Outgoing KCBA President Reviews 2009

by David A. Torres
President
Kern County Bar Association

“Every area of trouble gives out a ray of hope, and the one unchangeable certainty is that nothing is certain or unchangeable.” John F. Kennedy

As I end my term, I must admit that I enjoyed every single minute serving as President. Thank you for giving me the opportunity to serve as President of the Kern County Bar Association. I cannot think of any greater honor or privilege that has been bestowed upon me thus far as a lawyer.

Over the past year, the topics of my monthly messages have varied from addressing legal issues, to general acknowledgements and updates, to personal life experiences. If I were to be remembered for one particular message, I hope it is last month’s message wherein I urged you to spend time with your family, and keep in mind that your family is your priority.

Special Thanks
Events: This past year, the KCBA organized a variety of family events ranging from cooking classes, a hockey night, and a bus ride to Hollywood to watch the play, “Wicked”. I would like to thank Chef Meir Brown, all KCBA members and their guests who participated in these events.

Courts: I would like to recognize the Hon. Jerold Turner, Presiding, and Superior Court Clerk, Terry McNally, for reinvigorating the Bench-Bar relationship. Incoming Presiding, Hon. Michael Lewis, has expressed an interest in continuing and expanding the Bench-Bar relationship. We look forward to working with him.

Board of Directors: I would like to thank each member of the Board for their aggressive representation of their constituents, including all ex-officio section leaders. I look forward to working with you this coming year. I would like to recognize Chad Louie, Carol Bracy, H.A. Sala, and Seth O’Dell for their personal contributions to ensuring the success of every bar sponsored activity this year. A big thanks to our employment lawyer, Dave Dixon, for his advice and counsel throughout the year.

Executive Committee: This is truly a “team of rivals.” But it is, indeed, a team of individuals who are intent on providing the best services to our membership. Thank you Hon. Steve Katz, for your friendship and confidence over the years. Over the past year I sought your advice and counsel. Thank you, for being my “Bobby Kennedy.” Jennifer Thurston, was appointed to the executive committee to replace Tony Heider. I leave knowing I made the right choice.

Susan Gill has done more for the local bar than anyone I know. We extend a monthly “thanks” to her for making the (fabulous) President’s Message, continued on page 23
**2009 KCBA Election Results**

**KCBA Board of Directors**
- Paul A. Welchans, President
- David A. Torres, Immediate Past President
- David A. Dixon, Secretary/Treasurer
- New Board Members: Christopher Hagan, Brett Price, Jennifer Zahry
- Returning Board Members: Carol R. Bracy, H.A. Sala, Chad Louie, Daniel Clifford, Bud Starr, Karen Gaul, Jim Wiens, Seth O’Dell

**Family Law Section**
- Karen Gaul Wallace, President
- Payton Williams, Treasurer
- Directors: Colin Glenn, Phong Han, James Hulsy, David Leon, Gerald Oldfield, Edward Quirk

**Estate Planning, Trust & Probate Section**
- Joseph Hughes, President
- Gail Braze, Secretary/Treasurer
- Larry Fields, Vice President

**Young Lawyers Section**
- Isaac St. Lawrence, Chair
- Seth O’Dell, Immediate Past Chair
- Doug Gosling, Treasurer
- Board Members: Melissa Brown, T. Alan Rogers, Alexandria Sawoya, Jessica Williams

**Criminal Defense Section**
- James Faulkner, President
- Michael Gardina, Vice President

**Board of Governors**
- Cynda Bunton, Randall Dickow, Fred Gagliardini, Leticia Perez, Michael Lukehart, Scott Winkler

**ADR Section**
- Ken Byrum, President
- Joe Ferra, Vice President
- Jason Houston, Secretary
- Gabriole Zeviar-Geese, Treasurer/Membership
- Jeannie Gillen, Publicity Chairman
- Laurelyn Irving, Court Liaison
- Robert Fairman, Past President

All officers and directors of the Kern County Bar Association and its sections will be installed at an event on January 29, 2009. Event location is Stockdale Country Club. The installation dinner will begin with a social at 6 p.m. Reserve your seat today by calling 334-4700.

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If you have been to Probate Court during the last several months, you may have heard Judge Vega or Commissioner Wyatt ask parties if they wanted to go into the jury room and work out a settlement with the assistance of the mediator. When people accept this offer, Jeannie Gillen leads the way to the jury room behind Division E and shepherds the parties toward a resolution of their conflict. Gillen is employed part-time as a mediator for the Better Business Bureau, which provides mediation services to the court pursuant to the Dispute Resolution Panel Act (DRPA).

Before moving to Kern County in 2001, Jeannie Gillen raised two daughters on a ranch on the Santa Rosa Plateau in Riverside County. She said she had loved horses since she was a young girl, and she wanted to live in an open space where she could ride her horses. This led her to become an advocate for open spaces, which led her to become involved in public land issues involving California State Parks. Gillen created a Conflict Resolution Program for the Parks, and she traveled throughout California with her horses and friends who were hikers and cyclists, conducting Trail User Conflict Resolution Workshops. In 2001 Governor Gray Davis appointed Jeannie Gillen to the California Recreational Trails Committee. She was re-appointed to the committee by Governor Arnold Schwarzenegger in 2004. Although she has technically termed out, Gillen continues to serve at the pleasure of the Governor. Explaining her career path, Gillen said, “My horses took me to the open spaces, and the open spaces took me into politics.”

