

# RIVERSIDE LAWYER

April 2008 • Volume 58 Number 4

MAGAZINE

## 2008 Mock TRIAL WINNERS



## TEMECULA VALLEY HIGH SCHOOL HIGH SCHOOL 1ST PLACE



The official publication of the Riverside County Bar Association



# Rebecca Tenwick's All-Mobile Bail Bonds

Bail/Insurance Lic. #1843406

Providing fully mobile bail bonding services to attorneys and their clients discreetly and reliably throughout Riverside and San Bernardino counties.

- 8% Premium Rate for all Attorney-Referred Clients, Union Members and Veterans.
- 0% Down No-Interest Premium Financing for Homeowners with Equity.
- Agent court appearances always free of charge.
- Domestic Violence and Addiction Counseling & Rehabilitation Program Referrals available upon request.

*Rebecca Tenwick is an experienced professional with a Master's Degree in Social Work. Her compassion and concern for others is absolutely unmatched in the bail bond industry.*

**AVAILABLE 24 HOURS A DAY, 7 DAYS A WEEK**

**All-Mobile Bail Bonds is always ready to meet with you and/or your clients whenever and wherever the need may arise.**



*Local professional references available upon request.*

**Rebecca Tenwick, MSW**  
**"Helping Families Heal"**  
**(888) 742-2245**

## Publications Committee

Kirsten Birkedal  
Yoginee Braslaw  
Charlotte Butt  
Christy Glass  
Donna Hecht  
Sanjit Kaur  
Rick Lantz

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

Daniel Hantman  
(951) 784-4400  
dh4mjg@aol.com

### President-Elect

E. Aurora Hughes  
ahugheslaw@aol.com

### Vice President

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

### Chief Financial Officer

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

### Secretary

Robyn A. Lewis  
(951) 686-8848  
rlewislaw@yahoo.com

### Past President

David T. Bristow  
(951) 682-1771  
dbristow@rhlaw.com

### Directors-at-Large

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

Daniel E. Katz  
(951) 682-1771  
dkatz@rhlaw.com

John D. Higginbotham  
(951) 686-1450  
john.higginbotham@bbklaw.com

Richard A. Kennedy  
(951) 715-5000  
richardakennedy@sbcglobal.net

### Executive Director

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

## Officers of the Barristers Association

### President

Charles P. Boylston  
(909) 798-9800  
cpb@hopperlaw.com

### Treasurer

Matthew M. Benov

### Vice President

Christopher L. Peterson

### Secretary

Jerry C. Yang

### Members-at-Large

Kirsten S. Birkedal  
David M. Cantrell

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 *Daniel Hantman*

**5** ..... **Litigation Update**

### COVER STORIES:

**8** ..... **2008 Mock Trial Competition**

*by John Wahlin*

**19** ..... **Perspective from the Bench: Mock Trial**

*by Robyn A. Lewis*

### Features:

**10** ..... **In Memoriam: Judge Robert K. Garst (Ret.)**

*by Judge Charles Field (Ret.)*

**11** ..... **April Fool's Section**

**24** ..... **RCBA Golf Tournament 2008**

*by Robyn A. Lewis*

**26** ..... **In Memoriam: Judge E. Scott Dales (Ret.)**

*by Judge Victor Miceli (Ret.)*

### Departments:

Calendar ..... 2

Membership ..... 28

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

## APRIL

### 18 General Membership Meeting

“Judicial Forum”

Judicial candidates: Anne Knighten, John Molloy, John Vineyard

RCBA Bldg., 3rd Floor – Noon

RSVP by April 15 to RCBA office.

### 22 RCBA Board

RCBA – 5 pm

### 23 Estate Planning, Probate & Trust Law Section

RCBA Bldg., 3rd Floor – Noon

(MCLE)

### 24 LRS Committee

RCBA – Noon

### 25 VIP Mentors Recognition Lunch

RCBA Bldg., 3rd Floor – Noon

### 29 IECFBA/RCBA/SBCBA Chemerinsky Reception

Mission Inn – 2:00 p.m.-2:45 p.m.

### 30 Deegan Inn of Court

Victoria Club – 5:30 pm

## MAY

### 2 Good Citizenship Awards

(for Riverside County High School Students)

Historic Courthouse, Dept. 1 – 1 pm

### 6 RCBA/SBCBA Environmental Law Section

RCBA Bldg., 3rd Floor – Noon

(MCLE)

### 7 Bar Publications Committee

RCBA – Noon

### 8 DRS Board

RCBA – Noon





# President's Message

by Daniel Hantman

As some of you may remember, in my first monthly President's Message in the September 2007 edition of the *Riverside Lawyer*, I wrote about "Access to Justice." On March 8, 2008, the University of California, Riverside, College of Humanities, Arts, and Social Sciences (CHASS) presented a program entitled "Access to Justice in the Inland Empire." The attendees were welcomed by Professor Stephen Cullenberg, Dean of CHASS, and Professor Piotr Gorecki, Department of History.

The morning session was moderated by Judge Dallas Holmes (Ret.). Presiding Judge Richard T. Fields spoke on "Access to Justice in Riverside County: Recent Developments." Judge Ronald Taylor (Ret.) spoke on "A Historical Perspective on the Criminal Backlog Problem." And U.S. District Court Judge Virginia Phillips spoke on "Access to the Federal Courts in the Inland Empire: Historical Developments and Present Challenges."

The afternoon session was moderated by Dr. Gorecki. Virginia Blumenthal spoke on "Access to Justice from the Perspective of the Accused." Irene Morales, Executive Director of Inland Counties Legal Services, spoke on "Access to Justice for Low-Income and Elderly Clients." Attorney William Domnarski spoke about access to justice from his perspective practicing in federal court here and in the past in Connecticut and Minnesota.

These participants will be writing future articles for the *Riverside Lawyer* and/or speaking at our monthly meetings. We have made progress in meeting the challenges of our population explosion, our growing number of case filings and our shortage of

judicial officers and support staff; but we still have much more that must be done.

In January 2008, Governor Schwarzenegger appointed Michael B. Donner and Anthony R. Villalobos as Riverside County Superior Court judges, to fill the last of seven new judgeships authorized by the 2006-07 Senate Bill 56. Riverside County now has 56 judges and 20 commissioners. A study completed by the Administrative Office of the Courts in February 2007 indicated that Riverside should have 133 judicial officers. Many of you have read or heard that the seven new judgeships authorized for 2008 by Assembly Bill 159 will not be funded until 2009 or later because of the expected \$15 billion-plus state budget deficit.

We are sorry to lose one of our finest judges, Judge Stephen D. Cunnison. He is retiring after many years of service to the bench, to the bar and to the community. He was admitted to the California State Bar in 1970. He was a Riverside deputy public defender (1970-75), in private law practice with Butterwick, Bright, Pettis & Cunnison (1975-84), and a Riverside deputy district attorney (1984-88). He was elected to succeed Judge Gerald F. Schulte on November 8, 1988. We will also miss his lovely wife, Liz Cunnison, who participated in many community organizations; she was on the Board of Directors of our Western Municipal Water District for many years.

The theme of last month's *Riverside Lawyer* was "Women in the Law." I want to make a correction on information regarding Judge Jean Leonard. She was not elevated by unification as I stated. She was appointed to the Muni Court in December 1992 and became the first woman appointed to the Superior Court in the history of

**ASSOCIATE ATTORNEY**

**Immediate full-time position available for associate attorney with minimum of 3 years experience in probate, estate planning, water law and litigation. AV rated firm. Competitive salary and good benefits.**

**Send resume to:  
P.O. Box 6425, San Bernardino, CA 92412  
Fax: (909) 388-1889**

---

Riverside County on July 9, 1997. Also, I inadvertently failed to include two of our wonderful women judicial officers. One was Michele Levine, who was appointed a Riverside Superior Court judge in April 2003. Judge Levine had graciously agreed to be assigned to the Indio Superior Court when the special “strike force” judges came to assist us in the downtown Riverside Superior Court. She has now returned to the downtown Riverside Superior Court and is, as always, involved in many special judicial assignments. The second is Pamela Thatcher. She was appointed as one of our commissioners in July 2005, and assigned to Hemet Court; her calendar consisted of the limited civil cases, unlawful detainers, traffic, civil harassments, and a couple of days of family law. Eventually she was moved to a family law assignment, and she has been doing that ever since.

---

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



**Enforcement of Judgments:** Trial court has jurisdiction to renew judgment, even if defendant no longer has minimum contacts with California. (*Goldman v. Simpson* (Feb. 20, 2008) \_\_\_ Cal.App.4th \_\_\_ [2008 WL 442578] [Second Dist., Div. Four].)

In 1997, Goldman obtained a judgment against Simpson. In 2006, he renewed it and served notice of renewal on Simpson. Six months later, Simpson moved to vacate the renewal, arguing that the trial court lacked personal jurisdiction because he had moved to Florida. (Yes, it's *that* Goldman and *that* Simpson.)

