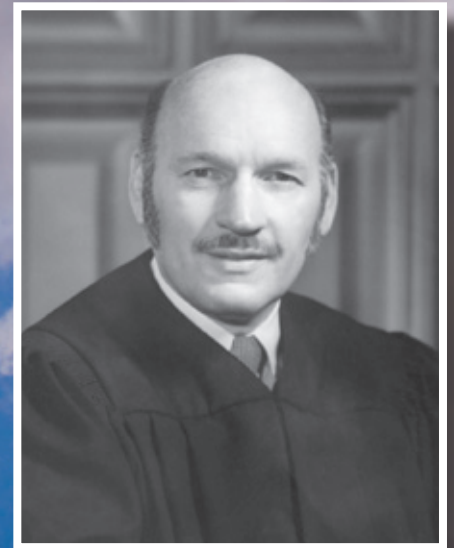
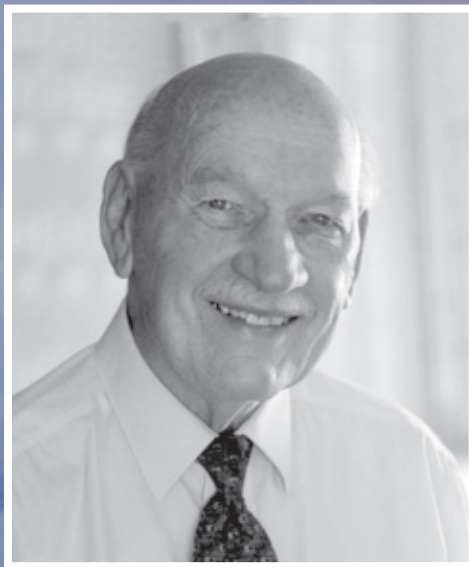
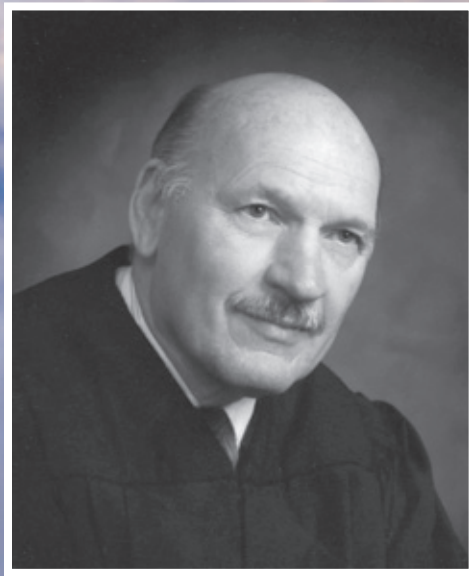


RIVERSIDE LAWYER

April 2015 • Volume 65 Number 4

MAGAZINE

JUDGE ELWOOD "WOODY" RICH NOVEMBER 20, 1920 - JANUARY 29, 2015



The official publication of the Riverside County Bar Association

Publications Committee

Laurel Buchanan
Sophia Choi
Melissa Cushman
Abram Feuerstein
Stefanie Field
Alexandra Fong
Amy Guldner
Boyd Jensen
Robyn Lewis

Juanita Mantz
Christopher Marin
Dorothy McLaughlin
Charlene Nelson
Dawn Saenz
Jean-Simon Serrano
Bruce Todd
Jamie Wrage
Lisa Yang

Editor Jacqueline Carey-Wilson
Copy Editors Yoginee Braslaw & Juanita Mantz
Design and Production PIP Printing Riverside
Cover Design PIP Printing Riverside

Officers of the Bar Association

President

Chad W. Firetag
(951) 955-6000
cwfiretag@co.riveride.ca.us

President-Elect

Kira L. Klatchko
(760) 568-2611
kira.klatchko@bbklaw.com

Vice President

Jean-Simon Serrano
(951) 682-6400
jserrano@heitingandirwin.com

Chief Financial Officer

L. Alexandra Fong
(951) 955-6300
l.alexandra.fong@gmail.com

Secretary

Jeffrey A. Van Wagenen, Jr.
(951) 955-1309
JVanWagenen@rivcoeda.org

Past President

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

Directors-at-Large

Sophia H. Choi
(951) 955-6300
sochoi@co.riverside.ca.us

Neil D. Okazaki
(951) 826-5988
nokazaki@riversideca.gov

Jack B. Clarke, Jr.
(951) 686-1450
jack.clarke@bbklaw.com

Brian C. Unitt
(951) 682-7030
brianunitt@holsteinlaw.com

Executive Director

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

Officers of the Barristers Association

President

Scott H. Talkov
(951) 682-1771
stalkov@rhlaw.com

Treasurer

Sara B. Morgan

Vice President

Arlene Cordoba Dashkovitz

Members-at-Large

Erica M. Alfaro
Benjamin R. Heston
Eli Underwood

Secretary

Christopher B. Marin

Past President

Kelly A. Moran

Riverside County Bar Association
4129 Main Street, Suite 100
Riverside, California 92501

Telephone
951-682-1015

Facsimile
951-682-0106

Internet
www.riversidecountybar.com

E-mail
rcba@riversidecountybar.com

RIVERSIDE LAWYER

MAGAZINE

C O N T E N T S

Columns:

3 **President's Message** by *Chad W. Firetag*

COVER STORIES:

12 **Judge Elwood "Woody" Rich**
November 20, 1920 – January 29, 2015
by *Virginia Blumenthal*

13 **Elwood M. Rich aka Woody.**
What an Absolute Piece of Work!
by *David G. Moore*

14 **Woody Rich**
by *Judge Mac Fisher*

16 **Script Text for Video of the Late Judge Elwood Rich**
by *DW Duke*

20 **A Riverside Treasure**
by *Judge Gloria Trask*

22 **A Tribute to Woody**
by *Terry Bridges*

Features:

4 **A View from the Jury Box**
by *William Marin*

5 **Thinking Inside the Box: An Attorney's Jury Service**
by *Ben Hampton*

6 **Jurors Judge the Attorneys**
by *David Cannon*

8 **Making a Good First Impression: An Opening Statement**
by *Scott Ditfurth*

10 **Top Five Topics for Voir Dire in a Criminal Trial**
by *Juanita E. Mantz*

25 **Judicial Profile: The Honorable Scott Yun**
by *Dorothy McLaughlin*

27 **Opposing Counsel: Herb Chavers**
by *Donald Cripe*

Departments:

Calendar 2
Membership 28

Classified Ads 28

MISSION STATEMENT

Established in 1894

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

RCBA Mission Statement

The mission of the Riverside County Bar Association is:
To serve 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.

The 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 the Riverside Lawyer.

The material printed in the Riverside Lawyer does not necessarily reflect the opinions of the RCBA, the editorial staff, the Publication Committee, or other columnists. Legal issues are not discussed for the purpose of answering specific questions. Independent research of all issues is strongly encouraged.

CALENDAR

April

8 Criminal Law Section

Noon – 1:15 p.m.
RCBA Building – Gabbert Gallery
Speaker: Paul Grech, Esq.
Topic: “Managing Investigators and Directing the Investigation of Your Case”
MCLE

8 FBA – IE Chapter

Noon – 1:15 p.m.
George Brown Federal Courthouse
Federal Civil Practice Seminar
Speakers: Judge Virginia Phillips, Judge Jesus Bernal,
Judge David Bristow and Judge Kiya Kato
Lunch will be served
Information – sherrigomez4@gmail.com

13 Solo/Small Firm & Estate Planning Section Co-sponsoring Meeting

Noon – 1:15 p.m.
RCBA Building – Gabbert Gallery
Speaker: David Tate, Esq.
Topic: Elder & Dependent Adult Abuse & Protection: Identify, Stop, Report & Remedy
MCLE

17 General Membership Meeting

Noon – 1:15 p.m.
RCBA Gabbert Gallery
Speaker: Presiding Judge Harold Hopp,
Riverside Superior Court
Topic: “The State of the Court”
MCLE

New Attorney Academy Graduation
at the General Membership Meeting

22 Appellate Law Section

Noon – 1:15 p.m.
RCBA Building-Gabbert Gallery
Speaker: Brian Unitt, Esq.
Topic: “Making a Record: A Matter of Appellate Life or Death”
MCLE





by Chad W. Firetag

Twelve Strangers

I have come to believe that one of the hardest things to do as a trial lawyer is to predict how a jury will decide a case. I have been to many seminars and listened to many speakers talk about jury selection. I've met with jury consultants and other experts who get paid to predict who will be the perfect juror for a particular case and even how to choose the right jury.

I have often sat in my office until late in the evening trying to figure out who might be a "good" juror for me — a professional or a stay-at-home parent, a young person or an old person, a teacher or a student, the janitor of a company or the CEO? When I thought I finally figured out the perfect juror in my mind, I would look for that person in the panel.

And what did all my hard work get me? I should have just flipped a coin because sometimes I was right about the "perfect" juror, but other times I was dead wrong.

So many times when I lost a case I found myself blaming the jury and getting angry at them over the decision they just made. Their rejection of my case seemed unfair and I couldn't help but think, "What's wrong with them? How could they not see my side of this? How did they get it so wrong?" In the pain of my loss all I could conclude was, "Well, I must have picked a bad jury."