Jeannie Gillen’s work facilitating the resolution of disputes between politics, bureaucracy, and citizens, led her into mediation, albeit in a round about way. She decided to go to law school. However, after taking the LSAT, she had a career changing conversation with a Judge in San Diego County, who asked her if she was going to law school to be involved in the business of practicing law, or to see justice achieved. Of course, she wanted to seek justice, and she was shocked to learn that is not what motivates all lawyers. The judge told Gillen that she would be really good at mediation, because she is able to see both sides of an issue. So, instead of starting law school, she attended the San Diego Mediation Center (now the National Conflict Resolution Center), completing the program in 2000. She began her mediation career on the San Diego court panel.

After moving to Kern County, Jeannie Gillen volunteered as a mediator for the BBB. She eagerly agreed when asked if she would be willing to work for several hours a week in Probate Court. Now, Jeannie Gillen can be found in Division E of the Kern County Superior Court three days a week, ready to facilitate settlements in cases involving guardianships, conservatorships, decedents’ estates, trusts, and small claims appeals. She will soon be serving on the ADR Committee of the KCBA.

Judicial support is essential to a successful mediation program, and Judge Louie Vega and Commissioner Ralph Wyatt have been enthusiastic about mediation. Both complimented Gillen’s mediation skills, congeniality, and patience. They explained that Gillen successfully facilitates resolutions among litigants who may sometimes appear out of control. Commissioner Wyatt said, “The Court is fortunate to have her in Division E – until this article, the best kept secret in the courthouse.”

Jeannie Gillen says she is happy to see ADR growing in Kern County, as she believes there is much value in mediation. She explained that in guardianship cases a successful resolution often starts with baby steps, such as adding another hour each week, or another day each month, and then building on that. “It is extremely rewarding when you get people in the same room who haven’t been in the same room for a long time, and they are able to resolve an issue. They start talking about what the child likes to eat or watch, and they come together for the greater good of the child.” Gillen has found that it is often the little issues that prevent a case from settling. To illustrate this point, she described a particularly fulfilling mediation in a matter involving a family trust. Five siblings had incurred attorneys’ fees approaching $50,000 in their two-year battle for control of a family trust. Jeannie Gillen worked with them for two hours and resolved the case entirely. The lawsuit brought by one sibling was dismissed in return for an agreement that three “small, but very special and personal items” would be returned.

Jeannie Gillen explained that when parties design their own agreement, they are more likely to live up to it, because it is theirs. The judge who changed Gillen’s career path toward mediation, told her it is all about the dance. You must let people work through it and feel they are in charge. When orders are imposed on parties by the
A couple of months ago, I was talking on the telephone with my youngest daughter, a junior at UC Davis. She said she had seen some chalked signs on the sidewalk proclaiming “No bail-out!” Without a television in her apartment, and spending most of her time studying or working, she had no idea what the bail-out was. As I tried to explain it to her, I realized I did not really know what it was either.

We think of Congress as the writers of our national laws. During times like the current financial uncertainty, we are reminded that our national government enacts policies that have little to do with our traditional concepts of justice. Our national representatives have decided that absolute necessity requires the expenditure of $700 billion to avoid something. Is it another Great Depression? Is it something else? Eighty years ago, Americans elected Herbert Hoover to be president based largely on his history of creative problem solving. I wonder if Herbert Hoover had directed the Federal government to grant every American family a $10,000.00 stipend, if our nation could have weathered the economic crisis of 1929 through 1933 without the terrible results that it did experience. The current sum scheduled for the bail-out amounts to $10,000.00 for every American family.

And what about the big three American auto makers? They want another $25 billion to avert some unnamable catastrophe. In concrete terms, that sum amounts to collecting over eighty-three dollars from every man, woman, and child in America without providing in return even so much as a bus token. Are the big three in trouble because our population cheated them? Were the big three incapable of planning more than a year or two into the future?

I have recently reread Ayn Rand’s classic 1957 novel, Atlas Shrugged. When I see the central issue of our national government becoming the redistribution of money to large financial corporations and manufacturers, I am reminded of a lesson that heroes from that fictional epic highlighted. When life seems to present unsolvable contradictions, check your premises. As lawyers, shouldn’t we be concerned about justice, truth, and fairness instead of redistribution of wealth? Is focus on traditional justice too simple an outlook to understand a society that wants to survive without risk?

Mediation provides a challenging and extremely rewarding experience for Jeannie Gillen. She said does not need to work, but she is happy to be doing this work. “I can’t just ride my horses every day, as much as I like my horses and my dogs.” Mediation provides a mentally stimulating experience. Each case involves different personalities, a balance of power, and sometimes language barriers. Gillen said she finds it rewarding to have attorneys ask her to help mediate a case, and they thank her profusely when she facilitates a resolution.
Predictability — *predict’a-bil’i-ty*, noun

1. An alternative for Confidence, i.e., Lawyers’ Mutual Insurance Company (LMIC)
2. The extent to which future states of a system may be predicted based on knowledge of current and past states of the system, i.e., LMIC
3. Measured by the variability in achieving cost, performance objectives and the quality of being predictable. — syn: LMIC

Stability — *sta’bil’i-ty*, noun

1. A stable order, i.e., Lawyers’ Mutual Insurance Company (LMIC)
2. The quality of being enduring and free from change or variation. — syn: LMIC

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On December 1, 2008, Judge Arthur Wallace celebrated his 70th birthday by swearing in a new group of attorneys in Kern County. Seven of the nine new attorneys working in Kern county participated in this year’s Bridging the Gap program, hosted by the Kern County Bar Association. Following the oath administered by Judge Wallace, Ed Jagels issued the oath of office to his Deputies. After the ceremony, the new attorneys and their families and friends enjoyed a reception at the Bell Tower Club.

