RIVERSIDE LAWYER

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In This Issue:

The official publication of the Riverside County Bar Association

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rcba@riversidecountybar.com

RIVERSIDE LAWYER
MAGAZINE

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Mission Statement

Established in 1894

The Riverside County Bar Association, established in 1894 to foster social interaction between the bench and bar, is a professional organization that provides continuing education and offers an arena to resolve various problems that face the justice system and attorneys practicing in Riverside County.

RCBA Mission Statement

The mission of the Riverside County Bar Association is:
To serve our members, our communities, and our legal system.

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 6th 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

FEBRUARY

7 **Federal Bar Association, Inland Empire Chapter**
Annual Judges' Appreciation Night and Installation of Officers/Directors
Mission Inn, Riverside
Social Hour: 5:00 – 6:00 in the Glenwood Tavern
Dinner 6:00 in the Music Room
Questions: Julius Nam 951-328-2245

11 **RCBA Mentor Program**
"The New Attorneys Guide to Competency: How to Ask for Help"
Speaker: Michael Gouveia, RCBA Mentor Program Volunteer
RCBA Gabbert Gallery – Noon – 1:15 p.m.
1 hour MCLE – Ethics

19 **Family Law Section Meeting**
Family Law Court, Dept. F501 – noon
Speaker: Judge Jack Lucky
Topic: "Family Law 2013: The Future State of the Court"
MCLE

20 **Estate Planning, Probate & Elder Law Section Meeting**
RCBA Gabbert Gallery – Noon
MCLE

22 **General Membership Meeting**
Speaker: Presiding Judge Mark Cope, Court Executive Officer Sherri Carter
Topic: "State of the Court"
RCBA Gabbert Gallery – Noon
MCLE

26 **CLE Event**
"Effective Closing Arguments"
Speaker: Deputy District Attorney Michael Hestrin
RCBA Gabbert Gallery
MCLE

28 **Solo and Small Firm Section Meeting**
RCBA Gabbert Gallery - Noon

On the cover:

Bobbi Jo the chihuahua is a rescue from the Yucaipa 2012 Mega Adoption.

Peggy Sue the border collie-beagle mix was adopted from the Mary S. Roberts Center in Riverside. She plays the piano in her spare time.

The cat was not available for interviews.

President's Message

by Christopher B. Harmon

It is with very mixed emotions that I write this column, having just accepted Richard Roth's resignation from the RCBA Board of Directors. As you all know, Richard is now Senator Roth and will be representing his Riverside district in the State Senate. Richard will be missed tremendously as a board member. I have come to value his insight and experience in board meetings, and when we are faced with difficult decisions, his counsel is always wise and, quite frankly, always correct. Richard has served the Riverside legal community for many years and in more ways than I have space to describe in this column. Service and community involvement are in his blood, he lives and breathes them, and for these reasons I am proud of the members of his district who made the very wise choice to send him to our capitol. While I do not live in Richard's district, I could not be more thrilled that he is now a member of our state's senate, where I know his wisdom will be of tremendous benefit to all of us Californians. I believe that good men and women like Richard are needed, now more than ever, in our legislature, but I think that lawyers like Richard are especially important in our state's politics, particularly in light of our current court funding crisis. So, while it is difficult for us here at the RCBA to lose Richard, we will all be better off with such a good man and a good lawyer in our state capitol.

I have no mixed emotions about my next announcement. I am very proud to say that Neil Okazaki will be taking Richard's place to serve out the remainder of his term on the RCBA board. Neil has been practicing law in Riverside and the Inland Empire for 15 years and has been active in the RCBA and many other legal organizations during that time. Neil began his career in the Riverside Public Defender's office and has been a fixture in the legal community ever since. He has worked with Diane and Andy Roth handling both criminal and civil trials and is currently with the Riverside City Attorney's office, where he has been for several years. I know that Neil will be a tremendous asset to the RCBA as a board member and look forward to serving with him throughout the year.

Chris Harmon is a partner in the Riverside firm of Harmon & Harmon, where he practices exclusively in the area of criminal trial defense, representing both private and indigent clients.

Barristers President's Message

by Amanda E. Schneider

In writing the President's Message for this month's theme, "Animal Rights," so many different ideas came to mind. This year, California passed several laws regarding animal rights, including S.B. 1145, increasing fines for animal fighting, and A.B. 2194, regarding fitness determinations for humane officers. S.B. 1145 amends sections 597b, 597c, 597i, and 597j of the Penal Code, increasing the fines for causing animal fighting, being present at such a fight, possessing the implements for fighting birds, and keeping or training animals for fighting. A.B. 2194 amends the Corporations Code to require a federal summary criminal history information from the Federal Bureau of Investigation for humane officers, in order to prevent animal cruelty.

In addition to preventing animal cruelty, the topic of animal rights includes the protection of animals. As a land use attorney, I work with the Endangered Species Act, but for this message, I'd like to go in a slightly different direction and focus on the benefits of domestic animals – our pets. For many of us, pets are considered part of the family (I know my family's dog enjoyed all of the toys and treats in her Christmas stocking this year). Pets can also improve your health. Owning a pet can lower blood pressure, lower cholesterol levels, relieve depression, and improve heart health, as a study published recently in the American Journal of Cardiology found that people who have a pet have more adaptable heart rates than those who don't own a pet.

Owning a pet can also improve your marriage. Pet-owning couples can respond better to stress and have more frequent contacts with each other and with other people. Pets can be a source of comfort and are attentive. Cute behaviors also increase joy in the home. As a young attorney, I've had a lot of newly married friends refer to their pets as their "children," and making the decision on the right dog or cat was a huge step in their relationships.

Despite all of the positive effects a pet can have on a marriage, when a marriage fails, deciding who gets to keep the family pet is also a very important issue and can be a large source of contention. This month, the Barristers will be hosting a family law panel, answering questions about all stages of marriage and divorce (including who keeps the dog). Stay tuned for emails regarding the time and location for this event or check the Barristers Facebook or website!

The Barristers would also like to thank Barry O'Connor, Howard Golds, and Virginia Blumenthal for answering frequently asked questions provided by our members at our January 9, 2013 meeting and social. It was an engaging panel discussion, and we appreciate gaining more insight into landlord-tenant, employment, and criminal law issues.

Animals play such an important role in our daily lives and can evoke so many different emotions. Animals can be pets or pests; a source of comfort or a source of dinner. No matter how animals are viewed, however, there is no denying that they are essential to our planet and society. Please feel free to contact me if you have any questions or are interested in joining Barristers. We hope to see you all at our upcoming family law panel.

Amanda Schneider is the 2012-2013 President of Barristers, as well as an associate at Gresham Savage Nolan & Tilden, where she practices in the areas of land use and mining and natural resources.

Access Rights for Service Dogs in California

by Michael Geller

General requirements for service dogs

Under guidelines published by the Department of Justice, effective March 15, 2011, only dogs are recognized as service animals under titles II and III of the Americans with Disabilities Act (ADA). (See ada.gov/service_animals_2010.htm.) There are slightly different definitions of service animals under the Fair Housing Act and under the Air Carrier Access Act, which we will not deal with here.

Michael Geller and Lauren

A service dog is defined as a dog that is specially trained to do work or perform tasks for a person with any disability, as defined by the ADA. Examples of such tasks are guiding people who are blind, alerting people with a hearing impairment, alerting people of an imminent seizure, or, for the physically disabled, getting things, pushing buttons, opening doors, or other such tasks.

Generally, therapy dogs are not service dogs under the ADA definition because they are not trained to help a person with a disability with specific tasks, although some service dogs help a person with psychological disabilities, such as PTSD or agoraphobia.

Under ADA regulations, service dogs generally can go anywhere that members of the public can go. There are no specific standards for training or testing service dogs under the ADA. Unfortunately, as a result, many people simply purchase a vest over the Internet and then claim their little pet dog is a service dog. Under the ADA, there is no requirement that a dog wear a vest or that the owner carry some form of identification for the dog. It is also against the law to ask a person what his or her disability is. When it is not obvious what service an animal provides, only limited inquiries are allowed. Staff may ask two questions: (1) is the dog a service animal required because of a disability, and (2) what work or task has the dog been trained to perform? Staff cannot ask about the person's disability, require medical documentation, require a special identification card or training documentation for the dog, or ask that the dog demonstrate its ability to perform the work or task.

A business owner may ask someone to remove a service dog from the premises if the dog is out of control and the handler does not take effective action to control it or the dog is not housebroken. However, just like people, service dogs can get sick at an inopportune moment.

It is against the law to charge an extra fee for a service animal at a hotel or similar place, but the owner is always responsible for any damage his or her dog may cause. In addition, there is no exemption from tort liability if a service dog injures someone.

What rights do dogs in training have?

There is no provision under the ADA for dogs in training. While most business owners will not question a vested dog, under the ADA, there is no exemption for dogs in training from the general prohibitions against dogs at various establishments, nor is there a requirement under the ADA to allow dogs in training into an establishment.

California, however, has had its own exemptions for dogs in training for many years, codified in Civil Code section 54.2, subdivision (b). Under California law, there is a distinction between trainers of guide dogs (for vision impairment), signal dogs (for hearing impairment), and service dogs (for other disabilities). Under the code, persons licensed to train guide dogs or persons who are authorized to train dogs as signal or service dogs may take dogs, for purposes of training, to any of the places where disabled persons can take their service dogs (pursuant to Civil Code section 54.1) without having to pay any extra charges or deposits. Further, the law requires the dog to be on a leash and tagged as a service dog by an identification tag issued by the animal control department. Most cities have a special license tag for service dogs that is different from the general license tag.

There are no specific authorization requirements for training service or signal dogs, but there are specific requirements for training guide dogs. Anyone who trains service dogs or signal dogs for an entity that provides service dogs is an authorized person under the law.

What is the proper protocol to pet or contact a service dog?

Under no circumstances should anyone attempt to pet, contact, whistle at, or otherwise distract any working dog without permission from the handler. If the handler is visually impaired, it is best not to make any contact at all, as the dog and the handler require full concentration. For other service dogs, if the circumstances are appropriate, it is proper to ask the handler if it is okay to pet the dog. The handler will say yes or no, and you should honor the handler's wishes.

