

RIVERSIDE LAWYER

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MAGAZINE

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Veterans' Services

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Balancing Life as a Marine Corps
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Waking Up to the Here and Now:
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Movies to Watch this Veterans Day



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Copy Editors Yoginee Braslaw & Juanita Mantz
Design and Production PIP Printing Riverside
Cover Design Peppermint/Shutterstock

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Stefanie G. Field (951) 684-2171 stefanie.field@grashamsavage.com	Lori Myers (949) 300-3596 loriamyers@me.com
Jennifer Lynch (951) 686-1450 jennifer.lynch@bbkllaw.com	Matthew Strickroth (951) 955-5400 matthewstrickroth@rivcoda.org

Executive Director

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

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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

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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), Riverside Legal Aid, Fee Arbitration, Client Relations, Dispute Resolution Service (DRS), Barristers, Leo A. Deegan Inn of Court, Mock Trial, State Bar Conference of Delegates, Bridging the Gap, and the RCBA - Riverside Superior Court New Attorney Academy.

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, 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.

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

NOVEMBER

- 7 CLE Evidence Series**
Noon – 1:15 p.m.
RCBA Gabbert Gallery
Speakers: Christopher Aitken and Atticus Wegman
Topic: “Impactful Use of Demonstrative Evidence in Mediation & Trial”
MCLE
- 8 Criminal Law Section**
Noon – 1:15 p.m.
RCBA Gabbert Gallery
Speaker: Souley Diallo
Topic: “Advanced Cross Examination”
MCLE
- 14 Civil Litigation Section**
Noon – 1:15 p.m.
RCBA Gabbert Gallery
Speaker: Hon. John Vineyard
Topic: “Civil Master Calendar – 2018 Edition”
MCLE
- 17 General Membership Meeting**
Noon – 1:30
RCBA Gabbert Gallery
- 18 Inland Empire Family Law Midwinter Gala**
5:30 p.m.
Victoria Club
2521 Arroyo Drive
Riverside
- 21 Family Law Section**
Noon – 1:15 p.m.
RCBA Gabbert Gallery
Speaker: Dr. P. Leslie Herold
Topic: “Perspectives on Co-Parenting and Confidential Mediation”
MCLE

DECEMBER

- 7 New Admittee Swearing In**
10:00 a.m. – Riverside Superior Court, Dept. 1
Annual Joint RCBA & SBCBA General Membership Meeting
Noon – 1:30 p.m.
Court of Appeal, Fourth District Division Two
3389 12th Street, Riverside
Speaker: Michael G. Colantuono, President
State Bar of California
Topic: “State of the State Bar”
MCLE
- 11 RCBA Shopping Elves – Big Kmart**
375 E. Alessandro Blvd., Riverside
6:00 p.m.
(contact RCBA for more information)
- 13-14 RCBA Wrapping Elves**
RCBA Boardroom – 4:00 p.m.
(contact RCBA for more information)

EVENTS SUBJECT TO CHANGE.

For the latest calendar information please visit the RCBA's website at riversidecountybar.com.





President's Message

by L. Alexandra Fong

This month's issue of *Riverside Lawyer* focuses on veterans. What is a veteran? A veteran is defined as "a person who served in the active military, naval, or air service, and who was discharged or released therefrom under conditions other than dishonorable." (38 U.S.C. section 101(2).) Active military, naval, or air services include "(A) active duty; (B) any period of active duty for training during which the individual concerned was disabled or died from a disease or injury incurred or aggravated in line of duty; and (C) any period of inactive duty training during which the individual concerned was disabled or died: (i) from an injury incurred or aggravated in line of duty; or (ii) from an acute myocardial infarction, a cardiac arrest, or a cerebrovascular accident occurring during such training." (38 U.S.C. section 101 (24).)

In 2012, the Superior Court of the State of California, County of Riverside opened its Veterans Court, the tenth such court in our great state of 58 counties. 31 counties now have veterans courts in their jurisdiction.¹ Veterans court targets the root causes of a veteran's criminal behavior and is intended to serve veterans who are involved with the justice system and whose court cases are affected by issues such as addiction, mental illness, and/or co-occurring disorders. The goal of these courts is to resolve criminal cases through treatment and support. In these courts, veterans take part in a program tailored to address their needs. As part of the program, participants meet frequently with a judicial officer, other veterans, treatment providers, mentors, and support teams. Veterans court services include one-on-one judicial supervision, group evaluation by the collaborative team, intensive probation supervision, employment and housing assistance, medication monitoring, counseling, and mentoring.²

The Riverside County Superior Court's Veterans Court is designed to supervise felony and misdemeanor veterans through a comprehensive judicially monitored program of treatment and rehabilitation services. To be eligible for Veterans Court there must be a nexus between the issues that have caused the veteran to intersect with the criminal justice system and the veteran's military service. (Penal Code section 1170.9.) The mission of the Veterans Court is to provide an inter-agency, collaborative, treatment strategy for veterans in the criminal justice system, who suffer from post-traumatic stress disorder (PTSD), traumatic brain injury (TBI), psychological issues, sexual trauma, substance abuse, or mental health problems as a result of having served in the armed forces.³ The first judicial officer who presided over Veterans Court was the Honorable Mark Johnson, a retired colonel with the Army Reserves and Bronze Star recipient. The Bronze Star Medal is awarded to any person who, after December 6, 1941, while serving in any capacity with the Armed Forces of the United States, distinguishes himself or herself by heroic or meritorious achievement or service, not involving participation in aerial flight.⁴ The Honorable Mark Mandio is currently presiding over Veterans Court, which is in session on Fridays.