Inevitably, sometime later (while trying to drown my sorrow over a beverage at a local watering hole), I would tell the facts of my case to a colleague. After listening to my heartfelt lament, my friend would look down, take a slow sip, and then tell me how I had no chance of winning my case. Time and time again I realized I had been suffering from what all of us who try cases suffer from: Trial

Psychosis. (For those that try cases, this well-known phenomenon is when we believe our case so much, and are so invested in our theory, that we put blinders on to prevent us from seeing the flaws in our case.)

Juries really are a very interesting bunch. Even the concept of a jury is a strange idea. In what other context, whether it is business, trade or any other profession, do we bring in novices who don't know each other, have never worked together before and previously know nothing about the subject matter, the facts or the issues and ask them to make a major, often life-changing decision? Indeed, they are only there because they were sent an official summons commanding their presence under threat of arrest if they refused to show.

Can you imagine any other business working like this? It would be like a corporation randomly going to a mall, picking out twelve strangers under threat of arrest, and then forcing them to come up with a business strategy after hearing from two sides that presented widely-contradicting ideas for success. I think we would all agree that business is certainly going to be doomed from the start.

Armed with no training and no experience, we expect our juries to make very important decisions. Decisions of guilt or innocence; decisions related to thousands, if not millions, of dollars; or even decisions of who lives and who dies. So are juries really the right way to go about finding justice?

I did a little research for this message and spoke to several people, both attorneys and judges, about juries. I asked them: In your experience, have you found that juries usually get it right or wrong? And it may surprise you, but they all said that juries usually get it right. In fact, many of them said that in their careers, it's very rare for a jury to just get it flat-out wrong. For the most part, these experts told me that juries most often find the truth and justice in the cases they hear.

It is unfortunate but juries tend to get a bad rap in the media too. Anytime there is a prominent trial, a million "experts" show up on some news channel and spout their thoughts on what should happen. And when the verdict doesn't comport with their belief, the pundits again pontificate about the evils of the jury system and why it's broken.

But when you think about it, that criticism is just not fair. Those pundits didn't sit there every minute of testimony and look into the eyes of every witness like the jurors did.

The truth is that the jury system works very well. The "flaws" I mentioned above are really its greatest strength. The diversity of the jury is what makes it strong. When people come from different life experiences, views and walks of life, they know when someone isn't telling the truth. They know what is fair and right and what is not. Jurors, for the most part, take their responsibility very seriously and work very hard to make the right decision.

I have come to believe that by and large, a group of twelve strangers working together is smarter than one lawyer trying to win their case.

I think we should be proud of our juries and thankful to them for working hard and sacrificing so much trying to do the right thing. In the end, maybe it is best that we are not able to figure them out ahead of time. Maybe the best thing for us to do is to just present our case and let them decide.

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



A VIEW FROM THE JURY BOX

by William Marin

[Editor's note: Mr. Marin recently finished 95 days of jury service on a construction defect case. Jury selection began in July of last year and deliberations concluded in early March. The case involved fifty-six homeowners suing a major homebuilder for alleged defects in their foundations and attics; the homebuilder filed a cross-complaint against the concrete and framing subcontractors. The plaintiffs had sought damages to replace the foundations and attics. The jury granted damages for minor repairs and found that the homebuilder should recover most of the damages from the subcontractors.]

Here is some advice based on my experience:

Encourage jurors to take notes.

Some jurors regretted not taking better notes and wished someone had told them why taking notes would be useful later. Jurors who took poor notes relied on the notes of others to help them remember testimony. Few jurors wrote down exhibit numbers and those who did were not always consistent. Some jurors refused to vote for damages for items for which there were no exhibits.

Do not oversimplify instructions for completing the verdict forms.

Some jurors took offense when one of the attorneys in his closing statement told them to just vote "No" on each question because that would allow them to go home sooner. Once jurors had read several pages of jury instructions and were faced with 56 verdict forms, they resented the attorney who made it look so simple, or worse, implied that the jury was too simple to read the questions. It would have been helpful if the attorney related each question back to the relevant section of the instructions.

Explain how the jury should use your calculation for damages. Jurors essentially created their own cost-of-repair damages award by taking some items from each party's cost-of-repair and then accepting the estimated cost or readjusting it to a more "reasonable" amount. It was time consuming enough to deliberate on each item in four separate cost-of-repair calculations for 56 homes. It was even more time consuming coming up with the "real" cost of each item. Additionally, some jurors were confused as to why one attorney asked the jurors to vote against awarding damages but still provided a cost-of-repair. For some jurors, it meant that the party really believes that the item must be repaired.

Know how to use electronic exhibits. Jurors did not have patience when attorneys fumbled with focusing on a small detail in an oversized construction plan or finding a particular place in a long contract. Jurors did appreciate the attorneys who brought their own IT person to show their exhibits. The IT person made the evidence seem less confusing and more relevant.

Have experts use a PowerPoint presentation. Much weight was given to the arguments of those experts who did use these presentations. Jurors frequently referred back to these presentations for arguments against particular repairs and the arguments were generally accepted. Less credit was given to experts who did not have a PowerPoint. Jurors also often referred to exhibits that were in the presentations rather than looking at the exhibit outside the context of the presentation.

Explain why attorneys object to the admission of some evidence.

Some jurors did not understand when attorneys would repeatedly interrupt testimony with "objection—foundation" or when the opposing attorney subsequently failed to establish foundation. Many times, everyone but the jury would be able to view an exhibit while an attorney tried to establish foundation. Some jurors thought the objecting party had something to hide. It would have been helpful to explain why the rules of evidence are important.

William Marin is a Human Resources analyst for the County of Riverside.



THINKING INSIDE THE BOX: AN ATTORNEY'S JURY SERVICE

by Ben Hampton

Last year, when I received my jury summons in the mail, I resigned myself to the fact that I would be losing a day of work while sitting in the jury room at the Riverside Hall of Justice. With Wi-Fi and a laptop, I could probably remain productive, and might even get some billing done. At most, I would get the chance to sit briefly in the jury box before hearing my juror number “thanked and excused.” It had happened twice before, and I expected it to happen again. My reasoning was simple: Who wants a lawyer on their jury?

This time, sitting once again in the jury box, the prosecutor and three defense attorneys each spoke to me briefly during voir dire. I revealed that I had clerked for the Riverside Public Defender's Office and the Riverside District Attorney's Office, and currently worked at Best Best & Krieger as a municipal litigator. I was certain that I was going to be dismissed, perhaps even for cause. Nevertheless, all parties accepted the panel—I was juror number ten.

Including jury selection, the trial lasted about two and a half weeks. As an attorney, I may as well have been on an academic sabbatical—I enjoyed every minute of the presentation of testimony and physical evidence, and the full day of closing arguments capped off my experience wonderfully. That said, my time as a juror highlighted the risks associated with keeping an attorney on your panel.

During the three days of jury selection, I wore a dark suit, light shirt, and tie. I carried files and a briefcase, and worked in the courtroom before being called to sit on the panel. During breaks, I used my bar card to avoid the security lines, and I chatted with attorneys that I knew and recognized in the hallways. In short—I looked, and behaved, like a lawyer. And, as conventional wisdom holds, the prospective jurors saw it all.

It was clear that the jurors got a kick out of serving alongside an attorney. I was asked questions about the legal process, generally, and was asked to explain the reason for every delay, break, sidebar, and other interesting procedural event of the case. And, as I expected, several of the jurors tried to hit me up for free legal advice, albeit mostly relating to family and real estate law. I took my oaths seriously, however, and politely refused to answer their questions or give legal advice, but the message was clear—despite being the second youngest juror, I was viewed and treated as the expert.

When the time came to deliberate, my fellow jurors quickly appointed me foreman. In total, there were nearly

a dozen verdicts or findings we needed to make as jurors, and I led the group discussion as we took them each in turn. While I took caution never to dominate the conversation, the group dynamic was clearly influenced by the presence of the lawyer in the room. Individuals directed their thoughts and questions at me, and repeatedly sought my specific input at every turn of the discussion. At the time, I remember thinking that the jurors seemed determined to “get it right,” but were overwhelmed by the volume of jury instructions and the complex nature of some of the elements of the charged offenses. With access to a lawyer in the room, the jurors did what we should all expect: they sought advice, input, and direction. I was careful not to run away with the deliberation or “instruct” the jurors on the law, but as a juror myself it was my job to participate, and it is difficult as a trained and paid advocate not to...well, advocate.

Looking back, I suppose none of this should be surprising: Lock a small, randomly-selected group of people in a room, give them a box of gears, motors, and assorted parts, and tell them not to come out until they've built a functioning mechanical device. Now reveal that one member of that group is a practicing engineer. If the group is devoted to producing the best result, we would expect the engineer, at the very least, to play a disproportionately active role in the group's task. There is, of course, also the risk that the group is content to let the engineer simply take the box of parts into a corner of the room and assemble the device by himself.

Fortunately, that didn't happen here. Our jury deliberated all morning, and we took an individual vote for each count and finding. We returned a mixed verdict, but one that was disproportionately—and inevitably—influenced by my personal convictions of the truth of the various charges. This isn't to say that lawyers can never make good jurors; for my part, I followed the judge's instructions, followed the law, and feel we returned the appropriate verdicts. The truth remains, however, that jurors don't check their experiences, personalities, or convictions at the door—lawyers included.

