

# RIVERSIDE LAWYER

September 2009 • Volume 58 Number 8

MAGAZINE



**Riverside County Bar Association**

*Past Presidents*



The official publication of the Riverside County Bar Association



# **GREAT LAWYERS**

**leave their mark  
on history.**

This is Alan Blackman, Deputy City Attorney for  
Los Angeles and Class of 2001 graduate.

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



COLLEGE OF LAW

## Publications Committee

Michael Bazzo  
Kirsten Birkedal  
Yoginee Braslaw  
Charlotte Butt  
Alexandra Fong  
Candice Garcia-Rodrigo  
Christy Glass  
Donna Hecht

Sanjit Kaur  
Robyn Lewis  
Richard Reed  
Donna Thierbach  
Bruce Todd  
Jamie Wrage  
Lisa Yang

**Editor** ..... Jacqueline Carey-Wilson  
**Design and Production** ..... PIP Printing Riverside  
**Cover Design** ..... PIP Printing Riverside

## Officers of the Bar Association

### President

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

### President-Elect

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

### Vice President

Robyn A. Lewis  
(951) 686-682-0488  
rlewislaw@yahoo.com

### Chief Financial Officer

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

### Secretary

Jacqueline Carey-Wilson  
(909) 387-4334  
jcareywilson@cc.sbcounty.gov

### Past President

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

### Directors-at-Large

Chad W. Firetag  
(951) 682-9311  
firetag@yahoo.com

James J. Manning, Jr.  
(951) 682-1771  
jmanning@rhlaw.com

Timothy J. Hollenhorst  
(951) 955-5400  
thollenhorst@rivcoda.org

Randall S. Stamen  
(951) 787-9788  
rss@stamenlaw.com

### Executive Director

Charlene Nelson  
(951) 682-1015  
charlene@riversidecountybar.com

## Officers of the Barristers Association

### President

David M. Cantrell  
(951) 788-9410  
dcantrell@lcl-law.com

### Secretary

Jean-Simon Serrano

### Vice President

Kirsten S. Birkedal

### Treasurer

David S. Lee, Jr.

### Members-at-Large

Jeffrey A. Boyd  
Brian T. Pedigo

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 Harry J. Histen, III*  
26 ..... **Litigation Update** *by Mark A. Mellor*

### Features:

- 7 ..... **CASA: A Voice for the Children**  
*by L. Alexandra Fong and Elaine Rosen*  
11 ..... **Child Support Cliff Notes Allow Everyone to Be on the Same Playing Field**  
*by Hirbod Rashidi and Natalie Metzger*  
12 ..... **Everyone Wins in Youth Court**  
*by the Hon. Charles J. Koosed*  
14 ..... **"Who's Your Daddy?" – An Evaluation of Family Code Section 7646, Subdivision (c)**  
*by Diana Renteria*  
16 ..... **Judicial Profile: Hon. Samuel Diaz, Jr.**  
*by Donna Thierbach*  
18 ..... **Opposing Counsel: William A. Jarvis**  
*by L. Alexandra Fong*  
19 ..... **Varner & Brandt Strikes Softball Gold**  
*by Bruce E. Todd*  
20 ..... **28th Annual Good Citizenship Awards**  
22 ..... **Court Congestion – A Different Perspective**  
*by Sue F. Steding*  
25 ..... **The IELLA Legal Aid Project Is Seeking Volunteer Attorneys**  
*by Rina Gonzales*

### Departments:

- Calendar ..... 2      Classified Ads ..... 28  
Bench to Bar ..... 5      Membership ..... 28

Cover Picture, by Michael J. Elderman: RCBA Past Presidents at the annual Past Presidents' Dinner on May 21, 2009 at the Victoria Club — *(last row, left to right)* David Moore, Judge Craig Riemer, Steve Harmon, James Heiting, Justice Bart Gaut; *(middle row, left to right)* Justice James Ward (Ret.), Richard Swan, Brian Percy, Judge Dallas Holmes (Ret.), Justice John Gabbert (Ret.), Judge Stephen Cunnison (Ret.), Michael Clepper, Commissioner John Vineyard, Daniel Hantman, Magistrate Judge David Bristow; *(front row, sitting left to right)* Art Littleworth, Sandra Leer, Aurora Hughes, Judge Irma Asberry

# 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

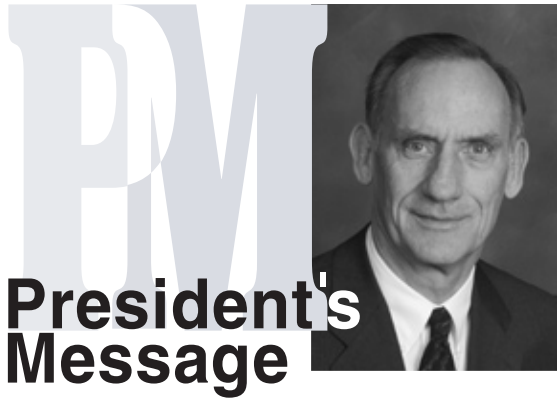
## SEPTEMBER

- 8 Joint RCBA/SBCBA Landlord-Tenant Law Section**  
Cask 'n Cleaver, Riv. – 6:00 p.m.  
“Evictions after Foreclosure”  
Speakers: Attorneys Keenan McClenahan and Ed Treder  
(MCLE)
- 9 Mock Trial Steering Committee**  
RCBA – Noon
- 10-13 State Bar Annual Meeting and Conference of Delegates**  
San Diego
- 14 Human/Civil Rights Section**  
RCBA 3rd Floor – Noon  
(MCLE)
- 15 “Federal Civil Rights Seminar”**  
George E. Brown Fed. Courthouse,  
Courtroom 3 – Noon
- 16 Bar Publications Committee**  
RCBA – Noon
- 17 LRS Committee**  
RCBA – Noon
- 18 RCBA Board “Business Meeting”**  
RCBA – 4:00 p.m.
- 23 Estate Planning, Probate & Elder Law Section**  
RCBA 3rd Floor – Noon  
“Copyright Reversion Rights: Family Assets to Consider in Estate Planning and Probate Matters”  
Speaker: Christopher Arledge, Esq.  
(MCLE)
- 24 Annual RCBA Installation of Officers Dinner**  
5:30 pm Social, 6:30 pm Dinner/Program  
Mission Inn, Music Room
- 29 DRS Board**  
RCBA – Noon

## OCTOBER

- 2 Magistrate Judge David Bristow Induction**  
George E. Brown Fed. Courthouse – 4 p.m.  
Reception to immediately follow at the Mission Inn





## President's Message

*by Harry J. Histen, III*

I am honored and privileged to be Riverside County Bar Association president this year. All the more so because we live in interesting times. For over 30-plus years, I have received more from the bar and its leaders and members than I can ever return.

I will be the first in recent memory to serve without Charlotte Butt as the RCBA executive director. I am convinced that Charlotte truly does not want a lot of attention. I understand and will honor that. Yet no one has accomplished more for, nor given more to, the bar than she has. She will be with us on a part-time basis for a while. Take the opportunity to thank her when you're near the bar building.

I (we) welcome Charlene Nelson as our new executive director. She comes from a like position at our Public Service Law Corporation. She has become effective very quickly, in part due to Charlotte's dedicated training, an excellent support staff, and Charlene's own strong experience, intelligence, and personal confidence.

Law is my second career. Before moving to Riverside, I spent 11 years developing large-scale computer systems for NASA's prime contractor on the Apollo, Space Shuttle and GPS programs. I started before there were Computer Science majors. Like most programmers, I was a math major. Being a part of bringing computer applications out of the paper-card era to development of the first online systems was an opportunity I cherish but cannot describe. The tremendous growth in applications brought corporate politics and status reports. I went to law school.

In June 1977, I opened my office on Main Street across from the Historic Courthouse. Having no idea what I was doing, I immediately went over to the county bar association office, joined and began attending functions. Very soon I was receiving needed and welcome advice from leaders of the bar. The benefits of membership

came as if by osmosis. I found a professional association that fostered personal growth in an atmosphere of simple recognition and respect for each other as well as for our various practice areas.

We know that for the foreseeable future, we will be living and practicing in difficult times and under far greater stress from economic and related issues than before. When you feel that stress, know that your opponent is walking in your shoes. Then remember that our judges in particular have been overworked for several years. Judges don't need to deal with more emotion – particularly not lawyer-to-lawyer squabbling. Civility may be more important than ever, yet more difficult to maintain.

The value of your county bar membership is not a direct, definable quid pro quo. Though you may make good friends here, there is great value in association with others who understand what you do day-to-day, but are not too close to you. Encourage colleagues to experience not just the functions, but the sections. Have lunch observing lawyers in other practice areas and the issues they face. You just might appreciate them and learn something – maybe find a referral resource.

This month's magazine is dedicated to "Children and the Law." I have observed juvenile court proceedings on several occasions. Each time, I come away thankful that we have judges, lawyers, case workers and other staff performing virtually impossible work with evident competence and love, and I have despaired of losing them.

I think the current financial meltdown will be gladly endured if it provides impetus to review the results of "visions" and to endow children with strong authority figures who provide them with structure and love and expect effort and performance in exchange. To paraphrase Grace Paley, though hindsight is criticized, it has something that vision lacks: facts. We owe it to the children and the fine people who could help even more in a rational system.