Participating agencies of the Riverside County Superior Court's Veterans Court include the District Attorney's Office, Public Defender's Office, Department of Probation, Veterans Affairs Healthcare Systems, and Riverside County Department of Mental Health (now Riverside University Health System Behavioral Health). By completing the program, these veterans are able to have their charges reduced or eliminated and can avoid or reduce their period of incarceration. Unfortunately, for those who fail the program, their cases are returned to the regular criminal docket. The program is approximately 12 to 18 months, depending on the nature of the charges. Veterans who are interested in the program may complete Riverside Superior Court Local Form RI-CR012 and be evaluated for Veterans Court pursuant to Local Rule 4042.

According to a survey completed by California Veterans Legal Task Force and published in December 2016, the most common offense handled is driving under the influence, followed by drug possession.⁵ Only two of the 20 responding veterans courts have no maximum number of veterans they allow into the program. Most have a maximum of 50 veterans that are allowed into the program. As of mid-2016, Riverside County is home to approximately 137,000 veterans, with over 8,000 veterans of Operation Enduring Freedom (Afghanistan) and Operation Iraqi Freedom (Iraq). Veterans courts serve a great purpose in helping our veterans heal.

As a reminder, RCBA board meetings are open to all members, except for executive sessions. I invite you to attend our meetings, which are generally scheduled on the third Wednesday of the month. Please call RCBA at 951-682-1015 and let us know if you plan to attend. I look forward to seeing you at one of our upcoming board meetings or one of the many other events hosted by RCBA!

L. Alexandra Fong is a deputy county counsel for the County of Riverside, handling juvenile dependency cases. She is also president-elect of the Leo A. Deegan Inn of Court.



www.courts.ca.gov/documents/veteranscourts.pdf

3 http://www.riverside.courts.ca.gov/criminal/veterancourt_infosheet.pdf

4 <http://www.americanwarlibrary.com/personnel/bronze.htm>; Executive Order 11046 (President John F. Kennedy)

5 <http://www.cvltf.org/files/120640548.pdf>

1 <http://www.cvltf.org/ca-counties-with-veterans-treatment-courts.html>

2 <http://www.courts.ca.gov/11181.htm> and <http://>

BARRISTERS PRESIDENT'S MESSAGE

by Shumika T. R. Sookdeo



Veterans' Fight: Deportation

As of late, we are learning more and more about individuals impacted by the repeal of DACA—Deferred Action for Childhood Arrivals. DACA was an American Immigration policy established by the

Obama administration in 2012 that allowed certain individuals who came to this country as minors, and had either entered or remained in the country illegally, to receive a renewable two-year period of deferred action from deportation and to be eligible to work. In September 2017, the current administration rescinded the act.¹ However, the DREAMers are not the only individuals facing deportation. Many non-citizen immigrant veterans are being deported.

Non-citizen immigrant veterans, just like the over 800,000 undocumented persons living in this country, have contributed immensely to society. A large number of these non-citizen immigrant veterans who have put their lives on the line for this country find themselves unable to return to the country they know as their home. This is primarily a result of The Illegal Immigration Reform and Immigration Responsibility Act of 1996, which enhanced the number and scope of deportable offenses, including misdemeanors. These veterans find themselves deported for possession of marijuana and theft.

Lacking American citizenship, these veterans serve sentences of more than one year of prison followed by a life sentence of deportation with no hope of return. In reality, they are punished far beyond what an American citizen would experience for similar offenses.² When deported, non-citizen immigrant veterans have little or no access to their health and educational benefits entitled to them for their military service.

1 Duke, Elaine (September 5, 2017), "Memorandum on Rescission Of Deferred Action For Childhood Arrivals (DACA)". United States Department of Homeland Security.

2 Garcia, Malcolm J., *Without a Country: The Untold Story of America's Deported Veterans*. Hot Books, September 26, 2017).

People should be held accountable for their actions. We should, however, think about the actions of those suffering from PTSD upon their completion of service. Oftentimes, self-medicating via drug and alcohol abuse is a means of coping with life. This conduct consequently leads to criminal charges and convictions. Certain convictions for non-citizens result in deportation. That being said, once a person enlists in the military, there should be some guidelines provided for automatic citizenship or a close alternative. There are guidelines for obtaining citizenship following one's military service, but the process is not relatively clear and easy for the average veteran who desires citizenship.

If the laws do not change to help non-citizen immigrant veterans, we must focus on being proactive and helping veterans to cope with PTSD in more healthy ways, so that they are not being convicted of crimes resulting from their conditions. It would be great to see this organization begin collaborating with local legal clinics and organizations such as Catholic Charities, Inland Empire Latino Lawyers Association, Inc. (IELLA), Riverside Legal Aid, and UCR to assist our local non-citizen veterans with their fight against deportation. We cannot make huge changes overnight, or even in one year, but can have an impact over the years to come by laying the groundwork now.

Upcoming Events

On November 8, 2017, Barristers will get together for "Pub Trivia: Geeks Who Drink," at Wicks Brewing Company, located at 11620 Sterling Avenue, Riverside 92503. Food and drinks at 6:15 p.m.; Trivia at 7:00 p.m. RSVP: RCBAbarristers@gmail.com.

Finally, please stay informed about Barrister events by joining our mailing list at <http://www.riversidebarristers.org> or follow Riverside Barristers on Facebook and LinkedIn.