Ben Hampton is an associate in the Municipal Law and Litigation practice groups of the Riverside office of Best Best & Krieger LLP. Ben's practice focuses on public safety litigation, deadly weapon confiscations, and nuisance abatement actions on behalf of his firm's municipal clients.



JURORS JUDGE THE ATTORNEYS

by David Cannon

I have been interested in how jurors perceive attorneys ever since I walked into my first courtroom. I was a graduate student, and I went to observe how attorneys interacted with potential jurors during jury selection. There, a young female attorney named Mary got up in front of the courtroom and confessed to how nervous she was because of her relative inexperience. She told the jury that her co-counsel was actually her boss and that his presence made her even more anxious. As Mary spoke about her anxiety, I noticed several jurors beam as they listened. They smiled and nodded their heads in agreement. She asked if anyone would hold her anxiety against her. Most just smiled in response. They liked her, and it felt as though they trusted her. I liked her. Mary was no longer an impersonal attorney. She was a relatable human being who appeared to be honest and genuine about her feelings. Then... the next case rolled around. She did the same thing. She pulled the same “stunt” the entire four years I was in graduate school. She clearly believed that her style worked for her.

After seeing Mary in the courtroom a couple of times, I wondered whether her tactic worked. My research showed that jurors found personable attorneys to be more likable and credible, provided that they felt that the attorney was being genuine. An attorney is often a stereotype until the jury gets to know him/her. Things change at that point because some of the jurors’ preconceived notions about attorneys go out the window. Jurors have very strong, personal reactions to attorneys as they get to know them.

It is important for jurors to feel a connection between themselves and an attorney, but self-disclosure and personableness are just two ways to make this connection. I have spoken to thousands of jurors and mock jurors over the years about what they like and dislike about attorneys, their styles, and their presentations.

I have seen common themes in their responses, and most of those themes speak to whether they feel the attorneys are respectful and genuine. Although Mary successfully walked a fine line between appearing genuine versus manipulative, attorneys do not have to go to those lengths for jurors to view them more favorably.

Here is what jurors are on the lookout for:

- **Are you wasting my time?**

Jurors want someone who appears to be organized and on top of his/her game. Most jurors do not want to serve, and they do not want to spend anymore time in the courtroom than is necessary. If an attorney doesn’t look prepared and on top of his/her game, jurors are critical of that attorney for wasting their time.

Jurors understand that attorneys are advocates, and they expect some redundancy. However, too much redundancy frustrates jurors. Why is she covering that again? What does this witness add? Does this attorney think we are stupid?

- **Are you credible?**

Jurors begin a case by wondering who is hiding the ball from them. Jurors understand that attorneys want to tell their side of the story, but jurors want context. They want to hear the entire story. Aggressively cutting off witnesses that appear forthcoming can backfire. Getting caught misrepresenting evidence also undercuts credibility. All of a sudden, you appear to be the one who is hiding the ball.

An attorney’s cross-examination tells the jury a lot about him/her. Jurors are open to aggressive cross-examinations when they feel that the examination is substantive and the witness is flippant, hostile, disrespectful, entitled, and/or evasive. However, if the witness appears to be forthcoming, aggressive cross-examinations can result in negative feelings toward the attorney.

- **Do you look and act the part?**

Jurors expect a lot from attorneys because law is considered to be among the most prestigious professions. Looking and acting the part is extremely important. Jurors look for professional dress, ironed clothing, and polished shoes.

Jurors don’t like “self-disclosure” comments during voir dire that appear disingenuous, such as the suggestion by an attorney that he is of limited means. They don’t believe you. While it is advisable not to wear “flashy” items or jewelry that will command attention from the jury, jurors view attorneys as being financially well-off. Suggesting otherwise does not appear genuine.

Remember that you are expected to appear professional, even when you are outside of the courtroom. During a post verdict interview, two separate jurors spontaneously brought up an attorney that they “didn’t like at all.” When I asked why they didn’t like him, a

juror mentioned that he had been in the bathroom at the same time the attorney had been there. He observed the attorney use the bathroom and walk out without washing his hands. He was “disgusted” and brought that up during deliberations. It impacted the way other jurors viewed him.

Jurors are angry when they feel attorneys act as if the rules of the courtroom do not apply to them. Jurors are aware when they see attorneys on phones during the trial. The bailiff often tells jurors to turn their phones off before they come into the courtroom. Jurors want to check their e-mails and voicemails, and they don't like seeing attorneys doing what they can't do. They are especially bothered when an attorney's phone goes off during the trial.

David Cannon, Ph.D. is a trial consultant based in the Los Angeles area. He has practiced as a consultant in cases throughout Southern California and many other areas of the United States for the last 17 years.



MAKING A GOOD FIRST IMPRESSION: AN OPENING STATEMENT

by Scott Ditfurth

You have undoubtedly heard the phrase “you only have one shot to make a good first impression.” In the context of a jury trial, this first impression is often solidified during the opening statement.

The opening statement is an attorney’s opportunity to explain their case and leave a lasting impression on how the jury should view the evidence presented during trial. Indeed, generally speaking, information which is heard first by the jury will be remembered best. If the jury accepts the explanation of the facts and evidence presented in the opening statement, their belief is more forceful and lasting.

There are many facets to presenting an opening statement, and each case requires a distinct approach. The opening statement is one of the few occasions in which an attorney has the chance to speak directly to the jury. Accordingly, the opening statement provides a unique opportunity to form a positive connection with the jury, as well as present the facts and evidence in such a way to have them favorably view the impending evidence presented at trial.

Once jurors reach a preliminary conclusion about which side they support, it can be difficult for them to change their preference, even in the face of contradictory evidence. As such, it is important to convey to the jury the story of the case, and the most persuasive evidence that supports it, as quickly as possible.

While every opening statement is different, and must be tailored to specific factual circumstances of the case, there are certain concepts that should be considered and implemented in every opening statement.

Be Concise

Most trials, regardless of the subject matter, necessitate the attorney communicating a great deal of information to jurors in a short amount of time. However, overwhelming jurors with too much information during the opening statement can only serve to weaken an attorney’s primary objectives.

An opening statement should not be argument. Rather, the opening statement

should focus on the key facts, which are then used to create a theme and story that is presented to the jury. Do not get lost in superfluous facts. Rather, carefully choose the most impactful points you want to raise. Reach each point quickly and explain what happened in a succinct statement that the jury can understand.

An effective opening statement can last as short as 10 minutes or less. The primary objective in delivering the opening statement is to convey the key points (good and bad) in such a manner that the jury views these points in a favorable light.

Have a Theme

By carefully choosing and ordering the facts of the opening statement, and combining them with a persuasive theme, an attorney can increase the chances that the jury will accept the explanation of the facts and evidence presented in the opening statement. An argument can be made that each case is decided on a few common fundamental concepts or facts. Identifying those concepts and developing your theme in conjunction with those concepts is vital to delivering an impactful opening statement.

A theme is a short, simple theory that provides an overview of the case. It allows the jury to understand the objectives of the case and provides organization for the arguments that will be made at trial. A theme helps

jurors justify conflicts that may arise in the trial and enable them to look for evidence during the trial that fits the theme. A theme should be easy to remember, and should present the facts in a manner that is favorable to your position.

At the conclusion of the opening statement, an attorney wants to make sure the jury remembers their story and the theme that was developed throughout the opening statement. To accomplish this, try and devise a word or phrase that summarizes the story and the theme of the case, which the jury will easily remember.

Tell a Story

It is commonplace to use storytelling as a means to communicate information. Such is the case when presenting an opening statement as well. One of the fundamental principles of conveying an effective opening statement is to tell a thoughtful story that conveys the facts of the case. The story provides a framework for jurors to retain relevant information and discard irrelevant information that is presented at trial.

Presenting the opening statement as a story simplifies information, as well as keeps the jury's attention. As with any story, it should have a beginning, middle, and end. In the beginning, a well-crafted theme will grab the attention of the jury. Next, the middle is where an attorney can focus on the facts and evidence they want the jury to retain throughout the trial. Finally, the end of the opening statement should ask the jury what the attorney ultimately wants them to decide. It is important that the jury feels as though they are involved in the process and that the attorney wants them to make the right decision.

Delivering a concise, well-crafted opening statement sets the stage for how the jury will hear, and ultimately accept, the evidence presented at trial. Taking the time to develop a thoughtful opening statement should not be overlooked. This "one chance to make a good first impression" can pay dividends throughout the trial.

Scott Ditfurth is a partner in the Business Services Group at Best Best & Krieger LLP's Riverside office. Scott's litigation practice encompasses contract claims, business disputes, as well as a variety of real property disputes, including eminent domain and inverse condemnation.



**walk★
FOR wishes®**

April 11 | Fairmount Park, Riverside
April 18 | OC Great Park, Irvine

Come celebrate in our world
of wishes with a day of fun
and a spirited walk!

ocie.wish.org/walk

Castle Park 2014 OCie

TOP FIVE TOPICS FOR VOIR DIRE IN A CRIMINAL TRIAL

by Juanita E. Mantz

Voir dire is old French for “to speak the truth” and is a valuable tool for all attorneys conducting a trial. This is true whether it is a civil trial or a criminal trial and whether you’re the prosecution or defense. As a deputy public defender, I will look at this issue through a criminal law lens and I have assembled my top five criminal law topics to conduct voir dire on. I gathered this material in a very non-scientific manner, which basically consisted of me walking through my offices talking to people. I am sure I am missing some important topics, but ultimately, these are just my thoughts and those of some my colleagues.

