coast, their seaside weekends gave birth to the Butz/Dennis rule—neither was available to appear in court on Fridays (except for the rare abandonment or adoption case). Last fall, Don and Terry found their dream home on a lake in an exclusive community near Bentonville, Arkansas. They sold the beach house, closed down their practices (Terry will continue as minor’s counsel in a few remaining cases), and they have traded in Bakersfield for the Shangri-la of Arkansas.

Don Butz took an interesting road to the practice of law and Bakersfield. Halfway through his first year at Willamette University in Salem, Oregon, he was injured in a serious motorcycle accident—the injury still causes him to walk with a limp—and spent the next six months in a hospital. When he recuperated from the accident, Don went to work at the Los Angeles County Clerk’s Office in downtown Los Angeles.

By the time he was 20, Don was the Supervisor of the Juvenile Court Clerk’s Office. Returning to college at Pasadena City College, Don kept his job with a flexible schedule. However, he realized he was spending too much time driving to and from, so he quit his job and bought a pickup truck and some landscaping tools, and opened his own business as a landscaper, painter, and anything else people would hire him to do.

Six years later, with his AA degree in hand, Don transferred to Stanislaus State College, where he earned degrees in Sociology and Anthropology. Along the way, he worked with a paleontologist in the Badlands of South Dakota. Following his graduation, Don entered a masters program in Social Psychology at Humboldt State University. However, he was caught in the crossfire of an internecine war between professors, and three years later he left Humboldt and set his sights on the law. He chose the law school that offered the best scholarship, the University of San Francisco.

Don Butz became a member of the California Bar in November 1979 and moved to Bakersfield to work for Richard Long. Long made Don trim his shoulder length hair to a more conservative cut and put him to work. Within a week he was representing a boy, who was accused of murder in a fitness hearing in juvenile court. He ultimately represented the boy in trial in adult criminal court. Don handled all sorts of matters while he worked...
for Richard Long—worker’s compensation, bankruptcy, personal injury, and criminal. One of the other associates in the Long firm, Mike Dellostritto, became Butz’s lifelong friend and business partner.

In 1982 Don Butz joined the firm of DiGiorgio, Davis, Klein, Wegis & Duggan and began practicing family law. On March 31, 1988 he left the firm, and on April 1, 1988 opened his own practice. He and Mike Dellostritto had purchased a building together, and they each opened up their own private practice with offices in that building. They shared offices until Dellostritto was appointed to the bench in 2008. When he moved out, Terry Dennis moved in, and Don and Terry have shared offices ever since, though each has maintained a separate practice.

Terry Dennis grew up in Norwalk. She attended Cerritos City College and Cal Poly Pomona, earning a degree in accounting. She was married and a mother to two young children. She began attending law school at West Covina. However, when her five-year-old son was run over by a mail truck, she left law school in order to care for her son fulltime. By the time he recovered, Terry’s husband had been transferred to Bakersfield and the family moved here. Terry worked as an accountant for Tosco and later CalJet during the day, and she attended law school at night in Fresno.

Terry became a member of the California Bar in 1989. She went to work for Pat Kavanaugh handling bankruptcy matters. A year later she moved down the street and went to work for Fred McAtee, sharing office space with Steve Klink, Dick McBurnie, and Dan Maher, and practicing family law. Two years later, Robert Tafoya invited Terry to come to work with him at Chain Younger, handling family law matters. Terry accepted. Tafoya opened his own practice in 1995, leaving Terry to run the family law department at Chain Younger. However, three months later the firm hired a family law specialist from L.A. to run the department, and Terry left to open her own family law practice.

From 1995 until 2008 Terry Dennis was a sole practitioner sharing office space with Tony Bryan, first in the Great Western building and later in the Sill building. Terry’s daughter, Stephanie, served as her secretary, and grandson Hunter was a fixture at the office. In 2008, Terry moved her practice to Mike Dellostritto’s newly vacant office.

Several years ago Arkansas became a vacation destination for Terry and Don, as Terry’s sister and brother-in-law and Terry’s son had moved to the Bentonville area. Terry and Don liked the area, and they were surprised to discover the lower cost of living there. They started thinking about retiring and moving to Arkansas. They agreed to visit in each season, to make sure they would enjoy living there year round, and they started watching the real estate market in the Bentonville area.

In the fall of 2013 Terry and Don found a house they liked, but it was listed for far more than they were willing to pay. As they watched from afar, however, the house stayed on the market with the price dropping steadily. In February 2014, afraid someone else might purchase the house out from under them, Don and Terry submitted an offer to purchase the house. Their offer was accepted, and their retirement plan became a reality.

Don and Terry happily list the amenities in their small town: nine lakes, with boat ramps, parks, and picnic areas; eight golf courses, a shooting range; gymnasiums; tennis courts; and RV parking. Of course, association dues are needed to pay for these amenities, and Don and Terry agreed to pay these dues—in the amount of $24 a month. (The association sought an increase to $30 a month last year, but that was soundly defeated.)

Southern hospitality is evident in all aspects of life in Arkansas. Their neighbors brought over welcoming goodies—rum cakes, cookies, and bread. The manager of the local grocery store welcomed Don and Terry over the loudspeaker and invited the other shoppers to do the same, which they promptly did by applauding for Don and Terry in the grocery store.

The gardener from next door offered to take to the dump Don’s 27 bags of leaves that he had raked up after they fell from the many trees on the property, and refused to accept any money for the favor. Don explained that this was even kinder than it might appear, because at the dump, the gardener would have to rip open each bag and spread the leaves, disposing of the bags in a separate area. After Don filled eight more bags with leaves, the garbage man stopped by and offered to take those for him, explaining that he had a really light load that day, and he wasn’t concerned about the rule that they not pick up leaves. Again, Don’s offer to compensate him was rebuffed.