Finally, though I have become reconciled to my inner geek, I can't help a feeling of pride when a geek makes a contribution to the law. I recently read a paper on Sir Isaac Newton. As the story goes, he spent quite some time observing British court proceedings. He noticed that the judges would almost never miss afternoon tea at 4 o'clock. Newton encouraged some barristers to extend their presentations almost to the last minute. They soon found that in order to get out on time for tea and put an end to argument, the judge generally issued a quick and favorable ruling at the last minute. The success of Newton's theory thus became known as Newton's Law of Gavel Tea.

Thank you for having me.



# BENCH TO BAR

## **Superior Court of California, County of Riverside**

**Filing Fee Increased.** As a result of the enactment of Senate Bill (SBX4) 13 (Stats. 2009, ch. 22), various civil filing fees and one criminal (security) fee have been increased as of August 3, 2009. The additional revenue from the fee increase will be used to offset General Fund reductions to trial court operations.

Fee increases apply as follows:

- \$5 increase to first-paper civil filing fees (permanent);
- \$10 increase to fees for filings and services authorized by Government Code sections 70626, subdivisions (a) and (b) (permanent);
- \$10 increase to the \$20 security fee authorized by Penal Code section 1465.8 (sunsets on June 30, 2011).

The new civil fees are reflected on the court's revised fee schedule, which is posted on the court's website at <http://riverside.courts.ca.gov/feeschedule.pdf> and is also available at the clerk's office. A schedule of the criminal and traffic fees, assessments and penalties can also be obtained at the clerk's office.

**Cross-Court Filing Program/Fax Filing.** The court's cross-court filing program has been eliminated as of July 1, 2009. Documents must be filed at the courthouse where the case is pending. Attorneys may elect to directly fax file documents at the correct court location and will be charged a fax registration fee of \$100 for fiscal year 2009-10 to fax an unlimited number of pages. Self-represented litigants may continue to file documents in any courthouse.

To sign up for the 2009-10 fax filing program, please complete form RI M01, located on the court's website at <http://riverside.courts.ca.gov/faxlist.htm>. When fax filing, use Judicial Council Form MC 005 (Facsimile Transmission Cover Sheet) and include an email address in the designated area. A reference guide is also available at this link to assist in determining where cases are pending, as is a list of frequently asked questions. Fax numbers are available on the court's website or from the clerk's office.

If you experience any difficulties or issues with fax filing your documents, please contact Marita Ford for assistance at [marita.ford@riverside.courts.ca.gov](mailto:marita.ford@riverside.courts.ca.gov) or (951) 955-5536.

## **All California Courts**

**Court Closures.** In an effort to ensure uniform access to justice throughout the state and to find a method to allow courts to locally address serious budget reductions, under the authority of SBX4 13, the Judicial Council has designated the third Wednesday of each month as a court closure day, beginning September 16, 2009 and running at least through June 16, 2010. These provisions declare the closure day a holiday for the transaction of judicial business, thereby extending filing deadlines and the time for holding hearings to the same extent as on any weekend or other holiday.

All California courts are subject to closure: the superior courts, the Courts of Appeal, and the California Supreme Court. The dates of these designated court closures are:

- September 16, 2009
- October 21, 2009
- November 18, 2009
- December 16, 2009
- January 20, 2010
- February 17, 2010
- March 17, 2010
- April 21, 2010
- May 19, 2010
- June 16, 2010

The court closures are part of several Judicial Council actions taken to help mitigate unprecedented budget reductions and to continue to support court operations. Further details concerning the court closures are available on the Judicial Council's website at [www.courtinfo.ca.gov](http://www.courtinfo.ca.gov).



# CASA: A VOICE FOR THE CHILDREN

by L. Alexandra Fong and Elaine Rosen

Psychologist Dr. Phil McGraw, the host of the highly successful syndicated daytime talk show *Dr. Phil*, and his wife Robin McGraw, are the official spokespersons for the National CASA Association's Forgotten Children Campaign. The purpose of the campaign is to increase awareness of the need for assistance for foster children and to recruit needed CASA volunteers who would work with the court system in the best interests of foster children.

Court-Appointed Special Advocates (CASAs) are trained volunteers who are appointed by the juvenile court to be advocates for children and youth in foster care who have been removed from their homes because of abuse, neglect or abandonment by their parents or legal guardians. They seek to help these children secure safe, permanent and nurturing homes. CASA volunteers serve the highest risk children who, through no fault of their own, are in foster care.

CASA, a national program with more than 700 offices throughout the country, was originally created and developed in 1976 by Seattle Judge David Soukop, who saw a need for children to have their own special voice in the courtroom.

California has almost 80,000 children in foster care today – the largest foster care population in any state in the nation. Nearly 5,000 children and youth in Riverside County are abused, neglected or abandoned every year, and more than 5,400 children and youth in San Bernardino County live in foster care. 41,672 abuse and neglect cases were filed in California juvenile dependency courts in 2007-08.

Both Riverside and San Bernardino Counties have CASA programs. CASA for Riverside County, Inc. has four locations: Indio, Murrieta, Riverside and Rubidoux. It has over 240 CASA volunteers who service the entire county, from Corona to Blythe. There is a waiting list of over 100 individuals who are interested in becoming CASA volunteers; however, due to lack of funding for additional case managers to supervise the volunteers, the list continues to grow. The ratio is one case manager for 40 volunteers.

Jean Easum, Supervisory Scientist at the Naval Warfare Assessment Center, is Board President of CASA for Riverside County.

The mission of Child Advocates of San Bernardino County is "to improve the quality of life for children and youth in foster care and prepare them for adulthood by providing advocacy in juvenile court through trained

volunteers." Child Advocates serves both dependent and delinquent youth. Child Advocates has been expanding its programs and services to also include medically fragile kids, from birth to 19 years of age, residing in subacute facilities; pregnant and parenting teens; and at-risk youth pursuant to Welfare and Institutions Code section 601 (truancy, incorrigibility).

Dr. Marti Baum, director of O.K. Kids Program at Loma Linda University Medical Center, is Board President of San Bernardino's Child Advocates. She is excited about the surge in the growth of the program and the need it is filling for the courts and for foster children.

The San Bernardino and the Riverside CASA programs co-host annual events, including the Summer Picnic held at Burrage Mansion in Redlands and the Winter Holiday Party held in Riverside each year.

Because of the current financial crisis in California, these CASA programs are being negatively impacted. As the need for more CASA volunteers increases, the ability to fund the programs is decreasing.

CASA for Riverside County recently had two fundraising events – a performance in Riverside of "Kiss Me Kate," on July 23, 2009, and Comedians for CASA at the Ontario Improv, on August 2, 2009. CASA for Riverside County is holding its first annual charity golf tournament, "Play a Round Fore CASA," on February 27, 2010 at the Heritage Palms Country Club in Indio. For additional details or to make reservations, please contact the number listed below.

Child Advocates of San Bernardino is holding its second annual "Munchin' at the Mansion: An Evening of Food, Fun and Fundraising" on October 7, 2009 at Edwards Mansion in Redlands. For additional details or to make reservations, please contact the number listed below.

To become a CASA volunteer, a 30-hour training course and a background check are required. Volunteers learn about courtroom procedures, effective advocacy techniques for children, the types of abuse and neglect that happen to children, early childhood development and adolescent behavior.

A trained CASA volunteer is a consistent figure in a child's life and provides continuity for the child. These children need the consistency and the commitment provided by the volunteer.

*Continued on page 8*

---

A volunteer may spend as much as 10 to 15 hours a month with a child. He or she ensures that court-ordered services are provided, attends court hearings for the child, and provides child-focused recommendations so the court can make sound and appropriate decisions about the child's future. A volunteer stays with the court case until it is permanently resolved.

CASA for Riverside County has multiple training programs scheduled throughout the year; it has an upcoming training course scheduled for October 2009 (four Saturdays) at the Riverside County Regional Medical Center in Moreno Valley. It is looking for attorneys who have experience in juvenile dependency law to volunteer their time to train its volunteers. San Bernardino Child Advocates is also holding training in October as part of its six training sessions each year in San Bernardino and the High Desert.

To obtain further information about training programs and how you can help these children and youth by volunteering and donating your time, or by making a monetary contribution to these wonderful nonprofit organizations, please contact:

CASA for Riverside County, Inc. at (951) 358-4305. Executive Director Deborah Sutton may be reached at (760) 863-7424 and [dsutton@casariversidecounty.org](mailto:dsutton@casariversidecounty.org). Additional information may be obtained from its website at <http://www.casariversidecounty.org>.

Child Advocates of San Bernardino can be reached at (909) 881-6760. The Program Director is Kara Hunter at [kara@casaofsb.org](mailto:kara@casaofsb.org). Additional information can be obtained from its website at <http://www.casaofsb.org>.