Number 5: Following the Law

Every juror is asked by the judge whether they can follow the jury instructions and the law. Often, there will be at least one juror who will respond, “I will try.” The best comeback in this situation goes something like this: Imagine your significant other is planning a trip with their friends to Vegas without you. You ask your significant other whether they will be faithful and they say, “I’ll try.” Would you be satisfied with that answer?

Number 4: Proof Beyond A Reasonable Doubt

The jury instruction (CALCRIM Instruction No 103) states that proof beyond a reasonable doubt is “proof that leaves you with an abiding conviction that the charge is true...”

What does an abiding conviction mean? An abiding conviction is a conviction that is enduring and cannot be changed. It is a decision that if you look back on in a year or ten years, you will have not changed your mind. Some people compare it to the certainty one has when they decide to marry someone, but this is an even higher standard because you can always get a divorce, but with this decision on guilt or innocence, there is no turning back.

Number 3: Bias

Usually, as a defense attorney, we ask prospective jurors whether they have any particular thoughts with regards to police officers. For example, we may ask a juror whether they are predisposed to give a police officer more credence just because they are an officer. One question to also consider asking is whether a juror has any bias toward defense attorneys. A colleague of mine asked that question and was surprised when a juror said that he hated public defenders and that his son was serving life because of his defense attorney.

Number 2: Right To Remain Silent

The right to remain silent and not testify is a crucial topic for voir dire. It often goes hand in hand with discussing the presumption of innocence. The jury instruction (CALCRIM Instruction No 355) states that, “A defendant has an absolute constitutional right not to testify. He or she may rely on the state of the evidence and argue that the People have failed to prove the charges beyond a reasonable doubt.”

And The Number One Question to Ask In Voir Dire Is... (Drumroll)

“*What do you teach your children?*” I cannot take credit for this brilliant voir dire question. Instead, I must quote our very own Public Defender Steve Harmon on this one. He stated, “If I only had one question I could ask, and only one, I would ask a juror this: ‘What do you teach your children?’ ”

He elaborated, “I am trying to find out who they are. My goal is to get to know the prospective jurors and find those jurors who fit my theme and theory of the case. Ultimately, I am trying to answer one question, what side of the mountain is the juror on? Do they stress honor, duty, loyalty, and respect or do they teach their children kindness, gentleness, patience and love?”

Juanita E. Mantz is a Deputy Public Defender with Riverside County and a writer. You can read her Life of JEM blog at <http://www.lifeofjem.com-jemmantz.blogspot.com>.



**FINAL DRAWING
of the
Riverside
Historic
Courthouse
by Judy Field**

**\$100 each
(unframed)**

*Signed and numbered limited edition prints.
Great as a gift or for your office.
Contact RCBA office, (951) 682-1015
or rcba@riversidecountybar.com*

JUDGE ELWOOD “WOODY” RICH

NOVEMBER 20, 1920 – JANUARY 29, 2015

by Virginia Blumenthal

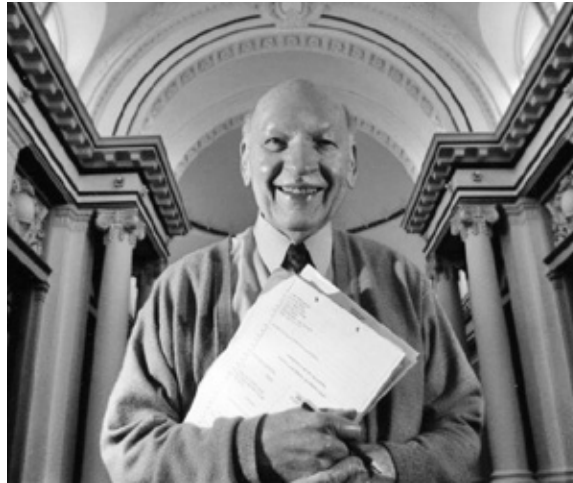
He Made a Difference

It has been said that the dash between the date of birth and the date of death is the life that the person has led. The dash between the dates of Judge Rich’s life seems so small compared to the amazing life he led and the difference he made in the lives of so many people.

While Judge Rich started his legal career in Riverside in 1947 in the District Attorney’s Office, most of his career was spent on the bench, as a mediator after his retirement and as the Dean of Riverside’s California Southern Law School (formerly “Citrus Belt Law School”). When one first met Judge Rich, the “Woody-isms” were obvious. He had a slow stride, could appear to be feeble, spoke slowly while his intelligence and conviction would start to become apparent. It did not take long to learn that this man loved the law and lived the law.

He founded what was then called Citrus Belt Law School in 1971 because Riverside University, a former “for profit” school, went bankrupt and left numerous law school students stranded with no institution willing to accept them. He believed that everyone deserved the opportunity to go to law school. Many times he explained that while he wanted to provide the opportunity of a law school education, the opportunity was more the students to take than his to give.

And that opportunity was provided to many students. He gave encouragement to students who were struggling to stay current attending classes three nights a week, all year long for four years while supporting their families and working fulltime jobs. In spite of the school being a nighttime, unaccredited law school, many of these graduates are now accomplished lawyers, jurists and government officials. Almost all of these individuals would not have had the opportunity to excel in their chosen profession if it were not for Judge Rich.



Judge Rich in 2005

He was proud of his law school and his graduates were proud of the law school education they received.

When Judge Rich retired from the Superior Court bench, he helped the Riverside judicial system resolve the civil cases. The stories about his settlement style are legendary but he truly settled about 50% of all civil cases referred to him. He became a fixture in the Historic Courthouse with his wanderings

from one side of the courthouse to the other.

Judge Rich was a humble man who was absolutely tireless. His energy put to shame those who were half his age. It is said that he did not miss one day of school from his junior high years through graduation from law school. He worked for 41 years as a judicial officer, settlement judge and dean of the law school without missing a day of work. He was a caring man who loved the law, his family, his students and those litigants whom he would help resolve their cases.

The dash between the dates of Judge Rich’s life tells a great story. He was a man who made a difference.

We will miss you, Judge Rich.

Virginia M. Blumenthal is founder of Blumenthal Law Offices and has practiced criminal defense law in Riverside County for forty years. She was one of the first women attorneys to “break through” in Riverside. She helped to bring the High School Mock Trial program to Riverside County and has been active in that program with being a coach, on the steering committee, a presider and a scoring attorney. She was a graduate of Judge Rich’s first graduating class who started at his law school in 1975. Her daughter Heather Green was a graduate and successful bar admittee from Judge Rich’s last graduating class in 2014.



ELWOOD M. RICH AKA WOODY. WHAT AN ABSOLUTE PIECE OF WORK!

by David G. Moore

I first met Woody in or about the time he established Citrus Belt Law School, which was and is, under its new name California Southern Law School, a four-year part time law school. Woody asked me to teach contracts and an outstanding student that year was a school teacher named Virginia Blumenthal, one of the first students Woody steered toward a career in law. We are all aware of the successful niche Virginia has made in criminal defense law and of her well recognized achievements in our community. A large part of that is due to Woody establishing a law school where working people could attend classes at night to achieve their dreams. Other legal luminaries that benefitted from Woody's foresight are Judges John Evans and Chris Warner, as well as Commissioner Tom Hudspeth.

At that point in time, Woody was a municipal court judge and his courtroom was in the old municipal court building, which has since been leveled and is part of the site of the office building for the District Attorney. Woody pretty much ran his courtroom as he saw fit and handled the appearance calendar. Even in those days, he was adept at resolving infractions and misdemeanors without the necessity of trial. This was really Woody's forte: his homespun sense of humor, his ability to listen while people expressed their feelings concerning their cases, and the ability to relate to people were the mainstays of his character.

After the municipal and superior courts were consolidated, Woody handled a trial department, but always made himself available to assist in resolving cases short of trial. I tried a few cases in his court and his rulings pretty much took on a King Solomon resolution of splitting the baby.

Many a time cases were called for trial where Enos Reid, Don Powell or I, if defending, would come back to the office and do office work the first day of trial while Woody worked on the plaintiffs in an attempt to resolve these cases. They were not all just tort cases for per-



Judge Rich in 1997

sonal injury. A number of the cases involved intricate issues involving contract law, etc. Woody's practical approach often carried the day, and the reason we left the courthouse and came back to the office was that we knew Woody would spend all day the first day and far in to the night, if necessary, to resolve the case. It was often a successful ruse and a unique approach to settlement.

I remember particularly one Santa Fe case in which the plaintiff's lawyer from Los Angeles started out at six figure money in the morning

and the case was resolved somewhere in the early evening for four figure money. In the interim, Enos had gone to the Victoria Club to play golf and left Don Powell and myself to communicate from time to time with the court to determine how Woody was doing.

