FARE THEE WELL, NADINE

By Susan Gill

On March 18, 2005 Kern County Superior Court Clerk Nadine Limi will celebrate her 39th wedding anniversary, and she will spend her last day as Judge Friedman's court clerk. On March 19, 2005 Nadine will begin her new life as a retired woman, and she is looking forward to gardening, cooking, entertaining, and spending time with her husband, Bob, a retired Delano High School teacher.

Nadine Limi was born in Bakersfield, and her Kern County roots stretch deep. Her mother's maiden name was Sterling. Sterling Road was named after the family. Nadine went to work for the Kern County Planning Commission on October 2, 1968. She transferred to the County Clerk's Office on June 2, 1970. She remembers the date, because it was an election day.

1971 was a big year for Nadine. Her son, Vance, was born, and she went to work as a courtroom clerk in Juvenile Court, clerking for Referees Grant Scofield and Fred Fisher. In 1974 she partnered with Judge John Nairn. Appreciating his good fortune, Judge Nairn kept Nadine by his side for 2 ½ years after his retirement in 1985.

Nadine recalls some interesting cases during her tenure with Judge Nairn, including an exciting campershell case and the Tyack murder trial. Nadine returned to juvenile court with Judge Nairn, and although she found the cases interesting, she said the dependency cases often made her sad. She was also dismayed upon returning to adult court, to see the juvenile delinquents who had graduated to adult criminal proceedings.

In 1987 Nadine joined Judge Gary T. Friedman in Dept. 3, and as Humphrey Bogart said in Casablanca, it was the beginning of a beautiful friendship. Judge Friedman describes Nadine as the sister he never had. He said, "She has so many positive qualities, you just can't help but say she's the best of class." Judge Friedman added that Nadine is very gracious to everyone, and her trademark smile puts everyone at ease, including jurors. In fact, many jurors write letters of appreciation to Judge Friedman which mention Nadine and her wonderful smile. Judge Friedman said he really appreciates Nadine's work in helping to find and train her replacement. Judge Friedman summed up his comments about Nadine by saying she is a classy lady.

In 1986 Nadine was recognized by the Independent Lawyers' Association, for her outstanding work. In 2004 she was awarded the Civility Award by the San Joaquin Valley Chapter of the American Board of Trial Advocates (ABOTA), for her Professionalism and Courtroom Civility.

Nadine said she has loved her tour of duty with the courts. She describes it as very exciting, and she has loved the friendships she has developed with the court staff and all the attorneys. She said she has especially enjoyed working with Judge Friedman. She feels lucky to have worked with two such wonderful judges. Although Nadine is really looking forward to her new life of leisure, she says she will miss everyone. There is no doubt that everyone who has ever been graced with Nadine's wonderful smile and personality will be missing her also.
On Wednesday, March 2, the Criminal Defense Section honored Stan Simrin with their Atticus Finch award. You would not find a more worthy choice.

Atticus Finch was a quasi-fictional character (based in part on a real person) in the book, To Kill A Mockingbird. If there is an Atticus Finch walking around Kern County, his name is Stan Simrin.

Stan did not take the easy way in to the practice of law. His first career was pharmacy. Then he decided to follow his first love-law. He studied law at the LaSalle correspondence school, studied for the bar exam without the benefit of a study group, and passed it.

Stan brings a peculiar passion to his practice of law. He practices mostly in the field of criminal defense. He has many gifts which assist him in this endeavor.

Stan is passionate in his representation of his clients, including many disadvantaged and many underdogs-----although a client did not remain an underdog long with Stan in his corner.

No matter how heinous the behavior or crimes which were alleged, Stan could always find some basic humanity possessed by his client. One of his gifts was his ability to get the jury to see that same basic humanity.

Stan has a gift of being able to communicate----really communicate---with the members of a jury. He can communicate not only facts and logic, but emotions and passions as well.

This is a very rare talent. Stan never sacrificed his integrity or ethics to try a case. His ability comes from his passionate beliefs and his ability to communicate those passionate beliefs to his audience.

From a prosecutor’s standpoint, Stan was not only a fearsome adversary, but he was also a straightforward one. He would consistently tell you to your face what he intended to do, and would then go out and do it to you.

As Judge Hoover said at the dinner, in all his years as a prosecutor and as a judge, he has never heard Stan Simrin tell a lie, he has never seen Stan Simrin show up in court unprepared, and he has never seen Stan Simrin do anything but pursue the interests of his client 100%.

