

# RIVERSIDE LAWYER

January 2008 • Volume 58 Number 1

MAGAZINE

## NEW YEAR'S RESOLUTIONS

- Plan for disaster
- Figure out what makes me happy
- Strive for change daily
- Take time for mental health



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# RIVERSIDE LAWYER

MAGAZINE

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# 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 6<sup>th</sup> 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

## JANUARY

- 25 CLE Brown Bag Series “Ethics Marathon”**  
RCBA 3rd Floor – 11:45 a.m. to 2 p.m.  
(MCLE – 2 hrs Ethics)
- 29 Family Law Section “Elimination of Bias”**  
RCBA 3rd Floor – Noon  
(MCLE)
- 30 IE/FBA “Bias: The Seven Deadly Dilemmas of Diversity”**  
Federal Court – Noon to 1:30 p.m.  
(MCLE)

## FEBRUARY

- 1 Mock Trial Orientation Training**  
RCBA 3rd Floor – Noon  
(MCLE)
- 4 CLE Committee**  
RCBA 3rd Floor – Noon  
(MCLE)
- 5 Environmental Law Section “Implications of the Rapon Decision on Wetlands and Clean Water Act”**  
At Gresham Savage Nolan & Tilden, San Bdn – Noon  
(MCLE)
- 6 Bar Publications Committee**  
RCBA – Noon
- Mock Trial Competition, Round 1**  
Regional areas – 6pm
- 12 Holiday**
- 13 Mock Trial Steering Committee**  
RCBA – Noon
- Barristers “Starting Your Own Law Practice”**  
Cask ‘n Cleaver – 6 p.m.  
(MCLE)
- 14 Criminal Law Section**  
RCBA 3rd Floor – Noon  
(MCLE)
- 15 General Membership Meeting**  
RCBA 3rd Floor – Noon  
(MCLE)
- 18 RCBA 5th Annual Golf Tournament**  
Canyon Crest Country Club  
8:00 a.m. to 4:00 p.m.





by *Daniel Hantman*

On December 3, 2007, 25 new attorneys attended our annual State Bar of California Admission Ceremony, held in Department 1 of the historic Riverside Superior Court. More than 100 family members, friends and supporters were there to witness this final step in becoming an attorney. I'm sure that we can all remember this life-changing event after taking the bar exam and receiving notice of passing.

Presiding Justice Manuel A. Ramirez of our State of California Court of Appeal, Fourth Appellate District, Division Two, presided over the program. At the beginning, he greeted all of those in the room; he requested that the family members of the new admittees stand, and he expressed the gratitude that was due them for their many contributions to the new admittees' successful completion of their journey to become attorneys. They received a loud and long round of applause. Justice Ramirez spoke eloquently about what the new admittees could do for our legal profession.

Associate Justice Jeffrey King gave the keynote speech and talked about the new admittees assuming a "position of power." He spoke eloquently about the new admittees' role in our legal profession and about how to become outstanding lawyers in whichever field they choose. "With the stroke of a pen," he said, lawyers could make a tremendous difference in peoples' lives.

John Holcomb, Federal Bar Association President, Inland Empire Chapter, spoke next about the new admittees being "foot soldiers of democracy." The history of our nation and events throughout the world, he

said, show what lawyers can accomplish in bringing resolution to the challenges every generation faces. He spoke about contributing to our communities, and specifically mentioned our Elves Program and the high schools' February 2008 Mock Trial competition.

Bill Shapiro spoke on behalf of the San Bernardino Bar Association. He is a trial attorney extraordinaire. He challenged and entertained the gathering with his presentation on the legal profession's core values and contributions to the community as a whole. He indicated that we should make no apologies for taking sides with clients and causes that promote our legal responsibilities.

I spoke next on behalf of the Riverside County Bar Association. I invited the new admittees to join the local bar associations wherever they start their practices. This would provide opportunities for them to meet other attorneys, as well as the judicial officers who would be involved in their clients' cases. For the challenges they would continually encounter, I quoted the "Serenity Prayer": "God grant me serenity to accept the things I cannot change, the courage to change the things I can change and the wisdom to know the difference."

Our next speaker was Carmen Ramirez, our District 6 representative to the State Bar Board of Governors. District 6 includes Riverside, San Bernardino, San Luis Obispo, Santa Barbara and Ventura Counties. Carmen spoke about the work of the State Bar in providing services to local bar associations and the opportunities for individual attorneys to become involved in State Bar committees. (The December 2007 California Bar Journal invited attorneys interested in applying for one of almost 200 openings on 10 standing committees, 16 section executive committees and 15 special committees, boards and commissions to visit the Bar's website, [calbar.ca.gov](http://calbar.ca.gov), for application information.)

James Aguirre, of the State Bar Committee of Bar Examiners, was the last speaker. He spoke of "making a difference" in our "service profession," to see that justice is served. He cautioned the new admittees not to appear to be in our profession for "how much money you can make," but rather to work for just and fair results in everything they do.

Next was roll call! Associate Justice Bart Gaut, in his most "serious-humorous" style, called upon each individual admittee to explain some "simple" legal term, such as the "rule against perpetuities" or

a Latin legal phrase, “Justitia rei publicae fundamentum” (justice is the foundation of the republic). He jokingly characterized his inquiries as required for being admitted as new attorneys. He and many of the new admittees’ exchanges evoked repeated rounds of laughter from those in attendance.

Everyone applauded the new admittees after Presiding Justice Ramirez administered the oath of their new position. Everyone is invited to attend this annual ceremony and renew their support of our legal community.

The December 2007 California Bar Journal reported that 4,571 of the 8,151 applicants who took the July 2007 bar exam passed. The State Bar membership now totals 212,008, with 157,766 active members.

We on the RCBA Board continue to serve you and encourage you to join us at our different activities. We invite you to contact us with your ideas, questions and successes.

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*Dan Hantman, president of the Riverside County Bar Association, is a sole practitioner in Riverside.*



## HUMOR COLUMN

An older woman gets pulled over for speeding . . . .

Older Woman: Is there a problem, officer?

Officer: Ma'am, you were speeding.

Older Woman: Oh, I see.

Officer: Can I see your license, please?

Older Woman: I'd give it to you, but I don't have one.

Officer: Don't have one?

Older Woman: Lost it four years ago, for drunk driving.

Officer: I see . . . . Can I see your vehicle registration papers, please?

Older Woman: I can't do that.

Officer: Why not?

Older Woman: I stole this car.

Officer: Stole it?

Older Woman: Yes, and I killed and hacked up the owner.

Officer: You what?

Older Woman: His body parts are in plastic bags in the trunk, if you want to see.

The officer looks at the woman and slowly backs away to his car and calls for backup. Within minutes, five police cars circle the car. A senior officer slowly approaches the car, clasp his half-drawn gun.

Officer 2: Ma'am, could you step out of your vehicle please!

The woman steps out of her vehicle.

Older Woman: Is there a problem, sir?

Officer 2: One of my officers told me that you have stolen this car and murdered the owner.

Older Woman: Murdered the owner?

Officer 2: Yes, could you please open the trunk of your car, please.

The woman opens the trunk, revealing nothing but an empty trunk.

Officer 2: Is this your car, ma'am?

Older Woman: Yes, here are the registration papers.

The officer is quite stunned.

Officer 2: One of my officers claims that you do not have a driver's license.

The woman digs into her handbag and pulls out a clutch purse and hands it to the officer. The officer examines the license. He looks quite puzzled.

