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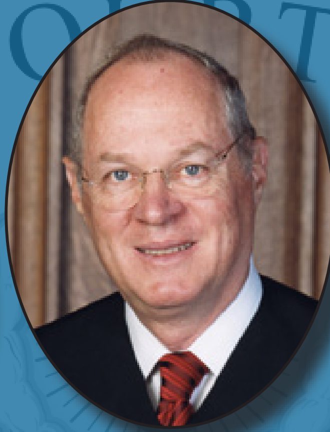
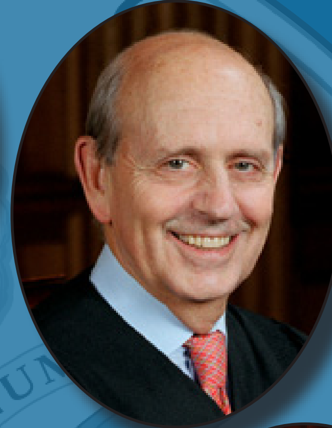
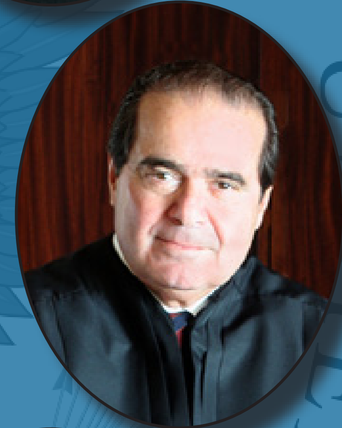
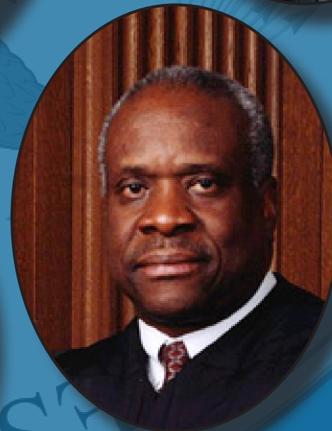
MAGAZINE





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My Trip to the Show

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It's Raining Men...tions of U.S. v. Windsor in Lower Federal Courts

The official publication of the Riverside County Bar Association

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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

October

15 Estate Planning, Probate & Elder Law Section
Topic: "Finding People & Assets: Understanding The Magic of the Private Investigator"
Speaker: Joseph Jones
RCBA Gabbert Gallery
MCLE

16 Solo & Small Firm Section
Topic: "Nuts & Bolts of Judgment Collection"
Speaker: Nora Castorena
RCBA Gabbert Gallery - Noon
MCLE

Fundraiser/Social
Farrell's Ice Cream Parlour
5:00 p.m. – 10:00 p.m.
3610 Park Sierra Drive
Riverside 92505

18 General Membership Meeting
Topic: "Civil Court Update"
Speaker: Hon. Sharon Waters, Riverside Superior Court
RCBA Gabbert Gallery - Noon
MCLE

21 Family Law Section
Topic: "Use of Special Masters-Why, What, How & When"
Speaker: Marc Kaplan, Esq.
Topic: "How to Avoid Ruining Settlement Opportunities"
Speaker: Hon. H. Ronald Domnitz, Ret.

Federal Bar Association Inland Empire Chapter
Topic: "White Collar Investigations: Trend and Best Practices"
Speakers: Stephen G. Larson, Robert E. Dugdale and Jonathan D. Glater
George E. Brown, Jr. Federal Courthouse
Noon – 1:15 p.m.
RSVP – sherrigomez4@gmail.com

25 Business Law Section
Topic: "Using Private Investigators to Your Client's Advantage – Investigating Potential Employees & Business Partners"
Speaker: Roger Arreola
RCBA Gabbert Gallery – Noon
MCLE

29 CLE Event
Civil Procedure Before Trial
Topic: "Expert Witness Designations & Depositions"
Speaker: Mark Easter, Esq.
Lunch courtesy of Jilio-Ryan Court Reporters
RCBA Gabbert Gallery – Noon
MCLE

President's Message

by Chad W. Firetag

Why I Would Love it if My Sons Became Attorneys

There was a time not so long ago that if someone had asked me if I wanted my sons to follow me in the legal profession I would have said "no." But I was wrong and I'd like to tell you why.

This is a tough business filled with tough people. It is certainly not for the faint of heart. The litigants are hard to work with, the judges can be demanding and opposing counsel, well, they can just be downright impossible.

What I once read about the difference between lawyers in court and doctors in surgery explains my worries very well. Both professions demand careful planning and preparation. The difference is that in surgery, we don't have another party in the room trying to kill our patient.

So why might I now think that this profession of ours might just be the thing for my sons? Let me explain.

We all came to the law at different times in our lives. For me I was one of those people that went straight from college to law school. It was just what I thought I had to do – study hard in college, get a good LSAT score and then get into the best law school. Then, when in law school, work very hard, get good grades, and land a job at a big firm.

But at the age of 24 I found myself sitting in a beautifully tall building when a wave of melancholy swept over me. Was this it? Was this what I worked so hard for? Answering endless interrogatories and discovery requests? Now don't get me wrong. I am absolutely grateful for the first job that I was given and the opportunities that came with it. But it struck me that law school did a very good job in teaching me to be a law student, not a lawyer. I just felt I wanted and actually needed more.

I left the big firm and went into private criminal defense. And what I found was that I loved every minute of it because I felt I was helping people. But it was certainly no picnic. There were a million pressures. I had to make enough money to keep the firm afloat. I felt enormous pressure from my clients and their families to meet their very high expectations. Then I started about a year and a half ago at the Public Defender's office, which brought additional, albeit different challenges.

Several years or so ago, I began to re-examine what my role was in the legal profession. I clearly could see all the great responsibilities the profession heaped on me, but eventually I came to realize that this job also gave me great opportunities that in the early stages of my career I was just not able to see.

I have come to see that each day I have an opportunity to actually help someone in trouble. To be able to do that gives me great joy. I have come to realize that if we take the time and patience to work hard in this profession and hone our craft with dedication and discipline, we can make a positive impact in our community. And I see this level of discipline every day in so many wonderful professionals in so many fields of practice.

I see brilliant lawyers every day who take their oaths to represent their clients ethically, professionally, and with great skill. I see civil attorneys fight to get resources for their clients following a terrible accident. I see family law lawyers handle the nearly Sisyphean task of sorting out visitation rights from angry parents in nasty custody disputes. I see prosecutors dismiss cases when they feel the evidence is weak, even if law enforcement agencies disagree. I see public defenders handle mountains of cases with grace, resilience and skill.

We should all be proud of what we are doing for our community. Each of us in our own fields and in our own way are simply trying to help other people. This is the strength of our profession.

Although I probably should have recognized this sooner, I'm glad I finally got it. This profession affords me the opportunity to help people. When I stopped dwelling on the pressures of the profession and focused on what opportunities the profession provided me and my family, it completely changed my entire outlook.

This isn't an "all lawyers are great" message. Sure there are the jerks. Sure there are those who darken our profession. But those are few and far between – especially in our legal community. When I look at the vast majority of my colleagues I am proud to call them friends. I am proud that they represent their clients in their respective field with integrity and honor.

Although I will support my children in whatever they wish to do in life, I want them to work in a profession where they strive to help others and better their community. I want my sons to be able to grow in a profession that challenges them to be better, to act ethically and to make a positive impact in their community. And that is why I would love it if my three boys became attorneys. (Well, maybe two should be attorneys; having a doctor in the family would be nice too.)

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

Barristers President's Message

by Scott Talkov

Thomas Girardi to Speak at Barristers/RCBA: *Bryan Stow v. Los Angeles Dodgers*

The Barristers are truly honored that renowned trial attorney Thomas Girardi has accepted our invitation to speak on October 29, 2014.

Mr. Girardi will be discussing his recent $18 million verdict in favor of Bryan Stow, who suffered brain damage as the result of a beating in the Dodger Stadium parking lot. Mr. Girardi's complaint alleging negligence through inadequate security resulted in a jury holding the Los Angeles Dodgers liable for $13.9 million of the award.

This case will present a contemporary example for Mr. Girardi to explain how he has successfully obtained more than 30 verdicts of $1 million or more, handled more than 100 settlements of $1 million or more and represented plaintiffs in over 100 jury trials. Among his most famous cases was the settlement of $333 million for 650 residents of Hinkley in San Bernardino County in the toxic tort case made famous by the film Erin Brockovich.

With nearly fifty years of experience, Mr. Girardi is widely regarded by his peers as one of the nation's top trial lawyers. He handles claims involving wrongful death, commercial litigation, products liability, bad faith insurance, and toxic torts. In 2003, he received the most prestigious honor of being inducted into the Trial Lawyer Hall of Fame by the California State Bar. Mr. Girardi is a Member of the Board of Directors and former President of the prestigious International Academy of Trial Lawyers, an invitation-only worldwide organization, limited to 500 trial lawyers. Mr. Girardi is also the first trial lawyer to be appointed to the California Judicial Council, the policymaking body of the state courts.

The speech will be co-sponsored by the Barristers and the RCBA. We are honored to have the support of former State Bar President, former RCBA President and renowned personal injury attorney Jim Heiting, who has graciously offered to host this event at the historic Brocktonian Manor. An elegant and gracious antebellum mansion situated on 1.8 acres, the Brocktonian, located at 5885 Brockton Avenue, Riverside, CA 92506, was refurbished by Mr. Heiting to serve as the setting for the offices of Heiting & Irwin. Food and refreshments will be sponsored by Reid & Hellyer and Scott Fowler of State Farm Insurance.

