

RIVERSIDE LAWYER

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MAGAZINE



IN THIS ISSUE:

Courthouse Cuisine

Riverside Bistro

Hidden Treasure

State Bar President James Heiting

Recipes for Your Enjoyment

My Second Career

Hidden Vintner

The official publication of the Riverside County Bar Association

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Editors Michael Bazzo
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Design and Production PIP Printing Riverside

Cover Design PIP Printing Riverside

Officers of the Bar Association

President Theresa Han Savage (951) 248-0328 theresa.savage@jud.ca.gov	President Elect David T. Bristow (951) 682-1771 dbristow@rhlaw.com
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Executive Director
Charlotte A. Butt
(951) 682-1015
charlotte@riversidecountybar.com

Officers of the Barristers Association

President Robyn A. Beilin-Lewis (951) 686-8848 beilinro@yahoo.com	Treasurer Charles P. Boylston
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Riverside County Bar Association
4129 Main Street, Suite 100
Riverside, California 92501

Telephone 951-682-1015	Facsimile 951-682-0106
Internet www.riversidecountybar.com	E-mail rcba@riversidecountybar.com

RIVERSIDE LAWYER

MAGAZINE

C O N T E N T S

Columns:

3 **President's Message** by *Theresa Han Savage*

5 **Barristers** by *Robyn Beilin-Lewis*

COVER STORIES:

8 **My Second Career**
by *Yoginee Braslaw*

10 **Riverside Bistro**
by *Richard Brent Reed*

11 .. **A Hidden Treasure: Vintage Vaults Wines**
by *Mark Schooley*

12 **The Hidden Vinter**
by *Michael L. Bazzo*

22 **Recipes For Your Enjoyment**

26 **Courthouse Cuisine**
by *John E. Brown and Elaine Pullaro*

Features:

6 .. **Judicial Profile: Presiding Judge Sharon Waters**
by *Kirsten S. Birkedal*

15 **San Diego**
by *Richard Brent Reed*

16 **State Bar President James O. Heiting**

20 **Bay Area Uprising At The 78th State Bar
Constitutional Convention**
by *Richard Brent Reed*

28 **Mediation Musings**
by *Terry Bridges*

Departments:

Calendar 2

Membership 32

Classified Ads 32

MISSION STATEMENT

Established in 1894

The Riverside County Bar Association, established in 1894 to foster social interaction between the bench and bar, is a professional organization that provides continuing education and offers an arena to resolve various problems that face the justice system and attorneys practicing in Riverside County.

RCBA Mission Statement

The mission of the Riverside County Bar Association is to:

Serve its members, and indirectly their clients, by implementing programs that will enhance the professional capabilities and satisfaction of each of its members.

Serve its community by implementing programs that will provide opportunities for its members to contribute their unique talents to enhance the quality of life in the community.

Serve the legal system by implementing programs that will improve access to legal services and the judicial system, and will promote the fair and efficient administration of justice.

Membership Benefits

Involvement in a variety of legal entities: Lawyer Referral Service (LRS), Public Service Law Corporation (PSLC), Tel-Law, Fee Arbitration, Client Relations, Dispute Resolution Service (DRS), Barristers, Leo A. Deegan Inn of Court, Inland Empire Chapter of the Federal Bar Association, Mock Trial, State Bar Conference of Delegates, and Bridging the Gap.

Membership meetings monthly (except July and August) with keynote speakers, and participation in the many committees and sections.

Eleven issues of Riverside Lawyer published each year to update you on State Bar matters, ABA issues, local court rules, open forum for communication and timely business matters.

Social gatherings throughout the year: Installation of RCBA and Barristers Officers dinner, Annual Joint Barristers and Riverside Legal Secretaries dinner, Law Day activities, Good Citizenship Award ceremony for Riverside County high schools, and other special activities.

Continuing Legal Education brown bag lunches and section workshops. RCBA is a certified provider for MCLE programs.

MBNA Platinum Plus MasterCard, and optional insurance programs.

Discounted personal disability income and business overhead protection for the attorney and long-term care coverage for the attorney and his or her family.

Riverside Lawyer is published 11 times per year by the Riverside County Bar Association (RCBA) and is distributed to RCBA members, Riverside County judges and administrative officers of the court, community leaders and others interested in the advancement of law and justice. Advertising and announcements are due by the 6th day of the month preceding publications (e.g., October 6 for the November issue). Articles are due no later than 45 days preceding publication. All articles are subject to editing. RCBA members receive a subscription automatically. Annual subscriptions are \$25.00 and single copies are \$3.50.

Submission of articles and photographs to Riverside Lawyer will be deemed to be authorization and license by the author to publish the material in Riverside Lawyer.

The material printed in Riverside Lawyer does not necessarily reflect the opinions of the RCBA, the editorial staff, the Publication Committee, or other columnists. Legal issues are not discussed for the purpose of answering specific questions. Independent research of all issues is strongly encouraged.

CALENDAR

NOVEMBER 2005

- 1 Environmental & Land Use Law Section**
RCBA Bldg., 3rd Floor - Noon
MCLE
- 2 Bar Publications Committee**
RCBA - Noon
- 7 CLE Committee**
RCBA - Noon
- 3 Law & Media Committee**
Bosa Nova Restaurant - 6:00 p.m.
MCLE
- 8 PSLC Board**
RCBA - Noon
- 9 Mock Trial Steering Committee**
RCBA - Noon
- 9 Barristers**
Cask 'n Cleaver - 6:00 p.m.
- 11 HOLIDAY**
- 15 Jt. RCBA/SBCBA Reception for State Bar President James Heiting**
Mission Inn, Music Room - 5:00 p.m. to 7:00 p.m.
- 15 Family Law Section**
RCBA Bldg., 3rd Floor - Noon
MCLE
- 16 DRS Board of Directors**
RCBA - Noon





by Theresa Han Savage

Hurricane Katrina and 9/11. One tragedy created by nature; the other created by people. Regardless of our political views, images from these two separate events generate the same emotional responses from all of us – sadness, helplessness and exasperation. Moreover, for those of us who were not personally affected by either the hurricane or 9/11, we share one common feeling – gratitude. Like most of you, I am sure, I felt horror at seeing the images of destruction on television, and then immediately felt grateful that I was not personally affected.

I hope that we, as individuals or through community organizations, will do what we can to help our fellow Americans in need. Here are some easy ways to make a difference. To help displaced lawyers in Louisiana and Mississippi, donations can be sent to: (1) Hurricane Katrina Legal Community Relief Fund, c/o Baton Rouge Bar Foundation, 544 Main Street, Baton Rouge, LA 70802; or (2) Hurricane Katrina Lawyer Relief Fund, c/o Mississippi Bar Foundation, P.O. Box 2168, Jackson, MS 39225-2168. Moreover, you can volunteer your services through the American Bar Association at www.abanet.org/katrina. To help the general relief effort, you can contribute to the Riverside County Chapter of the American Red Cross at P.O. Box 55040, Riverside, CA 92517-0040, or online at www.riversidecounty.redcross.org.

These recent tragedies are a good reminder to keep things in perspective. Although it is easy to get caught up in our daily grind, we should always try to remember what is most important in our lives. I am pretty certain that we would all say that family and friends rank at the top of our list. But do we take the time to enjoy ourselves with family and friends?

I am glad that I was able to convince my husband, Phil, to go on a family vacation this summer to Los Cabos, Mexico. Phil and I, with our three children, along with fellow research attorney, Lisa Visingardi and her family, went to a beautiful resort. I must confess that I was a bit nervous about taking my children to Mexico – especially since my twins were only 22 months old at the time. My worries were for naught. I cannot say that our trip to Mexico was relaxing, with our two toddlers, but I can say that we had a wonderful time with family and friends. We were gone for a total of five days – I took only three days off from work; I think that everyone should be able to miss work for three days and enjoy some time with the family. Please contact me if you would like to know where we went! I highly recommend the resort for families.

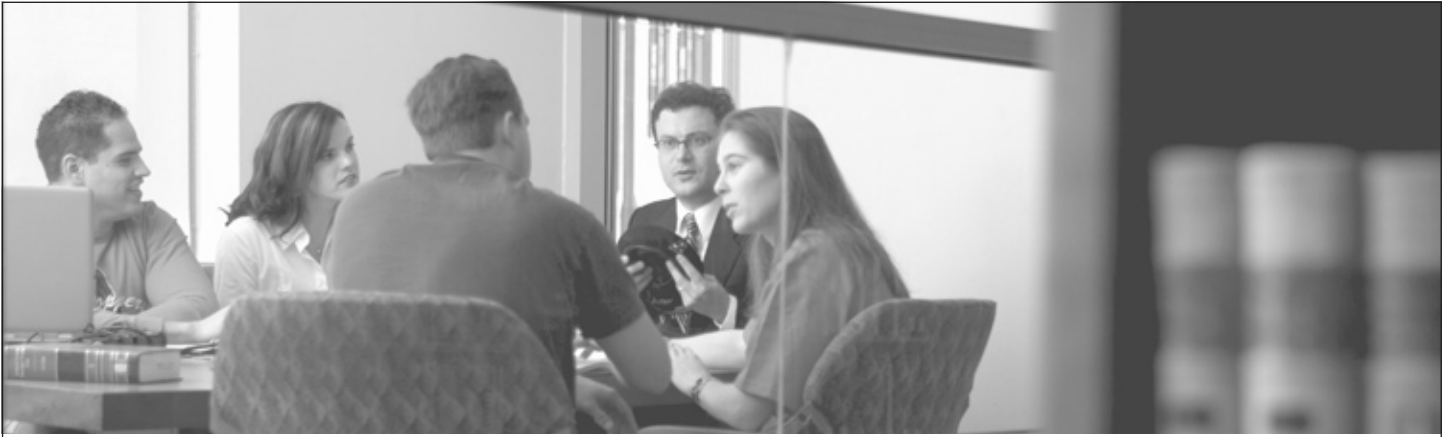
September was an exciting month for me. I attended both the State Bar Convention and the RCBA installation. At the convention, I attended a one-day seminar with Penny Alexander-Kelley (who will be installed as San Bernardino County Bar Association president in October) on how to be an effective bar leader. I hope to use the lessons I learned during the seminar this upcoming year. The most exciting event during the bar convention, however, was Jim Heiting's installation as President of the State Bar. We are so proud that our own past-president has achieved this incredible milestone. Please join us in celebrating Jim's success on the evening of November 15th at the Mission Inn with hors d'oeuvres and drinks. You will be receiving an invitation in the mail. I also want to take this opportunity to thank Jim for being the master of ceremonies, and Judges Sharon Waters and Craig Riemer for being the installing officers at our installation dinner. Most of all, I want to thank everyone who attended the installation. We – the Board – truly appreciate your support.