The new attorneys and the firms for whom they are employed are:

Emily Watts - Public Defender
Alison Ponder - Public Defender
Charlotte Crissman - Klein Denatale
Natalie Bustamante - Klein Denatale
Joseph Kinzel - District Attorney
Joseph Marcano - District Attorney
Marcus Cuper - District Attorney
John Thomas - District Attorney
Bobby Cloud - Law Offices of David Torres
Jim Canaday - Law Offices of Jim Canaday

Each month the Res Ipsa Loquitur will spotlight some of our new admittees. This month we spotlight the two new lawyers in the Kern County Public Defender’s Office.

Emily Watts was born in North Carolina, but her family moved to the Atlanta, Georgia area when she was ten. She majored in Math and Political Science at Emory University in Atlanta (where she lived on campus), before attending Stanford Law School.

Emily was attracted to Bakersfield by the opportunity to work for the Kern County Public Defender. She has been here since August, 2008, working as a post-bar law clerk, or a supervised law student. In that capacity she has interviewed clients and represented them on occasion, under the supervision of Deputy Public Defender, Konrad Moore. Emily said she has found the work to be extremely rewarding. She loves to interact with people, and she has met nice people in the Public Defender’s Office.

Since she was sworn into the State Bar on December 1, she has been taking on misdemeanor cases slowly, so she does not yet have a full case load. She will be continuing with some of the cases she worked on as a law clerk.

Alison Ponder grew up in Covina, California, but she wanted to see some sights in the rest of the country. So, she went to college at Smith College in Northampton, Massachusetts, where she studied East Asian Languages and Cultures. Alison worked in Boston for a year after graduating from college, in the legal department of Care Group, Inc., which provides legal services for several hospitals in the Greater Boston area. She returned to California for law school, graduating from Boalt Hall Law School.

Like Emily, Alison came to Bakersfield because she wanted to begin her legal career at a Public Defender’s Office, and there was an opening here. Emily interviewed for the position and fell in love with the office. She describes it as being a great environment where the people are very supportive.

Alison has been working as a certified law student, supporting the

Emily Watts and Alison Ponder from the Kern County Public Defender’s Office.

Admit it: You’re New
by Susan M. Gill

New admittees: (l-r) Alison Ponder, Emily Watts, Bob Cloud, Marcus Cuper, Joe Marcano, Joe Kinzel and John Thomas.
December’s column on the greening of the law and my conformist bicycle commuting raised questions. Do I have aerodynamic racing togs? What’s it like commuting on the bike? Riding the bus (part way) home? How are lawyers getting more “green”?

No, I don’t have aerodynamic bicycle clothes. I don’t ride fast enough to fear wind resistance and I was afraid I would be a figure of fun to my co-workers. Turns out my co-workers laugh at me anyway when I arrive in baggy exercise outfits.

A slow moving commuter, not a real rider, I have time to make observations as I pedal. One was a bit of a downer. My riding takes me through a somewhat run-down neighborhood at about 7:15 on trash collection day. There are a remarkable number of folks out scavenging from the cans for recyclables. I haven’t seen any children doing it, but a number of rather old (or, at least, rather old looking) folks. On a positive note though, it appears that shopping carts are no longer the preferred utility/hauling system of these indigents/homeless/scavengers. Baby strollers are.

My bus ride, downtown to B.C., has fellow riders who are often a bit scruffy looking. That’s lucky for me, since it means I don’t stand out in my baggy exercise duds. I was a regular SF Muni rider back in law school, but folks on the bus in cities where almost everybody uses buses are different than where most don’t. (Not always. We had some interesting types. I went to law school in the mid 1970s, when thrift store clothes were not just acceptable, but vaguely cool as a wardrobe choice. [Ha! I’ll bet.—Editor] I often wore secondhand sports coats as windbreakers. Once, when I was wearing a white shirt and a dark charcoal sports coat, a somewhat zany, not to say deranged, guy on the bus told me “You seem ok, but you sure look like FBI to me. No offense.” None taken.)

As far as lawyers evolving (or devolving) into more environment conscious types, consider the changes in the acceptability of drinking alcohol at lunch. If you do so, they think you have a problem, like as not.

Water bottles in court! Are they still around? I remember being surprised when younger lawyers had water bottles with them, and drank from them in court. Nothing wrong with that exactly, but not what would have happened in 1977.

And smoking. There was no smoking allowed in courtrooms by the time I started practice, but smoking in the courthouse was still common. Allegedly the ashtrays were removed from the courtrooms after one lawyer threw an ashtray at another in the midst of an argument. Allan McFarland and Gabe Solomon were the alleged disputants but I never heard who was the thrower, and who the target. Or, more accurately, I heard it both ways.

* Envoi: closing stanza addressing someone, viz: “And I certainly hope you will/ Resolve the question in the History Column, Susan Gill.”

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.
It is often said that if you receive one good tip at a MCLE session, it has been worth your time to attend. If this is the test, the session presented by the Kern County Law Library in conjunction with CEB on December 5 justified itself many times over.

The on-line, “on-demand” CEB presentation by five long-time litigators presented valuable nuggets of information about trial presentation including discussions of jury voir dire and selection, opening statements, witness examination and closing arguments.