There are many, many stories relating to Judge Rich and his career. However, one thing must be noted. Woody held a steady course in his application of the law and his talents during an era in which the practice of the law has substantially changed. The community has grown with the times, there are more lawyers in California practicing law than there were 50 years ago when I started and unfortunately some of the civility and sense of humor has been wrung out of the profession. Woody did not allow that to happen in his cases and his pragmatic approach was to resolve disputes. In many ways, he was a great person. His wry sense of humor, his ability to affirmatively listen and to maintain calm through the turmoil of dispute resolution was a boon and a joy to us all. He will be sorely missed by everyone who knew him.

David G. Moore is a trial lawyer with over 50 years of experience and is a Senior Lawyer with Reid & Hellyer. Moore is a past President of RCBA, a member of the American Board of Trial Advocates and a Fellow of the American College of Trial Lawyers. He is AV rated and has been listed in the Best Lawyers of America.



WOODY RICH

by Judge Mac Fisher



Jack Marshall, David Moore, Judge Mac Fisher, Terry Bridges (at the podium/speaking), Brian Rich, Senator Richard Roth

By the time you read these words, Elwood M. Rich will have been gone for nearly two months. Our beloved “Woody” passed away on January 29, 2015, at the age of 94.

On March 6, 2015, the great hall in the Historic Courthouse was renamed the Woody Rich Great Hall. Judge Gloria Trask received permission from all needed persons to plan an event remembering Woody Rich on March 6. This wonderful event was highlighted by speeches from Virginia Blumenthal, Senator Richard Roth, Dave Moore, Jack Marshall, and

Terry Bridges. Woody’s son Brian delivered remarks as well. D.W. Duke produced an outstanding video that depicted Woody’s entire life. Please watch the video.

All of the excitement of the day was not possible without the generosity of so many outstanding law firms, individuals, and bar and trial associations. Special thanks to Robyn Lewis, the RCBA and court administration, including Presiding Judge Hal Hopp and the court “event coordinator” Desiree Cruz.

I had the honor of presiding over this event. As a former trial



Terry Bridges and Judge Wilfred J. Schneider, Jr.

attorney and current judge, I know that Woody was held in high esteem by lawyers, adjusters and judges throughout our County and beyond. Woody did not want to be memorialized, but with the permission of the family the event was planned because the “legal community” needed to talk about the loss of a great judge and educator.

There have been times over the last several decades that justice has moved slowly in the civil courthouses in Riverside. Why? A growing population, too few courtrooms for handling civil disputes, etc. We know the reasons. But, there has been one constant in the Historic Courthouse and that was Woody. Without his effort over nearly 60 years and with a special emphasis on the last 30 plus

In Memoriam

JUDGE ELWOOD M. RICH

(1920 – 2015)



Presiding Judge Harold Hopp and Assistant Presiding Judge Becky Dugan

years, I believe that we would have been hopelessly buried in older civil cases that needed to be settled. Woody settled thousands and thousands of those cases as we persevered under difficult circumstances.

Woody's law school (formerly Citrus Belt and now the California Southern Law School) is another legacy he left behind. Riverside County Judges John Evans and Dale Wells, San Bernardino District Attorney Michael Ramos, along with Virginia Blumenthal and countless others, were educated by Woody. You will be impressed when you go on to the law school website and look at the list of alumni. Some of our best lawyers and judicial officers are on that list. Many, many others have taught at the school, such as Riverside County District Attorney Mike Hestrin and Judge Angel Bermudez.

I need to restrict this article to a specific word count and that is difficult to do because there is so much to say about Woody. My old law partners, Judge Doug Weathers and Steve Geeting, and I collected a list of Woody sayings (also mannerisms like stroking the bald forehead). My list is not complete and I am sure that you have your own list. In no order of importance, here are some "Woodyisms" that I recall over the 34 years that I knew him:

"True justice" — meaning the case that he did not settle and which was currently being tried to a jury.

"Twelve amateurs" — a jury of 12 amateurs that would decide what was "true justice."

"Puzzles" and the **"puzzle house"** — Woody claimed ownership over the "puzzles" (the MSC) at the "puzzle house." The puzzle house is now the Woody Rich Great Hall in our beautiful Historic Courthouse.

"Secretary of defense and secretary of the treasury" — the defense attorney and more importantly the person who had authority (\$\$\$\$\$) to settle a case.

"Confidentially...between me and you only" or **"for these ears only"** — no explanation is needed.

I am positive that there are many other Woody sayings or idiosyncrasies that you recall that are not mentioned. It is understandable that Woody was predictable because he showed up for work at the "puzzle house" for 60 years! That is amazing.

In conclusion, this County will never see another Woody Rich. He was one of a kind and I will miss him. Please remember him when you enter into the Woody Rich Great Hall of the Historic Courthouse.

Hon. Mac Fisher is a judge for the Riverside County Superior Court. He was appointed by former governor Arnold Schwarzenegger in June 2007 to fill a newly created seat.

Photos courtesy of Jacqueline Carey-Wilson



Steve Geeting and Judge Tom Cahraman



Judge Irma Asberry, Judge Richard T. Fields, and Shumika T. R. Sookdeo



Mario Martinez, Judge Suzanne Sykes, and Diana Renteria



Judge Craig Riemer, Barrie Roberts, and Brian Unitt

SCRIPT TEXT FOR VIDEO OF THE LATE JUDGE ELWOOD RICH

by DW Duke

It is sometimes said that no member of the California judiciary evokes greater recognition among California attorneys than the late Honorable Judge Elwood Rich. Indeed, the mere mention of his name will bring a smile to the faces of many of the attorneys who have known him.

I first met Judge Rich in 1987 and over the years grew to admire and appreciate his sincere devotion to the law. Though he passed away on January 29, 2015, his image lives on in the Old Riverside Historic Courthouse where he lived out his days mediating cases for litigants. My name is DW Duke, and I would like to take a moment to share with you the story of this fascinating and honorable man.

The late Honorable Judge Elwood Rich was born on November 20, 1920, in Turbotville, Pennsylvania, to George and Helen Rich. He was the grandson of attorney John Wesley Group, who practiced in Rauchtown, Pennsylvania, for many years before retiring to become a full-time farmer. His great-grandfather, John Rich II, was cofounder and owner of Woolrich, the famous clothing manufacturer, whose products are today sold throughout the world.

During the early years of his life, he was raised on an apple farm where his father worked as an apple picker. His father worked hard and saved every penny. In time, he saved enough money to start a wholesale candy business. Judge Rich was given leftover samples of the candy and he made money selling them door to door as a boy.

Little League baseball was developing as Judge Rich grew into his teen years. He found the game exciting and interesting, and he played every opportunity that presented. In high school, he was also on the wrestling team, where he excelled. When looking for a university, he sought a school where he would receive a scholarship for athletic activities. He discovered that Duke University offered scholarships for football, so he chose to attend Duke to take advantage of a scholarship. In 1939, the young man enrolled on a football scholarship. At Duke he played both football and baseball.

Until his third year of college, athletics remained Judge Rich's primary focus. Academic pursuits were less important than being the best in one's chosen sport, which for Judge Rich had become baseball. He excelled in athletics and ultimately did not place much emphasis on academic pursuits. However, as a student and an



1931, at age ten



*In 1939, just graduated from
Williamsport High School*



*In 1940, at Duke University,
class of 1943*

athlete, he was required to maintain a minimum grade point average and tutors were provided to assist in this academic endeavor. It was the necessity of maintaining an acceptable grade point average that ultimately caused him to become interested in scholastic pursuits. His tutor was a student in Duke University School of Law named Barry Williams. One of Judge Rich's assignments in his political science class was to brief a number of landmark cases. Williams was so impressed with Judge Rich's briefing ability that he encouraged Judge Rich to attend law school. This was the first time Judge Rich had considered this possibility and he ultimately decided it would be a wise course of action. From that day forward, his legal studies became more important than his athletic pursuits.

Judge Rich applied and was accepted at Duke University School of Law while he still had one year of undergraduate studies remaining. After completing his first year of law school at Duke, and receiving his Bachelor of Arts degree, he transferred to USC School of Law because he had heard about the beautiful climate in Southern California. At the time he transferred to USC, the law school was offering three semesters per year, consisting of a fall semester, a winter semester, and a summer semester, which allowed him to proceed at an accelerated pace. After completing his second year at USC, he transferred a second time to the University of Illinois, School of Law because USC had stopped offering the summer program. At the University of Illinois, he was able to attend in the summer, which allowed him to graduate in September of 1946.

After graduating from law school, Judge Rich took the 1946 California Bar Examination, passed, and was admitted in 1947. He immediately accepted a position working for the Riverside County District Attorney's Office for \$290 per month. His custom was to interview criminal defendants immediately after they were jailed, which was an uncommon way for a deputy to obtain valuable information about a case. As a result of these early interviews, he could often persuade the defendant to enter into a plea bargain. The strategy permitted him to settle more of his cases without going to trial.


After beginning his career, Judge Rich decided it was finally time to begin dating. He had discovered that the dances at the YMCA were a great place to meet interesting people and attractive women. It was on the dance floor that he first saw Lorna Smith-Jirik. Lorna had experienced several traumatic events in her lifetime. She was present at Pearl Harbor on December 7, 1941 when the bombing occurred. She had also lost her husband, a navy pilot and a war hero, in the theatre over Europe. Judge Rich looked at Lorna with a smile as she came to him from across the dance floor and their journey together began. Lorna and



*Duke University Baseball team in 1942.
Judge Rich is in the middle row, third from the left.*

Judge Rich were soon married and shared many years of happiness as spouses and partners in life.