We wish Don and Terry well in their retirement on their lake in Arkansas. If you see Terry at 1215 Truxtun on one of her remaining cases, be sure to show some of our Bakersfield hospitality, wishing both Don and Terry well in their retirement.
The Renaissance Corner

“The Carpet People” by Terry Pratchett

by Timothy Swanson

In honor of Terry Pratchett, who passed away last month at the age of 66, I decided to feature one of his books for younger people. I listened to this on audiobook with my kids recently, and it was a hit.

The Carpet People is a peculiar book. As the author says in his forward, it was written by “two authors, and they were both the same person.” The original story was published in 1971 as Pratchett’s first novel. Later, after his success, he revisited the book, and made substantial revisions to reflect what he saw as his maturing craft as an author. We listened to the revised version.

Pratchett’s main claim to fame is his Discworld series. It is hard to describe in some ways, as it is a world with adventures that occur in it, but do not necessarily follow a story arc or the same characters. In fact, many of the books have next to nothing to do with each other, except that they take place on the same world.

Like many truly great books aimed at children or young adults—and many recent “children’s” movies, these books contain plenty that is amusing to adults—and a remarkable amount of grownup philosophy.

The world of The Carpet People, however, is unrelated to Discworld. Instead, it is quite literally, a carpet. After all, what if microscopic fairy folk were living in the carpet? What would they be like?

In this case, they are a mix of sentient races representative of different cultures and eras in societal development. The thread of the story (sorry, that is one bad pun from the book) follows the Mungrungs, a primitive tribal society. Another race is the Dumii, who invented and run the Empire. (They are ruled by emperors because “they are easier to get rid of than kings.”) The Empire seems like a cross between ancient Rome (for its control of many lesser kingdoms and tribes) and a bureaucracy of accountants. So, a bit as if the Department of Motor Vehicles ran the empire, rather than soldiers. The Deftmenes are an organized and chivalrous tribe of very short beings, ruled by their king, the colorful and fearless Brocando, who plays a significant role in the story. There are also the Wights, a race that can remember the future as well as the past—at least until the future changes, which makes for a key development in the plot. There are a few others, but the most notable are the Mouls, the villains in the story.

The characters are memorable too: Snibril, the younger brother of the chieftain of the Mungrungs, who serves as the protagonist; Glurk, his older brother, bigger in brawn than brains, but possessing a reasonable amount of good sense; Pismire, the shaman of the tribe, who tells stories that “are not necessarily untrue just because they are stories”; the aforementioned Brocando; and Bane, the retired Dumii general.

As with any good fantasy world, there is an element of religion/superstition. For the Carpet People, there is a phenomenon known as “Fray,” probably a vacuum cleaner or broom. The evil Mouls worship Fray, and this worship determines their goal. Since they observe that Fray is a destroyer, leveling buildings and injuring and killing the inhabitants of the carpet, they believe that their goal in life likewise should be to go about destroying and enslaving everyone else. (They can sense Fray’s approach in advance, and thus avoid being destroyed themselves.) This pointed satire does indeed illustrate an important truth: Our view of the divine colors our actions.
In addition to his perceptive portrayal of these greater philosophical points, Pratchett is delightfully snarky about politics. Whether it is the impossible bureaucracy which leads tribes like the Deftmenes to fear the very act of counting, or the illusion of caring which is a central tenet of political life, Pratchett is able to come up with a delightful turn of phrase that brings a knowing smile.

“They called themselves the Munrungs. It meant The People, or The True Human Beings. It’s what most people call themselves, to begin with. And then one day the tribe meets some other People or, if it’s not been a good day, The Enemy. If only they’d think up a name like Some More True Human Beings, it’d save a lot of trouble later on.”

This is so true both historically and in actual practice. The “other” remains scary, and we tend to dehumanize anyone we perceive as an enemy. For the Mouls, this literally means that they will conquer, enslave, and finally ingest all other races.

The other quote I found was this description of the central city of the Dumii capitol:

“Normally its narrow streets were crowded with stalls, and people from all over the Carpet. They’d each be trying to cheat one another in that open-and-aboveboard way known as “doing business.”

Not quite how Adam Smith put it, but a reasonably accurate paraphrase of the “invisible hand.”

I’ll end with one final thought: is the fact that we cannot know the future a curse? Or is it a blessing? For the Wights, the idea that the future can be changed and that one can choose one’s path—and to a degree one’s future—is an unbearable burden. They cannot see how other beings can possibly live and function in such an open ended way. Much better for them to “follow the thread” that they can remember all at once.

If this sounds like a heavy read, I have been misleading. All this philosophy is merely incident to an engaging adventure story, which takes place in a magical and well-developed world. I found myself wishing there were a whole series about the carpet, just so I could explore the world further.

Pratchett is a fertile source of pithy quotes about many things, but one of his best is this:

“It is said that your life flashes before your eyes just before you die. That is true, it’s called Life.”

May you rest in peace, Terry. You will be missed.

About the author: Timothy Swanson is a local attorney. He and wife, Amanda, are the parents of five children. Swanson also performs as a violinist in the Bakersfield Symphony Orchestra.
Justice Bus in Kern County

Southwestern Law School students provide legal assistance

by Adeyinka Glover

On April 1, ten Southwestern Law School students arrived in Kern County to participate in a two-day clinic organized by OneJustice and Greater Bakersfield Legal Assistance, Inc.

OneJustice is a legal organization based in San Francisco and Los Angeles that helps Californians in need. The Justice Bus, a project of OneJustice, brings lawyers and law students together to facilitate legal aid clinics in rural communities. “The Justice Bus seeks to fill the justice gap by coordinating one-day clinics in underserved, isolated, and rural communities throughout the state,” said Megan Kent, OneJustice’s Equal Justice Works AmeriCorps Legal Fellow and coordinator of the Kern County Justice Bus trip.

On the first day, students were split between Lamont and Bakersfield. The Lamont based students assisted clients with medical debt, medical insurance, and worker’s compensation issues. GBLA attorney Amanda Lasprogato, and private attorney Megan Compton of Ghitterman, Ghitterman and Feld, supervised them.

The remaining students were in Bakersfield assisting clients at the Kern County Law Library. Those students saw walk-in clients regarding housing and family law issues.