The social will be from 5:30 to 6:30 p.m., with the program from 6:30 to 7:30 p.m. No RSVP is required. The event is free and open to RCBA members and non-members alike. One hour of general MCLE will be offered by the RCBA. We look forward to seeing you at this special event on October 29, 2014.

Scott Talkov is President of Barristers and a real estate, business and bankruptcy litigation attorney at Reid & Hellyer in Riverside. He can be reached at stalkov@rhlaw.com.

"Oyez! Oyez! Oyez!"

by Dawn M. Saenz

"The Honorable, the Chief Justice and the Associate Justices of the Supreme Court of the United States. Oyez! Oyez! Oyez! All persons having business before the Honorable, the Supreme Court of the United States, are admonished to draw near and give their attention, for the Court is now sitting. God save the United States and this Honorable Court!"

These words, spoken by the Court Crier of the Supreme Court of the United States (SCOTUS) signal the opening of the new session. This year, First Monday occurs on October 6, 2014, and there are many important issues will be decided by the justices.

Here is a sampling of what is to come:

Case Name	Docket Number	Oral Arguments
Heien v. North Carolina	13-604	10/6/2014

Issue: Whether a police officer's mistake of law can provide the individualized suspicion that the Fourth Amendment requires to justify a traffic stop.

Holt v. Hobbs	13-6827	10/7/2014

Issue: Whether the Arkansas Department of Corrections grooming policy violates the Religious Land Use and Institutionalized Persons Act of 2000, 42 U. S. C. § 2000cc *et seq*., to the extent that it prohibits petitioner from growing a one-half-inch beard in accordance with his religious beliefs.

Integrity Staffing Solutions, Inc. v. Busk	13-433	10/8/2014

Issue: Whether time spent in security screenings is compensable under the Fair Labor Standards Act

Warger v. Shauers	13-517	10/8/2014

Issue: Whether Federal Rule of Evidence 606(b) permits a party moving for a new trial based on juror dishonesty during voir dire to introduce juror testimony about statements made during deliberations that tend to show the alleged dishonesty.

Johnson v. United States	13-7120	11/8/2014

Issue: Whether mere possession of a short-barreled shotgun should be treated as a violent felony under the Armed Career Criminal Act.

Alabama Legislative Black Caucus v. Alabama	13-895	11/12/2014

Issue: Whether Alabama's legislative redistricting plans unconstitutionally classify black voters by race by intentionally packing them in districts designed to maintain supermajority percentages produced when 2010 census data are applied to the 2001 majority-black districts.

Whitfield v. United States	13-9026	12/2/2014

Issue: Whether 18 U.S.C. § 2113(e), which provides a minimum sentence of ten years in prison and a maximum sentence of life imprisonment for a bank robber who forces another person "to accompany him" during the robbery or while in flight, requires proof of more than a de minimis movement of the victim.

Dawn M. Saenz is the founding partner at the Law Offices of Saenz & Buchanan. She is a member of the Bar Publications Committee. For more information, visit www.dawntaylorlawoffice.com.

The Failure of the Supreme Court

by Erwin Chemerinsky

The Supreme Court has largely failed throughout American history at its most important tasks and at the most important times. It is difficult for me to write these words because I long have revered the Court, having spent my career teaching and writing and litigating about constitutional law. Yet, I have come to realize that we all have been making excuses for the Court's failures and have not faced the extent to which it has not upheld the Constitution. It is this realization that caused me to write my book *The Case Against the Supreme Court*.

The Supreme Court exists, above all, to enforce the Constitution against the will of the majority. The very existence of the Constitution, a document made intentionally quite difficult to change, reflects the desire to limit what political majorities can do. After all, why should a nation that believes in democratic rule be governed by a document that none of us voted for and that can be changed only by super majorities in Congress and of the states? A Constitution exists to make sure that society's most precious values – separation of powers to create checks and balances, democratic elections, basic freedoms, equal protection – are protected from the passions of the majority.

The Court plays an especially important role in safeguarding the rights of minorities of all types who should not have to rely on democratic majorities for their protection. The Court also is crucial in times of crisis in ensuring that the passions of the moment do not cause basic values to be compromised or lost.

The question that I challenge all to ask is whether over the course of American history the Court has succeeded in these vital tasks. The answer is disturbing. I, of course, am not saying that every Supreme Court decision is misguided or even that the majority of them are wrong. That would be a silly claim. But I do contend that the Court often has tragically failed, especially when it was most needed to enforce the Constitution.

Any assessment of the Court must begin by asking how it has done at protecting racial minorities. Long ago in the early 19th century, Alexis de Tocqueville wrote of race being the tragic flaw upon which American government was founded. For the first 78 years of American history, from the ratification of the Constitution until 1865 when the 13th Amendment was ratified, the Supreme Court aggressively protected the rights of slave owners and the institution of slavery. The Court that might have chipped away at and helped to undermine slavery, instead was solidly and consistently on the side of the slave owners.

From the end of Reconstruction until *Brown v. Board of Education* in 1954, there were hardly any Supreme Court decisions protecting African-Americans and other racial minorities. Quite the contrary, the Court's infamous decision in *Plessy v. Ferguson* upheld "separate but equal" and the Jim Crow laws that segregated every aspect of Southern life.

There is no doubt that the Warren Court, from 1954-1969, did a great deal to advance racial equality and finally ushered in an end to the apartheid that existed in so much of the country. Yet, even in the area of education – the focus of *Brown v. Board of Education* – American public schools remain, even today, separate and unequal; African-Americans and Latinos overwhelmingly attend inner-city schools which are almost entirely comprised of students of color, while white students attend overwhelmingly white suburban and private schools where far more is spent on education. Supreme Court decisions deserve a great deal of the blame.

Nor are the Court's failures with regard to race just a thing of the past. The Roberts Court has furthered racial inequality by striking down efforts by school boards to desegregate schools and by declaring unconstitutional crucial provisions of a landmark civil rights statute, the Voting Rights Act of 1965.

Assessing the Supreme Court requires looking at how it does at enforcing the Constitution in times of crisis. The Constitution and the Court are particularly important to make sure that the passions of a crisis – whether a war or an economic emergency – do not lead to the compromise of our basic values. But the Court has continually failed to stand up to majoritarian pressures in times of crisis. During World War I, individuals were imprisoned for speech that criticized the draft and the war without the slightest evidence that it had any adverse effect on military recruitment or the war effort. During World War II, 110,000 Japanese-Americans were uprooted from their life long homes and placed in what President Franklin Roosevelt referred to as concentration camps. During the McCarthy era, people were imprisoned simply for teaching works by Marx, Engels and Lenin. In all of these instances, the Court erred badly and failed to enforce the Constitution.

The power of these examples is that they are non-partisan. Liberals and conservatives alike can agree that the Court was wrong in *Dred Scott v. Sanford* in holding that slaves are property and not citizens, and in *Plessy v. Ferguson* in upholding separate but equal, and in *Korematsu v. United States* in ruling in favor of the authority of the government to evacuate Japanese-Americans from the West Coast during World War II.

Of course, there would be much less agreement about the Roberts Court. But I believe that it, too, has failed in some of its most important rulings. The Roberts Court has continually favored the rights of business over the rights of employees and consumers and all of us. It has made it much more difficult for those whose rights have been violated to have recourse through the courts by creating significant barriers to suits against governments and government officers. It has tremendously expanded the rights of corporations in the political process, such as by holding that they have a right to spend unlimited sums of money in election campaigns, while simultaneously limiting the rights of unions.

My conclusion is not to give up on the Supreme Court and it certainly is not to give up on the Constitution. But I believe that there are many reforms that can make the Court better and taken together make it less likely that it will so badly fail in the future. I propose a host of changes, including instituting merit selection of Supreme Court justices, creating a more meaningful confirmation process, establishing term limits for Supreme Court justices, changing the Court's communications (such as by televising its proceedings), and applying ethics rules to the justices.

I am a huge fan of the Constitution and the American democracy it created. But 35 years of teaching and writing and litigating about the Constitution have convinced me that I, and others, have not faced the reality of the Court's failures. We can and must expect it to do better in enforcing the Constitution in the years, decades and perhaps centuries to come.

Erwin Chemerinsky is Dean and Distinguished Professor of Law and Raymond Pryke Professor of First Amendment Law at University of California, Irvine School of Law and the author of The Case Against the Supreme Court *(Viking 2014).*

My Trip to the Show

by Gregory K. Wilkinson

"Have you seen the crazy decision issued by the Ninth Circuit?" With those words from my former (now retired) partner, Anne Thomas, my odyssey to the United States Supreme Court was launched. The Ninth Circuit decision (*Bennett v. Plenert*) was one involving two tiny irrigation districts in southern Oregon that had had the temerity to challenge a biological opinion (BiOp) issued by the Fish and Wildlife Service under the federal Endangered Species Act (ESA). The BiOp imposed minimum lake levels, unrelated to any substantial science, that effectively deprived 100 families near Klamath Falls of the irrigation water needed to operate their farms. Their challenge had been brought under the so-called "citizen suit" provision of the ESA which, according to Congress, authorized "any person" to commence a civil suit against the Secretary of Interior where it was alleged there was a failure to perform a non-discretionary duty under the Endangered Species statute. One such duty was that BiOps had to be based on the "best scientific and commercial data available." The BiOp at issue wasn't remotely tied to any science. In its opinion, however, the Circuit Court, per Judge Stephen Reinhardt, concluded that the term "any person" was subject to a "prudential standing" requirement necessitating a demonstration that the plaintiff was among those intended to be protected by the statute at issue. Given the character of the ESA the only such plaintiffs, according to Judge Reinhardt and his colleagues, were environmental groups.