Studies have shown that jurors who only hear the information retain only about 20 percent of the information while those who hear and see it, retain 80 percent. Thus, attendees learned the importance of showing jurors the case rather than merely telling them about it. Though the speakers emphasized the need to present information orally and visually (and, in appropriate cases through smell and touch), they cautioned that this has to be done selectively to be effective and reminded that if everything is important, then nothing is.

The speakers emphasized that cross-examination, although great fun, is fraught with peril. The advice given was, “don’t get hurt.” Toward this end, attorneys should spend one hour of preparation for every ten minutes of cross-examination. Key to effective cross-examination is to raise only key issues upon which points may be scored and to “get in and get out.”

Another valuable tip provided was to not belabor impeachment evidence. To do so risks providing the witness the opportunity to explain. Once again, the advice given was to make the point and move on.

Attendees received three hours of quality MCLE credit and written excerpts from CEB books, as well as breakfast snacks, lunch, and door prizes -- all of this free-of-charge, making this the best value in MCLEs around!

The event also benefitted the community, as the plentiful food remaining was donated to the Bakersfield Homeless Shelter.

For those who missed this great MCLE presentation, CEB announced that it was committed to providing a free MCLE session every year for as long as the Kern County Law Library would allow it to do so.

Opinions of the authors published in the Res Ipsa Loquitur do not necessarily reflect those of the Kern County Bar Association, its Board of Directors or the Res Ipsa Loquitur Editorial Board.

Questions about the content of an article in the Res Ipsa Loquitur should be directed to the author, whose name is listed just under the headline.
The Superior Court of California, County of Kern sat en banc December 5th for the swearing in of only the sixth woman to join that Bench. 25 or so members of the Bench were present along with over 200 family, friends, colleagues and well wishers for the swearing in of Raymonda K. Burnham-Marquez, in what KCBA President David Torres called an historic occasion during his presentation of a plaque from the KCBA. The plaque contained the judicial oath and “Duties of a Judge.”

Torres commented on the fact that Raymonda was the first woman public defender and woman criminal defense attorney to be elevated to the Kern Bench. (Prior women on the Kern Bench were recently retired judge Sharon Mettler, now 5th District Court of Appeal Justice Rebecca Wiseman; and now State Bar Court judge Catherine Purcell. Current members of the Bench include Judges Colette Humphrey and Judith Dulcich, and Commissioner Linda Etienne.)

Torres’ presentation followed KCBA Indigent Defense Program Administrator Randall Dickow’s presentation of a rosewood clock/plaque to Ms. Burnham-Marquez. Dickow said that he had worked with Raymonda for over ten years and had noted during their first case as co-counsel that she was “different,” and bound to do great things. He predicted that her elevation to the Superior Court bench was probably only her first stop in her judicial career.

Scott Winkler, self-described “most powerful attorney in Shafter,” and partner in Burnham & Winkler for the past two years, spoke of Raymonda’s dedication to the law and her clients, but even more to her husband Armando and twin girls Mikaela and Melia. This dedication was a theme throughout the ceremony. At the beginning, Father Craig Harrison, pastor of St.

Burnham-Marquez, continued on page 16
There is an expression that goes something like this; “Those who can, do. Those who can’t, teach.” However, our soon-to-be installed President, Paul Welchans, turned this expression on its ear.

When Paul started his professional career, it wasn’t the pull of the law that directed his course; it was his desire to teach. True to this goal, Paul worked at Aurora High in Illinois as a history and government teacher from 1973 through 1980. During this time, Paul’s interest in the law was piqued when he developed a wildly popular elective class entitled “Criminal Law for the Layman.” Paul joked, “A significant number of the students at this high school exhibited exceptional potential for a career in criminal law either as perpetrators or peace officers. It turns out that the course appealed to both ends of the spectrum as well as the ‘undecided’ student populace.”

When Paul developed the class the book he chose, naturally, contained a chapter dealing with sex crimes. One of the assistant superintendents, however, felt that it was inappropriate to discuss the criminal definitions of rape, oral copulation and the like and ordered Paul to razor this material out of the book and forbade him from discussing these topics in class. In an interesting twist, in the first class was the son of a school board member who noticed the missing materials. When the student inquired about the missing chapter, Paul could not resist telling the boy that he could not discuss what had been removed but that maybe his board-member father could address it. Soon thereafter, Paul received a command performance to appear at the school board meeting at which the board voted 6 to 1 to reinsert the deleted materials and to rescind the order not to discuss these areas of criminal law in the classroom.

During his first year, Paul was “recruited” to act as the Senior Class advisor. In this role, it fell to him to order the graduation supplies, including thousands of graduation announcements. After receiving the order in April, Paul discovered a “tiny little mistake” that he had made. Paul had informed the printer that the graduation date would be one day after it was actually scheduled to occur. The cost of reprinting was more than Paul’s entire annual salary. Paul admitted his mistake to the principal and “after his blood pressure got under 200,” the principal twisted arms and made threats to take away the class ring business until the printer agreed to provide corrected announcements at no additional cost. Paul recalls, “For the next several years, though I may have criticized many members of the district administration, I guarantee you that the principal of the high school was not among those for whom I had any harsh words.”

Grow Up, continued on page 22
“They know your name when you walk through the door.”

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tersweet, because many offices simply do not have enough positions to hire their Legal Research Assistants as attorneys now that they have passed the bar.