President’s Message continued on page 4
THE PROBATE REPORT
By Susan Salvucci, 2005 Section President

The KCBA Probate Section was fortunate to hear the Honorable Commissioner Louie Vega present his 'court update' for 2005. Yearly updates from the court's perspective are most valuable to probate practitioners, especially in light of the fact that 4,300 cases were set for hearing last year, and 400 cases were set for hearing in January of 2005! Obviously, we are a very busy group of lawyers despite the fact that the probate judge deals with many litigants who are appearing in pro per, particularly in guardianship matters. The great number of pro per litigants appearing before the Probate Judge will increase as Bakersfield and the surrounding communities continue to grow. Commissioner Vega reported that the issue of "under-represented litigants" and ADR (alternative dispute resolution) are on the Chief Justice and AOC agenda. Kern and other California counties can expect to obtain needed assistance for the judicial system resulting from the coordination of administrative management following unification and consolidation of the municipal and superior courts. Budget shortfalls have greatly impacted the local courts. Commissioner Vega is open to suggestions to move matters along more quickly, provided any new procedure is compatible with existing computerized court systems and procedures.

In the meantime, Commissioner Vega advised us of: "The Top Ten Reasons Your Case Won't Be Heard Today:"

10. If there is no DHS letter in the file on Guardianship Petitions…..your case won't be heard today;
9. If you have not served both parents, when available…..your case won't be heard today;
8. If the parties have not submitted the questionnaire to FCS to begin its investigation……your case won't be heard today;
7. If you forget to submit the proof of mailing of notice of hearing….your case won't be heard today;
6. If you fail to attach a copy of the Petition to your Notice of Hearing, when required, …your case won't be heard today;
5. If the proposed Conservatee has not been cited into court, when appropriate, your case won't be heard today;
4. If you forgot to attach the exhibits you referenced in your Petition….your case won't be heard today;
3. If the attorney representing the Petitioner fails to appear….your case won't be heard today;
2. If the figures on the accounting and report you submitted don’t add up…your case won't be heard today; And the Number 1 reason:
1. If your client shows up under the influence of some drug or intoxicant, or has an outstanding arrest warrant…..your case won't be heard today (and your client probably won't be leaving with you, either!).

The "Top Ten" list illustrates issues that commonly arise in Probate court…..except for No. 1, of course. Fortunately, that's pretty rare. But based on the volume of cases submitted to the Probate Department, those practicing Probate law are cautioned to continue to carefully review all documents, including proofs of service, and ensure all forms are properly filled and completed with no blanks left; and double check that all exhibits are attached. This will move your matter through hearing, rather than your being told to come back another date.

A new Probate Department Policy Alert is the "BOTTOM-TAB MORE THAN ONE EXHIBIT" policy --- if you have more than one exhibit attached to your petition, you are now required to tab each exhibit with a tab at the bottom. This will save time and provide the Probate Examiner and the Judge with a convenient tool when reviewing your documents and Petitions prior to and during hearings. Commissioner Vega also reminded us of the COURT REPORTER and ELECTRONIC USER FEE - this is a "be prepared" reminder: Be prepared to pay the court reporter’s fee when a matter is set for an afternoon hearing, because it is anticipated that afternoon hearings regularly extend for more than the first hour …so bring a check with you when you have a hearing set for the afternoon! Remember that the Probate Report continued to page 3.
President's Message continued from page 2

I tried at least 4 cases against Stan as a prosecutor and those 4 cases remain my most memorable. They were hard fought, but were fought in the absence of impermissible practices or ethical shortcuts.

Stan is a great role model. We can all learn from him how aggressive and enthusiastic advocacy can coexist with a strong set of ethics.

Probate Report continued from Page 3

fee is imposed once a matter exceeds the first hour, and it may result in a minimum half-day fee or a full-day fee if the matter goes beyond 4 hours.

Kudos go to Ginger Heath, Probate Examiner, and her staff, for the noticeable reduction in turnaround time this past year, pertaining to orders returned or made available.

In 2005, matters in the Probate Department will continue to be set on calendar as follows:

Mon - Tues: Conservatorships; Guardianships and Family Law related cases;
Wednesdays: Accountings; Petitions to Confirm Real Estate Sales; Petitions for Instructions and Petitions for Fees;
Thursdays: New Petitions; Petitions for Succession; Trust matters; Motions and Miscellaneous matters;
Fridays: Minor’s Compromises; Settlement conferences and Compliance hearings.

The KCBA Probate Section is most appreciative of Commissioner Vega and his staff’s attendance and presentation to our Section! A Big THANK YOU to each of them! In fact, we would love to have them at every monthly meeting! So…..we’re going to invite them, and you will just have to show up yourself to find out if they joined us!!

KCBA to Produce "Area of Practice" Brochures

KCBA receives more than 100 calls per month from those seeking an attorney. Without a Lawyer Referral Service, we refer these calls to our website or the yellow pages. To answer this need, KCBA is producing a brochure listing all members and their area of practice. The brochures will be mailed to those requesting an attorney and will also be placed in the courthouse. Please check our website at www.kernbar.org to see if your listing is complete and accurate. Corrections or additions may be made by emailing Wendy at wash@kernbar.org or on your 2005 Application for Membership.
THE VIEW FROM THE WATERSHED

By Jay C. Smith

"He was born with a gift of laughter and a sense that the world was mad."
- Scaramouche by Rafael Sabatini

"It's only words..."