*L. Alexandra Fong, a member of the Bar Publications Committee, is a deputy county counsel for the County of Riverside.*

*Elaine Rosen is co-author of CEB's "California Juvenile Dependency Practice" and a volunteer for Child Advocates of San Bernardino County.*





# CHILD SUPPORT CLIFF NOTES ALLOW EVERYONE TO BE ON THE SAME PLAYING FIELD

by Hirbod Rashidi and Natalie Metzger

Opposing counsel had a surprise for me at the hearing. Though we are good friends, he wouldn't tell me what he was up to and wanted to unveil his "surprise" at the hearing. Finally, before the family law commissioner, he pulled out a copy of the *Child Support Attorney Sourcebook (Sourcebook)* and started arguing that "their own practice guide" mandates that his client prevail. I guess his "surprise" was that he had managed to get a copy of the book.

For a number of years, the Child Support Directors Association (CSDA) has been publishing a number of practice guides to assist those practicing in the area of child support and related paternity law. In addition to the *Sourcebook*, the CSDA publishes *Cases of Interest to Child Support Attorneys* and the *Interstate Sourcebook*.

Though these books have always been available for sale to the public, the CSDA never really solicited the private bar until recently. Last year, for example, while almost 500 copies were sold to the courts and family law facilitators, only 53 were sold to the private bar. We are hoping to increase that number and also to send a message that these practice guides are readily available to the private bar (and pro per litigants, for that matter).

I joined the CSDA's publication committee in 2006 as a contributing editor and have been serving in that capacity since then. While the CSDA is a nonprofit organization with a few paid staff, the publication committee operates on a completely volunteer basis; i.e., neither I nor any of my fellow editors get paid to work on these publications.

The *Sourcebook*, which I would call our flagship publication, is a pocket book (small enough to fit inside a jacket pocket or a small purse) designed as a quick reference guide for use in court. *Cases of Interest*, on the other hand, is meant to be a collection of case briefs that can (1) quickly refresh your mind with the central holding of a case, and (2) refer you to the citation and related authority (including cases that have distinguished it and any splits in authority). Finally, the *Interstate Sourcebook* is a collection of case briefs and related authority from across the nation dealing with the very specific area of interstate enforcement of child support orders, including, but not limited to, issues arising under the Uniform Interstate Family Support Act (UIFSA). Like all reference guides, these are all secondary sources designed to help refer you

to the primary source (case, statutory, or administrative law) and its citation.

The reason I describe the *Sourcebook* as our flagship publication is because it is the one that attorneys would more likely use on a daily basis; in addition to its size, it is designed to be a quick reference guide on all sources of law dealing with child support. Especially for those just starting to handle cases in this highly specialized area, it could serve as an invaluable source. The book is divided into 16 major sections: Establishment and Civil Procedure in IV D cases, Parentage, Support, Enforcement/Collections, Relief from Judgment, Contempt/Criminal Enforcement, Bankruptcy, Workers' Compensation, Collections from Estates and Trusts, Real Property Liens, Analyzing Tax Returns, UIFSA and Registration of Foreign Orders, Evidence, Objections, Miscellaneous Provisions, and Internet Sources. Each section is divided into smaller sections and fully indexed (including a "Table of Cases" and "Table of Statutes"). *Cases of Interest* and the *Interstate Sourcebook* are similarly organized.

In short, these books serve as an invaluable resource for both experienced and novice practitioners of child support (and paternity) law. They are also reasonably priced, at \$60 per publication and \$20 for the 2009 *Interstate Sourcebook Supplement*. For more information about these publications or to place an order, please visit [www.csdaca.org](http://www.csdaca.org).

As to my friend and his "surprise," he lost the case because he committed a cardinal sin of legal research: relying on an older version of the book, he failed to look at the primary sources (case law and related statutes) governing the set-aside of judgments. No matter how good the publication, secondary sources are never a substitute for the primary source.

*Hirbod Rashidi is an attorney for Riverside County in its Department of Child Support Services and he teaches law, through extension, at UCLA and UC Riverside. He can be reached at [hrashidi@co.riverside.ca.us](mailto:h rashidi@co.riverside.ca.us). Natalie Metzger is a policy and communications analyst for the CSDA. She can be reached at [nmetzger@csdaca.org](mailto:nmetzger@csdaca.org).*



# EVERYONE WINS IN YOUTH COURT

*by the Hon. Charles J. Koosed, Presiding Juvenile Court Judge*

Bailiff: "Please rise and come to order, Riverside Youth Court is now in session, the Honorable Charles J. Koosed presiding."

Judge: "Will the clerk please call the next case?"

Clerk: "Calling the case of YZ2287, respondent John D."

Judge: "Will the respondent please rise and tell the jury your first name and age? Do any of the jurors know John D.? Ladies and gentlemen of the jury, John D. has admitted he stole a pair of shoes from J.C. Penney's. Is there anyone who cannot give John D. a fair and impartial hearing in reaching a just disposition? Will the jurors please rise and be sworn in as youth court jurors."

And so starts another highly successful Riverside Youth Court jury peer trial.

The Riverside Youth Court is a program created by the Riverside Youth Council in September 2004. It is an innovative approach to juvenile justice, and it acts as an early intervention diversion program for first-time offenders who have committed misdemeanor crimes within the Riverside city limits. It is designed to give youth between the ages of 10 and 17, who have broken the law and admitted their guilt, a second chance, on an informal basis.

The program started with 120 student volunteers, who served as jurors, court clerks, bailiffs, defense attorneys, and prosecution attorneys. The program has grown, with participation from over 380 juvenile volunteers. Student jurors hear cases involving shoplifting, fighting, vandalism, marijuana, trespassing, battery, and weapon possession. Although an adult judge presides over the trial, the youth jury determines the sentence. The student jurors' verdict may include community service, jury duty, apology letters to victims and parents, essays, jail tours, drug testing, victim restitution, counseling, curfew, and school attendance monitoring.

To be eligible for youth court, the juvenile must first admit guilt, and a parent must consent in writing to his or her child's participation in the program. Youth Court is in session on the second and fourth Wednesday each month, starting at 5:30 p.m. Cases are heard in Departments 21 and 22 in the Hall of Justice in Downtown Riverside. Youth Court is not open to the public, as the hearings are confidential.

Youth Court is also designed to educate youth about the juvenile justice system. Through direct participation, Youth Court addresses the juvenile's responsibility for his or her

behavior and holds the juvenile accountable to his or her community and peers. Involvement in youth court, either as a respondent or as a volunteer, increases respect for the judicial process and obeying the law. Youth Court is a great program for teaching our youth about the formalities of the real judicial process. This is the same due process of law that is dispensed in every courtroom in our nation.

Youth Court is extraordinarily successful. According to Officer Hal Webb, Youth Court Coordinator, there have been 300 to 320 trials held in Youth Court over the last two years. Ninety-three percent of the kids who have appeared in Youth Court have been successful in not repeating or committing any new offenses. Officer Webb attributes the astounding success rate to the "positive reinforcement and hands-on approach" on which the program is based. Officer Webb has expanded the program by adding a new jury trial model, called the "Impact Model." The Impact Model allows the jurors to hear many more cases in one Youth Court session by eliminating the jury deliberation portion in favor of an in-court ballot process for determining an appropriate disposition. Each juror fills out a form ballot selecting what they believe is a fair disposition. The student clerk tallies up the ballots and the court imposes a disposition consistent with the majority view.

In addition to being a highly successful program, there are several other benefits of Youth Court. Youth Court is a diversion program, which allows a minor to keep his or her record clean by participating successfully. Also, the program is run primarily by volunteers and comes at very little expense to taxpayers. It diverts cases away from traditional juvenile court and allows the juvenile court to spend more time with serious crimes and repeat juvenile offenders. Since participation in the program is conditioned on the minor first admitting guilt, there is no time spent on litigating the facts of the case. This results in a speedy resolution and closure for the victim.

Suffice it to say, I cannot sing the praises of the Riverside Youth Court Program loudly enough. In these hard economic times, Youth Court is a win-win for all concerned. Our current presiding judge in Riverside County, Judge Thomas Cahraman, feels the same way. In fact, he made Youth Court one of his top priorities. When asked why it was important to him, Judge Cahraman responded, "Most judges find it is the most fulfilling form of community outreach because it saves kids and helps parents." Judge Cahraman went on to say, "Every presiding judge spends most of their time on the brass tacks of case management

---

and allocation of resources, but when you lift your eyes to the horizon and seek to attain greater goals, you certainly wish to focus on helping children and families.”

Volunteering your time as an attorney mentor or as a judge is a truly amazing and rewarding experience. I highly recommend this program for anyone interested in helping the children of our community. A few hours of your time most certainly will have a positive effect on the lifetime of a child and his or her family. Anyone interested in participating in the Riverside Youth Court Program should contact the Youth Court Coordinator, Riverside Police Officer Hal Webb, at (951) 901-7339 or [hwebb@riversideca.gov](mailto:hwebb@riversideca.gov).