Shumika T. R. Sookdeo, managing attorney of Robinson Sookdeo Law, is a past president of the Richard T. Fields Bar Association, a commissioner on the California Commission on Access to Justice, and a board member of John M. Langston Bar Association and California Association of Black Lawyers.



Chapman Law Receives \$1.125 Million Gift from Personal Injury Firm Bergener Mirejovsky

Chapman University's Dale E. Fowler School of Law has received a \$1.125 million gift from the personal injury firm Bergener Mirejovsky, APC. This represents one of the largest gifts in the history of the Fowler School of Law. James M. Bergener and alumnus Samuel Mirejovsky (JD '14) have been long-time supporters of the law school, previously making annual gifts of \$180,000 to support the Bergener Mirejovsky Scholarship.



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I HAVE LED SOLDIERS: A JAG EXPERIENCE

by Sarah Johnson

On September 11, 2016, I was standing in the conference room in my boutique firm in El Segundo being sworn in as a First Lieutenant into the Judge Advocate General's Corp of United States Army Reserves. One of the partners at my firm, Kurt Schlichter, a retired Army National Guard Colonel read the oath and signed the paperwork. Mr. Schlichter then gave an uplifting speech to the rest of the office about what my commission meant, that while I was only a Judge Advocate (a



Sarah Johnson being sworn in as a First Lieutenant in the U.S. Army Reserves by Colonel Kurt Schlichter.

joke that the crusty old[er] Field Artillery Officer could not help but make), it meant that the president had entrusted me to lead soldiers into battle. Despite everything I had read and Mr. Schlichter's speech, I had no clue what I had gotten myself into.

Fast forward one year later, I am currently six months into my first deployment. In that time, the Army has sent me to four different countries and three different states. I have gone through basic training, which resulted in me getting lost in the woods in Georgia and then to my officer basic course, which was held in beautiful Charlottesville, Virginia. I ran hundreds of miles, in snow, rain, sandstorms, windstorms, and extreme heat. I made countless lifelong friends and have lived the Army values. Most importantly though, I have been given the opportunity to do what Mr. Schlichter told me I would do; I have led soldiers.

My soldiers are incredible. They are the smartest, kindest, and most motivated group of people you have ever met in your life. Getting to help these soldiers achieve greatness by whatever means possible is what makes my job so wonderful. Whether that means that I am running alongside them pushing them to run further or faster, going over a civilian resume, or waking up at 0400 in the morning to cheer them on, it makes me happy every single day. I have a soldier who was selected for officer candidate school, and nothing will make me happier than attending his graduation day to cheer him on. People are what the Army is all about and that is what matters.

When I joined the Army, I did it because I loved my country, but also because playing soldier sounded like a

great way to break up a boring office job. I was right. I am qualified on the M4 and the M9. During the direct commission course, we spent several days at the range with our rifles learning how to zero, how to shoot, and eventually how to clean our weapons. Right before I was deployed, I was issued tons of fancy gear and taken to the range to qualify with an M9. I have explored tanks and ridden in other army vehicles that are all basi-

cally acronyms in my mind. All of that was fun, but as reality sinks in, the truth is: I am not an infantryman, I am an attorney.

Most people think of military attorneys and automatically jump to Tom Cruise shouting, "I want the truth," at Jack Nicholson. That scenario is not even close to what I do. I am an administrative and fiscal law attorney. Most of the time, I am the legal advisor for investigations into misconduct, flaws in procedure, accidents, command climates, and other problems that arise within commands. I also advise commanders. This portion of my job is the most mind-boggling procedure-wise. A commander, who is sometimes a full-bird colonel, will call me, a lowly first lieutenant, into his office and ask my legal advice on a change he wants to make, a policy he wants to implement, or just a general legal question that he has. The commander, despite all his or her years of experience, looks to me to help make a decision that affects lives. I am not talking calls for fire type decisions, but everyday decisions that make the units run smoothly. Sometimes this results in going back to the drawing board and coming up with a plan that fits more squarely within the regulations, but other times it is just a double check to make sure the law has not changed. Advising commanders is always a blast and it is great to hear their reasoning behind their decision-making processes. The impact that every decision has, especially in a deployed environment, constantly reminds you of the meaningfulness of your work.

Had you asked me a year ago what I thought my life would be like, I would never have been able to guess that this would be it. A deployment was not even on my radar a year ago. But, despite the heat, the sand (there is

a lot of sand), and the time away from my family, I would not change a single thing. Before I joined the Army, I had heard the saying “just living the dream,” but it was infrequent. Now, I hear it daily. Even when it is 126 degrees outside with 56 percent humidity, and you know that it is meant to be sarcastic, the truth is, we all are “living the dream.” Every day I get to go to a job I love, where I lead people with limitless potential, and defend our great nation, all while wearing a uniform that might as well be pajamas. I would certainly call that “living the dream.”

Sarah Johnson is an administrativelfiscal law attorney for the US Army JAG Corps. The views expressed here are her own and do not reflect the views of the United States Government.



* ATTENTION RCBA MEMBERS *

How would you like to receive (or read) the *Riverside Lawyer* magazine?

Some members have told us they prefer reading the online version of the *Riverside Lawyer* (available on our website at www.riversidecountybar.com) and no longer wish to receive a hard copy in the mail.

OPT-OUT: If you would prefer not to receive hard copies of future magazines, please let our office know by telephone (951-682-1015) or email (rcba@riversidecountybar.com).