Like you, I live in a(n apparently) material, a (seemingly) rational world. ("A dream is an experience that seems real until it is over...much like life."). I accept this, but I enjoy it when I can pretend to myself that glimpses of the underlying irrationality are peeking through. Coincidence, déjà vu and other bits of experience that don’t seem to have a part in a rational world fill me with childish (No, not child-like, childish) glee.

The other day I was explaining to a non-lawyer some of the issues we deal with in efforts to persuade. Our words can affect perception of reality, I claimed. I mentioned that famous study where you show the several subjects video of a car accident. You ask them a series of questions about the collision. One half of the subjects are asked something like "How fast was the red car going when it made contact with the green car?" and the other half asked something like "How fast was the red car going when it crashed into the green car?" The "crashed" group gives you answers twenty or thirty miles per hour higher than the "contact" group. Lawyers have to be aware of things like this and choose our words carefully.

The next day I read an article in the Daily Journal about a priest prosecuted for a long ago child molest. One of the issues was that "recovered" or "repressed" memory stuff, and a defense witness was a professor who studies memory, Elizabeth Loftus. (She is quite famous now, but even testified in Kern County cases in her salad days [and by the way: do any of my Gentle readers know the origin of that term? It has to be more than "My salad days, when I was young and green" doesn’t it? Something Latin or some literary allusion?] )

Well, it was Dr. Loftus who performed that famous cars contacting/crashing study, and it was discussed in the article. Imagine my delight when I came across a mention of the study less than a day after I had pulled it out of my memory. (In doing this imagining, you need to be guided by the fact that I am an emotionally labile and juvenile guy, remember.)

Imagine my dismay when I noticed that my memory had been defective. The average difference between the two groups was ten miles per hour, not the twenty or thirty I had recalled and asserted.

The rational portion of my brain is less taken by the study when I know that it was a ten mph difference and an AVERAGE difference. There is a lot of room for "noise" to get into the study, and to reduce the import of the findings. How many of the "crashed" subjects still had an estimate lower than the "contact" group, even though the average was higher?

Heck, just the fact that the car is red is probably enough for an extra 10 mph for someone as easily swayed as I am.

THE SOLO CORNER: Electronic Discovery, Err on the Side of Caution

By Gabriole Zeviar-Geese

The duty to protect and preserve all potentially or actually relevant information lies upon you as well as your clients. Once you are aware of potential litigation your duty to preserve evidence arises along with that same duty for your clients. Normal routine e-document retention policies can get both you and your client sanctioned.

Rule 34 of the Federal Rules of Civil Procedure include electronic data compilations which can only be obtained via the appropriate hardware device. The sweep of one’s duty to preserve evidence can include all sorts of hardware devices and media.

Your duty to preserve evidence arises when your client has a reasonable expectation of litigation and continues when the parties exchange pre-litigation correspondence, service of process, and requests for information. You, as counsel, have a duty to ensure evidence that may be reasonably anticipated to become relevant is preserved.

Electronic data, such as metadata can be inadvertently destroyed or changed when a document is copied or moved. Expect a judge to ask for data in native format, which preserves metadata. Your client’s practice of automatically destroying e-mails in the ordinary course of business could be seen as a breach of duty and result in sanctions. In order to preserve evidence that may be potentially relevant you should advise your clients to prohibit routine e-documentation destruction. Employees need to produce electronic copies of their relevant active files and to set aside and preserve relevant backup media of files and databases.

You need to look beyond expected key players to support personnel. Management may be relying upon support staff to handle their electronic communications for them. Include these personnel in your sweep.

Solo Corner continued on page 6
John Brownlee, New Board Member and Liaison to Outlining Practitioners

By Larry Fields

John R. Brownlee is on of the recently installed new member of the Kern County Bar Association’s Board of Directors. He has been a Kern County Deputy District Attorney since 1990 and has worked almost all areas of the office including the Misdemeanor, Narcotics, General Felony and Special Prosecution sections. Brownlee has also served time at Arvin/Lamont office and was member of the Rural Crimes Task Force. Brownlee’s current assignment is the supervisor of the North Kern Branches of the District Attorney’s Office, the North Kern Rural Crimes trial calendar and, newly added to his responsibilities, the Prison Prosecution Unit. He also serves as the Chairman of the Hiring Committee at the DA’s office.

Brownlee graduated from McGeorge School of Law and received a Bachelor’s degree in Law Enforcement from the University of Northern Arizona. He grew up in Blythe, California.

In addition to coaching Jack Frost Football (the "Antlers"), Brownlee is a diehard Minnesota Vikings fan.

Brownlee is active in the Youth Development Coalition and a member of the Elks Lodge.

