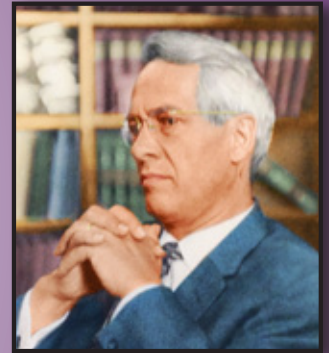


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RIVERSIDE LAWYER

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), 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

November

- 12 CLE Series – Civil Procedure Before Trial**
Topic: “Case Management and Trial Setting”
Speaker: Honorable Sunshine Sykes
RCBA Gabbert Gallery – Noon
MCLE
Lunch provided to those who RSVP by Nov. 10
- 13 Criminal Law Section Meeting**
RCBA – Gabbert Gallery - Noon
- 14 General Membership Meeting**
Speakers: Senator Richard Roth and Assemblymember Jose Medina
RCBA Gabbert Gallery - Noon
MCLE
- 17 CLE Presentation**
Speaker: Honorable Jackson Lucky
Topic: “Lucky on the Evidence”
RCBA Gabbert Gallery – Noon
MCLE
Lunch provided to those who RSVP by Nov. 13
- 18 Family Law Section**
RCBA Gabbert Gallery – Noon
- 19 Estate Planning, Probate & Elder Law Section**
Topic: “Business Succession Planning as Intended”
Speaker: Richard W.S. Pershing, Partner at Reynolds Jensen & Swan LLP
RCBA Gabbert Gallery – Noon
MCLE
Lunch will be provided by Reynolds Jensen & Swan LLP

27 & 28 Thanksgiving Holiday

December

- 4 New Admittee Swearing In Ceremony**
Riverside Superior Court, Dept. 1, 10:00 a.m.
- 11 General Membership Meeting**
Joint with the San Bernardino County Bar Association
Speaker: State Bar President Craig Holden
The Hotel, San Bernardino – Noon
RSVP: SBCBA – 909-888-6791



ON THE COVER:

Top row (l-r): Arthur Littleworth, James Krieger
2nd row (l-r): Justice James Ward, Judge Victor Miceli, Jane Carney, Judge Virginia Phillips
3rd row (l-r): Marion Donovan-Kaloust, Ralph Hekman, Judge Richard Fields, Brian C. Percy
Bottom row (l-r): Marty Nicholson, Kelly Moran, James O. Heiting



by Chad W. Firetag

The Unnoticed Hero

When we think of a hero, we normally think of people who do great things. The law is a profession that has certainly attracted many brilliant heroes. Great lawyers and judges have existed since antiquity, from Cicero to Justice John Marshall to Abraham Lincoln. They are what I call the classic heroes – those individuals who through their skill and dedication to the profession made tremendous impacts in history.

It would likewise not be difficult to list the great heroes in Riverside County's legal community. For example, the United States Supreme Court solicited Arthur Littleworth to negotiate as Special Master on water disputes between Kansas and Colorado. In a scholarly and comprehensive decision addressing the military's "don't ask, don't tell" policy, Judge Virginia Phillips overturned the long-standing tradition of excluding homosexuals from military service. I could also write about Justice Jim Ward, Judge Victor Miceli, and Jane Carney and their diligent efforts in renovating the County's courthouse.

But these examples have been well documented and written about by authors with greater skill than I possess.

While I certainly appreciate these tremendous accomplishments, what I think we overlook in our world sometimes is not the publicized heroic deeds by those in our community, but rather we miss the unnoticed, though just as heroic, deeds that happen every day.

The great tennis star Arthur Ashe once said of heroism:

"True heroism is remarkably sober, very undramatic. It is not the urge to surpass all others at whatever cost, but the urge to serve others at whatever cost."

What a profound statement about the true nature of heroes. I am proud when the leaders in our community do great things, but I also feel we should celebrate those individuals who make differences in the lives of our community quietly and without fanfare.

When I sat down to write this message, even though I do not know every volunteer, I know there are untold numbers of attorneys who are everyday fulfilling Ashe's definition of hero by selflessly serving other people. They may not even consider themselves to be heroes, but Ashe would consider them to be and so should we.

Here are just three examples of heroic deeds that I thought of but I know there are more.

Public Service Law Corporation Volunteer Attorneys

There are many needy people in our community who are unable to afford legal counsel to assist them through the minefield that can sometimes be our judicial system. The PSLC volunteer attorneys assist people in family law, landlord/tenant disputes, guardianship/conservatorships, debtor/creditor collection cases, bankruptcy cases and Federal District Court civil cases all in their spare time.

These attorneys volunteer their free time not for prestige or honor, but for the satisfaction of knowing that they are helping someone in need. (Volunteers listed on page 25.)

The Richard T. Fields Bar Association Scholarship

In 2010, members of our legal community founded the Richard T. Fields Bar Association. In recognition of Judge Fields as their namesake and to spread his vision, the executive committee created scholarships for deserving students. Through their efforts, the RTF Bar Association awards scholarships to students in high school, college and law school. They also mentor young students by promoting their mission of eliminating the root causes of poverty, powerlessness and racism.

The RTF Bar Association has taken the mantle of improving the lives of their community by mentoring students for success.

Mock Trial Attorneys/Volunteers

As a former Mock Trial participant and coach, I know how much time and attention is put into every student. Riverside County has a rich history of mock trial participation. Attorneys from across the county have devoted literally thousands upon thousands of hours into this program.

We have attorneys who, after a full day of working at their respective jobs, devote several nights a week preparing the case for the competition. As the competition gets

closer, these same attorneys then devote their weekends to scrimmages. When the competition is in full swing, these attorneys work nearly every night.

And why do they do it? After all, there is only one team who wins the competition to move on to the State Competition and possibly the National Championship. They do it because they see in our students future lawyers, professionals and leaders.

* * *

The common theme here is that these attorneys do what they do quietly and without the need for spectacle. As Arthur Ashe evoked, heroism is not about getting the glory. What the volunteer attorneys from the PSLC, the RTF Bar Association and the numerous attorneys who participate in Mock Trial tell me is that our efforts can have tremendous impacts on our community even if their efforts go unnoticed.

There are plenty of people out in our world who do things for the limelight and for the prestige. But in my opinion, a true hero is someone who works for the benefit of others without needing a hero's welcome.

Chad Firetag is an Assistant Public Defender for the Law Offices of the Public Defender, Riverside County.



BARRISTERS BOARD – MEMBER’S MESSAGE

by Benjamin Heston



Impressions as a New Attorney in Riverside

My first encounter with Riverside County was about 10 years ago. I was on my way home to Orange County from a snowboarding trip in Big Bear and decided to get off at the Mission Inn exit to find a gas station. Our search led us through downtown, by the courts, and past Mount Rubidoux. Being from Orange County, I'd been ingrained with the idea that Riverside was nothing more than a barren desert

wasteland. We found, much to our surprise, that Riverside was a bustling city, rich in culture and history. We eventually found some cheap gas on the other side of the river where we filled up and headed home.

Fast forward to Fall of 2013. I had recently graduated from Southwestern Law School, passed the Bar Exam, gotten married, had a baby on the way and was looking for a place to start a family and my career. There was no question that I was not going to stay in Los Angeles surrounded by the sprawl of Southern California, and Orange County just wasn't the right fit either. I thought back about that place where I got off the freeway for gas several years ago, and I decided that at least in Riverside I could afford a house with a yard for my son to play in. Without giving it too much thought, my pregnant wife and I packed up our few meager possessions and two dogs, and planted ourselves in "The Wood Streets."

Since moving here, I've found Riverside a haven for a young and energetic new attorney like myself. The legal community here is friendlier and more tightly knit than what I have encountered in Orange or LA Counties. With a population of more than 300,000, Riverside still manages to feel like a small town. On top of that, since Riverside does not have its own ABA accredited law school, many of the attorneys in Riverside are also quasi-expats from all over California and the rest of the nation; drawn here for one reason or another.

Shortly after I moved here, I was encouraged by Scott Talkov, the current President of the Riverside Barristers, to attend a Barristers event discussing *US v. Windsor*. I was impressed enough that I wanted to be a part of the organization and decided to try and see if I could get elected to the board, despite the fact that I was not yet officially an attorney. Only about two hours after I was sworn into the bar by a notary at Reid & Hellyer, I was elected as a member-at-large for the 2014-2015 Barristers.

So far, this year, we have been able to hold at least one event per month. I've also had the opportunity to help organize a panel discussion on "Bankruptcy for Non-Bankruptcy Attorneys" which featured the Honorable Scott Yun, Riverside's newest addition to our Bankruptcy Court, among several other eminent members of the local bankruptcy community. What I have found at the Barristers events is that there are

plenty of young attorneys who are not only friendly, but also excited to be attorneys and are motivated to meet people, continue their legal education, and are open to new areas of practice.