If you have children who want to pet the dog, ask permission for them, also. Parents should teach their children that under no circumstances should they go up to a strange

dog in public without first asking the handler. If the handler is obviously distracted, it is best simply to leave them be.

In my 10 years of raising service dogs, I can't tell you how many times people have attempted to distract my dog by making noises, clapping, whistling, or simply petting it or otherwise making physical contact with it without asking first. In a public place, such distractions can cause severe problems for the handler as well as the dog. Children can be particularly scary for puppies in training, as they are about the same height as puppies, which can make for a very scary experience for the puppy.

What if I want to raise a service dog puppy?

I currently raise puppies for Canine Companions for Independence, the largest provider of service dogs in the nation for disabilities other than blindness. You can contact them by phone at 1-800-572-BARK, by email at info@cci.org, or through their website at cci.org. Lauren is the eighth service dog puppy I have raised. She will be turned in for advanced training on May 17, 2013.

Michael Geller has been practicing law for over 17 years. He can be reached at msg@gslawllp.com.

Protecting Our Pets from People (and People from Pets): Much More Than a Legal Responsibility

by Curtis Wright and John Brown

Many laws and regulations regarding domestic animals are designed to serve two purposes – to protect the animals from people, and to protect people from the animals. Unfortunately, improper use or care of pets by owners can teach the animals to become vicious, resulting in animals that are dangerous to the community. While owners can be criminally punished and held civilly liable for their abuse and neglect, the pet often faces a worse fate, such as permanent confinement or destruction.

By the time conditions affecting domestic animals are severe enough to justify punishing owners, it is often too late to rehabilitate the animal. While public and private foundations exist to help rescue and find homes for neglected animals, once an animal turns vicious, the cost and resources necessary to rehabilitate the animal are often prohibitive. Thus, while the law seeks to deter animal neglect and abuse, it does not reverse the effects on an animal that has already become dangerous.

To protect the public, municipalities are occasionally forced to take legal action against neglected and abused animals that have developed dangerous tendencies. These legal proceedings typically result in court judgments confining the dangerous animals to enclosed kennels or ordering their destruction.

Pet-related laws can be enforced in various ways. Owners can be criminally punished for animal neglect and abuse (see Pen. Code, §§ 596-600.5, 11199; Food & Agr. Code, §§ 31401-31402, 31683), owners can be held civilly liable (see Civ. Code, §§ 3340-3342.5; Food & Agr. Code, §§ 31501-31508, 31662-31663), the animals themselves can be put under restrictions or destroyed (see Food & Agr. Code, §§ 31601-31646), and municipal ordinances may also be used to reinforce all of the above (see Gov. Code, § 36900; Food & Agr. Code, § 31683). However, regulation of animal treatment is complicated by the fact that property laws protect owners' use of their pets and privacy in their homes, putting a difficult burden on public agencies to prove that animal abuse or neglect is occurring within the confines of private property.

Contrary to expectation, it is not unusual for owners of pets made vicious through mistreatment to be so emotionally attached to the animal that they do not even realize, and refuse to acknowledge, that their pets are dangerous. These owners will often invest significant resources into fighting municipal efforts to abate their dangerous animals. If these owners had invested the same level of effort into caring for and training their pet, the entire issue most likely could have been prevented.

A few years back, a public agency in Southern California was faced with a situation involving a vicious dog that had been involved in multiple attacks within its jurisdiction. The public agency attempted to work with the owner to alleviate the threat posed by the dog, but the owner refused to acknowledge, and may have truly believed, that the dog was not dangerous, despite its history of violent attacks. Ultimately, to protect the public, the agency was forced to pursue legal action. In opposition, the owner hired attorneys and experts to vindicate the dog. Nonetheless, even after the owner's own expert was attacked by the dog, the owner still refused to acknowledge the dog was vicious and continued the legal battle. At trial, the owner had to be ordered removed from the courtroom due to an inability to control emotional outbursts during presentation of the evidence regarding the dog's vicious nature. The court found the dog to be vicious and ordered it destroyed. Undaunted by the judicial findings, the owner sought to have the dog cloned in another country.

In other situations, the animal cruelty is intentional. Recently, a cockfighting ring was discovered and shut down by law enforcement in the Inland Empire. There was evidence that the birds used in the cockfighting ring were injected with steroids and other performance-enhancing drugs. Those drugs, combined with the violent behavior ingrained in the birds through regular fighting, made the birds unsuitable for any domestic purpose. As a result, over 2,000 birds had to be euthanized. Law enforcement officers had suspected for years that the property where the birds were stored was being used for illegal cockfighting but were not able to prove it due to restrictions on their ability to search the large parcel of private property where it all occurred.

Faced with the investigation, enforcement, and litigation costs of regulating dangerous, neglected, and abused animals, public agencies are often forced to wait until serious injury has occurred before taking action. While laws are in place to protect the public from the continued threat of dangerous animals, those laws do not save the pets that have already turned vicious.

The bottom line is that protecting pets from the neglect and abuse of their owners is too costly to be accomplished through law enforcement alone. Owners should be educated about how to properly care for their pets, and the community should help identify abusive owners. By the time an animal turns vicious and dangerous, it is usually too late for the courts and the law to save the animal.

Curtis Wright is a municipal litigator at Best Best & Krieger LLP. He represents cities throughout Southern California and specializes in municipal code enforcement, municipal prosecutions, receiverships, and enforcement of animal regulations.

John Brown is a partner at Best Best & Krieger LLP. He specializes in municipal law. He is the City Attorney for Ontario and the Town Attorney for Apple Valley and is general counsel to Elsinore Valley Municipal Water District, Hi-Desert Water District, March Joint Powers Authority, and March Inland Port Airport Authority.

See Spot in the Middle of a Custody Dispute

by Christopher J. Buechler

When it comes to allocating ownership of a pet in a divorce or separation, there is a surprising dearth of applicable law in California, despite a perception that people display a level of dedication to their pets rivaled only by their dedication to their children (and a lot of couples I know have only pets as "children"). This may be because pets have a stabilizing influence on relationships that precludes the need for divorce. Or maybe divorcing couples readily identify an unequal attachment to the pets of the relationship that makes allocating ownership an issue not worth fighting over. Or perhaps people's animal companions obviate the need for human companions, therefore no marriage, no divorce, no dispute. In reality, though, there have been cases coming down from appellate courts regarding placement of an animal in a divorce judgment; it is just that none of them are certified for publication.

About the only citable case I could find on point is *Ballas v. Ballas* (1960) 178 Cal.App.2d 570. In *Ballas*, wife appealed an interlocutory decree awarding a Pekingese dog to husband, among other things. Wife prevailed on ownership of the dog "immaterial to whether the dog was community property or separate property of plaintiff" because she was the party pushing for an award of the dog, whereas for husband, it was a mere afterthought.

The standard in *Ballas* would seem to lend itself to more conflict in the courts, not less, such that we should expect further clarification on the issue. A review of scholarship and case law from other jurisdictions, though, provides some insight as to why there may be, for lack of a better term, judicial restraint.

Courts are reluctant to go much further past property division analysis when it comes to ownership of pets, even while they recognize the emotional bond between pet and master. Even Ballas can be argued to be a case where the party prevailed because the property claim was undisputed. The courts' reluctance can be attributed to a few factors. First, expanding the standard for a property award of a specific type of property opens the courts to more litigation, which has the potential to clog an already overburdened system. Second, recognition of an animal's right to a "best interest" determination similar to that used for custody of children could also create spillover effects in litigation beyond the family law court. The court is willing to take action in cases of cruelty to an animal, but formulating rules based on the emotional well-being of an animal or its owners seems to be a step too far.

Recognition of the emotional aspect of pet ownership, while present in most cases, complicates analysis under a property paradigm. Jurisdictions are split on whether the monetary value of a pet is set at replacement cost or sentimental value. Additionally, there is some debate as to whether the remedy in an action involving possession of an animal requires or forbids specific performance of delivery of the animal.

There are factors that courts may want to consider regarding ownership and custody of pets when there is no clear separate property designation. First and foremost, the law is dedicated to punishing and preventing animal cruelty. Second, in cases involving pets and children, the pet may be viewed as part of the children's belongings, so that it should be transferred with the children. Third, one party may be better equipped to put the pet to productive use (e.g., showing and breeding as a business operation). Fourth, in cases with multiple pets, the animals may be split among the parties. And finally, the court may sign off on a stipulation between the parties for a shared custody schedule. These factors may not lead to good – or even preferable – outcomes, but at least they let parties and pets get on with their lives.

The nebulous state of the law surrounding pets in dissolution proceedings should be a signal to lawyers to advise our clients to be proactive pet owners, not just for the emotional benefits, but also because of the legal ramifications. Proactive ownership appears to be the current standard as set forth in *Ballas*, and the courts' increasing sensitivity to the issue will tip the scales toward the party with the stronger emotional attachment. Even when the analysis is restricted to the realm of property, one can argue that a pet maintains its value, sentimental or otherwise, when its psychological well-being is protected.

Chris Buechler, a member of the RCBA Publications Committee, is a family law attorney in Riverside and the 2012-2013 Chair of the RCBA Solo/Small Firm Section. He can be reached at christopher@riversidecafamilylaw.com.

Veterinarian Liability in California – What's It Gonna Cost, Doc?

by Jeffrey Ballinger

Introduction

Pets hold a special place in our hearts. Many pet owners consider their pet a part of their family. According to the 2011-2012 American Pet Products Association's National Pet Owners Survey, 62% of U.S. households own a pet.[1] Americans spend $13.59 billion dollars per year on veterinary care.[2] The ASPCA estimates that pet owners can expect to pay between $9,400 and $14,000 over their pet's 15-year life span for health care.[3] In order to address these costs, pet owners can now buy insurance for their pets to cover both routine and unexpected veterinary costs. And at least one organization has suggested taking out a second mortgage if faced with unexpected vet bills that cannot be paid any other way.[4]

Behind these sentiments and figures, however, lie the liability costs to veterinarians for providing care. Most veterinarians pay about $400-500 per year for malpractice insurance[5] – small potatoes compared to other professionals such as doctors, dentists, and lawyers. However, these costs are based on centuries-old law that generally limits damages for veterinary malpractice. It is fair to assume that, as exposure to malpractice lawsuits and damages increases, the cost of malpractice insurance will, too, and concomitantly the cost of veterinary care.