The effect of the decision was thus to slam shut federal courthouse doors across the western United States to resource users like the two tiny water districts—and, the somewhat larger districts in California that make up the bulk of my practice. Worse, I was told by Anne that the sole practitioner representing the two Oregon districts had tired of battling the Government—a fact I confirmed by telephone a few minutes after reading the decision. There was thus a substantial risk that the decision would remain intact simply because it would never be appealed. My continued begging that the attorney file a petition for a writ of certiorari, did finally result in some movement—I was told I could take over the case and file a petition myself—but, only on the condition that I do so *pro bono*. More begging ensued—in this instance to BB&K's then managing partner, Chris Carpenter, who asked only if I thought I could win the case. Upon being informed that I thought I could, Chris replied simply, "Go get 'em!".

"Getting" the Government can be a challenge. In this instance, however, the Appeals Court had helped us. In its *Bennett* decision, the Ninth Circuit recognized that its interpretation of the citizen suit provision of the ESA was diametrically opposed to the interpretation given the same section by the Eight Circuit, sitting in Minneapolis. This was pure gold. One of the factors most likely to cause the Supreme Court to consider granting cert. is a split between and among the circuits—something about the law being applied unevenly across the Country piques the Court's interest.

With that in hand (along with the helpful fact that Judge Reinhardt is not on many Christmas card lists at the Supreme Court) we worked weekends and filed our petition for certiorari about five months after taking over the case. Roughly four months later after telephoning the Court (this was well before the ECF filing system was established), we were informed our petition had been GRANTED! After the shouting and running up and down our hallways subsided, we found we had entered a new world. Simply put, once your certiorari petition has been granted, you are treated like family by the Court staff. There is no arrogance, no impatience about naïve questions. To the contrary, the Court staff know this is an exceptional experience for most lawyers and they are helpful beyond words, recognizing that Court procedures are not familiar to most of us.

Once a cert. petition is granted, the real work begins. Not only must the case then—and, only then—be briefed on the merits, you quickly understand that the Government is represented by real experts from the Office of the Solicitor General, a very specialized division of the Department of Justice. While this would be my first Supreme Court argument, it would be the *54th* argument for my Deputy Solicitor opponent.

Briefing the case on the merits meant many more weekends in the library but, I was finally finished about four months before our scheduled argument in November. I then learned the Supreme Court only hears argument on Monday, Tuesday and Wednesday and only hears two cases in the morning and one in the afternoon on each of those days. Our case was scheduled for a Monday at 9:00 a.m. This was a good omen. The more interesting cases, I was told, are scheduled early. The Justices are (often) elderly people and they tire easily. Arguing early in the day is a sign that they care about your case.

Preparing for oral argument, obviously, means reading and rereading the cases you and your opponent have both cited and sitting down and thinking about the kinds of questions you may get asked. More unusually, it also means coordinating amicus briefs and trying to head off well intentioned arguments that may not be compatible with the posture of reasonableness you are attempting to project to the Court. Like no other court, the folks sitting in Washington care about the effect of their decisions. They want to know what a particular ruling may mean across the Country. At the same time, because your case *has* been granted cert., it becomes a vehicle for interests around the Country who may attempt to ride it to a precedent *they* can use to pursue to satisfy *their* agenda—which may or may not be compatible with yours. Keeping the ideologues from bogging down your well-reasoned argument occupies far more time than you could imagine.

It's now a week before the argument, so what do you do? In my case, I flew to Washington D.C. and holed up in a Capitol Hill hotel to gain some quiet time and began to write the oral argument. Along the way, I was joined by a former colleague from the California Attorney General's office who had written the best of the amicus briefs supporting our position. For several days we tried to imagine every possible question the Court might ask and to figure out the best possible answer. Four days before the argument, I was provided a "moot court" by several members of the D.C. bar who were aware of the case and also represented resource user clients who had been impacted by the Ninth Circuit decision. Moot courts happen more than you might imagine in these cases (the D.C. does this a lot for those about to argue) and because it forced me to respond to questions on my feet in front of people I didn't know, it was the single best thing I did to prepare.

Following a restless weekend with my wife and daughter (along with my mother and about 15 friends from Riverside and Redlands who had arrived late in the week) and a mostly sleepless Sunday night, Monday morning arrived. After awakening, I realized I had prepared for everything except a rebuttal to the Government and spent half an hour fashioning something I might say in response to the Government's position—something that I hadn't already raised in my opening. It would prove to be time well spent.

When you argue at the Court, you enter the building through an entrance reserved for attorneys. You do not have to run past a gauntlet of protesters, supporters and the like. One piece of advice I can heartily pass along is that you should actually *go* to an argument before the day yours is scheduled. The Court is a spectacular place and you don't want to be overwhelmed by the majesty of it all—just a few minutes before you're supposed to get up and speak. Before argument begins, the Court staff seats the attorneys for both of the two cases that are ready for argument, with the attorneys for the second case sitting at identical counsel tables positioned directly behind the counsel tables for the first case. When it is their turn, they simply move forward to take the place of the first set of attorneys, and thus, in theory, it reduces the pandemonium that occurs when the first case is submitted. I was told I would be at the first table on the left along with an attorney friend who would keep time for me (a critical function) and another friend from my AG's office days who also worked on California' amicus brief in the case.

Before the Court was announced, I walked to the podium—which is surprisingly small with just enough room for a notebook and two lights in the upper left quadrant. One, a white light (indicating five minutes left) and a second, a red light, indicating your time is over. I cranked it up

and down—mostly to let the Government's lawyer know I knew it could be adjusted (I might be from Riverside, but I'm not a complete rube) then sat down. Before I left, I noted that the Court sits along an angled bench with the two most senior Justices and the Chief in the middle facing the advocate head on and the three other Justices on either end (they move closer to the Chief Justice as they gain seniority) sitting behind a "wing" of the bench that is angled so they can see the attorney better.

At 9:00 a.m., the Clerk of the Court enters the Courtroom and announces the Court is in session while simultaneously nine people—all of whom are famous—enter from behind curtains draped behind their chairs. The Court has business before your case is called. Frequently, an opinion is announced and almost certainly several lawyers will be admitted to the Supreme Court Bar. This had already happened for me some years before, but, if you are in D.C. and, know a member who is willing to do so, I would recommend it—you will remember it for the rest of your career.

Finally, my case was called. I got up, went to the podium and began by reserving five minutes for rebuttal. You do so to remind the Government you will have the opportunity to respond—it tends to keep them more honest. I started into my argument. Because I was told by several old hands that I would be cut off after a minute or so, I wasted no time on a recitation of the facts, but tried to cram as much substance as I could into the first few moments. I was cut off after 90 seconds by Justice O'Conner—who by tradition as the most senior Justice aside from the Chief—asked the first question. It was one I had anticipated and I was able to answer it cleanly. Over to Justice Stevens, who asked another question I had anticipated. Then to Justice Breyer, who had a three part hypothetical. Not one I had anticipated, but one I could deal with. I answered the first part. But, then, Justice O'Conner cut me off and said "Before you answer further, I want you to answer this"—and, we're off to the races in a different direction. My answer to Justice O'Conner's question required a reference to the record and, thank God I had marked the place where it could be found—not much time lost in finding the reference—although I had to remind the Justice herself which document included the record. Her question was followed by one from Justice Stephens who asked something I hadn't thought about and I started to fumble—but, then I was bailed out by Justice Ginsburg who floated a softball for me. Then, there was a lull. And, I had the presence of mind to remind Justice Breyer that I had been presented with a three-part hypothetical; had answered the first part, but had forgotten the other two parts—could he remind me what they were? He did, and we were off to the races in a different direction.

About this time my colleague who is keeping time slides a note toward me: I'm thinking "Gee Tom, I'm a little busy here", but I grab it and it reads "2 minutes." I look down at the podium—for the first time in 20 minutes—and realize the big white light is blazing at me. I've got to sit down to preserve my rebuttal. But, then, Justice Souter who had been wordless until then asks a question. He's from Vermont (he was the AG there) and he does so in a slooow New England delivery. I answer his question and start to gather my papers. He has a second slow question. Hurry up man, I'm trying to preserve my rebuttal!!! I answer his question, close my notebook and am moving away from the podium. He has a third question—Oh my God! Figuring my rebuttal is gone, I resign myself to answering—fully—and then fairly shout at the Chief, "I reserve my remaining time!" Chief Justice Rehnquist smiles at me and says, "You have one minute of rebuttal remaining."

Figuring my goose is cooked, I move in a kind of daze back to my seat—and watch as the Chief launches the first of a barrage of questions at my Deputy Solicitor opponent—before he reaches the podium. He asks, "I noticed the Government made no attempt to defend the opinion of the Ninth Circuit below—why is that?" It put my opponent figuratively on his knees—and the Court never lets him up. Thirty minutes later, it's my turn again and I start with the little rebuttal piece I worked on that morning. Just enough to make a couple of points before Justice Scalia chimes in with a couple of questions we bat back and forth for what, I am sure, was closer to three minutes than one. Then, there is a very brief pause followed instantaneously by the Chief Justice intoning: "The matter will stand submitted, call matter Number ___". This was followed by real pandemonium as the audience gets up en mass and the counsel sitting behind us takes our place. The relief of it being "Over" then begins to sink in.