My hope and goal as a Barristers board member is that I can encourage attorneys to do some good for Riverside by donating their time, intellect, and resources to those who cannot afford proper legal representation. For example, the Barristers currently operates a legal clinic for UCR students providing legal assistance they would not otherwise be able to receive. We hope to open more of these legal clinics at Riverside City College, Norco College, and Moreno Valley College.

If you are interested in learning more about the Barristers (or if you just want a free drink), you can join us Wednesday, November 19, from 5:30-7:30 at D-Dogs Restaurant in Downtown Riverside where the Barristers will be participating in "Bar Trivia" with a bar tab sponsored by Heston & Heston.

Benjamin Heston is a first-year attorney at Heston & Heston, Attorneys at Law in Riverside where he practices primarily bankruptcy law representing debtors. He lives in Riverside with his wife, Lacey, and newborn son, Elijah. He can be reached at (951) 290-2827 and ben@heston-law.com.





ARTHUR L. LITTLEWORTH: 65 YEARS OF SERVICE

by Jason Ackerman

With the increased mobility of attorneys and the portability of their legal services, it is quite an accomplishment for a successful attorney to practice law at a single law firm for 15 or 20 years. Arthur Littleworth has been practicing at Best Best & Krieger LLP (BB&K) for nearly 65 years. During that time, Art's significant contributions to the legal profession were matched only by his contributions to our community. Art suffered a severe stroke in 2009, but he still consults from home.



Arthur L. Littleworth

Art grew up in Los Angeles, went to Yale having won the Pacific Coast Regional Scholarship, served in the Navy in World War II, and then went back to Yale Law School. He was about to take a job at Gibson, Dunn & Crutcher when he met Gerry Brown (later Presiding Justice of the San Diego Court of Appeal) who encouraged him to come out to Riverside on Sunday to meet the other BB&K partners in their homes. The firm at that time had only four practicing lawyers. Art was attracted to Riverside, then a community of about 45,000 people surrounded by orange groves and vineyards, as a good place to raise a family. Moreover, he said, the lawyers in the firm were clearly top notch, and he was impressed by their dedication to the community.

Art carried on the firm tradition of community service, serving on the School Board of the Riverside Unified School District from 1958 to 1972, and holding the office of President from 1962 through 1972. Those were tumultuous and emotionally charged times because in 1954 the United States Supreme Court had delivered its opinion in *Brown v. Board of Education of Topeka* requiring the elimination of race-based "separate but equal" accommodations, and local governments and school districts were continuing to grapple with how to implement with the mandates of integration.¹ In August 1965, Lowell Elementary School, a predominately African-American school in Riverside, was gutted by fire, this only three weeks after the Los Angeles riots where the slogan had been "Burn, Baby, Burn." Many civil rights activists from the community and around the country converged upon Riverside demanding immediate integration. A racially charged school boycott was organized, and threats of more

violence were prevalent. Art met tirelessly with community and civil rights leaders to work out a solution. Under his leadership Riverside was the first city in the nation to integrate its schools voluntarily, without any court order, and without experiencing "white flight."

Art's community involvement also extends to other aspects of Riverside's identity and few are aware of his role in saving the historic Mission Inn. Many people know that the original building began operating as a cottage in 1876 and in 1902 Frank Miller

changed the name of the cottage to the Mission Inn and began adding to the original structure in a variety of styles, until he died in 1935. Many politicians, social leaders and entertainers stayed in the Mission Inn over the years. However, in the 1950s the Mission Inn was "modernized," as so many were wont to do during that era, and the building was redecorated in the 1950s modern style. The Mission Inn continued on a downward trajectory until the 1970s when it was ultimately held by a bankruptcy trustee who was collecting rents from a few occupying tenants. At the time, the Mission Inn was in a state of utter disrepair.

In an effort to save the Mission Inn and start the process of returning it to its original grandeur, Art coordinated an effort in 1976 that allowed the City of Riverside to acquire the Mission Inn for a nominal fee with prospect of securing federal redevelopment money. The City leased the Mission Inn for one dollar per year to the Mission Inn Foundation which was charged with the responsibility of operating and restoring the Inn.

Art was the first president of the Foundation. When the City's Redevelopment Director, Doug Shackleton, called to announce that escrow had just closed, confirming ownership by the City, Art said, "What are we going to do now?" Shackleton replied, "We are going to run the Inn." Art's next question was whether the City provided working capital, and the answer was no. Through private gifts, voluntary labor, government grants, and community support, and finally the purchase of the Inn by Duane Roberts, the Mission Inn is now the gem of Riverside.

In addition to his many contributions to Riverside, Art is an accomplished lawyer who has established a remarkable reputation in the field of water and environmental law. He has been involved in nearly every major piece

¹ *Brown v. Board of Education of Topeka* (1954) 347 U.S. 483.

of water rights litigation over the last 50 years.

Awareness of Art's knowledge and skill in the field of water law spread beyond the State of California and one Saturday morning in 1987, Art received a telephone call at his home from United States Supreme Court Justice Byron White. Justice White explained that a case of original jurisdiction had been filed between the State of Kansas and the State of Colorado. The dispute involved the allocation of water from the Arkansas River, with Kansas alleging that Colorado was materially depleting water otherwise available for use by Kansas in violation of an interstate compact. Justice White was calling Art on behalf of the U.S. Supreme Court to ask Art if he would be willing to serve as the Special Master in the case. At that time, Art did not know that it would be 22 years before the final judgment was confirmed by the Court.

Over the course of the next years, Art tried the case in the Federal Court of Appeals courtroom in Pasadena. The case was bifurcated into a liability phase and a remedies phase. Art concluded that Colorado had violated the Arkansas River Compact because post-Compact well pumping in Colorado had materially depleted the usable flow into Kansas. Art's initial report to the Court detailing his findings and recommendations concerning the liability phase of the trial was over 600 pages. In an opinion delivered by Chief Justice William Rehnquist, the U.S. Supreme Court unanimously agreed with

Art's disposition of the liability issues, and the matter was returned to Art for disposition on remedies.²

Concerning the remedies phase, Art submitted four additional reports on the shortages, damages, and two for future compliance. For the first time in a case of this kind, he concluded that money damages based on losses sustained by individual Kansas farmers should be allowed, and that such an award did not violate the Eleventh Amendment because Kansas had a direct interest in the lawsuit. Establishing another precedent, he also concluded that pre-judgment interest was appropriate, and that interest should accrue from 1969, the year that Colorado knew or should have known that it was violating the Compact. In reviewing the report, the U.S. Supreme Court unanimously agreed with all of his findings and recommendations, except on the issue of the date from which interest should accrue. Justice O'Connor, Justice Scalia and Justice Thomas took the position that pre-judgment interest should not be awarded, not because it was legally improper but because it was not in the minds of the framers when the Compact was negotiated. Justice Kennedy and Chief Justice Rehnquist were of the opinion that pre-judgment interest should run from the date of the filing of the complaint, i.e., 1985. Justice Souter, Justice Ginsberg, Justice Breyer and Justice Stevens agreed with Art's view that interest should run from the time when Colorado knew or should have known that it was violating the Compact. However, in order to produce a majority opinion for a judgment, the four Justices who agreed with Art voted to endorse the position expressed by Justice Kennedy and Chief Justice Rehnquist.³ The trial took 270 days, excluding five trips to the Supreme Court, testimony of 25 experts, 2868 exhibits, and 122 bankers boxes of records in the case.

On November 15, 2014 Art's memoir on the Riverside schools will be published by Inlandia Institute. The book, *No Easy Way*, will be launched during the re-dedication of the Arthur L. Littleworth Theater at Riverside Polytechnic High School.

Jason Ackerman is a partner at Best Best & Krieger. He provides legal services on environmental and land use matters, as well as utilities regulation.



² *Kansas v. Colorado* (2004) 543 U.S. 86.

³ *Ibid.*

MARTY NICHOLSON: KEEPING THE CONCEPT OF JUSTICE ALIVE

by Mario A. Rico

The Inland Empire Latino Lawyers Association-Legal Aid (IELLA) Clinic would like to recognize one of its most dedicated volunteer attorneys, Ms. Marty Nicholson.

Marty Nicholson is an associate at Tyler & Bursch, where she currently represents clients in the area of landlord-tenant, real property issues including California Environmental Quality Act, zoning, and conditional use permits. She also works for Advocates for Faith and Freedom and is involved in cases to preserve First Amendment freedoms, especially as they related to students' rights. She earned her Bachelor's of Science Degree in Education from Central Michigan University, Mt. Pleasant, Michigan, completed her masters coursework in Public Administration from San Diego State University, San Diego.

Marty's interest in the law was as a result of a personal experience with Family Court. She vividly "remembers not understanding how the law worked or how the judge arrived at decisions that appeared to be unjust." While in Family Court she did not know that there were policies that ruled decisions and she believed "horror stories that seemed completely unfair." As a result, Marty wanted to know more about how the law worked.