Brownlee has been active in the Kern County Prosecutor’s Union, serving two years as President and 3 years as a Member at Large.

Although he won a seat on the KCBA board in a general election, Brownlee’s expects to serve as the eyes and ears for attorneys serving in the outlying areas of Kern County, particularly North and East Kern.

Solo Corner continued from page 5

of all potential parties who need to preserve all relevant and potentially relevant information. Personal computers with remote access, nonstandard, legacy, or outdated media may need to be included in the restriction to preserve data.

To add to this mix, on August 15, 2004 the Advisory Committee on Federal Rules published proposed draft rules which includes an amendment to Rule 37 that would create a safe harbor where a Party would be protected if it "took reasonable steps to preserve the information after it knew or should have known the information was discoverable…and the failure resulted because of the routine operation of the Party’s electronic system." This would protect a Party against being sanctioned for failing to provide electronic information in some situations.

Until the law is further clarified counsel are advised to take the prudent road to preserving all potentially or actually relevant electronic data to avoid the personal sanctions of

The Kern County Charitable Foundation would like acknowledge the following contribution in the month of March:

David A. Torres in memory of Bobby Dean Puckett

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Kenneth N. Vaughan, CPA/ABV
Partner
kenv@dpvb.com
Daniells Phillips Vaughan & Bock
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Bakersfield, CA 93309

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Fax: 661.834.4839
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This month we feature Volunteer Attorney Brenda Enderle, an Associate at Clifford & Brown. When asked why she volunteers, Ms. Enderle noted that we in the legal community should look deep within when it comes to the difference between the "haves" and "have nots."

She said, "As an attorney, I am blessed to be where I am today. I have skills that can help people. If I am comfortable living in a world where I have my cush little life but others live in places where cockroaches crawl on their children at night, there is something wrong with me. Each of us should aspire to do what we reasonably can to help people." Ms. Enderle went on to say: "The attorneys at Clifford & Brown are very involved in the community, and I have been encouraged to be active in the community in a way that speaks to me. GBLA gives me the opportunity to make a small difference in the lives of people who need help and have nowhere else to turn."

Ms. Enderle graduated from Mount Holyoke College in South Hadley, Massachusetts, and obtained her M.B.A from California Lutheran University, Thousand Oaks. She graduated from California Western School of Law in 2002. Since December 2003, Ms. Enderle has practiced real estate and general business law at Clifford & Brown. Ms. Enderle has volunteered with GBLA since September 2004, and she serves on the Board of Directors for the Young Lawyers Section of the Kern County Bar Association.

Thank you, Brenda Enderle, for donating your valuable time, your expertise and reminding the legal community the decision to do pro bono work is a matter of pride and conscience!

Pictured below is Ms. Enderle volunteering. If you would like to volunteer, please give me a call: Jill Platt at (661) 321-3985 or send an email to: jplatt@gbia.org.
Over 50 attendees were present at the University of LaVerne on February 23, 2005, for the first MCLE event presented by the YLS. Kern County Superior Court Executive Officer Terry McNally delivered a high quality presentation entitled "A Primer on Kern County Superior Court: How to Avoid the Ten Most Common Filing Errors Attorneys Make." The YLS selected this topic based on results from the online survey it conducted in December 2004.

McNally provided an insightful overview of Kern County’s court system, including concise descriptions of the history, current status and future vision regarding developments like unified filing, court information on the internet and future prospects for electronic filing. McNally also shared the wisdom of his entire staff. Prior to the event, he polled court clerks and other staff in order to solicit their input about frequent filing problems, which McNally organized and summarized for the audience. The resulting presentation was high value information directly from the source. An engaging question and answer session following the presentation produced further insight on numerous specific questions and concerns.

The YLS thanks Klein DeNatale Goldner Kimball Rosenlieb & Cooper LLP for its generous sponsorship of this first MCLE event.

KCPA to Host MCLE on "Structured Settlements"

Lynda Pennington from The Delta Group will be the featured speaker at the Kern County Paralegal Association's general meeting luncheon on Thursday, April 14, 2005. Ms. Pennington will discuss Structured Settlements.

The luncheon will be held at 12:00 noon at Coconut Joe's, 4000 Easton Drive, Suite B, Bakersfield, California. Coconut Joe's is located just west of the intersection of Easton Drive and Chester Lane. Park behind the old Mervyn's Plaza movie theater and walk across the street to the "club." Watch for the tiki torches!

The cost is $16.00 to KCPA members, and $20.00 to attorneys and non-members. Please RSVP by April 12, 2005, to Aneta Adams (KCPA Programs Director) at 328-1800 (Arrache, Clark & Potter), or Email her at aadams@acplaw.com.
Knowledge Management Tools: What Does It Really Take?

By George May, Vice President, West km Segment, Thomson Elite

The concept of knowledge management should not be so vague as to be useless to practitioners of the law. Knowledge management simply means not having to re-create work product each time a new project is begun.