*Note: The Riverside Youth Court is accepting applications for jurors for its September 19 training session, which will be held from 8:30 a.m. to 3 p.m. at the Arlington Library, 9556 Magnolia Avenue, Riverside. For more information, please contact Petite Cunningham at (951) 353-7690 or by email to [pcunning@riversideca.gov](mailto:pcunning@riversideca.gov).*



# “WHO’S YOUR DADDY?” – AN EVALUATION OF FAMILY CODE SECTION 7646, SUBDIVISION (C)

by Diana Renteria

Family Code section 7646 provides the time periods for bringing a motion to set aside a default paternity judgment based on genetic testing proving that the previously established father is not the father. Ordinarily, a motion to set aside a paternity judgment based on genetic testing must be filed within two years after:

- (1) The previously established father knew or should have known of:
  - (a) The judgment that established him as the father of the child, or
  - (b) The existence of a paternity action, whichever is earlier; or
- (2) The child’s birth, if the paternity was established by a voluntary declaration of paternity. (Fam. Code, § 7646, subsd. (a) (1), (a)(2).)

However, effective in 2009, a new subsection has been added that allows a man a third opportunity to set aside a default judgment that he is the father of a minor child.

If you filed a motion to set aside a default paternity judgment between the dates of September 24, 2006 and December 31, 2006 and the motion was denied because it was untimely, you have an opportunity to file your motion all over again, thanks to Family Code section 7646, subdivision (c).

In 2004, the legislators and the governor first enacted Family Code section 7646, permitting a motion to set aside a paternity judgment based on genetic testing, regardless of how old the child was or how long the previously established father had been aware of the child’s existence. However, in the case of a default judgment, the code section was unclear as to when the motion needed to be filed. It could have been interpreted to mean that the filing of the motion had to occur either by September 24, 2006 or by December 31, 2006.

Some courts accepted filings through December 31, 2006. Yet there were courts that refused to set aside default paternity judgments unless the moving documents were filed by September 24, 2006.

Due to this confusion, in 2009 only, a previously established father who is the legal father under a default judgment may have an opportunity to present his position again, to correct the court, to remove his name as the father, and ultimately, to cancel all orders of child support.

To succeed in one’s newly filed motion to set aside a default paternity judgment, the rules in the code are very strict and each essential element must be met. Under the first element, the father must have filed a motion to set aside the default judgment during the period from September 24, 2006 through December 31, 2006. Under the second element, when this motion was originally heard, the court had to deny the motion solely as being untimely. Under the third element, the request for reconsideration of the court’s order must be filed on or before December 31, 2009.

Once December 31, 2009 comes and goes, no one will have an opportunity to deny paternity under a default judgment if a previous motion to set aside was filed on or before December 31, 2006. So far, there has been little in terms of publicity and education to give attorneys and their clients an opportunity to utilize Family Code section 7646, subdivision (c). Many men were denied their opportunity to remove their name as the father of a child not genetically theirs and forced to pay child support. Hopefully, this article will inform attorneys of this infrequently utilized code section.

*Diana Renteria is a local family law attorney. She is currently serving on the boards of the RCBA’s Lawyer Referral Service and Public Service Law Corporation.*



# JUDICIAL PROFILE: HON. SAMUEL DIAZ, JR.

*by Donna Thierbach*

Being a horseback riding enthusiast, I thought I would have someone to talk to about horses when Judge Samuel Diaz told me he was born in Dallas, Texas. However, I learned not all Texans are cowboys and not all judges are former deputy district attorneys. Judge Diaz's parents, Samuel and Dora Diaz, had immigrated to Texas from Cuba. Although they had very limited educational opportunities in Cuba, they both emphasized the importance of education to their three children, all boys (David, Samuel, and Saul)! When Judge Diaz was 11 years old, his family moved to Southern California. He attended Salesian High School in East Los Angeles, an all-boys Catholic school. He met his future wife, Sandra Perez, at the neighboring all-girls Catholic School, Sacred Heart. Although they knew each other in high school, they did not begin dating until he was a junior in college.

Since eighth grade, Judge Diaz knew he wanted to be a lawyer. His mother had always told him if she could have attended school, she would have been an attorney. His mother would frequently ask him to help families in the neighborhood by translating mail and other documents for them. To him, a lawyer is an individual who helps people. Judge Diaz had not decided on a specific college until a recruiter invited him and several of his friends to visit UC Santa Cruz. Being a city boy, he was amazed at the wildlife, the tall redwood trees, and the beautiful surroundings. He fell in love with the campus. He also enrolled in the United States Army Reserve as a combat engineer (12B). This allowed him an opportunity to pay for his education. While attending UC Santa Cruz, Judge Diaz stated, he was exposed to many different political views. He learned to keep an open mind and make his own decision – although he did mention that he was probably the only Republican on campus.

After Judge Diaz graduated from Santa Cruz in 1986, he and Sandra Perez were married. They spent their first year in San Francisco, so he could attend Golden Gate Law School. To support them, his new bride worked 50 to 60 hours a week as an assistant manager for a



*L-R: Matthew Diaz, Judge Samuel Diaz, Sandra Diaz, Andrew Diaz*

retail clothing store. However, San Francisco was very expensive and his wife missed her family tremendously. They decided to return to Los Angeles, and Judge Diaz secured a job as a paralegal at a law firm in Century City. As fate would have it, on his birthday in December 1988, he and 27 others were called in the conference room and laid off. He said it was probably the best thing

that could have happened. He returned to law school at Western State University in Fullerton, attended full-time and graduated in 1991. He and his wife were living in Southeast Los Angeles (Huntington Park) and Mrs. Diaz worked to support them during this time. Judge Diaz said he really owes a lot to his wife, and indeed he does prove that behind every successful man is a great woman!

After he graduated from law school, his sister-in-law purchased a home in Moreno Valley. His wife wanted to be close to her sister, and she and Judge Diaz decided to buy their first home. His first job as an attorney was at the law firm of Stockdale, Peckham & Werner in San Bernardino. At the firm, he was mainly exposed to general insurance defense, civil discovery and construction defect matters. It was a large firm and he learned a great deal. Judge Diaz stated that the managing partner, Mark Klute, took him under his wing and taught him the strong foundation needed to succeed. He is grateful to him. Nonetheless, he yearned to do jury trials. The managing partner pointed out to him that he was near the bottom of the letterhead (number 118 out of 120), so it would be a very long while before he saw the inside of a courtroom. Hence, after two years he left and began working for the Riverside County Office of the Public Defender. He worked for that office from 1994 to 1998. He conducted 13 misdemeanor jury trials in his first year. He was then transferred to defend clients in preliminary hearings, juvenile court, and finally in general felony trials. In 1998, Judge Diaz put out his own shingle; he was in private practice until 2007. Judge Diaz conducted over 50 felony jury trials with the Conflict Defense Panel and Conflict Defense Lawyers. He also handled felony

matters with the Federal Indigent Panel for the Central District of California, Eastern Division. Judge Diaz returned to the Riverside County Office of the Public Defender as a felony trial and preliminary hearing supervisor in October 2007. He remained there until March 2009, when he was appointed to the bench.

On the bench, Judge Diaz spent his first six weeks presiding over four jury trials in Riverside, and then he was assigned to Dependency Court in Indio. Though he never practiced dependency as a lawyer, he is discovering how important this area of the law is for our community. He states that he is learning something new everyday.

Judge Diaz said he had not really thought about being a judicial officer until Judge Hanks asked him to do pro tem work. He recalls the occasion in great detail. He and other lawyers were at Master Calendar in Department 51 of Riverside Superior Court, when Judge Hanks got a call from Department 22, saying that the commissioner had a family emergency. The judge asked Judge Diaz to do a favor for him and to “pro tem” at the misdemeanor calendar. He enjoyed it so much that he began volunteering as much as he could, and he felt a renewed sense of being able to make a difference. When he decided to apply for a judgeship, his wife once again was there to help. She gathered all the information regarding his past trials and encouraged everyone to complete the judicial evaluations. She also set up meetings with local community leaders and government officials. He said he owes so much to his wife. He has been humbled by the entire experience and how supportive everyone has been. He said throughout his career, professionalism and showing everyone in the courtroom respect have always



*Steve Harmon and Judge Samuel Diaz*

been and will continue to be very important to him. Judge Diaz said being a judge is the best job in the world!

Judge Diaz made being a bench officer sound so fun, I started to wonder if he had any hobbies. Prior to becoming a judge, he was very involved in Boy Scouts and was the pack leader for Pack 13, one of the largest Cub Scout packs in the Inland Empire. He also enjoys hiking and cycling. He has not cycled in a year, but has signed up for the Solvang 50-mile ride in November and is going to start getting in shape for it. Previously, he had ridden about half-a-dozen times in the Rosarito-to-Ensenada 50-mile bike ride in Baja California, the Smog-to-Surf Ride (Riverside to Huntington Beach), and the Tour de Sewer in Los Angeles. He said he did try golf and took lessons with one of his sons. However, his son beats him, and he is taking up his old hobby, cycling.

