

# RIVERSIDE LAWYER

December 2008 • Volume 58 Number 11

MAGAZINE



The official publication of the Riverside County Bar Association



To be a  
**GREAT  
LAWYER,**  
you need  
a great first step.

This is Cynthia Carrasco, Executive Director of the  
Hispanic National Bar Foundation and class of 2005 graduate.

Read Cynthia's story at  
[www.go2lavernelaw.com/cynthia](http://www.go2lavernelaw.com/cynthia)



COLLEGE OF LAW

The University of La Verne College of Law has been provisionally approved by the Council of the Section of Legal Education and Admissions to the Bar of the American Bar Association since 2006. The Section of Legal Education may be contacted at 321 North Clark Street, Chicago, IL 60610 or by phone at (312) 988-6738.

## Publications Committee

Kirsten Birkedal  
Yoginee Braslaw  
Charlotte Butt  
Christy Glass  
Donna Hecht  
Robyn Lewis

Richard Reed  
Donna Thierbach  
Bruce Todd  
Jamie Wrage  
Lisa Yang

**Editors** ..... Michael Bazzo  
Jacqueline Carey-Wilson  
**Design and Production** ..... PIP Printing Riverside  
**Cover Design** ..... PIP Printing Riverside

## Officers of the Bar Association

**President**  
E. Aurora Hughes  
(909) 630-3643  
eaurorahughes@aol.com

**Vice President**  
Harlan B. Kistler  
(951) 686-8848  
hbkistler@pacbell.net

**Secretary**  
Christopher B. Harmon  
(951) 787-6800  
christopherbharmon@sbcglobal.net

**President-Elect**  
Harry J. Histen, III  
(951) 682-4121  
harry@histenlaw.com

**Chief Financial Officer**  
Robyn A. Lewis  
(951) 686-8848  
rlewislaw@yahoo.com

**Past President**  
Daniel Hantman  
(951) 784-4400  
dan4mjpg@aol.com

### Directors-at-Large

Yoginee P. Braslaw  
(951) 248-0323  
yoginee.braslaw@jud.ca.gov  
Jacqueline Carey-Wilson  
(909) 387-4334  
jcareywilson@cc.sbcounty.gov  
John D. Higginbotham

(951) 686-1450  
john.higginbotham@bklaw.com  
Randall S. Stamen  
(951) 787-9788  
rss@stamenlaw.com

**Executive Director**  
Charlotte A. Butt  
(951) 682-1015  
charlotte@riversidecountybar.com

## Officers of the Barristers Association

**President**  
Christopher L. Peterson  
(951) 682-1771  
cpeterson@rhlaw.com

**Vice President**  
David M. Cantrell

**Secretary**

Kirsten S. Birkedal

**Treasurer**  
Jean-Simon Serrano

**Members-at-Large**  
Jeffrey A. Boyd  
David S. Lee, Jr.

Riverside County Bar Association  
4129 Main Street, Suite 100  
Riverside, California 92501

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

# RIVERSIDE LAWYER

MAGAZINE

## C O N T E N T S

### Columns:

- 3 ..... **President's Message** by E. Aurora Hughes  
6 ..... **Barristers Column** by Christopher Peterson  
7 ..... **Law Library** by Gayle E. Webb

### COVER STORY:

- 16 ..... **PSLC Needs You**  
by Diana Renteria

### Features:

- 8 ..... **Judicial Profile: Commissioner John W. Vineyard**  
by Donna Thierbach  
10 ..... **The Rule of Law**  
by Judge Stephen G. Larson  
15 ..... **Democracy on the House**  
by Richard Brent Reed  
18 ..... **A Decent Proposal**  
by Richard Brent Reed  
20 ..... **Opposing Counsel: James W. Parkinson**  
by Jacqueline Carey-Wilson  
23 ..... **Other Local Bars of Riverside County**  
25 ..... **Sections of the RCBA**  
27 ..... **Thompson & Colegate Captures Softball Crown**  
by Bruce E. Todd

### Departments:

- Calendar ..... 2 Classified Ads ..... 28

# 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:

- 25 **Holiday (Christmas Day)**  
RCBA offices CLOSED
- 26 **RCBA offices CLOSED**

## JANUARY:

- 1 **Holiday (New Year's Day)**  
RCBA offices CLOSED
- 2 **RCBA offices CLOSED**
- 5 **CLE Committee**  
RCBA – Noon
- 7 **Bar Publications Committee**  
RCBA – Noon
- 8 **DRS Ethics CLE Brown Bag**  
“Mediator Impartiality”  
Speaker: Susan Nauss Exon  
RCBA – Noon  
(MCLE – 1 hr Ethics)
- 9 **CLE Brown Bag**  
“Reinvigorating Your Law Practice in  
Turbulent Times”  
Speaker: Richard Ackerman  
RCBA – Noon  
(MCLE)



## 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.





## President's Message

*by E. Aurora Hughes*

**F**or many citizens, December is the month of giving. In these difficult economic times, our pocketbooks are sought after by children wanting Christmas and Hanukkah gifts, by charities seeking donations for food banks and by many other worthy causes. Many of our pocketbooks are thin and it is difficult to donate, much less to choose among the many requests for contributions. While we all have charities that we prefer to donate to, it is my hope that you will consider contributing to the Elves Program of the Riverside County Bar Association.

The Elves Program was started seven years ago by Past President Brian Pearcy to provide Christmas presents for needy families in Riverside County, some of whom are caught in between applying for and receiving benefit assistance. Please give what you can, whether it is money for gifts or your time to shop, wrap or deliver the gifts. You will find it a most rewarding experience.

In these difficult economic times, we as attorneys have an opportunity to show the public that we are aware of and concerned for the welfare of others. Even as our practices take on different strategies for obtaining business, we can and should remember those less fortunate.

On a different note, as you know, one of my goals is to educate the public and attorneys about the role of the judiciary and the role of the advocate. The board has had lively discussions about how we can do this. One is to assist in some programs already in

place so we do not have to reinvent the wheel. We are exploring how we can educate the children about what the court can and cannot do by working with the schools on field trips to the courthouse, providing attorneys to speak to classes about what it is to be an attorney and how the attorney's role meshes with the role of the judiciary, and exploring whether these are topics that can be incorporated into the Teach the Teachers program. I would also like to put on educational programs for the general public and businesses about these issues. To this end, we are contacting businesses, the Riverside Chamber of Commerce and others to see if they are willing to allow us to put on such programs.

In order for these programs to work, we are asking each of our attorney members to agree to give at least two hours of their time to prepare materials or to give a 30-minute to one-hour talk on these issues. We are in the process now of developing the programs and hope to have them started in January or February 2009. Donating your time to improve the attorney's reputation and educate the public on the role of the judiciary is one of the most rewarding things an attorney can do. You can make the difference. So when I or someone from the Board of Directors calls or emails you about giving your time to these issues, please take the call, read the email and give a little of yourself for your profession and the justice system under which you practice.

There are other ways of improving the reputation of the lawyer. The first is: be civil to each other, to the court and to the public. When you are approached in a court hallway or on the street, be kind, and be helpful if you can. If someone needs a lawyer, refer him or her to the Bar Association's Lawyer Referral Service, if you are not able or willing to help yourself.

Talk about the duties and responsibilities of attorneys and judges at family gatherings, meetings with friends who are not lawyers, and other gatherings such as church or temple, etc. Don't be the know-it-all, either. Remember, you don't need to win every argument. Compromise is part of being an attorney and being a good one. Doing the best for your client may mean negotiating a settlement or accepting a plea. But always be sure that it is in the best interest of your client, not yourself.

---

As 2008 comes to a close, and we see over 50 death penalty cases being tried in Riverside, remember, we all can play a part in resolving disputes, even in criminal cases. No one disputes our need for additional judges, staff, and facilities, but we should look for ways to relieve the congestion in the courts now and not just demand more judges. We must work with each other and the public must understand the problems before we can get the resources we desperately need.

I invite you to contact me about how you feel about the situation, and if you have suggestions, please let me know. I will do what I can to help the members, the courts, and the public. I wish you all the best during this Christmas season, as I am a Christian, and I wish you all the best in the coming year.



---

---

# BARRISTERS COLUMN

---

*by Christopher Peterson, President, Barristers Association*

Barristers is off to another great year. Our opening meeting in October drew one of the highest attendances in years. All incoming Barristers were provided an overview of our program's purpose and, most importantly, met other fellow Barristers. One of my main goals this year is to create a group that remains in contact with each other for many years to come. That will not only strengthen our bar overall, but will also create meaningful relationships within our legal community.