Marty earned her Juris Doctorate from Trinity Law School in Santa Ana where she graduated third in her class. While in law school, Marty served as Publishing Editor for Trinity's Law Review and was an active member in Christian Legal Society, the Federalist Society and Phi Alpha Delta.

Outside of law practice, Marty enjoys serving her local church, Calvary Chapel Bible Fellowship, in the Salt & Light Ministry and spending time with her family. Currently, Marty has also devoted a lot of her time volunteering with the IELLA. Since June 2013 she has provided counsel and advice at IELLA's weekly legal aid clinics. She has provided assistance in the area of dissolution, paternity, landlord-tenant and debt collection issues. On many occasions Marty not only provided counsel and advice to IELLA clients but also drafted pleadings for them.

Marty "absolutely love[s] volunteering at IELLA because [she] can help dispel the myths and relieve some



Marty Nicholson

of the tensions of parents going through the process." She truly believes that a family can function better once they understand that their children are not going to be taken away and there are judicial policies that encourage parental involvement. Marty considers volunteering at IELLA as a "... blessing because [volunteer attorneys] see the results immediately on the face of [their] client who is under the oppression of a judicial system they don't understand. When you are able to explain how the law works and relieve that tension, the entire family is affected positively."

Last month, Marty saw an IELLA client at the courthouse and the client was so thankful because she had prevailed in court after getting legal advice at IELLA. "The Bible says, 'Do justice to the afflicted and destitute, rescue the weak and needy.' Psalms 82:3. To know you played a small part in ensuring that citizens who can't afford legal representation can still prevail in a legal matter is heartwarming. Our justice system would not be just if only the rich prevail in legal matters. IELLA, and other free legal clinics, keep the concept of justice alive." Marty encourages all attorneys to donate a few hours each month.

If you would like to learn more about volunteering at IELLA Legal Aid, please visit their website at iella.org or call them at 951-369-5245. IELLA is a non-profit legal service provider. IELLA's mission has been to provide free legal services for the poor and underprivileged residents of the Inland Empire via its volunteer attorneys and staff. IELLA holds weekly legal aid clinics in the counties of Riverside and San Bernardino and is always in need of volunteer attorneys to provide counsel and advice to qualifying clients. Just a few hours of your time will make a lasting impact on the lives of the clients you assist.

Mario A. Rico is staff attorney and clinic manager for the Inland Empire Latino Lawyers Association. If you would like to volunteer or learn more about IELLA you can reach Mario at 951-369-5245 or mrico@iellaaid.org



KELLY MORAN: MAKING WISHES COME TRUE

by Amanda Daams

Kelly Moran has spent most of her life in Riverside and is now giving back to her community by helping children through the Make-A-Wish organization. Kelly graduated from Riverside's Notre Dame High School in 2002 and the University of California, Riverside in 2006, obtaining a Bachelors of Arts in Philosophy and Political Science. She then graduated from Pepperdine University School of Law in 2009. An avid baseball fan, she interned for the Dodgers while attending law school. During her tenure with the Dodgers, one of her favorite activities was to visit local hospitals, visit with the children, and see their faces light up when she'd give them tickets to a game.

Kelly joined Thompson & Colgate LLP in 2009 and sought to get involved in her community once again. In addition to serving on the U.C. Riverside Highlander Athletic Association Marketing Committee, V.I.P. Mentors Program, and the Riverside County Bar Association, where she served as President of the Barristers Association from 2013-2014, Kelly joined the Make-A-Wish organization and found it was a perfect fit.

In addition to serving on the Make-A-Wish Young Professionals Board, which plans events benefiting Make-A-Wish, Kelly serves as a Wish Granter, making the dreams of local children struggling with illness come true. Kelly will meet with the child and his or her family, and help make the child's wish a reality, whether they want to do something, go somewhere, meet someone, or become something.

Kelly has taken a three year old on a shopping spree, given a high school senior battling cancer a total make-over, fly a child to Peru, and helped a little boy become a merman. Kelly loves the story of Merman Marcus because it was so rewarding to see the community come together to make his wish come true. Marcus needed



Kelly and local attorney, Rachel Dyer, celebrating with Wish Kid, Lily, before she left to meet One Direction

a bone marrow transplant for leukemia and wanted to become a merman. Kelly was able to bring together a real mermaid, have a tail custom made for Marcus, and have him spend the day at the Aquarium of the Pacific, all leading to an unforgettable day.

Kelly is not only a wonderful friend, but a great example of how we can all give back to our community and is a true local hero. If Make-A-Wish is something you'd like to get involved in as well, please visit ocie.wish.org for more information.

Amanda Daams is an associate attorney at Gresham Savage Nolan & Tilden, where she practices in the areas of land use and mining and natural resources.



THREE DEPUTY PUBLIC DEFENDER PERSPECTIVES ON REPRESENTING VETERANS

by Brian Cosgrove, Juanita E. Mantz and Monica Nguyen

Brian's Experience in Veteran's Treatment Court

In late 2011, I was asked by my supervisor at the Law Offices of the Public Defender to assist with the formation of a new Veteran's Treatment Court for Riverside County. As a veteran of the Marine Corps, the thought was that I could contribute some insight into the formation process. At the time, the initial plan was that the program would be modeled after similar courts in neighboring counties, including San Diego and Orange Counties. As part of the process, we travelled to the Orange County court to view the "Combat" Veteran's Court and later struggled in planning meetings over the issue of the entry qualifications for potential Riverside clients.

Ultimately, the decision was made that any individual who had served in the Armed Forces of the United States, and had suffered a service connected disability, and subsequently committed a crime that was deemed connected to that disability, would qualify for the program upon approval from the Veteran's Court committee. Combat service was not a deciding factor. Participation in the current conflicts in Iraq and Afghanistan was also not a prerequisite. Even those who exited the service with other than honorable characterization of service would be assisted in obtaining discharge upgrades to fully qualify for all treatment options.

These decisions paid immediate results with the range of clients and the benefits we could offer both the veterans and the community. The first class that applied for and was accepted into the 18-month long program included a combat veteran from the Marine Corps who participated in the initial collapse of Baghdad in 2003. That veteran was headed to state prison on a drug related charge after having previously been convicted of a residential burglary. The class also included a veteran who had received an unfavorable administrative discharge from the military for misconduct, but who also had served in combat and was currently facing multiple misdemeanor charges of domestic violence. The participants included young and old, from all ranks and services, those who served in combat and those who never left the United States. However, all were accepted into the program, removed from custo-

dy, and entered into an intense treatment and counseling schedule with the goal of true rehabilitation.

I was not able to complete the first full class due to other work commitments. However, at the end of the 18-month program, I attended the first graduation ceremony and was pleased to see that the first group, including the two described above, had transformed themselves. As an attorney for now 21 years, I rarely see a complete transformation of character and purpose. Veteran's Court, with a combination of collaborative effort, a variety of available treatment options, and the time to follow through on the ultimate goal of rehabilitation, offers participants an unmatched opportunity to change their lives.

The time spent with those veterans has easily been the most rewarding time I have spent with the Public Defender's Office. The dedication of the volunteers and paid counselors, as well as the cooperation of the entire court staff, makes the program a success.

Brian Cosgrove has been an attorney for 21 years and with the Public Defender's Office since 2002. He is currently assigned to the Complex Litigation Unit and is also a Lieutenant Colonel in the Marine Corps Reserves assigned as the reserve Staff Judge Advocate for 1st Marine Logistics Group, Camp Pendleton.

Juanita's Experience in Veteran's Treatment Court

My experience in Veteran's Treatment Court helping our struggling veterans to get back on their feet is an experience I will never forget. My assignment in the unit was brief, but in my time with the program I was honored to represent veterans in an attempt to gain them entry into the Veteran's Court Treatment Program.

Veterans are a unique population with a host of special needs. Many of these veterans, a number of whom had earned medals for their actions in the military, returned from service to find a lack of support for their mental health and substance abuse needs, a fact that resulted in them becoming involved in the criminal justice system. I was shocked at the lack of support many of these veterans faced upon returning home and made it my own personal goal to help as many veterans as I could. The most fulfilling part of representing veterans was interacting with the veteran clients and their families. My favorite part of my interaction was always thanking them for their service.

The veterans were overwhelmingly polite and always very grateful for the assistance. I remember one female client, a veteran who I will call J. She would hug me every time after court. She was so happy to be seen not just as a defendant, but as an individual who had fought for our country. I personally saw J. as a courageous woman and mother who definitely deserved a chance at redemption. I will never forget J.'s positive spirit, her openness, and her resolve to fight for that redemption. She inspired me to try and be a better person.

In the end, I have to say that I am positive that I gained more from helping the veterans than they did from my assistance. I am grateful for these men and women who fought for our country and sacrificed themselves at great cost to their own well-being. And ultimately, it was my honor to give just a little back by being their attorney.

Juanita E. Mantz has been with the Public Defender's Office since 2009 and is currently assigned to Department 63 in Riverside defending felonies.