On the second day, the law students went to GBLA’s office to assist seniors to fill out advance health care directives and powers of attorney for finance. The law students were paired in groups of two and were supervised by private practitioner Timothy Swanson. GBLA paralegal, Angela Stidham, notarized the client’s documents once they were completed.

For many of the students, the two-day clinic was their first legal experience outside of the classroom. They gained practical skills like filling out court forms and client interviewing. “The students were professional, respectful, and quick learners,” said Kent.

For Katrina Rayco, a Los Angeles native and current GBLA employee, bringing the Justice Bus to Kern County was important. “I was fortunate to attend three Justice Bus trips through USC School of Law. The trips were some of the best experiences I had in law school, and they helped me prepare for my current position at GBLA.”

The visiting students shared her experience and valued the opportunity to help so many clients in such a short period of time. In just two days, over 28 Kern County residents received free quality legal services. One client commented, “It was wonderful to have one-on-one attention for a financial power of attorney. This is a critical document that I never thought about. It is nice to know good legal advice and document preparation are not just for the rich, thank you!”

This two-day event was months in the making. Kent worked closely with GBLA staff to do outreach and find private attorneys to supervise the law students. Some of the client appointments were scheduled in advance, while there were many walk-in clients seen as well.

For more information on the Justice Bus, please visit: http://www.one-justice.org/justicebus.
MR BREHMER IS THE ONLY CENTRAL CALIFORNIA DUI ATTORNEY to be a three straight year selection to the Southern California Super Lawyers Rising Star list (top 2.5% of lawyers in California) and is recognized as one of Southern California’s “Top Attorneys” as published in Los Angeles Magazine.

He is honored to be designated an “ACS-CHAL Forensic Lawyer-Scientist” by the American Chemical Society having obtained the highest student score on the examination among all California lawyers.

PRIOR TO BEING RECOGNIZED as California’s Top Lawyer-Scientist, Mr. Brehmer received specialized training and further education in standardized field sobriety testing; gas chromatography; solid drug dose analysis, DNA, airway gas exchange, and is the only Kern County Defense attorney to be trained in drug recognition examinations. He is routinely asked to consult with both private and public attorneys throughout the country on issues of toxicology and pharmacology.

MR. BREHMER IS HONORED TO have presented multiple times to the American Academy of Forensic Sciences, the American Chemical Society, state and local public defender associations across the country, state defense bar conferences, law schools, and others associated with the forensic and legal community.

Mr. Brehmer was recently selected to moderate the final jurisprudence session of the American Academy of Forensic Sciences annual meeting in Florida.

IN ADDITION TO OTHER PUBLICATIONS and those in process Mr. Brehmer has authored chapters about forensic science in criminal cases, search and seizure, pharmacology, drug detection limits, and discovery in several Aspatore/Thomson Reuters books. He is a contributing author on a blood alcohol analysis for West publishers, the co-author of the feature article for the National Association of Criminal Defense Lawyers publication, the Champion, and is co-editor/author of Medicolegal Aspects of Marijuana, 2015 California edition by Lawyers and Judges Publishing.

AS A DIRECTOR AND COMMITTEE CHAIR for the national DUI Defense Lawyers Association and as an instructor at Trial Skills University Mr. Brehmer is a firm believer that a rising tide lifts all boats. It is for this reason that he dedicates much of his time to help train other lawyers in the scientific aspect of criminal defense to ensure that only valid science is presented in American jurisprudence.
In early March, a national scandal erupted when members of the Oklahoma University chapter of Sigma Alpha Epsilon were filmed leading an offensive, racist chant aboard a bus. The SAE national organization closed their OU chapter and two students were expelled. It marked a dark time in the history of one of the country’s oldest and largest Greek-letter fraternities.

The ensuing media storm caused me to think back to my days at the University of the Pacific and my membership in the California Rho Chapter of Sigma Alpha Epsilon. We were a diverse lot, with African American, Hispanic, Asian, Jewish, and Caucasian members, and one member who, with political correctness, would now be called a “Little Person.” I cannot conceive of any of our members participating in a racist chant. I must confess, however, that when we adjourned our house meetings, and assembled on the porch, we sang ribald songs, which had to be offensive to any females within earshot of our raucous melodies.

The Oklahoma University situation has made many challenge the efficacy of college fraternal organizations. While I feel some embarrassment over the OU chapter’s transgression, I am still proud to be an SAE. When I was at UOP, our chapter was dominated by scholarship athletes. Basketball player Pat Douglas went on to coach college basketball, including several years at CSUB, where he led the Roadrunners to two Division II National Championships. His roommate, John Gianelli, was an engineering major who earned a living playing eight years in the NBA, which included a league championship with the New York Knicks in 1973, as well as three years of professional play in Italy. Pharmacy major Scott Boras, who later earned a law degree from McGeorge, made a career as a nationally famous agent for Major League Baseball players, which included negotiating multimillion-dollar contracts for such stars as Greg Maddux and Alex Rodriguez. Star college defensive safety Pete Carroll went on to a fabulous college football coaching career at USC and, two years ago, took over the head coaching job for the Seattle Seahawks whom he took all the way to the Super Bowl.

Besides these sports stars, some of my brothers became doctors, lawyers, dentists, college presidents, and successful business men. SAEs from other chapters include lawyers in our own community, including a recent past president of our bar association. William Howard Taft wore only one item of jewelry when sworn in as President of the United States, his SAE pin; we can only assume it adorned his clothing under the robe he wore as Chief Justice of the United States Supreme Court.

The Oklahoma situation is tragic, but a handful of drunken miscreants on a bus cannot adequately represent Sigma Alpha Epsilon. So I say to my brothers: Be good citizens and Phi Alpha.

About the author: C.M. Starr II is a Deputy District Attorney who works primarily in prosecuting major drug crimes. He spends most of his spare time listening to audio books. He writes for Res Ipsa Loquitur as an outlet for his need to pose questions beyond those raised by his legal work.
A view from the watershed

Who are you to judge?

by Jay C. Smith

I had intended to continue on my discussion from last month about ignorance versus stupidity, in spite of some doubts—I don’t know if I’m smart enough for such a task—but two events have persuaded me to shelve that until next month.