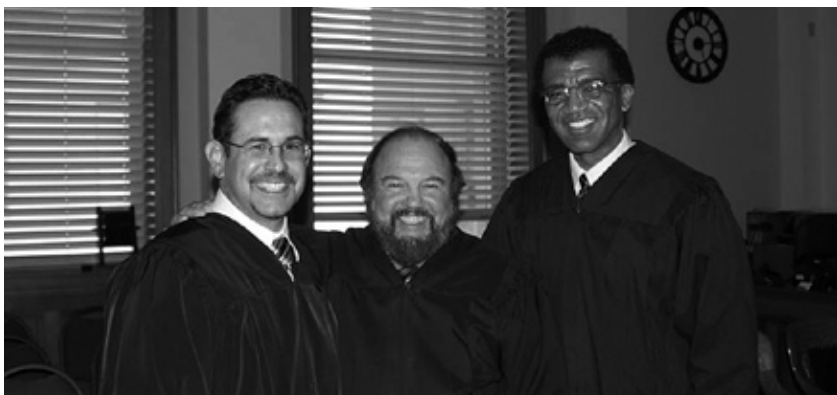
*Donna Thierbach, a member of the Bar Publications Committee, is Chief Deputy of the Riverside County Probation Department.*



*Photographs by Jacqueline Carey-Wilson*



*Judge Samuel Diaz being sworn in by Judge Douglas Weathers*



*L-R: Judges Samuel Diaz, Joe Hernandez, and Richard Fields*

# OPPOSING COUNSEL: WILLIAM A. JARVIS

by L. Alexandra Fong

*Every child deserves a safe and stable environment that nurtures personal growth and development.<sup>1</sup>*

William (Bill) Jarvis, a Riverside native, has devoted the majority of his legal career to protecting children. As a deputy county counsel for the County of Riverside, Bill works in the Juvenile Dependency Division, representing the Department of Public Social Services (DPSS). The goal of the DPSS is “to protect and improve the well-being of the individuals and families who reside in Riverside County – especially those who cannot protect themselves.” The DPSS contributes to the safety and security of thousands of abused and neglected children by serving as the county’s child protective services agency.

Bill works to obtain jurisdiction for the DPSS over specific children when they have allegedly been abused or neglected by their parents and/or caregivers. The DPSS provides services for the involved parties, including, but not limited to, reunification services. Reunification services typically involve visitation between the children and their parents, along with counseling.

Bill was born in 1960 to an attorney father, also named William, and mother, Dolores. He comes from a long line of Riverside-born residents, beginning with his great-grandfather, John T. Jarvis, who built his home in 1887 at the corner of 12th Street and Redwood Street, where it still stands.<sup>2</sup> He was inspired to go to law school by his father, who practiced from 1966 until his death in 1997. His mother continues to reside in Riverside, and he visits her often.

Bill attended California State University at Fullerton, graduating with a Bachelor of Arts degree in Business Administration, with an emphasis in real estate finance. He attended Western State University School of Law in Fullerton and was admitted to the bar in December 1985. He joined his father’s firm, and his first case was a dependency matter heard on Christmas Eve, in which he represented a parent accused of neglect and abuse. He recalls the



*William A. Jarvis, his wife Michelle and dog Bailey*

dependency court being comprised of two attached mobile homes.

In 1988, seeking a change, Bill applied to the Riverside County Counsel’s office and began handling conservatorship cases before the late Judge William H. Sullivan. He stayed in that division for approximately two and a half years before being transferred to handle code enforcement matters, prosecuting violations of the county’s ordinances. Although he handled code enforcement matters for only a brief period of time, he stayed

long enough to engage in a jury trial in Banning.

In 1991, he transferred to the Juvenile Dependency Division of the office, where he remains. Although this was intended to be a six-month assignment, he enjoyed this area of law so much that he stayed and flourished. He enjoys dependency law because the subject matter is interesting, case law is constantly changing, and there is an opportunity to create new law. He also enjoys going to court daily and obtaining a resolution on cases that protects the children’s interests and is acceptable to all parties.

In his free time, he enjoys surfing. He travels to Costa Rica yearly to enjoy the surf; he and his wife, Michelle, also enjoy taking their chocolate Labrador, Bailey, to the dog beach in Huntington Beach.

In 2005, Bill married Michelle, an attorney whom he met while at juvenile court. At the time they met, she was on the juvenile dependency panel of attorneys appointed to represent minors and/or parents; however, she is no longer on the panel. She continues to practice juvenile dependency law, although she handles only appellate matters. Both Bill and Michelle share a passion for protecting children. They are in the final stages of approval for foster care and hope to adopt in the future.

In Riverside County, there are approximately 5,000 children who – because of abuse, neglect or abandonment – have been removed from their families. These children need love, consistency and commitment. To obtain further information about becoming a foster or adoptive parent, please call 1-800-665-KIDS (5437).

1 This quote from the website of Riverside County Department of Public Social Services, located at <http://dpss.co.riverside.ca.us>, could be Bill Jarvis’s motto.

2 John T. Jarvis was the City of Riverside’s mayor in 1927 and was still in office on his 80th birthday.

*L. Alexandra Fong, a member of the Bar Publications Committee, is a deputy county counsel for the County of Riverside.*



# VARNER & BRANDT STRIKES SOFTBALL GOLD

by Bruce E. Todd

In a somewhat shocking ending to the Riverside County Bar Association Softball League season, the Riverside District Attorney's Office was upset in the championship game for the second consecutive season.

Last year, Thompson & Colegate, which did not win a regular season game, upset the DA's office in the title game. In response to that stunning defeat, the DAs stormed through this year's regular season and the first two rounds of the playoffs without losing a single game. The DAs were then matched in the title game against a Varner & Brandt squad that they had trounced in the first game of the regular season. A victory would have given the DAs a perfect season and their first championship since they won the title back in 2005.

For the second year running, however, the community of civil practitioners denied a championship to the protectors of criminal justice. Varner & Brandt, which had never before won a league title, scored four runs in the first inning of the title game and never looked back on the way to posting a 13-9 victory.

According to Nathan Perea, the coach of V & B, it was a true "David beats Goliath" storybook ending. "They kicked our behinds in the first game of the season," said Perea. "We almost thought of folding our team after that game."

Perea said that, after his team started winning a few games, interest within the firm began to build. "We had a core group that we fielded and more people showed up as we started gaining momentum. It got exciting as we kept winning. Everybody wanted to win."



(left to right) Mike Asam, Glenn Wheeler, Amanda Jones, Evan Page, Christina Cadena, Nathan Perea (Coach), Rachel Hardesty, Craig Olsen (MVP), Doug Higham (Manager), Brandon Hardesty, Adam Holguin, Tiffany Bond, Tiffany Miller, Jillian Cole, Jimmy Treece. (Not Pictured: Sean Varner, Daniel Tyson and Keith Kelly).

Ultimately, V & B finished the regular season with a 5-2 record and then won its first two rounds of the playoffs by knocking off Best Best & Krieger and then the Public Defender's Office.

Perea said that it "was really a team effort" in the title game against the DAs: "We don't have big hitters but we just have a good core team." He added, "They have some really big bats, but we got lucky with some of our fielding. We scored four runs in the first inning, and that was the turning point, as we basically battled back and forth after that inning."

In the game for third place, defending champions Thompson & Colegate routed the Public Defender's Office by an 11-2 score. Gary Montgomery, who managed the T & C squad in its final game, said that his team is looking forward to trying to return to the title game in 2010.

The Bad News Barristers knocked off Lobb, Cliff & Lester in the battle for fifth place, and Best Best & Krieger bested Gresham Savage in the game that decided the cellar dweller in the final league standings.

Any team that is interested in participating in the 2010 season can contact League Commissioner Tim Plewe of Lobb Cliff & Lester (951-788-9410) for further details. Individual attorneys who are not associated with a specific team can speak with Mr. Plewe about the possible assignment to a specific team.

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





# 28TH ANNUAL GOOD CITIZENSHIP AWARDS

*Photographs by Michael J. Elderman*

National Law Day (May 1) is a special day focusing on our heritage of liberty under law, a national day of celebration officially designated by joint resolution of Congress in 1961.

As a part of its celebration of Law Day 2009, the Riverside County Bar Association and Riverside County Superior Court once again sponsored the Good Citizenship Awards (established by the RCBA in 1981) for high school students in Riverside County. The award is presented to those high school juniors who have been designated by their respective principals as exhibiting the characteristics of a good citizen – leadership, problem solving and involvement on campus.

RCBA President Aurora Hughes, Presiding Judge Thomas Cahraman, Judge Irma Asberry and Judge Samuel Diaz addressed the assembled high school juniors and their parents, teachers and counselors, and recognized their exemplary citizenship and accomplishments.

The recipients receive \$200 cash stipends from the RCBA and the Lawyer Referral Service, as well as certificates of merit from the Riverside County Superior Court and local elected officials. This year, certificates of recognition were given by U.S. Senator Barbara Boxer, U.S. Congressman Ken Calvert, Senator Robert Dutton, Assemblyman Paul Cook, Assemblyman Bill Emerson, Assemblyman Kevin Jeffries, and Assemblyman Brian Nestande.