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23 YEARS OF DEDICATED SERVICE

DEPLOYMENT & LEGAL RIGHTS

by Nesa Targhibi

When a soldier is given his or her deployment order, there are numerous things to prepare and plan. The deployment order not only affects the lives of the soldiers, but also the lives of their families. There is a fear of the unknown and the vague, unmentionable “what will I do if . . .” that will not leave the back of the families’ mind until the soldier returns. In order to reduce the stress of deployment, and to give soldiers and their families the assurance that some parts of their lives are under control even while the rest has been turned upside-down, certain legal rights and benefits were enacted. Understanding these rights, specifically prior to deployment, can help prevent serious financial and legal issues down the road.

SCRA

One of the most important laws regarding deployed soldiers is the Servicemembers Civil Relief Act (SCRA) (50 U.S.C. App. S 501, et seq). The SCRA [used to be known as the Soldiers’ and Sailors’ Civil Relief Act (SSCRA)] laws apply to all members of the armed forces in a Title 10 Active Duty status and the National Guardsmen called to state active duty for a national emergency. The SCRA is a federal law and most of its protections are straight forward and applied uniformly across all states. However, some can get complicated due to application of state laws. For example, although child custody hearings are not exempt from the SCRA, the law is applied liberally in these cases due to the application of state law and the judge’s discretion regarding the best interest of the child.

The SCRA contains provisions pertaining to issues such as postponement or suspension of civil obligations, rental agreements, interest rates, medical and professional liability insurance, eviction and repossession protections. Additionally, the law allows the servicemember to reopen a default judgment and set it aside. These protections are not always automatic and often require some action on behalf of the service member. Some of the main provisions are discussed below.

Civil stay. If a servicemember (plaintiff or defendant) is unable to participate in a civil court proceeding due to military duties, the court is required to provide at least a 90-day stay if a stay is requested. Longer stays may be granted at the discretion of the judge. This provision also includes “administrative proceedings,” which will impact issues such as child support modification hearings. If a soldier or his/her attorney does not appear at a hearing, before entry of a default judgment, the other party is obligated to file an affidavit

stating whether or not the individual is in the military. If so, the court is required to appoint an attorney to protect the soldier’s interests. The court is also empowered to protect the individual’s SCRA rights, as they deem necessary. These protections generally terminate approximately 30 to 90 days after date of discharge from active duty, but it can be longer.

Rental property protections. The SCRA prohibits evictions of servicemembers or their dependents from their residence where monthly rent does not exceed \$2,400, without authorization from a court. The court is required to stay the eviction action for 90 days upon application by the servicemember unless the court finds the servicemember’s ability to pay has not been adversely affected, or it may “make such other order as may be just.” Self-help eviction is punishable by fine, imprisonment, or both. Additionally, under the federal laws, the “military clause” allows soldiers to terminate their lease upon receipt of active duty or deployment orders of more than 180 days.

Interest rate reductions. If a servicemember’s ability to pay pre-service debts is adversely affected by his military service (i.e., he now makes less money), he is entitled to a reduction to six percent interest on those debts. The interest is to be forgiven, not deferred. To get the reduction, the servicemember needs to notify the creditor in writing and provide a copy of the active duty orders. The burden is on the creditor to prove that the ability to pay is not adversely affected.

Insurance. Another provision in the SCRA provides for suspension and subsequent reinstatement of health care professional and legal professional liability insurance when an individual is called to active duty. The individual must request the suspension and the reinstatement in writing. The SCRA also entitles an individual to immediate reinstatement of privately purchased (not employer-offered) medical insurance that was in effect the day before the individual went on active duty. The individual or those covered by the insurance may not be excluded or subjected to a waiting period before reinstatement for conditions arising before or during the active duty.

Automobiles. The SCRA also includes a provision allowing for termination of automobile leases, if the servicemember is transferred overseas or called to active duty for at least 180 days. Furthermore, self-help repossessions of automobiles or other installment contract purchases are punishable by fine or imprisonment, similar to the eviction protections.

This is only a brief overview of the most widely used provisions of the SCRA. The SCRA also includes provisions

pertaining to income tax, residency, reopening judgments, and life insurance, among other subjects. Any time a mobilized soldier has legal issues, one should take a quick look at the SCRA to determine if any of its provisions may apply.

USERRA

Another important law regarding deployed soldiers is The Uniformed Services Employment and Reemployment Rights Act (USERRA) (43 U.S.C. s. 4317 et seq.). Protections offered under USERRA are applicable after servicemembers return from duty. USERRA provides reemployment protection and other benefits for veterans and employees who perform military service. Also, it includes provision regarding employer-offered health plans which are similar to the privately purchased health plans under USERRA.

Legal Documents

There are a few legal documents which can help servicemembers and their families a great deal during the deployment. Servicemembers should consider whether they will need to execute a power of attorney to help others manage their affairs in their absence. Another legal document to consider would be guardianship, which permits a grandparent or other temporary custodian to take parental-type actions with regard to a child of a soldier. These actions might include authorizing medical care, traveling with the child, signing permission slips, or even enrolling the child in

a new school. Such guardianship documents act as a permission slip and do not take away any parental rights or responsibilities from the soldier. However, there may be school districts that will accept nothing less than a legal guardianship document from a court, therefore prior planning between the parent and the school district is very important.

Servicemembers should also update their will and include a reference to their military service so an executor will know to contact the military to find out about possible benefits to the estate or surviving family members. In conjunction with their will, soldiers should update their civilian and military insurance designations.