Monica's Experience in Veteran's Treatment Court

My role as the defense attorney in Veteran's Treatment Court (VTC) is essentially a hybrid between the practice of law and social work. I am not only my clients' attorney, but I also walk by their sides through the often arduous journey of recovery.

The social work begins the very first time that I meet the veteran, and he tells me about his military experience. This is when he might share with me some of the difficulties that he has experienced, and I have my first chance to offer him a bit of hope that things can get better for him through the rigors of the VTC program.

If the veteran chooses to enter the program, he begins an intense 18-month program that will likely get him sober. For some veterans, sobriety was bound to be the next phase of their life, and the program simply gives them the tools and structure that they need to move forward. For those veterans, their path is a straight trajectory toward lasting sobriety. For others, the VTC

program is a long and winding journey of self-discovery and recovery. These veterans often trip and fall and it is my job to help pick them up. For these veterans, the first goal is to keep them sober long enough for the fog of addiction to lift, and reveal the reality that life without drugs and alcohol is manageable.

This is much harder than you would think. In my experience, a typical veteran new to sobriety will relapse at least once within the first year of sobriety. This is true even when the veteran is working hard to stay sober. A relapse doesn't necessarily signal a failure of the program, or the veteran. Often, a relapse helps the veteran to understand his addiction better, which helps him with long-term sobriety.

In my time working in the VTC program, I have spent many hours talking to veterans suffering from a relapse. Our discussions always begin with the veterans expressing immense remorse, shame, and guilt over relapsing. For these veterans, the sanctions that the court imposes for the relapse are not nearly as punitive as their own negative self-talk. I help these veterans see how much progress they have made while in the program. I also explain that the process of sobriety is about progress, not perfection.

As an example, one of the veterans in the program recently wrote an essay to the court as a sanction for a relapse. In reading his essay, he stated, "I am greatly thankful for this program. If I hadn't had this opportunity, I'm pretty sure I would no longer be alive. My addiction was killing me fast."

Many of our other participants have also remarked that this court saved their lives. Watching veterans move from the lowest point of their lives to a place of clarity and contentment is the reason that I do this work. I never give up on a veteran who is trying to get sober. I see my job as more than the practice of law. It is also my responsibility to help veterans change their lives for the better.

Monica Nguyen has been with the Public Defender's Office since 2007 and is the Deputy Public Defender representing Veterans in Veteran's Treatment Court.



RALPH K. HEKMAN HONORED WITH THE SAINT THOMAS MORE AWARD AT THE 24TH ANNUAL RED MASS

by Jacqueline Carey-Wilson

More than 100 members of the Inland Empire legal community and their families gathered at the 24th Annual Red Mass, which was held at Saint Francis del Sales Catholic Church in Riverside on October 7, 2014. The Red Mass is celebrated to invoke God's blessing and guidance in the administration of justice.

In the opening procession, Michelle Lauron carried a banner depicting the Holy Spirit, the Scales of Justice, and the Ten Commandments, symbolizing the impartiality of justice and how all must work toward the fair and equal administration of the law, without corruption, avarice, prejudice, or favor. Jacqueline Carey-Wilson proceeded into the church with a vase of 18 red roses, in memory of the individuals in the legal community who passed away in the last year, and three additional red roses for Linda Maynes, Helen Rodriguez, and Louise Biddle, members of the Red Mass Steering Committee who passed away in previous years.

The chief celebrant and homilist was Most Reverend Rutilio del Riego, the Auxiliary Bishop of the Diocese of San Bernardino. Mitchell Norton read a passage from Deuteronomy (16:18-22); Reverend Erin Thomas, Associate Pastor for Youth and Mission at Calvary Presbyterian Church, read a passage from I Corinthians (12:3b-7, 12-12); and Deacon Michael Jelley read a passage from the



Rev. Erin Thomas and Ralph Hekman

Gospel of Matthew (5:1-12a). Mark Strain and Jacqueline Carey-Wilson offered the Prayer of the Faithful, which included remembering the individuals who passed away. At the end of the Mass, Bishop Barnes and Reverend Thomas gave a blessing to those in attendance.

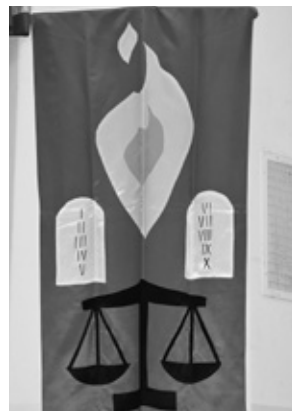
At the reception immediately following the Mass, Judge Virginia Phillips presented Ralph K. Hekman with the Saint Thomas More Award. The Saint Thomas More Award is given to an attorney

or a judge whose conduct in his or her profession is an extension of his or her faith, who has filled the lives of the faithful with hope by being a legal advocate for those in need, who has shown kindness and generosity of spirit, and who is overall an exemplary human being. When speaking about Saint Thomas More, Pope John Paul II stated that "this English statesman placed his own public activity at the service of the person, especially if that person was weak or poor; he dealt with social controversies with a superb sense of fairness; he was vigorously committed to favoring and defending the family..." Mr. Hekman humbly followed the example set by Saint Thomas More.

Ralph K. Hekman was born in September 1932, the eldest son of Peter M. Hekman and Anne (Van Dyken) Hekman. Mr. Hekman grew up in Ripon, California. Ripon is a small community between Modesto and Stockton in San Joaquin County. Mr. Hekman is from a family of eight



Ralph Hekman and family with Bishop Rutilio del Riego



Red Mass Banner



Judge Virginia Phillips presenting the Saint Thomas More Award



Bishop Rutilio del Riego and Rev. Erin Thomas



Eighteen red roses were presented in honor of those in the legal community who have passed away.



Judge Virginia Phillips and Ralph Hekman

children and has six brothers and one sister. Peter Hekman was a Public Accountant and passed away at 59 years of age. Anne Hekman was a registered nurse and passed away at age 95. Both were compassionate to others and took care of anyone in need. Mr. Hekman sent flowers to his mother every week in the last ten years of her life.

Mr. Hekman first attended Modesto Junior College and transferred to California State University, San Jose, where he graduated in 1954 with a major in Economics and a minor in American Literature. He enlisted in the United States Marine Corps in January 1955; and served on active duty until August 1958, and was then in the reserves until 1964. Mr. Hekman attended law school at U.C. Berkeley's Boalt Hall where he graduated in 1961. Mr. Hekman married Betty Law in 1961 and settled in Riverside where they raised their three children, Stephen, Kimberly, and Philip and he put out a shingle to practice law. For over fifty years, Mr. Hekman has made significant contributions to the Riverside community through his church, Calvary Presbyterian, and through the Public Service Law Corporation (PSLC), the pro bono program of the Riverside County Bar Association.

Mr. Hekman is an active member of Calvary Presbyterian Church. He is an Ordained Deacon and Elder of the church. As a Deacon, he serves as the caring arm of the church where he ministers to persons who are sick and those confined to their home because of illness or incapacity. As an Elder, he has chaired the Stewardship Committee and a number of other working groups of the church. For many years, Mr. Hekman served at the hot meals program on Sunday evenings to the 150 to 200 homeless who come to the church. He also regularly donates razor, shoes, and socks to the many needy that pass through their doors. Since 1969, Mr. Hekman has sung 2nd bass on Sundays in the Calvary Chancel Choir.

Mr. Hekman was a board member with Inland Counties Legal Services in the 1960s. He was a founding board member of PSLC and has served on its board since 1982.

Mr. Hekman has also volunteered thousands of hours at the legal aid clinic operated by PSLC. He often spent two to three hours a week helping several clients at each session. There were many times when Mr. Hekman interviewed clients in the clinic and after learning they had no money for food or bus fare to get home, gave these clients money from his own pocket. He often took casework back to his office and completed it outside of the clinic time. Mr. Hekman continues to directly represent the elderly, poor, disadvantaged, and underprivileged in probate, guardianship, real property, and other general civil matters in his private practice. In 1999, Mr. Hekman received the California State Bar President's Pro Bono Service Award.

"Ralph Hekman is a quiet and humble man who has benefitted and encouraged countless people by his knowledge, his talents, and his unwavering dedication. He is the true good Samaritan, in life and in the law," stated James Otto Heiting, past State Bar President and past president of the Riverside County Bar Association.

Mr. Hekman exemplifies the highest ideals of the legal profession and serves as an inspiration to those around him. Accordingly, the Red Mass Steering Committee is honored to present Ralph K. Hekman with the 2014 Saint Thomas More Award for his extraordinary service and devotion to church, community, and justice.

The Red Mass Committee is accepting nominations for the 2015 Saint Thomas More Award. The award will be given at the reception following next year's Red Mass, which will be held in October 2015. If you have any questions or would like to be involved in the planning of next year's Red Mass, please call Jacqueline Carey-Wilson at (909) 387-4334 or Mitchell Norton at (909) 387-5444.