Held, the trial court had continuing jurisdiction. Code of Civil Procedure section 683.170, subdivision (a), provides that “[t]he renewal of a judgment pursuant to this article may be vacated on any ground that would be a defense to an action on the judgment.” However, Code of Civil Procedure section 410.50, subdivision (b) provides that “[j]urisdiction of the court over the parties and the subject matter of an action continues throughout subsequent proceedings in the action.” “[B]ecause entry of the renewal by the court clerk is a ministerial act that merely extends the enforceability of the original judgment, and because the renewed judgment has no independent existence apart from the original judgment [citation], we conclude that the renewal procedure is properly treated as a ‘subsequent proceeding’ under section 410.50.” In any event, the motion to vacate was untimely; a motion to vacate must be filed within 30 days after service of a notice of renewal. (Code Civ. Proc., § 683.170, subd. (b).)

**Damages:** Allowing an employer to recover an employee’s salary as damages for the employee’s breach of fiduciary duty does not violate labor laws. (*Service Employees International Union, Local 250 v. Colcord* (Feb. 22, 2008) \_\_\_ Cal.App.4th \_\_\_ [2008 WL 466994] [First Dist., Div. One].)

While employed by plaintiff union as field representatives, defendants organized a campaign to decertify the union and replace it with a competing union that they organized. After a bench trial, the court found the defendants liable for breach of fiduciary duty, fraud and unfair competition. It awarded damages including (1) one defendant’s salary during the relevant time period and (2) the cost of the decertification election campaign.

Held, the award of salary was proper, but the award of election costs was not. The defendant argued that, under federal and state labor laws, an employer must pay an employee’s full salary, including any overtime. However, he was paid his full salary; awarding the same amount as

damages does not violate these laws. The award of election costs was speculative. There was evidence that, if defendants had resigned before starting their decertification campaign, they could have gotten enough signatures so that the election would have had to be held anyway. “[T]here was no substantial evidence that Local 250 would have avoided the costs of a decertification election if defendants had not breached their fiduciary duties, nor was there any evidence or claim that defendants’ tortious conduct was sufficient in itself to cause that harm.”

**Attorney and Client:** Modifications to a contingency fee agreement must comply with Business and Professions Code section 6147. (*Stroud v. Tunzi* (Feb. 22, 2008) \_\_\_ Cal.App.4th \_\_\_ [2008 WL 467007] [Second Dist., Div. Eight].)

In 2002, defendant client entered into a contingency fee agreement with plaintiff attorneys in which he promised to pay them \$75,000 if the case settled before trial. In 2004, he signed written modifications promising to pay them \$300,000 if the case settled before trial. The original agreement complied with Business and Professions Code section 6147 (section 6147), which requires that a contingency fee agreement be signed by the attorney as well as the client, state the contingency fee rate, address how costs affect the client’s recovery, and state that the attorney’s fees are negotiable and not set by law. The modifications, however, did not.

Held, the modifications were ineffective because they did not comply with section 6147. The attorneys argued that section 6147, by its terms, applies only “at the time the contract is entered into.” However, an amendment essentially creates a new contract. Moreover, this interpretation “would too easily allow an attorney to frustrate the statute’s purpose.” An “unscrupulous” attorney could overcome the protections of the statute by obtaining a client’s signed assent to one set of terms, then modifying those terms without complying with section 6147.

**Joint and Several Liability:** A tortfeasor is entitled to introduce evidence that the plaintiff’s injuries were aggravated by subsequent medical malpractice. (*Henry v. Superior Court (Reinink)* (Feb. 25, 2008) \_\_\_ Cal. App.4th \_\_\_ [2008 WL 483952] [Second Dist., Div. Seven].)

The plaintiff sued the defendants for personal injuries arising out of a trip-and-fall suffered at their house. The trial court sustained the plaintiff’s objection to evidence that later, Kaiser had aggravated the injuries through medical malpractice.

---

Held, the defendants were entitled to introduce evidence that third-party medical malpractice aggravated the plaintiff's injuries, because the evidence was relevant to reduce their liability for noneconomic damages under Civil Code section 1431.2 (section 1431.2). Traditionally, a tortfeasor who caused the plaintiff's injuries was jointly and severally liable for any subsequent aggravation of those injuries caused by a negligent medical provider, though the tortfeasor could cross-complain against the medical provider for equitable indemnity. Section 1431.2, however, provides: "In any action for personal injury, property damage, or wrongful death, based upon principles of comparative fault, the liability of each defendant for non-economic damages shall be several only and shall not be joint." Admittedly, section 1431.2 does not apply when one tortfeasor's liability is vicarious or imputed, as in cases of respondeat superior; however, it does apply, when, as in this case, each tortfeasor's liability is based on fault. Moreover, while previous cases applied section 1431.2 to successive instances of medical malpractice, it is not limited to that situation. "For purposes of applying the principles of comparative responsibility and apportionment of liability, it is simply not significant that the nature of the [defendants'] alleged negligence may be different from that of the Kaiser emergency room doctors."

**Specific Performance:** The fact that the buyer of real property intends to make money by reselling the property does not overcome the presumption that the property is unique and that damages are not an adequate remedy for the seller's breach. (*Real Estate Analytics, LLC, v. Vallas* (Feb. 26, 2008) \_\_\_ Cal.App.4th \_\_\_ [2008 WL 495862] [Fourth Dist., Div. One].)

The plaintiff breached a contract to sell a mobilehome park to the defendant. The buyer sued, seeking specific performance. After a bench trial, the trial court found the seller in breach, but refused to award specific performance, awarding damages instead. It explained that the buyer had purchased the property, not to own or operate it as a unique good, but to make money as soon as possible by reselling it as a commodity.

Held, "the fact that [the buyer] was motivated solely to make a profit from the purchase of the property does not overcome the strong statutory presumption that all land is unique and therefore damages were inadequate to make [the buyer] whole for the breach." The trial court relied on *Reese v. Wong* (2001) 93 Cal.App.4th 51, which stated: "[A] presumption of uniqueness is often inappropriate with respect to commercial real estate. 'The essence of commercial activity is the earning of money; loss of a commercial investment opportunity can normally be offset by a pecuniary award.' [Citation.]" (*Id.* at



p. 59, fn. 5.) This statement applies to the adequacy of an undertaking in a proceeding to expunge a lis pendens; it does not apply to the adequacy of damages in an action for specific performance. “The [trial] court’s reasoning essentially reflected its disagreement with the premise underlying [the] presumption that all land is unique unless proved otherwise.”

Note: In a different section, the court also held that there was sufficient evidence that the buyer’s father was his agent, citing not only admissions by the buyer himself, but also certain admissions by the father. Isn’t this contrary to the principle that the statements of a supposed agent are neither admissible evidence, nor substantial evidence, of the agency?

**Attorney Fees:** Attorney fees under the “private attorney general” statute (Code Civ. Proc., § 1021.5) do not include expert witness fees. (*Olson v. Automobile Club of Southern California* (Feb. 28, 2008) \_\_\_ Cal.4th \_\_\_ [2008 WL 516779].)

Plaintiffs sued to reform the electoral procedures of defendant auto club, and prevailed. The trial court awarded plaintiffs attorney fees under Code of Civil Procedure section 1021.5 (section 1021.5), including expert witness fees.

Held, section 1021.5 does not authorize an award of expert witness fees. *Beasley v. Wells Fargo Bank* (1991) 235 Cal.App.3d 1407, which held to the contrary, is disapproved. “The plain language of section 1021.5 authorizes an ‘award [of] attorneys’ fees’ to a prevailing party. The statute is silent with respect to expert witness fees.” *Davis v. KGO-TV, Inc.* (1998) 17 Cal.4th 436 held that an analogous attorney fee provision, Government Code section 12965, former subdivision (b), which at that time provided for an award of “reasonable attorney fees and costs” to a prevailing party, did not permit an award of expert witness fees. It relied on Code of Civil Procedure section 1033.5, subdivision (b)(1), which provides that fees of expert witnesses not ordered by the court are not allowable as costs unless “expressly authorized by law.”

**Statute of Limitations:** Code of Civil Procedure section 351 (section 351), which

tolls the statute of limitations when a defendant is out of state, violates the commerce clause when applied to a defendant who moves out of California. (*Heritage Marketing and Insurance Services, Inc. v. Chrustawka* (Feb. 29, 2008) \_\_\_ Cal.App.4th \_\_\_ [2008 WL 542185] [First Dist., Div. One].)

Plaintiffs sued three former employees who had moved from California to Texas. The trial court granted summary judgment for the defendants, based on the statute of limitations. The plaintiffs argued that the statute of limitations was tolled by section 351, which provides: “If, when the cause of action accrues against a person, he is out of the State, the action may be commenced within the term herein limited, after his return to the State, and if, after the cause of action accrues, he departs from the State, the time of his absence is not part of the time limited for the commencement of the action.”