The awards ceremony was held on Friday, May 1, 2009, in Department 1 of the Historic Courthouse in Riverside. The following high school students from around the county were recognized for their good citizenship:



*Students, family members and guests in Dept. 1 of Historic Courthouse*



*Award recipients and presenters*

## High School Name

Abraham Lincoln  
Amistad  
Arlington  
Banning  
Beaumont  
Centennial  
Chaparral  
Citrus Hill  
Coachella Valley  
Corona  
Elsinore  
Great Oak  
Hamilton  
Hemet  
John F. Kennedy Middle College  
John W. North  
La Quinta  
La Sierra  
Martin Luther King  
Moreno Valley  
Mountain View  
Murrieta Valley  
Norco  
Nueva Vista  
Nuview Bridge Early College  
Ortega  
Palm Desert  
Palm Springs  
Perris  
Polytechnic  
Raincross  
Ramona  
Rancho Verde  
Sherman Indian  
Student Success Academy  
Temecula Valley  
Vista del Lago  
Vista Murrieta  
Woodcrest Christian

## Student Name

Alejandro Magana  
Estevan Jesus Donato  
Kristen Treat  
Rebecca Calabrese  
Megan Jones  
Maksim Nikiforov  
Gavin Carlson  
Hailey Caparella  
Patricia Carrillo  
James Delhauer  
Sarah Ash  
Michelle Tang  
Patrick McGowan  
Ketaki Panse  
Kara Mann  
Crystal Rivera  
Itzel Rosas  
Nikhil Kohli  
Cameron Hulsey  
Robert S. Murillo  
Kristina Luna  
Cursta McCullom  
Michelle Kim  
Arisbeth Quezada  
Eduardo Delgado  
Tiersa Cragun  
Jacqueline Braslow  
Jessica Rees  
Laura Lara  
Pako Barba  
Diamond Santiago  
Elizabeth Lopez  
Nathan Daniel Rivera  
Rosalinda Gutierrez  
Juan Escamilla  
Karl Pruhsmeier  
Alexandra Carreto  
Courtney N. Boman  
Charlotte Rose

## NOTICE

**Notice is hereby given that the RCBA Board of Directors has scheduled a "business meeting" to allow active members an opportunity to address the proposed budget for 2010.**

**Friday, September 18, 2009 at 4:00 p.m.  
RCBA Board Room**

**If you are interested in attending this meeting, please contact Charlene Nelson at the RCBA office, (951) 682-1015 or [charlene@riversidecountybar.com](mailto:charlene@riversidecountybar.com).**



*RCBA President Aurora Hughes*



*Judge Irma Asberry and Judge Samuel Diaz*



*RCBA Past President Dan Hantman (right) giving out certificates to an award recipient, Charlotte Rose (Woodcrest Christian)*



*Presiding Judge Thomas Cahraman*



# COURT CONGESTION – A DIFFERENT PERSPECTIVE

by Sue F. Steding, Chief Assistant District Attorney

The topic of court congestion has gathered a life of its own far beyond the reasons for its existence. The work to bring solutions to the congestion continues to get muddled by comments made by folks with limited knowledge of the dynamics of the congestion, who often are motivated to comment for reasons other than seeking solutions. It is always easier to cast blame, as it diverts from the work that needs to be done.

More than five years ago, I was standing in the corridor outside a criminal courtroom in the Larson Justice Center when a local attorney stopped me. He had just met privately with a member of the bench who had advised him that the court was preparing to call 100 cases set that morning on the 8:30 preliminary hearing calendar. This attorney was astonished. I invited him to ask the court how many of those 100 cases were set for preliminary hearing for the first time that day. I predicted that fewer than 10 of the 100 cases were set for the first time. It is always easier to continue a case, at least in the short term. That has been the practice of the courts throughout Riverside County for decades.

Less than three years ago, I took a call from a woman in her 70s whose civil attorney had encouraged her to call the district attorney and complain that her civil case could not get out to trial. She explained that she had suffered a traffic collision. The insurance company had not offered enough and she was prepared to take it to trial, but was concerned she would not out live court congestion. Her civil attorney had convinced her that it was the district attorney's fault for clogging the courts with criminal cases. Luckily, she had lived in our community for a number of years and had experienced the growth of population. Unfortunately, she had not been informed that the courts had not grown to accommodate the needs of that population growth. Maybe her attorney did not know either? I was able to let her know that what she was experiencing regarding the civil caseload was a pattern that had been ongoing for decades in Riverside County. I remember when the court would limit criminal cases during the last two weeks in December in order to devote full attention to settling the large backlog of civil cases. I shared that information with her. She was not aware of that, either. She had been tutored inappropriately to believe that the backlog in civil cases was the fault of the newly elected district attorney.

To address criminal case court congestion, there is an elementary premise that must be understood. The criminal court system has three teams that come together: the prosecutor, the defense attorney and the court. Each member has a different job. Each member has equal responsibility to do their job. The prosecutor represents the People of the State of California and works to ensure that justice is done. The

defense attorney represents the client and works to ensure that the client's rights are protected. The court must ensure that there is an honest unbiased forum where the advocates can represent their clients' interests and justice is meted out fairly. The criminal court system is like a three-legged stool – when one of the legs is failing, the stool falters. The success of the system depends on the strength of each of its parts.

Court congestion did not start with the election of our current district attorney. This problem has been decades in the making. The June 2007 edition of the *Riverside Lawyer* published an excellent article by the Honorable Elwood M. Rich, Judge of the Superior Court, Retired, who presented the facts regarding the lack of judicial bench officers relative to the caseload. It is known statewide that the court leg of our stool is incredibly weak in resources. Though most are unaware of it, District Attorney Pacheco worked with Justice Miller and the governor's office several years ago to get 14 new judicial positions for Riverside County.

More importantly, prior to the election of our current district attorney, the court's own commissioned expert pointed out to the court that even in the face of limited judicial resources, the court could do much to improve the management of the caseload, especially by addressing the court and counsel's "culture of continuances." From a report dated April 2006, entitled *Developing Effective Practices in Criminal Caseload Management*, by John Greacen and Julia Barnes of Greacen Associates, we learn, inter alia:

"We are impressed with the court leadership's determination to improve criminal case processing despite the court's serious judgeship shortage. It would be easy for the court as a whole to adopt a fatalist attitude – which we detected in some judges – that there is nothing the court can do given the current lack of judicial resources. We agree with the leadership that major improvements are possible, that the court can use its resources more effectively, and that the court can better handle its criminal caseload . . . . From the data and observations, we conclude that the court has effective early case resolution processes for felony cases but needs to change the way in which it brings felony and misdemeanor cases to trial. **The court and the attorneys have developed a culture that is heavily dependent on continuances.** We observe that this process leads to long calendars on which few cases are resolved, using up significant amounts of judge and attorney time that could more productively be devoted to the preparation of cases for trial . . . ." (Emphasis added.)

There is a key point that cannot be missed here. The study complimented the court and counsel on the large number of cases being resolved. It was critical of the stage in the case at

---

which many of the cases were being resolved. The system had faltered to the extent that there were limited incentives for the defendant to plead guilty at an early stage. The defendant was encouraged to delay case resolution because, as the time grew to a crisis moment, the court, unfortunately, could be relied upon to encourage a lower sentence in order to resolve the case.

As the court began to falter, it began to rely more and more upon prosecutors to settle cases rather than take the steps needed to more effectively manage the calendars. Needless to say, defense counsel did not object to this reliance, nor did defense counsel perceive it as their role to indicate that the system would be faltering if the court began to rely upon the prosecutor to weaken their position and thus their leg of the stool. Unfortunately, it came to pass that both the court and counsel began to ignore some of the laws that govern the settlement of cases. There are the general legal issues regarding plea negotiation and indicated sentences and who has the authority to do what. Those lines became blurred, in the name of surviving the burden of the growing criminal caseload. Specific rules were being avoided, such as Penal Code section 1192.7, which prohibits plea bargaining after the filing of an indictment or information in any serious felony, subject to limited exceptions. Upon the election of the new district attorney, he saw a need for the prosecutor to return to the work of a prosecutor, that being to represent the interest our citizens have in a safe community, rather than to subordinate our role to accommodate the court's understaffing. In fact, that act of subordination had become cultural, and pulling back from that role has proven to be dramatic. Yet it remains vitally important to the success of the criminal justice system that each team stand strong in its role. When in doubt, follow the law.

Our district attorney played a key role in capturing the attention of the chief justice of the Supreme Court, and in August 2007, the "strike force" came to town. Our district attorney recognized that it would take outside influence to change our currently ill system. The state supplemented the funding of our courts by supplying additional bench officers who had the mission of getting the old felony cases to trial. Those additional 12 bench officers worked six months before being reduced to fewer than 12 and committing for another six months to complete their mission.

---

Their mission was deemed a success, but as you read this today, the oldest death penalty case waiting for trial is seven years old. As recently as May 19, 2009, according to a local media report, the father of a victim complained to the trial court that the case had been set for 81 hearings and 17 trial dates. When the judge, in May 2009, set a firm trial date, the father was quoted as saying this was the first time “a judge said no to a defense attorney.”

Separately, the chief justice sent a team of court experts in case management, including Mr. Greacen, to work with the teams of the criminal justice system to change the management of the caseload. At those meetings, we acknowledged all of the dynamics I have indicated above, and more. Together, we developed a court-managed calendaring program for all courts that went into effect in March 2008. There are several keys to the success of this program: it is to be implemented everywhere in the county; it is structured to encourage plea negotiations at the earliest possible stage and to discourage late-negotiated dispositions unless new facts become known; continuances will be limited at all stages of a case; it is expected that trials will take place when scheduled. As we recognize that we are changing a culture in our courts, it is not a surprise to us that the implementation of this new system is a challenging job. It is also no surprise that, while some progress has been made, there is a long road ahead that must be traveled before our efficiency in dispensing justice matches our challenges.