Knowledge management creates a framework for being able to locate documents that relate to a particular subject. And it means that everyone in a firm - not just the original author - has the ability to find and use previous work product and knowledge.

For too long, knowledge management has been around as a hazy intellectual concept instead of a term for a collection of specific solutions to everyday tasks. The soul of knowledge management, however, is integration. To be widely accepted and used within a firm, knowledge management must be automatically integrated into everyday work tasks, rather than being a series of add-on steps in separate software applications.

Knowledge management cannot require a laborious chain of steps and tricks to code, file, organize, search for and retrieve documents. To leverage the full benefits of work that the firm has done in the past, knowledge management tools must collect, organize and find documents invisibly, without adding "KM tasks" to the long to-do lists of practitioners.

Products like West km™ do not require manual coding to include documents in the firm's knowledge management directory. In addition, extra steps are not required to retrieve these documents. Users simply conduct Westlaw® searches in the course of their daily research as they normally would, and the firm's work product appears among the results related to a specific topic or search. In addition, the retrieval benefits from added document references such as KeyCite®. The most valuable documents, those most closely related to the topic of the search, will automatically be identified. West km is a fully automated tool.

A firm’s existing software and other office tools perform disparate tasks that can be associated with the goal of total knowledge management. But true knowledge management can be made nearly transparent through deep integration with the research, prioritizing and document retrieval tasks that lawyers conduct on a daily basis. True knowledge management is not a collection of separate tasks, but the automated understanding and collection of a firm’s work product and knowledge, resulting in concrete gains in productivity.
Last month I introduced readers to GBLA's Campaign 2005. The goal of Campaign 2005 is to raise dollars that will help cover the costs of programs like the Community Homeless Law Center and the Legal and Social Services for Victims of Domestic Violence & Sexual Assault project in the case they do not get refunded (both are due to expire in two years). Because the private, nonprofit and legal sectors have relied on GBLA to deliver free civil legal services to Kern County's poor and elderly citizens, it was important for us to be proactive in diversifying and strengthening our funding base rather than waiting for a potential crisis to occur in the case programs are not refunded. We want to continue moving homeless families from the streets to self-sufficiency and we want to continue assisting victims of domestic violence with taking first steps towards economic stability.

A huge and sincere thank you to all who pledged support to GBLA during our first kick-off event (held on January 27, 2005). We raised nearly $20,000 that morning! Your goodwill will help strengthen the health and well-being of our economy. A partial list of donors include:

- Jay Rosenlieb on behalf of Klein, Denatale, Goldner, Cooper, Rosenlieb & Kimball, LLP
- Linda K. Alvarado; The Law Office of Linda K. Alvarado
- Bernie Barmann Sr.; The County Counsel
- Mark Arnold; The Kern County Public Defender's Office
- Bernie Barmann Sr.; The County Counsel
- Catherine E. Bennett; Klein, Denatale, Goldner, Cooper, Rosenlieb & Kimball, LLP and Chair, The GBLA Board of Directors
- Ken Byrum; The Law Office of Kenneth M. Byrum
- Thomas S. Clark; Arrache Clark & Potter and President, The Kern County Bar Association
- David J. Cooper; Klein, Denatale, Goldner, Cooper, Rosenlieb & Kimball, LLP
- Randall B. Dickow; Attorney At Law
- David Dixon; Downey Brand LLP
- Yolanda Esparza; The GBLA Board of Directors, Vice Chair
- Veronica Felix; The GBLA Board of Directors
- Todd Gall; The Law Offices of Young & Nichols
- Scott Galland; The Law Offices of Scott Galland
- Virginia Gennaro; The City of Bakersfield
- Suzan D. Hopper; The Kern County Bar Association
- Emilio J. Huerta; The Law Office of Emilio J. Huerta
- Steven M. Katz; The Kern County District Attorney's Office
- Scott Kuney; The Law Offices of Young Wooldridge LLP
- Sylvia Lopez; Attorney At Law and The GBLA Board of Directors
- Vikki Del Pellegrino; The Kern County District Attorney's Office and The GBLA Board of Directors
- Ken Byrum; The Law Office of Kenneth M. Byrum
- Andrea Selvidge; The Law Offices of Young Wooldridge LLP and Treasurer, The GBLA Board of Directors
- Wylean Slaughter; The GBLA Board of Directors
- Daniel Tobias, Attorney At Law
- Teryl Wakeman; The Kern County Public Defender's Office and GBLA Board of Directors
- James Yoro; Chain-Younger Cohn & Stiles

And, once again, a special thank you to Senator Dean Florez, George F. Martin, Managing Partner of Burton, Petrini & Conron, LLP, and Sheryl Barbich of Integrated Knowledge Group, Inc. and of Greater Bakersfield Vision 2020 who spoke about the importance of supporting GBLA in our promotional video. Thank you all so much!