Indeed, it is a difficult time to be looking for a job as a freshly minted attorney, and even as a low-pay-grade-intern. The second years like myself are just studying, watching, waiting, and hoping this mess is at least somewhat remedied before our massive monthly loan payments begin in 2010.

Aside from their current financial woes, law students are starting to feel the effects of the state’s (and the country’s) down-turned economy. On-campus interviews normally yield summer associate positions for at least those students in the top 30 percent of the class. Because of the economy, most firms are cutting their summer associate programs in half for the upcoming summer. One firm is going from five summer associates, to one. This year, I only know one student who was offered a position through on campus interviews – and that was after four rejections, and she is in the top 3 percent of the class. I am sure there are people I don’t know who received the remaining positions, but there can be no doubt that there are less of them this year.

With the summer job application time now passed, second years are trying to focus on their exams, and trying to ignore the grim job outlook. We are studying while we watch our third year counterparts struggle to find a job. And it’s not just the firms, many public defender and district attorney’s offices are on a hiring freeze because, among other issues, the cities they serve are declaring bankruptcy. These offices are just trying to not have to lay off existing attorneys, and are not even in a position to fill the vacancies created by attorneys who are retiring and leaving the office.

Third year day students and fourth year evening students are starting to look for jobs outside the legal field. With student loan payments looming, the priority is just to find a job – any job. As for the graduating class of 2008, even the bar passage results were bit-
# 2009 Judicial Assignments

(All assignments subject to change)

### 1415 Truxtun
1. Michael B. Lewis, Presiding Judge  
2. Jerold L. Turner, Assistant Presiding Judge  
3. Gary T. Friedman, Trial Court/MSC  
4. Sidney P. Chapin, Civil Fast Track  
5. Louis P. Etcheverry, Trial Court/Pleas  
6. Arthur E. Wallace, Civil Fast Track  
7. David Lampe, Trial Court/Civil Long Cause  
8. Kenneth Twisselman II, Trial Court/CEQA  
9. Lee P. Felice, Prop 36/Felony Team  
10. Stephen E. Gildner, Prelims/Felony Team  
11. Colette Humphrey, Supervising Judge Felony/Pre-Prelims  
12. Michael Dellostritto, Trial Court/Habeas Corpus  
13. Linda Etienne, Limited Civil/CMC/MSC  
14. William D. Palmer, Civil Fast Track  
15. Vacant, to be available August 2009  
16. Steve Katz, Small Claims/Harrassments/UDs  

### East Kern
1. Mojave A, John Oglesby, Assistant Supervising Judge  
3. Mojave Hearing, unassigned  
4. Lake Isabella A, Part-time  
5. Ridgecrest A, vacant  
6. Ridgecrest B, Michael Gutstein

### North Kern
1. Delano A, L. Bryce Chase, Supervising Judge  
2. Delano B, Robert Tafoya, Assistant Supervising Judge/CEQA  
3. Shafter A, Gary A. Ingle  
4. Shafter B, Robert Tafoya

### South Kern
1. Lamont A, Gary R. Witt, Assistant Supervising Judge  
2. Lamont B, vacant  
3. Taft A, Craig Phillips, Supervising Judge

### 1215 Truxtun
A. Judith Dulcich, Family Law Assistant Supervising Judge  
B. John Somers, Family Law  
C. John L. Fielder, Family Law Supervising Judge  
D. James L. Compton, Family Law Commissioner  
E. Ralph L. McKnight, DCSS/Family Law  
F. vacant, Misdemeanor  
G. vacant, Misdemeanor  
H. Raymonda Burnham-Marquez, Misdemeanor  
I. Larry A. Errea, Misdemeanor Assistant Supervising Judge  
J. John Brownlee, Misdemeanor Supervising Judge  
P. Ralph Wm. Wyatt, Probate/Guardianship

### Juvenile Justice Center
J-1, Peter A. Warmerdam, Juvenile Court Referee  
J-2, Louis L. Vega, Juvenile Court  
J-3, Robert J. Anspach, Assistant Supervising  
J-4, Jon E. Stuebbe, Supervising  
J-5, to be constructed  
J-6, to be constructed

### Traffic
T-1, J.J. Gianquinto  
T-2, vacant

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**Question of the Month:**

What is your New Year’s resolution - in three words or less?

- Larry Peake  
  *Keep Kandice happy*

- Jose Guerrero  
  *Go on vacation*

- Eric Berg  
  *Starting at home, world peace*

- Allison Ponder  
  *Explore Kern County*

- Emily Watts  
  *Learn Spanish*

- Bob Cloud  
  *Stay the course*

- Jose Guerrero  
  *Go on vacation*

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**Fujie to Speak**

*by Carol R. Bracy, VAP Coordinator*

Mark your calendars now to save Wednesday, February 18 when Holly Fujie, 2009 California Bar President will address local attorneys on a topic close to her heart: attorneys and pro bono service.

Holly Fujie will be the keynote speaker at the upcoming Kern County Pro Bono Summit, slated for the afternoon of February 18. Although the details of the conference are still being set at the time that the January *Res Ipsa* is going to press, President Fujie has confirmed that she will attend. In addition to the key note, speakers will address topics which make it possible for each Kern County attorney to answer the question: “How can I do pro bono?” MCLE credit will be offered.

Look for details and a flyer in the February edition of the *Res Ipsa*. Please contact Carol Bracy at cbracy@gbla.org or 661-334-4662.
It’s no wonder we attract the best...
and the best call KDG home.

Klein, DeNatale, Goldner, Cooper, Rosenlieb & Kimball, LLP is pleased to announce the opening of a new office in Fresno, California and the addition of new partners and an associate to the firm.