Here's an update on the Bar's finances: I am proud to report that the Bar's first official audit has been completed. Sue, our bookkeeper, worked very hard with our auditors. Thank you, Sue. Except for a few minor comments, the auditors have commended the Bar on the way we handle our finances. Once the audit report is finalized, we welcome any member of the RCBA to come and review the audit report.

I wish everyone a safe and happy Halloween. If you see three children, dressed up as Anakin Skywalker (as a Jedi), Chewbacca, and Princess Leia, trick-or-treating in your neighborhood, please say hello to them – they will probably be my three munchkins.

Theresa Han Savage, president of the Riverside County Bar Association, is a research attorney at the Court of Appeal, Fourth Appellate District, Division Two.





A wider perspective:

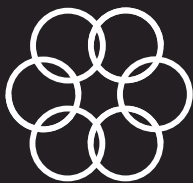
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BARRISTERS

By Robyn Beilin-Lewis, President of Barristers

Fall is coming... kids are back at school, the weather is starting to get a little bit cooler (or at least I hope it is!) and installation of the members of the 2005-2006 Barristers Board and the RCBA Executive Board is upon us.

It is also that time of year when newer members of our legal community begin to gather again at the old Cask 'n' Cleaver for meetings on the second Wednesday of each month.

I know that I mention this often in these columns, but I was drawn to Barristers initially because of the stories that I heard from other attorneys who were previous Barristers members. As a young attorney, I was encouraged to join this organization to meet other associates in town and to attend the orientation, so to speak, for being a member of this close-knit legal community.

Unfortunately, the attendance at Barristers has dwindled slowly over the last several years. I am not pleased to report that, despite hard work and fantastic speakers, Barristers is in danger of fading away to the point of nonexistence.

I have spent much time thinking about the reasons why we are having this problem. It can't be that the speakers we have arranged are not interesting or compelling, as we have been joined by highly esteemed members of the Riverside judiciary and legal community this year. Perhaps it is finances, but really, all Barristers will cost a member is a small one-time membership fee and then dinner (if so desired) at the Cask 'n' Cleaver. We have had fantastic social functions over the past few years, which were successful in terms of the participation of the general legal community but not really of Barrister members. **SO WHAT IS THE PROBLEM?**

Honestly, I think that it boils down to apathy. Like most younger associates, I can sympathize with the demands of being the low man on the totem pole. You work hard and for long hours and have very little free time for yourself. Who wants to drive down University Avenue to go to a meeting that is going to eat into your Wednesday night? I can certainly understand that!

But what I think people may fail to realize is that professional success does not stem entirely from office work and billable hours. Partners want to see that their associates are becoming active members of the legal community. Associates need to demonstrate their effectiveness at marketing. And I can honestly attest that one of the best ways to start networking and making those contacts is through Barristers. Barristers can enable you to meet your peers, obtain sources of referrals, and open channels of communication for invaluable advice and assistance.

This column is not meant just to plead with all Barristers-eligible members, but with all of you who benefited in the past from being a Barristers member. How many of you can trace your friendships or professional relationships back to those nights that you used to go to the Cask 'n' Cleaver? I bet most of you can. So for those of you who are partners and senior attorneys in your offices, I ask that you encourage your younger associates to come to our meetings. Why not give them some sort of credit toward their billable hours as an incentive? It will only benefit your firm in the long run. And I would encourage all RCBA members to consider coming to Barristers meetings – not just those Barristers-eligible members. You, too, can benefit from enjoying the great speakers, meeting new people and networking with this niche of our legal community.

As always, I would be happy to respond to any questions, comments, or suggestions regarding Barristers. If you would like to come and be a speaker at one of our meetings, please let me know. I can be reached at beilinro@yahoo.com or at my office phone number, (951) 686-8848.

We are looking forward to a successful year and thank all of you for your help to ensure that Barristers is still a strong organization that helps to support and cultivate the close legal community that we all enjoy.

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JUDICIAL PROFILE: PRESIDING JUDGE SHARON WATERS

by Kirsten S. Birkedal

Are you a civil litigator who can't get your cases to trial because no courtrooms are available? Or are you a deputy district attorney or public defender with a huge workload and dozens of cases that must either go to trial or be dismissed and refiled? Or are you a family law attorney who can't get property settlements and custody orders approved promptly? Or are you just trying to obtain a timely default judgment or an eviction order?



Judge Sharon Waters

In each of these practice areas, and many others, the shortage of judges and court staff directly impacts you. Large workloads mean delays, and the explosive growth in some areas of Riverside County is reflected in increased civil and criminal filings, which must be handled by overburdened judges and staff. Increasingly, civil trials are delayed so judges can be diverted to pressing criminal cases.

As the Presiding Judge of the Riverside Superior Court, Judge Sharon Waters is responsible for administering and allocating the trial court's limited resources. Of even more importance is her role in obtaining a greater allocation of budget resources, including funds for more judges and staff for the county. Riverside County is the fourth largest county in the state, with an estimated population of 1.8 million people. According to the Administrative Office of the Court's "Judicial Allocation Needs Model," based on recent filing data, Riverside County should have 133 judicial officers, yet currently it only has 49 judges and 20 commissioners. Judge Waters views this shortage of judges as the court's most pressing problem, because the current number of judges and court employees cannot keep up with the ever-increasing workload. As a result, real people with real legal problems do not receive the justice that they deserve and the quality of justice is severely impacted.

Nothing in Judge Waters' background prepared her for the administrative burdens placed on the Presiding Judge. As she notes, her background is in civil and commercial litigation and appellate law, not budgeting and personnel matters. Judge Waters graduated from the University of the Pacific McGeorge School of Law in 1981 and began her legal career in Riverside as an associate for Thompson & Colgate, a prominent civil law firm. She worked as a commercial litigator and then as an appellate attorney for the firm.

Judge Waters fondly recalls her years at Thompson & Colgate, when she assisted her colleagues, James D. Ward (now Justice Ward) and John A. Boyd, as they represented the Riverside Press-Enterprise in two high profile cases before the United States Supreme Court. In both Press-Enterprise cases, the Supreme Court balanced the First Amendment right of access to criminal proceedings against the sensitive nature of the material to be disclosed as well as the defendant's constitutional right to a fair trial. While working on the first case, Judge Waters was awaiting admission to the U.S. Supreme Court, but her work was recognized in a footnote of the brief Thompson & Colgate submitted to the Supreme Court¹. By the second case, Judge Waters was a member of the bar, and she is mentioned in the published Supreme Court opinion as assistant counsel for the Press-Enterprise, along with Justice Ward, who argued both cases.

In 1984, Judge Waters decided to leave Thompson & Colgate to start her own appellate practice as a sole practitioner. Judge Waters enjoyed appellate work, but shortly after beginning her own practice, she became interested in the dynamics of the court system and joined the appellate court as a research attorney for Justice Thomas E. Hollenhorst at the Fourth District Court of Appeal.

After several years with the court, she decided once again to start an appellate practice with another court research attorney, Douglas Elwell, to help share the workload. However, in 1995, Elwell was appointed to the Superior Court bench in San Bernardino. Shortly thereafter, Judge Waters decided to follow suit. She submitted her application and in 1997, Governor Pete Wilson appointed her to the bench. In 2000, after serving several years conducting criminal trials and proceedings, Judge Waters began hearing civil trials.

¹ See *Press-Enterprise Co. v. Superior Court of California*, 464 U.S. 501 (1984); *Press-Enterprise Co. v. Superior Court of California*, 478 U.S. 1 (1986).

In 2003, then-Presiding Judge Douglas Miller selected Judge Waters as the assistant presiding judge. As assistant, Judge Waters witnessed Judge Miller reluctantly suspend hearing all civil trials to address the backlog of 500 criminal cases on the docket in the summer of 2004. Consequently, Judge Waters was aware of the budget setbacks and the shortage of judges even before she took office as presiding judge.

In January 2005, Judge Waters became the first female presiding judge of the Riverside County Superior Court. To date, the court still struggles to find available courtrooms for all of the criminal trials that must be heard each day. Because priority is given to criminal trials, civil cases are postponed and delayed.

In February of this year, Judge Waters testified before the Senate Judiciary Committee on the courts' need for additional judges and staff. In her testimony, Judge Waters praised the work of Senator Dunn, who authored Senate Bill 56 to create additional judgeships for the trial courts. Senate Bill 56, if enacted, would have provided for 150 new judges statewide, with Riverside estimated to receive 19 additional judges².