Jacqueline Carey-Wilson is Deputy County Counsel for the County of San Bernardino, immediate past president of the Riverside County Bar Association, and co-chair of the Red Mass Steering Committee.

Photos courtesy of Jacqueline Carey-Wilson



JAMES O. HEITING TURNS ADVERSITY INTO SERVICE

by J'Amy Pacheco

In July 1986, attorney James Heiting was at a crossroads. His actions had landed him in a legal and moral quagmire from which his career and personal life might never recover. He made a choice that changed not only his own life, but the lives of countless others, for the better.

Heiting was honored for his life-changing efforts October 23, 2014, by the San Bernardino County Bar Association (SBCBA), which presented him with its periodic Florentino Garza Fortitude Award. Named for the renowned local trial attorney, the award recognizes attorneys who, like Garza, exhibit fortitude in confronting or bearing up against suffering and adversity in the process of becoming a lawyer or in practicing law.

"I know what Jim has had to overcome," said Presiding Justice Manuel Ramirez of the Fourth District Court of Appeal, Div. Two. ". . . His achievements were remarkable in terms of what he had to overcome and what he accomplished. . . . In the sense of being Florentino Garza-like, he seems to me to come very close to that mold."

Announcing the award in 2002, SBCBA's then-President Robert Cannon said recipients would be recognized for overcoming obstacles involving, "poverty, race, gender, religion, physical or mental handicaps, illness, substance addictions;" for championing "unpopular causes or clients," or continuing representation "despite severe public or institutional or financial pressure to do otherwise."

Cannon recently said Heiting seems to be a very worthy recipient of the award he helped create "The purpose of the award is to honor people who have had to overcome large obstacles, and clearly what Jim went through was a pretty dramatic, traumatic thing -- both legally and personally," he said. "The fact that he has been able to overcome it; that he has been willing to step out, talk about it, share his experience, and learn from that, hopefully to help others not make the same mistakes -- I found his story inspirational. I have a great deal of admiration for what he's been able to overcome, and accomplish."

"There couldn't be a better guy to give this award to," said attorney Steve Harmon. "He's a very fine lawyer; a very fine man, and the award couldn't go to a better person."



James O. Heiting

Harmon recalled the events of nearly 30 years ago that changed Heiting's life, and so many others. He was arrested for drunk driving after causing an accident that injured a young woman.

"That was a horrible moment in the life of the young woman who was injured," he recalled. "It was a horrible moment for her and her family, and for Jim and his family. I've seen many people in that situation who never recovered, even people who would hide behind that as an excuse for why they couldn't keep a job or succeed, or keep the family together. Jim changed his life at that moment."

Heiting was incarcerated and suspended from the practice of law. Harmon, who represented Heiting, said he was with the lawyer when he made the decision to call the Betty Ford Center for treatment.

"He embraced that," Harmon reflected. "He gave himself over to the philosophy of the place. He's been on a quest the rest of his life and career to make amends for what he did. He's been a dramatic source of strength; a help to many, many people -- all because he changed his life. Many people benefitted."

"I think the world of him, and admire him greatly," he added. "The benefit is that he has reached out to many lawyers and non-lawyers struggling with issues of addiction. He's been there; he's guided them to programs, pushed and prodded them when needed. He's left his family and practice to spend time with people who are struggling. Many lives and families have been restored because of Jim's work."

Heiting eventually was reinstated, and he built a successful law practice in Riverside where he primarily handles plaintiff's personal injury and medical malpractice. He became president of the Riverside County Bar Association, and was subsequently elected to what was then the State Bar Board of Governors, representing five counties. Ultimately, he became the first -- and so far, only -- Inland Empire lawyer to be elected president of the State Bar of California. But while putting his own life back together, he also turned his attention toward trying to help other legal professionals suffering from addiction.

Attorney William Sickinger recalled that in May 2001, Heiting took him to the Betty Ford Center. "I was about ready to crash," Sickinger recalled. "It was pretty apparent

I needed care. . . Jim probably saved my life.” The 28-day treatment program wasn’t enough, though, and Sickinger relapsed. He entered a secondary treatment program, and after almost two years absent from the legal field, he attended a gathering honoring a Riverside jurist.

“I felt like a fish out of water being out of touch for almost two years,” he reflected. “Jim went out of his way to spend time with me; to talk to me. Judge Victor Miceli, too. People always wanted to talk to them, and they were spending time with me. I’ve never forgotten that. He’s a great guy,” Sickinger added. “He’s the most sincere and generous human being who has ever been created. He’s an awesome person.”

Attorney David Moore pointed out that at the time of Heiting’s accident, the use of alcohol was “endemic to our profession.” “Trial attorneys would sit down in a bar most of the time,” he recalled. He lauded Heiting for not only overcoming his addiction and helping to establish a local branch of The Other Bar, but for being active and engaged in bettering the legal profession.

“As president, he was not just a titular head of an organization, going to rubber chicken dinners,” he stated. “He was engaged in bar programs. He was one of our best presidents. And at the State Bar, he was a voice for this community -- which is pretty much ignored by the State Bar.

“He stepped up to the line, admitted his problem, and took care of it,” Moore said. “He’s done some good for some lawyers I know who have had problems. He’s undertaken representing them in front of the State Bar, and done a good job. He has really given back to the community.”

Harmon described Heiting as, “a terrific lawyer; a terrific man,” and “very giving in spirit to other people.” “He’s a strong, resilient man,” he added. He has served on committees and in bar associations for many years. He’s sort of seen and done it all.”

James Hackleman, who received the first Garza Award in 2003, said he was pleased to hear of Heiting’s selection. “His is perhaps a different brand of ‘fortitude’ than that of the other recipients of the award,” Hackleman said. “I think of it as courage. Most who face such a tragedy that he encountered on the path of life would have found a quiet corner to live in and avoided any real participation in the community, thereby compounding the tragedy.

“Jim chose a different path by engaging life fully, becoming a leader in bar activities to make our profession better, both at the local and state levels, and devoted himself to a life of outstanding service to the law and to his community,” he elaborated. “I think that Tino Garza will be proud to have Jim associated with the award that carries his name, as I continue to have pride in having my name on that list.”

Kevin Bevins, immediate past president of the SBCBA, applauded Heiting’s handling of his past. “He’s been upfront with his alcohol issues; he’s dealt with it, he’s maintained high standards for himself and his clients,” he stated. “He’s been able to maintain a solid practice, and he’s made solid contributions for the bar locally, and statewide. Jim is an excellent attorney. He’s a good person, too. He treats other people with respect. And for a bar leader, he’s not cocky or arrogant, or aloof. I admire Jim very much.”

Attorney Jacqueline Carey-Wilson described Heiting as “a true hero in our legal community.” “I was so excited to learn that Jim Heiting was the recipient of the 2014 Florentino Garza Fortitude Award,” she said. “Jim overcame a great deal to practice law. Jim’s story is inspiring and has touched many.”

San Bernardino Judge John Pacheco said Heiting has impressed him “with his strong will and courage during difficult times.” “Jim has done so much for this community, both as a leader and a giver,” he said. “His quest for justice for all; his humility, and his unassuming personality are some of his many attributes that come to mind when I think of Jim.”

Richard Irwin said he believes his longtime partner isn’t “trying to balance the tables” by speaking out about his experience and “baring his soul.” “As much as he’s a fierce competitor, he’s a compassionate person,” he observed. “It’s not like he’s atoning for his past sins; he recognizes there are people out there who need help, and that he has the ability to help them turn things around.”

Attorney Richard Lister said it is difficult to imagine how anyone could do better having endured what Heiting endured. “The way he emerged after he had those problems is really remarkable,” he opined. “I don’t know anybody who could have achieved what he achieved after what he went through. He’s a very worthy recipient.” “I don’t think you choose alcoholism,” he added. “It takes incredible courage to overcome that. What he’s done with The Other Bar, with outreach, is heartwarming. I know people he has counseled and helped. This award is grounded in courage. The way he emerged the way he did is incredibly courageous.” “And through it all, he didn’t lose sight of the woman he had the accident with,” he added. “Getting around that bend is remarkable.”

Richard Carlton, acting director for the Lawyer Assistance Program for the State Bar, said he admires Heiting’s “compassion and commitment to ‘giving it back’ and helping other attorneys, no matter how busy his life becomes.” “Even when he was president of the State Bar, he remained very willing to speak out about the sorts of challenges that attorneys who participate in my program face,” he explained. “It is not only the hardships he over-

came to get to his position in the profession today, but the fact that he never for a moment forgets the struggle, those who are still struggling, and the need for programs like this one.”

Attorney Geoffrey Hopper described Heiting as demonstrating that “you can change your life and turn things around.” “I think the world of Jim,” he said. “He went from a terrible, terrible situation; he picked himself up, became president of the RCBA, and went on to become president of the State Bar. He has a very successful law practice. He is thought of highly, and esteemed by his colleagues. He’s the epitome of what a lawyer should be.”