Veteran & Military Sections of State Bar Associations

Many state bar associations have veteran & military committees that offers a network of state attorneys willing to provide free or reduced-price services to servicemembers and their families. These services can range from document preparation to in-court representation.

Nesa Targhibi, treasurer of the Riverside County Barristers, is a sole practitioner based in Riverside County. She practices mainly as a special appearance attorney covering Riverside, San Bernardino and Orange County.



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RIVERSIDE COUNTY DEPARTMENT OF VETERANS' SERVICES

by James "Kelly" Anderson and Mark Ling

Riverside County Board of Supervisors established the Veterans' Services Department in 1930 to assist veterans, their dependents, and survivors in obtaining veterans' benefits from federal, state, and local governmental agencies. There are approximately 133,000 veterans living in Riverside County. Our mission is to promote and honor all veterans and enhance their quality of life and that of their dependents, and survivors through counseling, claim assistance, education, advocacy and special projects.

Our department's representatives have served in the military and most are rated with the United States Department of Veterans Affairs (USDVA) for injuries and or illnesses connected from their military service. Our representatives are accredited and work closely with the service officers from various veterans' service organizations such as AMVETS, American Legion, California Department of Veterans Affairs, Disabled American Veterans, Military Order of the Purple Heart, Paralyzed Veterans of America, and the Veterans of Foreign Wars. We are Riverside County employees and not employees of the federal government or the USDVA.

Veterans' Assistance

The department can assist veterans in the following areas: compensation (service-related injuries or diseases), re-open compensation claims for possible increase, dependency indemnity compensation (survivors annuity based upon service-connected death), pension (for war-era veterans), death pension (for survivors of war-era veterans whose death was non-service connected), dependent allowances, housebound and aid and attendance allowance, state veterans homes, request for military records and decorations, discharge upgrade and correction of military records, vocational rehabilitation, home loan guaranty information, education benefits, life insurance (NSLI, SGLI, VGLI), and burial benefits.

Veterans' Services

The department offers the following services: comprehensive benefits counseling, claim preparation and submission, claim follow-up to ensure final decision, initiate and develop appeals when appropriate, and networking with federal, state, and local governmental agencies.

Information and Referrals

The department provides assistance with information on jobs and employment resources, public assistance, USDVA medical services, Social Security, and others.

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James "Kelly" Anderson is the assistant director of the Riverside County Department of Veterans' Services and a veteran with the United States Marine Corp.

Mark Ling is a veteran representative with the Riverside County Department of Veterans' Services and a Navy veteran.



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VETERANS AND THE JUSTICE SYSTEM – WHERE TO FIND SOLUTIONS

by Sergeant Major Gregory R. Coker, USA (Ret)

America owes a debt of gratitude to our justice system, the best in the world. Most Americans would probably also agree that they owe a debt of gratitude to our nation's veterans as well. Undoubtedly, veterans served and sacrificed in the greatest military in the world. Why then, when we see veterans in the justice system, do we so often see that veterans are often caught up in the worst aspects of the system and treated badly?

I have to ask, is the system broken in the case of veterans? And, how can the veteran community and the justice system community find solutions? Where should they look? The answer is encapsulated in one word: within. Each community must look within and then collaborate and communicate about what they find there.

As a retired US Army Sergeant Major and now CEO of the Reaching New Heights Foundation, I have been advocating for fellow soldiers, Marines, sailors, airmen and Coast Guard members for most of my adult life. For the last four years, I have been an advocate in the Veteran Courts of San Bernardino and Riverside counties and in the veteran community. The judges and attorneys that are stakeholders in these courts have a deep understanding of the issues involved, but this knowledge needs to be spread and understood to the wider audience of the men and women who work in the system and make it run. The ultimate goal is to increase public safety while helping and promoting our veteran men and women to become productive members of society again.

Veterans are resilient and creative. They have been trained and have lived a life of service that has its roots in a warrior culture that is unshakeable. As you know, the extended warfare of today and seemingly into the future leaves indelible marks. Still these men and women carry on. I have seen it again and again as they volunteer or participate in the programs offered by the Reaching New Heights Foundation (Foundation). The Foundation is deeply tied to both Riverside and San Bernardino counties, receiving great support from both. We pride ourselves on having an impact that far outstrips our means. We intend to (and do) run a top-notch organization on a shoestring budget.

Our secret, or, what we found to be the solution when we looked inward, is an all-encompassing hard-work approach to the individual as well as the system. It is an understanding not only of the big picture goals, but also focuses on the realities of each individual veteran.

It is virtually guaranteed that you, dear reader, are not far removed from an individual veteran that has been touched by

this system. They are your neighbors, coworkers, friends and perhaps family. There are approximately 238,000 veterans in Riverside and San Bernardino counties.

While there are many organizations to support veterans who do great work, in our experience our formula of housing, resources, education, and employment assistance is what is needed for long term success. We also work to address the totality of a given veteran's situation – this is the boots on the ground part – and we simply work to address the issues at hand.

This approach raises the bar and it takes time and effort. But this is where Foundation excels, and this is the solution we point to for the professionals in the justice system. We encourage all to see the veteran as an individual. Moreover, a veterans advocate may be able to shed some light or simply add some humanity on a case, especially with regard to the unique and difficult challenges that face veterans in a given situation.

The “why” behind the tenets of the Foundation is the veteran right in front of us, right here and right now. Further, while we understand that the “system” can be broken in places, we want to bring the veteran in front of you into focus; because that is our brother. That is our sister. We share a bond of common experience, sacrifice, and service that simply will not be broken.