At the same time, the state supplemented the funding of our courts to address the civil case backlog. Those who know the two systems recognize that the backlog in criminal exists separate and distinct from that in civil. There is a public perception that one causes the other, but the reality is that both suffer from the lack of judicial resources and could be tuned up by the management of that caseload using current resources. The state court staff and consultants realized that fact. As a result of these additional efforts, we have the Hawthorne and Autry courts. In fact, the presiding judge publicly stated recently that more civil cases had been tried last year than in more than a decade.

In summary, it is of no benefit to our justice community for folks to render opinions with insufficient knowledge of the dynamics of the problem. It is equally irresponsible to pose assertions as fact. No trial court would permit that. No seeker of truth would ever tolerate that. With knowledge comes insight. It is incumbent upon each team to be strong in its commitment to doing its job. Only then will the criminal justice system gain strength. Only then will the congestion wane. But all need to do their job. That job is not to seek blame. It is to work for solutions. It is not easy, but absolutely necessary to the future of the safety of our community.

---

*Sue F. Steding is the Chief Assistant District Attorney for the County of Riverside. She has served as a prosecutor for over 30 years, including 20 years as Assistant District Attorney for the Eastern Division of our county.*



# THE IELLA LEGAL AID PROJECT IS SEEKING VOLUNTEER ATTORNEYS

*by Rina Gonzales*

For nearly 30 years, the Inland Empire Latino Lawyers Association (IELLA) has provided free legal assistance to eligible low-income individuals and families who reside in either Riverside or San Bernardino County.

IELLA's mission is to provide free high-quality legal services to low-income individuals through a volunteer attorney panel and to pursue equal justice for all clients served.

IELLA is currently recruiting attorneys for our volunteer attorney panel. The commitment of attending on a bi-monthly or monthly schedule is very much appreciated and needed at this time. The following are the most frequently asked questions we get from potential attorney volunteers.

**Q:** What type of cases would I be expected to assist with?

**A:** The great majority of cases are family law (divorce, child custody, paternity). Landlord/tenant (tenant's rights), collections, other civil/consumer law and small claims are the other primary areas that volunteer attorneys advise on.

We do not provide advice regarding immigration or criminal law matters. If cases implicate the need for such an attorney, a referral is provided.

**Q:** Do you need to speak Spanish to be a volunteer attorney?

**A:** NO. We always have translators at the clinic to assist. I need assistance myself, as I do not speak Español.

**Q:** Can I get a reminder call?

**A:** YES. Our clinic manager, Laura Price, will call and/or email to remind you that your day to help is upcoming.

**Q:** What is the actual time commitment?

**A:** If you are able to commit to one day a month for about two and a half to three hours (most attorneys arrive at 5:15 p.m. or so), that would be wonderful. If you want to elect a bi-monthly schedule, just let Laura know and that can be arranged.

**Q:** Is there any recognition?

**A:** YES. Well, other than feeling really great and having clients endlessly say, "Thank you" – yes, there is more. If you donate over 50 hours in a year, you get a Wiley Manuel certificate from the State Bar. We also have an annual recognition event in December to honor our volunteers.

**Q:** When and where are the clinics?

**A:** Weekly clinics are Mondays in Colton at the Lawrence Hutton Community Center and Wednesdays in Riverside at

the César Chávez Community Center. Monthly clinics are also held in Riverside's Eric Solander Community Center (last Saturday) and Ontario's De Anza Community Center (second Thursday). IELLA also holds a small claims clinic the third Thursday of each month at the César Chávez Community Center.

**Q:** Am I expected to take cases back to my office?

**A:** NO, but we would LOVE it if you could take at least two per year. There's no obligation for you to take any work out of clinic. However, our grant funding does require that we have outside clinic cases (i.e., negotiations/settlements) taken on by our volunteer attorneys.

**Q:** Does IELLA have insurance to cover the volunteer attorneys?

**A:** Yes, IELLA has legal malpractice insurance to cover all volunteer attorneys.

**Q:** Does IELLA provide any sort of orientation or training for those who do not practice in the areas emphasized in the clinics?

**A:** Generally, the orientation/training is accomplished by sitting in with a seasoned volunteer attorney to see first-hand how questions and advice are handled during a client meeting.

**Q:** What if an emergency arises and I can't make my clinic date?

**A:** We hope this doesn't happen, but just in case, we would appreciate that you try to give us as much notice (i.e., 48 hours) as possible. If we don't have enough attorneys for a particular clinic, we end up turning clients away, and we hate to do that. If you can find a replacement for your clinic spot, that is definitely best for the clients!

**Q:** I want to become a volunteer attorney. Whom do I call so I can sign up to volunteer?

**A:** If you are interested, please call or email the IELLA Clinic Manager, Laura Price, at (951) 369-5846 or [lprice@iellaaid.org](mailto:lprice@iellaaid.org), to schedule your clinic dates. She will assist in making sure you learn the ropes as a new volunteer attorney.

*Rina Gonzales is the Board President of the Inland Empire Latino Lawyers Association.*



# LITIGATION UPDATE

by Mark A. Mellor

**Court lacks jurisdiction to review arbitrator's prehearing order.** After parties to an insurance dispute submitted their case to arbitration, the arbitrator issued a stay order pending resolution of a worker's compensation claim. Plaintiff sought a writ of mandate in the trial court to reverse the stay order. The insurer demurred to the petition. The trial court overruled the demurrer and ruled on the merits that the stay order was appropriate. The court of appeal held that the demurrer should have been sustained, because the trial court lacked subject matter jurisdiction to review the merits of the stay order. (*Briggs v. Resolution Remedies* (Nov. 21, 2008) 168 Cal.App.4th 1395 [86 Cal.Rptr.3d 396, 2008 DJDAR 18062] [First Dist., Div. 4].)

**No lis pendens where action is pending in another state.** The Formula, Inc. filed an action in Florida claiming an interest in real property located in Mono County, California. It then recorded a lis pendens in Mono County. The trial court expunged the lis pendens, and the court of appeal, on writ review, agreed, holding that Code of Civil Procedure section 405 et seq., the statute governing a lis pendens, permits such a notice to be recorded only if the suit is pending in this state. (*The Formula, Inc. v. Superior Court (iStar Financial Inc.)*) (Dec. 10, 2008) 168 Cal.App.4th 1455 [86 Cal.Rptr.3d 341, 2008 DJDAR 18104] [Third Dist..])

**Where building lacks certificate of occupancy, landlord is not entitled to rent.** In *Espinoza v. Calva* (Dec. 16, 2008) 169 Cal.App.4th 1393 [87 Cal.Rptr.3d 492, 2009 DJDAR 344] [Fourth Dist., Div. 3], the trial court awarded judgment for back rent to a landlord who leased a unit that lacked a certificate of occupancy. The court of appeal reversed. Relying on *Gruzen v. Henry* (1978) 84 Cal.App.3d 515 [148 Cal.Rptr. 573], the court held that, under these circumstances, the landlord "is entitled to an order of eviction, but not to an award of rent," because the rental agreement was an illegal contract.

**Non-medical good Samaritans are not immune from liability.** Although Health and Safety Code section 1799.102 provides an exception to the due care requirement for persons rendering "emergency care," and does not expressly limit this to emergency medical care, our Supreme Court, in a four-to-three decision, interpreted it to be so limited. Hence, persons who aid victims in an emergency are not immune from liability for negligence, unless the aid is of a medical nature. (*Van Horn v. Watson* (Dec. 18, 2008) 45 Cal.4th 322 [86 Cal.Rptr.3d 350, 197 P.3d 164, 2008 DJDAR 18512].)

**Zip codes are not "personal identification information."** The Song-Beverly Credit Card Act of 1971 (Civ. Code, § 1747, et seq.) prohibits merchants accepting credit cards from

requesting that the customer provide "personal identification information." In *Party City Corp. v. Superior Court (Palmer)* (Dec. 19, 2008) 169 Cal.App.4th 497 [86 Cal.Rptr.3d 721, 2008 DJDAR 18542] [Fourth Dist., Div. 1], plaintiff had brought a class action against a merchant who requested that customers provide their zip code. The trial court denied defendant's motion for summary judgment. The court of appeal reversed, holding that zip codes did not qualify as "personal identification information" under the act.

**Ninth Circuit panel finds three-strikes sentence violates Eighth Amendment.** After defendant failed to update his annual sex offender registration within five days after his birthday (Pen. Code, § 290, subd. (a)(1)(D)), the court sentenced him under the three strikes law to 28 years to life. (Defendant had two prior serious felony convictions.) The California Court of Appeal affirmed, the California Supreme Court denied his petition for review, and, after he filed a petition for habeas corpus in the U.S. District Court, that court denied the petition. But a three-judge panel of the Ninth Circuit reversed, finding the sentence constituted cruel and unusual punishment, considering the nature of the charge and the severity of the penalty. (*Gonzalez v. Duncan* (9th Cir. Dec. 30, 2008) 551 F.3d 875 [2008 DJDAR 18915], available at <http://www.ca9.uscourts.gov/datastore/opinions/2008/12/30/0656523.pdf>.)