Attorney Christopher Jensen said he’s known Heiting for 25 years, and has spent a great deal of time with him on a dispute resolution panel. “I don’t think anybody deserves this more,” he said. “He’s one of those people who constantly gives back. We can all aspire to do as well as Jim. The reputation of Mr. Garza puts those receiving this award in a lofty position, and I have no doubt in my mind that Jim deserves to be right there.” “I grew up as a young lawyer knowing Florentino Garza,” he added. “He’s one of the ones we all want to be. We don’t have a lot of them, but we have a few. Jim Heiting is one of them.”

Attorney William Shapiro pointed out that Heiting faced criticism in overcoming the “challenge of a lifetime,” but committed himself to helping lawyers and others overcome addiction, and protecting others from becoming victims. “In the face of cruelty, he appeared publicly, gave speeches, lectured and put his face in the public eye in a 150% effort to help those whose bodies were addicted to alcohol or other substances, and even more telling, to help their families,” he said. “Now entering his fourth decade as a crusader to help others, Jim has been there for so many. His number is in the wallets and phones of so many. He is always just a phone call away.” “I tell my sons, ‘There is always something good that comes from bad things; you just have to find it.’ Jim not only found it, he seized it and changed the lives of many.”

Heiting said he was “very humbled” when told he had been selected to receive the award. “I was deeply honored and humbled by the idea that people would think highly enough of what I’ve done to do this – to put an arm around me one more time. It’s wonderful stuff.”

Harmon described the legal profession as a “tough business.” “There are tough people in it, and there are tough problems to be solved. It’s not a profession you can take lightly; it’s a profession that creates a tremendous amount of stress. . . . The business of law is like a heat-seeking missile; it hones in and finds our weakest moments.”

Heiting, he said, deserves to be recognized for not only his legal contributions, but also his humanitarian efforts in helping others overcome addiction. Asked what motivates him to continue to help others suffering from addiction after nearly three decades, Heiting responded simply: “Because people need it. Because what people in my position have is an insight into the hearts and minds and feelings of those who are suffering the ravages of alcoholism, or addiction. It’s a very dark place they’re in,” he elaborated. “It’s an isolation, and there’s an inability to climb out of that hole. . . . In helping other people, I’m always helping myself.”

J’Amy Pacheco is a free-lance journalist and the former editor of the San Bernardino Bulletin, published by Metropolitan News Company.

This article is printed courtesy of the San Bernardino County Bar Association



RIVERSIDE COUNTY LAW LIBRARY INVITES YOU TO ATTEND ITS FINAL FREE FALL 2014 MCLE EVENT

Riverside County Law Library invites all California State Bar Members to attend its program *Substance Abuse and the Legal Profession*, to be held on Wednesday, November 12, 2014, from noon until 1:30 p.m. at the Victor Miceli Law Library. This is the last program in the series of free MCLE classes being offered at the Victor Miceli Law Library for 2014.

This is a presentation by lawyers to educate and inform other lawyers about the epidemic of substance abuse, alcoholism, and depression in the legal profession. Panelists Jim Heiting, past president of California State Bar, Greg Dorst, CEO of Cedarhouse Life Change Center and solo practitioner Michael Razo will help define what the problem is, how to recognize it in yourself or a family member, and how to get help in dealing with an issue that can have serious implications for your law practice and the State Bar. This discussion will offer information and solutions for confronting and overcoming this problem.

RCLL is a certified State Bar Approved MCLE Provider. This program is certified for 1 participatory hour of substance abuse credit. Lunch will be served. Please call 951-368-0368 to RSVP.

MY HERO: CLOAKED IN KINDNESS

by Christopher Marin

When the publication committee decided that this year's "Giving Back" issue would have a superhero theme, I immediately jumped on the opportunity to write about the superhero in my life who taught me the joy of service to the community: my grandmother. More specifically, my maternal grandmother, Adele "Mimi" Jordan.

In 1978 Norman — my grandfather — and Mimi moved out to California to be near my parents who, by that point, were raising seven children (I was number eight, followed by my baby brother). Not content to sit idly by, she joined a gym and started taking aerobics classes. She was also active in our church, San Antonio, and still managed to fit in the occasional bridge game with my parents and their friends.

My first memories of my grandmother showed a particular devotion to my younger brother and me, as my mother entered the workforce shortly after my brother was born. She home-schooled me for kindergarten since it was not offered at the Catholic school my siblings attended. Through these lessons, she passed on to me a love of learning and a fascination with the world that I carry with me to this day.

Norman passed away in 1989, but Mimi carried on. By that point, she was a great-grandmother, but her primary role at that time was assisting my parents with their younger children: my older brother, sister, myself, and my baby brother. We had switched from the Catholic school to public school by that point, so my parents enrolled us in after-school Religious Education at our church.

It was here at Religious Education where I saw my grandmother's service in action. She taught my younger brother's class (I think, in part, to keep him in check). She also worked with the director of Religious Education to review teaching materials and develop programs to bring the children of our church closer to God. She was the first director when the elementary classes put on the "Living Stations of the Cross," and she wrote several of the other holiday programs and plays that the children in all grade levels would perform in.

Mimi got so much joy and fulfillment from this work that I of course had to join her. Even when I experienced



Mimi (center) with the San Antonio Religious Education office staff

a crisis of faith in my adolescence I would still come to Religious Education and help out with small tasks in the front office. I enjoyed working with the staff there, and I picked up valuable office skills. Later, I even assisted in teaching a kindergarten class. Our family was recognized by our church that year for three generations in service to the Religious Education department: me (kindergarten), Mimi (3rd

and 4th grades), and my mother (7th grade).

Mimi carried on her lifestyle of volunteering, entertaining, grand-parenting, and traveling for many years. Though on her 94th birthday the family helped her realize that she could no longer safely operate a motor vehicle and she reluctantly gave up her driver's license. Fortunately, she had a network of friends and family, and therefore was still able to do the activities she still enjoyed. I drove her to the gym many times, but unfortunately I did not inherit her love of exercise.

All of her activity came to an end when she suffered a major stroke in July 2005. She was in the hospital for a few weeks, and was visited often by the friends and family whose life she had touched so deeply. Mimi passed into her final rest in August 2005; just two months shy of her 95th birthday. She was survived by her two daughters, 12 grandchildren, 11 great-grandchildren, and one niece.

My inheritance from Mimi included some money (I was able to start law school debt-free), two sets of Kentucky Derby commemorative tumblers and other dishes for my law school digs, and an angel figurine from a collection she kept (I chose the education-themed one). I also inherited her many loves: for learning, for family, for children, for volunteering, for bridge, and for the occasional cocktail. It was her role-modeling that made me into the man I am today, and I am grateful that I am able to carry on her legacy in a community as wonderful as Riverside.

Christopher Marin, a member of the bar publications committee, is a sole practitioner based in Riverside with a focus on family law. He is also Secretary for the RCBA Barristers 2014-2015 Board of Directors. He can be reached at christopher@riversidefamilylaw.com



MARION DONOVAN-KALOUST: AN ADVOCATE FOR CHILDREN

by Dorothy McLaughlin

Over the past few months, news outlets have featured stories on “the new crisis at the border”—namely, undocumented and unaccompanied minors. According to the Los Angeles Times, over 47,000 unaccompanied children were detained while crossing the U.S. border between October 2013 and July 2014. The AP recently reported that in the past fiscal year the number of unaccompanied undocumented immigrant children has more than doubled. Although the rising numbers of unaccompanied children and the attendant news coverage have created a broader awareness of the issue, it is a problem that newly-minted Riverside lawyer and Skadden Fellowship recipient Marion Donovan-Kaloust has been thinking about for a long time.

After college, Donovan-Kaloust worked for Teach for America at the Environmental Charter High School in Lawndale, California. As a teacher, she observed a number of her students getting ready to go to college and facing significant obstacles, because either the student was undocumented or the parents were undocumented and working sub-minimum wage jobs, leaving them unable to pay for college. She realized that there were many barriers to her students’ success that had legal solutions or legal aspects to their solutions. “I felt that I could be useful to my students as a lawyer, so I went to law school.”

Donovan-Kaloust attended UCLA law school, which she chose in part because of its Public Interest Law and Policy (PILP) program. One of several special curricular aspects of PILP is that the students take a semester long research and advocacy course where they define an issue in public interest law and write a substantial paper. For many, including Donovan-Kaloust, the experience of the course and the resulting paper form the basis of fellowship applications for work after law school. The issue that Donovan-Kaloust focused on was helping undocumented children; specifically, those who lack access to a form of temporary immigration relief called Special Immigrant Juvenile Status (SIJS).