The first event is the awarding of the Bench and Bar Award to the Honorable Syd Chapin. It’s a very good thing, I think, to be honoring a really fine judge. I have only had the pleasure of trying contested matters in front of Judge Chapin a few times. I formed an opinion, possibly completely untrue, that Judge Chapin had spent years appearing in front of different judges, gritting his teeth, and swearing to himself that if he were ever a judge that he would do it the right way. Whatever the origin of his determination, Judge Chapin certainly did it the right way every time I was in his courtroom.

As an attempted humor columnist I am particularly gratified by Judge Chapin’s sense of humor. He was once a speaker at a calls/symposium/event about sexism in the courtroom. The theme was “Men are from Mars, Women are from Venus.” I wrote an article discussing the event from the “Mars” side and another writer reacted from the “Venus” side. It was a news article, not a column, but taking advantage of the good nature of the Kindly Editor, I attempted to include a little humor by describing the clothing of the male participants in detail, faux fashionista style, and describing the clothing of the female participants either as business wear or not mentioning it at all. (The Gentle Reader may well be thinking, “A little humor? I didn’t know it came in portions that small.”)

The next time I saw Judge Chapin at a bar event, he was some distance away, but when he saw me he grabbed and waved his tie at me, to make sure, I suppose, that if I wrote about that event my description of his outfit would be accurate.

The second event is a sad one: the death of the Honorable John Jelletich.

Judge Jelletich represents proof that there is not just one way to be a “good” judge, when by “good judge” we mean one who conducts hearings humanely and (usually) gets to the right solution. He was certainly a good judge using that definition, with a few caveats.

I will need more space than I have to talk about John. I will defer most of my comments to next month, and push back to July yakking about ignorance versus stupidity.

A Judge Jelletich story to finish: Judge Gerald Davis was one of our most beloved judges, and universally seen as a great judge to try a case before. He was also very funny, and an unrepentant gossip. In days past we had a woman court watcher whose name I forget. Sadly the lady had major mental problems, and sometimes (rarely) would interrupt proceedings, and wrote letters about the operation of justice or injustice in Kern. Once Judge Davis complained to me that the court watcher absolutely loved him and hated Judge Jelletich. “What does it mean,” asked the judge, “that a crazy person loves me and hates John?”

About the author: Jay C. Smith is an attorney at the Kern County Department of Child Support Services. He was in private practice for 25 years before that.
Battling stress by running
You don’t stop running because you get old; you get old because you stop running
by Brandon Stallings

Admittedly, I’m a slightly obsessive person. I think most attorneys are. That’s what makes us good at our jobs—zealously advocating for our clients or offices. If I find something I like, I tell everyone about it. I love In-N-Out’s Double Double animal style and there is no other way. Snowboarding is to be preferred above skiing. Verizon gets better reception in the basement of 1415 Truxtun than AT&T. Well, you get the picture. With that disclaimer, I want to talk to you about some challenges facing our profession, and how I’ve tried to manage that challenge through running.

The qualities that make lawyers a powerful force in this world can also be our greatest undoing. According to an article on cnn.com titled Why are Lawyers Killing Themselves, “[l]awyers are also prone to depression, which the American Psychological Association, among others, identified as the most likely trigger for suicide. Lawyers are 3.6 times more likely to suffer from depression than non-lawyers.” Arce, Rose. “Why are Lawyers Killing Themselves.” cnn.com, published January 2014. The article goes on to theorize: “There are a lot of high stress professions,’ said Yvette Hourigan, who runs the Kentucky Lawyer Assistance Program. ‘Being a physician has stress. However, when the surgeon goes into the surgical suite to perform his surgery, they don’t send another physician in to try to kill the patient. You know, they’re all on the same team trying to do one job. In the legal profession, adversity is the nature of our game.”

For every practitioner reading this article, perhaps this stress is nothing new. The article fleshes out the particular elements of stress: “A lawyer has conflict. He’s got his clients, he’s got other lawyers, he’s got the opposition lawyers, he’s got insurance companies, judges, jurors, and he’s got the bar association,’ said [Ohio Lawyer] Deters, who has faced disciplinary charges himself. ‘They will take the most minor little thing. And they will turn it into a problem for a lawyer.”

The issues of stress and depression start to manifest themselves in law school. Dr. Andy Benjamin of the University of Washington conducted a study of law students that estimated 40% suffered from depression by the time they graduated. After law school comes the high stress process of admission to the bar, when Lukasik said lawyers fear reporting treatment for any type of depression or mental illness because they risk not meeting the “character and fitness” requirements. “they could shut down their career,” he said. Most state bars make subjective decisions as to whether mental illness or depression, treated or untreated, are barriers to a candidate’s certification to practice law.”

With such a bleak outlook, who would want to be an attorney, or remain in the profession for many decades? Many of us are drawn to our profession out of the desire to help others, to make our communities better places to live, or to earn a good living to support our families. Since we can’t really “quit” the profession or even want to, it’s good to know our enemy and how to defeat it. Sun-Tzu famously said, [paraphrased] “better the enemy you know than the one you don’t.”

The Mayo Clinic gives the starting place with how to come out ahead of the enemy of stress and anxiety. “When you have anxiety or depression, exercise often seems like the last thing you want to do. But once you get motivated, exercise can make a big difference. Exercise helps prevent and improve a number of health problems, including high blood pressure, diabetes, and arthritis. Research on anxiety, depression and exercise shows that the psychological and physical benefits of exercise can also help reduce anxiety and improve mood.

“The links between anxiety, depression and exercise aren’t entirely clear—but working out and other forms of...
... physical activity can definitely ease symptoms of anxiety or depression and make you feel better. Exercise may also help keep anxiety and depression from coming back once you’re feeling better.” Mayo Clinic Staff, Depression and Anxiety: Exercise Eases Symptoms. MayoClinic.org, published October 2014.