**Disaffiliated Episcopal parishes are not entitled to real property.** The California Supreme Court, in a unanimous decision, affirmed the court of appeal in holding that Episcopal churches that disaffiliated from their dioceses are not entitled to retain their church's real property. The trial court had ruled that the property was owned by individual parishes, but both the court of appeal and the Supreme Court disagreed. (*Episcopal Church Cases* (Jan. 5, 2009) 45 Cal.4th 467 [87 Cal.Rptr.3d 275, 198 P.3d 66, 2009 DJDAR 89].) The case has broad implications for other denominations that are also involved in schisms over homosexuality issues.

**Los Angeles' limitation on billboards does not violate the First Amendment.** Although the City of Los Angeles entered into a contract requiring CBS-Decaux LLC to supply

The Riverside County Bar Association would like to express our gratitude to Riverside County Law Librarian **Gayle Webb** for her many years of service to the legal community. We wish her well in her retirement.

And we extend a warm welcome to the new librarian, **Sarah Eggleston**. We look forward to working with her.

bus benches in return for, among other things, exclusive advertising rights, it adopted a sign ordinance limiting billboards. The city cited Metro Lights, a billboard company, for violation of the statute. Metro Lights sued the city in federal court, arguing that the ordinance violated its First Amendment rights. The U.S. District Court agreed and granted partial summary judgment to Metro Lights. But in *Metro Lights v. City of Los Angeles* (9th Cir. Jan. 6, 2009) 551 F.3d 898 [2009 DJDAR 205], available at <http://www.ca9.uscourts.gov/datastore/opinions/2009/01/06/0755179.pdf>, the Ninth Circuit disagreed. In reversing the district court, the court noted that traffic safety is a substantial interest that entitles the city to limit billboards.

**Corporate director may be denied access to corporate documents protected by attorney-client privilege.** As a general rule, corporate directors have the right to inspect all corporate records, including materials covered by an attorney-client privilege between the corporation and its attorneys. But where directors sued the corporation, they are precluded from gaining access to attorney-client privileged materials that pertain to their litigation. (*Tritek Telecom, Inc. v. Superior Court (Mak)* (Jan. 7, 2009) 169 Cal.App.4th 1385 [87 Cal.Rptr.3d 455, 2009 DJDAR 295] [Fourth Dist., Div. 1].)

**Construction statute of repose does not apply to willful misconduct.** Code of Civil Procedure section 337.15 provides that no action for a latent defect in construction involving real property can arise after 10 years from “substantial completion” of the construction project. In *Pine Terrace Apartments, L.P. v. Windscape, LLC* (Jan. 12, 2009) 170 Cal. App.4th 1 [87 Cal.Rptr.3d 630, 2009 DJDAR 559] [Fifth Dist.], buyer of apartment complex sued seller, alleging that willful misconduct in failing to install proper window flashing caused damages. The seller cross-complained against the installer of the windows. The trial court granted summary judgment in favor of the installer because more than 10 years had elapsed since construction was completed. The court of appeal reversed. It held that the 10-year statute of repose did not apply when the misconduct was willful.

**No attorney fees allowed as sanctions to self-represented attorney.** Code of Civil Procedure section 128.7 prohibits the filing of unmeritorious suits and provides that a party

who files suit in violation of the statute may be charged sanctions, including attorney fees. In *Musaelian v. Adams* (Jan. 15, 2009) 45 Cal.4th 512 [87 Cal. Rptr.3d 475, 198 P.3d 560, 2009 DJDAR 681], the trial court awarded fees under the statute to defendant, an attorney representing himself in pro per. The California Supreme Court reversed. The statute permits the award of attorney fees “incurred.” Because defendant represented himself, he did not “incur” any fees.

**California residents’ right to class action trumps forum selection clause.** Where contract required the “courts of Virginia” to be used as forum for disputes, the trial court erred in dismissing a class action filed by California residents for improper venue. Because Virginia does not allow consumer class action suits, enforcement of the clause against California residents would contravene a strong California public policy favoring such class actions. (*Doe I v. AOL, LLC* (9th Cir. Jan. 16, 2009) 552 F.3d 1077 [2009 DJDAR 756], available at <http://www.ca9.uscourts.gov/datastore/opinions/2009/01/16/07-15323.pdf>.)

**Continuance of hearing on summary judgment motion requires compliance with the statute.** The statute governing summary judgment motions, Code of Civil Procedure section 437c, provides that, if the opposing party files an affidavit showing “that facts essential to justify opposition may exist but cannot, for reasons stated, then be presented,” the court must either deny the motion or order the hearing continued to permit the opposing party to obtain the evidence. Thus, a continuance is mandatory, but only if the appropriate affidavit or declaration supports the conditions laid out in the statute. Absent such a showing, the court did not abuse its discretion in denying a continuance. (*Oldcastle Precast, Inc. v. Lumbermens Mut. Cas. Co.* (Jan. 23, 2009) 170 Cal.App.4th 554 [88 Cal.Rptr.3d 363, 2009 DJDAR 1073] [Fourth Dist., Div. Three].)

**Mandatory Fee Arbitration Act does not preclude binding arbitration if party demands trial de novo.** Under the Mandatory Fee Arbitration Act (Bus. & Prof. Code, §§ 6200 et seq.), either party may request a trial de novo if dissatisfied with the award. But where there is a predispute contract for binding arbitration, that clause will be enforced, after completion of the arbitration under the Act, if either party demands a trial de novo. (*Schatz v. Allen Matkins Leck Gamble & Mallory LLP* (Jan. 26, 2009) 45 Cal.4th 557 [87 Cal. Rptr.3d 700, 198 P.3d 1109, 2009 DJDAR 1190].)

*Mark A. Mellor is a partner of the Mellor Law Firm, specializing in real estate and business litigation in the Inland Empire.*





# CLASSIFIED ADS

## 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.

## Professional Office Space – Colton

Office spaces and executive style suites available in the Cooley Ranch area of Colton. 100 sf. to 2,174 sf. Centrally located among Riverside, San Bernardino and Rancho Cucamonga courts. Rates as low as \$270.00 per month. Class A management. Please call Ray at (909) 824-5700.

## Independent Contractor

### Paralegal

22 years experience in Plaintiff and Defense. Services include preparation of discovery and court documents, review and summarization of records and other projects as may be discussed. All work completed from my home office. Stephanie Michalik, (951) 735-3165 or smichalik@ca.rr.com

### Office Furniture/Law Books

Filing cabinets, great shape, \$50 small, \$70 large; 2 secretary desks, 1 right-return, 1 left-return, good shape, \$75 each; Cal Reporters approx. 230 volumes, #117-286 and Cal Reporter 2nd #1-60, great wall decorations, \$200. Contact James Ybarrondo at (951) 925-6666.

### For Sale

Free standing professional office bldg. Located near downtown. Contact Jeff (714) 612-0944. United Real Estate Group.

## CPA Services

CPA with 30 plus years experience available to advise and testify on: Real Estate and Partnership Taxation and Accounting issues; Real Estate Syndication and Management issues; and Real Estate Finance matters. Please call or email for C.V., 310-476-5987, Jeff.FrombergCPA@gmail.com

## 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 Charlene or Lisa at the RCBA office, (951) 682-1015 or rcba@riversidecountybar.com.



# MEMBERSHIP

The following persons have applied for membership in the Riverside County Bar Association. If there are no objections, they will become members effective September 30, 2009.

**Kim Michael Chermak** – K D Medical Consultants, Riverside

**William Diehl (S)** – Law Student, Grand Terrace

**Joseph O. Fitzgerald** - Gilbert Kelly Crowley & Jennett, Riverside

**Kerry W. Franich** – Pite Duncan LLP, Santa Ana

**Christian A. Hickersberger** - Tenner Johnson LLP, Riverside

**Jennifer R. Joslin** – Law Offices of Dennis F. Fabozzi, Temecula

**Maureen A. Lyons** – The Moynihan Law Firm, Riverside

**Leonard H. Pomerantz** – Law Offices of Leonard H. Pomerantz, Los Angeles

**Jinny Ra** – Office of the County Counsel, Riverside

**Sue F. Steding** – Office of the District Attorney, Riverside



## NOTICE from the Department of Public Social Services

As we continue to face challenging economic times and make business adjustments for budget cuts and mandatory work furloughs, the Department of Public Social Services (DPSS) will be closing our offices on Fridays for non-emergency services.

As our first priority is to ensure the safety of children brought to our attention, Children's Services Division will continue to provide 24 hour coverage, seven days a week for emergency child abuse and/or neglect investigations.

This notice is to inform you that as of August 14, 2009, Children's Services Division offices will be closed for business, every Friday, until further notice.

Children's Services Division staff will be working diligently to assure a smooth transition to our new office hours and will be happy to assist you during this time. If you have any questions or concerns, please contact us at (951) 358-5650.

For individuals reporting suspected child abuse and/or neglect, the Riverside County Child Abuse Hotline is available 24 hours a day and can be reached at (800) 442-4918.

We wish to thank you for your continued partnership and support of Riverside County and the Children's Services Division.

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

# Why DRS?



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

### DRS benefits clients:

- Reasonable fee of \$200/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  
Harry J. Histen, RCBA President-Elect

# Call 951-682-2132