For more than 55 years, the law firm of Klein, DeNatale, Goldner, Cooper, Rosenlieb & Kimball, LLP has been serving clients in the San Joaquin Valley. With more than 55 highly skilled and experienced attorneys, KDG is a full-service law firm, providing aggressive, results-oriented legal representation.

We are the premier business law firm in the Valley, providing counsel to businesses on sophisticated business transactions and complex litigation. We are from the San Joaquin Valley and know the emerging issues in agriculture, energy and the environment. From bankruptcy, regulatory and tax counsel to mergers, acquisitions and property rights, we are the strategic choice for legal representation.

Our philosophy is simple: We are committed to being accessible and responsive to our clients’ needs while providing creative yet practical and cost-effective solutions.

Hagop T. Bedoyan
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Randolf Krbechek
Partner
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Connie M. Parker
Associate
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Bankruptcy & Business Law
The first attorney in Fresno County to be certified as a Specialist in Bankruptcy Law by the California State Bar’s Board of Legal Specialization, Mr. Bedoyan has practiced in the Central Valley since 1987. A graduate of McGeorge School of Law and the University of California, Los Angeles, Bedoyan’s practice includes representation of debtors, creditors, trustees and creditors’ committees in all types of bankruptcy and reorganization proceedings, including bankruptcy litigation and appellate proceedings. He currently serves as Chairman of the Bankruptcy Advisory Commission for the California State Bar and is a member of the American Bankruptcy Institute, and the Central California Bankruptcy Association.

Business Litigation Transactions, Real Estate and Agricultural Law
Mr. Krbechek has practiced law in the Central Valley for nearly 20 years. A graduate of the College of William & Mary, where he earned his J.D. and Order of the Golf, Krbechek holds a B.A. from the University of Minnesota, where he graduated summae, Phi Beta Kappa. Krbechek is active in the California State Bar Business Law section, the Law Practice Management and Technology section, and is a member of the American Agricultural Law Association. Additionally, he has been an active member of the Fresno community, formerly serving as a State Bar delegate for the County Bar Association and serving as president of the Fresno Discovery Center.

General Civil & Complex Litigation Bankruptcy
Ms. Parker is a graduate of San Joaquin College of Law, where she earned her J.D. with high honors and was the recipient of the Witkin Award for Academic Excellence. Parker graduated from California State University, Fresno, where she earned a B.A. in history. She worked as a paralegal prior to becoming a member of the California State Bar in 2007. Parker has extensive experience in litigation, serving as a student extern for the California Fifth District Court of Appeals. She is a member of the Fresno County Bar and Fresno County Women Lawyers.

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2008 KCPA / KCBA Holiday Party

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Sheila Rawlins and Lucy Joaquin

Joe Jimenez and Matt Clark

Laura Butterbredt, Christela Gonzales and Kara Germany

Kim Weigand, Tina Anderson and Patty Pulido

McKnight McKnight and McKnight

Cathy Bennett

Brett Price, KCWLA Vice President Ellen Elliot and President Kristin Hagan

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Vicki Street, Joanne Baldac and Dianna Christian
Linda Powell and Terrence Werdel

Patty Pulido and Gerald Oldfield

Judge Raymonda Burnham-Marquez and Pam Campbell

Choir singers from the Dr. Juliet Throner Creative and Performing Arts Magnet School

Angie Cliffman with Jim and Gail Braze

Yvette Ehrlich, Shirley Wilson and Lynelle Summers

CASA Executive Director Colleen McGauley and Nancy Boles

Jose Guerrero, Joshua Meier, Tim Scanlon, Dustin Dodgin and Joe Hughes

Randy Dickow

Staff from Ed Thomas’ office

Dave Dixon and Ken Byrum
Café Med Hosts the KCBA

Judge Steve Katz with Brett Price

David Torres and Meir Brown

Angie Torres and Meir Brown

Jim Sorena

Jim Rogers and Brett Price

Meir Brown and David Torres

David Torres and Jim Rogers

Brett Price and David Torres

Erica and Bianca Torres

Chrystal Dean and Heather Pruitt
2008 Family Law Holiday Party

Teresa Gary, Deborah Flores, and Ilene Castaneda with Shelly and John Waldrop

Alberto Perea and Lupe Galindo

Jose and Michelle Benegas

Daniel and Sylvia Miranda

Douglas Gosling and Payton Williams

Patsy and Mike Ahumada

Susan Salvucci and Tom Osborn

Jay Smith

Kim Williams and Karen Gaul Wallace

Judge Fielder and Karen Gaul Wallace
Paul describes teaching as his “first love.” He enjoyed interacting with the students and the camaraderie with his fellow teachers. He was happily surprised to learn in college that he could do what he loved (teach) and get paid for it.

However, teachers at the time - and even now - earned very little and, coupled with the fact that Aurora High did not have union representation, Paul’s long-term earning potential was bleak. As a result, Paul worked successfully to start a branch of the American Federation of Teachers (an AFL/CIO affiliate) in the District (which, “did not endear” him to District administrators).

Even still, with the approach of his 30th birthday, Paul began to realize that he would not be able to support a family on his small salary in the way that he wanted. Paul and his wife Bonnie decided that he would return to school and obtain a law degree. The very week that Paul learned that he had been accepted at USC law school, he and Bonnie learned that they were expecting their first child, Kelly. Undeterred, they continued with his plans and Paul completed law school while the couple raised their family.