SIJS, established by the Immigration Reform Act of 1990, is a form of temporary immigration relief for certain undocumented children who are abused, neglected, and/



Marion Donovan-Kaloust

or abandoned by one or both parents, who cannot be reunited with a parent, and in whose best interest it is to stay in the United States. Once a child has SIJS status, he or she may apply for lawful permanent residency. SIJS is a unique form of immigration relief because it requires a state juvenile or family court judge to make factual findings about the child’s familial situation and best interests. A family court or juvenile court judge may make these findings in various proceedings including: adoption, child welfare, custody, delinquency, and guardianship. Federal immigration officials consider those findings, as well any grounds of inadmissibility, such as the commission of certain crimes, to determine whether the child qualifies to remain in the country legally.

In studying this issue and working with nonprofits in Los Angeles that assist juvenile immigrants—specifically, Kids in Need of Defense and Esperanza Immigrant Rights Project—Donovan-Kaloust found that obtaining SIJS status can be challenging for kids who live outside of large metropolitan areas. Donovan-Kaloust discovered that finding referrals for the kids in immigration proceedings who were in the Inland Empire was challenging.

To enhance access to SIJS for kids in the Inland Empire, Donovan-Kaloust put together a Skadden Foundation Fellowship proposal to partner with the juvenile division of the Riverside County Public Defender’s Office and Esperanza. The Skadden Fellowship program has been referred to as “a legal Peace Corps” and provides two-year fellowships for graduating law students who create their own projects at public interest organizations. Donovan-Kaloust’s project focuses on training juvenile public defenders about SIJS, as well as providing direct representation for kids.

According to Maura Rogers, Supervising Deputy Public Defender for Juvenile Court, Riverside County, eight deputy public defenders currently work countywide on delinquency cases and cases involving “dual status” children who have a pending or open dependency case and a delinquency case. Rogers noted that the need to identify children in the juvenile court system who may be eligible for SIJS status is great. Because immigration comprises

such a vast and ever-changing body of law, Rogers and her attorneys eagerly anticipate the training and resources that Donovan-Kaloust will bring to their office.

Both Rogers and Donovan-Kaloust hope that by the end the two year fellowship, the juvenile court public defenders will have the information, resources, and internal processes in place to continue to help children eligible for SIJS apply and obtain that status. During the fellowship, Donovan-Kaloust will represent children in both the state court and the second phase of the relief process that occurs before federal immigration authorities. And she will travel through the county, providing support to the Riverside, Temecula/Murrieta, and Indio offices.

Susan Butler Plum, founder and executive director of the Skadden Fellowship Foundation noted that in 26 year history of the Skadden Fellowship, Donovan-Kaloust is the first fellow based in the Inland Empire and the only one whose fellowship project focuses exclusively on this area. Butler Plum emphasized the highly competitive nature of the fellowship application process; from hundreds of applications, only 25 to 27 are funded each year. Butler Plum shared that what she is most proud of regarding the Skadden Fellowship program is that 90 percent of the fellows stay in the public interest and close to 100 percent stay on the same issue that their project focused on. The Skadden Fellowship is “funding their passion right out of law school” and the momentum carries through for many fellows for the rest of their careers.

When asked to describe what struck her about Donovan-Kaloust, Butler Plum replied: “She was so passionate and so aware of how huge this issue [of unaccompanied minors] was going to be. She was ahead of the curve.” In her interview for the fellowship, “she just radiated intelligence, commitment, and compassion.”

Dorothy McLaughlin is a lawyer in Riverside and a member of the Bar Publications Committee.



SUITS FOR A CAUSE

by Amy Leinen Guldner

“Suits for a Cause” is an annual clothing drive sponsored by the Southern California legal and financial communities to support the clients of Women Helping Women (WHW). WHW was started by two legal professionals who were survivors of domestic abuse, who faced the daunting task of rebuilding their professional wardrobes to return to the workforce. Today, WHW continues to assist disadvantaged men and women in building or rebuilding their professional wardrobes to enter the workforce and in providing comprehensive support, education and employment assistance to these individuals in making their way towards economic self-sufficiency through employment success.

Throughout the past two decades, many professions have gotten less formal and have given up the practice of requiring employees to wear suits. Not lawyers and financial experts! Law and Finance are two of the last professions that still require a closet full of suits. For this reason, WHW relies heavily on these communities for their business attire donations.

Suits for a Cause, which is held every year in June, engages the entire legal and financial community to help WHW fulfill its vision of helping disadvantaged job seekers achieve long term economic self-sufficiency through employment success. Suits for a Cause was the brainchild of WHW Board Member, Laurie Rowen, co-owner and founder of Montage Legal Group, who along with Hewitt Wolensky, Albrecht & Barney and Snell & Wilmer sponsored and gathered over 25 law firms in 2011 to directly support the clients of WHW by collecting men’s and women’s business and non-business attire and accessories.

In 2014, over 50 firms, groups and companies in Southern California participated in Suits for a Cause, including the Riverside County Bar Association. Attorneys in the RCBA donated a trunk full of suits, shirts, shoes and accessories. Your generosity to this worthwhile cause was greatly appreciated. When spring cleaning your closets next year, please keep this organization in mind. They accept donations year-round!

Amy Leinen Guldner is a civil litigation attorney with Montage Legal Group, a network of experienced freelance attorneys. She is also a member of the Bar Publications Committee.



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JAMES H. KRIEGER: THOUGHTS ABOUT AN RCBA HERO

by Terry Bridges

Each year, the Riverside County Bar Association accepts nominations for the James H. Krieger Meritorious Service Award. Established in 1975, this prestigious honor acknowledges significant community service and civic achievement during the lifetime of a member of our Association. Its purpose is to recognize only outstanding achievements by a particularly meritorious individual.

For many of us, this is considered to be the singularly highest recognition our Association can bestow.

I had the honor of being an associate and later a partner at Best, Best & Krieger with Jim from 1965 until his tragic and untimely death in 1975 in a midair commuter airplane accident. He was travelling to meet with the Governor of Wyoming to continue discussion on multi-state natural resource project. He was 62.

Jim was and remains a hero to me.

For those of you who did not have the honor of experiencing Jim personally or knowing him by reputation, I would like to share with you a few of his many extraordinary qualities.

As a specialist in the field of water law, Jim had a lightning fast and creative intellect which earned him national respect and a pre-eminent reputation in his specialty. He was a person of big ideas who elevated the level of discussion in every meeting or conversation in which he was involved.

Jim had the most commanding presence I have ever encountered. Whenever he was "in the house" everyone perked up. His brisk and assertive walk, complimented by his resonant voice, authoritative tone, and laughter infused the entire office.

You simply did not work with Jim, you were inspired by him. He had the rare talent of respectfully, yet forcefully, challenging young lawyers to go beyond their perceived limits.

Jim had what young BBK associates called being "Kriegerized." I will never forget one of a number of such experiences. It



James H. Krieger

occurred in my first year of practice. Jim and I were present at a highly energized and contentious public hearing in a Desert community. Jim was chairing the meeting. The room was hot and the crowd uneasy. Tempers were starting to flare. Many of the participants were obviously playing to the T.V. cameras. Counsel for one of the opponents to our client's proposal approached the microphone and asked an extremely long, argumentative and complex question about specified provisions of the recently enacted California Environmental Quality

Act. Without hesitation and with a big smile, Jim graciously thanked the questioner and replied "I don't know the answer to that question, but my associate, Terry Bridges, does. He will respond for me." Three hundred plus heads swiveled towards me in the back of the room as did two T.V. cameras and their laser hot klieg lights. Somehow I got through the moment aided later by six months of therapy for the resulting PKTSD (Post Kriegerized Traumatic Stress Disorder). That, and other not dissimilar experiences at the hands of Jim gave me the assurance that I could make it through any future challenge I might ever face in the courtroom.

Jim coached and complimented. No matter how difficult the issue or challenging the situation, when the assignment was completed, Jim took the time to come to your office and thank you for your efforts. He also often took the extraordinary step of thanking those who contributed to a project in front of the client.

Jim was kind to clerical and support staff. He had an ingrained sensitivity to everyone who worked for him or his firm. Often, I saw him



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engaged in conversation with employees about family issues. He would leave each person with a pat on the shoulder and a smile on their face.

Jim cared for and greatly enhanced the community. He was constantly heavily involved in civic issues. His imprimatur of excellence has been placed on many aspects of Riverside including his church, local hospitals, U.C.R., our political structure and governmental process. But perhaps most symbolic of his love for and betterment of our community was his founding leadership in what was then known as "The Monday Morning Group." Under Jim's leadership, respected and influential local leaders of our community met weekly to identify significant issues and implement action items designed to resolve them. Each year the group would prepare for and meet with elected representatives in both Sacramento and Washington to discuss current needs and suggest detailed solutions. Under Jim's leadership, the group would regularly follow up with each representative to provide further assistance or gentle, yet persuasive monitoring of agreed upon action items.

The Monday Morning Group has continued to effectively function under various titles and formats. Its many accomplishments are testimony to the creative and dedicated early leadership of Jim.

Jim was gracious and encouraging. It is easy to ask and easier still to forget the efforts of those with whom you are engaged in joint efforts. Not Jim. Typical of his kind personality, at the end of each year he sent personalized letters to members of the community to commend and encourage them in continuing to be actively engaged in the betterment of our community.