This article summarizes recent case-law developments involving veterinary liability. These developments have been a mixed bag; a mutt, if you will.

1 americanpetproducts.org/press_industrytrends.asp.
2 *Id.*
3 scpr.org/programs/patt-morrison/2011/09/13/20664/vet-sticker-shock-how-much-is-too-much-to-pay-for-.
4 plannedpethood.org/faq/low_cost.html.
5 http://usatoday30.usatoday.com/life/lifestyle/pets/2009-11-05-dolittler-defensive-medicine_N.htm.

Discussion

In *Vazquez de Mercado v. Superior Court* (2007) 148 Cal. App.4th 711, the McClungs bought their daughter a pony. Of course they did. Before doing so, however, they asked a veterinarian to see if the horse was healthy. The veterinarian told them that the horse had slight arthritis in one leg but was otherwise healthy. Later, the McClungs discovered that the horse had a progressive degenerative disorder. The McClungs sued, seeking damages for the purchase price of the horse and the costs of its care.

The veterinarian filed a demurrer, arguing that the McClungs failed to obtain a judicial order authorizing punitive damages under California's Medical Injury Compensation Reform Act (MICRA),[6] and that the McClungs failed to bring their action within the statute of limitations provided for under MICRA.

The appellate court concluded that veterinarians are "health care providers" under MICRA. However, the court also noted that "professional negligence" under MICRA requires "personal injury or wrongful death." Since the McClungs did not seek recovery based on personal injury or death, MICRA did not apply. However, in dicta, the *McClung* court pointed out that it could conceive of situations in which an animal's owner could experience "personal injury"

6 Stats. 1975, 2d Ex. Sess., chs. 1 & 2, pp. 3949-4008.

resulting from a veterinarian's malpractice.[7]

In a more extreme case, *McMahon v. Craig* (2009) 176 Cal.App.4th 1502, Ms. McMahon sued after her dog Tootsie died. Tootsie was a purebred Maltese and was the last of her bloodline. Her parents were champions. Unfortunately, she began to show signs of respiratory distress. The vet, Dr. Craig, recommended corrective surgery. The procedure would involve tying back one of Tootsie's two laryngeal folds to open her airway. Prior to surgery, Ms. McMahon told Dr. Craig about Tootsie's history and her strong tie with Tootsie and said that she would do "whatever she could, regardless of cost" to help Tootsie.

Because of the nature of the surgery, it was essential to allow the swelling in Tootsie's throat to subside and the drugs to wear off before Tootsie would be allowed to swallow food. That would mean no food for 24 hours following the surgery.

However, within two hours after the surgery, Dr. Craig's technician gave Tootsie water mixed with baby food. This caused Tootsie to aspirate the mixture into her lungs. Dr. Craig called Ms. McMahon and said that Tootsie had been given only water. Dr. Craig assured Ms. McMahon that this was not a major setback, and promised that Tootsie would be monitored closely.

However, Tootsie was not monitored closely. She was put in a cage and left unmonitored in the back of the hospital. She was not provided with any supportive care. Tootsie was discovered dead the next morning by a technician while checking on another dog.

Dr. Craig then lied to Ms. McMahon about what had happened and withheld Tootsie's records. Finally, Dr. Craig charged Ms. McMahon's credit card for the costs of the care without Ms. McMahon's knowledge or consent. Understandably, Ms. McMahon sued Dr. Craig.

Ms. McMahon alleged negligent and intentional infliction of emotional distress. However, the appellate court concluded that she could not recover under either theory. She was not present at the scene when the injury-producing event occurred. Moreover, a pet owner is not a "direct victim" of this sort of veterinary behavior. Although the veterinarian is hired by the pet's owner, the veterinarian's medical care is directed only to the pet. Finally, according to the court, Dr. Craig's behavior was not so extreme as to rise to the level of outrageousness required by these torts.

The court also held that a pet owner cannot claim damages for loss of companionship as "peculiar value"; peculiar value refers to property's unique "economic" value, not its sentimental or emotional value. In Texas, this longstanding rule has recently been rejected, leading to a concern that a dramatic increase in monetary awards based on noneconomic damages could result in an increase in veterinary malpractice lawsuits.[8]

More recently, the damages available to a distraught pet owner have been further expanded. In *Martinez v. Robledo* (2012) 210 Cal.App.4th 384, a pet owner brought her dog Katie to the veterinarian to remove a small liver lobe. During the procedure, the veterinarian nicked Katie's intestine, causing internal bleeding. The vet also left a piece of surgical gauze inside Katie's body. As a result of these injuries, Katie's owner took her to another animal hospital. The follow-up treatment cost $37,766.

The *Martinez* court concluded that the economic value of a pet cannot be determined solely by looking to the marketplace. Instead, allowing a pet owner to recover the reasonable costs of the care and treatment of an injured pet fulfills the basic purpose of tort law – to make the plaintiff whole.

Conclusion

In sum, a suit for veterinary malpractice is not governed by MICRA, including MICRA's pre-suit notice, statute of limitations, punitive damages, and tolling provisions – at least for non-personal injury/wrongful death claims resulting from veterinary malpractice. And, while a pet owner still cannot seek damages for the sentimental or emotional value of a pet, courts in California will now allow a broader array of compensatory damages, including follow-up medical care. Whether this represents a trend that will eventually lead to awards of noneconomic damages, which has occurred elsewhere, remains to be seen.

Jeffrey Ballinger is a partner at Best Best & Krieger LLP. He serves as City Attorney in the cities of San Jacinto and Fontana. His father is a veterinarian.

7 McClung was recently followed, in Scharer v. San Luis Rey Equine Hospital, Inc. (2012) 204 Cal.App.4th 421, with respect to the statute of limitations applicable to veterinary malpractice claims.

8 http://www.veterinarypracticenews.com/vet-breaking-news/2012/01/09/pets-sentimental-value-raises-larger-question.aspx.

The Western Riverside County Multiple Species Habitat Conservation Plan: Ten Years Later

by Michelle Ouellette and Melissa Cushman

Riverside County is one of the largest and fastest-growing counties in the United States. A significant percentage of the land in this county is undeveloped, and some of this undeveloped land and the abutting areas contain species that are considered to be sensitive or that are listed as threatened or endangered under the federal Endangered Species Act (ESA),[1] the California Endangered Species Act (CESA),[2] or both. When an application for land development is submitted to a city or the county, one consideration that must be taken into account under ESA, CESA, and/or the California Environmental Quality Act (CEQA)[3] is whether that action may impact these species. If so, all of these acts contain a number of steps and approvals that may have to be undertaken in order to ensure that potential harm to listed or sensitive species is eliminated or minimized prior to development. This can be a very time-consuming and expensive process, which is of particularly concern given the current economic downturn, and can literally stop projects mid-development. It was not an overstatement when the ESA was dubbed the pit bull of environmental regulations!

The most famous case involving the ESA is *Tennessee Valley Authority v. Hill* (1978) 437 U.S. 153. In that case, the Tennessee Valley Authority proposed a controversial dam in the Little Tennessee River. After almost $100 million had been spent and the dam was nearly completed, a small fish species called a snail darter was discovered in the river. The snail darter was listed as an endangered species, and it was believed by certain members of the scientific community that construction of the dam would extirpate the species. A lawsuit was subsequently brought to protect the fish by stopping the completion and operation of the dam. The U.S. Supreme Court upheld a lower court injunction against building the dam, finding that, despite the enormous amount of funds spent on the dam, the ESA's requirement to protect endangered species was paramount.

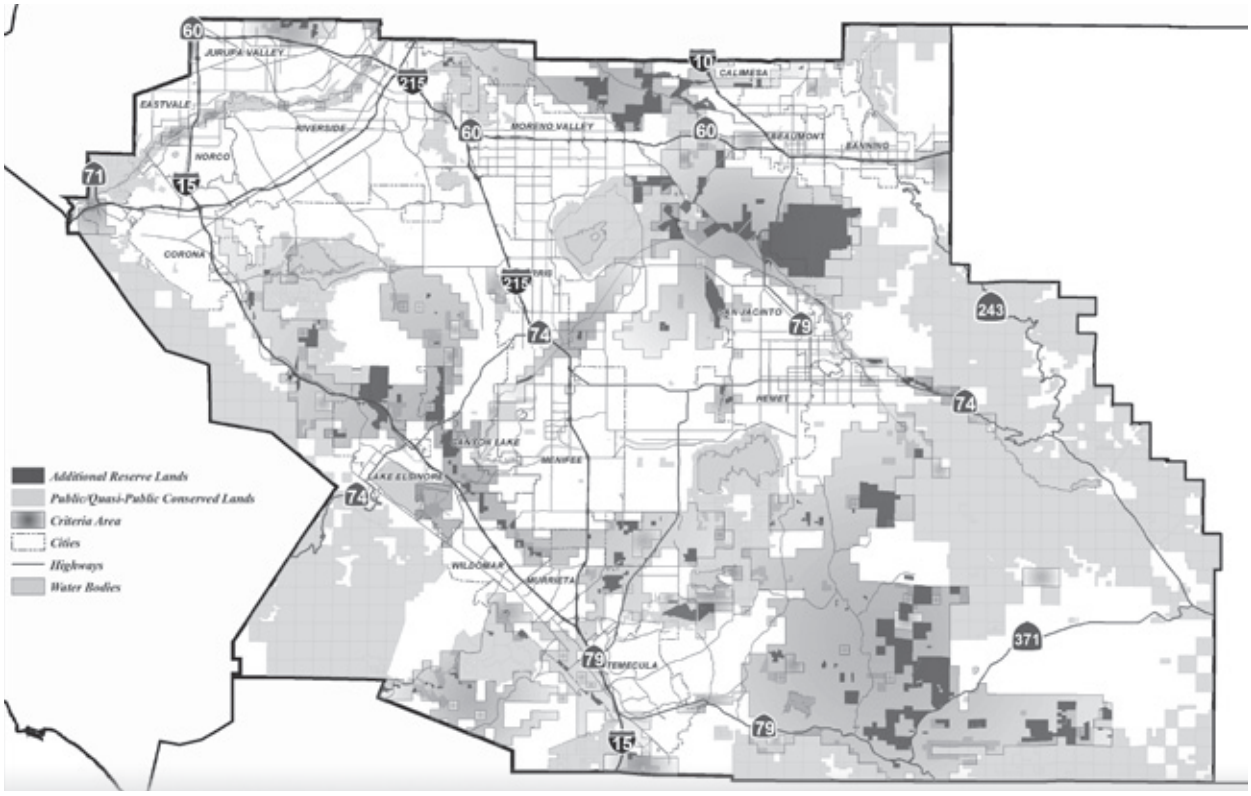
Closer to home, the Galena Interchange on Interstate 15 was delayed for years because of the potential presence of the Delhi Sands flower-loving fly, an inch-long fly whose habitat is confined to small areas of the Riverside and San Bernardino Counties. Additionally, potential impacts to local species such as the San Bernardino and Stephens' kangaroo rats, the coastal California gnatcatcher, and the Quino checkerspot butterfly have significantly impacted development. On the flip side, a great deal of habitat for these species has been destroyed in the midst of rapid economic growth, and the conservation that had been accomplished was often limited to small, unconnected reserve areas that did not ensure long-term viability of either the habitat or the species.