In 1951, Judge Rich decided to run for judge of the municipal court. He was elected and remained a municipal court judge in Riverside until 1971 when he became the eighth sitting superior court judge in Riverside. It was in his capacity as Superior Court Judge that Judge Rich achieved his greatest recognition in California jurisprudence. His keen perception and ability to spot issues, combined with his ability to find a compromise, provided a unique ability to settle cases. He became a strong proponent of mediation and settlements, always maintaining that it was far better to conclude a case by settlement with certainty, than to place one's fate in the hands of a



ELECT
ELWOOD M. RICH
JUDGE
OF THE
MUNICIPAL COURT

Office No. 1, Riverside Judicial District

ELWOOD M. RICH	X
-----------------------	----------

Primary Election Tuesday, June 3, 1952
(OVER)

I was 32 years young!

ELWOOD M. RICH

- Deputy District Attorney for Riverside County since 1947.
- Previously engaged in the private practice of law.
- Bachelor of Arts and Bachelor of Laws degrees.
- Professionally trained at University of Illinois, Duke University, University of Southern California.
- His most active years are available for public service.
- Qualified for the six-year term of this newly-created (January 1952) Court.

jury of unknown peers who lack the authority to reach a compromise.

After many years on the bench Judge Rich began teaching torts at Riverside University Law School in Riverside. The law school ran into difficulties and it became necessary to close its doors. As a result, a number of students who had completed a year or two of law school were left with no place to finish their studies. Judge Rich considered this event a misfortune and for that reason decided to open the Citrus Belt Law School in Riverside, California. The Citrus Belt Law School later changed its name to California Southern Law School. Lorna began working in administration at the law school in 1971, where she remained until 1983. Lorna passed away in July of 2007.

During his years on the bench, Judge Rich was a strong advocate of judicial economy. He had vigorously proposed cost cutting measures to reduce the expense of operating a court system. He always believed that if less is spent in maintaining the courts, more is available for other needed services in the community. Many of his ideas of judicial economy have taken root not only in Riverside County but throughout the state. Undoubtedly, the footprint Judge Rich made in the Riverside County court system will remain for generations to come.

Judge Rich continued to mediate in the Riverside County courts until the end of 2012 though he still served as dean of California Southern Law School, where his sons Greg and Brian work in administration. He also maintained a private mediation practice for litigants whose cases did not fall within the perimeters of eligibility for the court mediation system. His unique ability to help litigants and attorneys find resolution in conflict, has left a permanent impression on the court system throughout California. Those of us who have the fortune to practice in the Riverside County Superior Court are grateful for the work of Judge Rich who, over the years, has helped many litigants learn the meaning of forgiveness and resolution. The notion of mediation and conciliation that Judge Rich promoted so vigorously, has clearly impacted the lives of thousands of Californians in a positive and meaningful way and will continue to do so for decades to come.

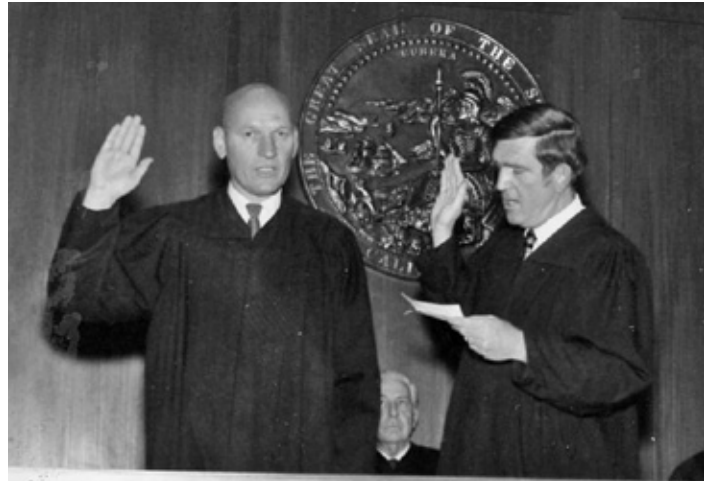
Derived from A Tribute to the Honorable Retired Judge Elwood Rich, a Notable Duke University Alumnus, The Duke Legacy, ©2014, by DW Duke

DW Duke is the managing attorney of the Inland Empire office of Spile, Leff & Goor, LLP and the principal of The Law Offices of DW Duke.

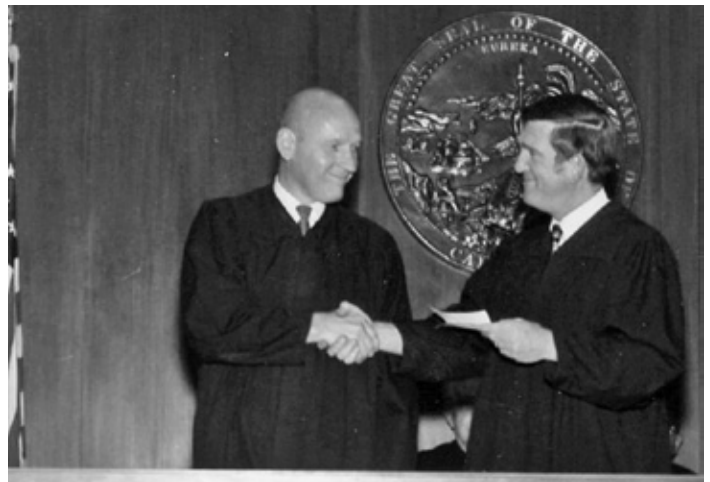
Photos courtesy of the Rich family.



Swearing In Ceremony 1971



Judge Robert E. Dauber swears in Judge Rich



The Rich family: Brian, Stevan, Judge Rich, Greg, Lorna and Scott

A RIVERSIDE TREASURE

by Judge Gloria Trask

Judge Woody Rich served the Riverside County Municipal and Superior Court as a Judge for 27 years. After his retirement, he served another 27 years hearing the court's Mandatory Settlement Conferences ("MSCs") each Monday and Tuesday.

While no one knows the exact number, it is estimated that Woody handled more than 20,000 settlement conferences for the court. While the court scheduled settlement conferences at half-hour intervals, Woody did not consider that binding on him. Woody would have several MSCs going on simultaneously. A settlement conference only concluded upon the signing of a special form designed by Woody simply titled "Settlement Agreement," the exhaustion of all possible proposals, or the exhaustion of the parties and counsel, whichever came first. The mere passage of time was completely irrelevant to the process.

Woody worked his magic in the Great Hall of the Historic Court House. Although parties were ordered to report to "Room 163" with Judge Rich for their MSC, that was really a misnomer. Judge Rich would seek out the parties in the Great Hall and begin to solve "the puzzle." He didn't need a room, an ergonomic chair, a fancy conference table, a computer, or an I-pad. He didn't even need a suit or sports coat. Our beautiful Great Hall was his office and its concrete benches his conference rooms. He never went to lunch or ordered takeout, because that would have been a waste of valuable settlement time and money. He ate his lunch out of a brown paper bag without taking a break from his conferences. Sometimes he didn't even need an MSC to be calendared; he would seek out parties already in trial and figure out how to settle their case.

He could cajole the most reluctant parties and most combative counsel into settlements. He could keep litigants and counsel locked in the Great Hall late into the night, apparently causing resentment.

Woody had a great enthusiasm for the law. When he was not settling a case, he was studying the law. He



Judge Gloria Trask and Robyn Lewis in front of the painting of Judge Elwood "Woody" Rich in the Historic Courthouse

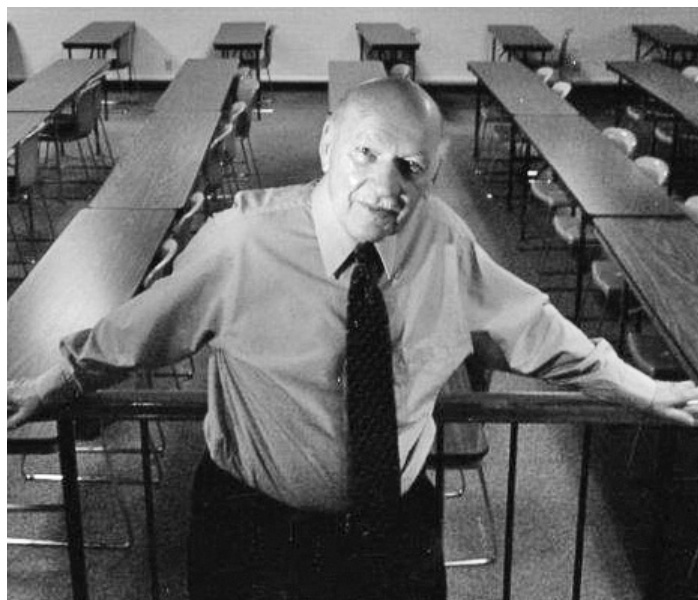
was dogged in his research of statutes and case law in order to stay current. He read cases, statutes, briefs, law reviews, and legal journals. Although he worked well into his 90's he never lost his legal acumen and would easily draw on his vast experience. He had a keen and analytical interest in all areas of the law including administration. He was a very vocal advocate of the master calendar system because he believed it was more efficient.