Officer 2: Thank you ma'am. One of my officers told me that you didn't have a license, you stole this car, and you murdered and hacked up the owner.

Older Woman: Bet the liar told you I was speeding, too.



# DISASTER PLANNING: PROTECTING YOUR FIRM, YOUR CLIENTS AND YOUR FAMILY

*by Patricia Yevics*

Here is a short quiz for all practitioners (*especially* solo and small-firm practitioners) to determine your DPQ – Disaster Preparedness Quotient.

1. If all of the computers in your office were stolen over the weekend, do you have all the serial numbers of the equipment, the original cost of the equipment, the value of the equipment and the ability to recreate all of the data on the computers?
2. If your office was completely destroyed by fire, how long would it take you to contact all of your clients, recreate all your computer data, contact your insurance company, process invoices, contact opposing counsel and generally get back to business? Who is responsible for performing some of these functions?
3. If you had a heart attack tonight, are your files organized so that someone could pick up your caseload without the clients suffering any disadvantage?
4. If you suddenly could not come into the office on Monday, have you designated the person who could pick up your caseload? Even if you have a partner, how much does he/she really know about your caseload?
5. If you were unable to come into the office for a few days or weeks, could anyone actually find anything on your desk or in your files?
6. If your secretary/legal assistant/bookkeeper suddenly decided he/she would rather spend his/her days drinking Piña Coladas on some tropical island, do you know his/her filing system so that you can find information in his/her desk or in his/her computer?
7. If you have a partner/associate, and if he/she was suddenly disabled, do you or does someone in your office know his/her schedule for the next three months? Do you or does someone in your office know the status of all matters in your office?
8. If you or a partner in your firm were disabled for an extended period of time, will you be able to draw a salary? If so, how much and for how long? If you are a solo practitioner and the only rainmaker, how will expenses of the firm be paid while you are out and unable to make rain?
9. If you were to die or be completely unable to return to work, what would your desk/client files/office organization say about you to anyone who would have to step in to assume responsibility? Is this the way you want to be remembered?

If you were unable to answer all of these questions as quickly or as adequately as you would like, then you need to do some planning.

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Regardless of the size of your firm or practice, you need to create an easy-to-implement plan that would assist you or anyone in your office if there were a disaster. The plan *must be in writing*, even if it is only two or three pages in length. The plan must be distributed to and reviewed by all employees and some family members if necessary.

There are so many issues to be addressed when planning for a disaster, it may be difficult to know where to begin. If we break down the process into easy and manageable parts and tasks, we can begin to create a workable disaster plan. Keep in mind that the plan that you will create will plan for some worst-case scenarios.

For the sake of this article, there are three types of disasters for which we will begin to create a plan:

- Damage to your physical surroundings, such as a fire or theft.
- An event that would cause a partner, associate or other key employee (you will determine who is a key employee) to be unable to work, either temporarily or permanently.
- An event that would cause you to be unable to work, either temporarily or permanently.

## Getting Started

Regardless of the type of problem that could occur, quick access to certain types of accurate information is

essential. Below is a brief list of information that you and others in your office should have at their fingertips. This information should be updated regularly and copies should be kept at your home and the homes of key employees, should a problem occur.

- Name, address and social security number of you and your partners.
- Name, address and phone number of all employees.
- Federal and state employer ID number.
- Name, address and phone number of landlord, building owner or maintenance company.
- Name, address and phone number of your personal representative, attorney, accountant, physician, and other attorney designated to assist with your practice.
- Location of your will and/or trust.
- If applicable, professional corporation information.
- Name, address, phone number, policy number, and contact persons for all insurance policies, including property, malpractice liability, general liability, valuable paper, errors and omissions, health insurance, life insurance, workers' compensation, and disability.
- Location, box number, and where to locate key to safe deposit boxes.



- List of contents of safe deposit boxes and signatory information.
- List of all leased equipment, including name, address and phone number of lessors and expiration dates.
- Name, address, phone number, account number, and signatory information on all business financial accounts.

## Damage to Your Property

If your office were destroyed by fire or your office equipment were stolen, one of the first steps you would have to take would be to determine the extent of your loss. How quickly and accurately could you list everything in your office? If you cannot tell someone exactly what is in your office and what needs to be replaced, then you need to have an accurate inventory.

Assign someone in your office the responsibility for taking a complete inventory and a reasonable timetable for completion. Depending on the size of your office, this can take anywhere from one week to one month. Once you have made this assignment, mark on your calendar the date for completion, and review it on or near that date. Make any changes that are necessary. The inventory should include the following information:

- All computer hardware, including location, serial number, original price (if known), purchase date (if known), and original vendor (if known)
- All software, including serial number, original price (if known), purchase date (if known), and original vendor (if known).
- All library contents and subscriptions.
- All other office equipment, including fax machines, photocopiers, dictation equipment, and telephone equipment. Where possible, include serial numbers, original prices, purchase dates and vendors.

This information should be updated each time a new piece of equipment is added or discarded. If you have not done so, make certain that you begin to keep information on purchase date, price and vendor. You should also have information on all maintenance contracts for equipment in your office. Once this information has been completed, it should be kept offsite. Remember to update the offsite list when you make additions or deletions.

Other items that need to be considered in case your office is damaged are:

- How soon can you replace computer equipment that has been destroyed or stolen? How will you pay for the equipment until an insurance settlement is made?



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- Keep a list of computer vendors, furniture vendors, and telephone vendors in case you need to contact them quickly for replacement equipment. If you could not replace all of your equipment immediately, have the numbers of some companies that rent equipment.
  - Are your computers backed up daily and are the tapes taken offsite?
  - Are you absolutely certain that you can restore your data from your current backup tapes?
  - Do you actually know how to restore data from your tapes? If you have never restored data from a backup tape, do you have someone you can call immediately to assist you? I recommend that sometime this week, you actually attempt to restore data from your backup tapes. If you are able to restore the data, you are doing very well. (I would love to hear from practitioners who actually attempt to restore the data and the results.)

Keep a copy of your Rolodex in an offsite location. I have three copies of my entire Rolodex. I have one on my computer in my office, a hard copy of my computer Rolodex in my briefcase and a copy on my computer at home. I update the two offsite copies monthly to account for additions I make to my office Rolodex.

You should also determine who will be responsible for contacting insurance companies and vendors should your office be damaged. You also need to determine what would need to be done if the damage prevented you from performing your client work for any amount of time. How would you contact clients, opposing counsel, and the courts (if applicable)? Each person should have at least two accurate calendars. One of the calendars should always be offsite.

Do you have a copy of your client list, and could you access it quickly after a disaster? If the answer is no, what do you need to do to make certain that you have this information?

These are some of the most important issues that must be considered if your office is damaged. In the next 30 days, begin to

take steps to assemble this information and to create a simple plan of what is to be done in case of this type of emergency.

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*Patricia Yevics is the Director for the Law Office Management Assistance department of the Maryland State Bar Association.*

*If you would like a worksheet to assist you in accumulating and storing this information, or checklists to assist you in taking inventories, please call Pat Yevics at (410) 685-7878 or (800) 492-1964, ext. 243, or email your request to [pyevics@msba.org](mailto:pyevics@msba.org). Please leave your name, address and phone number and they will be mailed to you. If you email your request, they will be sent via email as an attachment.*



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# LAW AND THE ART OF MOTORCYCLE MAINTENANCE

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*by Richard D. Ackerman*

Our profession poses one of the highest risks of alcoholism and drug dependency of any profession. We face high divorce rates and, according to studies, there is a high statistical likelihood that many of us will sincerely regret ever having become lawyers. The idea of avoiding burnout as a lawyer is probably a frequent, but ignored, thought that occurs to most of us. This is an issue that came up during a recent MCLE Committee meeting, where we were discussing the types of topics that we might hit brand-new attorneys with at the RCBA Bridging the Gap program.