With the purpose of creating a "win-win" situation that would allow development, including important infrastructure projects, to proceed, yet protect area-sensitive species and their habitat, the County of Riverside, all of the cities in western Riverside County, and other local and state agencies came together to create the landmark Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP), which was adopted in 2003. In 2004, the necessary state and federal permits were issued. At that time, the MSHCP was the largest habitat conservation plan that had ever been approved.

The MSHCP is a multi-jurisdictional habitat conservation plan that provides "take" authorization for 146 species (32 of which are listed under ESA or CESA). Take authorization means that, in return for compliance with the MSHCP's conservation and monetary commitments, public agencies and private developers can impact these species in the development of projects without having to obtain separate individual permits from the applicable state and federal agencies. In fact, Riverside County and the participating cities have been given the authority to award "take" authorization when issuing certain private land use approvals, placing much more control in the hands of local public agencies. The primary conservation obligation in the MSHCP is the creation of a large reserve that will be managed and maintained in perpetuity for the protection of the species covered by the MSHCP, while at the same time providing open space and certain recreational opportunities for the public. Of the 1.26 million acres covered by the MSHCP in western Riverside County, it will ultimately create an approximately 500,000-acre MSHCP Conservation Area. As approximately 350,000 acres were already conserved or otherwise in public ownership, the plan participants committed to acquiring or otherwise conserving approximately 150,000 additional acres. Other requirements of the MSHCP include payment of a developer mitigation fee and compliance with certain development guidelines. Therefore, because the MSHCP

1 16 U.S.C. § 1531 et seq.
2 Fish & Game Code, § 2050 et seq.
3 Pub. Res. Code, § 21000 et seq.

Current status of MSHCP reserve assembly as of January 2013



fulfills certain of the requirements under ESA, CESA, CEQA, and other acts with requirements for the protection of species, if a project proposed within the area covered by the MSHCP complies with the requirements of the MSHCP, it streamlines certain aspects of the regulatory and environmental review processes such that they can be done more cheaply, swiftly, efficiently, and fairly, while protecting sensitive species.

The plan is almost ten years old, and we believe has had largely beneficial impacts. The Western Riverside County Regional Conservation Authority (RCA), the joint powers authority in charge of insuring plan implementation, was formed in 2004. To date, the RCA, working with the county and other partners, has acquired or otherwise conserved 45,775 acres, almost 50% of its approximately 97,000-acre obligation, well ahead of schedule. The MSHCP has also enabled much-needed development to proceed in the county more quickly, especially infrastructure projects such as roads. In most instances, even projects that require additional state and federal environmental permits have been able to obtain these permits more quickly because of the conservation obligations imposed by the MSHCP. The RCA continues to seek and obtain grants to purchase additional reserve land as quickly as possible, and recently it was awarded $4 million by the U.S. Fish and Wildlife Service to purchase up to 900 acres of land for conservation. Certainly, the recession has not been beneficial to the plan. As the majority of the funding for land acquisitions comes from developer impact fees, reduced development has meant less fee revenue, although land prices have also dropped. State and federal funding sources have also decreased. Moreover, some landowners believe that the MSHCP has prevented or delayed development of certain property. There have been several lawsuits filed challenging the approval and implementation of the MSHCP, but most have been settled.

It is difficult to predict what the future will hold for one of the nation's most ambitious environmental protection efforts, especially as the economy recovers. Certainly, this effort to set aside habitat and to protect species and open space allows development and infrastructure necessary for the resurgence of a healthy county economy while at the same time protecting the county's quality of life.

Michelle Ouellette is a partner in the Environmental and Natural Resources practice group at Best Best & Krieger LLP in the Riverside office. She was involved in the development and permitting of the MSHCP and is the general counsel to the Western Riverside County Regional Conservation Authority. Her practice focuses on the California Environmental Quality Act and the state and federal Endangered Species Acts.

Melissa Cushman is an associate in the Environmental and Natural Resources practice group at Best Best & Krieger LLP in the Riverside office. She represents public agencies and private developers in litigation involving certain types of environmental statutes, including the California Environmental Quality Act, the National Environmental Policy Act, and the state and federal Endangered Species Acts.

Animal Feedlots and the Clean Water Act

by Andre Monette

From siting a new project to maintaining an existing operation, the water quality aspects of animal raising are a challenge.

The majority of western Riverside and western San Bernardino Counties are within the Santa Ana River Watershed and are subject to the Santa Ana Regional Board's regulations, and the Regional Board is currently in the process of renewing its regulations for dairies and other confined animal feeding operations ("CAFOs"). While the numbers have decreased over the years, there are still 154 dairy-related CAFOs within the Santa Ana Regional Board's jurisdiction.[1] The Regional Board's action highlights the impacts that agriculture, and animal raising in particular, can have on water quality.

Ranching and other animal-raising operations are in many ways a "soup to nuts" activity: animals, be they horses, cattle, chickens, pigs, ducks, or emus, need to be fed and will generate waste. For large-scale operations, managing and disposing of this waste in an environmentally sensitive manner can be an especially difficult challenge. Additionally, while there are many reasons why siting a new operation could pose a challenge (neighbors, access, topography), the water quality impacts can be among the most difficult to overcome.

Water Quality Impacts

There is no question that animal waste includes a number of potentially harmful pollutants. According to the United States Environmental Protection Agency (EPA), the pollutants associated with animal waste principally include: (1) nutrients such as nitrogen and phosphorus; (2) organic matter; (3) solids, including the manure itself and other elements mixed with it, such as spilled feed, bedding and litter materials, hair, feathers and animal corpses; (4) pathogens (disease-causing organisms such as bacteria and viruses); (5) salts; (6) trace elements such as arsenic; (7) odorous/volatile compounds such as carbon dioxide, methane, hydrogen sulfide, and ammonia; (8) antibiotics; and (9) pesticides and hormones. (See 66 Fed. Reg. 2960, 2976-2679 (Jan. 12, 2001).)

These pollutants can infiltrate surface waters in a variety of ways, including spills and other dry-weather discharges, overflows from storage "lagoons," and discharge to the air coupled with subsequent redeposit on land. (See 68 Fed. Reg. 7176, 7181 (Feb. 12, 2003).)

Geography can play a major role in what impact a discharge will have. In the semi-arid to arid climate of Riverside County, the potential for infiltration to groundwater and the concentration of salts caused by evaporation are concerns for regulators. This is a problem for groundwater-dependent water uses such as irrigation or drinking water, and depending on the volume of discharge and other circumstances, it can also put the health of aquatic ecosystems in surface streams at risk. The location of individual properties can also make a difference. A CAFO located in close proximity to a stream is likely to have a larger water quality impact than one that is miles from any surface water body.

Confined Operations

Under the federal Clean Water Act, the EPA regulates discharges from CAFOs. The EPA defines CAFOs as agricultural operations where animals are kept and raised in a confined area, provided the animals are confined for at least 45 days in a 12-month period and there is no grass or other vegetation in the confinement area during the normal growing season.

Depending on the size of the venture and the animals being raised, the EPA requires CAFOs to obtain a permit that sets forth the conditions under which the CAFO can discharge waste and water that has come into contact with waste. These conditions include limitations on the location of discharge, operational requirements, development of "waste management plans," and in some cases participation in regional pollution control efforts. Failure to comply is a violation of the Clean Water Act and can subject the CAFO owner to fines of up to $37,500 per day, per violation.

In cases where an operation would not qualify as a CAFO under EPA rules, federal and state law allows regional boards to regulate the operation. Both the Santa Ana and San Diego Regional Water Quality Control Boards have issued permits or "permit waivers" that include compliance conditions for operations within their jurisdictions.

Free Range

Open range, non-confined animal raising operations are subject to similar, though not as stringent, requirements. The San Diego Regional Water Quality Control

1 swrcb.ca.gov/santaana/board_decisions/tentative_orders/docs/TR8_2013_0001.pdf.

Board has issued a permit "waiver" stating that it will not require a ranch to obtain an individual CAFO-like permit if the ranch follows certain best management practices, including keeping cattle and other livestock out of streams and surface waters. Failure to comply can result in the Regional Board requiring the ranch to obtain an individual permit. The San Diego Regional Board has yet to issue an individual permit to a ranching operation, but the regulations are nonetheless in place.

County Discretionary Authority and the California Environmental Quality Act

For new animal raising ventures or existing ones that need to construct new facilities, there is an additional source of water quality regulation: the County of Riverside or the city in which the facility will be sited. Pursuant to the California Environmental Quality Act ("CEQA"), the lead agency must consider the environmental impacts of every discretionary project it approves.