In an era of form, Jim was a person of enormous substance. As his daughter, Terra recently told me, "There was no one like him." I agree.

Terry Bridges is a past president of the RCBA, a past recipient of the James H. Krieger Meritorious Award and a current member of the RCBA James H. Krieger Meritorious Service Award Committee.



Riverside Legal Aid
(Public Service Law Corporation
of the Riverside County Bar Association)

SALUTES OUR HEROES

One of a lawyer's most important responsibilities is to help insure that the justice system works for all people, not just those who can afford lawyers' fees. The Public Service Law Corporation of the Riverside County Bar Association recognizes the valuable contributions of the following attorneys, paralegals, secretaries and students who volunteered their time and expertise to Riverside Legal Aid on behalf of low income clients in the past year. They are our heroes:

Attorneys

Rochelle A'Hearn	Elaine Guthormsen ¹	Keith Nguyen
Thomas Allert	Benjamin Heston	Shirley Ogata
Evan Beecher ^{1,3}	Edward Hu	Sandy Perez
K. Steven Blake ^{1,2}	Dwight Kealy	Athina Powers
Ryan Carrigan ¹	Peter Kong	Manfred Schroer ^{1,2}
David Bentley Clark ¹	Christopher Kung	Jeffrey Smith
William Diehl	Chris Langley	Warren Snider ^{1,2}
David Egli ¹	Jennie Spere	Linda Sung
Ruben Escalante ^{1,3}	Christopher Marin ¹	Scott Talkov
Jason Fair ^{1,3}	Donald McKay ^{1,2}	Eric Tweten
Abel Fernandez	Roxanne Mehrfar	Matt Waddell
Raul Gimenez	Chris Morosoff ^{1,2}	Fredrik Whitley
Katie Greene ¹	Forest Neiberg	Jamie Wrage
Michael Gouveia	Andy Nguyen	Hilda Zamora

Non-Attorney Volunteers in the Legal Community

Antonio Alcantar^{1,2}, Paralegal Intern, Pro Se Clinic
Christina Garcia, Interpreter

Students & Community Volunteers

Lyric Fearnley	Sebastian Kaye
Brentney Fisher	Andrew Welter

Board Members

Forest Wright, President	Hon. Virginia A. Phillips
Andrew J. Beechko, Vice-President	Colleen Cain
Larry Maloney, Treasurer	Jamie Robinson
Diana Renteria, Secretary	Jamie Wrage
Ralph Hekman	Ysolette Nicoson
Joseph Ortiz	Ruben Escalante

1 Recipient of State Bar's 2013-14 Wiley W. Manuel Certificate for Pro Bono Legal Services
2 More than 100 hours
3 More than 200 hours

RCBA ELVES PROGRAM – SEASON XIII

by Brian C. Percy

Since Christmas 2002, your RCBA Elves Program has been helping local families in need provide Christmas to their kids. This will be our 13th opportunity as local legal professionals to show that we care about and do give back to the community that supports us. Our goal this year is to help more than 50 families. As before, we have four Elf opportunities for you, your family, your staff, and colleagues to share your time, talents, and interests with these local families in need. Now the only question is which Elf category(ies) do you want to fill this season?

Shopping Elves: Tuesday, December 16, 2014 at 6 p.m. is our designated shopping day and time. All RCBA “Shopping Elves” will meet at the Big Kmart at 375 East Alessandro Blvd in Riverside’s Mission Grove Shopping Center. As a Shopping Elf, you will receive a Christmas “wish list” from your adopted families. Your job is simple—shop and fill your basket with as many gifts as possible within the dollar amount given to you at the start of the evening. This is a real opportunity to test or show off your “value” shopping skills. Many of our Shopping Elves have made this a family affair using its younger members to assist in selecting the “cool” gifts for the kids while learning about the value of charity and the joy of giving to the less fortunate. Some schools have recognized this event as a way for your student to earn public service credits. Whatever the motivation, please put on an Elf’s cap and come join us. A good time is had by all.

Wrapping Elves: After the Shopping Elves finish their job, Wrapping Elves swing into action. This year the Wrapping Elves have two opportunities (**December 17 & 18 starting at 4 p.m.**) to meet in the RCBA boardroom and wrap all the gifts purchased. Wrapping Elves must ensure that all the gifts are tagged and assembled by family for easy pick up and distribution by the Delivery Elves. Experience has shown that the holiday music, food and camaraderie of wrapping gifts together will help even the biggest Grinch shake off the “Bah Humbug” blues and get them into the holiday spirit. Excellent wrapping and organizational skills are welcomed, *but not required*.

Delivery Elves: If you need a way to kick-start the warm holiday glow inside and out or just want to feel like Santa on Christmas Eve, this is it! Depending on the total number of families adopted, teams of two to four Delivery Elves are needed to personally deliver the wrapped gifts to each of our families. The deliveries will be made between

the 19 and the 24 of December. We have designed this part of the program to accommodate your personal schedules.

Over the years, many members have expressed that delivering gifts to the families was by far one of the most heart warming Elf experiences. It is also a good opportunity to teach your young ones early the rewarding feeling of helping those less fortunate than themselves. When signing up, please inform us the type of vehicle you have, so we can match the number and size of gifts to the storage area available in your vehicle.

Money Elves: The Money Elves provide the means necessary for the other Elves to shop, wrap, and deliver to the families we adopt. **You can really help us by sending in your donation early** since it allows us to determine our budget for the families we help. The majority of funds need to be donated no later than December 15, to allow for the gift purchases from Big Kmart. Donations received by December 18 will fund the purchase of gift cards from Stater Brothers so the families can buy food for a nice holiday dinner. Clearly, the more money raised, means a greater number of families we can assist. (Remember our goal is 50 families this year.) Please note, even if you are a procrastinator, we will accept money after December 22. (Monies received this late will be applied to any last minute “add on” families, or will be saved to get us ahead on donations for next year.)

Please make your checks payable to the RCBA and write “*The Elves Program*” in the memo section of the check. We thank you in advance for your holiday generosity.

To become a Shopping, Wrapping, Delivery, or Money Elf, please phone your pledge to the RCBA at (951) 682-1015 or email your name and desired Elf designation(s) to one of the following: Charlene Nelson (charlene@riversidecountybar.com), Lisa Yang (lisa@riversidecountybar.com), Brian Percy (bpercy@bpearcyllaw.com) or Veronica Reynoso (vreynoso@bpearcyllaw.com). By contacting us via email you will assist us with the ability to update each of you via email in a timely manner.

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

Brian C. Percy, President of the RCBA in 2002, is the Head Elf and chair of the Giving-Back Elves Program.



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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@riverside-countybar.com.



MEMBERSHIP

The following persons have applied for membership in the Riverside County Bar Association. If there are no objections, they will become members effective November 30, 2014.

Victor A. Bachand (S) – Law Student, Murrieta

Diana Crouch (A) – Law Office of Kennedy & Associates, Riverside

Russell S. Fuerst – Gibbs & Fuerst, Murrieta

Evan P. Grant – Walsh Construction, Corona

Cynthia D. Hackler – Cynthia Hackler Law, Los Angeles

Douglas A. Hatherley – Holstrom Sissung & Block, Corona

Michelle C. Herting (A) – CPA/Private Trust Services, Riverside

Valerie L. Murphy – Law Office of Heather Cullen, Riverside

Jessica Oakes (A) – Law Office of Kennedy & Associates, Riverside

Nieves M. Osaba – Law Office of Nieves M. Osaba, Riverside

J. Craig Williams – Williams Law Corporation, Irvine

(A) = Designates Affiliate Member

(S) = Designates Law Student Member



SUPERIOR COURT OF CALIFORNIA COUNTY OF RIVERSIDE

PUBLIC NOTICE DAILY FILING DEADLINES

Please note that effective December 1, 2014, filing cut-off times will be 4:00 p.m. for all types of filings. This includes in-person, drop box, efile and fax filing [CCP 1010.6(b)(3) provides that electronic filings should have the same filing cut-off as all other filings]. Filings will be accepted at the counter until 4:00 p.m. on any court business day. Any document deposited in a court's drop box up to and including 4:00 p.m. will be deemed to have been filed that day. All documents deposited in drop boxes after 4:00 p.m. will be deemed filed 'next day'. The same will apply to filings that come in an electronic manner, whether by efile or fax file.

Members of the public will be assisted until 4:00 p.m. on each court business day*. If a customer is not at the counter by 4:00 p.m., they may utilize other options within the courthouse, such as the drop boxes, self-help terminals, kiosks, and Interactive Voice Recognition (IVR) phones, where available.

*The Blythe Court is closed to the public on Mondays and Wednesdays. A drop box will be available outside the building and any filings dropped on one of those days, prior to 4:00 p.m., will be considered filed 'same day'.

Riverside
County **LAWYER**

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