

# RIVERSIDE LAWYER

November 2008 • Volume 58 Number 10

MAGAZINE



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# RIVERSIDE LAWYER

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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

## DECEMBER:

### 8 Federal Bar Admissions Ceremony

George E. Brown Courthouse – 8:00 AM

### New Admittee Swearing-in (State Bar)

Historic Courthouse, Dept 1 – 10:00 AM

### 9 PSLC Board

RCBA – Noon

### Joint RCBA/SBCBA Environmental Law Section

Nena's Restaurant, SBdno. – 6:00 PM  
(MCLE)

### 10 Mock Trial Steering Committee

RCBA – Noon

### 11 Joint RCBA/SBCBA General Membership Meeting

SB Hilton Hotel – Noon

Speaker: State Bar President Holly Fujie

RSVP to SBCBA, (909) 885-1986

(MCLE)

### 16 Family Law Section

RCBA 3rd Floor – Noon

(MCLE)

### RCBA Board

RCBA – 5:00 PM



## Cover photos:

**Barristers Board:** Jean-Simon Serrano, David Cantrell, David Lee, Kirsten Birkedal, Jeffrey Boyd, Christopher Peterson

(photograph by Michael J. Elderman)

**RCBA Board:** Daniel Hantman, Christopher Peterson, Robyn Lewis, Harlan Kistler, Aurora Hughes, Harry Histen, Yoginee Braslaw, Christopher Harmon, Jacqueline Carey-Wilson, John Higginbotham, Randy Stamen

(photograph by Jacqueline Carey-Wilson)



## President's Message

*by E. Aurora Hughes*

**A**s we face the coming years, we all must deal with the challenging economy and the idea that business as usual will not be the standard. Many firms in Riverside County are facing cutbacks and reduced income from clients. Most levels of the law are affected. Firms start to make cutbacks in supplies and staff. Some simply do not get paid and have to chase down clients for payment. Bankruptcies are increasing; many firms even opt to change the nature of their practice to keep revenue up.

The sole practitioner is affected, also. Family law attorneys are finding that people are either staying together because they can't afford the divorce or are handling their divorce themselves. Larger firms find themselves wondering if their clients will be able to timely pay their bills. Often businesses look for lower-priced attorneys or attempt to negotiate lower rates or flat-fee services.

How we deal with these economic issues is up to us. We can bury our heads in the sand and deny it is happening, or we can look for ways to survive and even thrive. As radio commentator Paul Harvey said, "In times like these, it is helpful to remember that there have always been times like these." I believe that we will see better days ahead.

The economy has affected us all, including the RCBA. With the court's implementation of its own civil mediation panel, our Dispute Resolution Service is affected. The

bar association has a long history; we have had economic crises before, and we got through them. We will get through them again.

We are also undergoing changes. Our Executive Director, Charlotte Butt, has decided to go into semiretirement. The board has chosen a replacement, Charlene Nelson, who is currently the Director of Public Service Law Corporation. Charlene has worked for the PSLC since 1983 and is familiar with the bar association's functions. She will join us sometime after January 2009, once her replacement at the PSLC is in place. Charlotte will stay on as Assistant Executive Director for training purposes and will go part-time to assist Charlene and to help get the fee arbitrations moving along. The goal is that Charlotte will be here so the transition is easier. We look forward to Charlene joining us as Executive Director. I know she will do an outstanding job for the RCBA, just as she has done for the PSLC.

The various programs offered by the RCBA and its affiliated organizations will go on. We will adapt to this changing and challenging economic climate. What we do need, however, is your help and assistance. The committees are already planning their activities, and the sections are moving along with their programs.

We need donations of attorney time, as well as money to keep our public education and assistance projects afloat. I am asking each of the bar members to help. You should have received the brochure concerning the committees and sections. Please sign up; we need your input. Most committee and section meetings last an hour; some work in between meetings is required, but you will find the work rewarding.

We are also looking for attorneys who are willing to give their input into ways that we, as an association, can better our reputation with the public and educate the public about why judges cannot respond to attacks on them by public and private figures. I am also hoping to open a dialog with those who are experiencing the problem of courtroom congestion to see if there is a way to resolve some of it by means other than what has been done so far. I am open to your ideas, complaints and suggestions about what you, our membership, want and need. We are here to serve you.

We are also here to educate you and the public about the judicial system, how it works, why it is in the condition it is today and what

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can be done about it. Please feel free to give your input through emails to me or the bar association, by phone or at bar functions. Let us be the great bar association we can be. To do this, we need your help and participation. Please give of both as much as you can. Every little bit is appreciated.



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## **NOTICE RCBA Members**

Have you moved? Has your telephone, fax or email changed?

Please contact the  
RCBA office at  
(951) 682-1015

or

[rcba@riversidecountybar.com](mailto:rcba@riversidecountybar.com)  
with any changes.



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## COMMENTARY:

# THE TRUTH ABOUT WHY YOU CANNOT GET YOUR CIVIL CASE OUT TO TRIAL AND THE DEFENSE BAR'S RESPONSIBILITIES WITH REGARD TO THE SITUATION

*by R. Addison Steele II, Deputy Public Defender, Capital Defense Unit*

There has been much discussion lately with regard to the congestion in the Riverside County criminal courts and its effect of essentially shutting down civil litigation in Riverside County. It is important to note that the court congestion doesn't only have an effect on the people accused of crimes. It also affects people with civil cases that cannot get to trial because the civil courts are almost always conducting criminal trials. This situation hurts ordinary people, such as a plaintiff who is suing another party who has caused a death, an injury or simply the loss of money, as the defendants in civil cases have no reason to negotiate a settlement in good faith because they know that the plaintiff has little chance of ever getting them to trial in Riverside County. That makes Riverside County prime ground for scammers, con artists and those who are negligent, irresponsible and cause damages to others; there are in reality no civil law consequences because the civil courts have been shut down by the criminal courts' congestion.

Riverside County District Attorney Rod Pacheco has said in the press that he will not compromise public safety and therefore sees no need to charge cases differently or to negotiate dispositions any differently than is now being done. He is essentially saying that people who are guilty of crimes are going to get a hard line and be prosecuted no matter what effect there is on the court system. That is a fine stance to take if the district attorney's office is actually convicting people and not just charging innocent people or overcharging people who have committed a crime but not the more serious crime that is being charged.

Two articles in the Press-Enterprise on the same day last year exemplified how the situation is the result of government waste of taxpayers' dollars. The first article was about the district attorney getting an additional sum of almost a million dollars added to his annual budget; that article appeared at about the same time as there was extensive press coverage concerning schools in the county closing for lack of funds. The second was about California Supreme Court Chief Justice Ronald George asking the state legislature for more money for more judges.

Chief Justice George's example of the malfunctioning court system was my client Robbie Catchings' homicide case, in which, after five years and four months in custody and two trials, he was finally released from jail after a jury acquitted him of all charges. My client didn't have to wait

so long for his trials because of a lack of judges; it was because of an artificially clogged court system that was created by the D.A. charging untold numbers of innocent people. The problem is not a lack of judges. There would be plenty of judges if the criminal case plaintiff in Riverside County, District Attorney Rod Pacheco, were charging and pursuing cases ethically.