Held, applying section 351 to a defendant who moves out of state would violate the commerce clause. “Section 351 penalizes people who move out of state by imposing a longer statute of limitations on them than on those who remain in the state. The commerce clause protects persons from such restraints on their movements across state lines. [Citation.] . . . Applying section 351 under the facts of this case would impose an impermissible burden on interstate commerce as it would force defendants to choose between remaining residents of California until the limitations periods expired or moving out of state and forfeiting the limitations defense, thus ‘remaining subject to suit in California in perpetuity.’ [Citation.]”



# 2008 Mock Trial Competition

by John Wahlin

**F**or the first time, the championship round of the Riverside County Mock Trial Competition featured two teams from the southwest region of the county. At the end of a month-long competition culminating on March 1, 2008, Murrieta Valley High School, the second-place team in 2007, returned to the final round to compete against Temecula Valley High School. In a tightly contested trial, Temecula Valley's defense edged out Murrieta Valley's prosecution. Temecula Valley's win was its second county title in school history.

The case, *People v. Palmer*, involved a charge of first-degree murder. The pretrial motion focused on the admissibility of scientific evidence. Specifically, the defense motion challenged the reliability of a memory-mapping test. Presiding over the final was Justice Thomas Hollenhorst, whose extensive knowledge of the newest types of scientific evidence was apparent in his questioning of the pretrial attorneys. Presiding Judge Richard Fields, Judge Gloria Trask, Public Defender Gary Windom, Assistant District Attorney Sara Danville, and RCBA President Dan Hantman shared the difficult task of scoring a very close round.

The annual competition, sponsored by the Riverside County Office of Education, the Superior Courts of Riverside County, and the Riverside County Bar Association, included 26 teams from high schools throughout the county. The first two rounds were again conducted in three venues: the Riverside Hall of Justice, the Southwest Justice Center in Murrieta, and the Indio Courthouse. The next two rounds of the competition then continued in Riverside. The fourth round was followed by a ceremony at the Moreno Valley Conference and Recreation Center, honoring individual performances.

Based on the results of the first four rounds, eight teams went on to compete in the sin-



*First Place Temecula Valley High School*



*Second Place Murrieta Valley High School*



*Third Place Hemet High School*



*Third Place Woodcrest Christian High School*

---

gle-elimination "Elite Eight" tournament. Joining Temecula Valley and Murrieta Valley in the Elite Eight were Great Oak High School, Hemet High School, North High School, Poly High School, Santiago High School, and Woodcrest Christian School.

The four teams winning their first-round match went on to the semifinals, where Murrieta Valley defeated Woodcrest Christian and Temecula Valley prevailed over Hemet. With first and second place going to Temecula Valley and Murrieta Valley, Woodcrest Christian and Hemet both placed third.

In the ceremony following the final round, held in Department 1 of the Historic Courthouse, Kenneth Young, County Superintendent of Schools, presented the Championship Award to the Temecula Valley team, along with an award of \$1,000 to defray its expenses in the state competition. An additional \$1,000 award from the RCBA and Lawyer Referral Service of the RCBA was presented by Linda Dunn of the Mock Trial Steering Committee.

Temecula Valley did not need to go far to compete in the state competition. Riverside County again was the host for the competition on March 28-30. The Constitutional Rights Foundation, which sponsors the state contest, considers Riverside to be its most successful venue and has returned every two years.

As always, the competition's success was the result of the combined efforts of the RCBA, the RCOE, and the Superior Court. Judges Michelle Levine and Helios Hernandez once again coordinated the presiding judges for the first six rounds. The Steering Committee coordinated attorneys to score all of the trials in each of the seven rounds. Tracey Rivas of the RCOE worked with the court and the Steering Committee to stage the event, in addition to being the liaison with all of the participating schools. Without the volunteer time given by the judges and attorneys, and the hard work of the RCBA staff, the staff of the

Riverside County Office of Education, and the Superior Court staff, this event would not be possible.

To those who have not participated in the past, consider doing so next year. There will be an even greater need for attorney coaches and scorers. And thanks to those who, as scorers and/or coaches, helped make the 2008 competition a success.

---

*John Wahlin, Chair of the RCBA Mock Trial Steering Committee, is with the law firm of Best Best & Krieger, LLP.*

---



---

# IN MEMORIAM: JUDGE ROBERT K. GARST (RET.)

---

*by Judge Charles Field (Ret.)*



*Judge Robert K. Garst (Ret.)*

Judge Robert K. Garst, known as “Bob,” was born in El Paso, Texas, and raised there and in Merced, California. He graduated from UC Berkeley in 1954 and served in the Air Force as a jet fighter pilot from 1954-57, rising to the rank of Captain. He then graduated from Boalt Hall in 1960. At Boalt, he was a member of the Law Review, and he published a note on the enforcement of child support provisions in settlement agreements, at 47 California Law Review 756 (1959). He worked in real estate in Fresno, as a Deputy D.A. in Ventura and Riverside Counties, and then in private practice in Riverside from 1963 to 1979, when he was appointed to the Superior Court by Governor Brown. He served on the bench in Riverside from 1979 to 1992, and then transferred to the Blythe courthouse until his retirement in 1998.

He was a strong and innovative judge. While presiding in family court, he developed procedures for streamlining the process and reducing the time to resolution, while eliminating much of the multiple-hearing element of dissolution practice. These innovations were somewhat controversial, and some

family law practitioners were highly critical of this system. I’m sure their criticism was not due to the reduction in average attorney fees that resulted from the procedures. Judge Garst wrote an article on the subject, entitled, “A Better Way to Dissolve a Marriage,” published at Family Court Review 25 (2) 17-19 (1987). Various parts of his procedures were, and still are, used in many courts through out the state, and he was well-known by the family court judges statewide.

He was personally adventurous, as well. He liked gyrocopters, small single-engine flying devices that look like miniature one-man helicopters. He frequently flew his around the river bottom-Fairmount Park area, where he lived, to the delight of neighborhood kids (and adults). He claimed he’d had one crash and five forced landings, whereas I always maintained he’d had six crashes. He also had adventures in boating, including an explosion, and an unsuccessful airplane landing on a beach on the Colorado River where the plane ended up upside-down. Motorcycles were often part of his adventures. He was never dull. His worst injuries were sustained when he fell off a roof while helping a friend on a home-improvement project, however, and his limp came from that incident, not some adventure.

After retirement, Bob and his wife Beverly moved to Lake Havasu City, Arizona, where they had a number of family members; their home had his-and-hers workshops and room for Bob’s many adult toys. His last illness resulted from a bacterial infection from a myelogram on January 14, 2008, and complications from that

event. He died in Sunrise Hospital in Las Vegas, Nevada, on February 12, 2008. He is survived by his children Meri Morrow, Susan Bond, John Garst, Linda Wanzek and Julie Wilson; daughter-in-law Jane Garst; sons-in-law Michael Morrow, David Wanzek and David Wilson; 16 grandchildren; five great-grandchildren; and siblings Tom Garst and Gretchen Schroder. He was preceded in death by his brother Bill Garst.

Beverly asks that, in lieu of flowers, you remember Bob, and hug those you love, as he would.





# Riverside Yearly Journal

APRIL, 2008  
VOL. 58 NO. 4

© 2008 ...is anybody willing to take responsibility for this?

SINCE 1950

OFFICIAL PUBLICATION OF LEGAL PROFESSIONALS WITH NOTHING BETTER TO DO

www.riversidecountybar.com

4129 Main Street, Suite 100, Riverside, California 92501 (951) 682-1015

Priceless

## PRESIDENT'S MESSAGE

As regular readers of this column know, our association's goals include the expansion of our membership, the maximization of income from our building, and the encouragement of social interaction with the Barristers. Recently, these issues have been discussed, formally and informally, at board meetings, with the directors and with Barristers representatives.

To expand our membership, we have encouraged our members to collect business cards from nonmembers and to discuss with nonmembers the importance of social interaction with members and judges. To maximize income from our building, we have discussed charging rent for the county's use of our third-floor conference room and other alternative uses for that space. We have also considered various ways to encourage social interaction with the Barristers.

One possibility that advances all of these goals is to use the third-floor conference room as a clubhouse where members, nonmembers, judges and Barristers could socialize in between work at the courthouse and nearby offices. To generate income, light snacks and drinks would be served.

Recognizing that such a use of space may not be enough to attract persons to use the clubhouse, I am suggesting a better way to increase attendance at meetings, to encourage socialization, and to attract Barrister's members. Under this proposal, the bar association would transform itself into a true bar association by obtaining a liquor license and converting our offices into a real bar. The effects of such a change would be dramatic.

First, bar membership and attendance at bar meetings would increase if anyone could get a drink across the street from the courthouse. Second, more Barristers would be involved in sitting at the bar. Third, everyone needs Happy Hour drinks after a day in court, including judges. And, after a few drinks, social interaction, networking, and the quality of legal discourse would definitely improve.

This change, although fundamental, would definitely advance our mission of serving members "by implementing programs that will enhance the professional capabilities and satisfaction of each of [our] members."

What member would not benefit from an uninhibited discussion of legal issues with other lawyers and judges?