Our November meeting was extremely informative. The Barristers had the privilege of being joined by Commissioner Joan Burgess and Commissioner Paulette Barkley to discuss "Law and Motion." An important aspect of this topic was courtroom civility. Our guest speakers stressed the impact on a lawyer's reputation (good and bad) depending on how one conducts him or



*Christopher Peterson*

herself in the Courtroom. In addition, our guest speakers also provided helpful tips on many other areas such as oral argument and motion paperwork. Once again, on behalf of our entire Barristers organization, I would like to extend a big thanks to Commissioner Burgess and Commissioner Barkley.

Barristers will not be having a formal meeting in December. The formal meetings will resume in January. A Barrister email chain will be created very soon. If there are members that you know of that you would like

included in the chain, please let me know at [cpeterson@rhlaw.com](mailto:cpeterson@rhlaw.com). I look forward to seeing you at our Barristers meetings in 2009. Happy holidays!

---

*Christopher L. Peterson, President of Barristers, is a senior attorney with Reid & Hellyer in Riverside.*





---

# FROM THE COUNTY LAW LIBRARY

---

*by Gayle E. Webb, County Law Library Director*

**W**i-fi or land-line . . . that is the question. The Law Library Board of Trustees is grappling with this question as it looks for ways to increase service opportunities for patrons with laptops, PDAs and other mobile wireless devices, all of which seem indispensable to us in daily communication.

The Law Library is considering providing wireless network access for its patrons, recognizing that there is significant convenience in the use of mobile electronic devices. However, for attorneys, there is also the need to carefully consider the virtually absolute obligation to maintain the confidentiality of client information under Rule 3-100 of the Rules of Professional Conduct and Business and Professions Code section 6068.

Many of the threats to maintaining client and firm confidentiality (“sniffing, evil twin attacks, wi-phishing”) were addressed in Program No. 189 at the State Bar Meeting in Monterey – “Protecting Client Confidences

While Using Mobile Technology,” by Lisa Miller of Lisa Miller Consulting. If you missed that program and would like to review Ms. Miller’s 16-page handout, a copy is available at our reference desk in Riverside.

Precautions patrons may take include, but are not limited to, the use of authentication and encryption software, anti-virus and anti-malware software and various password products. Even with such precautions, the Law Library cannot guarantee there are no threats to security while using mobile devices in the library.

Before we proceed further with the possible addition of wireless connectivity, we are requesting comments from attorneys and other patrons. Please stop by or call the Law Library (955-6390) and let us know your opinions and concerns regarding the balance between the convenience of wireless devices and the duty to preserve clients’ confidentiality where there are threats to the security of mobile electronic products.



# JUDICIAL PROFILE: COMMISSIONER JOHN W. VINEYARD

*By Donna Thierbach*

The theme this month is “Giving back,” so who better to profile than Commissioner Vineyard, a past-president of the Riverside County Bar Association? Commissioner Vineyard is a native Southern Californian. He was born in San Bernardino, but when he was 10, his parents divorced and he and his siblings moved to Monroe, Louisiana with their mother. His father, an attorney, remained in San Bernardino and practiced personal injury defense work. Each summer, Commissioner Vineyard would return to San Bernardino

to visit his father, and his father would put him to work around the office. He would do small research projects and occasionally go to court with his father. It is certainly no wonder, then, that since the age of 6, he knew he wanted to be a lawyer or judge. However, it would have been no surprise if he had wanted to be in law enforcement or to specialize in criminal law, since his great-grandfather was a Deputy U.S. Marshal in the Oklahoma Indian territories, his grandfather was a San Bernardino police officer and his father was also a San Bernardino police officer before he became an attorney.

So how did we get lucky enough to get Commissioner Vineyard back to the Inland Empire from Louisiana? When he was 16, his mother moved the family back to California. However, the timing was poor, in that Proposition 13 had just passed and the teaching position she had accepted was frozen. As a result, Commissioner Vineyard and his siblings ended up moving in with his father. At the start of his senior year, Commissioner Vineyard was advised he would not be able to graduate on time, because of the different requirements between the Louisiana and California schools. He also was not getting along with his father, so at age 17, he dropped out of school, moved into his own apartment and got two jobs to support himself. Fortunately, at that time the school was starting a new experimental GED/graduation program. He agreed to participate in the program, which required taking classes at Crafton Hills College. He graduated from the program and received a diploma from Redlands High School in June 1979.

After Commissioner Vineyard received his diploma, he enrolled in some classes at Crafton Hills and at San Bernardino Valley College, but always had trouble complet-



*Commissioner Vineyard with wife Carol Greene, son James, daughter Kathleen, and mom Jan Vineyard*

ing the courses. Then, as luck would have it, he received a Northeast Louisiana University magazine in the mail. Apparently, the person who had lived in the apartment before him was an alumnus of Northeast Louisiana. Commissioner Vineyard still qualified as a resident and had family in Louisiana, so he decided to move back to Louisiana and attend the university, because he thought there would be fewer distractions. He must have been right, because he was able to finish in three years. He graduated in December 1985 with a

major in prelaw and minor in history.

After he graduated, Commissioner Vineyard moved to Barstow. His mother had already moved there and was working as a teacher. (In fact his mother, now 78 years old, is still teaching in Barstow. She retired in 1993, but keeps getting asked back on one-year assignments.) In Barstow, he was able to get a job as a long-term substitute teacher and also had a job as a waiter and bartender. He still wanted to be a lawyer, so he applied to UC Davis Law School, Louisiana State University, and UCLA. He had decided he wanted to attend UC Davis, though his father, a UCLA alumnus, was voting for UCLA. However, Commissioner Vineyard thought UC Davis was a better fit for him, as there would be only 150 in his class and the classes were much smaller. After his first year, he clerked at the small general practice firm of Caldwell & Cropsey (now Caldwell, Kennedy & Porter). He worked for almost minimum wage and at night, waited tables. His second summer, he began looking for something in Riverside or San Bernardino. He interviewed with a number of law firms, but wanted to be his own person. In San Bernardino, he was constantly referred to as “C.L. Vineyard’s kid,” so he began focusing on Riverside. He was hired by Dye, Thomas, Luebs & Mort and made partner in 1996. Then in November 1998, the firm merged with the law firm of Burke, Williams & Sorenson. The firm was viewed as a municipal law firm, but this was not what he wanted to specialize in, so he moved to Akin, Gump, Strauss, Hauer & Feld until January 2005, when he opened a solo practice specializing in business and real estate litigation.

With all that, how was there any time for a personal life? Commissioner Vineyard met his wife, Carol, at Barristers in 1989. They were both officers in Barristers at that time.

She was from Iowa and practicing at Thompson & Colegate. They were married at the Mission Inn on December 31, 1993. They picked that date because she is one of 12 children and that was the only day they could get everyone together. Carol left Thompson & Colegate and for the past 12 years has been an attorney at the San Bernardino County Counsel's office. They have two preteen children.

So what was I saying about "Giving back"? Commissioner Vineyard is a member and past president (1999-2000) of the Riverside County Bar Association. As a member, he served on a number of committees including the Lawyer Referral Service, Fee Arbitration, and the Krieger Award Committees. He is also an Alcott Elementary School Site Counsel Parent Representative and a member and past-president of the Riverside Sunrise Rotary Club. When he became a commissioner and closed his law practice, he donated all his office supplies and equipment to charities. He said the only drawback to his new position was that he had to resign from a lot of his community work, including Inland Counties Legal Services, the Latino Lawyer Legal Clinic, the Riverside Board of Library Trustees and the Alcott Foundation.

With a family and all this community work, could there possibly be any free time for hobbies? Commissioner Vineyard spends a lot of time with his children and their activities, including Little League. He also admits being a fanatic New Orleans Saints fan and purchases season tickets each year. He tries to attend two of the games and donates the remaining tickets to charity through the United Way. He



*Commissioner Vineyard was sworn in by Presiding Judge Richard Fields on September 15, 2008*

also does genealogy. He has traced the Vineyard family to its arrival in the United States in 1735, and his mother's family back to the Mayflower. Recently, he has been concentrating on Carol's family and has traced it back to the American Revolution.

Speaking of family history, despite all that law enforcement in his family background, Commissioner Vineyard has never practiced criminal law. However, he is now learning a great deal about the topic, because his current assignment is the misdemeanor arraignment calendar at the Southwest Justice Center.