The truth is that the district attorney's office is losing an amazing number of cases. The power to prosecute is a truly awesome power. An accused person's life is destroyed, and in almost all felony cases, that person's liberty is taken away just by the charges being filed. Prosecutors therefore have an extraordinary ethical duty to file and pursue only cases in which guilt as to all charges can be proved to a jury beyond a reasonable doubt. Any not-guilty verdict represents a monumental failure of judgment on the part of the district attorney. A civil plaintiff's attorney's duty is merely not to file frivolous cases, so an approach of "We could win or we could lose" is acceptable. However, a district attorney should win all cases, because he or she has the power of the executive branch of the government. Everywhere else in the country, criminal defense attorneys expect to win only three, maybe five, possibly ten percent of cases, because the district attorney should be filing and pursuing only solid cases. That is not even close to the situation in Riverside County.

In the spring of 2007, Judge Gary Tranbarger completed a 16-month rotation as the judge who assigns criminal trials out of the Downtown Riverside Courthouse. He assigned all criminal trials for Riverside, Corona and Banning. He also kept meticulous statistics of the outcomes of the cases he assigned. In 2006, the district attorney secured convictions as charged in only 50.9% of the cases. That is an utterly dismal rate. Another 27.6% of the cases resulted in mixed verdicts, which means the defendant was convicted of some, but not all, of the charges or was convicted of only lesser offenses. A mixed verdict is almost always a victory for the defense. A hung jury, which is also generally considered a victory for the defense, occurred in 6.5% of the cases. That leaves 15% of the cases in which the defendant was innocent and either was found not guilty of everything charged or won a dismissal of the case by the judge. In misdemeanor cases, 25.1% of the trials resulted in not-guilty verdicts on all charges. That is simply unheard of.



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Things have only gotten worse for the D.A. since Rod Pacheco took over for Grover Trask on January 2, 2007 (although it is generally believed in the defense community that Pacheco was running the day-to-day operation of the district attorney's office since 2002, when he returned from the State Assembly). According to statistics kept by the courts, 2007 was an even worse year for the district attorney. Convictions as charged fell even further to 42.5%, with 29.5% of cases resulting in mixed verdicts, hung juries increasing to 10.5% and not-guilty verdicts on all charges plus dismissals also increasing to 17.4%.

I am an ordinary deputy public defender. In my last 10 trials, only two clients have been convicted as charged. In the last 20, only three have been convicted as charged; that's a 15% conviction rate. Since Rod Pacheco has been the District Attorney, I have done 11 trials in which the defendants faced life in prison, and in only two of those 11 the district attorney was able to secure convictions on life exposure charges. In five of them, including a rape, a homicide and attempted homicides, my clients were acquitted of all charges. I am in trial almost all the time, and since Mr. Pacheco has been the district attorney, he has had only two victories against me, both in relatively short trials where my clients were convicted as charged. At least anecdotally, all my colleagues in the law offices of the public defender have had about the same trial results. This means that the taxpayers are paying my colleagues and me, as well as a parade of deputy district attorneys, on average more than \$100,000 each a year to try case after case that the district attorney never should have pursued.

So the questions are why is the district attorney losing so badly, and what does it mean (beyond the obvious waste of taxpayer money by the district attorney)? It is certainly not that liberal judges are tilting cases for defendants. In fact, almost every judge in the criminal courthouse is an ex-deputy district attorney, and more are coming down the pipeline to fill judicial vacancies. However fair the ex-deputy district attorney judges may want to be, the reality is that the defense is almost always faced with a prosecutor at counsel table and a judge with a prosecutor's mindset on the bench. It certainly isn't liberal bleeding-heart jurors. Riverside County is a Republican county and is renowned for its conservative, pro-prosecution jurors. It isn't that defense attorneys are hand-picking only the good cases to go to trial, because as appointed counsel, we take every case that is assigned, whether it's a weak case or not. All the factors are stacked in the district attorney's favor, and yet he continues to lose at a phenomenal rate. That leaves only the stark truth: that the district attorney is clogging the criminal courts and shutting down civil courts in order to continue to attempt to persecute innocent people.

The most disturbing aspect of this is trying to imagine how many innocent people have pleaded guilty for fear of losing at trial. Another factor is that, when it comes to bail, a person is not presumed innocent and is not inno-

cent until proven guilty. As per the law, the judges set bail on the assumption that the person committed the crime for which he or she is accused, even though the person has about a 65% chance of not being convicted as charged at trial.

It will only get worse as long as the district attorney continues to lose at this incredible rate. There is no reason for any defendant to plead guilty, as long as he or she has a better than 50-50 chance of essentially winning at trial and an almost one-in-five chance of being acquitted on all charges. And these numbers don't address the even more amazing number of defendants— which appears to be about 90% — who lose their trials and still have a better result than anything that was ever offered by district attorney to resolve the case.

Public safety means charging only cases that can be proved. The public is not safe when it does not have any access to civil redress of grievances. The public is not safe when its tax dollars are wasted on trying to convict innocent people. The public is not safe when it has to have more fear of baseless prosecutions than of crime.

So what can be done? Just as a start, in civil court, when a plaintiff files a frivolous lawsuit, the court charges all the court costs and attorney's fees to the plaintiff who filed that frivolous suit. The district attorney continues to file frivolous law suits; however, those criminal court lawsuits only result in innocent people being locked up until they get to trial. The district attorney should have to pay for all of those costs. Tax dollars are being wasted and will continue to be wasted until the wasting of our money creates some consequences for the district attorney.

Charging and settlement decisions are made at the highest levels of the D.A.'s office by its most experienced attorneys. It is difficult to believe that they are capable of the level of incompetence needed to lose at the rate at which they are losing. That means that there's another purpose, which is clearly to generate work and therefore to generate more budget. Now it appears that it has worked, as the D.A. continues to get budget increases.

Political courage would be for the county board of supervisors and the state legislature to say "no" to any more money for the D.A. until his trial conviction rate is at least out of the laughable range. Perhaps when the D.A. is winning cases more than every now and again, that's when budget increases should be considered. It is difficult to imagine that there is, or ever has been, a more losing district attorney in the county, much less in the state. Until the community focuses on that being the real problem, taxpayer money will continue to be squandered.

Perhaps someday the federal authorities will launch an investigation into the ongoing violation of civil rights that our Riverside County criminal courts maintain, with so many innocent people being charged, held in jail and forced to trial before being exonerated by a jury. But until that happens, we attorneys in the legal community have

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a responsibility to make a record of what's happening. We have a duty to inquire and to document who it is that is making the decisions that are sending our cases to trial. The day will come when Mr. Pacheco will claim that he was not aware that he was losing the vast majority of his cases. He will likely claim that his subordinates made the decisions and were therefore responsible for the civil rights violations; he will claim that the judges allowed it and therefore it is their fault; and lastly, he will claim that it was defense bar's fault for doing nothing more about it than continuously pummeling him at trial.

The data that Judge Tranbarger (by the way, one of the many ex-deputy district attorney judges) and the courts have kept are a wake-up call. The legal community and the public at large have got to stop blindly accepting "public safety" as a reason for a district attorney running amok. The public has to say that justice is public safety, and that persecution of innocent people is not public safety and cannot any longer be sold as such.