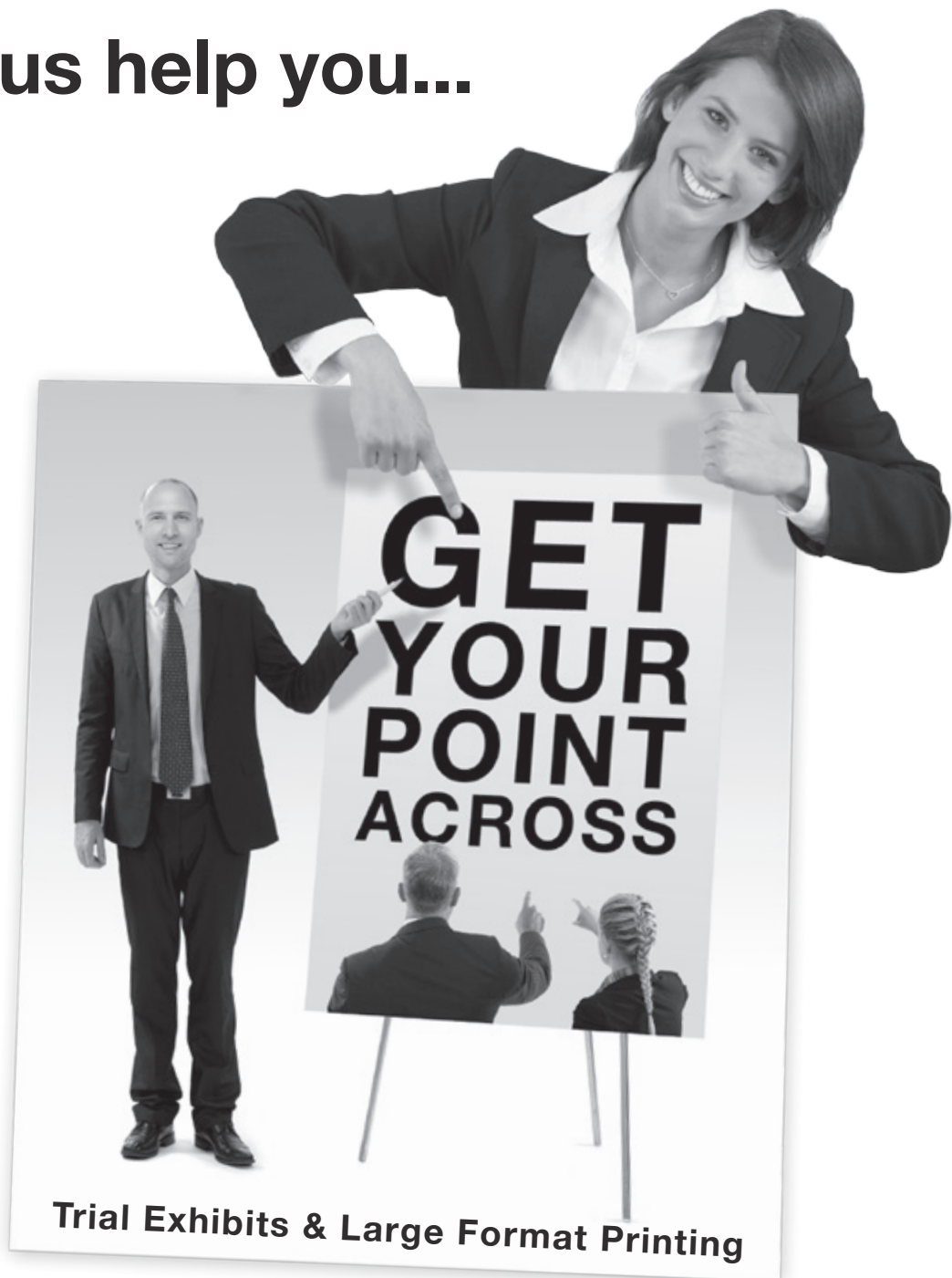
In this great justice system, look past the numbers at the individual and see beyond the statistics. We know that you lawyers are intelligent, creative, and professional. Thus, I ask you to bring those powers to bear in representation for my veteran brothers and sisters in court, and partner with us at the Foundation (or someone like us). Then, you will truly support America's veterans.

We at Reaching New Heights Foundation are always looking for individuals and organizations who are willing to partner with us to help veterans. Feel free to contact me: Sgt Major Coker at (951) 878-6900. Website: ReachingNewHeightsFoundation.com.

Sergeant Major Gregory R. Coker, USA (Ret) honorably retired from the US Army in January 2014 after serving 26 years and 9 months. He completed two combat tours in Iraq and is a bronze star recipient for actions during combat tour. He received a Leadership Studies M.A. from the University of Texas El Paso 2013. He also completed course work in Rehabilitation Counseling M.A. at Cal State San Bernardino and is scheduled for a fall 2017 graduation.



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VISITING THE NATIONAL WORLD WAR I MUSEUM IN KANSAS CITY

by Abram S. Feuerstein

By the time the American “Doughboys”¹ went “over there,” one hundred years ago, to fight in World War I, the European combatants were near exhaustion and century-old empires were ready to collapse. Woodrow Wilson had campaigned in 1916 by embracing the slogan, “He kept us out of war.” Yet, in early April 1917, after Germany declared it would engage in unlimited submarine warfare, and the Zimmermann Telegram surfaced and proposed a potential German/Mexican military alliance, the United States abandoned its neutrality to “associate”² with the allied or Entente nations.