Despite his love of teaching, Paul does not regret his change of careers. He is grateful for the intellectual stimulation that the law provides (“on most days”) and that it allowed him to raise his two children “in a great community” and to have the luxury of providing college educations to both, which might not have been possible on his teacher’s salary.

In considering his career path, Paul noted, “I was frankly afraid of becoming a teacher who after a few more years in the field might end up simply going through the motions rather than giving 110% every day to the students. That is something that I would have regretted.”

“Mr. Welchans” and the class of ’79.

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Dateline: Traffic Court

What’s a judge to think when, looking up at the next defendant, she sees a woman dressed in such form fitting attire that the size and dimensions of her attributes leave very, very little to the imagination. [Doesn’t anyone believe in loose clothing anymore?]

Well, there’s “What was she thinking?”

There’s “Does her mother know she left the house like that?”

And, my personal favorite, “I think she thought the judge would be a man.”

The day I saw my most revealingly attired woman, I waited until the court session was over and asked the clerk and bailiff if they had noticed the woman in the pink top. [This woman’s attributes were straining the fabric of her tight pink knit top.] The female clerk immediately indicated she had, while the male bailiff, in a pseudo-sincere voice said, “oh no, your honor, I didn’t notice.” Then I wondered aloud whether they were real, whereupon he said, “Please don’t ruin my fantasies!” To this day, “pink top” has a definite meaning to a few of us from those Traffic Court days.

Such attire can only be deliberate.

As a woman judge, I inferred that provocatively dressed women appearing without an attorney assumed the judge would be male and were hoping for a fine reduction or a dismissal in return for the titillating view. I briefly thought about asking a few of my male colleagues what they thought when they viewed such revealing attire (in court). Then I decided against that, recalling one of my colleagues telling me when we were both deputy district attorneys that he never left attractive women on a jury because life had always been easy for them so he believed they could not empathize with those less fortunate. Ignoring the obvious gender bias of this comment, I think clearly he had already pegged such shenanigans as quid pro quo activity. Also, imagining a possible unseemly battle between judicial officers vying for the prestigious position of Superior Court Traffic Judge in order to more accurately respond to such an inquiry was the final determinant.

Some women have an entitlement mentality: I deserve a break because I am cute and wear revealing clothing mentality. [We will not discuss the entitlement mentality of some men: I am male therefore I deserve …] Of course, for centuries, education and hard work got most women so little that using feminine wiles probably seemed necessary to many for success. Success meant finding a husband to whom various educational, employment, and opportunity doors were open.

Now, the above female entitlement attitude is at best frustrating for us who spent years in college, then graduate school, and holding one job or another from the teen years forward because we understood we needed to be able to take care of ourselves through education and work.

Personally, I was reared by a mother from the generation that spent its childhood in the depression (and now its old age in another) and its youth in World War II. My mother defeated Adolph Hitler. I did not mess with her, and I surely did not wear plastic-wrap tight clothing in public. [Showing a panty line in public was considered beyond tacky in the days of my youth.] Mom spent my childhood and adolescence telling me not to be in a rush to get married and have children but to go to college, get a good job, and see some of the world. Consequently, the idea of displaying body parts to get a monetary benefit just did not arise. Of course, the female form does nothing for me. However, that cute defendant with the earring in his left ear who winked at me in traffic court might get a smile for his efforts.

One opportunity that retirement has given me is to pursue talking with students, third graders and high school students so far, about the necessity of being able to take care of themselves and their children, should they—hopefully at a later time—have them. I spend their childhood and adolescence telling them not to be in a rush to get married and have children but instead to go to college, get a good job, and see some of the world. “Looks fade, but education is forever.” Meeting the third graders is exhausting.

Beyond the Bench, continued on page 22
This and That - We Didn’t Fit it Elsewhere

KCPA/KCBA Holiday Party – Check out the great photos by our own Carol Bracy on pages 16 and 17. In addition to a fun party on December 3, the Kern County Paralegal Association and Kern County Bar Association raised $2,567 through a raffle of prizes. Teen Court and CASA are the beneficiaries of this legal largess.

Café Med Cooking Lesson – Some of our members are now excellent chefs, thanks to a cooking lesson at Café Med on November 18. Photos from Carol Bracy are on page 18. Chef Meir Brown provided a hands-on (or was it hands-in?) Italian cooking lessons to the group. President David Torres led attorneys in preparing meatballs and other delectable Italian cuisine. The November cooking lesson was the third in a series, and more may be planned in 2009. Watch the Res Ipsa Loquitur for details!

What I Wanted to Be When I Grew Up – Jennifer Thurston’s series of articles about the former professional lives of lawyers has been well received. We would like to see this series continue. If any of you are willing to tell your story, please contact Jennifer at jthursto@co.kern.ca.us.

Installation Dinner – The Kern County Bar Association will bid adieu to the outgoing Officers and Directors of the Kern County Bar Association and its Sections, as well as welcoming in the new Officers and Directors at the Installation Dinner on Friday, January 29, 2009 at Stockdale Country Club. Don’t be left behind looking at photos in the Res Ipsa Loquitur, and wondering where you were that night! Make your reservations now, by calling the Kern County Bar Association, 334-4700.

Got an Itch to Write? – The Res Ipsa Loquitur is looking for authors. Email Susan Gill at sgill@co.kern.ca.us if you are interested.