If you would like to join your colleagues in serving on GBLA's Resource Development Committee and/or in supporting the programs of GBLA please call Mary McCabe at (661) 334-4679 or e-mail mmccabe@gbla.org.
A crowd of 25 bar association members attended the "State of the Courts - First Tour 2005" Kern County Bar Association MCLE program on February 16, 2005 in the quaint, old Board of Supervisors Chambers on the 7th floor at 415 Truxtun. Attendees earned one hour of general law MCLE credit.

Presiding Judge Lee P. Felice began the program by introducing fellow panelists, Judge Arthur Wallace and court Administrative Officer Terry McNally. He then remarked, "I don't have any particular agenda at this particular time. I might have a different idea a year from now."

Judge Felice then opened the floor to questioning, mentioning that he did not have any prepared remarks but rather wished to have a "question and answer session."

When asked about the current judicial assignments for civil courts Judge Felice commented, "We have three direct calendar judges and we basically have two commissioners handling civil matters."

"We do enlist some help on settlement conferences on Fridays with Judge Friedman and Commissioner Vega," added Judge Wallace.

Judge Felice added that he did not foresee expanding civil court services through the use of pro-tem judges. "I'm not inclined to the use of pro-tem judges," said Judge Felice. "Something about the fact that judges are in chambers when lawyers are hearing cases doesn't really amount to us [judges] providing a service. We have an obligation to serve the public."

Judge Wallace explained that given the current number of judges handling civil cases, "The policy is to set enough cases to keep the trial calendar moving at a reasonable pace and to try cases. Consequently, we have been setting three for trial each week. Generally, that has worked out fairly well." Judge Wallace added that long cause cases will continue to go to non-fast track courts.

When asked about the use of mediators who have attended the Pepperdine Mediation Program held here last year in association with the local Bar Association Judge Wallace explained, "Judge Chapin has been the leader of the program. The Pepperdine School developed a panel for a fee. This court hasn't participated in mandatory mediation yet and thus right now everything must be done at a market price."

"We do have volunteers who have participated in our MSC program. This will give them exposure for their services as mediators," said Judge Wallace. "We're happy to accommodate those who want to use mediation."

When asked about the future possible creation of "boutique courts" - like a domestic violence court - Judge Felice stated, "I don't like the term 'boutique courts.' I have been involved in those types of courts. I began Prop 36 court."

Judge Felice pointed out that he was not "philosophically opposed to these types of courts," but he cautioned, "The problem with those types of courts is dedicating a judicial officer to handle nothing other than domestic violence. I recognize that we need to address these problems. However, I think we can do this without dedicating a judicial officer solely for this. We need money to fund these courts. It is a question of resources."

Addressing the issue of courtroom media improvements, Terry McNally said, "Judge Chapin has asked that his court be the 'guinea pig' for enhanced electronics. What we learn from his courtroom will be expanded. But, we will have to work with each judicial officer to determine how they want their courtrooms equipped."

McNally also spoke about the future location of the Superior Court in metropolitan Bakersfield. "The State is in the process of taking over 1415 Truxtun and there are two sizable problems: Asbestos and seismic problems. The County and the Administrative Office of the Courts are now in negotiation. Some of the required courts will transfer to the state easily; 1415 Truxtun probably will not. The State will likely continue to lease 1415 Truxtun from the County." McNally mentioned that if a $6 billion bond passes, sponsored by the Administrative Office of the Courts, $118 million would eventually come to Kern County for new courtrooms.

Superior Court may eventually provide on-line access to court dockets. "We are looking into that," said McNally. "In the next couple of months we should have docket information on-line in most civil cases."
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HISTORY COLUMN

By Susan Gill

The concept of a juvenile court, where children who commit crimes are viewed and treated separately and differently from adult criminals, and where abused and neglected children are protected, originated in the nineteenth century. The idea gained momentum in the early twentieth century, as reformers demanded that we change the way we treat children overall. Not all judges view a juvenile court assignment as the important and prestigious assignment that it is. However, over the years, some judges have recognized that in Juvenile Court they have a chance to make a positive difference in the lives of children. These are judges who should be praised, revered, and remembered forever.

Juvenile court was first introduced in Kern County in the 1920’s. There were only three Superior Court Judges in Kern County back then. Presumably, Juvenile Court was a part-time assignment - a bit different from today, with two judges and one Referee. Kern County’s first Juvenile Court Judge was Erwin W. Owen.

Judge Owen was born on the Chisolm Trail in Missouri and raised in Texas. He was a Texas Ranger and a newspaperman before becoming a lawyer. He moved his wife and children to Bakersfield in January, 1909, and he was sworn into the California State Bar in March, 1909 (#9942). He was a well-respected attorney when he was appointed to the bench in 1923. He became an expert in water rights, and "he achieved state-wide distinction for adjudicating virtually all of the water rights litigation cases between the city of Los Angeles and the great Owens valley district." (Bakersfield Californian, December 17, 1936, p. 1.) In 1935 he presided over a mammoth water rights case between Tulare Irrigation District and the Lindsay Strathmore Irrigation District which had been ongoing since 1917. The transcripts of testimony filled several trucks. In 1936 Judge Owen successfully effected a settlement in this $1,500,000 case.