Until more judgeships are created, Judge Waters, the rest of the bench and the staff must juggle the court's resources as best they can to give everyone access to the judicial system. To assist in that effort, Judge Waters has set up an advisory committee concerning the criminal case backlog. The committee is chaired by Assistant Presiding Judge Richard Fields, and includes representation from the District Attorney's Office and the Public Defender's Office as well as representation from civil attorney David Bristow.

Judge Waters pointed out that she was not alone in her efforts to promote the growth and efficiency of the Riverside Superior Court system. Every judicial officer in Riverside was part of this process and did what she or he could to lobby for more resources and to find ways to improve efficiencies. She was motivated by the dedicated staff at the Court

¹ While this article was being written, the author learned that SB56 will not be acted upon further in the current legislative session.

Executive Office, which included the Superior Court's Executive Officer, Inga McElyea. Ms. McElyea has been with the court since 1977.

Every attorney and citizen can help support Judge Waters in her attempt to obtain more judges for the county by contacting the bill's author, State Senator Dunn. You should consider doing so because your practice is affected, directly or indirectly, by court staffing shortages.

Ms. Birkedal is a recent graduate of the University of Oregon School of Law. She is currently awaiting the results of the California Bar Examination.



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MY SECOND CAREER

by Yoginee Braslaw

Several years ago, my husband Steve and I appeared to be on the same career path. I became a practicing attorney, and he began his first year of law school at Southwestern, commuting from Riverside to Los Angeles on the Metrolink. Later, while I worked for the Court of Appeal, he worked for a law firm in Riverside. Most of our friends were attorneys.

However, while I was satisfied working within the legal community, Steve was never fully able to shake his dream of owning a restaurant. Eventually, we agreed that one attorney was enough for our family. I continued to practice law, and he began the journey that would lead to both of us being restaurant owners.

Our first experience with the restaurant business began with the purchase of a Subway franchise. We chose to begin with a franchise for several reasons. First, the level of risk is very low. Second, the franchisor provides the franchisee with training and guidance. And third, no bank would give a loan to someone who did not have experience in the food industry, i.e., managing a successful restaurant, for at least three years – a requirement that is waived by the lender bank working with the franchisor.

We purchased an existing Subway (as opposed to building a brand-new one). This gave us the opportunity to know what kind of sales volume the business was doing under the previous owner. Though the cost of buying an existing Subway is usually much greater than the cost of building a new one, at least the customer base is already established and the employees are trained. In addition, the leg work of building a new location is the burden of the franchisee, meaning the franchisee is responsible for finding a location, contacting the landlord, and determining the distance between any existing Subway and the potential new one.

With the purchase of a franchise, we were able to have the full restaurant experience without having to create a concept from scratch. We all know that the restaurant industry is highly competitive and that nine out of ten restaurants fail. However, for Subway, the failure rate is only one percent. One of the reasons for this is that the franchisor provides a great deal of training prior to letting a franchisee operate his/her restaurant. The training program is taught over a two-week period in Milford, Connecticut – the world headquarters for Subway. Due to not wanting to leave our children in the care of their



grandparents for over two weeks, my husband and I went separately.

The extensive training includes lessons on calculating food costs and labor costs, training new employees, scheduling, inventory control, and all other aspects of small business management. These lessons are taught in such a way that most of the work and calculations are done without using a computer (even though most of the store operations can be processed on a point-of-sale system), so that the operator of a franchise will have a thorough understanding of the proven operation of the store. The training also includes working at a Subway for two weeks, learning the opening and closing procedures of the store, as well as making sandwiches so the franchise will know the sandwich formulas.

The training period was also filled with daily tests, and there was a six-hour final examination, which had to be passed in order to be a Subway owner. It felt like a grueling process (and I missed my children deeply). But now

that I look back at it, I met potential Subway franchisees from all around the world, including England and Ireland, some of whom I keep in contact with, and I had a chance to relive my undergraduate days.

Nevertheless, along with the advantages of owning a franchise, there are disadvantages. First, the “owning” process was harsh. Along with undergoing background and credit checks, disclosing financial records, and attending the training in Connecticut, Steve and I had to endure several three-hour-long interviews to convince the development agent and her assistants at the time that the store would really be owner-operated. Subway believes that an owner-operated store is a lot more successful than one bought for investment purposes. This may be true, since with any business, when an owner is on-site, seeing to the day-to-day operations, costs are kept in check.

Second, every Subway store has to undergo monthly evaluations by a Subway field representative, who is more critical than the health department, to ensure the store is in compliance as to food safety, cleanliness, products, and promotional advertising. While the evaluations are necessary for a franchise to operate at its highest acceptable level, the evaluator can be inconsistent and too subjective, causing undue stress to the owners and employees. The other disadvantages include lack of creative input (something my husband misses greatly) as well as having to attend monthly franchisee meetings.

However, we believe that the advantages outweigh the disadvantages, especially in terms of knowledge. Owning a franchise has given me new financial management skills and Steve the skills to develop his own creative idea to open a new restaurant.

Along with husband-and-wife partners, Steve and I invested in and created a new restaurant in the Inland Empire – specifically, the Pizza Kiln, a gourmet wood-fired pizza dine-in, take-out, and delivery place, located in Moreno Valley. Steve put a great deal of time and research into our new venture before it even opened. I have to say that I am really proud of Steve; I have never seen him work so hard to make his dream a reality.

We chose pizza for the simple fact that it crosses all socioeconomic, ethnic and racial lines. In other words, everybody likes pizza. Although we believe that we have a winning concept and product, there is always a great risk in starting a restaurant from scratch. The first obstacle we have faced has been the most fundamental – getting customers into the store to try the product.

While people are generally interested in trying something new when it opens in their community, the business person must find a way to let the customer know that you are there. Almost every day, we have a few people come into our store who say, “We didn’t know you were here.” The most effective way to overcome this obstacle is through local advertising. Unlike the Subway franchise, where every week a portion of the sales are automatically deducted for local and national advertising, we need to decide what, given our limited resources, would be the most effective form of advertising. While word of mouth has helped us get a small following, and we have only been open for a relatively short time, we have yet to do the type of volume necessary to be profitable.

Because our pizza is unique to the community, our first method of advertising our product has been simply to give it away. Over the first month, we have given a lot of pizzas away, to local businesses and to the occasional customer who may otherwise be leery about trying a gourmet pizza.

The second aspect of running a successful food business is customer retention. We have been very fortunate, in that approximately 85 percent of our customers have already come back more than once. However, the number of new customers who come in on any given day is still relatively low.

Overall, our venture, though new, appears to be on the road to success. Customers have been raving about the pizzas to their friends, and the customers we do get through the door are almost all coming back. Currently, I spend my day as an attorney, but at night and on the weekends, I become a pizza maker, a dishwasher, a delivery driver, and a financial manager. I know the fruits of our labor will soon be fulfilling and my “second” career will take off.

Yoginee Braslaw is a research attorney at the Court of Appeal, a member of the RCBA's Publications Committee, and a partner in the Subway off North Sierra Way and 40th Street in San Bernardino and the Pizza Kiln off Frederick Street and Centerpoint Drive in Moreno Valley.



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RIVERSIDE BISTRO

by Richard Brent Reed

Inland Heritage Wine Tasting and Bistro sits quietly on the corner of University Avenue and Orange Street in downtown Riverside, in a building that has stood at that intersection since 1895. The Bistro, illuminated by radius windows draped with burgundy sheers and trimmed in a vine motif, serves wines exclusively from Riverside County. All of the Galleano wines are made from estate grapes grown on “old vines,” the youngest planted in 1947, the oldest in 1892.

The Menu

The Bistro wine menu features Zinfandels – four reds, one white – that cross the spectrum from bright and fruity to dark, tannic, and oaky. My favorite is the Pioneer’s Legendary Zinfandel; it’s heavy with fruit.

Among the white wines offered is the 2003 South Coast Chardonnay, described as “soft and silky, ripe red apple, pear, citrus with spice notes.”

For the sweet-toothed connoisseur, the Bistro also stocks ports and sherries that have accumulated numerous awards and accolades, including the tawny Three Friends Port, the fruity Aleatico Port, the nutty Angelica Sherry (originally a Franciscan sacramental wine), the toasty Sherry Crema Cask Three, and, my favorite, the Zinfandel Port 2000, “a light red hue with touches of orange around the rim”

The History

Formerly a professor of organic chemistry at Chaffey College, proprietor Dennis Pap has been a vintner for the Galleano Winery in Mira Loma since 2001. He started off as a home brewer and, by the way, offers his own “hand-crafted” ale at the Bistro.

“Galleano started out in 1927, when the area had 43,000 acres under cultivation,” reminisced Pap, gesturing at the 1933 Cucamonga Valley aerial photo that dominates the tasting room. Galleano’s cultivation has been reduced to 600 acres by the encroachment of civilization.

“Since Bordeaux varietals do not grow well in our areas,” observes Pap, “we import grapes from Temecula to produce our Cabernet Sauvignon, Merlot, Chardonnay, and Viognier – a Rhône Chardonnay.”

Coming Soon

“We are members of the Riverside Arts Alliance,” Pap boasted. “As members, we have a new art show on our walls every month. It’s all local art in the same way it’s



Photographs by Yoghnee Braslaw



all local wine.” The walls are, in fact, covered with local art – some photographic, some acrylic, some oil – to provide a feast for the eyes as well as for the palate. And food is on its way. “In early September, the Bistro’s menu will include the full cold-food menu from the Atrium Café (in the lobby of the County Administration Building). That includes sandwiches, Caesar salad, slaws, pasta salads, and potato salad, in addition to hors d’oeuvres, baked brie, bruschetta, stuffed Portobello mushrooms, and a cheese plate.” Free wireless internet access will also be available soon.

