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athan Bloch

On Dec. 9, President Barack Obama signed the continuing resolution that extends funding of the federal government, but pushes back the budget into the Trump administration. As anticipated, this funding bridge includes extension of the EB-5 Regional Center Program to April 28, providing developers time to capital. It was previously set to expire in September and then be reauthorized for this year.

are speculating how  
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## DAILY PELLEATE REPORT

### LAW

Rights: California issues that were allegedly included in Assembly Bill may maintain their equal protection challenge over the carve-out provisions. *Packing Co. Inc. v. USCA 9th, DAR p.*

### NAL LAW

nal Law and Court's rejection, explanation, of plaintiff's letter seeking new results in vacated decision and remand for *al. U.S. v. Yapiz, USCA 9th, p. 12511*

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Lee Mackay, a business and real property attorney with Neves, Palazzo, Packard, Wildermuth & Wynner PC in Westlake Village, loves diving to catch lobsters and fish. Courtesy Lee Mackay

## Attorney relaxes, eats by diving for his own seafood

By Arin Mikallan  
Daily Journal Staff Writer

"Locally sourced" is a popular trend for foodies, but Lee Mackay takes it one step further to cut out the middleman — he dives for his own seafood.

For the past several years, he's been submerging himself in the waters off Malibu and the Channel Islands to hunt for lobsters, white sea bass, halibut and Yellowtail.

After drying off, he chucks his catch of the day onto the grill, with his biggest lobster having fed 50 people at a party.

It all started when a friend turned him onto diving for food about seven years ago while on a trip to Catalina Island.

"It was so fulfilling to go out and be face down in that environment, in the fishes' environment, looking for something I want to eat," Mackay said.

And that quickly grew to feeding friends, family and co-workers. He's often cooked for big groups and even stocks the freezer at Neves, Palazzo, Packard, Wildermuth & Wynner PC in Westlake Village where he works as an attorney in business and real property law.

"He'll fill the freezer with lobster and different fish," said Robert Wynner, who's a shareholder at the firm. "He'll open it up to the entire firm and it goes

very fast. You have to be on your toes."

Mackay is no stranger to oceanic activities, having been a surfer since his youth.

Nowadays, his hobby has advanced to the point where he has his own high-end gear for diving.

Mackay never goes lobster hunting without wearing Kevlar gloves.

"We catch the lobsters by hand," he said. "California spiny lobsters have no pinchers ... but if you grab them wrong, their heads are covered in spikes and horns."

And in Mackay's own opinion, California spiny lobsters are sweeter than Maine lobsters.

He usually goes lobster hunting in scuba gear and can go as far down as 80 feet.

Mackay compares the underwater movement of lobsters to that of cockroaches.

After he snags a lobster, it goes right into a bag Mackay wraps around his waist that can hold up to seven of them at a time.

"They usually settle down in the bag," he said. "If there's more than one of them, they hold onto each other and feel safe."

His biggest catch: a pair of 10.5-pound lobsters. It was one of those catches that had enough meat for 50 people.

But when it comes to fish, there's no scuba gear involved.

"We only free-dive when hunting fish," Mackay said. "The bubbles from scuba can scare them away."

That means he's wearing mostly just a wetsuit and snorkel.

Mackay can hold his breath for up to three minutes and 40 seconds, but in order to recover quickly he normally goes under for 45 seconds or a minute and a half. For every second of breath that's held, he stays on the surface for what he calls a "safety interval" that's twice as long.

Using that technique, he's stayed in the water for as long as five hours.

"You get amazingly hungry after a long dive like that," Mackay said.

Fish also move too fast to be caught by bare hands.

That's when Mackay brings along his trusty spear gun. He refers to his own as the "Ferrari" of spear guns because of its accuracy.

There are also some tactics in nailing a sea bass, for example, with an arrow.

"The key is to attract the fish. I use flashers," Mackay said. "To them, it looks like bait and when they're coming at me I shoot at them."

And he always dives with someone else, occasionally one of his clients.

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## Bar trustees open to uniform test

### Switch to exam used by 25 states likely to be considered

By Lyle Moran  
Daily Journal Staff Writer

Some State Bar trustees think the agency would be wise to explore whether California should implement the Uniform Bar Exam, which has been adopted by 25 states and the District of Columbia.

The board members' openness to reviewing the topic comes in the aftermath of the lowest bar exam pass rate in 32 years. Just 43 percent of those who took the state's July bar exam passed.

Declining passage rates could jeopardize the future of American Bar Association-accredited schools in California as the ABA moves toward finalizing a tighter bar exam passage standard.

State Bar Trustee Joanna Mendoza said she believes board members must consider all options when it comes to the bar exam, "especially when faced with what appears to be a potential crisis situation for both our prospective admittees and law schools.

"I further believe that the Uniform Bar Exam is likely one of the most reasonable options that must be considered by the board and the Committee of Bar Examiners," said Mendoza, vice chair of the board's Admissions and Education Committee.

"I am confident that once all the relevant information has been presented and all the stakeholders have had an opportunity to weigh in, we can reach a common sense decision on this issue together," she added.

The Uniform Bar Exam, which was developed by the National Conference of Bar Examiners and known as the UBE, was first administered in 2011.

Erica Moesser, president and CEO of the conference, said one of the test's major selling points is that it enables young lawyers who pass to seek a mission in multiple states.

Each state can still set its own passing score and impose other requirements for admission, she added.

Bar Trustee Michael Colantuono said he also thinks it would be worthwhile for the bar, particularly its Committee of Bar Examiners, to explore whether California should move toward the Uniform Bar Exam.

"I do think the question is worth asking," Colantuono said, adding that an examination of the top school should include a cost-benefit analysis.

Colantuono said the cost to the bar of administering its own exam is high because of the spending on staff and the litigation risk that is undertaken.

"The question becomes, 'What benefits accrue to the 39 million Californians from a custom-made bar exam?'" Colantuono said.

Gayle Murphy, the bar's senior director for adm

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# Attorney likes diving for lobster

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One of his frequent diving buddies is childhood friend John Barrus, who said diving is physically demanding, but not as physically impactful as sports such as basketball or football.

"It's actually incredibly relaxing, lying on the bottom of the ocean, 60, 70 feet down and lying there for two or three minutes," Barrus said. "It's one of the most relaxing things I can imagine doing."

Barrus and Mackay also own a boat together that they use to cruise to a diving spot. State marine wildlife regulations specify the appropriate season

to hunt for fish and lobster.

When it comes to preparing the catch of the day, Barrus jokes that he's better than Mackay, but he hands the title of best cook to Mackay's wife, Jennifer Mackay.

Nevertheless, Mackay has some recipes he lives by.

"The best way to cook lobsters is to butterfly them right down the middle and cover them in virgin olive oil with a generous amount of lemon," he said.

Then he uses some seasoning and lemon pepper. Butter, however, isn't necessary, Mackay added.

When it comes to fish, his favorite is parmesan-crusting white sea bass or barbecued Yellowtail just to the point of medium rare.

While his diving does usually lead to a good meal for himself and others, it's also served him as a quick getaway for everyday life.

"It allows me to clear my mind and enjoy nature," Mackay said. "The minute my face goes down in that water, my mind is cleared and I'm in a completely different world."

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