As someone who almost quit the practice of law altogether about seven years ago, I thought that I might be able to shed some light on the issue. For me, it got to a point where I was perfectly willing to go back to waiting tables at a Denny's restaurant, as I had done during college. Anything seemed better than practicing law and simply trying to make a buck. This was even after growing up on welfare with a blind and mentally ill parent, starting out as a janitor in a law office when I was 15, and working my way through law school. Money, in and of itself, is not nearly as satisfying as most claim.

What got me back into practicing law and feeling energized again was a simple email from a friend. That email said something like, "Hey Rich. Do you know any young lawyers interested in practicing constitutional law full-time? It doesn't pay much, though." Given that I was probably days away from waiting tables again, this didn't seem like such a bad idea. About a month later, I was working for the United States Justice Foundation, doing what was billed as "conservative" constitutional law, and I was completely energized, while receiving only about two-thirds of the money I was making before. I was on the O'Reilly Factor several times, garnered national attention from hundreds of media outlets, and had a piece of nearly every significant constitutional issue faced by our generation. I felt really good as a lawyer.

More importance was to be found in the people and the issues I met doing basic pro bono work. First, there was Maryanne, the mentally ill and homeless woman, who needed help with the Social Security Administration, plus a little bit of food. Then there was Ed, the senior citizen, who has literally trusted me with his life, because he has no other immediate family. Then there were the hundreds of minority students we helped when a huge school

district tried to take money away from them. The money was intended to equalize the educational playing field for these kids.

For the first time in over 10 years in the legal field, I didn't feel burned out and actually enjoyed the practice of law. Handling regular briefing before the U.S. Supreme Court, the Ninth Circuit, and local appellate courts was pretty exciting, as well. I was lead counsel in matters involving the First Amendment, the California electricity crisis, and the Gray Davis recall, and I argued several matters that resulted in published opinions. I also drafted and sponsored legislation that has forever changed the Evidence Code and Government Code. For once, I was making a difference by, oddly enough, giving more of myself and enjoying the basic humanity of those around me.

I think that we often forget that there is a reason we are called to be attorneys. Whether the calling comes from our Maker or, for some others, by natural selection, the reality is that we are who we are, and we have ended up becoming lawyers. More importantly, this calling evidences our unique gifts and talents on loan from our Maker or another powerful cause outside of ourselves. It is a highly overrated idea to think that we completely create ourselves and have "become" the great lawyers we think we are.

Frankly, I think that we get burned out by failing to use our natural gifts and talents to their fullest potential. It is all too easy to think that we are "someone" because we had 60 or 70 billable hours for the week, or because we beat the heck out of some other lawyer. In reality, the only accomplishment that comes from these little victories is a whole lot of stress, frustration, and a relatively few bucks. Moreover, most of our time is spent chasing money for ourselves or for our clients. No judgment is ever enough for most clients, and no amount of money from billable hours will replace the lost smiles, hugs, and love from our families.

Some of us justify the long hours by believing that all of this time and effort lost to fighting in the courts and with each other is actually *for* our families. Trust me – the happiest and most free people on Earth are, arguably, the absolute poorest. They don't have anything left to lose except their families, faith and hope. Because these

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things are what they have, they value them and make the best of life.

One of my favorite books of all time is *Viktor E. Frankl's Psychotherapy & Existentialism: Selected Papers on Logotherapy*. In this work, Frankl speaks of the Jewish Holocaust victims who were surrounded by nothing other than the death and destruction of all things valuable to them (family, friends, life itself). Even so, the survivors were able to find sincere happiness, joy, and solace with each other in the concentration camps. Through faith and hope, and simply being themselves, they found friendship, joy and laughter even in the utmost darkness that any human could face. These people were true heroes. Yet, all the while, the rest of us face clients who divorce just because "we can't get along," or we have the business client willing to put his or her former partner under "because of the principle of it." No wonder we're often burned out.

With all of this said, I have gone back into the private practice of law. I'm making a lot more money than I did at the nonprofit foundation, and I've got a great wife and four kids to provide for. As one colleague put it recently, "I work so that others don't have to." While I've come to the reality that providing for my family costs a lot and requires lots of billable work, I have not given up on finding a real purpose in the practice of law.

My firm provides assistance for women in crisis pregnancies, we've found homes for three babies whose mothers could not provide for them in just the last couple of years, and we continue to shape the legal landscape in areas of the First Amendment, education and government. We're working on a once-a-month legal clinic for victims of domestic violence in Southwest Riverside County and other projects that not only help others, but make constant burnout but a distant memory. While many of my public-interest cases have enjoyed widespread media attention, it is the clients no one hears about that I value most. They are the ones who relight the candle every time it comes close to burning out.

In keeping with the inspiration for the title of this article, the best advice that I can give to any colleague facing burnout is rather simple. Take charge of your schedule and finances so that you can find a client or litigant you can love helping, even if they will never pay you with anything other than an appreciative nod, a hug, or a smile. If you want to avoid burnout, find an issue that you cared about when you were still an idealistic law student and pursue it. Serve justice for the unrepresented by acting as a temporary judge, as a mediator for Dispute Resolution Service, or as a volunteer for the Public Service Law Corporation. This work takes just few hours a month. Keep your spirit healthy and love your family and friends.

The idealism that keeps students coming to our nation's law schools doesn't need to be merely a gross form of misleading advertising. If you want to avoid the drudgery of the billable hour, do something that will make you smile by the hour instead.

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*Rich Ackerman is the managing partner of Ackerman, Cowles & Lindsley. The firm practices in the areas of appellate law, business law, and family law. He regularly serves as a temporary judge for the Riverside County Superior Court. He also served as a philosophy instructor for Santa Ana College and Santiago Canyon College for approximately 10 years. Information on the inspiration for the title of this article can be found at [http://www.wikipedia.org/wiki/Zen\\_and\\_the\\_Art\\_of\\_Motorcycle\\_Maintenance](http://www.wikipedia.org/wiki/Zen_and_the_Art_of_Motorcycle_Maintenance).*



*by Patrick MacAfee, Ph.D., M.F.T.*

**A**s we head into the New Year, I think it is safe to say that, as with many new beginnings, our thoughts of fresh starts, change for the better and plans for leaving behind discarded pieces of old ways are accompanied by a great sense of hope and a bit of trepidation. Hence our history of making New Year's resolutions.

I think it is also safe to say that all resolutions are attempts to correct, to make better, to improve . . . to end something and/or to start anew. For those individuals and families struggling with substance abuse problems, this is ever so true. Now is a fine time to begin looking at dealing with this dilemma.

The resources for beginning to come to grips with substance abuse are available. Excellent resources for attorneys are the men and women in the Other Bar; contact with them is very supportive and entirely confidential. For family members, Alanon Family Groups are available throughout your community.

In the best of all worlds, resolutions are not attempts to deprive, but rather to enhance. Yet there is a litany of cynical and sardonic writings showing the nature of resolutions as ultimatums, and worst of all, promises!

Merriam-Webster's definition, "The act or process of reducing to a simpler form," seems a good working definition. Oscar Wilde tells us that resolutions are like "cheques that men draw on a bank where they have no account." Pithy, succinct and probably correct more often than not.