In most cases, small and medium-sized agricultural projects are deemed to have no significant impact on the environment or require only ministerial permits that do not trigger CEQA review. However, projects that are large or new or that face significant community opposition can trigger more involved environmental review. CEQA, in turn, requires the lead agency to impose conditions to mitigate project impacts. If a project has water quality impacts, the lead agency must impose mitigation requirements.

The final take-away is that water quality regulatory schemes can have major impacts on animal raising operations. The source of regulation is not always obvious. Attorneys who reasonably foresee these issues can help their clients avoid significant fines and can guide business decisions that impact the profitability of an animal raising operation.

Andre Monette is an associate attorney with the law firm of Best Best & Krieger LLP in San Diego. He is a member of the firm's Environmental and Natural Resources practice group.

Man's Best Friend and the Law

by Bruce E. Todd

A long-time (now retired) attorney friend of mine, when asked by strangers about his area of specialty, always quipped that he specializes in "dog bites and whiplash." As a noted insurance defense attorney, he undoubtedly handled his share of cases involving dog bites and whiplash. In fact, there are even a few attorneys in the plaintiff's bar who actually do specialize in the handling of dog-bite cases.

The following will serve as a primer for those who are interested in the law involving "man's best friend."

Statute of Limitations

A victim of a dog bite has two years from the date of incident to file a lawsuit, under Code of Civil Procedure section 335.1 and the law that has been established in cases such as *Pritchard v. Sharp* (1974) 41 Cal.App.3d 530.

Since the law treats animals as personal property (see below), claims for injury to a dog itself must be filed within three years, under Code of Civil Procedure section 338, subdivision (c)(1).

The California Dog Bite Statute

In the old days, dog-bite law was governed by the "free bite" doctrine. That is, it was generally presumed that the owner of a dog did not have knowledge ("scienter") of a dog's potential vicious propensities until the dog had bitten someone. Thus, an owner was entitled to one "free bite" by his dog before the owner might incur liability for a biting canine.

This common law changed in California with the implementation of the Dog Bite Statute (Civil Code section 3342). This section reads, in part:

(a) The owner of any dog is liable for the damages suffered by any person who is bitten by the dog while being in a public place or lawfully in a private place, including the property of the owner, regardless of the former viciousness of the dog or the owner's knowledge of such viciousness.

Under this statute, the owner is no longer able to claim as a defense that he did not have knowledge that old Blackie might have the propensity to bite someone.

There are some valid defenses, however, to the liability that has been created under this statute. They include:

Lack of Ownership

The statute places liability on "the owner of any dog." Thus, if the defendant can establish that he did not "own" old Blackie at the time of the incident, liability under the statute can be avoided.

In one interesting case, a person purchased a dog from a humane society. The beast bit someone several minutes later. When the humane society was sued, it was able to escape liability by establishing that it was no longer the "owner" of the canine, as ownership had legally transferred several minutes earlier. (*Menches v. Inglewood Humane Society* (1942) 51 Cal.App.2d 415.)

Although the statute itself imposes liability only on an "owner" of a dog, liability can still be established against a non-owner based on general negligence principles. For example, if you kindly agree to board old Blackie for a neighbor who is on vacation and you have knowledge that Blackie has bitten several good folks in the past, you might be liable if you take Blackie out on a leash for some exercise and the dog takes a bite out of a passerby.

Trespassers

Under the statute, liability is imposed on the owner of a dog when the person bitten is in a public place or "lawfully" in a private place.

A common defense to the statute is that the person who has been bitten has unlawfully trespassed onto private property. (See *Fullerton v. Conan* (1948) 87 Cal.App.2d 354.)

If there is an "implied" invitation to come onto private property, however, then liability might arise. For example, if you go on vacation and ask your neighbor to water your plants while you are gone and old Blackie bites your neighbor while he is performing his good deed, you will likely face responsibility for Blackie's actions.

Furthermore, the statute clearly states that a person is not considered a trespasser if he is lawfully on the property to perform a duty imposed by the laws of the state or the laws or postal regulations of the United States. Specifically, the Dog Bite Statute reads, in pertinent part:

(a) . . . A person is lawfully upon the private property of such owner within the meaning of this section when he is on such property in the performance of any duty imposed upon him by the laws of this state or by the laws or the postal regulations of the United States, or when he is on such property upon the invitation, express or implied, of the owner.

Thus, when Blackie bites the mailman, liability will arise. And, when you give permission to your cable TV repairman to come onto the property, you also face potential liability.

Inability to Identify Dog

Another potential defense to the statute occurs when the victim is unable to identify the specific dog that bit him. (*Jordan v. Harvey* (1943) 61 Cal.App.2d 134.)

Lack of a Bite

By its own language, the statute creates liability when the victim has been "bitten" by old Blackie. There is case law indicating, however, that the bite does not necessarily have to break the skin. (*Johnson v. McMahan* (1998) 68 Cal. App.4th 173.)

A defendant can potentially avoid liability under the statute by establishing that there was not a "bite." On the other hand, if the victim has been injured because the beast

knocked him down, tripped him, jumped on him, etc., the victim can still potentially establish liability against the defendant under general negligence principles.

"Veterinarian's Rule"

Generally, the law in California is that people who handle dogs as part of their occupation have assumed the risk of a dog bite. These individuals include veterinarians, groomers, paid house-sitters, dog-walkers, and employees of pet shops. (*Priebe v. Nelson* (2006) 39 Cal.App.4th 1112; *Neighbarger v. Irwin Industries* (1994) 8 Cal.4th 532.)

The immunity for the dog owner under this rule applies only as against persons who are being "paid" to handle the dog. Thus, if you ask your neighbor Joe to kindly walk old Blackie while you are on vacation and Joe is not paid for his services, you face potential liability if your beast takes a nip at Joe's leg. (See *Davis v. Gaschler* (1992) 11 Cal.App.4th 1392.)

Furthermore, if you know that your dog has dangerous propensities and you fail to warn the paid handler, you face potential liability for failing to disclose these propensities. (*Nelson v. Hall* (1985) 165 Cal.App.3d 709.) Hence, if you know that old Blackie has vicious propensities, it might be a safe precaution to advise your vet of this fact when you take Blackie in for shots.

Comparative Negligence and Assumption of the Risk

Although it would seem that the statute creates strict liability, the defendant is still able to assert defenses such a comparative negligence or assumption of the risk. (*Gomes v. Byrne* (1959) 51 Cal.2d 413; *Burden v. Globerson* (1967) 252 Cal.App.2d 468.)

Thus, when a victim unreasonably provokes a dog (considered as a form of negligence), the perpetrator of the provocation can be assigned comparative responsibility for the attack. And, if the victim has knowledge of the dangerous propensities of the animal and fails to take reasonable steps to avoid an encounter with it, comparative negligence or assumption of the risk could be asserted against the victim.

General Negligence Principles

As noted above, an owner or custodian of a dog can be assigned responsibility under general negligence principles. Therefore, it is recommended that a dog-bite complaint be drafted so as to assert both the Dog Bite Statute and general negligence. In this way, a victim might be able to obtain a recovery even if the trier of fact determines that the statute is not applicable. For example, if old Blackie bites the victim and knocks him to the ground, causing further harm, the victim can potentially recover for his injuries even if the trier of fact concludes that a "bite" within the meaning of the statute did not occur, but that the owner was negligent for allowing Blackie to knock the victim to the ground.

Negligence Per Se

Prior to filing a lawsuit, it is recommended that a determination be made about whether any local ordinances might be applicable to the facts. For example, if there is a local ordinance that prohibits an unleashed dog from roaming free and the dog knocks someone over while running around the neighborhood, the victim can plead a violation of the local ordinance as negligence per se. (See *Delfino v. Sloan* (1994) 20 Cal.App.4th 1429.)

Recovery of Damages

A person who has been bitten, knocked over, jumped on, or frightened by a dog has the usual damages remedies that would be available to a personal injury victim. These would include general damages and special damages such as medical expenses and lost earnings.

A more interesting discussion relates to the recovery of damages involving the situation where old Blackie himself is injured due to someone's negligence. There are many dog owners (and animal owners, for that matter) who treasure their beast and who feel that they should be entitled to recover damages for emotional distress if old Blackie is injured or killed. However, recovery for emotional distress due to injury to personal property is generally not permissible under California law.

In California, dogs (and, generally, all animals) are classified as chattels (personal property). Interestingly, it is a long-established section of the Penal Code that has made such a classification. Specifically, Penal Code section 491 reads:

Dogs are personal property, and their value is to be ascertained in the same manner as value of other property.

This standard of valuation has been upheld in cases such as *Dreyer v. Cyriacks* (1931) 112 Cal.App. 279.

A dog owner would be entitled to recover the cost of veterinarian bills from the defendant. The owner might also be able to recover the reasonable "value" of the dog. For example, in *Wells v. Brown* (1950) 97 Cal.App.2d 361, the court upheld a recovery of $1,500 as the reasonable property value of the dog.

The owner might also be able to make a claim for economic losses, if the owner can establish that old Blackie has significant earning capacity (such as being the Secretariat of the dog-racing world).

If a dog is harmed due to the intentional conduct or gross negligence of the defendant, there is even a statute that allows for the recovery of punitive damages. Specifically, Civil Code section 3340 reads:

For wrongful injury to animals being the subjects of property, committed willfully or by gross negligence, in disregard of humanity, exemplary damages may be given.

This section essentially provides for punishment of a defendant for inhumane treatment toward old Blackie, rather than serving as a means to recover damages for emotional distress.

So there you have it – a brief summary of the law involving man's best friend. Just remember, the next time you go to work and tell the cable TV repairman that he is free to go into your back yard to perform some repairs while you are away, it might be a good idea to leave old Blackie in the house.

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

Pro Bono Opportunities Helping Animals

by Beverly Bradshaw

The unfortunate truth is that lawyers are a depressed bunch. The numbers show that 19% of lawyers are depressed at any given time, compared with 6.7% of the general population.[1] Although depression is a complex problem, studies suggest that pursuing meaning and purpose through service to others can help reduce common types of depression.