The Bistro is open for wine tasting on weekday afternoons from 2:00 until 7:00 – \$4 for four glasses. Saturday afternoons, the thirsty are welcome from 1:00 until 6:00. The Bistro is also available for private parties.

Inland Heritage Wine Tasting and Bistro is located at 3595 University Avenue in Riverside.



A HIDDEN TREASURE: VINTAGE VAULTS WINES

by Mark Schooley

Have you ever been frustrated trying to find that special bottle of wine for a special occasion or gift? With more interest in exploring the world of wine on the part of Inland Empire residents in recent years, finding great wines has become easier. Many supermarkets now carry larger selections of wines, and even Trader Joe's has become a place to find a wider range of world-class wines. But one of the problems for wine lovers has always been finding a place that not only has a good selection, but also knowledgeable staff members who know their stock, can be trusted to give honest opinions, and will not try to push the most expensive bottle in the store. If that sounds like a strong case, then Vintage Vaults is worth a visit.

If you have not visited the store, you are in for a treat. Vintage Vaults is one of the most interesting wine centers in the Inland Empire. Nestled in a commercial business park on Chicago Avenue in Riverside, Vintage Vaults is truly a hidden treasure. Its focus is on wine only, with over 400 different bottles currently in stock. The wines range in price from \$5 to \$400 and represent most of the great wine-producing countries in the world. The Vintage Vaults staff is on a constant search for new and interesting wines, attending many wine tastings yearly to find the best wines, and especially the best values. The store not only sells a wide assortment of wine, but also offers temperature- and humidity-controlled storage for the public on-site. Lockers are available for

wine storage in sizes ranging from 8 to 600 cases. The storage area is kept at 54 degrees and 70% humidity year-round. The cooler temperature is important for aging wine. The high humidity keeps the corks from drying out; dried-out corks can cause wine to oxidize.

A local cardiologist founded Vintage Vaults in 1985. Two years ago, the facility was sold to three local doctors, who, of course, happen to be avid wine collectors. This has been an exciting plus, because the owners periodically put collectable older vintages from their own cellars up for sale in the store.

Vintage Vaults also holds monthly tastings at the store and at area restaurants to give folks the chance to try new wines, and in many cases the chance to sample great older wines. Vintage Vaults staff is also available for wine consulting for dinner and party menus. In the last year, the store staff has organized wine tastings at business and private events. Give them a call for more information if you are interested in fun and educational event.

Whether you are looking for a hard-to-find collectable vintage wine, or a juicy Zinfandel to wash down a hamburger right off the grill, Vintage Vaults is a fantastic place to explore the world of wine.

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THE HIDDEN VINTNER

by Michael L. Bazzo

Did you know that some of the best wineries California has to offer can be found right here in our own backyard? Temecula produces some very special vintages, and opportunities to taste some of Temecula's finest abound. Many of the local wineries offer wine-tasting classes, and if you've attended any of them, I'm sure you at least momentarily considered the notion of making your own wine. Short of turning your backyard into a vineyard, making wine is easier than you might think, and you don't need to offer a libation to Bacchus to turn out a decent bottle.

Wine has always been a big part of my family. (Okay, insert your joke here.) When my family came from Italy a few decades ago, my grandfather brought the family wine press with him to America. On summer weekends, my dad, my uncle, my brother and I would take the truck to what is now Rancho Cucamonga to pick grapes at some of the sprawling vineyards that blanketed the area at the time. My grandfather would press the grapes and store the dark red juice in oak barrels in a homemade wine cellar. He produced a typically strong Italian table wine similar to Chianti. He even bottled some of his delicious creation on the day I was born to be opened on my wedding day. Unfortunately, he wasn't as proficient at storing wine as he was making it, and once uncorked, the wine tasted like it had been open since the mid-fifties! None of his wine remains. In fact, I don't recall that we ever really had a lot of wine laid up in storage, which I guess is a testament to his abilities. A part of the wooden press is all that's left . . . and the resulting loud and exuberant Italian family.

Nowadays, you don't even have to pick your own grapes to make a good bottle of wine. According to Karl Wichmann, manager of the popular Riverside establishment "Beer, Beer & More Beer" (yes, they do wine, too!), turning out a good bottle of wine has gotten much easier, thanks to specialized kits that take the guess-work and technical chemistry out and keep the fun in. Karl is passionate about his product and very knowledgeable. He's one of those guys who turned a hobby into a career, and he jokes that "a hobby can take over your life if you let it get too far. Fortunately for me, the hobby became my job, so now I technically don't work!"

Karl's company, which has been around for ten years, turns out some nice wine-making kits and all the necessary equipment. According to Karl, the upside to the kits is that you can make wine year-round. Fresh fruit, on the other hand, is limited to the season. The kits come with the juice extract, yeast and additives. With a kit, the acid levels and sugars are already determined and better controlled. For about \$40 to \$50, you can get a Chardonnay, Riesling, Sauvignon Blanc, Merlot, Shiraz, Chianti or Barolo. The equipment will run approximately \$85. The kits will generally turn out close to 30 bottles of wine each.

Simplicity is the key. To get started, just select one of the wine-making equipment kits and one of the wine-concentration kits. You'll also need some empty wine bottles. First, prepare the clarifier solution in the primary fermenter, add the grape juice concentrate and top off with water to make six gallons. Oak plugs can be added for flavor. About a week later, check the fermentation progress, then transfer the solution to a clean carboy (glass container), attach the airlock and wait ten days. All of the remaining stabilizers and clarifiers are added with filtered water and the mixture is allowed to sit another week. The wine is then transferred to a clean carboy with more filtered water added, and the mixture is allowed to sit another 14 days until clear. When the wine is virtually clear of sediment, it is ready to bottle. It is then drinkable but will improve with time, and the ideal length of aging depends upon the variety of wine you are making. According to Karl, some reds will do better with over a year of aging.

For those who wish to jump right into the barrel, so to speak, and want to experience wine-making with fresh grapes, many of the wineries in Temecula offer extra grapes from their harvest for sale. Beer, Beer & More Beer is affiliated with La Cresta Estates Winery, located in the hills above Temecula. According to Karl, he can direct you to stocks of grapes from wineries such as La Cresta, as this is an additional large segment of his business. In fact, Karl says that about five tons of grapes will pass through his shop in the next year.

In addition to selling to the public and supplying commercial establishments, Beer, Beer & More Beer offers classes in wine-making in association with Boorman Vineyards in La Cresta. The classes are usually limited to 20 people. An advanced eight-hour class including lunch

(continued on page 30)

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e-mail register@ucx.ucr.edu, or visit our website at www.ucrextension.net/law. For program information, contact Donald Cash, Director,

Department of Law and Public Policy at (951) 827-7820, ext. 21614, or e-mail dcash@ucx.ucr.edu.

Power to Empower Leadership Conference

Thursday, November 3, 2005. 6:00-8:30 p.m. MCLE: 1.5 hours. \$35. includes dinner. Reg# 52F60.

Public Records Act

Saturday, November 5, 2005. 8:30 a.m.-1:30 p.m. MCLE: 4.5 hours. \$155. Reg# 52F20.

Administrative Search Warrants

Friday, November 18, 2005. 9:00 a.m.-12:00 p.m. MCLE: 2.75 hours. \$95. Reg# 52F06.

Juvenile Law Institute: Dependency and Delinquency Programs

Friday, January 20, 2006. 8:30 am-4:30 pm. MCLE: 6 hours. \$165. Reg# 53F97.

10th Annual MCLE Madness

Saturday, January 28, 2006. 8:00 am-4:30 pm. MCLE: 6 hours (includes 1 hour of Bias, 1 hour of Substance Abuse and 4 hours of Legal Ethics). \$130. Reg# 53F30.

Family Law Developments and Strategies: 2006

Saturday, February 25, 2006. 8:30 am-4:30 pm. MCLE: 6 hours. Family Law Legal Specialization Credit: 6 hours. \$175. Reg# 53F40.

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by Richard Brent Reed

San Diego was a good choice as the site for the 78th California State Bar Convention, held at the Marriott and the Convention Center. Downtown San Diego's historic Gaslamp District provided colorful locals, restaurants, tea shops, cigar stores, two chocolate shops, street musicians on every corner, and other entertaining diversions. The San Diego Convention Center looks like a Carnival Cruise ship on the outside and a multi-level greenhouse/dirigible hangar on the inside. The elegant Marriott Hotel next door accommodated the classes and events that, somehow, couldn't be fitted into the cavernous Convention Center.


This year's course offerings were eclectic, ranging from the practical "How to Organize a California Corporation" to the arcane "Perils and Pitfalls of Interstate Trust Transfers." Program No. 143, "Hot Topics in Financial Institution Litigation," had the heaviest handout: over 130 pages of hot topics. The pithiest course title was "Death and Taxes" and the most suggestive was "Orality and Ethos."

Most classes had a healthy attendance. The following courses were sold out: No. 34, "Write Well, Right Now"; No. 115, also "Write Well, Right Now"; and No. 225, "Getting on the Freeway and Going Home." Course No. 148, "Time Management for

Attorneys," was canceled because everyone showed up late. The California Women Lawyers Dinner had a respectable turnout, despite a time change. The California Male Lawyers Dinner was cancelled because no one stopped to ask directions.