However, resolution tied to principles is our best bet – to resolve for today, today alone, to seek a desired change.

Resolutions are important, and knowing where the resources are to sustain the resolve is an imperative.

A resolution points the way to improving a desired condition, but a resolution alone, without the proper support, can also be guilt-producing and confounding; it can add to a sense of failure when not keeping or maintaining desired change. This is especially true in dealing with substance abuse issues.

The spirit of the resolution can be a motivator, not permitting the proposed change to become depleting or bleak or a perfunctory task doomed to failure – again!

Resolution to change can be satisfying, and even surprisingly enjoyable. However, to approach change with a compulsive fervor is a diminution of the inspiration to make fresh starts. To approach with a sense of daily dedication is renewing and energizing.

As we head into the New Year, I suggest small endeavors – that we take no more than three minor, modest changes (or two minor and one large), and put them into action.

Engage in the changes daily, approaching them with a sense of good will, pleasure and humor. On some days, you will fulfill your resolutions; on other

days, you may not completely. Be with them daily, and with or without apparent success, and in short order, the changes become a part of you, and the resolutions are fulfilled. Just don't forget to do them daily, making them simply a part of your day.

The resources for support of these changes are available, and just a phone call away.

Happy New Year and the best of resolutions!

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*Patrick MacAfee, Ph.D., M.F.T., Addiction Specialist for the American Academy of Health Care, Providers in the Addictive Disorders*





# STRESS AND MENTAL HEALTH FOR LAWYERS

by Jason D. Rowden, M.A., and Valerie Valle, M.A.

**The practice of law is inherently stressful.** Lawyers confront a unique set of stressors and challenges on a daily basis, which, coupled with an enormous workload, can take a serious toll on their mental health. According to Robert Stein's 2005 report in the ABA Journal, one out of every four lawyers suffers from stress. Stress can often lead to mental health and behavioral problems such as alcohol misuse, drug misuse, anxiety and depression. Robert Stein's report also found that out of 105 occupations, lawyers rank first in depression. Even more troubling was the finding that a disproportionate number of lawyers commit suicide. The desire to "escape" from stress through the use of drugs and alcohol is prevalent in the legal community. The Commission on Lawyer Assistance Programs estimates that while 10% of the general population has problems with alcohol misuse, anywhere from 15-18% of the lawyer population battles these problems.

**The impact of stress on mental health.** Walter Cannon's early work on stress established the existence of the fight-or-flight response. His work showed that when an animal experiences a shock or perceives a threat, it quickly releases hormones that help it to survive. Fortunately, we do not experience many obvious threats to survival. Modern saber-toothed tigers consist of work overload, conflicting priorities, overchallenging deadlines, conflict with coworkers, unpleasant environments, and so on.

The body, however, is not particularly good at distinguishing between true, life-threatening emergencies and the stresses of modern life. Whether the emergency is real or perceived, the body responds as if it were a life-or-death situation. Long-term activation of the stress response system can have serious consequences for your health. The link between stress and heart disease is well-established. Stress is also associated with mental health problems – in particular, anxiety and depression. However, no matter how clear a connection is made between stress and mental health, this does not change the fact that mental health treatment is oftentimes stigmatized in our society.

## **Some common mental health myths:**

**Myth:** If I have a mental health problem, I should be able to take care of it myself.

**Reality:** Some mental health problems, such as mild depression or anxiety, can be relieved with support, self-help, and proper care. However, if problems or symptoms persist, a person should consult with his or her primary doctor or a qualified mental health professional.

**Myth:** If I have a mental illness, it is a sign of weakness – it's my fault.

**Reality:** Mental illness is not anyone's fault, any more than heart disease or diabetes is a person's fault. Mental illnesses are not a condition that people choose to have or not to have. Mental illnesses are not the result of willful, petulant behavior. Seeking appropriate help is a sign of strength, not weakness.

**Myth:** Mental illnesses are not true medical illnesses. People who have a mental illness are just "crazy."

**Reality:** Mental illnesses, like heart disease and diabetes, are legitimate medical illnesses. Research shows there are genetic and biological causes for psychiatric disorders, and they can be treated effectively.

**Myth:** Depression results from a personality weakness or character flaw and depressed people just need to snap out of it.

**Reality:** Depression has nothing to do with being lazy or weak. It results from changes in brain chemistry or brain function, and can be treated with medication in conjunction with psychotherapy.

**Myth:** Addiction is a lifestyle choice and shows a lack of willpower. People with a substance abuse problem are morally weak or "bad."

**Reality:** Addiction is a disease that generally results from changes in brain chemistry. It has nothing to do with being a "bad" person.

**The benefits of attending to your mental health.** Having debunked some mental health myths, it seems opportune to discuss what mental health is and how to promote it in oneself. Interestingly, former generations had little need of attending to their physical health; gym memberships were a rarity, and the idea of exercising on a regular basis seemed fairly silly, given their active lifestyles. The current paradigm, however, has shifted, and being concerned about one's physical health and exercising are now commonplace.

However, a similar shift has yet to occur with regards to one's mental health. One of the reasons this may be

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has much to do with not having clear ideas of how to do this. Stress is a part of life, and we all do our part to adapt to and cope with it, for better or worse. Our hardwired stress responses seem destined to occur. These facts can be counterproductive, as they do little to reduce stress or promote mental health.

**So, what is mental health?** Psychology has only recently begun addressing this question. Sigmund Freud, when asked by a reporter, defined it as the ability to work and to love. Well, that's a start, but psychology surely has more to contribute. Researchers in the positive psychology field such as Martin E. Seligman have begun looking at this question more thoroughly. Their work indicates that happiness or subjective well-being (SWB) is of great importance to one's mental health.

**SWB has been shown to a great predictor of mental health.** SWB is defined as the ability to experience more positive emotions than negative ones (the pleasurable life), deriving a sense of personal meaning from one's endeavors (the meaningful life), and developing one's strengths/virtues while being able to become fully immersed in what one does (the engaged life).

**Aristotle wrote that happiness is the ultimate end to all that we do.** SWB is becoming the scientific measure of happiness. Those who are interested in building their strengths/virtues, seek positive environments and relationships, and have some greater sense of meaning about what they do and/or what their purpose is are happier people and experience significantly less mental health difficulties.

**Mental health is not just promoting your happiness.** It also has much to do with balance, which is meeting your own personal needs, despite environmental demands. All individuals, across cultures, seem to have the same three basic needs for competence, autonomy, and relatedness, according to Deci and Ryan's Self-Determination Theory.

Feeling a sense of competence is important in one's career, not to mention other facets of one's life. Am I a competent parent,

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husband or wife, partner, etc. are questions one might ask oneself. Feeling as though one's actions are chosen of one's own volition is also important and integral to one's sense of autonomy – am I in this job or relationship because I have to be, or because I want to be? Lastly, feeling as though one has good intimate relationships in one's life is important to one's sense of relatedness. Do you have true friends and/or strong family ties, and do you continually work to make these connections stronger? These three seemingly simple things help promote mental health.

**Working in the legal field can be highly stressful.** Stress is normal and happens regardless of how much we attempt to minimize its influence. It's only natural to get stressed out. At times, stress can lead to personal difficulties, such as depression, anxiety or over-reliance on substances. When this occurs, remember, there are professionals in the mental health field to help. Relying more on friends and family during these times is also important. And if you're interested in decreasing the probability that mental illness will be a problem for you in the future, start setting aside time to work on your mental health today.