*Donna Thierbach, a member of the Bar Publications Committee, is Chief Deputy of the Riverside County Probation Department.*



Sean S. Varner of Varner & Brandt gave back to the community by coaching his daughter's soccer team — ***The Bubblegum Bombers.***



*Coaches Sean Varner (right) and Chris Hernandez (left).*

*Top row, l-r: Madison Morris, Bianna Gargicevich-Almedia, Grace Wilson, Kelly Williams*

*Bottom Row, l-r: Syndney Hernandez, Peyton Varner, Vanessa Cuen, Hannah Mayberry, Kayla Zwarf*

# THE RULE OF LAW: FROM RIVERSIDE TO KABUL AND BACK

*By Judge Stephen G. Larson*

*The following are remarks delivered by United States District Judge Stephen G. Larson at the Officers' Installation Luncheon for the Federal Bar Association, Inland Empire Chapter, held at the Mission Inn on November 6, 2008. The views expressed are personal reflections by Judge Larson and do not necessarily represent the position of the United States government.*

Thank you, John [Holcomb]. John has completed an outstanding year as president of our local chapter of the Federal Bar Association. We greatly appreciate your service, John. I also recognize Dean Emeritus Charles Duskow of the University of La Verne College of Law and these very deserving students from La Verne, one of whom I had the privilege of teaching, who are being recognized for their academic excellence by receiving our chapter's scholarships. As many of you know, our chapter "adopted" La Verne as its law school and has enjoyed a mutually enriching relationship with the school. It is an exciting time for La Verne Law School, having recently received its provisional ABA accreditation and we expect soon, under the very able leadership of its new Dean, Allen Easley, will receive its permanent ABA accreditation.

I also recognize my colleagues Judge David Carter, Judge Virginia Phillips, and Judge Oswald Parada who join us this afternoon. It has been a very busy year in the federal courts of the Central District of California, a year in which all three of these judges have become more familiar with the leadership of the Aryan Brotherhood than anyone probably should. On behalf of the entire federal judiciary, I want to express our sincere gratitude to John and all the membership of the Federal Bar Association for your tremendous encouragement and support.

Two weeks ago, I returned from a nine-day trip to Afghanistan. I was privileged to lead a delegation to conduct a justice sector assessment on behalf of the State Department's Public-Private Partnership for Justice Reform in Afghanistan, a nonpartisan effort to involve lawyers and law firms from diverse areas of private practice in the State Department's on-going efforts to assist the people and government of Afghanistan establish the rule of law and a more transparent judicial system. Judge Carter serves with me as a judicial consultant and member of the Executive Committee of this program; he, along with the Partnership's private co-chair Robert C. O'Brien of Arent Fox, traveled to Kabul in February, and I followed their path in October.

Part of our visit was dedicated to paving the way for an Afghan women's legal professional training and empowerment program, which will be held in Riverside this January. Thanks in part to the generous contribution of room and

board by Duane and Kelly Roberts, the owners of the Mission Inn, we will have a delegation of Afghan women judges, prosecutors, and lawyers visit our legal community for an intensive week of instruction and exposure to our legal institutions and practices.

While I am still sorting out many of my impressions from my Afghan visit, four come readily to mind.

First, Afghanistan is a rugged place. My flight from Los Angeles to Kabul via Dubai took me over Iraq, Iran, and Afghanistan. While what I saw of the former two appeared relatively flat, with concentrated population centers, Afghanistan presents an extraordinarily rugged landscape, beautifully so, with high mountain ridges and narrow canyons stretching deep into the horizon. Isolated villages and population centers litter the countryside, with little apparent infrastructure connecting the varied peoples. The result, I learned from Rory Stewart, a British expert on Central Asia who has traveled over 6,000 miles of the region on foot, is a country of a broad variety of linguistic dialects, customary practices, and diverse allegiances.

Second, Afghanistan is poor. With its per capita gross domestic product of approximately \$800 per year, Afghanistan ranks amongst the poorest nations of the world, just ahead of Somalia and the Congo. Life expectancy is now 43 years, down from 10 years ago. No doubt this is in part due to the oppressive pollution. Years of war have denuded forestation; to provide warmth during the cold nights, local Afghans burn animal dung, leaving a putrid, heavy cloud over the city come morning. Although merchant activity appears vigorous in the city streets and public markets, there is little sign of either the existence of or conditions for significant foreign investment or significant economic development. Without military and political stability, it will be very difficult to develop the sizeable natural gas and copper resources that the country possesses.

Third, Afghanistan is war-weary. From the monarchy, to the military junta, to the Soviets, to the Mujahideen, to the Taliban, to the American-led coalition forces, the people of Afghanistan have been plagued by warfare for generations. The city of Kabul is heavily militarized, with virtually every street we traveled fortified with machine gun-carrying police and other military officials, towering makeshift walls topped with razor wire, and the ubiquitous military checkpoints and maze-like concrete barriers through which our convoy slowly navigated. Although the highly professional Blackwater team that provided our delegation security made me feel physically safe, the constant presence of heavy armor was emotionally unnerving. And that after only a week's time. I simply can-

not imagine the psychological toll of 35 years' worth of such anxiety.

Fourth, and most importantly, Afghanistan is occupied by a beautiful and energetic people. It is this final impression that gives me hope that the challenges of my first three impressions can be overcome. There is a determination and confidence, a warmth and forthcoming hospitality to these true resilient survivors that shines through the grime and poverty.

As for the current American effort in Afghanistan, there is no doubt that job one is and must be securing peace and neutralizing the seemingly reenergized and resurgent Taliban. The horror of Taliban rule, especially for women, is well-documented; that such a ruthless regime was permitted to take root and fester for as long as it did is regrettable. Beyond that, however, if Afghanistan is to ever become a nation, or, which I think is more plausible, a loose federation of nation-states (what Thomas L. Friedman aptly describes as "islands of decent and consensual government"), the people of Afghanistan must succeed at establishing the rule of law. Although the substance of the law itself should and must be settled upon by the Afghans themselves, it was clear to me that, at least in Kabul, the Afghan people both want and need our help. Not to be overlooked, and inextricably intertwined with both the effort to defeat the Taliban and establish the rule of the law, moreover, is the prevalent and increasing poppy production and opium trafficking within Afghanistan, the primary source of funding for the Taliban and unquestionably the most corrupting influence on the government in general and the justice system in particular.

We all know how important the rule of law is to any successful enterprise. We learned about the rule of law as children, playing on the schoolyard or the playground. When we made up games, the first thing we had to do was come up with some rules – how do you score a point, what are the bases, what is out-of-bounds, and the like. We learned that if the rules were not set in advance – if they were subject to change in the middle of the game – the biggest or bad-

dest of our playmates would either end the game by walking away with the ball, or ruin the game by changing the rules to suit his advantage.

That happens whenever the rule of man trumps the rule of law: Without law, might makes right instead of might for right, to invoke Arthurian language. The result, history teaches consistently, is either tyranny, if the powerful succeed, or anarchy, if they do not. Avoiding these twin evils is the proper and noble goal of right-ordered government; under either tyranny or anarchy, the people lose both liberty and justice (not to mention their well-being and a good number of their lives). So, as we learned in childhood, there is an abiding need to draw up rules that make sense, make sure everyone knows what the rules are, and, if there is a dispute over how the rules apply to a particular situation, some fair way of resolving the dispute. That, in a nutshell, is the rule of law.

However defined, the importance of the rule of law cannot be understated. It is simply critical to the political, economic and social stability of any society or polity. Disputes inevitably arise, whether they be in politics, in business, or in everyday social relations. Civilized society requires that rule of law to resolve disputes; the alternative is violence and oppression. The requirements of the rule of law are, at a minimum, three-fold.

First, there is a need for adequate resources and institutions. The law needs a place to conduct its business, it needs human and physical resources to facilitate the management and disposition of cases, and it needs capital resources to ensure effective advocacy and adjudication of disputes. Our delegation met with Vice Admiral Bruce E. MacDonald, the Navy's Judge Advocate General, who was reviewing his JAG officers who are very involved with coalition forces in attempting to identify and shore up the judicial institutions across Afghanistan. While he emphasized the difficulties his officers faced at times even locating an extant justice facility in many villages, I was impressed at his appreciation for the importance of the rule of law effort. Our delegation also met with the

Chief Justice of the Supreme Court, the Minister of Justice, the Attorney General, and many others involved in the Afghan justice sector, and from each we heard the same chorus: The institutions and resources are grossly inadequate, and their renewal, or in many instances their creation from scratch, are essential to peace and justice in Afghanistan.

Second, there is a need for the written, positive law itself. A hallmark of most modern, successful civilizations is



Judge Larson joins Vice Admiral Bruce E. MacDonald, the current Judge Advocate General of the U.S. Navy, for lunch at the officer's bungalow at Camp Eggers in Kabul.



Judge Larson meeting with Afghan Attorney General Mohammad Ishaq Aloko. To Judge Larson's right are Gary J. Peters, Counselor of the U.S. Embassy in Kabul; Dr. Kerry Murphy Healey of the JFK School of Government at Harvard; and Washington, D.C. attorney Peter Garvin of Jones, Day.