Judge Owen, was described as "a kindly Texas gentleman" by a boy who was the subject of guardianship proceedings in the late 1920’s. Judge Owen’s work in juvenile court convinced him that the troubled boys who came before him needed a healthy outdoor work experience. Under Judge Owen’s direction, the Kern County Probation Department planned an outdoor camp for delinquent boys on Forest Service Land up in Kernville. Judge Owen died in 1938, just before his outdoor camp officially opened. Camp Erwin Owen was dedicated to the memory of its founder. A plaque placed at the camp during the dedication ceremony states that Judge Owen’s "name will live forever as an inspiration to youth." Camp Owen continues today as a model program which furthers the goal of setting troubled youth on the right path for success in life. Those who run the program believe that its namesake would recognize it and be proud of it as it is run today in the 21st century.

A Kern County Judge who was assigned to Juvenile Court almost half a century after Judge Owen left the court, became a fan of the Camp Owen program. James G. Bowles was a well-respected criminal defense lawyer when he was appointed to the Bench in the late 1970’s. He did his undergraduate work at U.C. Berkeley, and he studied law at Hastings. He worked first as a Deputy District Attorney, and then entered private practice, partnering first with Barney Gill in the 1960’s and later with Lou Etcheverry.

Commissioner Etcheverry said that in addition to representing adult criminals, he and Jim Bowles represented children in delinquency proceedings. He said they fought tooth and nail to keep kids out of Camp Erwin Owen. However, when Judge Bowles was assigned to Juvenile Court in the 1980’s, he began sending boys to the Camp. Lou finally asked his friend why he was sending boys to Camp Owen. Judge Bowles responded that the boys thank him for sending them to camp, because they get an education and they actually love it there.

Judge Bowles’ widow, Anne, said that Camp Owen was near and dear to her late husband’s heart. She was impressed by the mutual respect between the staff and the boys there. She said her husband always attended the graduation ceremony at Camp Owen, and he told her, "These are my boys, and I’m so proud of them.” Judge Bowles also took pleasure in attending other events involving children who were placed in Juvenile Hall. As Camp Owen was named for our first Juvenile Court Judge, it is fitting that our Juvenile Hall is named after one of his most dedicated successors.

Commissioner Etcheverry explained that he and Judge Bowles loved to shoot pool. They shot pool at the Circle Inn on their way home from work, and they would shoot pool on the large table in the Bowles’ home. Anne Bowles said that after Judge Bowles died in 1989, she kept the pool table for a few years. Finally, she decided it was time for the pool table to go, and she and her husband, Elton Kelly, decided that Camp Erwin Owen was the place it should be. Boys who are sent to Camp Erwin Owen to change the course of their lives toward success, are now able to relax in the evenings by enjoying a game of pool on a table owned by a Judge who is almost as remote in time to them, as Judge Erwin Owen was to the boys sent to camp by Judge Bowles. Both Judges continue to have an impact on generations of boys who have gone through the Kern County Juvenile Court.

Thank you, Judge Owen and Judge Bowles, and for all who recognize how important the work done in juvenile court is to our entire community.
State of the Family Law Division
Superior Court of California,
County of Kern

By Gabriele Zeviar-Geese

On Thursday, March 3, 2005 The Honorable Judge Jerold Turner spoke on behalf of the Metropolitan Division of the Family Law Division regarding the state of the court. Judge Turner addressed the Family Law Section of the Kern County Bar Association during the noon hour at the University of La Verne.

Judge Turner informed everyone present that currently block grants for minor’s counsels were focused in dependency cases in juvenile court at this time. He told the group that the state of California is considering allocation of funds toward Family Code 3150 minor’s counsel. He believed that perhaps in fiscal year 2006-2007 money would be available to family law court to pay for appointment of minor’s counsels again.

According to Judge Turner, the court has been experiencing problems with counsel going back into the chambers area of the court without obtaining permission first.

Judge Turner also pointed out that attorneys have expectations that the court will make necessary copies of exhibits for them. Counsels were reminded that it is not the court’s responsibility to provide copies of exhibits; all necessary copies should be prepared prior to the court hearing. The court has numerous final judgments sitting around because the parties have not filed declarations disclosures, according to the Judge. Technically, the parties cannot even go to trial without declarations disclosures being filed first.