# INSTALLATION DINNER



photograph by Michael J. Elderman

*Carol Greene,  
Commissioner John Vineyard*



photograph by Michael J. Elderman

*Michael Marlatt, Justice John Gabbert*



photograph by Michael J. Elderman

*Jacqueline Carey-Wilson,  
Judge Tom Cahraman*



photograph by Jacqueline Carey-Wilson

*Aurora Hughes, Judge Stephen Larson*



photograph by Jacqueline Carey-Wilson

*Incoming president Aurora Hughes  
presented a plaque to outgoing  
president Dan Hantman*



photograph by Michael J. Elderman

*Sherise and Harry Histen*



photograph by Michael J. Elderman

*Jim Heiting, Mary Ellen Daniels and Albert Johnson*



photograph by Jacqueline Carey-Wilson

*Aurora Hughes and family: (left to right) Joe Gonzales  
(husband), Tracy Gonzales holding Loren Gonzales, stepson  
Michael Gonzales, grandson Bradley Benchop, Sharon  
Waldrep (mother), Ann Eckers (Tracy's mother) and  
Nita Redden (sister)*





photograph by Michael J. Elderman

*Dean Allen Easley, Prof. Susan Exon, Phil and Theresa Savage*



photograph by Michael J. Elderman

*RCBA Past Presidents: (back row, left to right) Jim Heiting, Brian Percy, Steve Harmon, Justice John Gabbert, David Moore, Judge Craig Riemer, Commissioner John Vineyard; (front row) Diane Roth, Theresa Han Savage, David Bristow, Mary Ellen Daniels, Dan Hantman*



photograph by Jacqueline Carey-Wilson

*Public Defender Gary Windom, Judge Gloria Trask, Judge Craig Riemer*



photograph by Jacqueline Carey-Wilson

*Kristen and David Bristow; David and Barbara Moore*



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# THE 2008 CONFERENCE OF DELEGATES

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*by Michael L. Bazzo*

There were no sounds of Scottish bagpipes to be heard filling the room as each bar association entered. I did not get to see toys tossed to the excited audience. I saw no colorfully dressed dancing delegations make their way into the packed convention center to the cheers of on-lookers. Unlike last year, I never saw the Parade of Delegations or the commencement of the 2008 Conference of Delegates of California Bar Associations. I was waiting for a shuttle bus.

I didn't let the shuttle bus problems bother me. Undaunted, I made my way to the Hilton, where I knew a large ballroom full of opinionated attorneys were foaming at the mouth at the very thought of doing what they do best . . . arguing. This year, perhaps the most spirited exchange came on the topic of death penalty laws and whether the State Bar should endorse same-sex marriage. Yes, there were other heated exchanges over changes to the laws concerning probate issues and resolutions concerning property rights. From the Los Angeles delegation and the San Francisco delegation came some of the most eloquent oral arguments of the entire weekend, and it was a pleasure to sit back and listen to such fine speakers. Last year, a resolution drafted by our own delegation member, Tom Johnson, passed successfully without even being called to the floor for debate. I'm sure that Tom would have won over the audience with a silver-tongued oration of his own!

Each year, the California State Bar Conference of Delegates assembles more than 500 delegates from participating bar associations, hailing from all corners of the State: from San Diego to the Oregon border. Delegates draft resolutions to change California law. Who knows what drama next year will bring? Whatever it may be, you can be part of it. Participating in the Conference of Delegates promotes improvements in the California system of justice to serve the changing needs of society. Though our Riverside delegation is small, we have a voice in the proposed changes to the laws of this state. We have fun, too!

If you're interested in joining the Riverside County Bar Association Delegation to the State Bar Conference of Delegates, we'd love to have

you. Please contact me through the RCBA office. Next year's conference will be held in San Diego, California.

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*Michael L. Bazzo is Co-Editor of the Riverside Lawyer Magazine and Chair of the Riverside County Bar Association Delegation to the State Bar Conference of Delegates.*

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# AN INCONVENIENT CONVENTION

*by Richard Brent Reed*

On or about September 25-28, 2008, the State Bar of California held its 81st Annual Meeting in Monterey. Touting the event as a “green” convention, the State Bar website displayed the following ecological manifesto under the heading “GREEN INITIATIVES”:

“Here’s our progress report on a ‘green’ Annual Meeting, and ways you can help the effort!

“What We’re Doing

- “Seminar on ‘greening’ your law practice [no seminars on “greening” the convention]
- “‘Vegetarian-only’ entrée at one State Bar luncheon [I missed that one, unfortunately]
- “Printed materials that use Forest Stewardship Council (FSC) certified paper and an FSC certified printer [including the not-so-recyclable glossy program]
- “Sustainable products/merchandise (multi-purpose/recycled/recyclable)
- “Efficient-emission shuttle bus service
- “Exhibitor participation in green initiatives
- “Annual Meeting hotels ‘resource conservation’ efforts [blow driers in the rest rooms].”
- Of the seven “Partner with us for a ‘greener’ meeting” suggestions that followed, I will mention only the first two:
- “Carpool to Monterey to minimize pollution and save resources
- “Limit personal automobile use and take Annual Meeting shuttle services.”

I went them one better: since none of the half-dozen attorneys from Riverside had formed a carpool, I took the train.

## The Road to Monterey

I left the house around six in the morning to catch the city bus to the downtown train terminal, where I had just enough time to buy my ticket at the vending machine on the platform and hop the Metrolink to Union Station in Los Angeles. There, I used the two-hour lay-over to have breakfast at Union Bagel – alongside several station-savvy sparrows – before boarding the Amtrak train to Salinas. What should have been an eight-hour trip was extended to

nine-and-a-half hours when our train was sidetracked to allow the passage of a commuter heading in the opposite direction. (Fortunately, the food was excellent.)

At Salinas, the passengers were told to “detrain.” I was loath to give up all of those years of training, so I chose, instead, to disembark. Then I boarded an Amtrak bus to Monterey: a destination that has no train station, so there is no green way to get there that is not bus-intensive.

Upon arrival in Monterey, I found truly green accommodations at the local youth hostel, where I was given two tokens good for five minutes of shower time each and a bunk. The next day, I checked into the Casa Munras Hotel – only because it provided a shuttle to the Convention Center. Without a car, one is at the mercy of the shuttles at the Monterey convention.

I checked in at the Convention Center, where I was handed a glossy, full-color, 58-page program, printed on clay-based, not-so-recyclable paper. Then I climbed into yet another shuttle to get to the Hyatt, where the Conference of Delegates met. The shuttles at this “green” convention consisted of three 59-passenger diesels that made the two-mile trip between the Monterey Conference Center and the Hyatt Regency Monterey Golf Course Hotel from 7:30 a.m. until 6:30 p.m. at half-hour intervals. Each bus gets about seven-and-a-half miles to the gallon of diesel fuel – not biodiesel, like the Monterey city buses, but good, old-fashioned fossil fuel. (No doubt the tailpipe emissions were offset by purchasing a year’s carbon credits from the San Onofre nuclear power plant.)

Mike Bazzo (who drove but couldn’t find a place to park) and I were the only two delegates from Riverside (though I did run into Jackie Carey-Wilson at the Convention Center and Dan Hantman at the aquarium). Mike and I did our best to stem the tide of social engineering resolutions emanating from the Bay Area delegation, but to little avail. Later, I managed to catch a class on global warming, but it was the same two-year-old slide-show supplied by the Gore people, with no updated data or references to recent – shall we say “inconvenient” – findings. (There was a question-and-answer period, but, unfortunately, no one inquired why an earth-friendly bar event should be held in a city whose venues are two miles apart.) Nevertheless, I was determined to be as green as I could at this decidedly un-green convention.

Much of the next two days was spent hopping shuttles. At the convention, no one seemed to know much about



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how to get around or where to go, except Shirley, the firm, friendly, and informative commandant of transportation. She lined up the buses, formed queues according to destination, herded lawyers into the appropriate lines, and made sure everyone got to where they were going.