Five months after the argument was completed, I received a 9:00 a.m. call from the Court's staff. The decision in my case will be released that day (can you think of any other court that provides counsel with a heads up?). Did my clients prevail? Why, yes, they did. The Court reversed the Ninth Circuit on a 9-0 vote, thus reopening the courts in the Western States to "any person" as Congress (and the Eighth Circuit) intended.

Please see Gregory K. Wilkinson's profile on page 27.

In Memoriam: Honorable Alicemarie Huber Stotler

by Judge Virginia Phillips

On Wednesday, September 17, 2014, Chief Judge George H. King presided over a special court session honoring the memory of the Honorable Alicemarie Huber Stotler, who served as a District Judge on our court for 30 years, including four as Chief Judge. The courtroom in the Ronald Reagan United States Courthouse in Santa Ana overflowed with Judge Stotler's family, friends, and colleagues from the federal and state courts, who gathered to pay tribute to an extraordinary judge, trail blazing leader, and loyal friend.

Alicemarie Stotler was born in 1942 in Alhambra, California. After graduating from the University of Southern California in 1964, she enrolled in law school there, one of nine women in her class. Upon her graduation, she joined the Orange County District Attorney's Office, the first full-time woman deputy district attorney in that office. There she met James Stotler, and in what she described as the best decision she ever made, accepted his marriage proposal in 1971.

Governor Jerry Brown appointed Alicemarie Stotler to the Orange County Municipal Court in 1976, and elevated her to the Superior Court in 1978, where she served until 1984 when President Ronald Reagan nominated her to the U.S. District Court. During her time on the District Court, she distinguished herself with her service on numerous national and Ninth Circuit committees, including five years as chair of the standing Committee on Rules of Practice and Procedure, whose work affected every federal court and practitioner across the nation.

She was a role model of the highest caliber for women and men alike in the law, and the Orange County Federal Bar Association acknowledged her contributions by establishing the Alicemarie H. Stotler Award for outstanding service.

Honorable
Alicemarie Huber Stotler

The friends and colleagues who spoke at the special session on September 17 remembered her generosity, sense of humor, diligence, and above all, dedication to the ideal of justice. After completing her term as Chief Judge in 2009, she assumed senior status, but continued to hear cases, and frequently stepped in to assist the active judges coping with conflicting trial schedules or overwhelming civil motion calendars. The lawyers who appeared in front of her tell of her unfailing courtesy and formidable level of preparation. Court staff retell of her kindness to them and her appreciation of their role in the court's mission. Her friends remember her love of books, movies, and her dogs, her passion for running marathons, and above all, her extraordinary loving partnership with her husband of more than 40 years, the Honorable James Stotler, who survives her. In the words of Chief Judge King, "She was a dear friend and colleague who was unfailingly kind and thoughtful, and who carried herself with grace, dignity, elegance and decorum. The Court and the judiciary could not have had a better ambassador. We will all miss her very much."

The Honorable Virginia Phillips is a judge with the U.S. District Court, Central District.

Serendipity & the Supreme Court – My First Hand Experience with Hanging Chads

by Amy Leinen Guldner

Little did I know when I registered for a "Supreme Court Admission" program that the eyes of the country would be on the Supreme Court at the very same moment that the eyes of the Supreme Court would be on me. OK, OK - maybe all the justices weren't looking directly at me when my name was called in that famous courtroom on that now famous December day. The Honorable Clarence Thomas might have been sleeping, but he had good reason to be tired. The justices had been extremely busy with one of the most important cases in U.S. history.

Three months earlier, I was flipping through an ABA magazine when something caught my eye. (Having lived in California for only a few months at that time and having only recently emerged from the fog of taking the California bar, I wasn't yet familiar with the RCBA or I'm sure I would have been reading the latest *Riverside Lawyer* magazine instead). In that magazine, I saw an ad about a program sponsored by the ABA's Torts & Insurance Practice Section (TIPS) where attorneys could be admitted to practice before the United States Supreme Court during a ceremony inside the courtroom with the justices present. As advertised, the program also included a photo op with the justices, a tour of the building, and the opportunity to observe oral arguments in a real case.

Having learned about all those landmark Constitutional cases and having competed on a national moot court team during my law school days, this program sounded like an interesting and fun experience. It also seemed like a good excuse to visit two law school friends who lived in D.C. The December date was no deterrent either because, after surviving 25 Midwest winters, I enjoy the occasional reminder of why I endure the high cost of living in California.

We all know that politics can make strange bedfellows but no one had any clue in September 2000 of the drama that would captivate the country following Election Day. For five weeks, the identity of our next president was in legal limbo. As you may recall, everything centered on Florida, the state that both George W. Bush and Al Gore needed to claim the presidency. When the Florida polls closed, there were roughly 500 votes separating the candidates, meriting a machine recount of ballots. A highly-publicized controversy then ensued about possible voter confusion with the ballot design and whether the machines would miscount some ballots. Americans learned all about hanging chads and their cousins – the dimpled, bulging and pregnant chads. Letterman, Leno and comedians everywhere had a seemingly endless field day.

Our group's admission program was scheduled for Monday, December 11. On Saturday, December 9, the Court voted 5-4 to stay the Florida manual recounts. The parties had until 4:00 p.m. on Sunday to submit their briefs and oral argument was scheduled for 11:00 a.m. Monday morning. And I was probably complaining about having to wake up on East Coast time. We learned over the weekend that we would not get our photo op with the justices nor would we able to stay in the courtroom to observe oral arguments. I recall being very disappointed because I had traveled all the way from California and I wanted the full experience.

That disappointment faded quickly when I arrived that morning and saw the crowds of people who had braved the wintry cold to carry their signs, chant support for Bush or Gore, or just soak in the electrified atmosphere on the courthouse steps. It hit me that I was actually receiving the fullest experience – being at the highest court in the land in the midst of one of their most controversial cases ever. God Bless America!

Like those hanging chads being examined in Florida, every part of our program was magnified. Even the smallest details on our building tour seemed to take on extra significance. When we were inside the courtroom, I was awestruck as I watched the justices majestically appear from behind their curtains and take their seats. The admission ceremony involved each participant standing when their name was called. For that brief moment when I stood, the eyes of the justices were on me. I didn't have to say a word and the justices were probably deeply engrossed in the historic decision before them, but I had such a wicked case of the jitters that you would have thought I was about to make arguments on the constitutionality of Florida's ballot counting methods. Less than a day after hearing counsel's oral arguments, the Court issued its 5-4 opinion in which it ruled that the original Florida results would stand, putting Bush in the White House.

It's not on par with JFK's assassination, the Columbia shuttle disaster, or 9-11 of course, but thanks to a bar association committee organizing this admission program, I will always remember exactly where I was when the Supreme Court issued this historic ruling. You also have my word that, if I ever vote with a punch card, none of my chads will be hanging. Thank you to all who have served on RCBA or other bar association committees and volunteered your time to bring more meaning – both personal and professional – to the members and to serve the public at large.

Amy Leinen Guldner is a civil litigation attorney with Montage Legal Group, a network of experienced freelance attorneys. Given that she can't win arguments with her 10 year old son or 8 year old daughter, she can't fathom arguing before the Supreme Court.

The Riverside County Bar Association would like to thank the following sponsors for their generous contributions to the Installation Dinner on September 18, 2014:

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It's Raining Men…tions of *U.S v. Windsor* in Lower Federal Courts

by Christopher Marin

We don't need no piece of paper
From the city hall
Keeping us tied and true
My old man
Keeping away my blues
-"My Old Man" from Joni Mitchell's *Blue* (1970)

Martin Luther King, Jr. once said, "The arc of the moral universe is long, but it bends towards justice." So it comes as something of a pleasant surprise to civil rights activists that progress on the issue of LGBT marriage equality has been moving at breakneck speed compared to other civil rights battles that have come before it (and many of those battles are still being fought with little to no end in sight).

LGBT Marriage Equality History 101

To give you an idea, let me build a brief timeline of relevant events leading up to where we are today on marriage equality: June 1969 is considered by many historians of LGBT events to be the "launch" of the modern day gay rights movement. The triggering event was the Stonewall Riots in New York City, where patrons of the Stonewall Inn gay bar were being subjected to *another* police raid (remember that being gay was equated with criminal sodomy back in those days). These raids were fairly common in cities in the 50s and 60s, but on June 28, 1969, the police had conducted a raid that finally galvanized the bar patrons and the surrounding Greenwich Village LGBT neighbors to riot against police brutality and discrimination. This ultimately galvanized the first LGBT activists to stand up and say, "We're here, we're queer, and we're not gonna take it anymore."

These activists soon found common cause with other movements going on at the time, particularly the women's rights movement and the sexual revolution. However, some LGBT individuals still aspired to the heteronormative model of monogamous coupling through marriage. In May 1970, two men, Richard Baker and James McConnell, applied for a marriage license in Minnesota. When they were denied the license by the county clerk they appealed all the way up to the state Supreme Court and ultimately the Supreme Court of the United States (the U.S. Supreme Court) declined to hear the case "for want of a federal question," but since it was brought through mandatory appellate review, the summary dismissal became binding precedent. (*Baker v. Nelson* (1972) 409 U.S. 810.)

I digress here to call attention to the AIDS crisis of the early 1980s that nearly wiped out an entire generation of gay men. That crisis brought forth a new generation of activists fighting not only for dignity and recognition, but also for the lives of their friends. In the meantime, the U.S. Supreme Court upheld the criminalization of homosexual sodomy in *Bowers v. Hardwick* (1986) 478 U.S. 186.