Remember my obsessive personality as described at the beginning of this article? I’ve been slightly obsessed with running in the past year and a half, and love everything about it. I was able to go from running a 5k (3.1 miles) here and there to running a half marathon in San Diego in June of 2014 to running my first marathon in Ventura in September of 2014. In the last year, I’ve logged numerous 5k’s, two 10k’s (6.2 miles), four half-marathon races, two full marathons and participated in the Baker to Vegas law enforcement relay race stretching from Baker, California, to Las Vegas, Nevada. If you know me, you’ll know that I’m not exactly built like a runner. My supervisor likes to tell me, “Stallings, you’re not a runner, you’re built like a linebacker!” It’s true, if there was a Clydesdale division, I would be lining up there with my fellow racers. I love it though and, while I’m not going to win races anytime soon, I think that running and exercise is vital to our profession in maintaining or mental health and physical wellbeing.

Through my running, I’ve come to realize some important maxims that have inspired me to not only run, but to get as many people running as I can. After all, misery loves company, which explains why there are so many lawyers and bar associations.

Start with a manageable goal to avoid burnout.
My wife got me a Fitbit for Christmas several years ago. I started tracking my steps and competing with family, friends, and co-workers to see who could have the highest total step count. I signed up for small races, usually 5k’s, and I made sure that I dragged friends and family with me for the camaraderie. My father-in-law and wife talked me into signing up for the half-marathon and set me up with a training plan. After the half, I had enough of a runner’s high to agree to run the Ventura Marathon. I trained for it with a co-worker and had the support of my friends and family. Despite wondering in mile 21 if I had been set up to run this race and perish as a result, I realized the important truth that running is a community event. It brings people together from all professions and all walks of life. When you’re on the trail, running is the great equalizer. Community builds you up because without your fellow runner, the trail would not be as enjoyable.

Your joy and enthusiasm is contagious.
After my first marathon, I called my pastor up and said, “Hey, there’s a half-marathon in October in Bakersfield and I’m signing you up for your first half.” He was hesitant, but had no choice given my “gentle” persuasion. I’m proud to say that he not only ran the race faster than I ran my first half, but he and I trained for the LA Marathon and ran it in March of this year. When we allow our joy of life to be shared with others, the community can react by throwing itself behind a common objective and reaching beyond or capabilities. What would happen if we all made it a point to push, drag, or pull those in our sphere of influence to reach beyond who we once were and lift each other up to achieve new things.

Running isn’t about competing against each other, it’s about competing with your slower self.
With each race I run, with each practice run, I like to imagine that I’m racing a slower version of myself. My former self, while younger, doesn’t have the experience, the ability to pace, the lung capacity, or the patience to continue with a training program. It is refreshing to start, or end, my day with an activity that isn’t about proving a case or doing battle with my fellow attorneys. By focusing on personal goals of physical fitness, I chose to not be controlled by extrinsic pressures, which is why I believe the Mayo article is right on point. Exercise frees us from the confines of our obligations and allows us to be more than whatever issue we are called on to solve.

Having an exercise goal puts other decisions into perspective.
When I’m training for a race, it’s easier for me to say no to eating poorly and yes to eating nutritious food and taking vitamins. It’s easier to try and get to bed early knowing that I have an early morning run at 5 a.m. so I can make it into the office. It’s great to be able to call up friends and set a plan to run at a certain time and to run a certain distance, and then to keep that obligation because of the accountability of community. If I ditch, I know that the community of runners that I’ve surrounded myself with will offer the accountability I need to be a better runner, and to be better at committing and sticking to things.

If after reading this article you are inspired to take up running, here are a few helpful hints:
1. I have been using shoes designed by Hoka. They tend to be ultra-cushioned and are perfect for people who are getting out on the trail for the first time.
2. Sign up for a local 5k or 10k as a goal to have for your daily training. www.bakersfieldtrackclub.com has a great listing of local races, including charity runs. I’m on the planning board of the MADD Dash, a 5k that is taking place on Sept. 19, 2015. Go to walklikemadd.org/bakersfield and check it out.
3. You can find free training plans at www.halhigdon.com. I’ve used these plans for my major runs and love that it breaks plans down by experience level.
4. Read the book Born to Run by Christopher McDougual, published by Vintage Books. You will be inspired by the artist’s recounting of “a hidden tribe, super-athletes, and the greatest race the world has never seen.”

I hope that this article is taken by the readership as an encouragement for all of us as a community to combat depression brought on by the rigors of our profession. Running has been my tool to try and stay sane, and I hope that as you confront the enemy, that you come up with a plan to improve not only yourself, but your community!
Years ago, I had a trial that looked like it was straight off the *Perry Mason* show. My client, “John Jones,” was charged with kidnapping, assault with intent to commit rape, and a few other scurrilous little acts. What made it sensational was that the alleged victim was a nude dancer at a club east of Bakersfield called the Four Queens. To add to the interest, she was drop dead gorgeous. Not like most strippers. (At least that’s what the other fellas tell me.)

From the morning that we started trial until the verdict came in, the courtroom was packed every day with judges, DAs, defense attorneys, media, and other spectators. The trial lasted for approximately a week. The jury came back with its verdict late Thursday. The verdict was NOT GUILTY on all counts. There was pandemonium in the courtroom. I had every news microphone in Bakersfield shoved in my face while I tried not to sound like a complete buffoon on live TV. I was in a pretty good mood.

I went back to the office briefly and then home to relax. The trial had really taken its toll on me. At about 9 p.m., as I was at home watching TV with my family, when my home phone rang. It was my answering service. The answering service operator said, “Mr. Mitts, I have John Jones on the line for you.” I said, “Put him through, please.” I said, “Hello.” On the other end John said, “Hey, Mr. Mitts, how the hell are you? Great job.”