## The Journey Home

I would have stayed for a few more classes and delegate resolutions on Sunday, but I had a status conference on Monday morning and had to get back. At 10:15 a.m., the Amtrak shuttle picked me up at my hotel (which had heat, but no ventilation), and whisked me and two other colleagues from Southern California off to the train station in Salinas. There, we learned that our train was already two hours late and was just leaving Oakland. Determined to make our connection, we got on an Amtrak bus to Santa Barbara, where we would board the Surfliner headed for Union Station and Orange County. (My attorney friend Sigrid had to endure the company of an unkempt nature boy who thought he was Don Juan in search of Ixtlan.) About half-way, the bus blew a tire: the tread had completely come off. We limped to the nearest freeway offramp (at the intersection of 10th and Cemetery Road), just outside El Paso Robles. There, we waited for two hours until the mechanic finally showed up with a spare.

We made it to Santa Barbara in time to make our connection: the Surfliner was held until we got there. We made excellent time back to Union Station, owing to the fact that the train that had been held up in Oakland was right behind us. I got to the Anaheim station on time, around 11:10 at night. Since Metrolink does not run that late, I had a friend drive me back to Riverside. The next morning, bleary-eyed, with less than five hours' sleep, I arrived at court, only to find my hearing continued to December.

Next year, the State Bar Annual Meeting will be held in San Diego, a city with ubiquitous light rail transportation, easy access via Metrolink and Coaster train service from all but the most remote parts of California, and a convention center big enough to house two Annual Meetings simultaneously. As for Monterey: the greenest part of that convention was the fairway next to the Hyatt.

The list of the convention's green initiatives, *supra*, ended with:

More "green" effort considerations in process.

The consideration of a venue other than Monterey would be worth the effort.

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*Richard Reed, a member of the Bar Publications Committee, is a sole practitioner in Riverside.*



# INTRODUCING THE RIVERSIDE COUNTY SUPERIOR COURT'S CIVIL MEDIATION PROGRAM

by *Barrie J. Roberts, ADR Director*

*This article highlights a few key elements of the court's new Civil Mediation Program, targeted to begin in January 2009. The court's website ([www.riverside.courts.ca.gov](http://www.riverside.courts.ca.gov)) and new ADR web page ([www.riverside.courts.ca.gov/adr/adr.htm](http://www.riverside.courts.ca.gov/adr/adr.htm)) will provide more specific information well before these new programs begin.*

"The peaceful resolution of disputes in a fair, timely, appropriate, and cost-effective manner is an essential function of the judicial branch of state government under Article VI of the California Constitution." (Code Civ. Proc., § 1775, subd. (a).)

## A Personal Thank You

In March 2008, when I was hired to help the Riverside County Superior Court execute this "essential function," I was amazed and heartened to learn about the people and organizations that had already been doing just that for well over a decade. As most readers know, the RCBA's Dispute Resolution Service and the Desert Bar Association have been providing essential Alternative Dispute Resolution (ADR) services with unprecedented generosity, dedication and stability since the early 1990's.

Additionally, the well-trained volunteer mediators from Community Action Partnership (CAP) continue to mediate small claims and community disputes in ways that minimize and prevent litigation while educating the community – including middle and high school students – about the peaceful resolution of disputes.

Within days of my arrival, the freshly painted walls of my office were covered with post-its containing the names of lawyers and community leaders from these and other organizations, offering their continued support for equal access to justice for all civil litigants in our county. I thank you all for your warm welcome, and I look forward to expanding the court's relationships with its justice partners to create new and innovative ADR opportunities for our community.

## Mediation

Mediation is often described as "facilitated negotiation" in which the litigants retain control over the process, the issues and the outcome. Thus, mediation may result in a full settlement agreement that includes matters outside the narrow range of issues relevant in arbitration or trial. Mediation may also result in a partial settlement on

substantive and/or procedural matters or no settlement at all, after which the parties may try other ADR processes or proceed to trial.

Mediation is most successful when (1) the case is appropriate for mediation, (2) the mediator has the appropriate training and skill for the particular case, and (3) the litigants and their attorneys have carefully prepared for the session. The court's new program and panel are designed to promote all three factors.

## The Civil Mediation Program

*Mandatory Mediation:* In January 2008, Title 4 of the local rules of court became effective, allowing judicial officers to order mediation as an alternative to judicial arbitration. Title 4 applies to most civil cases (excluding family law and unlawful detainers) in which the amount in controversy is under \$50,000 per plaintiff. Whether the case is ordered to arbitration or mediation is determined on a case-by-case basis, in consultation between the judicial officer and the litigants, though litigants can certainly stipulate to a form of ADR prior to the court's consideration.

*Voluntary Mediation:* As local civil practitioners know, the court has long expected all civil litigants to use ADR prior to trial, and this expectation remains firmly in place for cases not eligible for mandatory mediation.

All of the above-described mediation principles apply equally to mandatory and voluntary mediation. Just as we may lead a horse to water but cannot make it drink, the court may order or strongly encourage mediation, but the litigants themselves determine how to best utilize that opportunity to meet their full range of interests.

## The Civil Mediation Panel

The California Rules of Court "establish the minimum standards of conduct for mediators in court-connected mediation programs for general civil cases. . . . For mediation to be effective, there must be broad public confidence in the integrity and fairness of the process. Mediators in court-connected programs are responsible to the parties, the public and the courts for conducting themselves in a manner that merits that confidence." (Cal. Rules of Court, rule 3.850(a).)

The court's ADR Committee, headed by the Hon. Gloria Trask, has established high standards to ensure that the court's panel will merit the above-described public

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confidence. Mediator qualifications are posted on the court's ADR web page, and individual profiles will soon be posted as well, listing each panelist's mediation training, experience, style, substantive areas of legal practice, and rates.

## Selecting a Mediator

The Civil Mediation Panel will become an additional source of local ADR providers for both mandatory and voluntary mediations. However, all litigants, including those ordered to mediation under Title 4, may select any mediator they wish, whether on the court's panel or not.

*Mandatory Mediation:* Litigants ordered to mediation under Title 4 who do not stipulate to a mediator will receive a short list of civil mediation panelists, one of whom will be chosen or appointed as the mediator for the case.

## Costs

*Mandatory Mediation:* Parties may not be ordered to pay for mandatory mediation, so the court will provide

three hours of mediation at no cost. The mediator may bill the court \$150 for that time, however, and if the parties wish to continue mediating, they negotiate fees with their mediator.

*Voluntary Mediation:* Panel mediators set their own rates and terms, as do other private mediators and mediation service organizations.

ADR offers exciting opportunities for our court, bar, litigants – and mediators – and I look forward to working with you as we continue to develop ADR in Riverside. Please feel free to contact me to discuss your interests and concerns regarding ADR, at Barrie. Roberts@riverside.courts.ca.gov.

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*Barrie J. Roberts received a B.A. from U.C. Berkeley, a J.D. from U.C. Hastings College of the Law, and an LL.M. in Dispute Resolution from the Pepperdine University School of Law (Straus Institute). She practiced law for 14 years in Northern California and was a volunteer mediator and trainer with San Francisco's "Community Boards." She became the Riverside County Superior Court's first ADR Director in March 2008.*



# SHERRI CARTER, NEW COURT EXECUTIVE OFFICER

by Jacqueline Carey-Wilson

*Photos courtesy of Jacqueline Carey-Wilson*

On September 1, 2008, Sherri R. Carter became Court Executive Officer for the Superior Court of California, County of Riverside. Riverside is not new territory for Sherri. She was previously District Court Executive and Clerk of the Court for the Central District of California and spent many days in the federal court in Riverside County, which, along with San Bernardino County, makes up the Eastern Division of the District. As a consequence, she is very familiar with Riverside and speaks highly of the Riverside legal community. According to Sherri, "The congeniality among the lawyers was a strong factor in my decision to come to Riverside."