Meanwhile, the activists made a concerted effort to get gay men and women to "come out of the closet" with the understanding that treating their own sexual orientation as something shameful to be hidden away only contributed to its stigma. And once people realized they know someone who is gay or lesbian, it puts a human face on equal rights issues that so far had been argued in the abstract.

That strategy must have had some effect because the U.S. Supreme Court held that a law designed solely to harm this group would not pass Constitutional muster. (*Romer v. Evans* (1996) 517 U.S. 620.) In the states, Hawaii seemed poised to be the first state to recognize LGBT marriage equality, after the state Supreme Court ruled that the legislature must show a compelling interest in prohibiting same-sex marriage. (*Baehr v. Lewin* (1993) 74 Haw. 530, 852 P.2d 44.) Fearful that state recognition was looming and other states would have to grant "full faith and credit" to Hawaii's same-sex marriages, Congress passed and President Clinton signed the Defense of Marriage Act, or DOMA, in 1996.

DOMA has two operative sections: First it allows states to deny full faith and credit to same-sex marriages (or any marriage equivalent) performed in other states. Second, it defines marriage as only between a man and a woman for application to federal codes and regulations. However, the urgency of DOMA was all for naught, because Hawaii amended its constitution in 1998 to override their supreme court's ruling.

The first state recognition of marriage (not marriage equivalents, mind you) came in 2004 in Massachusetts as a result of a ruling by their state supreme court. (*Goodridge v. Dept. of Pub. Health* (Mass. 2003) 440 Mas. 309, 798 N.E.2d 941.) Also around that time, the U.S. Supreme Court did a mulligan on *Bowers v. Hardwick* and decriminalized all sodomy laws as an unconstitutional invasion on sexual

privacy. (*Lawrence v. Texas* (2003) 539 U.S. 558.) Scalia, in his dissent in *Lawrence*, argued that the decision "leaves on pretty shaky grounds state laws limiting marriages to opposite-sex couples." (Id. at 601.)

Many advocacy groups against same-sex marriage equality saw Scalia's handwriting on their state courts' walls. And so they organized to have individual states deny recognition of same-sex marriage, either by statute or state constitutional amendment. A significant number of these initiatives happened in the midterm election of 2004.

LGBT groups suffered a severe setback in their movement towards marriage equality in that 2004 election. Eleven states had put the issue to a vote – either as a statute or constitutional amendment – and all 11 passed.[1] California, then, added a new twist to the formula.

Same-Sex Marriage in California

California already had a DOMA style-statute on the books in the form of Proposition 22 passed in 2000. In 2004, San Francisco Mayor Gavin Newsom directed clerks in his jurisdiction to issue marriage licenses to same-sex couples wishing to be married. In the one month before this act was enjoined, San Francisco issued marriage licenses to approximately 4,000 same-sex couples. However, the state Supreme Court ultimately determined these marriages to be void. Many of these couples then challenged Prop 22 on the grounds that it violated the state constitution's guarantee of equal protection. The California Supreme Court agreed, and on May 15, 2008, Prop 22 was stricken down and same-sex couples were permitted to marry throughout the state. (*In re Marriage Cases* (2008) 43 Cal.4th 757.)

Shortly thereafter, opponents of marriage equality qualified a constitution amendment initiative, Proposition 8, for California's 2008 Presidential election ballot. California, then, became a bellwether battleground for the issue of marriage equality. Money poured in on both sides from various interest groups both within and outside of the state. It ended up being the second most expensive campaign in the country that year, behind the presidential contest.

Ultimately Prop 8 passed 52/48, and as many in the country celebrated the first black president-elect, many railed against one of the first laws that took away a fundamental right that had been previously granted to a group. Anti-Prop 8 protests occurred in major cities throughout the country, and supporters of the ballot initiative were particularly singled out as targets for boycotts and protests, particularly Mormon and Roman Catholic churches.

Major LGBT advocacy groups regrouped and made a conscious effort to make the move towards marriage equality a slow and deliberate one so as to build up popular support. However, LGBT activists experienced something of a schism in the Prop 8 campaign when those major groups were criticized for making the campaign an abstract argument about equality rather than putting faces on the people who would suffer from Prop 8's passage.

So, without the blessing of those major advocacy groups, two couples joined with the American Foundation for Equal Rights (AFER) and put forward a Federal District Court challenge against Prop 8 as a violation of the Fourteenth Amendment's Equal Protection guarantee. This case garnered a lot of publicity, in no small part because of the strange coalition of plaintiffs' counsel, Theodore Olsen and David Boies, who argued opposite sides of the *Bush v. Gore* case in the Supreme Court.

Judge Vaughn Walker set the matter for trial and had parties address the issues surrounding same-sex marriage, such as whether it harmed children raised in these marriages or posed a real threat to opposite-sex marriage, and whether gays and lesbians were a discrete and insular minority worthy of equal protection that had indeed suffered harm by Prop 8.

The court held for the plaintiffs, but immediately stayed the decision pending appeal. (*Perry v. Schwarzenegger* (2010) 704 F.Supp.2d 921.) However, the governor and the district attorney declined to take the matter up on appeal. Instead, an appeal was filed in the Ninth Circuit by the official proponents of Prop 8. This gave the court serious pause as to whether initiative proponents qualify for Article III standing in Federal Circuit Courts.

The Ninth Circuit decided to put forward the question on standing to the California Supreme Court and whether ballot initiative proponents have standing there when state officials decline to take up an appeal. The California Supreme Court answered that they do for state court purposes. (*Perry v. Brown* (2011) 52 Cal.4th 1116.)

The Ninth Circuit accepted the reasoning on the Article III standing issue, but ultimately affirmed the lower court decision. (*Perry v. Brown* (9th Cir. 2012) 671 F. 3d 1052.) They did, however, stay their ruling pending appeal to the U.S. Supreme Court. The U.S. Supreme Court granted cert and had parties brief on both the substantive Fourteenth Amendment issue and the Article III standing issue.

At the same time the Court took up the Prop 8 case, they also accepted a case from New York's Second Circuit involving a challenge to the Federal DOMA and its application to the estate tax section of the Internal Revenue Code. The issue was whether Section 3 of DOMA dealing with federal recognition of same-sex marriage violated the Fifth Amendment's Equal Protection Guarantee. Both lower courts did find for the plaintiff, Edith Windsor.

A standing issue similar to *Perry* arose when President Obama and Attorney General Eric Holder agreed with

1 Arkansas, Georgia, Kentucky, Michigan, Mississippi, Montana, North Dakota, Ohio, Oklahoma, Oregon and Utah.

the lower courts' rulings, but still continued enforcing DOMA until the issue was addressed by the U.S. Supreme Court. This time, Congress intervened in the form of the Bipartisan Legal Advisory Group (BLAG) to defend DOMA before the U.S. Supreme Court.

On June 26, 2013, the U.S. Supreme Court reversed Perry for lack of Article III standing and affirmed in *U.S. v. Windsor* (2013) 570 U.S. ____, 133 S.Ct. 2675, that Section 3 of DOMA violated Fifth Amendment Equal Protection guarantees. *Perry* was then reversed in the Ninth Circuit per the Court's ruling, and the District Court decision stood. *Windsor* struck Section 3 of DOMA, but left Section 2 – the states' right to deny full faith and credit to same-sex marriages – intact.

Now we are left with the decision in *Windsor* that raises more questions than it answers. Justice Kennedy wrote the majority opinion, but it is unclear if LGBT people are entitled as a group to Fifth Amendment protections, or whether the state has ultimate authority to expand or limit the definition of marriage for federal purposes. Also, if LGBT people are a protected group, what level of scrutiny (rational basis, heightened, or strict) should challenged laws be subject to?

Lower Courts Interpret *Windsor*

Energized and emboldened by the holding in *Windsor*, LGBT advocacy groups started similar challenges to marriage equality bans in state and district courts throughout the country. Currently, there is litigation winding through every state that still has a same-sex marriage ban on their books (North Dakota was the last holdout until a suit was filed in U.S. District Court June 6, 2014).

However, because *Windsor* did not address state bans, and because *Perry* was dismissed on procedural grounds, District and Circuit Courts have taken it upon themselves to craft their own brand of LGBT civil rights jurisprudence. The U.S. Supreme Court has taken notice of the Circuit splits and was scheduled on September 29, 2014, to confer on granting cert to five cases out of the Fourth, Seventh and Tenth Circuits. Meanwhile, courts are still churning out rulings regarding marriage equality.

There are a few cases of particular note. First, Louisiana's Eastern District has the distinction of being the first court to rule against marriage equality after *Windsor* was handed down. An appeal to the Fifth Circuit is pending. Second, Seventh Circuit's Richard Posner issued a ruling striking down marriage bans in Indiana and Wisconsin. This ruling is notable from a Law-as-Literature standpoint because it seems written to be read by both lawyers and non-lawyers alike. (*Baskin v. Bogan* (7th Cir. Sept. 4, 2014) No. 14-2386.)

The Ninth Circuit now has fresh marriage equality cases before it. Oral arguments were heard on September 8, 2014 on three cases: *Jackson v. Abercrombie* (Dist. Haw., 2012) 884 F.Supp.2d 1065, *Latta v. Otter* (Dist. Idaho, 2014), and *Sevcik v. Sandoval* (Dist. Nev., 2012) 911 F. Supp.2d 996. Note that *Jackson* and *Sevcik* are both cases in which the district court upheld the ban on same-sex marriage before *Windsor* was handed down. *Jackson* may now be moot since Hawaii's legislature passed a marriage equality statute in 2013. And in *Sevcik*, Nevada's attorney general withdrew opposition after later equal protection rulings were handed down by the Ninth Circuit.