He sounded a bit drunk and I could hear loud music and females giggling and laughing in the background. I’ve heard of prison reform but didn’t think it had gone that far. I said, “John, where are you?” In a gleeful voice he said, “I’m at home.” Under other circumstances, that would have been a reasonable answer. However, prior to the kidnap-attempted rape trial, John had been sentenced to a year in county jail on a different matter and had not yet finished that sentence. He was supposed to still be in custody on that case.

I asked, “John, how did you get released?” He said, “The guards at jail were watching the news and saw the acquittal on TV. When I got back to jail, they said “Jones, roll up. You’re outta here.” I collected my belongings and waved at the guards as I walked out the front gate.” “John,” I said with a bit of alarm, “you have to go back.” “Not tonight, Mr. Mitts. I’m going to get drunk and have sex and if anybody wants me back in jail tonight, they’re going to have a hell of a fight on their hands to get me there.”

Knowing that I was about as likely to get John to go back to jail that night as I was to find a crack whore with more than three teeth, I said, “John, just hang tight for tonight and I will call you tomorrow. Whatever you do, DO NOT leave town.” In a drunken slur, John said, “Leave town? Hell, I’m not leaving bed.” I thanked him for that comforting but overly graphic assurance and ended the conversation.

The next morning, I was at my office, waiting for the call that I knew I would get from the Sheriff’s Office. The call came in at about 10 a.m. from “Lt. Smith.” I answered the phone with every intention of making the good lieutenant sweat a little bit in trying to get John back into jail. Lt. Smith said, “Mr. Mitts, your client escaped from jail yesterday.” In mock horror, I asked, “Oh, dear. Which client would that be?” With a bit of hesitation and a bit of a stammer in his voice, Lt. Smith replied, “That would be your client, John Jones.”

Of course, Lt. Smith knew I was screwing with him, but when you’re essentially standing there with your pants down around your ankles, it’s not easy to be the tough guy. I said, “My goodness. Was anyone injured in the escape?”

**View from under the rock**

*There is an old saying: “The sun shines bright on every dog’s ass at least one day in his life.” It’s true!!*

by Greg Mitts

There is an old saying: “The sun shines bright on every dog’s ass at least one day in his life.” It’s true!!
“No. No, no one was injured,” replied Lt. Smith. “Well, landsakes,” I continued, “how on earth did Mr. Jones manage to escape? Did he have a gun?” By this time, I was having a hard time not giggling into the phone.

“No. No, there was not a gun,” explained Lt. Smith. “Well, how many deputies did Mr. Jones have to overpower to effectuate his escape?” I asked in mock disbelief.

By this time, I was giggling and periodically had to cover the mouthpiece of the phone receiver so that Lt. Smith could not tell I was tee-heeing like a teenaged twit.

“Well, actually, Mr. Mitts, the guards actually let Mr. Jones go,” Lt. Smith finally admitted.

I’m sure if I had been standing in front of Lt. Smith at that moment, he would have beaten me like a rented mule. “Ahh,” I said, “doesn’t sound like much of an escape to me.”

By now, Lt. Smith was more than tired of my foolishness and said, “Look here, Mr. Mitts, if you don’t get Mr. Jones back here by 5 p.m. today, we are going to charge him with escape!!” “Really?” I said, “and how many of the deputies who let him go are you going to charge as aiders and abettors of his escape?”

Resignedly, Lt. Smith said, “OK, Mr. Mitts. Can you please have Mr. Jones turn himself in to the main jail by 5 p.m. today?” I probably could have, but I was having too much fun. I said, “Gee, I don’t think I can guarantee that. How about Monday at 5 p.m.?”

There was a long pause on the other end of the phone, during which I am quite sure Lt. Smith was using all of his self control not to start making comments about my manhood, intellect, and the virtue of my wife and mother.

Finally, he said, “5 p.m. Monday afternoon would be fine, but if he’s not here by then he will be charged with escape.” I assured Lt. Smith that Mr. Jones would be safely back in the fold on schedule, and we ended our conversation.

Good to my word, Mr. Jones was safely back in the loving arms of the Kern County Sheriff’s Office by 5 p.m. on the next Monday afternoon.

AH, YES!! The warmth of the sun that day was satisfying and almost indulgent. The only problem was that I knocked my Ray Bans off every time I wagged my tail!

About the author: Greg Mitts has practiced criminal law in Kern County since 1977 and is a Past President of the Criminal Defense Section of the Kern County Bar Association.
Cinematic legalese

Veer-Zaara

by Jennifer L. Thurston

The 2004 film, Veer-Zaara, tells the tragic story of young lovers from very different worlds.

Zaara is a young, rich and beautiful, Pakistani Moslem who travels to India to spread her deceased grandmother's ashes over her homeland. During her travels, she meets Veer, an orphaned, poor, Indian Hindu—also an Air Force pilot—who saves Zaara after a bus accident.

Despite their considerable differences, the two hit it off and Veer decides to accompany Zaara on her trek. Over the following days, Zaara and Veer learn to appreciate each other and, ultimately, they fall in love.

After spreading the ashes, Veer convinces Zaara to visit his home village. She does and is charmed by Veer's aunt and uncle—who have acted as his parents since he was a boy—and they are charmed, similarly, by Zaara. Veer's uncle advises him to declare his love for Zaara and to beg her not to return to Pakistan.

Veer worries over his uncle's advice throughout the couple's travels back to the Indian-Pakistani border. At the train station, Veer screws up his courage and begins to speak. Just then, a handsome, sly looking man appears and introduces himself as Zaara's fiancé, Razaa. Veer is stunned and, though declaring his admiration for Zaara, does not declare his love; even still, Razaa knows. Razaa hustles Zaara onto the train and back to Pakistan.

Once there, the families begin wedding preparations in earnest. Zaara is keenly aware of her duty to marry. Zaara's father is extremely ambitious and uniting his family with Razaa's will solidify his political position and will assure he will attain his goals.

Zaara is resigned to the marriage but is unhappy and her maid Shabbo understands this. Shabbo writes to Veer and encourages him to come to Pakistan. Veer immediately resigns his position with the Air Force because Indian military personnel are not permitted to travel into Pakistan.