Judge Larson meets with His Excellency Abdul Salam Azimi, the Chief Justice of Afghanistan's Supreme Court, in his chambers in Kabul.

photograph courtesy of Judge Stephen Larson

photograph courtesy of Judge Stephen Larson

photograph courtesy of Judge Stephen Larson

that their populations are people of the written word, especially in regard to their religious, academic, and legal cultures. To be understood, to be transmitted over long distances, to be followed in diverse regions and under diverse circumstances, to be relied upon in both business and political intercourse, and to be respected, the law must be written down, it must be memorialized. A polity dedicated to the rule of law needs to be able to reference what the law actually is – making it up as we go along works no better in the real worlds of government, the economy, or society than it does on the schoolyard or the playground.

This is yet another area in which Afghanistan lags well behind the developed and most of the developing world. What conflicting and haphazard law existed prior to their rule, the Taliban succeeded in destroying, physically so, any remnants of the written law. Books in libraries and universities that did not support their radical understanding of Islam were burned. The process of recovering and renewing what vestiges of the written law remain is being pursued, but progress is slow; when coupled with the challenge of reaching agreement on what the law should be, with its varied roots reaching into the conflicted and sometimes treacherous soil of customary or tribal law, Soviet-era law, and fundamentalist Islamic and Sharia law, and, for lack of a better phrase, Western law, the challenge is quite daunting indeed. The passage of the Afghan Constitution and the assimilation of certain legal codes has been an important step, but much remains to be accomplished.

I was shown a rug tapestry that hangs in a bar association office that depicts a legal proceeding. The courtroom is literally a beautiful Afghan rug on which five men are seated in a semi-circle, the elders of the village. Before them stand two men, one with hands outstretched in a plaintive pose pleading his case; the other holding on to two pieces of rope. One rope leads to his goat, the other to his daughter. He has brought both to settle the dispute. It is poignant, but it is not meant to be ironic.

The third requirement for the rule of law to take hold involves the people of the state or polity. Simply put, the rule of law requires a collective public commitment to justice and the rule of law. The importance of public support cannot be understated. Without respect for the justice system, without a willingness to submit disputes and abide by the results of the judicial process, neither stability nor justice, the twin goals of law, are achievable.

Recently I received an article from Dean David Levi of Duke Law School. Last year, Dean Levi left his position as the Chief United States District Judge for the Eastern District of California to accept an appointment as the dean and a professor of law at Duke. The article was entitled “From Judge to Dean: Reflections on the Bench and the Academy.” There is an extended passage in the article that I found very instructive. With your indulgence, I would like to share it with you. Dean Levi writes:

In this country we have a remarkably capable, thoughtful, and independent judiciary. Our incorruptible judiciary is one of the jewels in the crown of our democracy and is a founda-

tion on which our economy, social cohesion, and political system rest.

If you agree with my assessment of the quality of our judges [and I join Dean Levi in leaving it to you to pass such judgment], then we have something to explain. How is this possible and how did it come to pass?

It certainly does not get explained by the pay or the conditions of service. I think it would be difficult to argue that our most accomplished litigators around the nation are eager to leave practice and join the bench, although there are some who do.

Nor can it be explained by the wisdom of the various appointing authorities. Although I feel a great debt of gratitude to the first President Bush for appointing me in 1990, it also would be difficult to argue that the appointing process only seeks out the most capable among us. . . .

For this explanation, I suggest that we must look elsewhere.

I identify three reasons:

First and foremost the [b]ar. The [b]ar from whence our judges are drawn has strong traditions and high expectations of the judiciary. The ideal of the neutral, dedicated, fair, scholarly jurist is deeply embedded in our legal heritage. In ways that are subtle and not so subtle the bar keeps this ideal before the judiciary and insists that our judges strive to achieve it. But more than this, the experience of being a lawyer in this country, of being part of a learned profession[,] is elevating and prepares for further service all members of the bar who take their oaths seriously.

Second, our concept of due process and fair procedure. The legal process itself, the adversary system, the drama of the courtroom, the clash of ideas and interpretations, the right that every party has to be heard, the power of advocacy, all of these things put the judge in a role that requires diligence, judgment, objectivity, and reason. Participation in such a process for the judge, but also for the lawyer, is simply transforming.

Finally, there is our faith. As lawyers and judges we share a strong faith in the rule of law and equal justice under law. We think our future as a nation depends on this faith. I believe that it is from this mysterious alchemy that very good lawyers become very good judges, calling upon the better angels of their nature, forming a judiciary of remarkable importance and quality, rooted in the bar and drawing daily sustenance from it.

Dean Levi captures beautifully the symbiotic relationship between the bench, on the one hand, and the bar and larger community of people that the members of the bench are called to serve, on the other.

In Afghanistan, progress in gaining popular support for and awareness of the importance of the rule of law, particularly within the legal community, is the most encouraging development I observed. As with both institutional resources and law-making, however, there are serious challenges.

Foremost amongst these challenges is public corruption. In a country where the sustenance level is approximately \$200 a month – but the official salary for most judges and prosecu-

---

tors is approximately \$100 a month – bribery and graft are prevalent, although unlike our own experiences with public corruption, it is more a matter of need than greed.

Moreover, as noted before, the extraordinarily dangerous environment engendered by poppy production and the opium trade continues to create conditions ripe for widespread corruption. Despite the hugely successful (and widely underreported) effort to transition a significant number of the poorest Afghan provinces from poppy production to other agricultural products (mainly vegetables, cotton, and wheat), a controlling Taliban influence coupled with acquiescence (or worse) by senior Afghan officials of the central government have permitted large-scale poppy production to continue and actually offset successful eradication efforts in other wealthier regions of the country, notably the southern Pashto provinces of Kandahar and Helmand (provinces which, not surprisingly, are increasingly hostile to coalition efforts).

Without paying public servants a decent, living wage, and without a concerted effort – engaging both military and non-military resources – to combat poppy cultivation and opium production with public education, alternative crops, effective (probably aerial) eradication, and coordinated interdiction, I am convinced that no number of additional coalition troops or justice reform and other assistance will render stability in Afghanistan.

On the other hand – and this is the encouraging part – I met numerous brave and courageous men and women who, notwithstanding such enormous challenges, are truly committed to the rule of law and are truly making a difference. I recall meeting with one female judge who presides in the newly created antinarcotics court in Kabul. Her colleague, a male judge, was assassinated on his way home from court just weeks before our visit. I asked her if she was afraid and she admitted that she was, but said that she would not allow fear to keep her from her mission. A member of our delegation also asked her whether she saw progress. When she responded affirmatively, we asked her how she measured such progress. She told us that progress was measured in dead bodies – early efforts to prosecute low-level couriers and users met with little resistance; now that law enforcement is being brought to bear on more significant criminal targets, judges and prosecutors are being killed. It is a stark but undeniable barometer of progress.

As in any fledgling polity attempting to dedicate itself to the pursuit of justice, the role of brave people with determination and commitment cannot be understated. We know that from our own early American history. In the final analysis, it is not the institutions and resources that are dispositive – whether we hold court in a marble-laden courthouse or a wooden shack or even on a finely-woven wool rug, or whether our laws and cases are nicely printed on sequentially numbered leather-bound books or jotted down in cursive on scraps of paper – these are not the most important factors. As we learned on the schoolyard and playground, what really matters most is that all (or at least most) of our playmates need to accept the rules and the calls made during the game, or the game simply cannot go on.

Travel and interacting with other cultures always causes me to reflect on my life and community. Which brings me back to the suggestions of Dean Levi – just as outstanding individuals like those I met in Afghanistan are critical to the development of its justice sector, so too are certain outstanding individuals in our own legal community. We are very blessed that one of those outstanding and courageous individuals has just become the president of our local chapter of the Federal Bar Association – Jacqueline Carey-Wilson. It is my distinct honor to be given the privilege to introduce her this afternoon, although she truly is one of those special people known so well by so many that no introduction is needed.

Jackie was one of the first lawyers I met when I transferred from the U.S. Courthouse downtown Los Angeles to the George E. Brown, Jr. Federal Courthouse here in Riverside. She impressed me on our first meeting, and she has continued to impress me ever since. She is a remarkable person and I have every confidence that she will be a remarkable president.

Who is Jackie Carey-Wilson? A partial but incomplete measure of who she is can be gleaned from her impressive résumé.

Jackie presently serves as deputy county counsel for the County of San Bernardino, working as an appellate attorney representing the Department of Children's Services and the Department of Aging and Adult Social Services. Prior to her appointment to the county, Jackie was a research attorney with the California Court of Appeal in Riverside, a deputy public defender in Riverside County, and before that a field representative for Congressman George E. Brown, Jr. in Colton. Jackie received her Juris Doctor degree from Southwestern University School of Law and a bachelor's degree in political science from California State University at Fullerton.