It still remains to be seen, though, how the U.S. Supreme Court will approach the issue. In *Loving v. Virginia* (1967) 388 U.S. 1, the court noted that only 16 states still had laws outlawing interracial marriage and 14 states had repealed their antimiscegenation laws in the previous 15 years. It leads some court watchers to wonder if the U.S. Supreme Court will refer to a popular opinion threshold again.

Currently, 19 states and the District of Columbia permit same-sex marriage. Five of those states were prompted by state court decisions (MA, IA, NJ, NM, CT), three by voter initiative or referendum (WA, MD, ME), nine by legislative statute (VT, NH, DC, NY, RI, DE, MN, HI, IL), and three by federal court decisions (CA, OR, PA).

Conversely, of the 31 jurisdictions that still ban same-sex marriage, 28 do so by constitutional amendment. Four of those ban same-sex marriage and any marriage-like contract between unmarried individuals (NE, SD, MI, VA), 16 ban same-sex marriages and civil unions (ID, UT, ND, KS, OK, TX, AR, LA, AL, FL, GA, SC, NC, KY, OH, WI), and 8 just ban same-sex marriage (AK, MT, NV, AZ, CO, MO, TN, MS). And we must not forget the three states that still have statutes banning same-sex marriage without a companion constitutional amendment (IN, WV, WY).

I do not know if these numbers show that we have or have not crossed the popular opinion threshold that would make the U.S. Supreme Court comfortable ruling that any state ban against same-sex marriage is unconstitutional, or that Section 2 of DOMA is unconstitutional. But I am reminded of a joke told to me by my friend, Bill Givens, "Democracy is not two wolves and sheep voting on what's for dinner." So I am left holding onto the hope that the long moral arc of the universe bends toward a universal norm of same-sex marriage equality, if just for the sake of not having to write another one of these articles.

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 married his husband, William, on August 2, 2013. Joni Mitchell's "My Old Man" was their wedding song. He can be reached at christopher@riversidecafamilylaw.com.

Profile of a DRS Mediator: Robert T. Andersen

by Krista Goodman

Editor's Note: *We at RCBA Dispute Resolution Service, Inc. ("DRS") want to introduce you to the mediators on our panel who dedicate their time and legal expertise to the Riverside County public benefit alternative dispute resolution (ADR) programs. We hope you enjoy the opportunity to read more about this mediator and we are truly privileged to have Mr. Robert T. Andersen and his expertise on our panel.*

Robert T. Andersen

Mediation provides the greatest chance for the parties in a dispute to reach a real resolution, according to Riverside attorney Robert T. Andersen of Andersen Mediations.

He discovered a passion for mediation when he began working for Riverside law firm Redwine & Sherrill in 1987. One of the main reasons he found that he preferred mediation to litigation was due to his personality as more of a problem-solver than a fighter.

"After I got to Redwine & Sherrill, I found that mediation was of interest to me," he said, "I gravitated towards settling as many cases as I could . . . I didn't want to go to trial unless it was necessary."

He also believes that litigation comes at a great expense to all those involved. Andersen believes that it's imperative that clients understand exactly what litigation is going to cost beforehand if they're adamant about going to trial.

Anderson emphasized that there are four costs to litigation. The first cost, financial, is obvious. "Second, there's time cost. It takes a while to litigate. You'll be stuck in a lawsuit rather than doing things you would rather be doing. The third cost is opportunity. If you're in business, you probably want to generate more business," said Andersen. "By spending time in a lawsuit, you're not spending time developing your business. And the last one is stress – that's probably the one that hits people the hardest because their bodies will be reacting to the stress and they're not realizing it."

Andersen joined the Riverside County Superior Court's Alternative Dispute Resolution (ADR) panel when it started in the 1990s. "The Court started with nonbinding arbitrations, but the mediation seemed to solve the problem better because the parties had to come to an agreement," he said. "If you had an arbitrator and the result was nonbinding, you could appeal the award if you didn't like the result. You'd end up back in court without having solved anything."

He recalled cases with Judge Elwood Rich, who is still famous for conducting hallway mediations in the courthouse in the earlier days of the Court's ADR program. "Judge Rich used to call it 'solving the puzzle.' I like that analogy because there's a problem out there that can be solved, but you have to figure out what the pieces are, and how the pieces fit together to solve the problem."

Joining the DRS panel was a natural fit for Andersen. He handles probate matters referred to DRS through the Court's Probate Mediation program, which provides the parties an opportunity to resolve conservatorship and trust disputes through mediation. The parties receive three hours of mediation at no cost. The program is funded, in part, by the Riverside County through the Dispute Resolution Programs Act. He also is on the civil panel for Riverside Superior Court.

Andersen also volunteers his time on Fridays for the Trial Assignment Mediation (TAM) program at the Riverside County Historic Courthouse. Cases that are about to go to trial are referred to the TAM program to receive one last opportunity to settle through mediation before going to trial. Like the Probate Mediation program, the TAM program is provided through the collaborative effort of the Court and DRS.

Andersen completed his Bachelor of Arts in Economics & Public Service in 1971. He earned his Master of Public Administration from the University of California at Los Angeles in 1972, and his Master of Arts in Theological Studies from Talbot Theological Seminary in 1977. Andersen first felt the compulsion to go to law school after watching the Watergate hearings which exposed legal and political corruptions. "My recollection is that just about everyone that went to jail was an attorney, and I thought it might be worthwhile to try and have an impact in that area," Andersen said.

Andersen completed his Juris Doctorate at the McGeorge School of Law and passed the California State Bar exam in 1979. Going into law was a career shift from

his past governmental administrative experience, but he has worked in it ever since.

Andersen is also in his third year of a three-year term on the California State Bar's Alternative Dispute Resolution Committee and has taught business and church law at California Baptist University (CBU). Today, his teaching efforts are focused on marriage. He and his wife provide a seminar for local church groups called "The Marriage Dance."

"We try to provide some good help in resolving issues before they become issues," Andersen explained. "Men and women are different. When you put a husband and a wife together, they're going to be different." He elaborated. "How do you work through some of the things that are contentious?" In August 2014, the Andersens published their first joint authored book, *The Marriage Dance: Moving Together as One*, which expands on the seminar.

The Andersons have three grown daughters—Brooke, Laurel and Amy—and four grandsons. In their spare time, they enjoy hiking and tent camping in national parks.

For more information about RCBA Dispute Resolution Service, Inc., visit rcbadrs.org or call (951) 682-2132.

Krista Goodman is the ADR Service Coordinator for RCBA Dispute Resolution Service, Inc. She completed her Master of Arts in Strategic Public Relations from the University of Southern California and a Bachelor of Arts in Journalism & Media from California Baptist University.

What Really Happened on July 1, 2014 at the Immigration Detention Center in Murrieta, California?

by DW Duke

The call came in at approximately 4:30 p.m. on Friday June 27, 2014, to the Institute for Children's Aid (ICA) in Temecula, California. On the other end of the line was an officer from the Department of Homeland Security's enforcement division, who said, "We really need your assistance. We have looked far and wide and ICA keeps coming up as the organization best equipped to handle a massive influx of refugees. We would like to transport them to the border patrol detention center in Murrieta, California next week and then to your office so you can serve as the reception center. Will you help us get them to their final destinations?"

Our employee, who chooses to remain anonymous for security reasons, listened carefully as the officer spent approximately 30 minutes explaining the situation. After concluding the call the employee contacted her senior staff members—all of whom were in agreement that ICA should help. They immediately began contacting their network of religious leaders in the Southern California community and by the following morning had hundreds of volunteers, churches and host families eager to help. By the following Monday, ICA's warehouse was loaded to full capacity with humanitarian aid. In addition, churches had collected so much humanitarian aid in their own storehouses that ICA had to ask them to hold on to it until the existing supply could be exhausted. The mobilization of the Inland community, to help provide care and comfort for the detainees, was nothing short of amazing.

Over the weekend, we decided to investigate the situation to determine the cause of the influx of refugees to see if it was consistent with the information provided by Homeland Security. Our investigation revealed that Mexican drug cartels have begun expanding southward to Guatemala, Honduras, and El Salvador. They found the villages in those countries vulnerable to the cartel caste system. Those who submit to the rule of the cartels are handsomely rewarded, whereas those who refuse to accept the rule of the cartels are summarily executed. Within a few short months, dozens of villages throughout these countries had fallen to the inhumane treatment and abuses of the cartels. Roundup, rape, torture and summary execution of anyone who opposed the cartels was common place. Meanwhile, coyotes appeared from nowhere and told the villagers that the United States has opened its borders to refugees. They were told that all they had to do was to get across the border and they would be taken in and given amnesty and asylum by the United States. They needed to pay the coyote for transportation and he would get them across the border where they would be safe. In reality, many of the coyotes were connected with the cartels. While only a small percentage of those who actually arrived at U.S. borders were brought by coyotes, many of them had paid their life savings to these agents of human trafficking.

Finally, on July 1, 2014, the first buses arrived, carrying 140 refugees to the Homeland Security detention center in Murrieta, California. After traveling 1400 miles, many on foot, with many dying along the way, they believed they had finally found a community that would care for them. That is what they had been told by Homeland Security who had made the arrangements with the Institute for Children's Aid. Instead, when they arrived in Murrieta, they were met with angry violent protestors. Some of these protestors were carrying Confederate flags and signs with rattlesnakes that said "Don't Tread on Me" and "These Colors Don't Run." These little children, traumatized by seeing people in their own community murdered by high power weapons wielded by the cartel, and many of whom had seen their own loved ones die as they made their way to the "promise land," now saw pick-up trucks with gun racks and high powered rifles parked at the side of the road. They saw signs saying "get out and go home." Though they could not speak English, hate is a universal language and curse words are understood in any language.