In Pakistan, Veer goes to the engagement ceremony and when Zaara sees him, she rushes over. Though the two do not act on their love, all gathered see the bond they share. Razaa is not so much jealous as embarrassed by Zaara's association with an Indian. Likewise, Zaara's father is struck ill due to the shock and humiliation over Zaara's conduct and it is uncertain whether he will survive.

Zaara's mother visits Veer and tells him of the situation with Zaara's father. She is confident that if the marriage goes forward, Zaraa's father would recover. She reminds
Veer also that Zaara will be a social outcast if it becomes more widely known that she is associated with an Indian. She begs him to leave. Veer and Zaara agree because they know they cannot be happy if they caused so much unhappiness to others.

Veer tries to leave the next day but is intercepted by police officers. Veer has been framed by Razaa as an infamous spy. Razaa meets with Veer and tells him that if he admits he is the spy, goes to jail and never says anything about Zaara, Zaara will have a happy life. If he does not, as Zaara’s husband, Razaa will make her life miserable. Veer, thinking only of Zaara, signs the confession.

The next day, the bus that was to take Veer home to India, crashes and all the passengers die. Because Veer had a ticket on the bus, all believe Veer has died too.

Twenty-two years later, conditions in Pakistan have changed and the country is concerned with human rights and with the thousands of people in prison who were convicted without due process. Veer is assigned a young, female lawyer, Saamiya, who had never before tried a case. Despite that he had not spoken in 22 years, Veer tells Saamiya his story but makes her promise never to mention Zaara’s name in the legal proceedings. Veer is still concerned about Razaa’s threats about Zaraa’s happiness.

Taking the case for the government is Saamiya’s former mentor, Zakir Ahmed. He is angry over Saamiya’s decision to leave his law firm and decides to ensure she does not win Veer’s case. He urges the judge to set a quick trial date despite Saamiya’s objection. Saamiya is fearful and nervous because she feels obligated to set right the injustice Veer suffered. Likewise, though women have recently been allowed to study law, few have been allowed to present a matter in court. Thus, Saamiya sees this trial as an opportunity either to show her country that women can succeed at law just like men or to confirm the bias that women cannot handle the intellectual rigor required by the profession.

Though Saamiya presents a compelling opening statement and examines her witnesses well, none can confirm Veer is not the spy and she cannot overcome the weight of Veer’s confession. In desperation, Saamiya travels to India to locate Veer’s aunt and uncle. She intends to have them testify as to Veer’s true identity. However, when she arrives in the small Indian village, she learns both have died. She sees that Veer’s family home has been converted to a school and realizes the headmistress is none other than Zaara. When they learned of Veer’s death, Zaraa’s father released her from her obligation to marry and she sought solace in India. In the closing scenes, Zaara appears at court and tells their story. Veer’s conviction is overturned and he is set free.

Having never seen a Bollywood film, I was not quite prepared for the frequency with which the characters would begin lip-syncing to piped-in music or how often they would begin moaning about—usually in a rain storm. Likewise, because the actors seemed to approach these scenes with the level of sincerity usually reserved for a Charmin commercial, I couldn’t determine whether the scenes were supposed to be a serious part of the movie or comic relief; I’m still a little perplexed. However, this film was the top-grossing Bollywood film of the year and was critically acclaimed. Thus, I can honestly say this is the best Bollywood film I have ever seen and is likely to be the best Bollywood film I will ever see.
A lucky Broadway preview

Social media effort results in dress rehearsal ticket

by Leandra C. Rayford

In the past three years, I’ve experienced several special moments in the theatre: the first preview of a show (Motown), an opening night (Annie), and a closing night (The Mystery of Edwin Drood). But none of those was quite as special as attending the final dress rehearsal of Something Rotten!, a new show that opened on April 22.

When preparing to visit New York this spring, I was a bit frazzled between work and getting the Res Ipsa Loquitur ready for publication. As a result, I accidentally purchased tickets to two shows for Friday, rather than one for Friday and one for Saturday. Although it was a piece of cake to sell one of those tickets, it still left me without a ticket for Saturday night.

I checked one of the Broadway websites that I visit (or stalk, depending on who you ask), and learned that there was a last minute competition for tickets to attend the final dress rehearsal of Something Rotten!, so I quickly signed up for the fan club called “Team Rotten.”

Tickets to the final dress rehearsal (also known as an “invited dress”) would be given to those ranked 1-25 by midnight that day. Points could be earned by recruiting people for Team Rotten, sharing content on Facebook and Twitter, and getting people to click your personalized website link to Team Rotten. Just by signing up and linking my Facebook page to Team Rotten, I was #75. I figured that I could easily move up 50 places IF I was willing to tell people I was in New York and ask for help. That was a big IF.

I am a pretty private person. Though I have written about my trips to New York for the Res Ipsa Loquitur, I usually do not tell people when I am going—unless they have some reason to know—or post about going to shows. To win the contest, I would have to let people know I was in New York. After staring at the computer screen for a few moments, I caved. I really wanted to see Something Rotten!

I posted the information on Facebook and sent a few emails asking for help. Apparently, I need not have worried about people figuring out I was in New York just from the Facebook post. One friend thought it was for a movie ticket, and a couple of others sent me messages asking if I had been hacked. But within a few hours, I quickly moved up the ranks for Team Rotten. When I checked the website shortly before midnight, I was #6—and I was getting a “golden ticket” to the invited dress!

The invited dress rehearsal for Something Rotten! was the first performance of the material in front of an audience, ever. Most shows these days have an out-of-town-tryout
prior to a premiere in New York. For example, Wicked had a tryout in San Francisco, and Aladdin had tryouts in Seattle and Toronto. But the Something Rotten! producers and creative team decided to cancel the out-of-town-tryout and head straight to Broadway. That meant the creative team really had no idea how the audience would react to the show, and the audience had no idea what to expect.