Not all classes were well-attended. Several classrooms were hard to find because of their obscure locations:

- Evidentiary Foundations – Basement
- False Light – Solarium
- Water Conservation – Pool Area
- Battery: A Hands-on Approach – Spa
- Maintaining a Free Press – Laundry
- Winning Hair – Salon A
- Getting on the Bench – Picnic Grounds
- Medical Marijuana – Roof Garden
- Promotional Telemarketing – Boiler Room
- Stalking and Restraining Orders – Parking Structure
- Methamphetamine Use – Upper S
- Political Activism – Lobby

Though the Marriott and the Convention Center were contiguous, the passage connecting them was labyrinthine and the classes so far-flung that punctuality was difficult even for those with track shoes and global positioning units. Navigation between the two buildings and among the various levels in the Convention Center was, at times, like playing three-dimensional chess. Fortunately, no shuttle buses were required, though, just next door, there was a skateboarding convention where we could have procured some wheels. Next year, the State Bar Convention will be held in Monterey. Let's hope that there's a roller blade convention in town. 

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 - Elimination of Bias in the Legal Profession: **1 hour**

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Deadline: 2/1/2007

GROUP 2 (H-M)
Period: 2/1/03 - 1/31/06
Deadline: 2/1/2006

GROUP 3 (N-Z)
Period: 2/1/05-1/31/08
Deadline: 2/1/2008

STATE BAR PRESIDENT JAMES O. HEITING

Inaugural speech given by James Otto Heiting at the State Bar's Annual Meeting and Judicial Branch Conference in San Diego on Saturday, September 10, 2005.

*Photographs by Michael J. Elderman. To see the rest of the photos online, go to www.proeventlab.com; Photographer ID is *mjelder* and Password is *Heiting*.*

Mr. Chief Justice, distinguished members of the bench and the bar, my family, my colleagues and my friends:

I am extremely gratified to have been elected to the office of President of the strongest state bar in this nation. I have received support and encouragement from bar associations and individuals from my district, District Six, throughout the state, and all across the country. I cannot begin to tell you how gratifying it is to hear from so many people with such kind words and offers of support.

I have taken the oath of office without mental reservation, without fear, with acknowledgment of your trust in me and your expectations of me as well as the burdens and responsibilities that I carry with this office. I intend to devote the time and energies necessary to the best effect for the State Bar and the people of our great state.

I understand from the positions of leadership I have held in the past that I cannot carry the weight of the State Bar and all of the issues that confront us by myself; and I would never try. I am very aware that my successes are due to others. Therefore, and with an expectation of success, I plan to ask each of the members of the Board of Governors, as well as other leaders of the Bar this next year, that they carry ideals of creativity, dedication, persistence, purpose, honesty, openness, willingness, and effective communication in all of their dealings. I will ask them to employ teamwork and passion to reach our goals. Our members of the Board of Governors will act as ambassadors to and from our members, the public, the courts, and our legislators. We will explore new and novel ways to approach old and lingering problems and issues. I will demand their very best efforts to accomplish the tasks at hand, whatever they may be, as I fully expect of myself and you can expect of me.

Before I speak of specific programs, let me introduce my family: Cindy, my wife of 34 years, and my sons, James, Aaron, and Hans. We also have James's wife, Anya, and our three grandchildren, Briana, Jacob and Vaughn. I love you all.

I also wish to acknowledge the wonderful staff of the State Bar and thank them for their untiring efforts in assisting the Board of Governors and in furthering the interests of the membership while, at all times, keeping in mind the interests of the public and the courts.



Jim Heiting being sworn-in as 2005-06 State Bar President by Chief Justice Ronald George.



Left to right: Phil Savage, IV, Theresa Han Savage, Jim Heiting, Jacqueline Carey-Wilson and David Bristow



Left to right: incoming CJA LA Superior Court Judge Terry Friedman, outgoing CJA Sacramento Superior Court Judge Jim Mize, Chief Justice Ronald George, 2005-06 State Bar President Jim Heiting and 2004-05 State Bar President John Van de Kamp.



Left to right: Aaron Heiting, James Heiting, II, Cindy Heiting, James Otto Heiting, Hans Heiting.



Cindy and James Heiting, Steve and Ella Geeting.



Judge Dallas Holmes, Riverside Superior Court, and Jim Heiting



Jim Heiting and Hon. James Herman, 2002-03 State Bar President

I acknowledge and thank the members of the Board of Governors, and especially Public Members Jan Green and John Snetsinger, who have expiring terms, and the group of governors that is retiring after their third year of service: Joel Milliband, Rod McLeod, David Marcus, and Steve Ipsen. Throughout their dealings as members of the Board, each of these governors has proven to be loyal and dedicated to the interests and mission of the State Bar, ever vigilant as to its programs and efficiencies, member benefits and protection of the public. Thank you.

Of course, none of this is possible without the support of Heiting & Irwin, the lawyers there, my partner Richard Irwin, my primary administrative assistants, Genia St. Amour and Kim Wibert, and our devoted staff.

Last year, President Van de Kamp spoke of “pipeline” issues. This year, we will develop a concerted effort at approaching young people to get them involved encouraging the discouraged, the disadvantaged, the disenfranchised, the disenchanting and the disengaged, empowering the disabled, giving hope to the economically disadvantaged, in developing a model program to encourage young people in pursuit of a career in the law and to encourage those already in the law in their involvement in the State Bar. I have commitments from the President of the California Association of Black Lawyers, the President of the California Women Lawyers, leadership of the Asian-Pacific American Lawyers and Latino Lawyers groups, leadership of all of the Access Committees of the State Bar, the California Young Lawyers, and others to evaluate the various plans and programs that are currently in existence and to funnel and focus those programs and other ideas to formulate a model program for us, encouraging “diversity from the ground up.” I expect that we will have a good, true model pipeline program in place by the end of my year. We must continue to provide and facilitate access to justice on every front. We must work diligently to insure all legal service programs of value to indigents and those in need continue without serious detriment to the programs and to those they serve. We must increase their abilities wherever possible; yet we must meet our responsibility to regulate these programs by developing a system of registration and regulation for all such service providers. This needs attention and will get it this year.

The Equal Access Fund, created by the Legislature in 1999, provides \$10 million each year to “improve equal access in the fair administration of justice.” We give special thanks to Chief Justice Ronald George and Senators Dunn and Ackerman, as well as the legislators who have supported this fund, for their special efforts in preserving it. However, I recommend that you read the report to the Legislature regarding the EAF issued in March of 2005. You will see there is need that calls out to increase financing to the Equal Access Fund. I will support efforts to do so.

We are involved in a long-term effort to serve our members better (and, of course, if we do that, we will improve service to the public).

We are always looking at new programs, products, ideas and services to make available to the membership to make your jobs easier and your lives better. Yet we must always continue to evaluate and criticize our management and performance, our budget, our spending, and our use of your funds. We have put in place performance measures and action plans to assist us in our evaluations and our planning, and we are diligently developing non-dues revenue sources in order that we can maintain and increase our services without increasing dues. We are looking into insurance products, our real estate holdings, a virtual warehouse of goods and services to be made available with cost savings and/or increased benefit for our members, as well as other programs.

In establishing these non-dues revenue resources, however, I am ever mindful of the effects that we may have on our members and the local bars. I have established a "blue ribbon committee" of local and other bar leaders to facilitate the pipeline issues and program implementation, to study the non-dues revenue effects and partnering on various projects to the mutual advantage of our membership, our local bars and the State Bar.

We must initiate new and creative methods of dealing with justice and court issues. I hope to plant the seeds for courts dedicated to pro per litigants and other innovative methods of approach to pro per litigation. I hope to plant the seed to explore a "Law Cal" program for indigents and help from attorneys at reduced rates, making attorneys and their services more readily available in a way

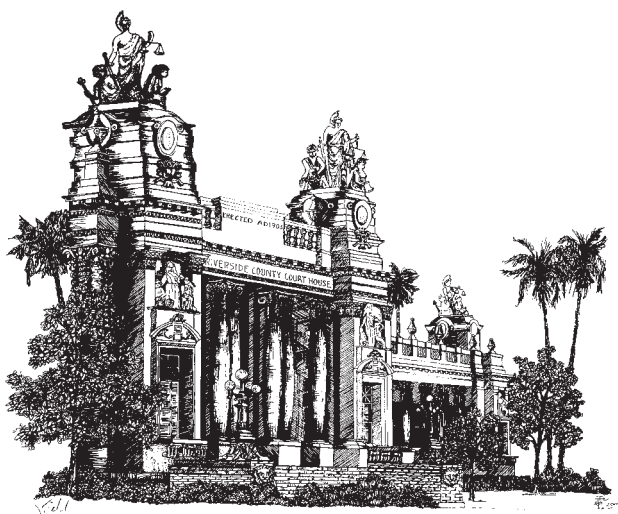
that attorneys can afford to practice. I hope to plant the seeds to explore civil litigants' right to counsel.

As an officer of the court, I have always been concerned with attorney-court relations and the way we treat each other. I look forward to supporting Chief Justice George and his quest for amendment to Article VI, bonds for improvement of court facilities, and the establishment of funding for new judges, which funding is absolutely critical to our courts and citizens yet remains unrealized; and I hope to receive the courts' support for new methods of encouraging professionalism and for attorney security cards and passes that will allow attorneys access to courts without standing in long lines and going through unnecessary security checks, as multiple county courts permit currently.

Surely, I cannot explore with you in ten minutes all of the proposals and sentiments in regard to the important questions that face us: for example, my strong support for the Lawyer Assistance and Alternative Discipline Programs, and my concerns about lawyer television advertising and its effects on public, court and jury perceptions. I am sure we will be addressing further attempts to erode confidentiality and the issue of permanent disbarment. Do not expect, from failure to include a concern in this talk, that there is a failure of intent to address it. I hope to partner with each of you in making our time leading the State Bar more productive, creative and fruitful than we now dare to imagine.