As I watched this embarrassing circus on CNN, from the hotel on my business trip in Tennessee, I thought to myself, *what brave men terrorizing little children who have just walked over a thousand miles to escape human rights abuses*. These protestors held signs and shouted vulgarities calling the refugees criminals who should not be allowed in our country. They pounded and spit on the buses where inside the children were terrified and crying. Ironically, these protestors seemed oblivious to the fact that interfering with the federal transportation of detainees to a detention center was itself a felony of which they were guilty, while calling little children criminals. Ironically, when people in Tennessee saw

what was happening on the news they wanted to know what was wrong with people in California. Some of them said, "If California hates them so much send them here. Tennessee will take them."

After the disaster that occurred at the detention center that week, Homeland Security concluded that transporting refugees to the Border Patrol office in Murrieta was too dangerous. The community was simply too hostile. For that reason, they began transporting them in unmarked vans to an undisclosed location after hours where the Institute for Children's Aid processed them and sent them on their way with Spanish speaking volunteers. Many of these volunteer families opened their own homes to the detainees and had a unique opportunity to learn their stories.

There have been a number of myths generated about these refugees that are simply untrue. First, and foremost, the refugees that were brought to Murrieta are not from Mexico as many people had believed. They are primarily from Honduras, Guatemala, and El Salvador; and, as explained above, came to the United States in an effort to escape the drug cartels. Many of them are true political refugees. It is true that the possibility of immigration reform also encouraged many of the refugees who believed that all they had to do was to get their feet on U.S. soil and they would be home free, and many Americans have blamed the Obama Administration for this belief. However, most are not aware that the Obama Administration has simply been following legislation that was approved by Congress and signed into law by President George W. Bush in 2008, called William Wilberforce Trafficking Victims Protection Reauthorization Act (the Act). The Act requires that children who reach the U.S. border are to be placed in safe custody while their deportation hearings are pending. In addition, the Act requires Homeland Security to try to find homes where they can stay during this time. The Obama Administration was simply carrying out the law implemented during the Bush Administration by bringing the children to Murrieta and to the Institute for Children's Aid, whose task was to find safe homes for the children and to arrange for their transportation.

A second myth that has circulated pertaining to the refugees is that they have head lice and other diseases that endanger the safety of the public. All of the children were given medical exams in Texas before being placed on the buses and they were given medical examinations when they arrived here. On numerous occasions, I had the opportunity to meet these detainees. We invited them to sit in chairs where they waited while we gave each of the children backpacks filled with supplies. We also provided new clothing. They came in 40 at a time. There were cars with volunteers waiting and while Homeland Security stood guard at each end of the parking lot, we placed the refugees in automobiles and sent them on their way within 20 minutes of their arrival. While looking across the room at the refugees, I did not see the dangerous dirty people we were warned about in the media. I saw a beautiful group of women and children. They were not dirty; they were only terrified. Yet, they could not believe that they would be given hot meals, supplies, and clothing by people who truly cared about them. For the first time since they arrived in the United States, they finally saw the care and compassion they had heard so much about in their distant lands. They were amazed that they would be taken to the homes of complete strangers where they were would be treated as guests and then helped to reach their final destination. Once they realized it was safe, and that we were there to help them, they began to cry and talk openly about their experiences. Even a few of the heavily armed Homeland Security officers seemed to struggle to keep a dry eye.

A third myth that was disseminated by the protest organizers was that Homeland Security was planning to dump the immigrants in Murrieta. This was simply not correct. The very reason for bringing them to ICA was so that they would not be dumped on the street. In fact, not one of them has gone to a destination that is less than 100 miles from Murrieta after they were processed by the Institute for Children's Aid. Most of them were sent to homes out of state.

A fourth myth is that the right wing conservative Christian community was behind the protestors. Once again this is completely false. In reality, there was an underground network of Christians throughout Southern California who donated thousands of dollars in supplies and opened their homes and their hearts to these refugees. There was an outpouring of love and compassion unlike anything I have ever seen before. One of our volunteers was confronted by a local business owner who figured out what she was doing as she was leaving with a group of refugees. "How can you bring those people into our country?" he asked.

She replied, "I don't have to answer to you, I have to answer to God. And someday when I stand before God and He asks me what I did for the suffering little children who were placed on my doorstep, I will have a clear conscience and I will be able to say I did everything I could." The business owner looked down, then nodded and drove away.

There are few who would deny that we are in serious need of immigration reform and there are few that would deny that we need to secure our borders. That is an issue that certainly needs to be addressed, but the little children and women who arrived on our doorstep are human beings, who deserve to be treated like human beings,

while their cases are processed. They are not animals who should be cursed at, spit upon and thrown at the border of Mexico where they will likely die as they try to make the long journey back home. They are not criminals. They had entered our country legally as refugees and anyone entering with a criminal record was immediately deported. These are women and children who came to the United States pleading for mercy and assistance.

Last week, we met with Alan Long, the mayor of Murrieta, and several local community leaders to discuss the situation. Everyone present was in agreement that the matter was handled poorly by the community at the outset, due to confusion, and uncertainty. However, as Mayor Long noted when the issues are separated and one realizes that we are dealing with human beings, it is easy to recognize that one can seek legal reform on the one hand, while simultaneously showing compassion to the women and children on the other. He admitted that like many others, he was initially caught in the confusion of the issues until he spent a great deal of time alone in prayer and soul searching, then it occurred to him, there are two separate issues that need to be addressed separately. One is immigration reform and the other is compassion for humanity. The myth that we cannot do both is the fifth and the most critical lie we need to dispel.

What can you do to help?

At this time, the Institute for Children's Aid will be assisting the refugees in assessing their cases to determine which ones qualify for legal remedies. Each of them will need legal representation as their cases are heard, as required by William Wilberforce Trafficking Victims Protection Reauthorization Act. Attorneys will be needed to provide training to refugees about their rights and to assist in representing them as their cases are pending.

In addition, a legal fund has been established to cover the children's legal expenses. Donations to this fund would be most helpful.

Humanitarian aid is also needed, in kind, to form the packages that will be distributed to the refugees. The Institute for Children's Aid will provide a list of the items needed upon request. Here is a list of some of the items needed:

New shoes for kids (all sizes)

Resettlement bundle

Hygiene bundle placed in large Baggie (shampoo, toothpaste, toothbrush, etc)

Backpack bundle for children (small stuffed toy, coloring and story book with crayons, socks, underwear, size M child's t-shirt, etc)

Diaper Bag bundle (small baby blankets, toys, diapers, wipes, baby food in pouches, etc)

Small duffle bundle for moms (hair brush, soap, lotion, hair ties, size M women's shirts, socks, size 6-7 underwear, etc)

URGENT $230 scholarships for children's required specialized groups and educational classes

Lastly, a donation of $500 will allow ICA to purchase slightly more than 100 duffle bags in which supplies can be placed.

If you would like to help please call ICA at 951-695-3336.

DW Duke is a California attorney and the president of the Institute for Children's Aid. He is the Chair of the RCBA's Human/Civil Rights Section. He has authored numerous books and articles including the recently published book The Duke Legacy.

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

Riverside County Law Library invites all California State Bar Members to attend its program *Elimination of Bias, How Far Have We Come?* To be held on Tuesday, October 21, 2014 from noon until 1:30p.m. at the Victor Miceli Law Library. This is the second in a series of free Fall MCLE classes being offered by the Law Library.

California is a microcosm of what the rest of the nation will look like in years to come. We are one of the most diverse states in the nation and yet that diversity is not yet reflected in the legal profession. Believing that the legal profession should reflect the population that it serves, this program will address the strategies that are being utilized to increase diversity at all levels of the profession and provide a nurturing and inclusive environment in which all can participate.

Join the discussion as the Hon. Cynthia Loo, Commissioner for the Superior Court of California, County of Mariposa, and the Hon. Richard T. Fields, Superior Court of California, County of Riverside, as they explore the current state of diversity in the legal profession. The Riverside County Law Library is a California State Bar Approved MCLE Provider . This program is certified for 1.5 hours of Participatory Elimination of Bias credits. Lunch will be served.

Please call 951-368-0368 to RSVP.

Book Review

by John Holcomb

Swimming in Deep Water: Lawyers, Judges, and Our Troubled Legal Profession

by William Domnarski

In his most recent book, *Swimming in Deep Water: Lawyers, Judges, and Our Troubled Legal Profession*, local lawyer-author William Domnarski presents an engaging but bleak perspective of life in the law for today's practitioner. Through a series of 50 short essays, Domnarski covers a variety of topics, including lawyer civility, "Big Law" (Domnarski's moniker for the practice in and of large law firms), legal reading and writing, the relationship between lawyers and judges, and judicial opinions. Domnarski pulls no punches; lawyers and judges alike will feel some uneasiness with his description of the view that we all see when we collectively gaze into the mirror reflecting the current state of our profession.

Domnarski organizes his book alphabetically, by the title of the essay. Accordingly, the reader encounters the various topics in a seemingly random order. For example, the five pieces on legal reading and writing appear at essay numbers 21, 27, 28, 30, and 40. However, Domnarski's organization deliberately mimics the practice of law itself, in which in any given day one encounters various issues—discovery disputes, legal research, law firm management, client relations—in a disjointed and unpredictable fashion. Nevertheless, for the reader who insists upon examining only one issue at a time, Domnarski helpfully groups all of his essays by topic in the preface.