Almost all of us would like to do more volunteer work. The leading reason lawyers give for not doing so is lack of time. After an exhausting day, most of us just want to get home and switch our minds off in front of the TV – or we have another job at home that involves children and a spouse. However, if you can push yourself a little and regularly participate in acts of kindness, you may be surprised at how vitalized you feel. Talk to any lawyer who does pro bono work, and you will hear nothing but positive things about the experience. Lawyers who do pro bono work keep doing it because it makes them happier.

Her name: Venus. Rescued from the streets of TAIWAN. Rescue Group: Independent Labrador Retriever (and Golden Retriever) Rescue. www.indilabrescue.org In partnership with Taiwan Rescue.

There is a tremendous variety of pro bono and other volunteer opportunities to choose from; the key is to choose something you are passionate about. Animals are my passion, and thus the pro bono opportunities I looked for were in the animal world. I'm not alone. Recent statistics show that Am Law firms contributed a record number of pro bono hours to the Humane Society of the United States and the Animal Legal Defense Fund, two of the country's leading animal rights organizations – and the ones that pursue litigation most aggressively. In 2008, major firms contributed 10,273 pro bono hours to the Humane Society, up from about 6,500 in 2007. The Animal Legal Defense Fund does not track pro bono work by the hour, but, in 2008, the organization signed up 113 new volunteer attorneys – a record, and a jump from 98 in 2007 and just 63 in 2006.[2]

Animal law intersects with "traditional" areas of the law, such as tort, contract, criminal, and constitutional law. Examples of this intersection include animal custody disputes in divorces or separations; veterinary malpractice cases; housing disputes involving "no pets" policies and discrimination laws; damages cases involving the wrongful death of or injury to a companion animal; and enforceable trusts for companion animals.

While it sounds fun to do pro bono work for large and prestigious organizations such as the Humane Society or the Animal Legal Defense Fund, there are many local animal welfare organizations that can benefit from pro bono legal work. For example, I devote my pro bono hours to a number of local animal rescue groups.[3] Small rescue groups sometimes find themselves in sticky legal situations that can often be resolved with a simple letter from "legal counsel." Even more common, animal adoption contracts need a decent revision by a lawyer experienced in contract drafting. Additionally, many local animal rescue groups are incorporated as nonprofits with federal 501(c)(3) tax-exempt status, which can give rise to a number of specialized legal issues. There are even opportunities to help a start-up group incorporate and obtain 501(c)(3) status. One attorney I know has been able to transfer the knowledge that she gained in child custody proceedings to help a local humane society develop similar forms for use in animal protection proceedings: notice of seizure, notice of protective custody, and abatement.

His name is Zac. Rescued from the Moreno Valley Shelter by Beverly Bradshaw. Rescue Group: Save the Dals. www.savethedals.org

1 The Prevalence of Depression, Alcohol Abuse, and Cocaine Abuse Among United States Lawyers (1990) 13 Journal of Law and Psychiatry 233.

2 Z. Lowe, Pro Bono Work for Animal Rights Skyrockets (Feb. 25, 2009) American Lawyer.

3 The Woofs and Paws Foundation (woofsandpawsfoundation.org), Southern California Golden Retriever Rescue (scgrrescue.org), and Independent Labrador Retriever Rescue (indilabrescue.org) are a few of the rescue organizations to which I devote pro bono hours.

From left to right: Woodrow, Blu, Jackson and Wrinkles. All rescued by Independent Labrador Retriever Rescue. www.indilabrescue.org

From left to right: Blue, Sam (rescued from San Bernardino City Shelter by Beverly Bradshaw), AJ. All rescued by Save the Dals. www.savethedals.org

So how can one find pro bono opportunities in the animal welfare field? Below are a few suggestions:

- Contact an animal protection group you have an interest in and offer your help.
- Get involved with your local animal rights group or humane society.
- Find out if your local or state bar association has an animal law section or committee and get involved. If it does not, consider starting one.
- Start an animal law group with other legal professionals.
- Consider writing an article for your local newspaper or bar journal or an animal law journal. Journals include Animal Law Review, Journal of Animal Law and Ethics, and Journal of Animal Law.
- Get involved with your local law school, as many law schools are now offering animal law classes.

Of course, doing pro bono work for an animal rescue group will likely result in nonlegal "work," such as fostering or fundraising. However, in my opinion, the nonlegal work is just as rewarding as the legal work.

Beverly Bradshaw is a devoted animal welfare advocate and a lawyer with Hospitality Investments Group, LLC. She encourages spaying or neutering your pet.

The RCBA Elves Program 2012

by Brian C. Pearcy

On December 24, 2012, the RCBA Elves Program concluded its annual program of helping needy families in Riverside County. This year, the Elves provided Christmas gifts and holiday dinners to a record 31 families, consisting of 89 children and 50 adults.

Again, we had the opportunity to work with the Casa Blanca Home of Neighborly Service and the Victim Services Division of the Riverside County District Attorney's office.

The success of the RCBA Elves Program over the past 11 years is due to the great support and generosity of our membership. Helping others is infectious, and Elf participation has grown beyond the immediate membership to include their office staff, their families, their clients, and their friends. Additionally, we have grown to include members of the community who became aware of the program by watching the Shopping Elves. In the past, these community members served as surprise Money Elves, but this year they served as both Money and Shopping Elves. And now for some recognition.

The Money Elves

Despite a continued lagging economy, the Money Elves generated the largest amount of donations ever! Our funds came from direct donations as well as several bar association events held throughout this past year.

A very special thank you to the Appellate Law Section and its chair, Susan Brennecke, who donated their December luncheon proceeds to the Elves Program.

The money raised provided gifts for each family member, along with a Stater Bros. gift card to buy the ingredients for holiday dinner and a Union 76 gas card to help the family with transportation, given the high cost of fuel.

I'd like to thank the following Money Elves for their support: Mary Jean Pedneau; John Michels; the Honorable Elwood Rich; Justice John Gabbert; Dan Greenberg; Diane Singleton-Smith; the Honorable Becky Dugan; the Honorable Pamela Thatcher-Lind; Barrie Roberts; Laura Rosauer; Julianna Strong; the Honorable Angel Bermudez; Robyn Lewis; Chris Harmon; the Honorable Roger Luebs; the Honorable John Vineyard; the Honorable David Bristow; Andy and Diane Roth; Richard Roth; Pam Walls; the Honorable Thomas Cahraman; Laura Budzynski; the Honorable Irma Asberry; the Appellate Law Section; Arturo Cisneros; Holstein, Taylor & Unitt; the Honorable Dallas Holmes; the Honorable John Monterosso; Richard Van Frank; Ward & Ward; Robert Chandler; Sandra Leer; Thomas Allert; Barristers; Atkinson, Andelson, Loya, Ruud & Romo; Cynthia Germano; Kira Klatchko; Lucas Quass; Howard Golds; Michelle Ouellette; Elizabeth James; Steven Anderson; John Wahlin; Kimberly Byrens; Glen Price; Cathy Holmes; Lisa Ruiz-Cambio; Brenda Walsh; Danielle Sakai; Cassandra Owen; Alisha Winterswyk; Scott Ditfurth; George Reyes; Mark Easter; Tim Haynes; Melissa Cushman; Zakia Kator; Charity Schiller; Isabel Safie; Joyce Zimmerman; Jason Ackerman; Harry Histen; Vanessa and Mike Douty; and Les and Susan Douty. I would also like to provide a very special "thank you" to all at Best Best & Krieger for their outstanding firm donation and a "job well done" to Mark Easter and Charity Schiller, who worked hard to collect the donations internally.

The Shopping Elves

This year, we had the smoothest shopping session ever, thanks to the help of the numerous Shopping Elves, my assistant Veronica, Charlene, and the very helpful Kmart staff. We were able to shop, bag, tag, and deliver hundreds and hundreds of presents to the bar association in about four hours. It was a joy to experience the festive mood of various individuals, firms, and families as they put on their Elf hats and their best bargain-hunting caps to find deals for our families.

This year's Shopping Elves were: Susan Lowrance; Jo Larick; the Offices of Bratton & Bratton; Judy Murakami and Andy Graumann; the Law Offices of Reid & Hellyer; Suzanne Serdahely; Judith Runyon; Christine Chacon; Marge Dahl; Barbara Trent; Tera Harden; Deepak Budwani; Marcos Reynoso and family; Vanessa and Mike Douty and family; Les Douty and family; Michelle Casanova; Jesse Male; Meg Hogenson; Christina Sovine and family; Lachelle Crivello;

Delivery Elf Riverside District Attorney Paul Zellerbach
photo courtesy Riverside District Attorney's Office

The Chandler Family – Nolan Chandler, Diana Chandler, Robert Chandler, Aaron Chandler & Anna Zagari

Marge Dahl, Judith Runyon & Christine Chacon

Tera Harden

Jo Larick

Gabrielle Beaudoin; Julie Gonzalez; Joyce Schechter; Joey and Allyson Mandry; and Paula and Gabrielle Leveratto.

Kmart once again helped stretch our dollars by providing us with an additional discount on every item purchased, resulting in over $900 of extra savings. The store manager, Tom Rynders, was incredibly supportive; he dedicated two registers and four staffers to help ring up, bag and tag the Shopping Elves' purchases.

The Wrapping Elves

Due to the big jump in donations, the presents to be wrapped overflowed the RCBA Board Room. Our Wrapping Elves were a model of efficiency. Over the course of two evenings, the Wrapping Elves wrapped the largest number of items (toys, clothes and household goods) ever.

This year's Wrapping Elves were: Deepak Budwani; Tera Harden; Veronica Reynoso; Maria Luna; Gina Maple; Robert, Diana, Nolan, and Aaron Chandler; Anna Zagari; Priscilla Mendoza; Alexis Solario; Ali Ghassabian; Andrea Mihalik; Joyce Schechter; Harmony Riffey; Alexandra Fong; Joy Ashwood and family; Chris Buechler; Jen Lacasella; Robin Shea; Evan Rae Easter; Caron Rand; Ashley Rader; Stefanie Field; Laura Moreno; Daisy Duarte; Heather Whitehead; Lisa Ayala; Virginia Corona; and Madeline Tannehill.