Finally, I wish to acknowledge John Van de Kamp, who has served as our President, with distinction, over this past year. He has cemented good relations with the courts and with the legislators that would not be possible without his character and the respect that he commands. He is appreciated by all of us who have served under him, as he is inclusive, open-minded, and certainly willing to listen. He is thoughtful, diligent and persistent. I thank you, John, for your giving nature and for all that you have done for us.

I am truly blessed. A twelve-step program saved my life. The Other Bar, through lawyers and judges in recovery, gave me back a sense of belonging and helped me hold my head up again. Life has given me many gifts, sometimes



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Top row, left to right: Holly Eggars (cousin), Hans Heiting (son), Kari Terkelsen (girlfriend to Hans), Katherine Bell (girlfriend to Aaron), Karlene McCann (niece), Aaron Heiting (son), Kristina McCann (niece), Steve McCann (husband to Debbie McCann), Debbie McCann (sister-in-law), Joshua Cates (cousin), Pat Cates (wife of Joshua).

Bottom row, left to right: Brianna Heiting (granddaughter), James Heiting, II (son), Chief Justice Ronald George, James Otto Heiting, Jake Heiting (grandson), Cindy Heiting, Arlene Watts (mother-in-law), Anya Heiting (daughter-in-law), Vaughn Heiting (grandson).



Jim Heiting and Wilfred Schneider, President of San Bernardino County Bar Association, 2004-2005.



Judge Tom Cahraman, Riverside Superior Court.

through and as the result of some pretty tough lessons. I have grown stronger for each trial, learned how to succeed by each failure; and I have discovered that the true riches of life come in relationships that I have with other people. Leadership exists for me in service to others. I want each of us to be the best that we can be. A lot has

been given to me, and in return I have a lot to give back. The gauge I now use is simply, "What good can I do?"

May God bless us all in our endeavors to do what is right. Let's go out and do some good.

James Heiting was President of the RCBA in 1996-97 and is with the law firm of Heiting & Irwin in Riverside.



BAY AREA UPRISING AT THE 78TH STATE BAR CONSTITUTIONAL CONVENTION


by Richard Brent Reed

Previous State Bar conventions have not been strangers to split venues or controversy and this year's convention was no exception. "The New Face of Sexual Harassment" course, for instance, dealt with accommodating the sensibilities of the transgender employee in the workplace, even if it means providing a third restroom or admonishing your clients to be respectful. The dilemma of having to choose between the interests of a problematic employee and the sensibilities of a valued customer was a conundrum left to the hapless employer to figure out.

Then there was the class with the innocent title of "The Role of Law in Reforming K 16 Public Education." One might have expected the discussion to center around the unwieldy complications created by First Amendment issues, statutory reform of the bargaining process, or the pros and cons of vouchers as a vehicle of reform. Instead, the lecturer, one Christopher Edley, Jr., Dean of Boalt Hall, exhorted attorneys to become activists in protecting the rights of economically disenfranchised students by pushing to regulate schools like any other industry. The flaw in this proposal is that the very problem with public schools is that they are, in fact, not run like a business. Nowhere in the business world is there such a thing as tenure. In fact, except for the federal bench, lifetime positions are found nowhere in nature.

Moreover, the regulations governing education are to be federal regulations. Mr. Edley holds that public education should be federalized. Amazingly, he suggests that the problem is too much local control, not too little. Nor did it occur to the dean that the first federal regulation public schools would run afoul of is the Sherman Antitrust Act, since public education, as currently constituted, amounts to a government-subsidized monopoly bent on eliminating any meaningful competition. It was the law that introduced "zero tolerance" policies to schools, along with the inevitable attendant consequences of criminalizing cough drops, nail files, and playground rough-housing. Nevertheless, state sovereignty over public education is not to be respected, let alone local control by municipalities.

Not to be outdone, the biggest ideological bombshell was delivered at the Conference of Delegates by – you guessed it – the delegation from San Francisco. It seems that the Golden Gate delegates were not happy with the discrepancy between the popular vote and the electoral vote in the last presidential election. Their solution: eliminate the electoral college.

In 1787, the delegates of the Constitutional Convention locked themselves up in the Philadelphia State House for 116 days debating what to include in the Constitution. But, on September 10, 2005, the Conference of Delegates, after about 20 minutes of discussion, passed a resolution to amend the Constitution. It is a pity that Franklin, Madison, Hamilton, and the other founders were not as clever as our Bay Area brethren. Having cleared out all of the dead wood from the California constitution – which is, by far, the longest, thickest, heaviest, and dreariest constitution in the world – the Conference of Delegates has now been urged to turn its attention to amending the federal Constitution. It's a pity that the question was not placed before the entire membership of the State Bar for consideration. The ensuing statewide debate would have resulted in a very instructive civics lesson. It is questionable whether the amending this nation's Constitution should be considered at a meeting of the California State Bar. But then, when has San Francisco ever been conventional? 

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RECIPES FOR YOUR ENJOYMENT

Recipe contributed by Judge Dallas Holmes:

Pat and Emmie's Macaroni and Cheese

1 lightly beaten egg
1 pt. cottage cheese
1/2 pt. sour cream
10 oz. grated extra sharp cheddar (plus 6 oz. more for top)
1/2 pkg. (8 oz.) large elbow macaroni (cooked)
Lots of pepper
Add some fresh chopped onion (or even dehydrated), if you like
Top with cheese first and then bread crumbs.
Bake at 350° F. for 35-45 minutes.
Even better the next day!

Recipe contributed by Judge Elisabeth Sichel:

This is one of my favorite recipes because it is easy and foolproof.

Apricot Dump Cake

1 box of yellow cake mix
2 15 oz. cans of apricot halves, including the juice
1 stick of butter, melted
pecans

Take a 13" cake pan and empty the two cans of apricots and the juice into the pan. Spread them out. Sprinkle the dry cake mix on top of the apricots. Drizzle melted butter on top of the cake mix and dot with pecans. DO NOT mix.

Put in the oven at 350° F. for about an hour, more or less, until the top is nicely browned. Let it cool slightly before serving it. Top with vanilla ice cream while still warm, and serve.

Recipe contributed by Commissioner Jeffrey Prevost:

I grew to love this simple dish when I lived in Italy as an exchange student. My "Mamma" Cecchini (who is still quite vigorous at age 83) fixed many delicious dishes, but this was my favorite. I have made carbonara many times since returning to the States, but never from a

recipe, so I went hunting on the Internet for a recipe approximating mine. The two below are close.

Spaghetti alla Carbonara (1st recipe)

150 gr. of guanciale [preserved pork cheek] (or pancetta [Italian bacon])
1 spoon strutto [reconstituted pork fat] (or oil)
1 segment of crushed garlic
600 gr. of large spaghetti
salt to taste
5 eggs
two fingers of cream (optional)
4 Tbs. of grated parmesan
4 tsp. of pecorino [sheep's] cheese
pepper to taste

Lightly fry the guanciale, cut into small cubes, in the oil with the garlic, on very low heat. As soon as the garlic is lightly browned, remove it. Cook the spaghetti in abundant salt water; meanwhile, beat the eggs with a pinch of salt, the grated parmesan, the pecorino cheese, some milled pepper, and then cream, to taste. As soon as the spaghetti is cooked al dente, add the mixed ingredients immediately, along with the cooled guanciale. Serve immediately.

MEDIATION

James J. Manning, Jr.
AV Rated



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Spaghetti alla carbonara literally means "Spaghetti in the Manner of the Coal Miner." Apparently the dish was once popular with miners because the ingredients were easily portable and cooking was fairly uncomplicated. Also, the use of pepper in this dish is reminiscent of coal specks. It is a delicious, creamy pasta dish!

Spaghetti alla Carbonara (2nd recipe)

150 gr. thickly sliced bacon (ideally, pancetta) or guanciale

1 tablespoon of strutto (or olive oil)

600 gr. thick spaghetti

4 eggs, well beaten

6 Tbs. of parmesan cheese

6 Tbs. of pecorino (sheep's) cheese

2 tsp. salt

6 liters of water

Black pepper (as desired)

Heat the strutto (or olive oil) in a pan on medium-low heat. Add the bacon. Stir frequently until it is cooked through and crisp. Cover the pan and put it aside.

Bring six liters of water to boil in a pot. Stir in the salt. Add the spaghetti and cook until it is al dente. Save one cup of the pasta water, and drain off the rest. Once the pasta is fully drained, return it to the pot. Place on low heat.

Immediately add the beaten eggs, half of the cheeses, and the bacon to the pasta. Slowly add the pasta water and stir gently until the whole mixture is creamy. (Or, in reverse, mix the eggs and half the cheese in the bottom of a serving vessel, add the hot pasta and toss, then add the bacon and the pasta water slowly until the mixture is creamy.)

Serve immediately with the pepper and remaining cheeses.

Recipes contributed by Robyn Beilin-Lewis:

Chicken Stew in White Wine

1/3 cup all-purpose flour

Salt and freshly ground pepper, to taste

1 chicken, 3 to 4 lb., cut into 8 serving pieces

3 tbs. extra-virgin olive oil

3 bacon slices, chopped

1 yellow onion, thinly sliced

8 oz. white button mushrooms, quartered

1 lb. red-skinned potatoes, cut into 1/2-inch pieces

3 garlic cloves, crushed

4 fresh flat-leaf parsley sprigs

3 fresh thyme sprigs

1 bay leaf

1 1/2 cups chicken stock

1 1/2 cups white wine

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In a large bowl, combine the flour, salt and pepper. Add the chicken and toss to coat evenly.