Watts and Ponder, continued from page 6 ——— misdemeanor attorneys, writing motions, interviewing clients, and assisting at pretrial conferences on Fridays. She excitedly reported that she was even allowed to argue a Pitchess motion. She is now working as an attorney in the misdemeanor unit, under the supervision of Konrad Moore.

Alison said she likes Bakersfield. She has been trying to explore it on the weekends in order to discover what is out there.

Both Emily and Alison have become members of the Kern County Bar Association, completing their applications at the Beyond the Bench reception. They are both looking forward to serving as scoring judges for Mock Trial competitions on December 10, January 14, and on Super Saturday, January 24, 2008. Welcome to the Kern County Bar Association, ladies!

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Beyond the Bench, continued from page 21 ——— while the focused high schoolers, who are going on to college and are going to get good jobs, exhilarate. What better way to spend a retirement?
Following the robing, where now Judge Burnham-Marquez took the oath of office.

Incoming Presiding Judge Michael Lewis then administered the oath of office.

Following the robing, where now Judge Burnham-Marquez

President’s Message, continued from page 2

Res Ipsa Loquitur the exquisite legal publication it is today. Thank you, Susan, your impact on our local bar association is unequaled. Paul Welchans, I’ll get to you later.

Staffers: Thank you, Susan Hopper MacIvaine, for your lengthy and dedicated service to our Bar Association. Our local bar could not function without the leadership and counsel of Randy Dickow, Heather Pruitt, Citlali Carrillo and Chrystal Dean.

Personal: I would like to thank my secretaries, Erika Martinez and Maria Ocampo for working extra hours to assist on bar functions. Most importantly I thank my wife, Angelica, and our five children, for their support.

Farewell

My successor, Paul Welchans, is a bright, caring, respected lawyer, and most importantly, a family man. Paul was born in Chicago, Illinois, in 1950. He graduated from Marist High School in 1968, and earned his bachelor’s degree in 1972 in History and Political Science from Northern Illinois University.

That same year, he married his beautiful wife, Bonnie. In their 37 years of marriage, they have raised a wonderful family. Their eldest daughter, Kelly, 28, refused to listen to her father and is now an attorney with a major law firm in Los Angeles. Their son, Kyle, 25, is a geologist in San Diego. As empty nesters, Paul and Bonnie devote their free time to their two dogs, Dudley and Lottie.

Paul has been an attorney with Chain and Younger since 1983, specializing in personal injury and insurance coverage cases.

In the past few years, I have come to know Paul very well. Paul comes from a humble background. He epitomizes a person who knows where he came from, and knows what it took to get him where he is. He truly loves his profession and the people he represents.

I look forward to working with Paul this coming year. I am certain that our Bar Association will continue to exceed expectations this year under his leadership.

Classified Ads

Proposals Sought

Tulare County Superior Court is seeking proposals for an attorney to provide Small Claims Advisory Services on an independent contractor basis. Proposals available 12/12/08 at www.tularesuperiorcourt.ca.gov.

Advertisements

Advertisements and inserts are welcomed in the Res Ipsa Loquitur. Ads must be camera ready and submitted in an acceptable digital format (JPG, TIF, PDF) and emailed to ril@kernbar.org and paid in full by the 10th of the month prior to publication. Additional charges will be assessed for any changes submitted after the 11th of the month. Creation services available for $50 per hour by emailing ril@kernbar.org.

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Submissions

The Res Ipsa Loquitur editorial committee welcomes submissions from its members. All submitted articles should be educational in nature. Feature articles should be no more than 500 words in length. A photo of the author for columns, or of the subject if the article is a feature, should accompany submissions, in 300-dpi format. Citations should be within the article’s text (no footnotes). A byline must be included. Articles should be submitted electronically to ril@kernbar.org. Articles not submitted to ril@kernbar.org are not eligible to be published. The Res Ipsa Loquitur editorial board reserves the right to refuse to publish any article or letter. For additional guidelines or clarification, contact the Kern County Bar Association at 334-4700 or email ril@kernbar.org.
What’s Next in the KCBA?

January 8
noon
“Is Bankruptcy the Sport of the Future?”
MCLE by Leonard K. Welsh
Petroleum Club
$16 for KCPA members
$20 for attorneys and non-members
RSVP by January 5 to 328-5319

January 14
noon
Forensic Accounting in Probate
Featuring Jerry E. Randall, CPA/ABV,
CFP of Mayer Hoffman McCann P.C.
Petroleum Club
$5 for 2009 Probate Section dues
$16 lunch
$15 MCLE credit
RSVP to 325-7500

January 14
6 p.m.
Mock Trial Round Four
1215 Truxtun

January 21
Kern Court ADR Committee
Update from the Bench - Vision and
Strategic Implementation
Bell Tower
Speaker to be announced

January 24
8 a.m.
Mock Trial Super Saturday
1415 Truxtun

January 29
noon
State of Family Law Court
Featuring Judge Fielder
Family Law Section Meeting
Fresno Pacific

January 29
6 p.m.
KCBA Board Installation Dinner
Stockdale Country Club
$60 per person
RSVP to 334-4700

February 5
6 p.m.
YLS First Thursday
Fishlips

February 18
Kern County Pro Bono Summit
Guest speaker California Bar President
Holly Fujie
Call Carol Bracy at 334-4662

Take Me Home Tonight!

Do you show the Res Ipsa Loquitur to your family? 
If not, this is a great issue to share!

To have your KCBA-related event, activity or MCLE meeting listed here, please email the details to ril@kern-bar.org. Make sure to include: date, time, location, subject, cost and contact information.