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*Jason Rowden, M.A., and Valerie Valle, M.A., are pre-doctoral interns in clinical psychology at the Counseling Center at the University of California, Riverside. Jason's professional interests include positive psychology, existential and Gestalt therapies, and the forwarding of psychological theory. Jason is also a developing artist. Valerie's professional interests include sports psychology and performance enhancement in sports, work and life. Valerie is also a competitive triathlete.*



# JUDICIAL PROFILE: HON. MAC FISHER

by Donna Johnson Thierbach

**H**ow has Riverside been so lucky as to “score” (that’s a clue) such a highly qualified and personable judge as Judge Mac Fisher?

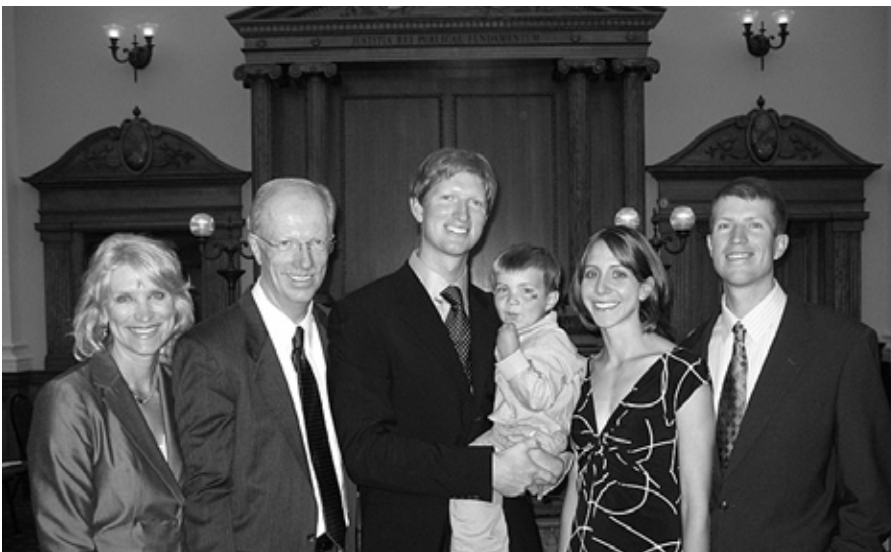
Judge Fisher’s father was in the military and his mother was a homemaker. His father was stationed at Vandenberg Air Force Base when he was born, so his birthplace was Lompoc, California. His family then traveled to the various countries where his father was stationed. His father really liked Lompoc, so when he retired from the service, they settled there. Judge Fisher was eight years old at the time. After high school, he attended Hancock Junior College in Santa Maria. So how did he “wind up” (that’s another clue) in Riverside? He accepted a baseball scholarship to the University of California at Riverside (UCR). That decision must have been a “home run,” because he met his wife at UCR (she graduated in 1977, with a degree in sociology) and never left Riverside.

Judge Fisher majored in political science, and after graduating in 1975, he accepted a job with Burroughs Corporation, selling computers. After two years, he accepted a position with a small company selling minicomputers (though at that time, there was nothing mini about them). The problem was, he knew nothing about data processing, and at this company, he not only had to sell the product, but know the technical end as well. Needless to say, he soon found himself unemployed. Judge Fisher said it was probably the best thing that ever happened to him. He said Burroughs was not far from Southwestern Law School, and when he worked for Burroughs, he often thought about attending. However, he was married, owned a home and had a baby on the way, so it did not seem practical. He

said circumstance, more than anything, led him to law school. He liked political science and history, so when he found himself unemployed, he started attending Western State University; he also got a job at the Cask ‘n’ Cleaver in Riverside, where his wife was working.

Interestingly, Judge Fisher worked at the Cask ‘n’ Cleaver with Judge Doug Weathers, and they both clerked at Rose, Klein & Marias while attending law school. After graduating from Western State, Judge Fisher accepted a position at Thompson & Colegate as a litigator. He said the firm provided outstanding mentoring and training. After three years, he and Judge Weathers formed their own plaintiff’s personal injury firm. Later, they added another partner, Steven Geeting. In 1998, Judge Fisher decided to leave the firm and accepted a position as in-house counsel for State Farm Insurance. This allowed him the freedom to coach baseball for his sons and spend more time with his family.

Judge Fisher and his wife have two sons, now aged 24 and 27. As the boys were growing up, his wife was a stay-at-home mom and spent a lot of time volunteering at the school. She enjoyed working with children, so she earned her teaching credential and has been a teacher for the past 15 years. Their older son, Erik, is a pilot in the Air Force. He flies C17s and is currently serving in Afghanistan. Erik’s wife is a JAG officer; they have one son and another baby on the way. Judge Fisher’s younger son, Kiel, was an excellent baseball player at Riverside Poly High School and was drafted and signed in 2002 as a professional baseball player. However, due to back and shoulder injuries, he is no



Judge Mac Fisher (2nd from left) with his wife Gretchen Fisher, youngest son Kiel Fisher, grandson Andrew Fisher (2), daughter-in-law Capt. Lauren Fisher, USAF, and son Capt. Erik Fisher, USAF

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longer able to play. He is now in his third year at the University of San Diego and plans to attend law school after graduation.

Judge Fisher said that, once his children were grown, he realized he was ready to try something new. He considered Riverside his home and welcomed the opportunity to serve the community, so he applied for a judgeship. He has not been sorry. He has found the work stimulating, and he learns something new every day. Although assigned to a civil courtroom, he has already presided over almost a dozen criminal trials. He said it is pretty much on-the-job training, but the bench has a great mentoring system. Presiding Judge Richard Fields, Assistant Presiding Judge Thomas Cahraman, Judge Weathers and Judge Gary Tranbarger (to mention just a few) have been very supportive and wonderful advisors. Judge Edward Webster, his mentor judge, has been a particularly great source of information and inspiration. He said it would be a very lonely job without the assistance of all the other judges.

Judge Fisher said that in his free time, he and his wife like to spend as much time as possible with their grandson and the rest of their family. They also enjoy movies, travel and golf. Although he does not coach baseball any longer, he remains an avid baseball fan.

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*Donna Johnson Thierbach, a member of the Bar Publications Committee, is currently the Director of the Adult Division of the Riverside County Probation Department.*





# OPPOSING COUNSEL: CHARLES (“CHAD”) BOYLSTON

by Kirsten S. Birkedal

Once you have the opportunity to meet attorney Chad Boylston, you will not be able to forget his warm smile and engaging personality. Perhaps it is a bit of Southern charm that he developed growing up in Virginia. In fact, in order to conduct my interview for the article, I invited Chad to return to the place where his law career began, as a young associate at Thompson & Colegate. When Chad arrived, he was instantly recognized by his former colleagues at the firm. Chad was then peppered with questions about his family, which at the time he worked for T & C included his wife Jennifer and son Flanagan, who was only a newborn. Now Chad and Jennifer are the happy parents of two sons; Flanagan is eight and Tristan is four. Chad’s wife Jennifer currently works as a prosecutor for the district attorney’s office in San Bernardino. Jennifer and Chad live in Highland, close to Jennifer’s extended family.

Unlike his wife, Chad is not a native Californian, but was born in Pennsylvania and raised in Virginia. Chad’s father worked at the Pentagon as a civilian employee of the Air Force. Chad’s mother, who had studied fine arts in New York City, volunteered her time at the local theater and various arts programs while raising her two sons. Chad remarked that both of his parents influenced him to explore life and not to rush to make a career decision. While growing up, Chad found he had a passion for writing and began drafting his own short stories and screenplays. Chad states that his writing is a hobby and a way to relieve stress, although he adds that he would like to publish some of his short stories someday.