Prior to the show, I was warned by another audience member (whose friend in the orchestra invited her to the show), that it was expected to be a “working dress.” In the week prior to the dress rehearsal, the cast made it through the show without stopping only one time, and changes had been made to the score throughout the week. Musicians were still learning the music, the lighting cues were changing, and the cast members were still learning lyric changes. But I didn't care—because being part of the first audience is a rare treat on Broadway!

Despite the circumstances, the show went off without a hitch, and no stopping was required for the cast or tech crew. The only stop was entirely the fault of the audience. You see, a song titled “A Musical” was so amazing that the audience stopped the show with a standing ovation during the middle of the first act.

Something Rotten! tells the story of the world’s first musical, written by the Nick and Nigel Bottom, who are trying to steal some of Shakespeare’s thunder. In the show, Shakespeare is depicted as a modern day pompous rock star with screaming (and fainting) fans—and the Bottom brothers just can’t seem to get out of Shakespeare’s shadow, despite the enviable writing talents of Nigel Bottom.

To best The Bard (who Nick laments should not be called The Bard, but rather a bard), Nick engages a soothsayer to tell him what Shakespeare’s next great play will be. However, the soothsayer cannot see things quite clearly. He knows that musicals are the future of the theatre—and the song “A Musical” pays tribute to well-known musical hits through a whirlwind of music, choreography, staging, and lighting—but he is not quite sure about Shakespeare’s play. He sees ham, and eggs...is it “Omelet” the play? Nick does not question the soothsayer’s vision, and sets off to create “Omelet: The Musical.”

As a tribute to musical theatre, the show features a tap dancing battle and brilliant lyrics. Jokes fly at the audience so fast that there is no way to remember them all, and I wish I could see it again! The songs are magnificent fun, and catchy. In fact, three days and two shows later, I caught myself humming the melody to the opening number: “Welcome to the Renaissance.”

By the time the show opened on April 22, the version I saw of the show was changed. Within the first week of previews, the finale was completely re-written (though I suspect the general story stayed the same, the lyrics changed). In addition, a beautiful quartet entitled “Lovely Love” was cut from the show, simply because it slowed the pace. That is one reason I like seeing early iterations of show: you never know what can be cut and changed before the official opening night.

As a cornucopia of puns, witticisms, and jests, Something Rotten! is far from rotten. Rather, as the marketing team predicted, word of mouth “will spread like the plague” that this show is one that should not be missed.

Congratulations!

Local attorney, Edward J. Thomas, was honored by The National Association of Distinguished Counsel for being “a Member of the Nation’s Top One Percent” of family law lawyers in the United States.

The National Academy of Family Law Attorneys has given Mr. Thomas the organization’s highest honor by naming him one of the “Top 10 Family Law attorneys in California for 2015.”

For over fifteen years, and again this year, Best Lawyers, a ranking partner of U.S. News and World Report, has included Mr. Thomas in its annual publication of “The Best Lawyers in America.” The American Institute of Family Law Attorneys has recognized his law firm, the Law Office of Edward J. Thomas, as one of the top 10 law firms in California in terms of client satisfaction.
Exhibit “A”

KCBA Charitable Foundation
Celebration Reception
March 19, 2015
photos by Carol R. Bracy

Hon. Susan Gill, Barry Goldner, Bill Malloy

Chad Louie, Hon. Steve Katz, Debbie Katz, Hon. Lorna Brumfield

Kay Beavers, Linda Sullenger, Joan Wallace

Nick Ramirez, Devin Brown, Michael Akey, Brandon Stallings

Hon. Alisa Knight, Hon Colette Humphrey, Hon. Brian McNamara, Hon. Steven Shayer, Hon. David Zulfa

Vincent Oddo, Hon. Tom Clark, Jim Barks

Vincent Oddo, Christine Oddo, Annamarie Oddo, Vince Oddo

Chris Hagan, Hon. Steve Katz

Kyle Humphries, Bud Starr, Pamala Starr

Patrick Jennison, Karen Barnes, Hon. Steve Shayer

Hon. Tom Clark, Joan Wallace
Exhibit “B”

Women Lawyers Section Mixer
April 16, 2015

photos by Adeyinka Glover and Leandra C. Rayford

Killain Jones, Nick Mears, Ashley Derryberry

Molly Wilson, Vanessa Franco Chavez, Ravi Patel, Edgar Ivan Aguilasocho

Shelly Waldrop, Cynthia Loo, Felicia Lynn Altmiller

Chelsie Morgan, Alekxia Torres-Stallings

Richard Middlebrook, Linda Sullenger

Hon. Steven Shayer, Kathleen Faulkner, Bobby Cloud

Molly Wilson, Vanessa Franco Chavez

Brooke Howard, Michael Esquede, Bailey Bryson, Princess Herrera

Erika Martinez, Mary McGrath

Seth O’Dell, David Torres

Mary McCartney, Adeyinka Glover
events, adventures (and a little education, too)

Saturday, May 8
Get on the Bus
location: St. Francis Church of Assisi
volunteers: Patti Bulkeley @ 301-2626

Thursday, May 14, noon-1:15 p.m.
KCPA MCLE - A Goldmine of Hidden Evidence
speaker: Alphonso Rivera
cost: $25 KCPA members/$30 others
contact: Sasha @ 328-5208

Thursday, May 21, noon
State of the Courts - MCLE
location: T.L. Maxwell's
cost: $30 members/$50 non-members
contact: info@kernbar.org

Wednesday, June 10, 11:30 a.m.
In-House Counsel Section
location: Petroleum Club
cost: $50 non-members
contact: Mike Viayra at michael.viayra@crc.com

Thursday, June 11, noon-1:15 p.m.
KCPA Installation of Officers
location: Coconut Joe's Banquet Hall
cost: $25 KCPA members/$30 others
contact: Sasha @ 328-5208

Thursday, July 23, 4-6 p.m.
GBLA Guardianship Training
location: GBLA
contact: Adeyinka Glover @ 321-3996

Wednesday, August 12, 11:30 a.m.
In-House Counsel Section
location: Petroleum Club
cost: $50 non-members
contact: Mike Viayra at michael.viayra@crc.com