In a large sauté pan over medium-high heat, warm half of the olive oil until just smoking. Add half of the chicken and brown on all sides, 3 to 4 minutes total. Transfer to a slow cooker. Repeat with the remaining oil and chicken. Add the bacon, onion, mushrooms, potatoes, garlic, parsley, thyme, bay leaf and stock to the slow cooker and stir to combine.

Remove the sauté pan from the heat, pour the wine into the pan and return to medium-high heat. Bring to a simmer, stirring to scrape up any browned bits from the pan bottom. Add the wine to the slow cooker, cover and cook on high for 5 hours according to the manufacturer's instructions. Remove the bay leaf before serving. Spoon the stew into bowls and serve immediately.

Chipotle Corn Bread with Cheddar Cheese and Green Onions

- 3/4 cup cornmeal
- 1 cup all-purpose flour
- 3 tsp. baking powder
- 1/2 tsp. salt
- 1/4 cup sugar
- 1 egg
- 1 cup milk
- 2 Tbs. unsalted butter, melted
- 2 Tbs. chopped chipotle peppers
- 1/3 cup sliced green onion tops
- 1/2 cup grated cheddar cheese

Position a rack in the center of an oven and preheat to 425° F. Butter a 9-by-5-inch loaf pan.

In a large bowl, combine the cornmeal, flour, baking powder, salt and sugar and stir to mix. Make a well in the center.

In a medium bowl, combine the egg and milk and whisk until just blended, about 10 seconds. Add the butter, chipotle peppers, green onions and cheddar cheese and whisk until smooth. Pour the wet ingredients into the well in the dry ingredients. Fold gently until the batter is just blended.

Spoon the batter into the prepared pan and bake until a toothpick inserted into the center comes out clean, 18 to 20 minutes.

Recipe contributed by Richard Reed:

The Martini Omelet

- 4 oz. dried mushrooms
- 1.7 fl. oz. Pertsovka (red pepper vodka)
- 1 tsp. vermouth
- 1/2 tsp. garlic salt
- 1 tsp. olive oil
- 3/4 cup grated cheese
- 1/2 cup crushed olives or olive bruschetta
- 4 eggs

Mix vodka, vermouth, garlic salt, and olive oil in a bowl.

Pulverize the dried mushrooms to sawdust by beating the package to death with your fist. Dump mushrooms into vodka mixture; let soak for 20 minutes.

Grate the cheese. Beat the eggs with a fork.

Warm a large, oiled omelet pan. In a mixing bowl, blend the eggs, cheese, olives, and mushrooms together. Pour mixture into omelet pan and cook for 5 minutes over low flame, then flip omelet and cook for one more minute. Salt and pepper to taste.

Dish up alongside a slice of sourdough bread. Serves two, unless one of you is driving.



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COURTHOUSE CUISINE

by John E. Brown and Elaine Pullaro

An Occasional Series about Places to Eat in Downtown Riverside

Habitué of downtown justice centers, let alone gourmands, as a rule, do not typically expect to find an inspiring variety of dining experiences surrounding state and federal courthouse complexes. Downtown Riverside's Justice Center and its nearby restaurants may be the exception to that rule. Casual and fine dining opportunities, embracing a variety of cuisines, including California eclectic, Mexican, Italian and even traditional pub food of the British Isles, can be found within blocks of Riverside County's historic downtown courthouse.

If, between jury trials, you are looking for an eclectic menu served in a tranquil and historic downtown setting, look no further than City Cuisine. Tucked away in the glass-covered atrium at the Riverside Art Museum, City Cuisine offers an unusual array of salads and sandwiches that are generally presented as beautifully as the artworks adorning the museum walls. Although the luncheon menu may not be extensive, it is loaded with flavorful combinations such as Zesty Tuna Salad, with wasabi mayonnaise, Chinese Sesame Chicken Salad, and the standout "Nice Breast" Chicken Sandwich, with sweet onion marmalade and bleu cheese dressing. Also, the "Freedom Chicken" Sandwich, with smoked gouda cheese, avocado and sweet onions, is reported to be a noontime favorite dish of some of our more adventuresome judges. You can expect to find at this quaint little restaurant top-quality fresh food, beautifully presented in a local architectural gem. If your calendar has been cleared, complete your meal with one of City Cuisine's homemade desserts. (City Cuisine, (951) 682-9566, 3425 Mission Inn Avenue, downtown at Riverside Art Museum.)

Those needing to grab a quick homemade lunch at a reasonable price might want to duck into De Matteo's, just kitty-corner from downtown's historic courthouse. The regular luncheon includes Italian pizza, pasta, salads and sandwiches. Portions will not disappoint those needing to return to wage afternoon legal battles. The meatball sandwiches are good but messy; be sure to watch your business suits. De Matteo's also has an express lunch menu. The restaurant is small and has a small number of tables; the noise level generally ensures no one will overhear client communications. Because everything is made from scratch, it can take time for your pizza to be prepared, but it's worth the wait! (De Matteo's, (951) 684-5500, 3761 Tenth Street.)

For those seeking to drown their legal sorrows in the solace of sports and food, Lake Alice Trading Co. is downtown's largest and longest operating sports bar, with

pool tables, darts, video games and big screen TVs. There is a game room upstairs and a stage featuring live entertainment on weekends. Lake Alice has a casual, relaxed atmosphere; you order at the counter and a server brings your food to your table. The menu offers a variety of munchies, sandwiches, salads and dinners, and boasts Riverside's best burgers. There is also an express lunch menu. The food is good and the service prompt. There is a full-service bar, so this is a good place to meet friends for a drink after work or to celebrate that particularly noteworthy legal victory. (Lake Alice Trading Co., (951) 686-7343, 3630 1/2 University Avenue.)

The Mission Inn with its several restaurants is, of course, a favorite destination dining spot for diners from far and wide. It is within a short five-block walk from our federal courts downtown. The magnificent greenery, the historic antiques and the unique and beautiful architecture, combined with excellent food, make it an especially fitting place to celebrate that very special jury verdict.

The Mission Inn Restaurant, the Inn's main dining room, features beautiful Spanish décor, complete with spectacular tiling, while the outdoor garden courtyard affords you alfresco dining with all of the splendor that the Mission Inn has to offer.

The menu is eclectic and features a variety of sandwiches and salads, as well as pasta, fish, beef and chicken dishes. One should not dine here without trying the Asian-Style Skirt Steak, the Penne Gorgonzola with wild mushrooms, the Beef Tenderloin Tips with pecans in a red wine-mustard sauce or the Luau Salmon Burger. (Mission Inn Restaurant, (951) 341-6767, 3649 Mission Inn Avenue, located in the Mission Inn.)

If the weather is nice, the patio at the Mission Square Café is a lovely place to have lunch. The food is good and reasonably priced. They serve breakfast until 10:30 a.m. and offer a variety of lunch items, from soups and salads to sandwiches, both hot and cold, and a selection of side dishes (fruit, vegetables, macaroni salad, potato salad, pasta salad, jello). For a quick lunch, they have a refrigerator case with ready-made salads, desserts and drinks. Their smoothies are rich and thick. The restaurant is quaint and clean and conducive to a working lunch. The service is very good. (Mission Square Café, (951) 683-0278, 3750 University Avenue, Suite M.)

Hidden away in downtown Riverside is the Pacific Café. With simple yet elegant black and white décor and colorful marine pictures adorning the walls, the Pacific Café features first-rate sushi as well as delicious, classic yet contempo-



rarely-infused Japanese dishes that are as beautiful to look at as they are good to eat.

The key to good sushi is the freshness of the fish; here, the owner selects it daily. Favorite dinner plates include the Fried Oysters, Chicken Pacific, Halibut a la Café, stuffed with scallops and mushrooms and baked with a cheese sauce, and Beef Sukiyaki. They also have some great Japanese dinner combination plates, so your choices are endless. (Pacific Café & Sushi, (951) 782-0888, 3770 Ninth Street, downtown near City Hall.)

Opened only this past October, the Royal Falconer is as close as you can get to an English pub without traveling to England. The long and narrow restaurant/pub is decked out with wooden floors and walls festooned with European-style paintings and beer signs. The obligatory dartboard is also available. The bar has all of your favorite spirits and also features ten beers and two ciders on tap. The menu specializes in English fare such as Bangers and Mash, Shepherd's Pie, Cornish Pasty and Scotch Eggs (hard-boiled eggs wrapped in sausage and fried). These items are all good; however, the crisp lavosh cracker bread covered with jack cheese and choice of toppings, the spicy and very tasty Chicken Curry and the Royal Tips are the odds-on favorites. Be prepared for a loud but fun dining experience. (The Royal Falconer, (951) 686-4281, 4281 Main Street, downtown near the Justice Center.)

John E. Brown, a member of the Bar Publications Committee, is a partner with the law firm of Best Best & Krieger LLP and chairs the firm's Municipal Law Practice Group. He is a public lawyer specializing in municipal, redevelopment and school law. Elaine Pullaro is his legal secretary.



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MEDIATION MUSINGS

by Terry Bridges

As a trial lawyer, for a number of years I have always thought that my highest duties have been prioritized as follows: First, if at all possible, keep my clients out of the arena of uncertainty and chance, i.e., the courtroom. Second, reach a resolution as soon and as inexpensively as possible. Third, if practical, attempt to allow parties who have a business or other relationship to continue to maintain the relationship.

As part of my commitment to resolving business disputes, for a number of years I have had the pleasure of occasionally mediating employment and other related lawsuits.