Sherri has a long history of working in court administration. In 1977, she worked in the Utah state courts while attending the local university. Sherri was quickly promoted to trial court executive officer of the Seventh Circuit in Utah. In this position, she managed several courts in six counties, including Utah County, where she grew up. In 1983, Sherri accepted a position as Director of Office Operations with the Central District of California and moved out west. She worked for the Central District for six years and then took a break to raise her two young sons. Meanwhile, she went back to school to complete her undergraduate studies. In 1992, Sherri graduated with highest honors in Business Administration from the University of California, Riverside.

In 1992, Sherri returned to the Central District of California as Chief Deputy of Operations. In 1996, she was appointed District Court Executive and Clerk of the Court, and she remained in this position until August 2008. Sherri implemented many important changes, including electronic filing for civil and criminal cases. According to the Honorable Virginia Phillips, "Sherri Carter was a huge asset to the Central District, and has a national reputation as one of the most knowledgeable, capable, and extraordinarily talented court executives in the country. She has been a true friend to the Eastern Division and our local FBA chapter, and as sorry as we are to lose her as our Clerk of the Court, we are glad she has chosen Riverside County Superior Court as her next court. We congratulate the superior court for their wisdom in selecting her."

The Riverside County courts launched a nationwide search for a new Executive Officer when the previous administrator retired early this year. According to Presiding Judge Richard Fields, "We did a nationwide



*Assistant Presiding Judge Thomas Cahraman, Judge Sheryl Ellsworth, Presiding Judge Richard Fields, Sherri Carter, and Judge Jean Leonard*

search, as we were looking for the very best court administrator we could find in the country. We interviewed individuals from Texas, Minnesota, Missouri, and California. We were pleased that we found the very best in our own backyard. Sherri Carter is truly a 'world class' court administrator. Sherri has an outstanding academic background, but also has substantial experience in all critical areas of court management, including facilities, personnel, technology, and many other important areas. We are so excited that she accepted our offer to join us and lead us into the future."

Sherri is also very pleased with her move to the California courts, especially her move to Riverside County. She has had a deep appreciation for Riverside since her days at UCR and is excited about working in the state court system. Sherri understands that the courts in Riverside County have faced some difficult times with the overwhelming workload. However, she knows that this is not the only problem facing the Riverside courts. Sherri would appreciate input from the lawyers who practice in Riverside to identify some of the problems they are dealing with on a daily basis. She is working on a way to communicate directly with the lawyers, so that she can begin tackling the problems head-on. According to Sherri, "I look forward to working with the judges and the lawyers on many challenging issues that face the court. Just in my short time here, I have found the staff incredibly talented and hard-working and the position very rewarding."

*Jacqueline Carey-Wilson is Deputy County Counsel for San Bernardino County, President of the Federal Bar Association, Inland Empire Chapter, Director-at-Large of the RCBA, and Editor of the Riverside Lawyer.*







*On behalf of the RCBA, Aurora Hughes presented a sketching of Riverside Historic Courthouse to Sherri Carter.*



*On behalf of the FBA, Judge Virginia Phillips presented a watercolor of Mt. Rubidoux to Sherri Carter.*



*Jorge Alvarado and Don Davio*



*John Holcomb, Sherri Carter and Jacqueline Carey-Wilson*



*Jim Heiting and Sherri Carter*

# WHAT'S NEW WITH THE COURT

*by Richard T. Fields, Presiding Judge, Riverside County Superior Court*

Many exciting things have happened with the court since I provided my last state of the court update. The hardworking judges, commissioners and staff of the court have demonstrated our unwavering commitment to reduction of our criminal case backlog and access to justice for all litigants, including those with civil matters.

As Riverside County attorneys may be aware, the court has made tremendous efforts during 2008 to dispose of its oldest criminal cases through the implementation of a new caseload structure. Our new system divides the cases into new structure cases and backlog structure cases. Our stated goal is to keep the new structure cases current while reducing the backlog.

Data shows that the system has been very successful, and the stated goals are being fully accomplished. The backlog of felony cases that existed at the time the new system began was down 47 percent in just six months. On March 17, 2008, we had 2,271 felony defendants with cases designated as backlog cases countywide. As of September 19, 2008, that number had been reduced to 1,202 cases.

New structure felony cases, those filed after March 17, have also been reduced. On April 8, there were 4,479 felony defendants with new structure cases in the system. On September 19, that number had been reduced to 4,252. The active work of our Vertical Calendar Department judges and other calendar courts has resulted in the disposition of more cases than are being brought into the system.

We continue to try an extraordinary number of criminal cases each year. In 2007, the judges of our court conducted 895 criminal jury trials. In addition, we greatly appreciate the strike team of judges from around the state who conducted some 218 trials in 2007 and 2008. It is important to note that our civil judges have completed 171 criminal jury trials through August of this year, and we project that number will increase to 256 by the end of the year.

What attorneys may be less aware of are the efforts the court has made this year in the civil arena. Let me assure you that we firmly believe in the rights of civil litigants to have fair and expeditious access to justice. The court has committed a significant amount of time and resources during 2008 to carry out this commitment, and progress has been made on a number of fronts.

In January of this year, the court opened three courtrooms dedicated to civil trials at the vacant Hawthorne Elementary School in Riverside. Three judges were assigned to preside at Hawthorne. We are grateful to the Judicial Council for providing these valuable judicial resources. From January through August 2008, 37 civil jury trials have been heard at Hawthorne.

Having civil courtrooms available to conduct trials provides a powerful incentive for cases to settle. With the success of our Hawthorne court, we set our sights on providing meaningful and convenient access to civil trials to our litigants from the desert region. Our litigants from the desert area had expressed a desire for access to civil trials in that region. With that in mind, the Palm Springs Civil Courthouse was opened on September 8, 2008. Located at the Gene Autry Trail Business Park in Palm Springs, this new facility includes one courtroom dedicated exclusively to civil trials, a jury assembly room, a jury deliberation room, judicial chambers, and office space. The courtroom began hearing an eight-day trial on its first day of operation. This new facility will work to the substantial benefit of the litigants and counsel from the desert who will have a local court in which to try their civil cases.

Statistics demonstrate the impact these efforts have had. The judges of the court's Civil Division have made tremendous progress in resolving civil cases throughout the county. As of December 20, 2007, the court had an inventory of 227 "five-year" cases. By September of this year, only 52 of those cases remained adjudicated. This means that approximately 75% of the cases on our original five-year list have been adjudicated. With respect to non-five-year cases, the court has set 892 such matters for trial thus far this year. As of September 19, 2008, 398 of those cases have already been adjudicated as follows: 120 by judgment, 160 by dismissal, and 118 by settlement.

Additionally, the court conducted only eight civil trials in all of 2007, primarily due to the court's continuing need for additional judgeships and the demands placed on civil courtrooms to hear criminal trials. While the difficult budget situation at the state level has delayed the appointment of additional judges until next year, the court has nonetheless conducted 127 civil trials through the first eight months of 2008 and is on pace to hear 190

civil trials for the year, which would represent the most civil trials the court has heard since 2001.

Another area where the court has made strides is in the implementation of a civil master calendar. While cases are initially directly assigned to a case management department and all motions and pretrial matters are heard there, once a case announces ready for trial, it is sent to the master calendar for a trial status conference. The master calendar assigns trial dates and is calling approximately 20 cases set for trial each Monday. Motions and other matters that arise between the trial status conference date and the trial date are heard back in the case management department.