After graduating from high school, Chad attended George Mason University in Fairfax, Virginia. At the time, Chad explored his interests in literature and philosophy, obtaining a dual degree in 1996. After graduating, Chad and his best friend celebrated by traveling abroad to Ireland for three weeks in order to enjoy the local fare, including Irish brews. After he arrived back in the states, Chad found work close to his parents’ home in Washington, D.C. Chad worked as a clerk for various lob-



Chad Boylston

byist groups and nonprofit organizations, including an energy commission as well as a California Indian casino. It was also during this time that Chad began pondering the next step in his career path.

At first, Chad considered obtaining a graduate degree in philosophy, but he knew that jobs in the field would be limited. At the same time, Chad’s older brother had recently started his first year of law school at Creighton University in Omaha, Nebraska, and he spoke very highly of his

experience. With a little nudge from his brother, Chad soon applied to Creighton, as well as the University of San Diego School of Law. Chad got into both schools; however, he ultimately decided on Creighton because of the high cost of living in California and the fact that he would be close to his brother and sister-in-law. Little did Chad realize that he would eventually end up working in California as a lawyer within the next few years.

Chad fondly recalls his “1 L” year at Creighton because it was the same year he met his wife Jennifer, who was in his Constitutional Law class. On their first day, Chad recalled, his Constitutional Law professor called on him first to answer a series of questions relating to the famous case, *Marbury v. Madison*. Chad stated that somehow he managed to stumble his way through it, but later on the same professor picked on Jennifer. Chad noticed Jennifer immediately, and it did not take long until they became a couple.

While at law school, Chad started the Sports and Entertainment Law Association with his brother, and he also wrote for the law school’s newspaper. Before the start of their third year, Chad married his law-school sweetheart Jennifer. In 1999, the newlyweds, with their J.D. degrees in hand, decided to move to California in order to be close to Jennifer’s family, who live in Running Springs.

Once settled in California, Chad passed the bar in the fall of 1999 and soon found a job at Thompson & Colegate, working primarily for one of the firm’s partners, Geoffrey Hopper, and specializing in employment law. About a year later, Geoffrey Hopper started his own firm, Geoffrey H. Hopper & Associates Inc. in Redlands, and Chad was invited to join the firm. In his practice,

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Chad primarily defends employment law cases for private as well as public entities. Chad enjoys the practice of law and states that “there are moments in his practice that he really feels like he is practicing his craft.” For instance, early on in his practice, Chad had his first victory when he won a motion for summary judgment and successfully defeated an employment lawsuit against the County of San Bernardino. In addition to litigating employment law cases, Chad states that his firm also provides seminars and newsletters to clients and local chamber organizations in order to update them on the current case law as well as to address specific client needs. Chad has also given local lawyers a seminar regarding attorney ethics relating to employment law cases.

Despite a busy work schedule and being a father of two young boys, Chad still finds time to serve as president of the Riverside Barristers. Chad remarks that he wants to promote Barristers as an organization that provides new lawyers not only with MCLE credits, but also with an opportunity to socialize and unwind over dinner and good conversation after a long day at work. The Barristers meetings usually take place on the second Wednesday of each month at the Cask ‘n Cleaver in Riverside.

Chad is also excited to announce that in March 2008, the Barristers will host their First Annual Poker Tournament, which will take place at their usual location, the Cask ‘n Cleaver. There will be a total of three poker tables, with room for eight players each. The cost for a player seat will be about \$50. Half of the proceeds of the Tournament will be donated to the Public Service Law Corporation of the RCBA; the rest will support the Barristers organization, funding future member events.

Overall, Chad represents a great role model for other young lawyers who are just embarking on their own legal career path. In addition, during the next few years, Chad will be one to watch, as he is committed to making the Inland Empire an enjoyable place for young lawyers to work and live.

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*Kirsten S. Birkedal is an associate with Thompson & Colegate. To learn more about the Barristers organization and the January Poker Tournament, please contact Chad Boylston at [cpb@hopperlaw.com](mailto:cpb@hopperlaw.com).*

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# SCIENCE FOR LAWYERS

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*by The Honorable Thomas Hollenhorst*

Over the past decade, science has become a major player in our courts. Looking into the future, as science continues to develop, it will become even more important for all practitioners, both inside the courtroom and in law offices. In society in general, we turn to science to answer perplexing problems, including issues of health, human behavior, forensics, environmental concerns and technology. For many of us, science courses were something to be avoided in college, and thus we lack the scientific foundations to understand and work with science.

Starting over a decade ago, there has been a national effort to educate jurists on principles of science in areas where they are or will be called upon to deal with scientific issues. Indeed, in both Daubert and Frye jurisdictions, judges have been placed in the role of gatekeepers to evaluate scientific evidence neutrally and determine its admissibility. Studies have questioned the preparedness of judicial officers to make such decisions based on scant scientific backgrounds. Judicial education has been implemented to bring jurists up to speed on scientific evidence.

Two years ago, the Administrative Office of the Courts sponsored three public hearings, one in Burbank, one in San Francisco and the final one in Sacramento, where scientists, lawyers and consumers were asked to help develop a curriculum for future educational efforts. One concept emerged from each geographic area – namely, a request by the legal community for access to quality content-neutral scientific training. Because of those hearings, and based on discussions with science faculty, the University of California Riverside (UCR) administration and local attorneys, a decision was made to pursue an effort to offer continuing targeted high-quality science education to members of the bar associations in the Inland Empire.

The planning for this effort has taken almost two years. UCR has committed to develop a Center for Law and Science and to provide, through UCR Extension, high-quality regular training in areas of science that have touched or will touch practitioners. UCR faculty have been recruited to work with a group of attorneys

and judges to plan and implement a training program, which will provide CLE credit to colleagues interested in preparing themselves for the challenges ahead. The plan is simple. Faculty presenters are being chosen based on their ability to talk to nonscientists at a level where their message will be understood. NO JARGON will be allowed by scientists or lawyers! Classes will be small to promote class discussion, dialogue between students and instructors and perhaps some “hands on” activities.

Presently, the first set of classes has been planned. They will be introductory in nature. Participants will spend five hours on a Saturday learning about scientific methodology, statistics and reliability, introductory DNA and introductory neurobiology. After taking this primer class, attendees will have the necessary background to take more advanced classes in a variety of subject areas, including technology issues. Classes will be held beginning in the Spring at UCR Extension. Classes will be limited to 25 students and will be repeated frequently to meet demand.

This is a unique undertaking. Our research suggests that this is the first time that a consistent effort has been made by any school in any place in the United States to provide this kind of education to a bar association. Those taking the classes will not only prepare themselves to deal with science in our legal business, but they will also become better-educated consumers of the scientific information that pervades society today. Because this effort is unique and has such promise for the bar associations in the Inland Empire, it deserves the support of our united legal community. The commitment of this legal community to support this endeavor will insure its survival and growth, and provide yet another reason to be proud of being part of the Inland Empire legal community.

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*The Honorable Thomas Hollenhorst is an Associate Justice with the California Court of Appeal Fourth District, Division Two.*



# FEDERAL COURT RECORDS AVAILABLE FREE AT LOCAL LAW LIBRARY

*by Lawrence Meyer*

**San Bernardino** – Local legal researchers have the privilege of researching federal court records online without a fee under a special experimental program.