Delivery Elves

Our Delivery Elves touched down in various areas of Riverside County, including Corona, Hemet, Riverside, Banning, Beaumont, Murrieta, Perris, and Temecula. The Delivery Elves who donated their time and gas were: the Honorable Charles Koosed and family; Mary Gabe; Michelle Wolfe; Catherine Wise; Harry Histen and family; Joy Ashwood; Sherri Marcus; Tera Harden; Julie Gonzalez; Joyce Schechter; Gabrielle Beaudoin; Julio Perez; Jose Ochoa; Mark Easter and family; Gina Maple; Audrey Owens; Dolores Villavazo; Cammie Dudek; Yadira Vega; Robert Chandler and family; Jackie Hoar; Les Douty and family; Christina Garcia; Virginia Corona; Laura Moreno; Daisy Duarte; Maria Luna; Mary Parks; Lachelle Crivello; and District Attorney Paul Zellerbach.

Special Thanks

Once again, big kudos to my assistant Veronica, whose dedication and organizational skills made this a very efficient and fun experience for all involved; to the RCBA staff, especially Charlene Nelson and Lisa Yang, for all their energy and assistance; and to the management and social workers of the Casa Blanca Home of Neighborly Service and Lachelle Crivello of the Victim Services Division of the Riverside County District Attorney's office for making sure we help the most needy families in the county. Once again, "thank you" to Tom Rynders and his staff at the Big Kmart at Mission Grove in Riverside.

Finally, "thank you" to all the Elves – your wonderful spirit and camaraderie are represented in the photos accompanying this article.

For those of you who have not yet volunteered as an Elf, I suggest you put it on your agenda for next year. In the past, members have asked for more opportunities (i.e., non-MCLE related) to socialize with colleagues. Ladies and gentlemen, I submit to you, this is one such opportunity! It is truly a great way for you, your family, and your staff to share the joy of the holiday season.

Brian C. Pearcy was President of the RCBA in 2002 and is the chairperson (i.e., "Head Elf") of the Elves Program. (photos by Brian C. Pearcy)

Wrapping Elves

Judith Murakami & Andy Graumann

The Rodeo: Savagery Cloaked in Custom

by Sara Mostafa-Ray

Jeremy Bentham, renowned philosopher and social reformer, once said, "The question is not, 'Can they reason?' nor 'Can they talk?' but rather, 'Can they suffer?'" Over the course of time, with the advancement of science and ethics, people have come to understand that animals, with nervous systems like our own, feel pain similarly to us humans.

Enter the enigma of the rodeo: a venerated American tradition and "family-friendly" event. Rodeo events include calf roping, in which mounted riders chase four to five-month-old calves, yank them by the neck, and hurl them to the ground before binding their feet; steer wrestling, in which one rider keeps a steer (a castrated bull) running while a second cowboy chases the steer, then grabs it by the horns and twists its neck, slamming it to the ground; and steer roping, in which a mounted cowboy chases a speeding steer, then ropes it in such a way that the animal flips over and crashes to the ground on its back.

The tools of the trade are no less brutal. During bronco riding and bull riding events, flank straps (sometimes with burrs or irritants placed underneath) are cinched tightly around the animals' abdomens to cause them to buck violently to escape the pain. Spurs on riders' boots and electric prods are often used to further enrage the animals.

According to People for the Ethical Treatment of Animals ("PETA"), the injuries suffered by the animals range from open wounds and burns under flank straps to broken backs, ribs, and legs; snapped necks; internal organ damage; punctured lungs; ripped tendons; torn ligaments and muscles; and excruciating deaths. Severely injured animals are carted off to the slaughterhouse after the event, often without pain medicine, which would render the meat unsuitable for human consumption.

Rodeo proponents espouse a desire to preserve American cowboy culture of the Old West, when cowboys "broke" wild animals using brute force and deftness. Lost in history is the end to the means – providing cattle to settlers for sustenance. Also lost is the wildness of the animals. Rodeo performers of today perform for prize money and to flaunt their ability to break "wild" beasts. The majority of animals used today in rodeos, however, are domesticated. Their apparently wild behavior is the result of torture.

Federal law regulates cruelty towards animals through the Animal Welfare Act (the "Act"). The Act, however, explicitly exempts "horses not used for research purposes" from its definition of "animal" and "rodeos" from its definition of "exhibitor," thus failing to protect animals used in rodeos.

Like the Act, most state and local laws go to lengths to protect dogs, cats and other pets, while neglecting, to varying degrees, to protect animals used in rodeos. In California, Penal Code section 596.7 requires that a veterinarian be present during a rodeo, although the vet may be an hour away. California also restricts the use of electric prods on animals once they are in the holding chute. Other states exempt rodeos entirely from their anti-cruelty laws, while many states have codified the animal welfare regulations of the Professional Rodeo Cowboys Association ("PRCA").

According to the PRCA, it is the world's largest and oldest rodeo association and the leading producer of rodeos in North America, sanctioning about 600 rodeos annually. While the PRCA promotes itself as the leading proponent of animal welfare among rodeo associations, the animal welfare rules established by the PRCA are grossly insufficient, with penalties too mild to deter violations of the rules. A veterinarian must be present at rodeo events; flank straps must be lined with neoprene or sheepskin (but not for bulls); electric prods may be used only on the animal's hip or shoulder; calves may not be intentionally flipped backwards during calf roping; and no animal may be transported for a period greater than 24 hours without being unloaded, fed and watered. The penalty for a first-time offense is possible disqualification for the remainder of that particular rodeo and a fine of $250. Rodeo prize money, meanwhile, may be as much as tens of thousands of dollars per event; a rodeo usually consists of six or seven events. There is no requirement that a record of violations or penalties be kept, so it is not clear to what extent the rules are even enforced.

The rules prove, but do not prevent, the cruelty. The fact remains: there is no right way to do a wrong thing. It is inherently inhumane to regulate methods and instruments of torture; the 19th century common law permitting men to beat their wives with sticks "no thicker than a thumb" comes to mind.

We are a nation where policy is for sale to the highest bidder and the well-being of animals that are not cute and cuddly takes a backseat to nearly every income-generating enterprise. Like gladiators suffering violent confrontations for the amusement of spectators in the Roman Empire, animals are being tortured for entertainment – thousands of years later, in this great beacon of civility, the United States. Our laws must remedy this profound blot on our moral landscape, for if the measure of a civilization is how it treats its weakest members, we are still savages.

Sara Mostafa-Ray is a freelance attorney with Montage Legal Group. A 2012 winner of the San Diego Business Journal's Women Who Mean Business Award, Sara is equal parts flourishing attorney and dedicated humanitarian. A Northeastern urbanite, then ignorant of the nature of rodeo, she once attended a rodeo with her three-year-old son. Although they left halfway through the event, Sara endured comments from her son for weeks thereafter regarding men "tying up baby cows."

Homeowner Bill of Rights

by DW Duke

On February 29, 2012, California Attorney General Kamala Harris announced sweeping new legislation designed to protect homeowners in financial distress. The bills comprising the Homeowner Bill of Rights were vetted in committee and passed by both the Assembly and the Senate with few modifications in a very short period of time. On July 11, 2012, Governor Brown signed the Homeowner Bill of Rights into law. Because of the speed with which this legislation was introduced and passed, many Californians are just beginning to learn of its passage, and few know the details. Nonetheless, the Homeowner Bill of Rights may prove to be the most important legislation protecting homeowners in California since antideficiency legislation was first enacted during the Great Depression. In this article, we are going to examine some of the key provisions of the Homeowner Bill of Rights.

APPLICABILITY:

Effective Date: The Homeowner Bill of Rights becomes effective on January 1, 2013. (Civ. Code, § 2924.15, subd. (b).)

Instruments Affected: The Homeowner Bill of Rights applies only to first deeds of trust secured by owner-occupied residential property consisting of one to four dwelling units, unless otherwise indicated. (Civ. Code, § 2924.15, subd. (a).)

Eligibility Requirements: To be eligible for protection under the Homeowner Bill of Rights, the borrower must be a natural person eligible for a foreclosure prevention alternative program offered by a servicer of residential loans. Excluded are individuals who have filed for bankruptcy, surrendered the property, or entered into a contract with a third party who is in the business of advising persons on how to avoid or delay foreclosure. (Civ. Code, § 2920.5, subd. (c).)

Applicability to Financial Institutions: The Homeowner Bill of Rights applies to a "mortgage servicer," which is defined as any person or entity who services a loan or interacts directly with a borrower and who manages a loan account, manages an escrow account, or enforces a security instrument. This definition includes the owner of the note and an agent of the owner of the note. The definition of a mortgage servicer does not include a trustee or a trustee's agent acting under a power of sale, unless that trustee is otherwise a mortgage servicer within this definition. (Civ. Code, § 2920.5, subd. (a).)

Exempt Financial Institutions: Banks and other regulated institutions that have foreclosed on 175 or fewer residential properties consisting of one to four dwelling units in the preceding 12-month reporting period are exempt from certain provisions of the Homeowners Bill of Rights. (Civ. Code, § 2924.18, subd. (b).)

Foreclosure Prevention Alternative: The term "foreclosure prevention alternative" refers to any type of loss mitigation, including short sales and loan modifications, that would prevent the property from being foreclosed upon. (Civ. Code, § 2920.5, subd. (b).)

PROHIBITED AND REQUIRED ACTIONS:

Single Point of Contact Required: A mortgage servicer now must provide a direct means of communication, with a single point of contact, to a borrower seeking a loan foreclosure alternative. The single point of contact must have access to individuals who have the authority to stop the foreclosure and must remain that contact until all options are exhausted or the borrower becomes current on the loan. (Civ. Code, § 2923.7.)

Required Acknowledgement of Receipt of Loan Modification Application: A mortgage servicer is required to provide acknowledgement of receipt of any application for a loan modification or supporting documentation within five business days of receipt. The acknowledgement must identify any defects in the application or supporting documentation and must inform the borrower of the length of time anticipated for a decision on the application. The acknowledgement must provide certain information concerning the modification process. This provision sunsets on January 1, 2018. (Civ. Code, § 2924.10.)