Judge Rich considered every legal issue as though it was a puzzle to be solved. He approached every case with an almost child-like curiosity and youthful energy. He loved to come to the Historic Court House

because he considered it to be the "Puzzle House" — a place with endless puzzles for him to solve.

He treasured Riverside, the law, the Judges, the lawyers, and the parties. In return, we treasured him.

Hon. Gloria Trask is a judge for the Riverside County Superior Court. She received an undergraduate degree from the University of Southern California and a J.D. from Southwestern Law School.



2008 - California Southern Law School

CHAPMAN UNIVERSITY FOWLER SCHOOL OF LAW
PUBLIC INTEREST LAW FOUNDATION
2015 SILENT AUCTION & GALA DINNER

Thursday, April 9, 2015 ■ 6 PM-10 PM

Celebrations by Turnip Rose ■ 1901 Newport Boulevard, Costa Mesa

Honorees



John B. Hurlbut, Jr.

Partner, Rutan & Tucker, LLP



Kenneth W. Babcock

Executive Director and General Counsel
Public Law Center

This annual community-wide event brings together students, alumni, faculty, staff, legal professionals and our honored guests for an evening of entertainment and fundraising to support PILF's public interest job grant program. The evening is a semi-formal event complete with both silent and live auctions, as well as food, drinks, and entertainment.

DINNER PRICING:

\$50 attorneys, judges, faculty and general public

For information about table sponsorships, contact: jatinpatel06@gmail.com

Buy your tickets today at

<http://www.chapman.edu/law/events/public-interest-law-foundation.aspx>

or Google keywords: Chapman PILF

A TRIBUTE TO WOODY

by Terry Bridges

At the touching tribute to Judge Woody Rich held on March 6, 2015, we heard many wonderful “Woody Stories.” Each story reflected one or more aspects of Woody’s incredible abilities as a mediator and his tremendous contributions to our Court, counsel, and litigants who had the privilege of mediating with Woody.

As I listened to those stories, I joined in the laughter and happy memories of Woody’s many years of service to all of us involved in our judicial system. But beyond Woody’s unending list of accomplishments as a master mediator, he left another legacy to all of us who appeared before him, that of a master teacher of professional character and qualities.

Woody was a silent teacher. He never lectured, suggested or criticized those of us who practiced before him. Instead, by his example, he showed us many qualities which distinguished him as a mediator and contributed to his remarkable success.

The following are but a few of those qualities:

HUMILITY. Woody rejected trapping and props. He did not need the perceived power of a robe, the impressions of a “power suit” or the backdrop of a courtroom with high-backed chair. For him, it was sufficient to work in the hall, on a bench and in the disarming comfort of a cardigan sweater. Cottage cheese was all he needed for lunch or dinner as he continued to lead us to resolution.

CHECKING OUR EGO AT THE DOOR. Woody once said that “big egos are the biggest barriers to resolving matters.” His humility required that our conferences with him must be devoid of counsel egocentricity.

DUTY. Woody taught us that our highest duty as trial lawyers was to resolve, not prolong the conflicts of our clients. He was firmly committed to ensuring that all of us first learned, and then embraced that duty.

DETACHMENT AND OBJECTIVITY. Each time we met with Woody he would masterfully lead us to admit, analyze, and deal with that which we so often blinded ourselves to--the weakness of our case and the strengths of the opposition. In so doing, almost without our knowledge, he lowered additional barriers to resolution.

COMPROMISE. Woody’s gentle approach and questions, often delivered with a chuckle, constantly reminded us that the reason we were with him was to resolve the issues involved in the lawsuit through compromise; and that we must be participants in this process in order to insulate our clients from the financial and emotional stress of litigation and avoid subjecting them to the uncertainty of a jury verdict.

KINDNESS. Woody was kind to both counsel and litigants. He set a warm tone of civility. In so doing, he encouraged counsel and the parties to treat not only the process, but each other with dignity and respect.

LAUGHTER. Woody was so disarming. When the situation called for it, he could diffuse an apparent impasse with his gentle laughter and smile, thereby removing yet another barrier to resolution.

PATIENCE. Everyone has a Woody Story about his marathon mediations. As the years progress, the time recalled increases for each of us. Notwithstanding the circulating of the clock’s hour hand, Woody’s commitment to helping us fulfill our highest duty knew no time limitations. He was singularly unique in this respect and, as a result, resolved countless matters simply by not giving up and refusing to allow us as trial counsel to abandon the resolution effort no matter how long it took.

Woody imprinted us all with each of the above character traits, and as such, has served our clients, enhanced us as lawyers, elevated the quality of our bar and contributed immeasurably to the efficiency of our Court. Quite simply, he improved us as human beings.

Woody, we miss you, we love you, and we thank you for your legacy. We thank you, your Honor, for the gift of you.

This article is taken from the remarks made by Terry Bridges at the RCBA memorial service held for Judge Rich on March 6, 2015. Mr. Bridges had the honor of appearing numerous times before Judge Rich over a period of 50 years.



JUDICIAL PROFILE: THE HONORABLE SCOTT YUN

by Dorothy McLaughlin

This past June, Scott Yun was appointed as a United States Bankruptcy Judge for the Central District of California, Eastern Division. Judge Yun was born in Seoul, Korea and immigrated to the United States in 1980. He grew up in the South Bay area of Los Angeles, in San Pedro and Carson. Growing up, Judge Yun's mother's extraordinary work ethic set a powerful example. "She is a very focused, dedicated person with great stamina," he says. His mother has always owned and run small businesses and still works seven days a week. Judge Yun helped out in those businesses, washing dishes at a young age when his mother and step-father owned a diner, and later stocking sodas in a mini-mart they owned and pumping gas.

Judge Yun's mother encouraged him to be a doctor, so for high school he attended the Lincoln Medical Magnet School, which was located next to USC Medical School. Each class had only 50-55 students and was heavily focused on the sciences. By the time Judge Yun went to college, he had taken enough AP classes to start his undergraduate career at the University of California Los Angeles as a sophomore. But, he says all that science burned him out. Rather than pursuing science and medicine, Judge Yun studied political science and history at UCLA, focusing on peasant rebellions including the Huk Rebellion in the Philippines.

By the time he started at UCLA, Judge Yun was already thinking of pursuing law. Initially, Judge Yun thought that he wanted to be a prosecutor, but when he enrolled in law school at the University of Southern California, Gould School of Law, the criminal law classes were not the ones that he found most interesting. Rather, it was courses like tax, bankruptcy, and business organizations that he found compelling. Judge Yun notes that perhaps this was preordained, given the environment in which he grew up. Because his mom and many of their family friends owned small businesses, he learned how things like payroll and government regulation worked through dinnertime conversations with his parents and aunts and uncles. Thus, being a debtor lawyer appealed to him. During law school, Judge Yun externed for U.S. Bankruptcy Judge Barry



United States Bankruptcy Judge
Scott Yun

Russell and after law school clerked for U.S. Bankruptcy Judge Ernie Robles.

After his clerkship, Judge Yun practiced at several Los Angeles-area firms for fourteen years prior to his appointment to the bench, doing primarily debtor work. Most recently, Judge Yun was a shareholder at Stutman, Treister and Glatt in Century City.

Judge Yun notes that bankruptcy is a great field for anyone who is interested in the business side of law. Bankruptcy practice provides interesting variety in the types of clients and the industries

they represent. During his years in practice, Judge Yun represented many companies, including a computer leasing company and a car dealership. Working with those clients, he learned how their specific businesses functioned and how their industries worked. In addition, his practice afforded opportunities to tackle a wide variety of legal issues, as bankruptcy can touch upon areas such as intellectual property, real estate law and corporate governance. "You never get bored doing it," says Judge Yun.

Judge Yun enjoys working in Riverside. In all, there are four bankruptcy judges located in the federal courthouse in Riverside. Judge Yun describes it as a quiet, friendly environment. He notes that the bankruptcy judges spend a lot of time on the bench to accommodate the massive amount of motion practice, as well as trials.

Judge Yun lives with his wife and three children – two daughters, ages 11 and 10, and a son, age 9 – in the San Gabriel Valley. A dedicated father, Judge Yun says that his free time is his children's free time and he spends a lot of time with them as they participate in extra-curricular activities. He described one recent weekend where he spent eight hours at Occidental College for a science Olympiad his middle child was participating in and then spent much of the next day in a school gymnasium for a drill team competition.

Dorothy McLaughlin is an attorney in Riverside and a member of the RCBA publications committee.