The Law Library for San Bernardino County is one of only 16 federal depository libraries nationwide chosen for a pilot program providing no-fee access at the libraries.

Under the program, library patrons will be able to access court records through the federal Public Access to Court Electronic Records (PACER) program. PACER provides access to case file documents, listings of all case parties, judgments and other information from district, bankruptcy and appellate courts online, immediately available for printing or downloading.

Using PACER normally requires an individual account and a fee of eight cents per page, which is used to fund the system's costs. Both requirements will be waived for all users, even those who already have PACER accounts, when they access the system from any of the 16 participating libraries.

The two-year pilot project is a joint project of the Administrative Office of the U.S. Courts and the U.S. Government Printing Office.

Among the select participating libraries, only two are located in California: the Law Library for San Bernardino County and the Sacramento County Public Law Library.

As part of the pilot program, participating libraries will promote the PACER service, provide users with a three-question PACER survey, report PACER activities to the Government Printing Office every two months, and provide access only from computers within the library and its branches. The libraries have also agreed to maintain login and password security.

According to the federal judiciary's official online announcement, the project "is part of the judiciary's continuing effort to expand public access to court records by discovering if a segment of the public desires access to information contained in the PACER system but is unlikely to go to a courthouse or become a PACER user."

Larry Meyer, Director of the Law Library for San Bernardino County, is a member of the Government Relations Committee of the American Association of Law

Libraries. He commented, "I'm very excited about participating in the pilot and hope that we can use this opportunity to demonstrate the value of no-fee library PACER access to the judiciary."

The San Bernardino-based law library system has three locations: its main one at 402 North D Street, San Bernardino; a branch at 8401 North Haven Avenue, Rancho Cucamonga; and another branch at 15455 Seneca Road, Victorville.

Other states with depository libraries participating in the pilot program are Alaska, Illinois, Michigan, Tennessee, Florida, New Mexico, Texas, New Jersey, Ohio, New York, Oklahoma, Maine, and Kentucky.





# JUDGES' NIGHT IN THE INLAND EMPIRE

by Jacqueline Carey-Wilson

Photographs by Michael J. Elderman

On November 9, 2007, the Inland Empire Chapter of the Federal Bar Association honored the judges of the United States District Court for the Central District of California and installed its new chapter officers. The IE/FBA held its event at the historic Mission Inn in Riverside, and the judges in attendance included Chief Judge Alicemarie Stotler, former Chief Judge Manuel Real, with his wife Tao, and former Chief Judge Terry J. Hatter, Jr., with his wife Trudy. In attendance from the Eastern Division of the Central District, and hosting the event, were Judge Virginia Phillips and Judge Stephen Larson and his wife Dena. The district judges in attendance from the Western and Southern Divisions were Judge David O. Carter, Judge Audrey B. Collins, with her husband Dr. Tim Collins, Judge Florence-Marie Cooper, Judge Gary Feess, Judge Philip S. Gutierrez, with his wife Anna, Judge R. Gary Klausner, with his wife Linda, Judge S. James Otero, Judge James V. Selna, with his wife Harriet, and Judge George H. Wu. The magistrate judges who attended the event included Chief Magistrate Judge Stephen J. Hillman, former Chief Magistrate Judge Robert N. Block, Magistrate Judge Jacqueline Chooljian, Magistrate Judge Charles F. Eick, Magistrate Judge Rita Coyne Federman, Magistrate Judge Oswald Parada, with his wife Esther Mendez, Magistrate Judge John C. Rayburn, Jr., with his wife Linda, Magistrate Judge Carolyn Turchin, Magistrate Judge Andrew Wistrich, and Magistrate Judge Carla Woehrle. Also in attendance were Bankruptcy Judge Mitchell Goldberg and Bankruptcy Judge Peter Carroll and his wife Donna.

Among the other honored guests were Justice Betty Richli, Associate Justice of the California Court of Appeal; Judge Craig Riemer and Judge Dallas Holmes from the Riverside County Superior Court; Judge Michael Sachs from the San Bernardino County Superior Court; Juanita Sales Lee, President-Elect of the Federal Bar Association; Sherri Carter, Court Executive for the Central District of California; Daniel Hantman, President of the Riverside County Bar Association; Duane and Kelly Roberts, owners of the Mission Inn; and Jacqueline Gonzalez and Billy Essaylai, representatives from the Office of Congressman Ken Calvert.

The evening began with a reception for the judges that was jointly hosted by the IE/FBA, the Riverside County Bar Association, and the San Bernardino County Bar Association. The guests mingled and relaxed outside the Santa Barbara



David Bristow, Judge Dallas Holmes and Judge Craig Riemer



Mayor Ron Loveridge and Magistrate Judge Rita Coyne Federman



Dean Kenneth Starr and Judge Stephen Larson



Dean Starr, Chief Judge Alicemarie Stotler, Alice Starr, Jacqueline Carey-Wilson, Linda Klausner, District Court Judge R. Gary Klausner

Photo by Jacqueline Carey-Wilson

Photo by Jacqueline Carey-Wilson

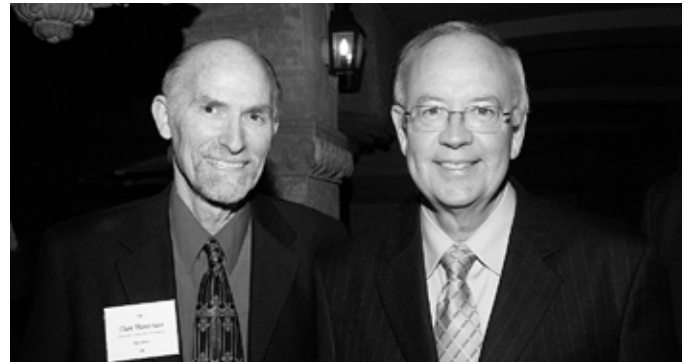
Room at the Mission Inn, and conversations centered on the need for new federal court buildings, both in downtown Los Angeles and in Riverside. The federal government currently leases the Riverside Courthouse from the County of Riverside, and the lease is scheduled to expire within six years. The Riverside Courthouse houses both the Eastern Division of the District Court and the Riverside Division of the Bankruptcy Court. The District Court wing features four courtrooms, which accommodate the four judicial officers assigned to the Eastern Division of the Central District: District Judges Virginia Phillips and Stephen Larson, and Magistrate Judges Oswald Parada and John C. Rayburn, Jr. The Eastern Division is the fastest-growing division of the Central District. Many of the cases filed in Eastern Division are not heard in Riverside, but are instead assigned to judges throughout the Central District. There is a compelling need for another district judge in the Eastern Division because the high volume of cases. However, the current facility is not large enough to accommodate the additional jurist. Discussions on funding for the judiciary continued throughout the evening.

After the reception, the attendees made their way down a narrow set of winding stairs to the Spanish Art Gallery, where approximately 150 guests gathered for dinner. Magistrate Judge Oswald Parada, the 2007 Chapter President, warmly welcomed everyone. Following dinner, Judge Parada invited H. Randall Rubin, Acting Dean of the University of La Verne College of Law, to the podium to present scholarships to students Tina Chen and Steven Messner. Ms. Chen and Mr. Messner each received a scholarship in the amount of \$250 from the IE/FBA, in recognition of their outstanding academic achievement and service to the university.