Some persons may argue that the conversion of the bar association to a bar would encourage alcoholism, with its attendant addictions and side effects. My response is that a rise in alcoholism would allow us to enlarge our programs for treatment of alcoholism among attorneys, and would allow us to expand those programs to include judges and nonmembers. With careful pricing, alcohol treatment programs could become a significant source of revenue for the bar.

The use of our building as a true bar would also give employment to our current staff, persons who have been unable to pass the bar examination and persons who have passed the exam and are seeking employment as lawyers. I'm sure our present staff would find the change to be enjoy-

able and more fun than their current positions.

Perhaps the servers could devise a new and more realistic bar examination to test customers' legal acumen. For instance, persons who could define the Statute of Uses after two drinks might get the third drink free. Or persons, including judges, who could logically explain any aspect of alternative criminal sentencing for sex offenders might be rewarded accordingly. Or persons who correctly answered fewer questions than the servers might have to become servers themselves, while the servers would be promoted to their jobs (except for judges, of course).

Another benefit would be to provide a stage for the many talented, and less talented, musicians and karaoke singers among us. However, there would have to be some screening of this talent to keep them from driving customers away. In fact, considering past bar talent shows, this part of the proposal may not be such a good idea after all.

To sum up my proposal, I think it is time that we stopped acting like a bar association and became a real bar association. The benefits in increased membership, greater participation by members and nonmembers, better utilization of space in our building, increased revenue, and increased usage of our existing alcohol treatment programs far outweigh the disadvantages of having to give up the present uses of our building space. I therefore intend to submit this proposal to the Board of Directors meeting on April 1, 2008. ☺

## CYA Team Wins Mock Trial Competition

In a surprising upset, the wards of the California Youth Authority ousted perennial winner Poly High School to take first place at the county's mock trial competition. As part of a pilot project to increase troubled teens' understanding of and respect for the judicial system, high-school-age wards of the CYA were invited to participate in this year's mock trial competition, sponsored by the Riverside County Bar Association.

The CYA team defended the case against Poly's prosecution. The case, *People v. Joseph T.*, involved the murder of a high school student who had knowledge of academic cheating that was required to be reported under the school's honor system. The defendant, the alleged cheater, was brilliantly played by David G., who claimed innocence based on his low test score.

The lead defense attorney, Peter S., cross-examined each of the prosecution's witnesses. His performance could only be compared to that of Thomas Mesereau, Jr. When asked about his skills, Peter replied, "I don't know. It comes naturally. Maybe I've learned a lot from all the times I was sitting in the defendant's chair, listening to my attorney attack the witnesses against me."

Sitting next to Peter was Virginia B. Virginia is the recipient of the Defense Trial Attorney Internship Award. She credits her style to the late Johnnie Cochran. "I enjoy watching tapes of the O.J. Simpson trial. Mr. Cochran is my hero and my idol. But I admit that I have also experienced first-hand the need for credible testimony. Learning from my own case, I prepared my witnesses to say what needed to be said and no more." It was Virginia who was responsible for the Cochran-like phrase: "If the score is low, you must vote no!"

Using that phrase, Steve H. gave a closing argument that can only be described as a seductive riddle leading to only one answer: not guilty. Steve was charismatic, warm, charming, and soft-spoken. It was hard to believe that he could have committed any crime that would warrant being a ward of CYA. Nonetheless, Steve, like the rest of his teammates, insisted that their success must be attributed to Frank P., who was in charge of investigation and witness preparation. Frank, a former gang member, was unusually effective in dealing with potentially hostile prosecution witnesses. Attorney Coach Leonard Valadez commented, "I plan to incorporate some of Frank's techniques into my own witness preparation."

Bar President Daniel Hantman commented: "We're very happy for these kids! These are kids who have not had an easy life. Winning today shows them that they have many options. They don't have to rely on a life of crime."

Congratulations, CYA team, and good luck next month at the state competition! 😊

## PARENT: Job Description

### POSITION:

Mom, mommy, mama, ma; dad, daddy, dada, pa, pop.

### JOB DESCRIPTION:

Long-term, team players needed, for challenging permanent work in an often chaotic environment.

Candidates must possess excellent communication and organizational skills and be willing to work variable hours, which will include evenings and weekends and frequent 24-hour shifts on call.

Some overnight travel required, including trips to primitive camping sites on rainy weekends and endless sports tournaments in far-away cities.

Travel expenses not reimbursed.

Extensive courier duties also required.

### RESPONSIBILITIES:

The rest of your life.

Must be willing to be hated, at least temporarily, until someone needs \$5.

Must be willing to bite tongue repeatedly.

Also, must possess the physical stamina of a pack mule and be able to go from zero to 60 m.p.h. in three seconds flat in case, this time, the screams from the backyard are not just someone crying wolf.

Must be willing to face stimulating technical challenges, such as small gadget repair, mysteriously sluggish toilets and stuck zippers.

Must screen phone calls, maintain calendars and coordinate production of multiple homework projects.

Must have ability to plan and organize social gatherings for clients of all ages and mental outlooks.

Must be willing to be indispensable one minute, an embarrassment the next.

Must always hope for the best but be prepared for the worst.

Must assume final, complete accountability for the quality of the end product.

Responsibilities also include floor maintenance and janitorial work throughout the facility.

### POSSIBILITY FOR ADVANCEMENT AND PROMOTION:

None. Your job is to remain in the same position for years, without complaining, constantly retraining and updating your skills, so that those in your charge can ultimately surpass you.

### PREVIOUS EXPERIENCE:

None required, unfortunately. On-the-job training offered on a continually exhausting basis.

### WAGES AND COMPENSATION:

Get this! You pay them!

You must offer frequent raises and bonuses.

A balloon payment is due when they turn 18 because of the assumption that college will help them become financially independent.

When you die, you give them whatever is left.

The oddest thing about this reverse-salary scheme is that you actually enjoy it and only wish you could do more.

### BENEFITS:

While no health or dental insurance, no pension, no tuition reimbursement, no paid holidays and no stock options are offered, this job supplies limitless opportunities for personal growth, unconditional love, and free hugs and kisses for life, if you play your cards right. 😊

# Fundraising Event Spearheaded by Ted Stream in Full Force

## GreshamSavage Plans to Raise \$100 million by 2010 for GAF

Prominent and well-known litigator, Theodore K. Stream, a shareholder at Gresham Savage Nolan & Tilden, APC (“GreshamSavage”), has decided to take time from his busy schedule and focus his time, energy and persuasion skills on fundraising events for a new charity – the GreshamSavage Associates Fund (“GAF”).

“GAF’s mission is to provide GreshamSavage associates with the simplest necessities that will allow them to ‘preserve and improve our justice system in order to assure a free and just society under law,’” Mr. Stream explained as he read off the motto from his State Bar of California membership card.

“GAF is near and dear to my heart, and I can’t put into words how hard I’m working every day to raise money that will allow GreshamSavage associates to experience the simple things that all attorneys around the country are able to experience – for example, year-end retreats to Fiji, brand-new sports cars and paid-off student loans. Believe it or not, some of our associates in the San Bernardino office are forced to drive American cars. These associates are our future and they deserve to live the life of an average associate attorney,” stated Mr. Stream.

GreshamSavage associates are very excited about the changes that are to come. Mario Alfaro, a second-year associate in the litigation department, is very happy about GAF. “You know, it’s about damn time! Living conditions for GreshamSavage associates have been horrific; look at me, for example, I can’t continue driving a 2008 Mazda to work everyday. I’m an attorney . . . it’s just not right.”

Some GreshamSavage associates do not know if their fearless leader, Mr. Stream, will be able to pull this off. “He could be all talk. The guy

has superb oratory skills and can convince anyone of anything. So I’ll believe it when I see it,” explained Eugene Kim, a fourth-year associate in the litigation department.

However, GreshamSavage associates should not be so pessimistic. Mr. Stream shared with the Riverside Lawyer one of his plans for GAF. “GreshamSavage has implemented a new pro bono program that allows GreshamSavage to represent wealthy clients for free; however, in exchange, these clients will bequeath a portion of their wealth to GAF.” When asked if this violates the California Rules of Professional Conduct – specifically rule 4-400, which prevents a member from accepting gifts from clients – Mr. Stream was quick to point out that he is not “inducing a client to make a substantial gift,” and technically, “the gift is not going directly to GreshamSavage, it’s going to a legitimate charity.”

Even though Mr. Stream seems to exude such enthusiasm for GAF, some have questioned his motives. For instance, a shareholder at GreshamSavage, who wished to remain anonymous, told the Riverside Lawyer that “the only reason Ted Stream organized GAF is because the associates in the litigation department threatened to vandalize his new BMW M5. He doesn’t really believe that associates deserve such necessities of life; he thinks that associates deserve to live a life of poverty. And you know what else? GAF was my idea . . . MINE, but he’s taking all the credit for it!” Unfortunately, we were unable to reach a bitter and upset Bob Hicks for further comment.