It was actually while a student at Fullerton that her relationship with the federal courts began, although neither Jackie nor the future federal judge with whom she worked knew so at the time. Jackie was very involved early on in politics, and while at Fullerton, she participated in the Model United Nations, the Young Democrats, the Coalition Against Apartheid, and the peace advocacy organization Beyond War. One of the highlights of her political activity was her tireless work on behalf the congressional candidacy of a young David Carter during the Democratic primary of 1986, the same Judge David Carter who joins us this afternoon. Judge Carter's unsuccessful campaign was Congress' loss but ultimately the judiciary's gain.

Jackie has been very involved in a wide variety of legal and public service projects and organizations. Jackie has been a director of the Volunteer Center of Riverside County since 2001, serving as its president from 2004-2006; she has been a member of the California State Bar's Public Law Section Executive Committee since 2005; she has been a director of the Federal Bar Association Inland Empire Chapter and a frequent contributor to the Federal Lawyer since 2005; she has been an editor, writer, and photographer for the Riverside County Bar Association's Riverside Lawyer for the past five years; and she now serves as a director-at-large of the RCBA.

Jackie also serves on the Advisory Board for VIP Mentors and chairs the Red Mass Steering Committee for the Inland Empire.

And of even more importance than any of her many commitments outside her home is her 20-year marriage to her college sweetheart, Douglas Wilson, and her three beautiful daughters who also join us this afternoon, Katie, Julia, and Grace.

Anyone who knows Jackie for any length of time soon discovers three dominant virtues. First, she is dedicated – she is one of hardest-working members of our legal community, she is tireless, and I dare say that it appears that she never says no. Second, she is humble and graceful – Jackie is able to get away with a certain degree of tenacity largely because of her sincere humility and natural grace. Third, she is intelligent – Jackie is not only very bright but a truly talented multitasker.

To paraphrase Dean Levi, if you agree with my assessment of the qualities of our friend Jackie – which I am quite confident that you do – then we have something to explain. How is this possible, and how did it come to pass? There are perhaps many answers to this question; let me suggest two.



photograph by Jacqueline Carey-Wilson

*Douglas Wilson, Jacqueline Carey-Wilson and daughters, Grace, Julie and Katie Wilson*



photograph by Jacqueline Carey-Wilson

*Judge David Carter, Jacqueline Carey-Wilson, and Judge Stephen Larson*

The first answer is John and Dorothy Carey, Jackie's inspiring and devoted parents. John Carey, a bona fide member of the greatest generation, is with us this afternoon and it is my privilege to recognize him at this time.

Another answer reveals itself in a traumatic incident that took place during Jackie's college years.

On June 6, 1986, three days after the California primary on which she had worked so diligently, Jackie was involved in a terrible automobile accident. Jackie was seated in the front passenger seat in a car which contained her then-boyfriend Douglas and her sister Becky, and which was being driven by her friend Mary. As the car passed through an intersection, it was broad-sided by another car, with Jackie receiving the brunt of the impact. Jackie was seriously injured, sustaining nine broken ribs, a punctured and collapsed lung, a lacerated liver, a punctured spleen, and traumatic head injuries that left her in a coma for two weeks.

Following the accident, Jackie had to undergo significant rehabilitation. She had to completely relearn such basic abilities as walking, talking, writing, and remembering. She went from being a right-handed writer to a left-handed writer. Although her handwriting went from right to left, much to Judge Carter's relief, her politics did not go from left to right – apparently certain of Jackie's instincts are so deeply in place that nothing can change them! In fact, during the following summer of 1987, Jackie interned for Congressman Richard Gephardt. My own sense of Jackie is that the only conviction more indelibly a part of who she is than her Democratic political sympathies is her profound and enduring Catholic faith.

Jackie not only recovered from but was actually strengthened by this ordeal. I believe that her determination, her dedication, and her tireless commitment to helping others stem in no small part from this remarkable experience. Jackie married Douglas in 1988 and graduated from Fullerton in 1989, and she hasn't stopped since.

William Butler Yeats makes this tribute to those friendships he valued in his life in the final stanza of his poem, "The Municipal Gallery Revisited":

And here's John Synge himself, that rooted man,  
'Forgetting human words,' a grave deep face.  
You that would judge me, do not judge alone  
By this book or that; come to this hallowed place  
Where my friends' portraits hang and look thereon;  
Ireland's history in their lineaments trace;  
Think where man's glory most begins and ends,  
And say my glory was I had such friends.

I know that I speak not only for myself but for so many others in this legal community when I say that one of our great glories is that we have such a friend as Jackie Carey-Wilson.



photograph by Jacqueline Carey-Wilson

*Judge Virginia Phillips (center) swearing in the new officers: (l-r) John Holcomb, President-Elect; Dennis Wagner, Treasurer; Jesus Bernal, Secretary; and Jacqueline Carey-Wilson, President*



# DEMOCRACY ON THE HOUSE

*by Richard Brent Reed*

The coffee bean was the seed out of which the American Revolution sprouted. Back in 1773, Americans – then British subjects – had no vote in the Parliament, which levied taxes on the colonies. Without a vote, the colonies' influence on Parliament was somewhat diluted. Disdaining to be taxed on basics like beverages, Americans tossed tea into Boston Harbor, then stamped off to their coffee houses, where the Founders stayed up all night, brewing a distinctly American drink: Revolution.

On Election Day, November 4, 2008, parched from election monitoring at the office of the Registrar of Voters, I stood in a Starbucks and ordered the Thanksgiving Blend. As I opened my wallet, the young barrista behind the counter noticed the patriotic "I voted" sticker on my lapel.

"Did you vote?," he asked.

"Yes," I replied.

"It's on the house."

Starbucks was doing its bit to encourage people to vote. The caffeine inducement, though welcome, was unnecessary: 3,000 voters had mobbed the registrar's office on November 3, and almost as many would pour in there today to get at the banks of voting machines in the lobby or to fill out a traditional paper ballot. When I walked in around 1:00, the lobby looked like the waiting area of a small airport the day before Thanksgiving. I took a number, filled out a ballot request form, and opted to vote electronically, since those votes would be counted before the paper ballots (except for the preelection votes from absentee ballots, mail voting machines, and those cast in the ubiquitous remote-voting vehicle known as ROVER).

Things at the registrar's office, though hectic, ran smoothly that afternoon under the skillful shepherding of Registrar Barbara Dunmore and the watchful eye of Wayne Beckham, her Chief Deputy. The real work, however, was to start at 8:00 when the polls closed. Shortly thereafter, community volunteers at polling places all over the county would spring, elf-like, to their Election Day duties, packing paper ballots and data cartridges into ballot transport cartons, loading them into cars and trucks, and delivering them to the Registrar. Once at the registrar's office, the cartons are checked in, signed for, and carted to the Community Room, where, under the scrutiny of the public, the Election Observers Panel, and even the press,

they are opened by volunteering county employees. This begins the 20-hour process of vote counting.

Appointed to the Election Observers Panel by gracious invitation of the registrar, I had been knocking about the registrar's office all afternoon, pausing only to jot down a few notes and collect my free coffee. The purpose of the Election Observers Panel is to:

- Help ensure the integrity of the election process;
- Demystify the election process;
- Provide the public with the opportunity to observe and make suggestions.

To form the panel, the registrar sends out invitations to:

- The county grand jury;
- Political party central committee members;
- Advocacy groups;
- The League of Women Voters; and
- The media.

The object is to make sure that only those qualified to vote are allowed to cast a ballot – one ballot per person. The mixing of qualified votes with bogus votes results in "dilution": the watering-down of legitimate votes.

Historically, dilution has been known to decide local elections. The notorious Tweed Ring maintained its control of New York's political process by establishing the 19th-century equivalent of a naturalization drive-thru window in the city's courts, where immigrants, some right off the boat, were granted instant citizenship by obliging courts and then hustled off to the nearest polling place by political bosses. Similarly, the infamous Daley political machine held onto power in Chicago for a good chunk of the 20th century by culling voters from graveyards. Current law, in most jurisdictions, frowns upon such cavalier approaches to voter registration.

The Registrar of Voters of Riverside County takes great pains to maintain public confidence in the electoral process, since a disaffected voting public is a nonvoting public. Elections are meant to be the ultimate expression of the will of the people in a functioning democracy. The 2008 election is over, the ballots have been counted, the coffees have been quaffed, and the people have spoken: *Vox populi, vox dei.*

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



# PSLC NEEDS YOU

by Diana Renteria

*The needs of the indigent are often greater than those of the paying client.* – Ward W. Albert.

What is the “it” factor, the thing that compels some attorneys to feel the duty, the compassion, the need to assist the financially insecure, uneducated, victimized individuals in society by providing free legal advice or direct representation?

There are many lawyers in Riverside who have been asked to assist the Public Service Law Corporation (“PSLC”) in its quest to provide free legal advice and/or no-cost direct representation to qualifying low-income individuals. Very few attorneys respond to the call of duty by volunteering. It is a shame that for many, the overwhelming response is, “Why should I give free legal advice,” “I never give advice for free,” or “How is this going to make me look good to the judge?”