BULLIES BEWARE

HANDLING DIFFICULT OPPOSING ATTORNEYS



Wednesday

DATE: **May 20, 2015**

TIME: 12:00 pm – 1:30 pm

LOCATION: Hyatt Place
Riverside/Downtown

3500 Market Street, Riverside, CA 92501

RCBA Estate Planning, Probate & Elder Law Section



HYATT
PLACE™

Lunch will be provided courtesy of Albertson & Davidson LLP

THE RIVERSIDE COUNTY BAR ASSOCIATION PRESENTS:

IDENTIFYING AND MANAGING DISMISSIVE AND BULLYING OPPOSING ATTORNEYS

PROGRAM PANEL:



Paul Fisher
Fisher Mediation



Juli Adelman
*Clinical psychologist
and jury consultant*



Jessica Uzcategui, Esq.
*Sacks, Glazier,
Franklin & Lodise, LLP*

TOPICS INCLUDE:

- Warning signs that you are dealing with a possibly high conflict personality opposing counsel
- Actions and tactics to avoid like the plague
- Tools and tactics to embrace
- Gender-based issues in relationships between counsel (volatile land mines to avoid)

RCBA Members: Free / Non-members: \$25
*(All non-members, whether you need MCLE credit
or not, must prepay or pay at the door.)*

Approved by the State Bar of California for
1.0 hour MCLE, including .25 elimination of bias
RCBA certified MCLE provider #521

RSVP by Friday, May 15th to RCBA
(951) 682-1015
or: rcba@riversidecountybar.com

Sponsored by:

ALBERTSON & DAVIDSON LLP
Trust, Estate & Probate **TRIAL LAWYERS**

OPPOSING COUNSEL: HERB CHAVERS

by Donald Cripe

I first met Herb Chavers about 20 years ago. Herb was still litigating. We represented sisters suing each other over a rather mundane issue. As soon as I received discovery from Herb, I fired off one of my infamous letters, impugning not only Herb's intellect but his lineage as well. Within a few days I received a pleasant telephone call from Herb inviting me to lunch so we could discuss our case.

My first impression when I saw Herb was "I can take this guy." Much to my surprise, I met a true gentleman who is also a gentle man. This began 20 years of me learning gentility and patience from Herb. Oh yes, we settled the case.

Herb is the quintessential Texan in stature, long and lean, no bigger around than a fence post. Born and raised in El Paso, Texas, Herb graduated from Austin High School in 1973. For a while after high school he worked in a pawnshop where he met several military personnel from the nearby base. After a period of indoctrination with those people, Herb became a "war hawk" and joined the Navy reserve in 1974 where he became a legal Yeoman, which is a Navy term for a legal secretary or paralegal. Herb was assigned to the U.S.S. Durham, LKA114. The Durham was a transport ship and one of the last U.S. ships to enter the waters of Vietnam at the end of that conflict. Herb witnessed the evacuation of Vietnam as the Durham transported many Vietnamese refugees.

Though Herb was in a world of his own being, the only legal yeoman on his ship, he was pretty much left alone. On February 22, 1977 — two years, three months, 29 days and three and a half hours after he commenced active-duty — Herb celebrated the end of his tour. During his active-duty period, Herb investigated his spirituality.

Instead of returning to Southwestern Texas, Herb settled in Riverside to attend Cal Baptist University where he began in June 1977. Even with the G.I. Bill, Herb found it necessary to work to put himself through college so he took a job as a laborer in the construction industry. After a short time on the job, Herb's boss suggested that he would be much better off pursuing his education than having a career working with tools so with a handshake and goodbye, Herb refocused on life at school where he majored in business and religion. While attending Cal



Herb Chavers

Baptist, Herb met Suzette, who eventually became his wife. (Herb insists that I not relate the story of their meeting — talk to Herb.) Herb graduated Cal Baptist in 1981 with a B.A. in Religion, and in 1982 with a B.S. in Business Administration.

After college Herb worked for a short while, but was having a difficult time making ends meet. Having legal experience during the Navy, Herb decided that it was time for him to give law school a try. He was so broke that after paying the \$100 law school application fee, he only had eight bucks in his pocket. In September 1983, Herb began

law school at Western State. In his third semester, Herb and Suzette married. Law school was going okay until the summer of 1987 when Herb began to experience distinct flavors in his mouth, although not eating anything unusual, led to numerous medical tests that revealed a brain tumor. It was Herb's desire to continue and finish law school and deal with the brain tumor at a later date. The combined efforts of Suzette and Herb's doctors convinced him to interrupt law school. Fortunately, Herb's surgery succeeded and he entered law school from which he graduated in December 1988. After being admitted to practice law in June 1989, Herb focused on real estate matters, transactional and litigation, probate, conservatorship and guardianship matters, and general litigation with Luchs and Mihelich. Apparently, being comfortable as a litigator, Herb and Suzette welcomed their son Nathanael into their lives in 1992. In 1994, Herb joined Heiting & Irwin as an associate and then opened his own firm in February 1995 to focus on estate planning, trust administration and probate, conservatorship and guardianship matters. In 1995, Herb began his own practice with the generous assistance of Heiting & Irwin who rented him furnished office space in their building making his transition much easier. As is the case when one starts his own firm, for a while Herb had to take on court-appointed guardianship cases and other sundry matters while he began his evolution into estate planning and referring to himself as a "recovering litigator." By 1998, Herb had become a specialist in estate planning. In 2008, Herb was certified by the State Bar as a Specialist in Estate Planning, Trust and Probate Law. Herb now practices what he calls "happy law."

Herb currently occupies a very pleasant and nicely decorated office suite on La Mart Drive in the Canyon Crest area of Riverside. Sharing a friendship with this fine gentleman is always accented with pleasant conversation and his happy reports of successes with his clients. Herb develops close relationships with the entire families of his clients so his professional relationship will continue to grow and he can assist those families' families. If you don't know Herb, I recommend that at the next bar meeting you track down this tall, lanky man, and introduce yourself.

Donald Cripe is a retired litigator currently practicing as a full time mediator, arbitrator, and referee/special master in the Riverside and San Bernardino areas.



CLASSIFIED ADS

Office Space – Grand Terrace

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

Office Space – Downtown Riverside

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

Office for Rent – Murrieta

Receptionist/Secretary space optional. Professional law office. One window office 14x12 and one window office 12x12. Access to Fwy 15/215. For additional information contact gina@pickfordlaw.com.

Conference Rooms Available

Conference rooms, small offices and the third floor meeting room at the RCBA building are available for rent on a half-day or full-day basis. Please call for pricing information, and reserve rooms in advance, by contacting Charlene or Lisa at the RCBA office, (951) 682-1015 or rcba@riversidecountybar.com.

Now Hiring!!! Special Assistant Inspector General

(Sacramento, Bakersfield & Rancho Cucamonga) Annual Salary \$103,872-\$132,084 + outstanding benefits. Must be an active member of the CA State Bar with 8+ years of full-time experience in the practice of law. For more info, visit: www.oig.ca.gov or call the Office of the Inspector General at (916) 255-1102.

Riverside County Superior Court – Proposed Local Rule Changes

Pursuant to California Rule of Court 10.613(g)(1), which states in part, "...the court must distribute each proposed rule for comment at least 45 days before it is adopted," the Riverside County Superior Court proposes that local rule changes be made, effective July 1, 2015.

To review the proposed rule and form changes (Title 3, Title 5 and Title 7), please visit the court's website at www.riverside.courts.ca.gov and click on Local Rules under the General information tab.

Please direct any comments regarding this proposed rule change to the Court Executive Office, 4050 Main Street, Riverside, Ca. 92501, or you may send them via email.

Comments should be submitted by 5:00 p.m. on Friday, April 17, 2015, so that they can be considered as part of the rule and form adoption process.



MEMBERSHIP

The following persons have applied for membership in the Riverside County Bar Association. If there are no objections, they will become members effective April 30, 2015.

Theodore S. Avery – Law Office of Theodore Avery, Palm Springs

Earl F. Carter – Earl Carter & Associates, Riverside

Kimberley Y. David – Best Best & Krieger LLP, Riverside

Daniel C. Faustino – Thompson & Colegate LLP, Riverside

Betty Fracisco – Garrett & Jensen, Riverside

Elaine J. Guthormsen – Albertson & Davidson LLP, Ontario

Janine L. Highiet-Ivicevic – Creason & Aarvig LLP, Riverside

Charles E. Hill – Sole Practitioner, La Verne

Andrei F. Lapine – Lapine & Forsse, Riverside

Sean A. O'Connor – Earl Carter & Associates, Riverside

Christian L. Schank – Christian Schank & Associates, Riverside

Satinder Singh – Sole Practitioner, Mission Hills

Steven A. Smith (S) – Law Student, Riverside

Andrew L. Trautman – Sole Practitioner, Lake Elsinore

Daisy Y. Zhao – DT Law Corporation, Santa Ana

(S) – Designates Law Student Member



Riverside
County **LAWYER**

Riverside County Bar Association

4129 Main St., Ste. 100, Riverside, CA 92501

RCBA 951-682-1015 LRS 951-682-7520

www.riversidecountybar.com rcbars@riversidecountybar.com

PRSR STD
US POSTAGE
PAID
PERMIT #1054
RIVERSIDE, CA

ARBITRATION & MEDIATION SERVICE PROVIDER

RCBA Dispute Resolution Service, Inc.

You be the Judge.

Over 100 experienced Riverside County Bar Association mediators

2 out of 3 private mediations reach full settlement

3 out of 4 Family Law cases referred to our Court program reach full settlement

No administrative fees! Competitive hourly rates!

DRS is a nonprofit public benefit corporation proudly serving Riverside County since 1995.
DRS is the approved mediation service for the Riverside County Superior Court.
Located across from the Riverside County Historic Courthouse at 4129 Main Street, Suite 100.

(951) 682-2132
www.rcbadrs.org