Nevertheless, Mr. Stream’s effort to raise money for GAF is in full force, and he hopes to raise \$100 million by 2010. Mr. Stream is confident that this fundraising

event will help attract top-notch lateral associates to GreshamSavage, which will assist GreshamSavage in its expansion goals and its plans of expanding and taking over the Inland Empire. ☺

### **GreshamSavage Looking for Lateral Associates!**

*Gresham Savage Nolan & Tilden, APC, is looking for bright, hard-working associates who can bat .500, throw a 102-m.p.h. fast ball and hit at least 70 HR in a single season (i.e., be the next shining star on GreshamSavage’s softball team). Applicants must belong to Star Wars Addicts Anonymous (this is a deal-breaker) and must take pride in the opportunity to wash the shareholders’ cars in their free time. Don’t believe the rumors; GreshamSavage provides great benefits – we not only allow associates to take bathroom breaks, but they can also take lunch breaks, as long as they’re still billing, of course. GreshamSavage is an equal opportunity employer . . . most of the time. To apply, please submit your résumé, school transcripts (from elementary school to law school), ten writing samples, five recommendations, fingerprints and blood tests to d.vader@greshamsavage.com, or call (951) STR-WARS and ask for Mr. Vader (a/k/a Ted Stream) for more info. Due to the expected high volume of applicants – don’t call us, we’ll call you!*



A couple goes on vacation to a fishing resort in northern Minnesota. The husband likes to fish at the crack of dawn. The wife likes to read.

One morning, the husband returns after several hours of fishing and decides to take a nap. Although not familiar with the lake, the wife decides to take the boat out. She motors out a short distance, anchors, and continues to read her book.

Along comes a game warden in his boat. He pulls up alongside the woman and says, "Good morning, ma'am. What are you doing?"

"Reading a book," she replies (thinking, "Isn't that obvious?").

"You're in a restricted fishing area," he informs her.

"I'm sorry, officer, but I'm not fishing, I'm reading."

"Yes, but you have all the equipment. I'll have to take you in and write you up."

"If you do that, I'll have to charge you with sexual assault," says the woman.

"But I haven't even touched you," says the game warden.

"That's true, but you have all the equipment."

\*\*\*\*\*

A blonde, wanting to earn some money, decided to hire herself out as a 'handy-woman,' and started canvassing a nearby well-to-do neighborhood. She went to the front door of the first house, and asked the owner if he had any odd jobs for her to do.

"Well, you can paint my porch," he said. "How much will you charge me?"

The blonde, after looking around, responded, "How about \$50?" The man agreed, and told her that the paint and other materials that she might need were in the garage.

The man's wife, inside the house, heard the conversation and said to her husband, "Does she realize that the porch goes all the way around the house?"

The man replied, "She should, she was standing on it. Do you think she's that dumb?"

"No . . . I guess I'm guilty of being influenced by all the 'dumb blonde' joke emails we've been receiving."

A short time later the blonde came to the door to collect her money.

"You're finished already?," the husband asked.

"Yes," the blonde replied, "and I had paint left over, so I gave it two coats."

Impressed, the man reached into his pocket for the \$50. "And by the way," the blonde added, "it's not a Porch, it's a Lexus."

\*\*\*\*\*

Lawyers should never ask a Mississippi grandma a question if they aren't prepared for the answer.

In a trial, a Southern small-town prosecuting attorney called his first witness, a grandmotherly, elderly woman to the stand. He approached her and asked, "Mrs. Jones, do you know me?" She responded, "Why, yes, I do know you, Mr. Williams.

I've known you since you were a boy, and frankly, you've been a big disappointment to me. You lie, you cheat on your wife, and you manipulate people and talk about them behind their backs. You think you're a big shot when you haven't the brains to realize you'll never amount to anything more than a two-bit paper-pusher. Yes, I know you."

The lawyer was stunned. Not knowing what else to do, he pointed across the room and asked, "Mrs. Jones, do you know the defense attorney?"

She again replied, "Why yes, I do. I've known Mr. Bradley since he was a youngster, too. He's lazy, bigoted, and he has a drinking problem. He can't build a normal relationship with anyone, and his law practice is one of the worst in the entire state. Not to mention he cheated on his wife with three different women. One of them was your wife. Yes, I know him."

The defense attorney nearly died.

The judge asked both counselors to approach the bench and, in a very quiet voice, said, "If either of you idiots asks her if she knows me, I'll send you both to the electric chair."



**SWM Riverside Lawyer Seeks SWF Attorney**

SWM attorney ISO SWF attorney to join his solo practice in Riverside. Some experience in litigation required, but will be willing to settle for a transactional attorney if you're DDF, a SD, a NS and ad GSOH. Since SWM has NBM, applicants cannot be MM. Must love taking long walks around the Riverside courthouse; excellent writing skills are a plus. Labor and employment attorneys need not apply. Please fax resumé and salary history with writing sample to (951) 555-LOVE.



---

## Obituary for Mr. Common Sense

My parents told me about Mr. Common Sense early in my life and told me I would do well to call on him when making decisions. It seems he was always around in my early years but less and less as time passed by. Today I read his obituary. Please join me in a moment of silence in remembrance, for Common Sense had served us all so well for so many generations.

Today we mourn the passing of a beloved old friend, Common Sense, who has been with us for many years. No one knows for sure how old he was, since his birth records were long ago lost in bureaucratic red tape. He will be remembered as having cultivated such valuable lessons as knowing when to come in out of the rain, why the early bird gets the worm, life isn't always fair, and maybe it was my fault.

Common Sense lived by simple, sound financial policies (don't spend more than you earn) and reliable parenting strategies (adults, not children, are in charge).

His health began to deteriorate rapidly when well-intentioned but overbearing regulations were set in place. Reports of a six-year-old boy charged with sexual harassment for kissing a classmate, teens suspended from school for using mouthwash after lunch, and a teacher fired for reprimanding an unruly student only worsened his condition.

Common Sense lost ground when parents attacked teachers for doing the job they themselves failed to do in disciplining their unruly children. It declined even further when schools were required to get parental consent to administer aspirin, sun lotion or a Band-Aid to a student, but could not inform the parents when a student became pregnant and wanted to have an abortion.

Common Sense lost the will to live when religions became businesses and criminals received better treatment than their victims. Common Sense took a beating when you couldn't defend yourself from a burglar in your own home and the burglar could sue you for assault.

Common Sense finally gave up the will to live after a woman failed to realize that a steaming cup of coffee was hot. She spilled a little in her lap and was promptly awarded a huge settlement.

Common Sense was preceded in death by his parents, Truth and Trust; his wife, Discretion; his daughter, Responsibility; and his son, Reason. He is survived by three stepbrothers, I Know My Rights, Someone Else Is to Blame, and I'm a Victim.

Not many attended his funeral because so few realized he was gone. If you still remember him, pass this on. If not, join the majority and do nothing. 😊

---

## Health Question & Answer Session

Q: I've heard that cardiovascular exercise can prolong life; is this true?

A: Your heart is only good for so many beats, and that's it.. Don't waste them on exercise. Everything wears out eventually. Speeding up your heart will not make you live longer; that's like saying you can extend the life of your car by driving it faster. Want to live longer? Take a nap.

Q: Should I cut down on meat and eat more fruits and vegetables?

A: You must grasp logistical efficiencies. What does a cow eat? Hay and corn. And what are these? Vegetables. So a steak is nothing more than an efficient mechanism of delivering vegetables to your system. Need grain? Eat chicken. Beef is also a good source of field grass (a green leafy vegetable). And a pork chop can give you 100% of your recommended daily allowance of vegetable products

Q: Should I reduce my alcohol intake?

A: No, not at all. Wine is made from fruit. Brandy is distilled wine; that means they take the water out of the fruity bit so you get even more of the goodness that way. Beer is also made out of grain. Bottoms up!

Q: How can I calculate my body fat ratio?

A: Well, if you have a body and you have fat, your ratio is one to one. If you have two bodies, your ratio is two to one, etc.

Q: What are some of the advantages of participating in a regular exercise program?

A: Can't think of a single one, sorry. My philosophy is: No pain . . . good!

Q: Aren't fried foods bad for you?

A: You're not listening . . . Foods are fried these days in vegetable oil. In fact, they're permeated with it. How could getting more vegetables be bad for you?

Q: Will sit-ups help prevent me from getting a little soft around the middle?

A: Definitely not! When you exercise a muscle, it gets bigger. You should only be doing sit-ups if you want a bigger stomach.

Q: Is chocolate bad for me?

A: Are you crazy? Hello! Cocoa beans: another vegetable! It's the best feel-good food around!

Q: Is swimming good for your figure?

A: If swimming is good for your figure, explain whales to me.

Q: Is getting in shape important for my lifestyle?

A: Hey! "Round" is a shape!