To be sure, American reinforcements in 1918 ultimately provided the margin of victory against the Central Powers; and Wilsonian ideology, of making the world safe for democracy, spelled out neatly in 14 points, attempted to give the war a masking decency. But, no mask could put a good or even human face on what had happened. Although American losses were somewhat limited (117,000 dead), the combined military casualties suffered by the great powers had been horrific. More than nine million dead (and 22 million wounded). “Total” war also killed at least six million civilians.

Although precise numbers will never be known, the Spanish Flu outbreak towards the end of the war, spread world-wide by returning soldiers, increased the death toll by possibly 50 million. World War II, frequently believed



Built in a classical Egyptian Revival style, the 217 foot Liberty Tower rises above two stone Assyrian sphinxes, named “Memory” and “Future.” To shield their eyes from the horrors of the war and an unseen future, the sphinxes are depicted with their wings covering their faces.

to be a “continuation” of a 30-year war that started with WWI, claimed tens of millions more. And, the rise of 20th Century communism from the ashes of the Czarist regime in 1917 would add another 100 million to the pile. In the end, in the words of British war poet Edmund Blunden, “(t)he war had won.”³

All this, of course, had been unimaginable in June 1914 when a Bosnian Serb student, Gavrilo Princip, assassinated Archduke Franz Ferdinand, the heir to the Habsburg throne. Even after that act of terrorism triggered what historian Barbara Tuchman called “the guns of August” 1914,⁴ it remained beyond imagination. Ok,

perhaps, the American Civil War offered a glimpse of such horrors. And so did the 1904-05 Russo-Japanese War. But, the world supposedly had entered a progressive era, characterized by the gradual betterment of man through education and the acquisition of knowledge. Hadn’t science reached new, nature-conquering heights? Hadn’t European culture reached the pinnacle of achievement? Didn’t modern methods of near instantaneous communication eliminate the possibility of potential miscommunication among adversaries? Hadn’t diplomats carefully crafted and structured alliances, ensuring that a “balance of power” would check national ambitions? In short, didn’t the world’s industrial countries simply have too much to lose by fighting each other?

In what is frequently called an August “madness” or delirium, young men rushed to participate in the action, fearing only that they might miss the war which they and everyone else expected to be “over by Christmas.” A slight miscalculation, of course; instead of lasting four months, the war lasted well over four years. In his masterful work,

1 The origin of the term “Doughboys” to describe American soldiers is a subject of dispute. Some attribute the term to the omnipresent donut pastries available at relief stations, and others to the shape of the buttons on soldier uniforms. See *World War I: The “Great War,”* The Great Courses, Lecture 27, “America’s Entry into the War,” narrated/taught by Vejas Gabriel Liulevicius. In 36 lectures spanning approximately 19 hours, Professor Liulevicius provides a thorough, multi-dimensional exploration of WWI, one which the author has relied upon for background information for this article.

2 Wilson never used the term “allies” given long-standing American reluctance to become entangled by foreign alliances. See David Trask, “The Entry of the USA into the War,” published in Hew Strachan, *The Oxford Illustrated History of the First World War*, p. 240 (Oxford paperback ed. 2016).

3 Edmund Blunden, *The Mind’s Eye* (1934), p. 38, quoted in Paul Fussell, *The Great War and Modern Memory*, p. 14 (Oxford University Press 2013 ed) (hereafter, “Fussell”).

4 Barbara W. Tuchman, *The Guns of August* (Ballentine Books/Presidio Press ed. 1994). Following its original 1962 publication, *The Guns of August* received the Pulitzer Prize of General Non-Fiction in 1963

The Great War and Modern Memory, Paul Fussell observes that “(e)very war is ironic because every war is worse than expected.” Here, the irony resulting from the contrast between pre-Great War innocence, with that of the war’s ghastly outcome, is so enormous that to Fussell it reshaped modern memory and understanding about the war and all future wars, certainly, but possibly about almost everything else. Indeed, even to call WWI the “Great War” is to commit an act of obscene irony.

The Museum

The National World War I Museum at the Liberty Memorial in Kansas City, Missouri – the nation’s only WWI museum – tries to make some sense of the “great seminal catastrophe” of the 20th Century.⁵ Not an easy task. After all, the war is one hundred years removed in time, and the last American military veteran of the war, Frank Buckles, died in February 2011 at the age of 110.⁶ Also, unlike the great Civil War battles which left their permanent scars on American soil, WWI’s artillery-shelled landscape and miles and miles of trenches remain over there in Europe. With no living witnesses and few domestic, visible historical reference points, the museum faces the heightened challenge of trying to educate our video game generations, whose eyes – let’s be honest – blur at the sight of a black and white photograph, and likely only heard about the war in a passing reference during a high school history lecture.

Remarkably, the museum succeeds in making the incomprehensible comprehensible. It capably describes the events leading up to and during the war from the vantage point of its numerous participants and places them into their historical context. The museum conveys the military strategies of the generals in charge of war efforts as well as what it was like to be a soldier fighting the war, physically and emotionally. Visitors leave with an understanding about the consequence of the war and how they impact our world today. And, in keeping with its original mission, the museum honors the memory and sacrifices of those who served in the war.

According to the museum’s website,⁷ Kansas City civic leaders formed the Liberty Memorial Association shortly after the war and swiftly raised the funds to build the Liberty Memorial. Over 100,000 people attended a site dedication ceremony in 1921, and 150,000 people attended a ceremony five years later, presided over by President Calvin Coolidge,

5 The phrasing belongs to historian and diplomat George F. Kennan, who used it in the introduction of his volume, *The Decline of Bismarck’s European Order: Franco-Russian Relations 1875-1890* (Princeton University Press 1979).