As a board member of the Public Service Law Corporation, I ask, how can this board recruit and retain our attorney volunteers? At the beginning of 2008, our volunteer attorneys for family law clinics numbered 20; here it is the end of the year, and this number has dwindled to half of that. The numbers are quickly decreasing, and each month there are fewer and fewer volunteers to attend the evening clinics. Is it the economy or apathy?

For some reason, attorneys in their respective fields are not persuaded by the PSLC’s offers to provide professional liability insurance at no cost to all volunteer attorneys handling any direct representation cases pro bono (the PSLC is contracted to be the primary carrier, thereby relieving your current legal malpractice insurance carrier to protect your needs), or reimbursement for costs of transcripts and other litigation needs in those direct representation cases, or unlimited use of the PSLC CEB Program Passport (yes, you get to go to those expensive seminars – for free), or access to the extensive PSLC library.

Therefore, I am interested in hearing from all attorneys as to why there is this level of reluctance to volunteer. What programs or services can the PSLC provide to entice potential volunteer attorneys to give up one evening a month for two to three hours? Those individuals brave enough to respond to my inquiry can send written email to [diana@drlawoffice.com](mailto:diana@drlawoffice.com).

Do these benefits interest you? How do I receive these benefits, you ask? All you have to do is contact the director, Charlene Nelson, or her assistant, Virginia Corona, at 682-5213, and get your name on the schedule. Of course,



*PSLC volunteers who received the Manuel Award - Edward Hu, Xochitl Quezada, Forest Wright (PSLC Board President), Katie Greene, Ralph Hekman, Richard Ackerman; Other recipients not pictured - Jerry Dagrella, Raul Gimenez, Jeffrey Harada, Megan Hey, Donald McKay, Jerry Yang*

these benefits don’t kick in until you appear for your scheduled volunteer date and, here’s the catch, actually volunteer and record the hours. It is easy to incur at least 50 hours in a direct representation case, which will give an attorney additional recognition and bonus benefits by receiving the coveted Justice Wiley W. Manuel award from the State Bar of California.

Even with our dwindling numbers, the amount of grant money for the PSLC has continued to increase. The PSLC is pleased to announce that for 2009, several diverse new projects are being developed. A conservatorship clinic will be added to the existing clinics in the areas of family law, civil law, and guardianship. The PSLC is actively seeking volunteer attorneys in each of these areas. If you have experience in conservatorship law, we especially need your assistance. The PSLC will be working with the courthouse staff for guardianship matters by contacting pro se litigants who fail to appear in court. Lastly, the PSLC is developing video vignettes to be played at the family law courthouse involving various umbrella topics regarding child custody, visitation, establishing parentage and support.

On behalf of the board of the PSLC, and in celebration of the “Giving Back” issue of the Riverside Lawyer, I would love to recognize the following attorneys who have volunteered within the past year in a direct representation case, or at least one hour to either the family law clinics on Tuesday or Thursday evenings in Riverside, or twice a month in Temecula, or to the civil law clinics on Monday or Wednesday evenings, or to the guardianship clinics on Thursday mornings. The PSLC also has a satellite office in Indio where weekly clinics are offered:

---

Richard Ackerman  
Matthew Brown  
Robert Brownlee  
Kirby Combs  
Jerry Dagrella  
George Dickerman  
James Douglass  
Abel Fernandez  
Noreen Fontaine  
Michael Geller  
Jacqueline Gibson  
Raul Gimenez  
Katie Greene  
Edward Hackney  
Jeffrey Harada  
Ralph Hekman  
Megan Hey  
Edward Hu  
Ivan Iles  
Richard Kennedy  
Leah King  
Holly Maag  
Paul Maineri  
Hershel Martin  
Donald McKay  
Kenneth Minesinger  
David L. Moore  
Phi Nguyen  
Xochitl Quezada  
Diana Renteria  
Paulette Sandler  
Warren Small  
Jeffrey Smith  
David Taub  
Michael Thompson  
Nguget Tran  
William Windham  
Ying Xu  
Jerry Yang

Individuals who were recently awarded the Justice Wiley W. Manuel Award from the State Bar of California are: Richard Ackerman, Jerry Dagrella, Raul Gimenez, Katie Greene, Ralph Hekman, Jeffrey Harada, Megan Hey, Edward Hu, Donald McKay, Xochitl Quezada, and Jerry Yang.

As always, the PSLC invited all its volunteers and staff to its annual volunteer appreciation dinner at the Cask 'n' Cleaver, which was held on December 8, 2008. Yes (another fabulous benefit), the PSLC pays for the meal for each participating volunteer at the dinner. It is one of the ways for the PSLC to say thank you for the past year. At the appreciation

dinner, everyone who attended had a great time slowing down for an evening and enjoying the approaching holiday season.

It is my hope that all the judges in this county review this short list and recognize our silent heroes for having the "it" factor, the call of duty, the compassion and the need to assist the financially unfortunate in society with either direct representation or with good old legal advice. Without them, many underprivileged individuals would be lost in the maze of courtroom procedure.

---

*Diana Renteria is a local family law attorney who sits on the board of the Public Service Law Corporation and on the RCBA's Lawyer Referral Service Committee.*



# A DECENT PROPOSAL

*by Richard Brent Reed*

In 1866, shipbuilder Henry Bergh, before a room full of Manhattan's political elite, pleaded the cause of work animals, referring to them as "these mute servants of mankind." Two months later, the New York state legislature passed its first anticruelty law. To help enforce such laws, Bergh, with the help of his attorney Elbridge T. Gerry (grandson of founding father Gov. Elbridge Gerry of Massachusetts), founded the American Society for the Prevention of Cruelty to Animals (ASPCA).

In 1906, *The Jungle*, Upton Sinclair's novelized exposé of the meat-packing industry, prompted President Theodore Roosevelt to urge Congress to enact reforms, not to protect animals, but to protect workers and consumers. The results included the Meat Inspection Act and the Pure Food and Drug Act.

Comes now the initiative-elect, Proposition 2 (now Chapter 13.8 of Health & Safety Code). The prohibitions in Proposition 2, voted into law on November 4, 2008, read as follows:

In addition to other applicable provisions of law, a person shall not tether or confine any covered animal, on a farm, for all or the majority of any day, in a manner that prevents such animal from:

- (a) Lying down, standing up, and fully extending his or her limbs; and
- (b) Turning around freely.

These provisions won't take effect until January 1, 2015. By that time, egg farmers and chicken ranchers will have retooled their cavernous aviaries with their cubicle coops or face a \$1,000 fine and/or six months in jail. Simply put, Proposition 2 modifies Division 20 of the Health & Safety Code (commencing with section 25990) by requiring a bit of living space for the subject animals. It attempts to impose enforceable guidelines on commercial producers of animal products as to how the animal is kept while it is producing and how the animal is treated until it becomes a product. Animals covered by the new statute are: any calf raised for veal; any egg-laying hen; and any un-pregnant pig. Animals not covered include:

- lab animals;
- rodeo animals;
- pregnant sows in their last week of gestation;
- animals being transported;
- animals about to be slaughtered.

California law draws distinctions between private conduct and commercial conduct:

- Homeowners are free to have their parents, siblings, and in-laws move in, but there are laws against

a landlord cramming 20 tenants into a four-bedroom house;

- You can invite the boys over for a friendly game of Texas Hold 'Em, but you can't open up a casino unless you're a tribe with a state franchise;
- You can make wine in your refrigerator, but don't try selling it without a license;
- A lady and a gentleman may negotiate for a diamond tennis bracelet over a romantic dinner, but don't try making that deal on the nearest street corner.

Similarly, a citizen can, with impunity, raise a chicken in a cage, collect the eggs for breakfast, and then wring its neck, dress it, fry it, and chow down on it. But the state may assert its jurisdiction over the sale of eggs by the carton or chicken by the bucket, because those items flow onto the dinner table through the stream of commerce. So what is the state's interest regarding poultry and livestock? In a word: space.

Chickens are caged to maximize profit by factory farms, where so-called "battery hens" are confined in small cages arranged in long rows ("batteries") and stacked, tier upon tier, in a dark shed. Without antibiotics, diseases would spread quickly in such close quarters. Cooping chickens up together produces not only eggs, but some unhealthy, unnatural behaviours.

In the barnyard, chickens naturally perch, dust-bathe, scratch (for seeds, bugs, and gravel), forage, and nest. Such natural behaviours are impossible for battery hens. Chickens also establish a "pecking order" to establish who will be the dominant bird. The weaker chickens are pecked by all of the dominant chickens to teach each bird its place in the pecking order. The bottom bird must acknowledge its lowly status by running away, or risk being pecked to death. In confinement, the lowliest chicken cannot escape being pecked to death, and often is. To avoid losing chickens this way, some factory farmers cut off the beaks of their chickens. This pragmatic mutilation is known as "de-beaking." These extreme measures are necessitated by the unnatural conditions in which the chickens are kept.