Well, I hope this has cleared up any misconceptions you may have had about food and diets. And remember:

"Life should NOT be a journey to the grave with the intention to arrive safely in an attractive and well-preserved body, but rather to skid in sideways, chardonnay in one hand, chocolate in the other, body thoroughly used up, totally worn out and screaming, "Woo hoo, what a ride!" 😊

---

# Pirate Practice

**SEA LAWYER:** Someone who thinks he's an expert (see *lawyer*).

Even pirates had laws. Pirate ships were among the first democracies to spring up in the New World. Pretty much everything was put to a vote. The positions of captain and quartermaster were elected offices. Only in battle did the captain's will become law. This is because most pirate ships were governed by a constitution, of sorts. Upon joining a pirate crew, one would sign "articles": a partnership agreement consisting of sailors' rights and rules of conduct. There can be little doubt that these rules were drawn up by sea-going attorneys, in that the laws that 18th century pirates lived by were not very different from the laws that govern 21st century Californians. "The Articles of Captain Phillips" (1723) provide a few good examples:

## ARTICLE I

### [PROFIT SHARING]

Every man shall obey civil command: the captain shall have one full share and a half in all prizes; the master, carpenter, boatswain, and gunner shall have one share and a quarter.

## ARTICLE II

### [EARLY RETIREMENT PENALTY]

If any man shall offer to run away, or to keep any secret from the company, he shall be marooned with one bottle of powder, one bottle of water, and one small arm and shot.

## ARTICLE III

### [TERMINATION]

If any man shall steal any thing in the company, or game to the value of a piece of eight, he shall be marooned or shot.

## ARTICLE IV

### [NON-COMPETITION CLAUSE]

If at any time we should meet another marooner, that man that shall sign his articles without the consent of our company shall suffer such punishment as the captain and company shall think fit.

## ARTICLE V

### [DISPUTE RESOLUTION]

That man that shall strike another whilst these articles are in force shall receive Moses's Law [40 lashes] on the bare back.

## ARTICLE VI

### [ZERO TOLERANCE]

That man that shall snap his arms, or smoke tobacco in the hold without a cap to his pipe, or carry a candle lighted without a lanthorn, shall suffer the same punishment as in the former article.

## ARTICLE VII

### [WORKPLACE MANAGEMENT]

That man that shall not keep his arms clean, fit for an engagement, or neglect his business, shall be cut off from his share, and suffer such other punishment as the captain and the carpenter shall think fit.

## ARTICLE VIII

### [WORKER'S COMPENSATION]

If any man shall lose a joint in time of an engagement, he shall have four hundred pieces of eight; if a limb, eight hundred.

## ARTICLE IX

### [SEXUAL HARASSMENT]

If at any time we meet with a prudent woman, that man that offers to meddle with her, without consent, shall suffer present death.

The Articles bound the entire crew – even the captain. This legal structure allowed piracy to flourish for nearly a hundred years.

The first Caribbean pirates were the buccaneers. They began as itinerant French meat dealers<sup>1</sup> on the island of Hispaniola, but were driven out by the Spanish. In 1630, they set up, on the turtle-shaped island of Tortuga, a pirate confederacy called the "Brothers of the Coast" and proceeded to plunder Spanish ships. The sympathetic English called them "filibusters."

The most successful buccaneer was a Welshman – Henry Morgan – who was hired by the governor of Jamaica to protect Port Royal from Spanish predation. Morgan devastated Spanish shipping and plundered Panama City. When Spain and England buried the hatchet, the political winds turned against Morgan: both he and his patron were shipped back in irons to England, where Morgan received a hero's welcome. As a result, Charles II knighted him and returned Sir Henry Morgan to Jamaica, to sit as a judge in the Vice-

Admiralty Court in Port Royal and try – you guessed it – pirates. Life on land did not agree with Judge Morgan: he drank himself to death and was buried in 1688. But when an earthquake struck Jamaica in 1692, Port Royal disappeared beneath the waves, and Morgan's bones were washed out into the Caribbean. Morgan got his burial at sea.

When the Spanish presence in the Caribbean Sea evaporated around 1697, so did the buccaneers. The buccaneers were succeeded by the Golden Age of Piracy and a series of British and American pirates. Many of these sea-going bandits began as privateers: entrepreneurs, legally licensed under letters of marque issued by a European government or some colonial governor, to attack enemy ships, usually Spanish vessels laden with Aztec gold. Once their commissions ran out, many privateers went on pirating for themselves.

One such decommissioned privateer was the notorious William Teach, otherwise known as Blackbeard. He was so named because, in battle, he liked to terrorize his opponents by setting his black beard on fire. This seagoing psychopath made a career of ravaging the Bahamas, the American colonies, and any woman he took a fancy to. And, even though he was plundering American coastal cities, Blackbeard could always find a colonial governor who would give him safe harbor for a bribe.<sup>2</sup> To his credit, Governor Spotswood of Virginia brought Blackbeard to justice in 1718 and renditioned the rogue to England for hanging.

Some pirates were mad men. Some were gentlemen. Most, however, were simply businessmen.<sup>3</sup> And some were not men at all. Anne Bonny and Mary Read both served under Calico Jack Rackham. Since women were not allowed on pirate ships, except as the occasional cargo, they disguised themselves as men.<sup>4</sup> No one knew that they were women, not even each other. When they began to be strangely attracted to each other, the secret came out – as it were. Anne quickly shifted her affections to Calico Jack and became his mistress. When the captain grew jealous of Anne's friendship with Mary, the latter revealed herself to allay his fears. For her part, Mary fell in love with a guy who knew his way around: the navigator, a very gentle sailor whom she had to defend in battle. Both women were fierce fighters. When their ship was taken, in 1720, Mary and Anne were the last to surrender. Though tried for piracy, they both escaped hanging by being conveniently pregnant.

The wealth of the Orient caused many pirates to forsake the Caribbean and become marauders of the Indian Ocean, or, as it came to be known, the Pirate

Round. Welshman Bartholomew Roberts, an ordinary seaman, jumped ship, possibly for religious reasons,<sup>5</sup> in Africa and fell in with the Welsh pirate Howell Davis.<sup>6</sup> That Roberts – or Black Bart, as he was affectionately called – was religious cannot be doubted: he wore a gold cross, strictly observed the Sunday Sabbath, and, on one occasion, became so disillusioned with his besotted crew that he kidnapped a clergyman to talk some sense into them. Roberts died in battle, off the west coast of Africa, in 1722. His men were taken to Cape Corso (in what is now Ghana) for trial at Cape Coast Castle under the Piracy Act of 1721. Out of a crew of over 200, 50 were hanged. The musicians and most of the ship's surgeons were acquitted – as were those who became prosecution witnesses. It was the largest trial in pirate history,<sup>7</sup> and with it ended the Pirate Round and the Golden Age of Piracy. 😊

<sup>1</sup> "Buccaneer" derives from "boucan," the French word for "barbecue grill."

<sup>2</sup> Pirates were often given *de facto* amnesty in the colonies because they brought with them cheap, duty-free goods.

<sup>3</sup> Turning pirate was known as going "on the account."

<sup>4</sup> Anne had begun cross-dressing in Ireland. Her father, a County Cork attorney, mistook his wife for his mistress and was forced to move out. He and the maid moved in together and Anne was born. Thereafter, Anne posed as the attorney's nephew so as not to jeopardize the spousal support that her father was receiving from his wife.

<sup>5</sup> Roberts had been serving on a slave ship.

<sup>6</sup> Six weeks later, Roberts was elected captain.

<sup>7</sup> According to Captain Charles Johnson, a contemporary commentator, Cape Corso was, "among other happinesses, exempted from lawyers and law-books." Even so, said Johnson, "perhaps if there was less law there might be more justice than in some other courts."

## County of San Bernardino, County Counsel's Office Is HIRING!

County Counsel's office seeks Deputy County Counsel. If you love taking two-hour lunches and hate working after 4:30 p.m., this is the job for you! All Type B personalities must apply. No résumé or writing sample required. Simply email your California State Bar number to [easyjob@co.sanbernardino.ca.us](mailto:easyjob@co.sanbernardino.ca.us). As Deputy County Counsel, you'll enjoy the benefit of never losing a case, because everyone knows the government always wins. 😊

I can't believe how crass commercialism continues to creep into our culture. The other day, I read that the Automobile Club has purchased the naming rights to the California Speedway in Fontana and that it now will be called the Auto Club Speedway.

Worse yet, I have just learned from a recent discussion with my neighbor (who is also a prominent Riverside city official) that the city has sold the naming rights for our beloved downtown historic courthouse to Starbucks. Hold on here – the Starbucks Historic Courthouse?

Is there no end to this rampant commercialism? Is there now going to be a coffee counter at the entrance to every department? I heard that the San Bernardino historic courthouse has a cafeteria in it, so I guess that the attorneys in Riverside will now have the same opportunity to fortify themselves with a cup of hot joe before making that final closing argument.

It just goes to show that the city must be looking for some outrageous ways to raise capital for the Riverside Renaissance.

Signed,  
My Cup Runneth Over

When they were constructed some years ago, the Riverside Hall of Justice and the Robert Presley Detention Center were connected by an underground passageway so that the criminal element could be transported to trials without a potential threat to public safety.