The master calendar was assisted in its efforts to resolve cases by a settlement program that was implemented this summer. In June, a letter was sent to local attorneys inviting them to participate in a pilot program to help settle certain cases appearing for trial at the Monday morning Master Calendar. Each attorney was asked to volunteer for one Monday morning during the summer program. The response was excellent. Within days of that letter, each Monday throughout the summer was covered, with two to four attorneys volunteering each day.

Sixteen volunteer attorneys and the court's Alternative Dispute Resolution Director worked on 34 cases during the summer program. Of those 34 cases, 10 cases reached complete settlement agreements.

Attorneys appearing for trial reported great satisfaction with the program, even when their cases did not settle. They gave the program high marks for convenience and

fairness, and the court approved continuation of the program, which will be called the Master Calendar Trial Settlement Program.

Resolution of civil cases at an early stage in the proceedings is critical. Toward that end, the court will be implementing a new Civil Mediation Program in 2009. This program is described in the accompanying article by the court's ADR Director, Barrie J. Roberts.

Attorneys who are interested in being on the court's Civil Mediation Panel can find applications on the court's website at <http://riverside.courts.ca.gov/adr/adr.htm>. For those attorneys who do not have the requisite training, the court will offer a mediation training program through the Pepperdine University School of Law, Straus Institute for Dispute Resolution.

With respect to facilities, we are working diligently to reopen the Palm Springs courthouse prior to the end of the year. Construction is presently underway. We also recently obtained a lease for two additional courtrooms in Murrieta, approximately two miles from the Southwest Justice Center. We are working on a lease for a permanent five-courtroom courthouse in the same area. Additionally, our court has been approved by the Judicial Council for a six-courtroom facility in the Banning area. The site selection process has just been completed for that project. We continue to vigorously pursue all opportunities to obtain the space necessary to house our judicial officers and staff.

In closing, I want to reiterate the court's commitment to providing greater access to the court, not only in criminal matters, but for civil litigants as well. I believe the court has made demonstrable progress towards these goals this year.



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# WHEN SEEKING A WRIT – PAY ATTENTION TO THE DETAILS

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*Tips from inside the Court of Appeal, from Research Attorneys Pauline Calkin and Carolyn Gill. Compiled by Jacqueline Carey-Wilson from the RCBA Appellate Law Section Meeting on September 9, 2008.*

The following is very valuable advice from inside the court of appeal. I would use this information wisely when filing your next writ petition with the court.

1. When writing the writ petition, begin with a brief introduction, which should include the parties, a synopsis of the issues, what happened in the trial court, and the remedy you are requesting from the court of appeal.
2. A writ petition should be short and to the point. Avoid stock phrases. Do not exaggerate the importance of the ruling, but do explain briefly and specifically why your client will be irreparably damaged if writ relief is not granted.
3. It does not matter what kind of writ you ask for (mandate, prohibition, etc.). The court of appeal will treat the writ petition as requesting the appropriate one.
4. Make certain the record relevant to your issue is before the court, including the pleadings of both parties, transcripts of the hearing/trial, and orders from the trial court. The clerk's office will ferociously enforce the rule requirements for supporting documents because of the huge volume of writs the court receives.
5. The record should be filed in the form of exhibits, with consecutively numbered pages, an index tab for each exhibit, and a table of contents listing each document in order and giving the title and tab number (California Rules of Court, rule 8.490(d)). If a transcript is still in the process of being prepared, submit an attorney declaration summarizing what occurred. The court can grant a stay pending receipt of the transcript.
6. Timeliness is important. The longer you take to file the petition, the less likely it will be granted.
7. Some writs are statutory and have statutory timeframes. If you fail to file within the proper statutory timeframe, the court of appeal will lose jurisdiction



to decide the issue. Writs that are not statutory are called common law writs. Common law writs have no statutory timeframe, but the court will not be kind if there has been an unexplained delay in filing the writ. Bottom line: Do not sit on your hands!

8. Do not attack the trial court or write the brief in an all-knowing or arrogant tone. A restrained writing style is preferred.
9. Petitions are normally processed in roughly the order in which they are received. Do not put notations on the brief such as "IMMEDIATE ATTENTION REQUESTED." This notation is meaningless, and the court will ignore it. If you are requesting a stay, it is very important to write on the cover, "STAY REQUESTED" or "IMMEDIATE RELIEF REQUESTED." When you request a stay, it is critical to state what hearing or proceeding you want stayed.
10. The majority of writ petitions (over 75%) are summarily denied because the trial court was right! There are also cases where the ruling did not, even arguably, "exceed the bounds of reason" and was therefore not an abuse of discretion. If the issue is one of law and the trial court made the wrong decision, the court of appeal will be more likely to grant the writ.
11. Please keep in mind that the court of appeal is not inclined to grant writs for errors it views as minor. The erroneous denial of a summary judgment that might avoid a trial is the type of significant error that is more likely to get the court's attention. It is very important to study the cases cited by your opponent and the trial court's reasoning and to be realistic about your client's position before you decide to file the writ petition.
12. If the court of appeal notifies you that it may issue a peremptory writ in the first instance and requests an informal response (*Palma v. U.S. Industrial Fasteners Inc.* (1984) 36 Cal.3d 171), it is likely that it is leaning in the direction of granting the petition.

13. If the court of appeal requests an informal response, make certain that you cover all the issues, because this is probably the only chance you will have to respond to the petition.

14. If the court requests an informal response, the party who filed the petition may – but is not required to – file a reply. If you are going to file a reply, you should notify the clerk's office at the court of appeal. This will ensure that your reply will be read before the issue is decided.

15. Oral argument is a right only if the court of appeal issues an OSC after a writ is filed. When the court of appeal does issue an OSC, it is treating the proceeding like an appeal and will ask for full briefing and set it for oral argument. However, this division rarely issues an OSC. OSC's are usually issued when the law in an area is not settled.

Following these tips will not ensure that your writ will be granted, but will ensure that your issue(s) will be thoroughly reviewed by the appellate court.

*Jacqueline Carey-Wilson is Deputy County Counsel for San Bernardino County, President of the Federal Bar Association, Inland Empire Chapter, Director-at-Large for the RCBA, and Editor of the Riverside Lawyer.*



## Appellate Law Section

*Chair: Kira Klatchko*

The Appellate Section has been busy all summer planning a number of exciting programs for the year.

We started off the year with a bang, hosting a program on writ practice in the 4th District Court of Appeal, Division Two. Presiding Justice Ramirez was kind enough to offer the beautiful Court of Appeal building in downtown Riverside for the event. The kick-off event was so popular last year that nearly 80 attorneys from Riverside, San Bernardino, Los Angeles, and Orange County, signed up this year to enjoy lunch on the patio (sponsored for the second year in a row by the Best, Best & Krieger Appellate Group) and hear from Staff Attorneys Pauline Calkin and Carolyn Gill. Ms. Gill and Ms. Calkin provided insight into the sometimes-mysterious world of writ practice, by discussing their long experience as writ attorneys, and describing the characteristics of successful petitions. A synopsis of their lecture accompanies this article. Because space at the Court is limited, we were only able to accommodate 50 attorneys, and so are planning to offer this very popular program again next year. Stay tuned for details.