I have recently given some thought to how I could be more effective as a mediator. This process allowed me to seek the advice of several respected colleagues in order to gain their input as to what works or does not work for them.

I am pleased to share the following synthesis of my introspections and conversations in the hope that it may be of assistance to counsel, parties and neutrals involved in the mediation process:

1. Be Yourself. It is always impressive and stimulating to listen to and watch some of the masters in any field. As when watching demonstrations by extremely qualified trial lawyers, however, likewise when watching mediators – the fact of the matter is that we cannot successfully imitate the masters. Inevitably, attempts to imitate will backfire. Instead of trying to adopt suggestions from successful mediators wholesale, we need to take the best that we can from them, then adjust it to our particular abilities and personalities. This practice will enable the mediator to have a consistent approach throughout the entirety of the mediation proceedings.

2. Awareness of Weaknesses. Each of us has various weaknesses that detract from the effectiveness of our ability to successfully resolve matters. I become impatient and too anxious to “cut to the chase.” The fact of the matter is that “that’s life” in the mediation field.

If we are aware of our weaknesses, it is much easier to be sensitive to the barriers that those weaknesses create and to attempt to avoid them.

3. Dealing Directly with the Parties. Sometimes, statements or positions put forth by attorneys appear to be inconsistent with the positions or desires of their clients. I think it is important during the mediation process, while remaining sensitive to the attorney-client relationship, to establish and maintain direct contact and conversation with the parties. The parties need to not only be, but also feel, that they are part of the process. Direct contact greatly helps to fulfill this need.

4. Ascertaining the Parties’ Goals. So often, there is a hidden key to resolution. It has been helpful for me, during the early stages of the process and within the context of a confidential breakout session, to discover the ultimate goals of each party. Once discovered, these goals should be kept closely in mind throughout the process.

Not surprisingly, oftentimes important goals are non-financial. Sometimes a matter can be resolved, in part, by using an intangible letter of appreciation in an employment case, a renegotiated lease in a real property dispute, a revised contract in a contractual issue, a structured payment schedule, consideration of tax benefits, or sometimes a simple apology and handshake.

5. Eye Openers. Too often, mediation counsel and clients draw inflexible lines in the sand. I have found that two techniques are helpful to help melt the initial iceberg.

First, rather early in the proceedings, I ask counsel, in the presence of the client, to explain what he or she considers to be the three weakest parts of the case. This focuses counsel and the client on the inherent risks.

Second, I ask counsel, again in the presence of the client, to construct a litigation budget from the time of mediation through trial and to add a contingency for appeal. This often brings a sense of reality to the client and will hopefully enable both counsel and client to better evaluate the case on a cost/benefit or business-judgment basis.

6. Stop, Look and Listen. For the most part, mediators are current or former trial lawyers. As such, we are marked with an adversarial stamp. In addition, there seems to be a genetic defect in all trial lawyers that precludes us from listening carefully. We need to shed both acquired and inborn negative traits during the mediation process. If we “stop, look and listen,” we will be able to more accurately discern the true settlement positions of the parties by observing body language, listening to voice tones and being more fully aware of nuanced statements.

7. Humor as a Tool. Unfortunately, oftentimes the parties or counsel appear to be in either somber, angry or other emotional states that are not conducive to the forward motion of the process.

To the extent that the opportunity presents itself, injection of appropriate humor into the process by the mediator can sometimes lower the tension thermometer and create a more relaxed atmosphere for more positive discussion.

8. Don't Give Up – Follow Up. As a consumer of mediation, I have sometimes been frustrated, as have my clients, when the mediator essentially “gives up” at the end of an unsuccessful initial session. This is a mistake.

If the initial session is unsuccessful and must be terminated, it should be viewed not as a failure, but as simply a stage in the process. One of the most impressive and appreciated traits that I see in respected mediators is in those individuals whom I call “closers.” These individuals will place follow-up calls to counsel at appropriate times, with suggestions and perhaps new and additional thoughts that have occurred to the mediator subsequent to the initial session.

In my practice, when I am unable to successfully resolve a mediation, I explain to the parties that I will continue to remain in contact until both sides have told me that they do not wish to discuss the matter further. Open lines of communication are advanced by giving the individuals your cell phone or home phone number, and informing the parties that there will be no charge for the follow-up conferences.

Finally, in the event that the parties are unable to reach resolution during the first session, oftentimes emotional and/or position lines have been intractably established. At that time, I believe it is helpful for the mediator to spend time with each side in an attempt to wind things down so that the parties leave with as little anger and intransigence as possible.

9. Treating the Parties and Counsel with Dignity. It is extremely important to be sensitive to the fact that the parties and, too often, counsel are heavily emotionally invested in their respective positions. Setting a proper tone by treating the parties and counsel with the utmost respect, professionalism and dignity goes a long way toward opening up the entire process and softening positions that might have been considered to be inflexible when the process began.

10. Keeping the Confidence. If a wide settlement gap exists, counsel will often reserve key points, to be divulged only in the event that the gap starts to close. In order to keep the judge's confidence, many counsel will explain the

“cards” they are holding to the mediator, with a request that the information be kept entirely confidential.

In such cases, mediators owe the highest duty to retain the information in strictest confidence.

On the other hand, some settlement leverage can be gained if, with counsel's permission, the mediator is allowed to communicate to the other side that he or she has received confidential information which, in the opinion of the mediator, should have some significant effect on the value of the case. Such an approach may open the door to either further discussions or a closing in the event that the mediator is of the opinion that disclosure will in fact resolve the matter, or it may add further credibility to a subsequent mediator's written recommendation.

11. Mediators Are Not Legal Advisors. If we see legal strengths or weaknesses in a case we mediate, we are often tempted to ask counsel if they are aware of such applicable principles. Oftentimes, they are not. As a general matter, it appears to me to be dangerous for a mediator to suggest to a party perceived legal weaknesses when that ironically might allow the litigant to cure or otherwise address such weaknesses. We should avoid such temptation at all costs, unless the mediator first clears his or her ability to communicate such opinion to the opposing side.

12. Narrowing the Gap. Recently, I was involved with a mediation handled by a very experienced and successful mediator whom I respect greatly. Unfortunately, early in the proceedings, a successful resolution appeared unlikely in light of a huge gap. Rather than terminate the session, the mediator asked both sides to submit to him a confidential range of their negotiating expectations. Specifically, plaintiff was asked to provide a figure in writing to the mediator which reflected his willingness to negotiate “if defense counsel starts talking in the vicinity of _____.” As defense counsel, I was asked to do the same.

After reviewing the respective confidential figures, the mediator was able to report back to both sides that he believed both sides were “in the ballpark.” The mediation continued and was ultimately resolved by acceptance of the mediator's recommendation, as discussed below.

13. Confirming Confidentiality. I am surprised at the number of occasions when mediators do not require the parties to sign a form acknowledgment of confidentiality. Unfortunately, it is not uncommon for a party to an unsuccessful mediation to attempt to use statements that were made in the mediation process in subsequent court proceedings. Of course, any such attempt is prohibited by Evidence Code section 1119.

In order to prevent the abuse of the confidential nature of the proceedings, mediators should remember to remind counsel and the parties about confidentiality and to require

their signatures to an appropriate acknowledgment form. Copies should be provided to the parties and their counsel.

14. Mediator's Recommendation. I am a big fan of a mediator's recommendation. However, it should be saved until after the "closing process" has been unsuccessful. At that point, rather than abandoning resolution efforts, we have a golden opportunity to allow the parties to step back for several days and review, consider and discuss a written mediator's proposal. More often than not, this has a very sobering effect and, in my experience, has proven to be a very successful tool.

15. Mini-Trial. We tend to forget the possibility of the mini-trial in order to obtain a jury "read" of the case.

Of course, there are many inherent logistical problems, but they can be easily accommodated by either a cooperating presiding judge or the use of a hotel. I have been involved in both venues and prefer the very sobering effect of presenting the case in an actual courtroom with a panel of nine jurors who are actually called from the jury assembly pool.¹

16. Thank-You's. We so often close a file and move on to the next challenge without the appropriate telephone call or letter to opposing counsel thanking him or her for what hopefully has been a pleasant working relationship. Besides providing the common courtesy of a thank-you note, it also serves to apprise the parties to the process that the mediator regretfully feels that the matter cannot be resolved. On occasion, this has had a sobering effect on one or more of the parties, resulting in a call inquiring as to whether the process might be reopened.

17. Feedback. I have been very impressed with the rare trial judge who hands out anonymous feedback forms after the jury has returned a verdict. As mediators, we should consider taking advantage of this process so we could obtain honest and constructive criticism, thereby increasing the chances of a successful mediation in the future.

18. Conclusion. I hope these suggestions will be helpful. They certainly contributed to a renewed commitment on my part to improve my abilities as a mediator.

Terry Bridges is a past president of the Riverside County Bar Association and a member of the RCBA Dispute Resolution Service. He is with the law firm of Reid & Hellyer in Riverside.



¹ See "Court-Ordered Mini-Trial with Advisory Verdict," California Litigation, Spring/Summer 1996.

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The Hidden Vintner

(continued from page 12)

at the winery is offered for those interested in the next level: small commercial enterprises. The cost is only about \$75. Beginning classes are planned for the near future. You can contact Karl Wichmann at (951) 779-9971 or drop by the Riverside store located at 1506 Columbia Avenue, Suite 12. You can also check them out on the web at www.MoreBeer.com.

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Michael Bazzo, co-editor of the Riverside Lawyer magazine, is an attorney with Bonne Bridges Mueller O'Keefe & Nichols in Riverside.



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