Recently, the District Attorney's office has voiced a concern that their attorneys constantly face a threat to their safety when they make that long half-block walk from their office to the courthouse. In order to accommodate them, the county supervisors have now agreed to pay (at a cost of millions, mind you) for a tunnel that would connect the DA's office with the Hall of Justice.

My concern, as an attorney who practices both civil and family law, is that this construction is estimated to take three years. It is going to severely impede the already busy morning traffic along Main Street and make it next to impossible to get to such places as the various courthouses and the bar association office. What's more, this construction work may put those poor hard-working hot dog vendors out of a job.

I would respectfully suggest that a more cost-effective solution would be to purchase a good pair of Nikes for each of the DA's and simply have them sprint the 200 yards to the courthouse.

Signed,  
Oscar Meyer

As many people know, city officials are experimenting with a new type of parking meter to replace the current Smart (dumb?) Park system that is currently in existence. What bothers me, however, is how attorneys always seem to catch the break that the rest of us never receive.

It has come to my attention that local attorneys can, by simply presenting their current bar card, obtain free tokens to these new parking meters at the bar association office.

Why is it that attorneys are going to be able to park for free while the rest of us hard-working citizens have to pay for our justice?

I say, the first thing we do, let's kill all the lawyers.

Signed,  
Anonymous

I recently served as a juror in a civil trial which, to my surprise, was held in a refurbished school house (Hawthorne Elementary). I was very impressed with the accommodations. Knowing from articles in the local newspaper that there has been a shortage of courtrooms for civil matters, I suggested to the judge that perhaps other schools could be used for court matters.

To my surprise, I was advised that, in fact, preparations are underway to close Riverside Poly High School in the spring of 2009 and convert it into a satellite courthouse. If that operation is successful, then plans are to do the same thing with John W. North High School in 2010.

I realize that there is a shortage of teachers and schools in our state, but I applaud these efforts by city officials to keep civil justice flowing in our great city. I trust that the displaced students will be accommodated elsewhere.

Signed,  
Justice for All



# PERSPECTIVE FROM THE BENCH: MOCK TRIAL

by Robyn A. Lewis

I recently had the privilege of speaking with the Honorable Thomas E. Hollenhorst, Justice of the Court of Appeal, Fourth District, Division Two.

Justice Hollenhorst has had a long and distinguished career, having been a justice of the Court of Appeal since 1988. He is a former Presiding Judge of the Riverside Superior Court and has been a member of the bench since 1981. He was an Assistant District Attorney in Riverside from 1977 until 1981 and served as Acting District Attorney.

Among Justice Hollenhorst's prestigious credentials is his role as the presiding judge for the final round of competition for Riverside County in the Mock Trial program each year. And based on my conversation with him, it is obvious that it is a role that he cherishes.

His involvement began in the second year of the program. "I go back to 1984 with the Mock Trial program. It was very different for many years. First of all, it was much smaller. It was basically RUSD (Riverside Unified School District) and a couple of other schools that were involved. Rubidoux High School was involved from Jurupa Unified School District. I think that it and RUSD were the only ones that were involved in the early days of it. There were no desert schools and no outlying schools, like in Hemet or San Jacinto. So, you know, the size of this program is a remarkable story. It has really been within the last 10



Hon. Thomas E. Hollenhorst

to 15 years that the program has become so big and has involved so many high schools."

Justice Hollenhorst explained that in its earlier days, there were no regional competitions, as there are today. Instead, competitions took place over a couple of weekends. "It was sort of the last two schools standing at the end of the second weekend. That was the system that was in place for a long time, really because of the small number of schools that were involved."

There were other differences in the Mock Trial program when it was first being launched. "There weren't any scoring attorneys," Justice Hollenhorst explained. "It was the judges who scored the participants. In the early days of the program, it was up to the judges. The role of the lawyers really was as coaches for various teams. The scoring attorneys were added much later as the program developed."

He points out that adding scoring attorneys enhanced the program. "It was a good thing. When you are actually trying the case, you have a whole different perspective and you are listening for different things than if you are a scoring attorney and actually looking at the performance of the kids."

"[The Mock Trial program] was always something that folks in the Riverside County Bar Association looked forward to doing." Justice Hollenhorst attributes the phenomenal evolution of the Mock Trial program here

---

in Riverside County to the RCBA. "I think that the reason that Riverside has such great success doing it is because the bar association has made it such a high priority in getting not only lawyers to act as coaches at the local high schools, but also to get them to act in the actual production of the program as scoring attorneys and as participants in the Mock Trial Committee. These are things that are needed to support the program, because it is a gargantuan effort. We are all part of a big effort. No one can do this alone. It takes the efforts of the bar association and a good number of folks from the bench to move this along. But for the size of the volunteer task force that is involved [in Mock Trial], it would never be able to achieve what it has achieved."

Justice Hollenhorst marvels at the evolution of the program. "It is amazing how much it has improved, how well-organized it is, and how this thing has developed from the early days."

Justice Hollenhorst enjoys his role every year as the judicial officer presiding over the last round of competition. "I am always thrilled to be asked and I never take it for granted. It is a chance to work with kids that have really put a lot of effort into something. And when you do the finals, you are working with the best of the best." He went on to explain: "I haven't heard this case before. So I can really listen to the evidence without ever having heard this evidence presented. I am not hearing a case that has been tried before me three or four times. For me, it is the first time."

When asked what his favorite part of the presentation was, Justice Hollenhorst commented: "Because I am on the appellate court, my favorite part is the law and motion at the beginning. I like the give and take with the kids as they make their arguments about the legal issues."

---

I always try to give them questions that they probably have not been asked before. If I am Emeril [Lagasse], I like to 'kick it up a notch.' This is the finals and I am going to ask you harder questions. And it is remarkable what they come up with on questions that they have not had a chance to rehearse or probably go over. To watch them work out the answers as they talk is phenomenal."

"I am always interested in the closing arguments, as well. It is a trial. It is the evidence that you put on that you need to make your argument. So sometimes, the closing arguments are really great."

Of course, Justice Hollenhorst has some pet peeves when it comes to the presentations at Mock Trial. "I don't like theatrics. It is a trial. It is not a play or a theatrical show. So witnesses who behave abnormally, I discount that. I don't find them believable. Sometimes, kids will come in and try to exaggerate a character. And that is when it becomes more about theatrics than about trying a lawsuit. Coaches that encourage that, I think, make a mistake."

Justice Hollenhorst also does not like when students go outside of the record. In Mock Trial, the students are all given the identical fact pattern, to which they are confined during trial. Limiting students to only reasonable inferences generally precludes them from unfairly making up facts. "Unless you can justify the inference, I am going to knock you down on the scoring. The case is going to be tried on the four corners of the fact pattern and not on what you think you can glean from that fact pattern."

"The other problem is arguing evidentiary issues." Sometimes when student attorneys make an objection, the opposing student attorney will jump to his or her feet and ask to be heard on that objection. What then ensues is an argumentative banter between the two student attorneys, which can interfere with the schedule of the program, "because it basically has become a Socratic exercise as opposed to the trial." To avoid that problem, Justice Hollenhorst goes over the rules with student attorneys at the beginning of the trial and informs them that he will not hear such argument unless he specifically asks for it, and generally that

---

is only when there is a “close call.” “If it is not a close call, then I am going to rule and we are going to move on.”

As for the teams that make it to the final round, Justice Hollenhorst is always mindful of the work involved and the support behind each of the two teams. “To get that far in the competition is pretty awesome, given the level of competition that we have in Riverside County. Kids need to recognize that they have done something that is pretty spectacular, whether they walk out of there with a first-place trophy or not.”

This year’s final round was held in Department One of the Riverside Historic Courthouse on Saturday, March 1. Temecula Valley High School won and will move on to the statewide finals; Murrieta Valley High School was the runner-up.

---

*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.*



# UNIVERSITY OF LA VERNE COLLEGE OF LAW FOUNDERS GALA

Join University of La Verne College of Law, Inland Southern California's only ABA-approved\* law school, at our Founders Gala honoring:

Honorable Paul W. Egly, Superior Court Judge (Retired)

Stephen Charles Jones, Esq.

Sandra Rae Riley, Esq.

Dr. Donald Clague &  
the late Dr. Leland Newcomer

Saturday, April 26, 2008

Avalon at Fairplex  
1101 West McKinley Avenue  
Pomona, CA 91768

Reception at Six O'Clock  
Dinner at Seven O'Clock

R.S.V.P. by April 15, 2008

Black Tie Optional



COLLEGE OF LAW

For ticket information, visit <http://law.ulv.edu/foundersgala>  
or contact Doni Callaway at (909) 460-2001.

\*Provisional ABA approval granted February 13, 2006



# RCBA GOLF TOURNAMENT 2008

by Robyn A. Lewis

The Riverside County Bar Association would like to acknowledge all the sponsors and volunteers that made the Golf Tournament possible (February 18, 2008).