A number of other exciting programs are tentatively slated for this year, including: family law and dependency appeals; oral argument; winning your appeal at trial; and appellate issues in real estate and foreclosure. Event times and dates will be posted in the *Riverside Lawyer* and circulated via RCBA email blast as soon as they become available. If you are interested in receiving updates directly from the Appellate Section, have program ideas, or would like to Chair a subcommittee, contact me directly at Kira. Klatchko@bbklaw.com or (760) 568-2611.



# OPPOSING COUNSEL: E. AURORA HUGHES, A PROFILE IN COURAGE

by Robyn A. Lewis

Who is Aurora Hughes? Besides being the current president of the Riverside County Bar Association and a leader for decades in our legal community, she is a tough litigator and a skilled attorney. She shattered gender stereotypes in our profession, proving that a female lawyer was just as qualified as her male counterpart. She has devoted herself to helping new attorneys in making the transition from law school to the practice of law. She is a beloved friend and a devoted wife, mother, and grandmother. And Aurora is living with ALS, or Lou Gehrig's disease, which she has faced with the utmost courage and with the most positive attitude.

Aurora grew up in southern Arizona, where her mother was a civilian controller for the United States military and her father was in law enforcement and military employment. As a child, Aurora spent most of her time reading, riding horses and playing sports.

While attending Tombstone High School, Aurora was the first female student to try out for and to make the boys' varsity baseball team. That would not be the last time that Aurora would be faced with gender discrimination and prevail.

Aurora's love for the law developed at an early age. When her father was a deputy sheriff in Cochise County, Arizona, she got to meet attorneys who were friends of her father. Among them was James McNulty, who went on to become a United States senator. Young Aurora, or "Rory" as she was known then, was very impressed after she visited an attorney's office for the first time. She loved the big desk, the burgundy chairs and the wall of books. Aurora promptly told her dad that she wanted to be an attorney when she grew up. This dream was encouraged by her father, who would take her to court so that she could see the legal process in action.

After graduating early from the University of Arizona at Tucson in 1975, Aurora took another step in fulfilling her life-long dream of becoming an attorney: She moved to Southern California in 1976 to attend Southwestern University School of Law. There, she participated in a work-study program at the state attorney general's office



E. Aurora Hughes

and was appointed lieutenant governor of the Ninth Circuit of the American Bar Association Law Student Division during her second year. In her third year, she was elected governor of that same circuit.

Aurora graduated from Southwestern School of Law in 1979 and passed the California bar exam that same year. She began practicing labor law with the Los Angeles firm of Loew & Marr, where she handled cases before the EEOC and DFEH and disciplinary hearings on behalf of police officers. After her second year in practice, she began representing

management; she attended hearings before the NLRB, and even crossed picket lines to work for employers in order to obtain temporary restraining orders to protect others who crossed the picket lines.

Aurora next took over the practice of a friend from law school, where she continued to handle labor law cases. She also began developing a family law practice, where she represented many television actors, including an actor from the hit show MASH.

When Aurora realized that she wanted to become a salaried employee again, instead of being out on her own, she started looking for another firm to join. One of the interviews that she accepted was right here in Riverside. Unfortunately, she was faced with blatant gender discrimination when the hiring partner, who did not realize prior to the interview that she was a woman, refused to interview her. "I was bitterly disappointed that he would not even consider me simply because I was a female," she remembers.

Aurora later accepted a position with the firm that is now LaFollette, Johnson, DeHaas, Fesler & Ames, where she began practicing insurance defense. She later assisted in helping to open that firm's Riverside branch, which is still in existence today.

In the meantime, Aurora met the love of her life, Joe Gonzales, whom she married in 1988. Joe was an LAPD officer. After the couple moved to the Inland Empire, Aurora began looking for a position closer to where she lived. She later joined the firm of Ericksen, Arbuthnot,

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Kilduff, Day & Lindstrom, where she was the managing partner of the Claremont office. The firm later moved to Riverside, where she remained until 2003.

Aurora left to open an in-house counsel office for an out-of-state insurance carrier. Unfortunately, that carrier went into liquidation in 2004. She then joined the firm of Crandall, Wade & Lowe in 2005, where she remained until she was forced to retire on disability.

During her impressive career, Aurora still found time to devote to giving back to her community. She has been extremely active in the RCBA, participating in the Bar Publications Committee, the Continuing Legal Education Committee, and the Bridging the Gap Program. She has given seminars to new attorneys in Barristers, and has been a past participant in Law Day and the Elves Program.

Aurora has also been very active in the Federal Bar Association, becoming a member in 1999. She served as that organization's president in 2003 and has attended FBA annual meetings and National Counsel Meetings as the Inland Empire representative.

One of Aurora's passions has been her love of writing. She has written several short stories, as well as children's stories and poems, some of which have been published. She served as vice-president of the State Board of the California Writers Club from 2002-2003 and was treasurer of the Inland Empire Branch of that organization for three years.

Aurora's biggest passion in her life has been her family. She remains married to her devoted husband, Joe. Her stepchildren and grandchildren have provided her with the greatest joy.

Sadly, Aurora is now facing the biggest challenge of her life. In 2007, while engaged in trial, she began to notice that she was suffering from shortness of breath and constant fatigue and had difficulty arising from a seated position. After almost a year of testing, Aurora was diagnosed with ALS or Lou Gehrig's Disease.

ALS, or amyotrophic lateral sclerosis, is a progressive neurodegenerative disease that affects nerve cells in the brain and

in the spinal cord. The progressive degeneration of the motor neurons eventually leads to those neurons' death. When motor neurons die, the ability of the brain to initiate and control muscle movement is lost. Victims of this disease slowly become paralyzed, losing the ability to walk, speak, swallow, chew, and eventually breathe. Unfortunately, there is no cure for this disease, victims of which have an average life span from diagnosis of about three years.

Aurora has maintained a positive attitude and vowed to live as fully as she can, despite being afflicted with this disease. "Only God can make it stop, and if He didn't, I'd live with it until He takes me," she has said.

Thankfully, Aurora has a devoted support system, including her beloved husband, family, and friends, both within and outside the legal community. "It's overwhelming. It's the most amazing thing I've seen."

Aurora is facing her disease, as she has every other challenge in her life, and refusing to let it interfere with the things that she wants to accomplish. As president of the RCBA, her goal is to serve the legal community to which she has devoted herself. "I hope to serve you well and to live up to the reputation my predecessors have built for the RCBA."

There is no doubt that Aurora Hughes is an impressive woman. She has been an example to all other attorneys of professionalism and integrity, of devotion to one's community and to one's family, and of fulfilling one's dreams and passions in life. She is truly a profile in courage, and we are privileged to have her leading the RCBA this year.

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*Robyn Lewis, RCBA Secretary and a member of the Bar Publications Committee, is with the Law Offices of Harlan B. Kistler. She is also Co-Chair of Membership for the Leo A. Deegan Inn of Court.*



# RCBA ELVES PROGRAM — SIX YEARS AND STILL GROWING!

*by Brian C. Percy, Chair, Elves Program*

Would you like to experience the true joy of giving during the holiday season by helping out a local family in need? You and your family are invited to come join your fellow members and participate in the RCBA Elves Program this holiday season.

For the past six years, the Elves Program has assisted needy families that have had a difficult time providing anything more than the bare essentials to their children. Once again, the Elves Program's goal is to give local families a Christmas they could only dream about.

Back in 2002, the program's first year, we were able to assist six families, which included 17 children and 7 adults, living in some of the poorest areas of Riverside County. With the continued generosity of the RCBA, its members, and the community, this program has grown tremendously over the years. Last Christmas was our most successful year; the Elves Program assisted 28 families, consisting of 80 children and 44 adults. We delivered holiday joy to individuals in Mira Loma, Corona, Moreno Valley, Perris, Riverside, and Hemet. The positive feedback from the Elves and the families they served was overwhelming. This year, our goal is to try to assist over 30 families.