Some attorneys believe that parties are getting temporary restraining orders who should not be getting them. Judge Turner pointed out that the threshold for issuing a temporary domestic violence restraining order is not very high. The court’s position is “better safe than sorry”. If a judge has concern about granting a TRO he or she will get another judge’s opinion. The court looks to why it should deny a TRO. If a petition refers to a police report, the court has an obligation to look them up. The court also looks to the UCCJEA for consistency between it and the information contained in the request for TRO. The court wants to avoid parties attempting to “back door” exclusive use of the premises.

Judge Turner forecasted that the long lines in front of the court house will continue due to security concerns. When security was first set up in juvenile hall, 795 weapons, including guns, were taken from people in one month.

There were 2812 family law cases in fiscal year 2004. Judge Turner pointed out that the court has a ninety-six per cent disposition rate to filings. Judge Turner believes the court is running fairly well, vacations have been handled, and it has not had to send cases to 1415 Truxtun unless there were conflicts across the bench.
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YLS Folks Rendezvous for YLS "Final Thursday" Social Gatherings

By Jennifer Zahry, Esq., Deputy County Counsel

Following up on its successful January event, the YLS staged a February edition of its monthly series of social gatherings known as "Final Thursday." The February event was graciously sponsored by Keleher's Certified Shorthand Reporters and it attracted a fun, energetic crowd of younger/newer attorneys reflecting the full spectrum of legal employment, including prosecutors, defense lawyers, other public sector lawyers, small firm lawyers, sole practitioners, Greater Bakersfield Legal Assistance lawyers, in-house counsel, large firm lawyers and others. Folks got acquainted for the first time, got to know people better and/or reconnected with old friends. The Kelehers, along with several folks from their company who also attended, provided sparkling personality. Everyone had a great time.

By the time this goes to print, the YLS will also have already staged the March edition of the "Final Thursday" series, which a Magic-8 Ball consulted at press time indicates will be/was also another fun event. The April edition will occur on April 28, 2005, starting at around 5:30 p.m. Further details for each Final Thursday event are posted on the YLS website (www.kcba-yls.com) shortly before each event. In addition, if you are eligible for YLS membership (see criteria on the website "about" page) but did not receive an email notice to one of the prior Final Thursday events, please contact a member of the YLS board (see website "contacts" page) if you would like to be added to that list.

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Almost one thousand years ago the Normans won the Battle of Hastings, conquered England and established a new ruling kingdom. With the new kingdom came a new legal system and the need for men skilled in letters. The early legal profession borrowed these men from the clergy. English legal writing developed the tendency to express important ideas with at least three words: One word had its roots in Ancient English; one word had its roots in the conquering Norman French, and: one word had its roots in a language of a Church: Ecclesiastical Latin.

Early judges recognized the difficulty caused by this built-in verbosity. They adopted the Maxims of Jurisprudence, which were, centuries later, adopted as statutes in California in 1872. Those maxims include section 3537 of the Civil Code: "Superfluity does not vitiate."

Over time our profession has benefited from the protection of section 3537. When we write in excess, we do not sacrifice legal effect. But times have changed. The learned men of the law are frequently criticized for lengthy, confusing documents and for wordy, unclear oral statements. We live in a world inundated by sound bite communication and glamorous, time-limited spokesmanship. Perhaps it is time to take seriously the often quoted wisdom of Richard Cecil: "Eloquence is vehement simplicity."

Recent years have seen serious page limitations for motions and appellate briefs. Federal appellate briefs are limited to a certain number of words. Oral arguments are strictly limited, and most appellate courts request that advocates use much less than the maximum time for their argument. As a profession, we can tighten our writing and pre-think our speaking to communicate better. If I have been too verbose in expressing that idea, please forgive me, and review section 3537.

Board of Directors, Kern County Bar Association
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"PARALEGAL OF THE YEAR AWARD" - 2005

It's that time of year again. Time to recognize a paralegal in your firm who demonstrates dedication and excellence in his or her field. In 500 words or less, please explain why you believe this paralegal is deserving of the "KCPA Paralegal of the Year Award." What has this paralegal achieved this year within the legal field? What is their greatest strength? How have they helped to further their employer's practice through their dedication, knowledge and experience? Nomination forms may be obtained from Nancy Boles at Klein DeNatale (nboles@kleinlaw.com or 395-1000). Please submit your nominations prior to May 1, 2005, to Kern County Paralegal Association, P.O. Box 2673, Bakersfield, CA 93301.

JOB OPENING; SPECIAL ASSISTANT INSPECTOR GENERAL

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2005 SCHEDULE OF MEETINGS

APRIL
5 Executive Committee Meeting
5 Res Ispa Loquitur Newsletter Deadline
12 Board of Directors Meeting
15 Res Ispa Loquitur Committee Meeting
27 IDP Roundtable

MAY
3 Executive Committee Meeting
5 Res Ispa Loquitur Newsletter Deadline
6 MCLE Committee Meeting
10 Board of Directors Meeting
20 Res Ispa Loquitur Committee Meeting
25 IDP Roundtable