## Tournament Sponsors

Best, Best & Krieger, LLP  
Law Office of Robert Brownlee  
Reid & Hellyer, APC  
Altura Credit Union  
BMW of Riverside  
Nevada Bob's Golf Shop  
PIP Printing

## Hole Sponsors

Criminal Defense Lawyers  
Geoffrey H. Hopper & Associates  
Law Offices of John L. Michels  
Jeffrey Van Wagenen, Jr.  
John W. Vineyard  
RCBA Dispute Resolution Service

## Gift Donations

Advanced Imaging Strategies  
Altura Credit Union  
Anderson & Kriger  
Art's Bar & Grill  
Bio Korium  
Cactus Cantina  
Cask 'n Cleaver  
California Pizza Kitchen  
Canyon Crest Country Club  
Cheesecake Factory  
Citrus City Grill  
Coffee Bean  
Coffee Depot  
Edible Arrangements  
Firestone Tire  
Flowerloft  
Gra-pow  
Hillmer's Luggage  
Killarney's  
La Cascada Seafood  
Marriott  
Mi Tortilla  
Mimi's Café  
Mission Inn  
Mission Inn Foundation  
Mr. Taco III  
Nevada Bob's Golf Shop  
PIP Printing  
Pizza Factory  
Pizza Kiln  
Pizza Time  
Regal Entertainment Group  
Royal Falconer  
Simple Simon's  
Sparkletts  
The Old Spaghetti Factory  
Tin Lizzy's Café  
Upper Crust Sandwich Shoppe  
Worldwide Golf Shops—  
Roger Dunn Golf Shop  
Worthington's Tavern  
Yard House

### Golf Tournament Pictures

To purchase any of the pictures shown here, please contact Charlotte at the RCBA office.

\$5 for 5x7's

\$15 for cd w/ all



1st place winners: Bill Sickinger, Jeff Deitz, Dan Cardaman, Clayton Anderson



2nd place winners: Justin and Rick Ewaniszyk, Jim Heiting, Dennis Stout



3rd place winners: Jason Ruschell (longest drive winner), Paul Nolan, Daniel Katz, Mike Kerbs



Vic Wolf (closest to the pin winner), Grover Trask, Tyson Hottinger



Bill Bratton, Judge Michele Levine, Erik Bradford, John Bradford



John Colby, Thomas Kennedy, Bruce Wood, Richard Kennedy



Hon. Thomas Garza, Robert Graham, John Macy, John Wilkerson



Travis Havens, Justin Perryman, Mark Perryman, Steve Glynn



Stephen Moran, Ronald Danieri, Robert Rinehart (putting contest winner), Chris Carter



Jeff Whitney, Jonathan Lewis, Jamie Whitney, Dave Weiser



Keith Eggertsen, David Cianchetti, Peter Eggertsen



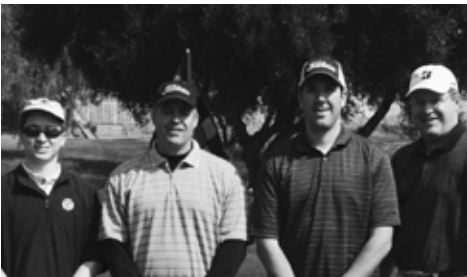
Mark Lester, Tim Plewe, Jon Bennett, David Cantrell



Judge Ed Webster, Judge Joe Hernandez, Judge Roger Luebs, Judge Paul Zellerbach



Carlos Acosta, Jeb Brown, David Bristow, Joseph Wancha



John Higginbotham, Chris Bagley, Chad Thompson, Kyle Snow



Harry Brownlee, Linda Hough, Rafael Venegas, Robert Brownlee, Rosie Brownlee



Dickie Wrightsil, David Wolfe, Joel Friedberg, Dick Rapp



# IN MEMORIAM: JUDGE E. SCOTT DALES (RET.)

*by Judge Victor Miceli (Ret.)*

## As I Knew Him

**A**s you know – Scooty was born in Riverside; graduated from Poly High, New Mexico Military Institute, and USC Law School; was a pilot in the U.S. Army Air Force in the Great War; was admitted to the State Bar of California in 1950; was a deputy district attorney from 1951 to 1954 and the Public Defender from 1956 to 1961; was appointed by Governor “Pat” Brown to the Municipal Court in 1961; and was elevated to the Superior Court in 1966, where he served until his retirement on February 28, 1983.

As I knew him – Judge Dales was sitting on the Municipal Court when I first met him. He was elevated shortly thereafter to the Superior Court, where he sat in what is now Department 6. Judge Dales was a good friend of my late partner, Judge John B. Morgan. As a young, newly admitted lawyer, how would you react when you saw this smiling face and were greeted with: “Hi-ho, Silverino!”? (How many readers are old enough or still have enough of their faculties to recall the source of this greeting?) Aren’t all judges like that?

The word “jocular” best describes Judge Dales. He was easygoing and gregarious off the bench, but, to the contrary, quite serious and professional while on the bench and/or performing his judicial duties. Judge Dales was the judge before whom all attorneys did not hesitate to appear.

Judge Dales always had a “story,” sometimes “blue,” but most of the time you could tell it to your mother or spiritual advisor. He delighted in the telling and got as big a kick out of it as from the reaction of the listener. His jokes and one-liners always seemed to fit the occasion.

There are several anecdotes about Judge Dales. Here are a couple of my favorites. One time, he imposed a sentence of years of imprisonment that far exceeded the life expectancy of the defendant. When asked if he wished to address the court, the defendant said: “But your Honor, I will never get out of prison alive!” To which Judge Dales, with a somber and stern look on his face replied: “Do the best you can.” Another time two very prominent



*Judge E. Scott Dales*

local attorneys, whose names will not be revealed, were vigorously and heatedly arguing a matter on the law and motion calendar. Judge Dales implored the attorneys to try to get along and settle their differences. One of the attorneys replied that he knew that was not possible. To make his point, he produced a letter he had written to opposing counsel, and asked that it be admitted into evidence as an exhibit, on which the opposing counsel had stamped in bold, black letters, “B\*\*\* S\*\*\*.” After looking at the letter, with a stern look on his face and in a serious tone of voice, he told the attorneys to approach the bench at sidebar. Neither lawyer knew what to expect. Judge Dales leaned over and very quietly said: “That’s a great stamp. Where can I get one?” That broke the ice, and the attorneys allegedly lived happily ever after.

One of Judge Dales’ great passions was playing golf. He played many years with the same foursome. When I would see him in the courthouse on his “arbitration days” and thank him for helping to keep the civil calendar unclogged, he would remind me to not give him arbitrations that would be so long or so numerous as to interfere with his golfing.

It was truly a pleasure and privilege to know Scooty. As I have said often, when I grow up, I want to be like Judge E. Scott “Scooty” Dales.





# 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.

## Law Office Site for Sale

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

## Office for Rent – Full Service

Inns of Court Law Building, 3877 Twelfth Street, Riverside, CA 92501. One block from Court House. Call Vincent Nolan at (951) 788-1747.

## 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 – Riverside Downtown

565-1,770 sq ft. Available for lease. Located within the Chamber of Commerce Building. Shared conference room available. Good parking. Close to downtown courts. Contact IPA Commercial Real Estate, 951-686-1462 ext 2.

## 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.

## Patent Agent

Registered to practice before the USPTO. Patent drafting and prosecution experience in a variety of technological areas. Contact Colin Rasmussen at 909-653-6607; ascus@sbcglobal.net.

## Office Space – Riverside

Personal injury lawyer has fully furnished Class A office space available for workers' compensation applicant's lawyer. Access to kitchenette, high speed copier/scanner/fax, and conference room. Receptionist services available. Call 951-788-6900 for more details or email rharris@richharrislaw.com.

## Rental – Hawaii

Big Island's world renowned Mauna Lani Resort, 3 bd. 2 bath condo, sleeps 8 adults, \$239. per night, special rate through October, if booked before April 1, \$199.00 2 weeks or more. Call 951-845-5599.

## Seeking Probate Paralegal

Probate paralegal position with mid-county firm. Part time ok. Salary commensurate with experience, small congenial firm, free parking, freeway close I.H. 10, immediate opening. E-mail resume confidentially to lawtlaw@msn.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 April 30, 2008.

**Bernard J. Crawford** (A) – Desert Cities Appraisers, Palm Springs

**Ryan Michael Darling** – Darling Law Offices, Riverside

**Daniel M. DiRe** – Sole Practitioner, Palm Springs

**Elizabeth T. Duong** – Sole Practitioner, Riverside

**Michael M. Edwards** – Byron & Edwards APC, San Diego

**Barbara Goodwin** (A) – Lewis Brisbois Bisgaard & Smith LLP, San Bernardino

**Rodney J. Ritner** – Ritner & Brown LLP, San Bernardino

**Barrie J. Roberts** – Riverside County Superior Court, Riverside

**Jennifer R. Wong** – Thompson & Colegate, Riverside

(A) – Designates Affiliate Member





# 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:  
Geoffrey H. Hopper, President  
Christopher G. Jensen, Vice President  
Michael B. Donner, Secretary  
Michelle Ouellette, Chief Financial Officer

David G. Moore  
Jay E. Orr  
Judith A. Runyon

## 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