Notification of Reasons for Denial of Application: Under current law, a lender must notify the borrower of the reason for denial of an application for a first-lien loan modification within 30 days of the denial. This provision sunsets on January 1, 2018. At that time, the mortgage servicer will be prohibited from recording a notice of sale or conducting a trustee sale while the application for a foreclosure alternative is pending. (Civ. Code, §§ 2923.6 and 2924.11.)

Dual Tracking Prohibited During Loan Modification: A mortgage server is prohibited from recording a notice of default or a notice of sale or conducting a trustee sale

while a loan modification is pending or while the borrower is in the trial phase of a loan modification. The borrower has 30 days in which to appeal a denial of a loan modification. The mortgage servicer is prohibited from initiating any of the above foreclosure actions during an appeal of a denial or, if no appeal is filed, until 31 days after the denial of the loan modification. The post-denial prohibition on the institution of foreclosure actions will sunset on January 1, 2018; thereafter, the mortgage servicer is only prohibited from instituting the foreclosure actions while the modification is pending. Caveat: A mortgage servicer is not required to consider a loan modification application from a person who has been provided a fair opportunity for consideration for a modification or short sale prior to January 1, 2013, unless that person submits documentation of a material change in his or her financial circumstances. (Civ. Code, §§ 2923.6 and 2924.11.)

No Dual Tracking After Approval of Foreclosure Alternative: Once a short sale has been approved by all interested parties and proof of funds has been provided, the mortgage servicer is prohibited from recording a notice of default or a notice of sale and is required to cancel any pending trustee sales. One of the most common complaints in the past five years has been that mortgage servicers would foreclose on property after a short sale had been approved and agreed upon by the parties. This provision is intended to prevent this from occurring. A lender is required to rescind a notice of default or cancel a trustee sale in all situations where the lender and borrower have agreed to a foreclosure alternative. These provisions will sunset on January 1, 2018. (Civ. Code, § 2924.11.)

Prohibition on Unauthorized Foreclosure: A common complaint in recent years has been that lenders have instituted foreclosure proceedings without proper authority or have signed documents attesting to authority without thoroughly reviewing those documents. Now, a lender is prohibited from recording a notice of default or otherwise instituting foreclosure proceedings unless it is the holder of a beneficial interest under the deed of trust, a lawfully designated agent of the holder of the deed of trust, or the original substituted trustee under the deed of trust. A mortgage servicer is required to verify the accuracy and completeness of foreclosure documents, including a declaration of contact with borrower, notice of default, notice of sale, assignment of deed of trust, substitution of trustee, and declarations and affidavits in a foreclosure or in any judicial proceeding pertaining to a foreclosure. A recurring and uncorrected failure to comply with these provisions subjects the mortgage servicer to a penalty of $7,500 per trust deed in an action brought by the Attorney General, a district attorney, or a city attorney or in an administrative proceeding brought by the Department of Real Estate, the Department of Corporations, or the Department of Financial Institutions. These provisions apply to all trust deeds, regardless of owner occupancy or number of units, and will sunset on January 1, 2018. (Civ. Code, §§ 2924, subd. (a)(6) and 2924.17.)

Prohibition on Late Fees and Application Fees: While a completed application for a foreclosure alternative is pending, a denial is being appealed, or the borrower is making timely payments under a loan modification program, the mortgage servicer is prohibited from collecting late fees on the loan. A mortgage servicer is also precluded from collecting an application or processing fee for a loan modification or other foreclosure alternative. (Civ. Code, § 2924.11, subds. (e) and (f).)

Approval of Foreclosure Alternative Binding on Subsequent Loan Purchasers: Once a mortgage servicer has provided written approval of a foreclosure alternative, that approval is binding on subsequent purchasers of the loan. This provision will sunset on January 1, 2018. (Civ. Code, § 2924.11.)

Initial Contact Requirement: Current California law requiring that a mortgage servicer contact the borrower, either in person or by telephone, 30 days prior to recording a notice of default to discuss foreclosure alternatives was to sunset on January 1, 2013. The Homeowner Bill of Rights extends this requirement with no new sunset date. During this initial contact, the mortgage servicer must inform the borrower of the right to request a meeting within 14 days and must provide the borrower with a toll-free telephone number to locate a HUD-certified counseling agency. If the mortgage servicer is unable to make contact with the borrower, then a due diligence declaration or a statement of exemption must be recorded with the notice of default. The current requirement that such declaration be recorded with a notice of sale is eliminated. Effective January 1, 2013, this provision applies to all first trust deeds recorded on owner-occupied residential properties consisting of one to four dwelling units. (Civ. Code, §§ 2923.5 and 2923.55.)

Required Disclosure Before Recording Notice of Default: A mortgage servicer is prohibited from recording a notice of default unless it first informs the borrower of the right to request copies of documents proving the right to foreclose, including the promissory note, deed of trust, payment history, and any assignment of the loan. This provision sunsets on January 1, 2018. (Civ. Code, § 2923.55.)

Required Disclosure After Recording Notice of Default: Within five business days after recording a notice of default, a mortgage servicer is required to send the borrower written notice of how to apply for foreclosure alter-

natives. This notification is not required if the borrower has previously exhausted loan modification opportunities offered by the lender. This provision sunsets on January 1, 2018. (Civ. Code, § 2924.9.)

Postponement of Trustee Sale: A mortgage servicer must provide written notice of a new sale date within five business days whenever a trustee sale is postponed for longer than ten days. This provision applies to all trust deeds, regardless of owner occupancy or number of units. Failure to comply with this requirement will not invalidate the trustee sale. This provision sunsets on January 1, 2018. (Civ. Code, § 2924.)

Private Right of Action: If the mortgage servicer has failed to comply with the Homeowner Bill of Rights, the borrower may have a private right of action to enjoin material violations. The injunction will remain in place and the trustee sale will be postponed until the court has an opportunity to determine if there is a material violation. If the trustee sale has already occurred, the mortgage servicer may be liable for actual damages. If the trustee sale has already occurred and the violation is shown to have been intentional or reckless, the mortgage servicer may be liable for treble actual damages or $50,000, whichever is greater. (Civ. Code, § 2924.12.)

The Homeowner Bill of Rights is broad, sweeping legislation that will significantly change the climate for residential foreclosures in California. Until this legislation was passed, the California appellate courts were offering little hope to homeowners who alleged wrongful foreclosure, promissory estoppel, or breach of contract arising out of actions of a mortgage servicer. After the Homeowner Bill of Rights goes into effect, on January 1, 2013, the consequences for the mortgage servicer of engaging in unfair practices will be severe. The private right of action and the penalties for violation will make it difficult for many mortgage servicers to foreclose on properties, particularly where the mortgage servicer is unable to demonstrate that it possesses the right and the authority to foreclose.

DW Duke is an experienced trial attorney, writer, and noted lecturer. He has authored four published books and has published dozens of articles on various legal topics, ranging from real estate to insurance law to human rights. He is a member of the California Association of REALTORS® Strategic Defense Panel and lectures regularly to members of the real estate industry. He manages the Inland Empire office of Spile, Leff & Goor, LLP, serving clients in Riverside, Orange and San Bernardino Counties.

Membership

The following persons have applied for membership in the Riverside County Bar Association. If there are no objections, they will become members effective February 28, 2013.

Daniel O. Ajeigbe – Sole Practitioner, Riverside

Mathew R. Alden – Sole Practitioner, Ontario

Kevin Carter (A) – Affiliate Member, Upland

James R. Dickinson – Clayson Mann Yaeger & Hansen, Corona

Laura Hubbard – Law Student, Claremont

Nazar Kalayji (A) – Provident Real Estate, Norco

Rodger A. Maynes – Law Offices of Rodger Maynes, Temecula

Heber J. Moran – Inland Empire Latino Lawyers Association, Riverside

Nhahanh P. Nguyen – Nguyen & Yip, Diamond Bar

Lauren E. Patterson – Sole Practitioner, Riverside

Athina K. Powers – Karamanlis Powers Law Offices, Rancho Mirage

Rajesh N. Prasad – Parikh & Prasad Law Group, Chino Hills

Trevor K. Roberts – Sole Practitioner, Corona

Jeremy N. Roark – Law Office of Catherine A. Schwartz, Riverside

Charles Schoemaker – Sole Practitioner, La Quinta

Jason M. Searles – Graves & King, Riverside

Ebony Taylor – Riverside County Public Administrator, Perris

(A) – Designates Affiliate Member

Classified Ads

Office in Rancho Mirage
Nice, large, window office w/ optional secretarial space. Partial law library, conference room, lounge, phone system, built-in cabinets, copier/fax privileges, part-time reception, other amenities. Near Palm Springs & Indio Courts. Thomas A. Grossman, PLC (Desert ADR), (760) 324-3800.

Office Space – Downtown Riverside
1 block from the Court Complex. Full service office space available. Inns of Court Law Building. Contact Vincent P. Nolan (951) 788-1747, Frank Peasley (951) 369-0818 or Maggie Wilkerson (951) 206-0292.

Office Space – Grand Terrace
Halfway between SB Central & Downtown Riverside. 565 to 1130 sq ft., $1.10/sq ft. No cams, ready to move in. Ask for Barry, (951) 689-9644

Holstein Professional Building
3 office suites available. 895 to 8,884 sq ft at $1.15 per. Lease 1-3 years. Tenant improvements negotiable. Minutes from downtown Riverside. On site parking. Easy freeway access 60, 215, 91. Contact Rene, KRB Properties, to schedule a walk through. Phone (949) 548-0040; Cell (714) 336-8559; krbprop@aol.com.

Office Space – RCBA Building
4129 Main Street, downtown Riverside. Next to Family Law Court, across the street from Hall of Justice and Historic Courthouse. Contact Sue Burns at (951) 682-1015.

Office Space – Downtown Riverside
Riverside Legal & Professional Center. Downtown Riverside walking distance to Courthouse. Private Executive Suite offices, virtual offices and conference rooms rental available. We offer a state of the art phone system, professional receptionist and free parking for tenants and clients. Accessible from the 91, 60 and 215 freeways. (951) 782-8089.

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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.

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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

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