A recurring theme in the book is the tension between regarding the practice of law as a solemn profession and treating it as a mere income-generating trade. Domnarski decries the rise and increasing influence of "Big Law," which he characterizes as seeking to serve the interests of big corporate clients and to maximize firm profits through sometimes-questionable hourly billing practices. Instead, Domnarski tacitly argues that lawyers should accept and embrace the principles that the practice of law is a form of public service; that lawyers have near-sacred obligations to the court and to society at large; and that sometimes lawyers must reign in their clients rather than uncritically advancing their cause. This is reactionary stuff.

A few of Domnarski's essays deal with abuses prevalent in modern discovery practices. In "Food Fights Masquerading as Depositions," he describes some of the unprofessional tactics that are sadly typical today, and he laments that judges do little to correct, or even address, the problem. Domnarski cites an ABA report containing the following quotes from judges: "No judge wants to spend more time on discovery," and "discovery disputes are a nuisance. . . . We want to resolve cases on the merits. If we award [discovery] sanctions, we are saying, let's keep the pettifogging game going." On the bright side, after Domnarski's book went to press, two California federal courts issued orders sharply condemning abusive deposition tactics.[1] Perhaps the tide is finally turning.

Domnarski's most interesting essays address various aspects of the judicial function. With respect to judicial opinion writing, he argues persuasively that appellate judges ought "to do their own work," meaning that they should write opinions themselves rather than merely edit the drafts of their law clerks. Domnarski also critiques judges' use of literary allusions (including Shakespeare quotes), movie and television references, and introductory paragraphs in their opinions. And, he is not afraid to cite specific examples and to identify by name the masters of the craft and those judges who, shall we say, are less gifted.

With respect to the relationship between lawyers and judges, Domnarski is unflinching in his descriptions of abusive, imperious judges and those afflicted with what Domnarski calls "black robe-itis": a condition in which judges let their own sense of self-importance cloud their good judgment. Here, Domnarski's observations take on an emperor-has-no-clothes quality; all lawyers will recognize (by temperament, if not specifically) the targets of his derision, and many will silently applaud the courage of his condemnations, but we will rarely voice them ourselves (and certainly not publicly). Bravo to Bill Domnarski for calling them like he sees them.

Swimming in Deep Water's 246 pages make for an amusing and thought-provoking read, whether devoured whole in one sitting or in 50 daily nibbles. Through his pessimistic, the-glass-is-half-empty take on the legal profession, Domnarski cleverly challenges us to disagree with him, to rediscover the enduring noble and honorable aspects of the practice of law that drew us to it in the first place, and to resolve to correct the problems that he identifies. This book eloquently teaches that, while the legal profession may be troubled, it is also ours to cherish.

John Holcomb is a partner at Knobbe, Martens, Olson, & Bear, LLP in Irvine where he practices intellectual property litigation, and he is a director and past president of the Federal Bar Association, Inland Empire Chapter. John can be contacted at 949-760-0404 and john.holcomb@knobbe.com.

1 See Order dated 8/22/14 in *MAG Aerospace Indus., Inc. v. B/E Aerospace, Inc.*, Case No. 2:13-cv-06089 SJO (FFMx) (C.D. Cal.), and Order dated 9/16/14 in *Verinata Health, Inc. v. Ariosa Diagnostics, Inc.*, Case No. 3:14-cv-01921 SI (N.D. Cal.), both of which are available on PACER.

Opposing Counsel: Gregory K. Wilkinson

by Melissa Cushman

Now a senior partner at Best Best & Krieger LLP (BB&K) in the Riverside office, Gregory Wilkinson has managed to have an exciting legal career that has spanned continents, taking him from California to Italy, Botswana, Somalia, Samoa, and other far-flung locales.

Gregory K. Wilkinson

Greg started out local, growing up in Orange County and attending Claremont McKenna College, then venturing a little farther to attend Boalt Hall (U.C. Berkeley School of Law). He anticipated staying in the Bay Area after law school, but was unhappy with the San Francisco firms he interviewed and ultimately, graduated in 1972 without a job. Fortuitously, as he was cleaning out his locker to depart Boalt for the last time, he ran into the school's placement director, who mentioned the availability of a clerkship in San Bernardino, California. Greg got that clerkship and clerked for Justice Tamura at the state's Court of Appeals for a year.

During his year at the Court of Appeals, Greg came to know the Inland Empire better and especially liked the City of Redlands. Nonetheless, the Bay Area exerted its pull and, at the end of his clerkship, he went to the San Francisco office of the Attorney General. During his nine years there, Greg developed a specialty in water rights and water pollution law, serving as litigation counsel to the State Water Resources Control Board, the Department of Water Resources and as the principal prosecutor of polluters of San Francisco Bay. As the years passed, Greg began to look for a chance to work overseas and, in 1984, he learned of a job opening for a water lawyer at the United Nations in Rome, Italy. He got that job too and worked as Chief of the Land and Water Legislation Section of the Legislation Branch of the United Nations Food and Agriculture Organization (FAO).

During his time at the UN, Greg acted as legal advisor to FAO member states on land, water, pesticide control, and environmental legislation. His work included drafting natural resources management legislation for developing countries in Africa, Southeast Asia, and the Pacific, including the National Water Code of Botswana and water resources and land use legislation for Malaysia, Somalia, the Sudan, Western Samoa, and Tonga. Some of his assignments began to come with a little too much excitement — his initial visit to Mogadishu was highlighted by a MiG 17 strafing the main street of town, while an assignment to the Sudan, consisted, in part, of dodging Libyans intent on assassinating Americans in the area. The upside of these assignments was in meeting his wife Mal in Malaysia. By the end of 1985, they had an infant daughter and decided to look for something a little closer to his family—or hers—that would also allow Greg to be home more. By no small coincidence, Greg received a letter from Art Littleworth at BB&K (the two had litigated one of the many Delta water cases—on opposite sides—some years previously) stating that if Greg was interested in coming back to California, BB&K would be interested in him. As a result, in early 1986, Greg returned to California, joined BB&K, and moved to Redlands.

While Greg's legal work is now less dangerous, it remains interesting and, sometimes, confrontational. He represents the State Water Contractors, a group of 27 public agencies from the Bay Area to San Diego County that receive water from the State Water Project and collectively provide it to more than 25 million people. In that capacity, he has represented the State Water Contractors in landmark San Francisco-San Joaquin Bay Delta litigation involving the confluence of water and endangered species in the Bay-Delta, including in the *Delta Smelt Cases* and the *Salmonid Case*s and in water rights litigation in the *State Water Resources Control Board Cases*. He has served as special litigation counsel in water matters to the Friant Water Users Authority and as legal counsel to the Metropolitan Water District of Southern California on Endangered Species Act issues relating to the Lower Colorado River. He also continues to do some additional international work while at BB&K, including drafting the water law of Namibia and legislation for Malaysia and several countries in the Caribbean.

While Greg describes his legal career as "a great time, with no regrets," he is slowly paring his practice down and turning to other interests. Never one to rest, he looks forward to travelling to the Republic of Georgia for the U.S. Agency for International Development and he recently visited Myanmar on behalf of the World Bank. He also stays busy serving as Chair of the Board of Feeding America of Riverside and San Bernardino (formerly the Second Harvest Food Bank), an organization that is an important part of the social safety net in Riverside and San Bernardino counties, where one out of four area children is food insecure. Currently, the Food Bank provides food to more than 400

organizations who, in turn, deliver it to hundreds of thousands of people every month as area residents continue to struggle post-recession. Greg is working hard to make the organization sustainable so it can continue to meet these needs both now and in the future. For more information on the Second Harvest Food Bank organization, see http://secondharvest.us/.

Melissa Cushman is an attorney at the Riverside Office of Best Best & Krieger LLP, who works with Greg in the Environmental and Natural Resources Department, including on the Delta Smelt Cases and the Salmonid Cases.

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Membership

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

David F. Blaisdell – Law Office of David Blaisdell, Moreno Valley

Michael R. Bruggeman – Law Office of Michael Bruggeman APC, Newport Beach

Jason Q. Chandler (S)– Chandler & Associates, Riverside

Evan C. Cote – Albertson & Davidson LLP, Ontario

Heather G. Cote – Albertson & Davidson LLP, Ontario

Heather N. Danesh – Sole Practitioner, Menifee

Gregory S. Duckworth – Duckworth Law, Palm Springs

Amy York Garrett – Law Office of Amy York Garrett, San Bernardino

Michelanne Hrubic – Sole Practitioner, Riverside

Nazy N. Javid (S) – Law Student, Riverside

Alexander H. Lim – Hyde & Swigart, Riverside

Joseph A. Mandry (S) – Law Student, San Diego

Christopher A. McIntire – Smith Law Offices APC, Riverside

Sarah R. Mohammadi – Best Best & Krieger LLP, Riverside

Kimberly Rice – The Myers Law Group APC, Rancho Cucamonga

Ann Rubenstein – Law Office of Jonathan J. Zerin, Norco

Manuel A. Ruiz (S) – Law Student, Hesperia

Allison Scott (S) – Law Student, Orange

Kirk Matthew Tarman – Tarman & Shamuiliam, Rancho Cucamonga

Jonathan J. Zerin – Law Office of Jonathan J. Zerin, Norco

(S) – Designates Law Student

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