Depending upon your time, talents, and interests, we have four Elf categories for you and your family to participate in:

**Shopping Elves:** On our designated day and time, the Shopping Elves will meet at the Big Kmart on Alessandro in Riverside. You will receive a Christmas "wish list" from the children of your adopted families. Your job is simple – fill your basket with as many gifts as possible within the dollar amount allotted.

In the past, our Shopping Elves have made this a family affair. The families of RCBA members are great at assisting in the determination of what are the "cool" gifts. This is a great way to experience the joy of giving to the less fortunate.

**Wrapping Elves:** After the Shopping Elves finish their job, the Wrapping Elves meet in the RCBA board room (on a date to be determined) and wrap the gifts purchased. Wrapping Elves must ensure that all the gifts are tagged and assembled by family for easy pick-up and distribution by the Delivery Elves. Excellent wrapping and organizational skills are welcome, but not required. The camara-

derie generated by the wrapping teams each evening will get even the biggest Grinch into the holiday spirit. Their motto is: "The more the merrier!"

**Delivery Elves:** If you are looking for a warm holiday glow inside and out, this is it! Depending on the total number of families we are able to adopt, teams of two to four Delivery Elves will personally deliver the wrapped gifts to our adopted families. The deliveries will be made between December 19 and 24. To accommodate the Delivery Elves' personal schedules while efficiently distributing the gifts to the varied household locations, they may be assigned to deliver to more than one family.

While delivering gifts to the families is potentially time-consuming, many members have expressed that it was by far one of the most rewarding experiences. When signing up, please inform us if you will be willing to drive and, if so, what type of vehicle you have. This will allow us to match the number and size of gifts to the storage area available in your vehicle.

**Money Elves:** We need you! The Money Elves provide the necessary wherewithal for shopping, wrapping and delivery to the many families throughout the county. Sending in your check will help us identify the number of families we can help; donations will be accepted through December 19. Obviously, the more money raised, the greater number of families we can help and the greater the number of wishes our Shopping Elves can fill.

To become a Money Elf, please make your check payable to the RCBA and put the words "Elves Program" in the memo section of the check. The RCBA's tax ID number is 952561338. We thank you for your holiday generosity in advance.

To become a Shopping, Wrapping or Delivery Elf, please phone the RCBA at (951) 682-1015 or email your name and desired Elf designation(s) to one of the following: Veronica Reynoso (vreynoso@bpearcylaw.com) or Lisa Yang (lisa@riversidecountybar.com).

By contacting us via email, you will help us notify and update each of you via email on a timely basis.

To those who have participated in the past, "Thank you," and to those who join us for the first time this year, we look forward to meeting you. Don't forget to "Tell a friend!"



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# BAR BRIEFS: RIVERSIDE COUNTY SUPERIOR COURT PRESIDING JUDGE NAMED AS JUDGE OF THE YEAR

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*by William D. Shapiro, President, San Bernardino/Riverside Chapter of ABOTA*

**T**he San Bernardino/Riverside Chapter of the American Board of Trial Lawyers (ABOTA) proudly presented one of its highest honors to Riverside County's Presiding Judge, Richard Fields, on October 2, 2008. Each year, the chapter honors a judge or justice who has excelled in promoting trial by jury, judicial effort and temperament, and civility. Recent recipients have included Judge Elwood Rich, Judge E. Michael Kaiser, Justice Douglas Miller and Justice Jeffrey King. While the choice is always difficult, Judge Fields was selected this year for his extraordinary efforts in furthering access to justice for civil litigants. Faced with frustrating times, Judge Fields was relentless in traveling to Sacramento and other loca-

tions, in presenting and testifying, and in promoting new judicial positions and access to justice. He has held the torch for all to see, stressing the rights of civil litigants as well as the importance of getting civil cases out to trial. Along with the staff at the Riverside Superior Court, Judge Fields led an exceptional pro tem program, which ABOTA members are proud to be part of. The members of ABOTA join the members of the Riverside County Bar Association, the members of the Leo A. Deegan Inn of Court and all those who practice law in Riverside County in celebrating and acknowledging the accomplishments and dedication of Judge Richard Fields, ABOTA's 2008 "Judge of the Year."





## CLASSIFIED ADS

### 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 Rochelle @ 951 686-3547 or email towerpm@sbc-global.net. Residential services available also.

### Offices - Riverside

Class A and Garden Offices available ranging from 636 SF to 11,864 SF. Offices located at Central Avenue and Arlington Avenue at the 91 Freeway exits. Affordable pricing, free parking, close to Riverside Plaza, easy freeway access to downtown courts. Please call Evie at 951-788-9887 or evie@jacobs-devco.com.

### Office Space for Rent

Remodeled building has offices for rent within walking distance of courts. 4192 Brockton. Call or email Geoff Morris, gsm@lopezmorris.com or (951) 680-1182.

### Office Space – Downtown Riverside

Centrally located within walking distance of courts and county offices. Beautiful 5-year old building. Includes receptionist and conference room. Copier and scanning services available. Visit [www.3941brocton.com](http://www.3941brocton.com) or call 951-712-0032 for more information.

### Professional Office Space

4446 Central Avenue in Riverside. Building currently offers 3 offices, optional conference room, reception area, and a bullpen area excellent for several workstations and/or filing. Also includes kitchen, 1 bathroom and a detached garage excellent for storage. Call Marilyn at (951) 689-7053 to schedule appointment.

### Professional Office Space

2305 Chicago Avenue, Suite B, Riverside. Includes 2 executive offices, 1 large conference room, large bullpen area to accommodate 4 to 5 workstations, filing or storage room and/or secretarial workspace. Please call Debby to schedule an appointment at (951) 240-6283.

### Live/Work Downtown Riverside

New Construction. Contemporary Live/Work units on Market Street, blocks away from the Inland Justice Center. Professional office suites 185-615 square feet with attached 2BD/2BA beautiful upgraded apartment and garage. Prices from \$2442/month. Call (951) 686-7100.

### 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](mailto: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 December 30, 2008.

**Kristine K. Bell-Valdez** – Office of the County Counsel, Riverside

**Jennifer R. Boylston** – Sole Practitioner, Highland

**Sharman L. Brooks** – Law Offices of Sharman L. Brooks, Riverside

**Javier H. Castillo** – The Gwynn Law Firm, Riverside

**John Hamilton (S)** – Law Student, Orange

**Jonathan D. Holub** – Office of the County Counsel, Riverside

**Clarissa Tracy Kayser** – Fernandez & Lauby LLP, Riverside

**Daniel J. Kolacia** – Office of the District Attorney, Riverside

**Merritt McKeon** – Merritt McKeon, Esq. PLC, Santa Ana

**Margeaux F. Mernick** – Sole Practitioner, Lake Matthews

**Sandy J. Na** – Office of the County Counsel, Riverside

**Randy J. Rutten** – Redwine & Sherrill, Riverside

**Anneke J. Stewart** – Milstein Adelman & Kreger LLP, Santa Monica

**Joshua B. Swigart** – Hyde & Swigart, San Diego

Renewal:

**Wendy Seto** – Office of the Public Defender, Riverside

**Neil D. Okazaki** – Office of the City Attorney, Riverside





# Why DRS?



Riverside County Bar Association  
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- DRS benefits attorneys:
- Saving clients' money creates satisfied clients
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- DRS benefits the courts:
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