Nor do cows necessarily escape confinement. A veal calf, for instance, is snatched from his mother when only a few days old and raised on an iron-deficient liquid to prevent his flesh from developing a healthy red color. A veal calf must also spend his short, anemic life confined in a stall so small that he cannot even turn around. Some veal calves never see the sun. Dairy cows, on the other hand, are given little or no shelter from the sun, but wander

---

aimlessly about barren feedlots where they stand all day on and in their own manure.

California already has two parallel agricultural systems: traditional farms and mechanized factory farms. There are many free-range egg ranches where chickens roam the barnyard, scratching, pecking, and clucking. There is no need to cage them, load them full of chemicals and antibiotics, or de-beak them. And to find alternatives to the stark, stinking, lunar landscapes of fly-infested feedlots, one need only take a drive through the back country between Nuevo and Hemet to see verdant pastures where dairy cows are permitted to wander and graze.

Among California's mass of unnecessary and counterproductive statutes regulating business are a few desirable laws designed to prevent the buyer from being bamboozled, the purchaser from being poisoned, and the end user from meeting an untimely end. But, despite the plethora of prohibitions protecting the consumer, there are very few laws that protect the consumed.

---

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



# OPPOSING COUNSEL: JAMES W. PARKINSON, A JEWEL IN THE DESERT

by Jacqueline Carey-Wilson

“A jewel in the desert” is a good way to describe James Parkinson. Jim is an accomplished attorney who practices law in Palm Desert. He received his law degree in 1976 from Brigham Young University, where he had earlier earned his B.A., graduating magna cum laude. Jim has spent nearly his entire career practicing law in the Inland Empire. During this time, he has worked with some legendary members of our legal community, including Thomas T. Anderson and the Honorable Douglas Miller, Associate Justice of the California Court of Appeal, Fourth District, Division Two.

Jim’s most notable cases include *Ellis v. R.J. Reynolds Tobacco Co.*, the California case against Big Tobacco, as well as *Poole v. Nippon Steel*, the Japanese prisoner of war case. Jim was of counsel to Casey Gerry and Robinson Calgagnie in the *Ellis* litigation and served as co-lead counsel in *Poole*. Through litigation of the *Poole* case, education, lobbying, and plain old determination, he has pressed the cases of American soldiers who were forced into slave labor by Japanese corporations during World War II. He also coauthored a book with Lee Benson on the litigation, entitled *Soldier Slaves*, which was published by Naval Institute Press. Jim used the personal history of one of the veterans he represented to illustrate what happened during the infamous Bataan Death March in April 1942, three and a half years of slave labor in Japan, and the silence imposed by our own government. The litigation and the book shed new light on atrocities inflicted on American soldiers by the Japanese during World War II.

To encourage reading, Jim and Justice Miller distribute *Soldier Slaves* when they visit high schools for a project entitled “Literacy for the 21st Century.” So far, over 3,000 students have received a copy of the book and a positive message about reading.

*Soldier Slaves* was turned into a documentary entitled *The Inheritance of War*. This documentary was produced and narrated by Jim and directed by Ashley Karras. *The Inheritance of War* will premiere at the Palm Springs Film Festival on January 6, 2009, and will then be shown in 28 other film festivals across the nation. Many others will have the opportunity to view this film when it airs on tele-



James Parkinson and Justice Doug Miller

vision on Memorial Day and Veterans Day in 2009. *The Inheritance of War* is also available on DVD at [www.soldierslaves.com](http://www.soldierslaves.com).

For the last five years, Jim and Justice Miller have organized the “Orrin G. Hatch Distinguished Trial Lawyers Lecture Series” at Brigham Young University in Salt Lake City, Utah. The goal of this lecture series is to encourage students to go into trial-related fields. The series begins

with an inspiring keynote speaker. This year, the speaker was the Honorable Ming W. Chin, Associate Justice of the California Supreme Court. Notable judges and attorneys from all over the country then engage the students in panel discussions. The last part of this series is devoted to assisting the students in developing trial advocacy skills. Senator Orrin G. Hatch is a great supporter of this effort and attends the lecture series every year. Jim is the primary sponsor of the series and is also raising money to construct a courtroom at BYU.

Jim’s good works are reaching across the ocean and transforming an entire continent. Jim is leading the effort to bring used mammogram machines to African nations. Jim and Wil Colom of Columbus, Mississippi created the nonprofit group called the East African Breast Cancer Care Project. The chief executive officer of the Project is Justice Miller. Some African nations lack even a single mammogram machine. Mammogram machines are vital to detecting breast cancer in its early stages. As a result, countless women are dying of cancer. The East African Breast Cancer Project distributed eleven mammogram machines and five ultrasound machines to Tanzania. The Project also has plans to bring mammogram machines to other east African nations.

In May 2008, the Federal Bar Association, Inland Empire Chapter, honored Jim with the Erwin Chemerinsky Defender of the Constitution Award for his many professional and pro bono accomplishments. During the presentation of the award, Judge Stephen Larson described Jim as a Renaissance man, because he is very well read with a broad variety of interests. According to Judge Larson, “Jim fits the term ‘Renaissance man.’ Jim is a family man; he is very devoted to his wife Susan and his entire family.

The pride of his life is his children: Krista, Brett, Brooke and Matthew. Jim is also a man of faith; he is not afraid to discuss his faith, but is very tolerant and supportive of others in their faith journey; he incorporates his faith into his life's work. Jim is a man of principle; he is not afraid to speak up for his convictions regardless of the cost. In this regard, he is his own man; he is a man of conscience. Jim is a serious man; do not make lawyer jokes, he views the law as a noble profession. Jim is a caring man; he makes you feel good about yourself. Put these characteristics together, and one should not be surprised by his extraordinary career and his good works."

The Inland Empire legal community is honored to have James Parkinson as our jewel in the desert.

*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.*



## MEDICAL RECORDS WEIGHING YOU DOWN?

**LEGAL NURSE BETTY GIVES YOUR  
CASE THE TLC IT DESERVES.**

Our team combines nursing expertise with legal knowledge to advise attorneys on matters involving Medical Malpractice, Personal Injury, Product Liability, Workers' Compensation, and other Health Care cases.

**MEDICAL RECORD RELIEF · ONLY A PHONE CALL AWAY  
951-926-9590 · 951-551-4722**

### Services include:

- \* Screening medical cases for merit.
- \* Reviewing and analyzing medical records, hospital records, policies and procedures for relevance to your case.
- \* Identifying and locating expert witnesses.
- \* Developing reports, chronologies, and Life Care Plans.



LEGAL  
NURSE BETTY, INC.



LegalNurseBetty.com · [LegalNurseBetty@roadrunner.com](mailto:LegalNurseBetty@roadrunner.com) · Fax 951-926-4528  
Legal Nurse Betty, Inc. is a Certified Legal Nurse Consulting Firm owned and operated by Betty A. Lyons, RN, WCC®, CLNC®





# OTHER LOCAL BARS OF RIVERSIDE COUNTY

## Desert Bar Association

*Donald B. Griffith, President*

The Desert Bar Association is a professional association of civil and criminal lawyers practicing within the Desert Judicial District of the Coachella Valley, comprising the desert cities of Palm Springs, Rancho Mirage, Cathedral City, Palm Desert, Desert Hot Springs, Thousand Palms, Indian Wells, La Quinta, Indio, Coachella, Thermal and Mecca.

On October 6, 2008, the Desert Bar Association held its 57th annual installation of officers and trustees. The Desert Bar Association's second major social event is the locally renowned Bird Awards, held at the end of spring. Desert Bar Association members also attend monthly luncheons on the third Friday of each month, except July and August. At the luncheons, there are guest speakers who provide interesting and informative presentations on a wide variety of practical subjects. Guest speakers include members of the local judiciary, who provide information on new developments at the courthouse, such as changes in judicial assignments, changes in local procedures and the administration of the courts and justice in general.

This year, the state Supreme Court held a special outreach session in the Coachella Valley. About 2,000 local students heard oral arguments on October 7-8, 2008, at the Indian Wells Theater on the Palm Desert Campus of California State University, San Bernardino.

The Desert Bar Association has sections for specialty area practices, such as our Family Law Section and Probate and Criminal Law Committees. These committees deal with both statewide and local issues regarding their respective areas of the law.

The Desert Bar Association is active in providing voluntary community services, such as the Senior Law Day Program, the Community Law School Program, Law Day, courthouse tours for school children, the "Teach the Teachers" Program, the Attorney/Client Fee Arbitration Program, the Client Relations/Liability Program, the Bench/Bar/Media Relations Program, the Free Mediation Program, which handles about 100 cases annually, and the Desert Bar Association website, [www.desertbar.com](http://www.desertbar.com).