Magistrate Judge Parada then invited the incoming officers for 2008 to come forward: John Holcomb, President; Jacqueline Carey-Wilson, President-Elect; Daniel Roberts, Treasurer; and Dennis Wagner, Secretary. Judge Virginia Phillips presided over the installation. Prior to administering the oath, Judge Phillips recognized the service each had given to the IE/FBA and to the legal profession. John Holcomb, a partner with Knobbe Martens Olson & Bear LLP, has served as an officer of the IE/FBA since 2002, and his firm has generously donated administrative support to the chapter. Judge Phillips commented that last year Mr. Holcomb persuaded her to change one of her tentative opinions after oral argument, which is not an easy task in any courtroom. Jacqueline Carey-Wilson, Deputy County Counsel with the County of San Bernardino, was acknowledged for her outstanding efforts on behalf of the IE/FBA, and Judge Phillips specifically recognized Ms. Carey-Wilson for coordinating classes on electronic filing in civil cases for federal practitioners in the Inland Empire. Judge Phillips also fondly remembered when



*Dean Starr and Justice Betty Richli*



*Dan Hantman and Dean Starr*



*Officer Installation with District Court Judge Virginia Phillips: (L to R) Jacqueline Carey-Wilson, Dennis Wagner, Daniel Roberts, and John Holcomb*



*In-Coming Chapter President John Holcomb giving award to Out-Going Chapter President, Magistrate Judge Oswald Parada*

Daniel Roberts, an associate with Best Best & Krieger LLP, clerked for her, and Judge Phillips commented on how proud she is that Mr. Roberts is greatly respected throughout the legal community for his leadership in the IE/FBA. Finally, Judge Phillips praised Dennis Wagner, a partner with Wagner & Pelayes, LLP, for his professionalism in the courtroom and his commitment to the IE/FBA.

Following the installation of officers, Juanita Sales Lee, the President-Elect of the Federal Bar Association, spoke about the need for a strong FBA to support the federal bench. Next, Chief Judge Alicemarie Stotler addressed the guests regarding the state of the Central District. Kenneth Starr, the Duane and Kelly Roberts Dean and Professor of Law at Pepperdine School of Law, followed Chief Judge Stotler and gave the keynote address. Dean Starr greeted everyone enthusiastically and commented on the honor that he felt in speaking to those in attendance. Dean Starr's comments focused on the need for a strong and independent judiciary, and he expressed his deep concern that the salary of federal judges is improperly tied to Congressional salaries. Dean Starr encouraged the audience to support legislation that would separate the two, and stressed his belief that an increase in salary is the only way to continue to attract the most qualified candidates to the federal bench.

Incoming IE/FBA President John Holcomb closed the evening with the following comments: "I know it's late. I know you're weary. I know your plans don't include me. Still, here we are." But Mr. Holcomb's quote of Bob Seger's lyrics stopped there. With a smile, Mr. Holcomb thanked everyone for attending the extraordinary event and said good night.

The IE/FBA extends a special thanks to the following generous sponsors of its Judges' Appreciation Night and Installation of Officers event:

Best Best & Krieger LLP  
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## BENCH TO BAR: CIVIL TRIALS TO BEGIN

**T**he Riverside County Superior Court is pleased to announce that the court will begin conducting civil trials this month at the recently vacated Hawthorne Elementary School at 9174 Indiana Avenue in Riverside.

According to Judicial Council records, with a shortage of 57 judicial officers, Riverside has the largest deficit of judges in the state. "Despite this challenge, the court is determined to meet its number-one goal of providing fair and expeditious access to justice for all residents of the county – and that includes our civil litigants," stated Presiding Judge Richard T. Fields.

The court has begun the process of transforming eight classrooms into three courtrooms, judges' chambers, a conference room, and jury voir dire and deliberation rooms. Court personnel have already been selected for the site. The temporary courtrooms will have all the technology of a modern courtroom, such as Elmos, document cameras that help attorneys with their case presentation, and CourtCall, a telephonic appearance service.

In September of last year, Presiding Judge Fields and Assistant Presiding Judge Thomas Cahraman met with Justice Richard Huffman of the Fourth District Court of Appeal and Sheila Calabro of the Administrative Office of the Courts and received their unequivocal support for providing three additional judges to meet the court's goal of access to civil justice. The three assigned judges will begin hearing civil trials on January 14, 2008.





# CLASSIFIED ADS

## Office Space – Indio

Central Indio, CA. New Class A Office Space. Call Dominick Mancuso at (760) 773-3155 or Email dmancuso@dc.rr.com. Coldwell Banker NRT.

## Executive Suites Moreno Valley

Executive suites available in new building on Sunnymead Blvd. in Moreno Valley. Includes voice mail, direct phone number, fax number, access to T-1 high speed internet, access to conference room and more. Contact Leah at 951-571-9411 or leah@gsf-law.com. All second floor offices.

## Office Space – Riverside

Office space available in the Tower Professional Building located on the corner of 13th and Lime Street in downtown Riverside. We are within walking distance to all courts. All day parking is available. Building has receptionist. Please call Carole @ 951 686-3547 or email towerpm@sbcglobal.net. Residential services available also.

## Office Available – Riverside

One office available for sublet in downtown Riverside. Services, clerical space and rent are negotiable. Contact John Vineyard at (951) 774-1965 or jvineyard@vineyard-law.com.

## Small Attorney Office – Murrieta

Small attorney office for rent near courthouse, furnished/unfurnished, conference & coffee room. Receptionist services available. Call Karen (951) 698-5191 or Lorene (951) 894-4791.

## Law Office Site for Sale

Located at 3895 Brockton Ave, Riverside. Approx. 5 blocks from the Historic Riverside Superior Court House, City Hall and County Office Buildings. Please call 800-540-6600 for details. Asking \$479K.

## Court Appearance Attorney/Contract Attorney

Experienced litigation/probate attorney available for contract work (depositions, trial preparation, pleadings etc.) Also available for in person court appearances in Riverside County (Indio) and San Bernardino County (Redlands) or other court-call appearances at other locations. Call Flint Murfitt (909) 557-4447 or (760) 320-6008.

## Corona Law Firm Seeks Paralegals

Established Corona firm seeks experienced F/T Paralegals in the areas of Family, Civil and Probate Law. Proficiency in WordPerfect and Legal Solutions required. Must be able to work independently in a fast paced environment. Competitive salary/benefit pkg available. Fax resume and writing sample to (951) 734-8832.

## Corona Law Firm Seeks Attorney

Established Corona firm seeks Family/Civil Law Attorney with minimum 5 years experience. Please fax resume and salary history with writing sample to (951) 734-8832.

## Conference Rooms Available

Conference rooms, small offices and the third floor meeting room at the RCBA building are available for rent on a half-day or full-day basis. Please call for pricing information, and reserve rooms in advance, by contacting Charlotte at the RCBA, (951) 682-1015 or charlotte@riversidecountybar.com.



# MEMBERSHIP

The following persons have applied for membership in the Riverside County Bar Association. If there are no objections, they will become members effective January 30, 2008.

**Michael Bender** – Bender & Associates, Temecula

**Marisa Blackshire** – Gresham Savage Nolan & Tilden, San Bernardino

**Jeffrey S. Bullard** – Law Ofcs of Jeffrey S. Bullard, San Bernardino

**Erika Bailey Drake** – Varner & Brandt, Riverside

**Thomas M. Fiorello (R)** – Retired Attorney, Corona

**Darren T. Kavinoky** – The Kavinoky Law Firm, Riverside

**Cassandra Kinchen** – San Diego County Public Defenders Office, Vista

**Robert Mahlowitz** – Sole Practitioner, Palm Springs

**Jance M. Weberman** – Law Ofcs of Jance M. Weberman, Los Angeles