If you would like further information on membership or upcoming Desert Bar Association events, please contact Donald Griffith at (760) 836 0016.

## Southwest Riverside County Bar Association

*Richard B. Beck, President*

Greetings from the Southwest Riverside County Bar Association!

The Southwest Riverside County Bar Association holds our monthly luncheon meeting at the Marie Callender's at 29363 Rancho California Road in Temecula on the third Thursday of the month. We offer speakers and free MCLE credit for the cost of a lunch. We have had speakers on a broad range of subjects, such as aviation law, equine law, protecting client files on our office computers from spyware and hackers, mentoring programs for parolees, and processing default judgments, to name just a few.

We have over 100 members who work and live in one of the best locations in Riverside County – Wine Country. I would encourage you to attend our meeting, but plan on taking the rest of the afternoon off to visit Old Town Temecula and the local wineries or spas. Every year we have a wine tasting event on a Friday afternoon in June at Reed Webb's Ranch in the beautiful De Luz area of Temecula.

If you are interested in joining, the membership fee can be deducted from the cost of your Riverside Bar Association dues. For information regarding the Southwest Riverside County Bar Association, please check out our website, <http://www.swrbar.org>.

On behalf of our chapter, hope to see you soon.



## Criminal Law Section

*Chairs: Christopher B. Harmon and Chad W. Firetag*

The Criminal Law Section meets on a regular basis (bimonthly) at the RCBA building and is open to all members. The section is dedicated to providing interesting and instructive presentations on topics of criminal law and procedure. The subject matters covered in our meetings are designed to be useful and interesting to both the experienced criminal practitioner and the novice alike. Whether you are looking to stay current on your criminal trial skills or are interested in beginning a criminal practice, we think that you will find our meetings both interesting and informative. To join this section, or to suggest topics and speakers, please contact the RCBA office or cochairs Chris Harmon ([christopherbharmon@sbcglobal.net](mailto:christopherbharmon@sbcglobal.net)) or Chad Firetag ([firetag@yahoo.com](mailto:firetag@yahoo.com)).

## Environmental Law Section

*Chair: Garry M. Brown*

The Environmental Law Section has been planning its agenda for the coming year and is excited about increasing the number of programs and speakers.

We started off the 2008-2009 year with a talk in the RCBA building by the Santa Ana Regional Water Quality Control Board's expert on the Clean Water Act's Storm Water Program, and in particular, the general construction permit, which is in the process of being amended and potentially tightened this year. This important topic is critical for any practice that involves real estate development, as Storm Water Pollution Prevention Plans and related laws and regulations are being enforced with increasing vigor throughout the state.

A number of other programs are tentatively slated for this year, including programs on the Resource Conservation and Recovery Act (RCRA), the environmental law practice, and hot topics in endangered species and the California Environmental Quality Act. Event times, dates and locations 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 Environmental Law Section, or have program or speaker suggestions, please contact me directly at [Garry.Brown@Greshamsavage.com](mailto:Garry.Brown@Greshamsavage.com) or (909) 723-1710.

## Immigration Law Section

*Chair: Kelly Shane O'Reilly*

The Immigration Law section is devoted to the continuing education of immigration practitioners as well as members of the bar in general. Covering a recognized dynamic and fluid area of law, the section acknowledges the importance of staying informed and up-to-date with the continuing evolution of U.S. immigration policy and practice.

This year, the section will present updates from representatives of USCIS, ICE and the EOIR. The section will bring in supervisors, immigration judges and experienced practitioners, not only to educate regarding the current status of the law, but also to give "best practice" advice to counselors of both immigrants and employers.

This practical approach will result in the further development of the Riverside County immigration lawyer, as well as providing needed information for those who encounter immigration issues in their daily practice.

For topic suggestion or other comments, please contact Kelly O'Reilly at [koreilly@wilneroreilly.com](mailto:koreilly@wilneroreilly.com) or (909) 821-5118.





# THOMPSON & COLEGATE CAPTURES SOFTBALL CROWN

by Bruce E. Todd

There's an old axiom in sports that it's not always the team with the best record that wins a championship, but rather the team that peaks at the right time.

Thompson & Colegate certainly proved this after going winless (0-7) in the regular season of the Riverside County Bar Association softball league, but then somehow magically gelling at right time to storm through the playoffs and capture its first-ever league title in the long history of the firm. It must surely be the first time in league history that a team has failed to notch even a single victory during the regular season and then marched through the playoffs to win the league crown. Even Dan Bernstein, the noted columnist for the Press-Enterprise, included a blurb about this unlikely championship in one of his recent columns. Thus, the prestigious lawyer league perpetual trophy will now rest in T&C's lobby for the next year.

The sweep through the playoffs did not come easy, as T&C had to eke out close victories against Lobb, Cliff & Lester, Varner & Brandt and the district attorney's office. The finale against the DA's office featured superb defensive play by both sides before T&C snatched a 6-4 victory. Third baseman Steve Knock made some Brooks Robinson-like plays for T&C and started the ball rolling for the eventual victor with a three-run homer in the first inning. Right fielder Dirk Silva made a critical late-inning shoe-string catch, and Fernando Kish, Kelly Henry and Scott Hart also backed the team with some stellar defensive play. A key late-inning single by Bruce Todd delivered the two decisive runs.

Freddie Avellana, a paralegal at the firm who also served as the team's manager, elatedly said following the game

that "winning the championship is sweet, but even sweeter with the knowledge that it was attained completely with the determination and heart of all those who stuck it out through a very rough regular season. Nobody quit on each other and nobody got benched. Everyone on the team can take satisfaction in knowing that they were part of something special. A truly collective effort!"

The DA's office, which officially finished second after advancing to the title game, was followed by Gresham Savage in third place.

The Bar Association would like to express a big thank you to all of those who participated in and supported the teams that made up the league.

For those of you who would be interested in forming a team or

participating in next year's league, you can contact Tim Plewe of Lobb, Cliff & Lester, LLP at (951) 788-9410. Mr. Plewe is the current commissioner of the league. The league generally starts playing its games in early May, so it would be best to try to contact Mr. Plewe by March 1, 2009. Participation in the league is a great way to develop camaraderie with other lawyers from the local area. Most teams usually go out for after-game refreshments (such as pizza and beer) following each hard-fought contest. Thus, involvement in the league is a great opportunity to meet and socialize with other members of the RCBA.

*Bruce Todd, a member of the Bar Publications Committee, is with the law firm of Osman & Associates in Redlands.*



Thompson & Colegate Softball Team

# 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@gslaw.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@sbcglobal.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@jacobsdevco.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 Debbi to schedule an appointment at (951) 240-6283.

## **Associate Attorney**

Established Western Riverside County business/business litigation firm (AV rated) desires associate with 0 - 2 years experience in general business practice. Top 25 percent ranking from an ABA-accredited law school a must. Please include a writing sample. Please mail resume to Personnel, P.O. Box 1447, Corona, CA 92878; Email [ngray@claysonlaw.com](mailto:ngray@claysonlaw.com); Fax (951)737-4384.

## **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).

# Why DRS?



Riverside County Bar Association  
**Dispute Resolution Service, Inc.**  
(A Nonprofit Corporation)

## DRS benefits clients:

- Reasonable fee of \$150/hour; no set-up fee or hidden costs
- Minimal waiting time facilitates quicker resolution of issues
- Neutral perspective by an attorney with at least 10 years' experience

## DRS benefits attorneys:

- Saving clients' money creates satisfied clients
- Solving problems quickly enhances your reputation
- Innovative solutions can restore faith in lawyers

## DRS benefits the courts:

- Prevents nuisance cases from getting to court
- Enables case settlements before going to trial
- Helps alleviate congested court calendars

4129 Main Street, Suite 100  
Riverside, CA 92501-3629  
(951) 682-2132  
FAX (951) 682-0106

**BOARD OF DIRECTORS:**  
Christopher G. Jensen, President  
Michelle Ouellette, Vice President  
David G. Moore, Chief Financial Officer  
Judith A. Runyon, Secretary  
James O. Heiting, Director-at-Large  
Michael G. Kerbs, Director-at-Large  
Elliott S. Luchs, Director-at-Large  
Husten J. Histen, RCBA President-Elect

## Call 951-682-2132

Riverside  
County

# LAWYER

### Riverside County Bar Association

4129 Main St., Ste. 100, Riverside, CA 92501  
RCBA 951-682-1015      LRS 951-682-7520  
www.riversidecountybar.com      rcba@riversidecountybar.com

PRSR STD  
US POSTAGE  
**PAID**  
PERMIT #1054  
RIVERSIDE, CA