6 See generally, https://en.wikipedia.org/wiki/Frank_Buckles. The museum’s website notes that Mr. Buckles visited the museum over Memorial Day weekend in 2008. See <https://www.theworldwar.org/explore/museum-and-memorial>.

7 See <https://www.theworldwar.org/explore/museum-and-memorial>.

to celebrate the completion of the impressive, fortress-sized, Egyptian revival building and its 217 foot tower. In 2004, Congress designated the Liberty Memorial as the nation’s official World War I Museum and an 80,000 square foot museum and research center were constructed underneath the Liberty Memorial.⁸

Once inside the museum but before immersing themselves in the museum’s collections and displays, visitors cross a glass bridge suspended over a symbolic poppy field containing 9,000 red poppies, each representing 1,000 combatant fatalities. The red poppies came to symbolize the war, mostly because the churning of the soil in Northern France and Flanders caused their dormant seeds to sprout.⁹ The poppies create a poignant and proper tone. The bridge then leads to a theater that provides a short introductory film describing the events that plunged the world into war and the forces at work in each of the belligerent nations that made war seemingly inevitable.

The museum uses a diverse collection of thousands of objects to tell the story of World War I. Most striking are the uniforms of the soldiers. At the start of the war, the uniforms have the look of the 19th Century; bright and colorful, a soldier wearing one easily could be confused with a strutting peacock. As the trenches become, well, entrenched and the mutual massacres ensue, the uniforms transition to a plain gray or brown. Artillery and machine gun sniper fire have a way of enforcing an earth-tones dress code.

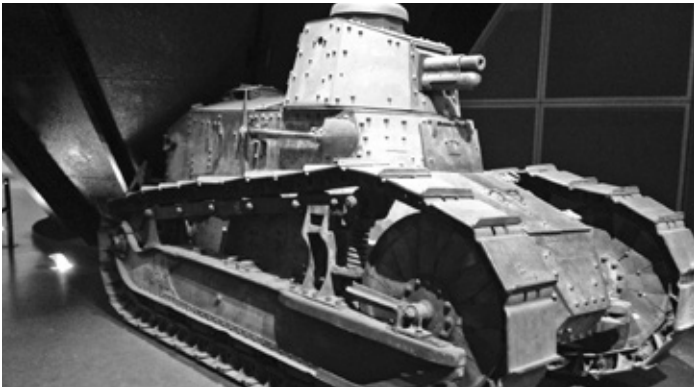
The war’s story is a chronology of the development of newer and more deadly weapons, and they are on full display. From machine guns, to artillery, to gas masks, to

8 *Id.*

9 See <http://www.worldwar1.com/heritage/rpoppy.htm>. The war’s most famous poem, “In Flanders Fields,” written by John McCrae, a battlefield physician, recounts that “the poppies blow between the crosses, row by row” that mark the soldiers’ graves, and that should the living fail to “take up” the fight, the dead “shall not sleep, though poppies grow in Flanders fields.” *Id.* Paul Fussell notes that as a result of our familiarity with the yellow or orange California poppy, Americans have difficulty understanding the role that the Flanders’ bright scarlet poppy plays as literary symbolism of Great War writing. Fussell, p. 268.



The combatants exchanged millions of shells in each of the major battles of the war.



Tanks introduced towards the end of the war proved to be one of the few effective weapons to combat barbed wire and trench warfare.



The museum attempts to portray the experiences of the soldiers who lived and died in the trenches.

and are accompanied by recorded statements from period writings. The museum also replicates that unique war location known as “No Man’s Land,” the barren landscape between two opposing enemy trenches typically fenced off by layers of barbed wire.

America’s entry into the war dominates the second half of the museum. Posters urging support for the war effort, soliciting the recruitment of soldiers and depicting the enemy are displayed prominently. Success in “total” war also involves a successful war on the “home front,” and museum galleries depict vividly American industrialization and its other home front efforts. Supplementing the main museum’s galleries are exhibit halls that sit on opposite sides of the Liberty Tower. The exhibits change frequently, and as they change, the museum makes them available digitally on its website. Also located above the museum, over the south entrance, are two stone Assyrian sphinxes. They bear the names, “Memory” and “Future.”¹⁰ Their

10 See <https://www.theworldwar.org/explore/museum-and->

faces are covered by their wings. Memory faces east toward the French battlefields, its eyes shielded from the horrors of war, while Future faces west, protecting its sight from events to come.¹¹

The museum experience is overwhelming. Indeed, the armistice cannot come soon enough. For needed relief, patrons can ride an elevator to the top of the Liberty Tower for great views of Kansas City; or there is the museum’s café, appropriately named the *Over There Café*. The cafe has a little of an international flare; I can recommend the French onion soup.

Other Kansas City Attractions

The National World War I Museum is a national treasure and provides meaning to what 100 years later seems so meaningless. Approximately ten miles away in Independence, Missouri, is the Harry S. Truman Presidential Library and Museum. Truman was a battery commander in World War I and served in combat in France. The exhibits at the Library and Museum confirm that Truman’s war years were formative, both in terms of the development of leadership skills and in preparing Truman for the difficult choices he made in the next World War. A short walking trip from the Presidential Library to the Truman family home in Independence provides further context to the major influences on Truman’s life.

Kansas City also is home to the Negro Leagues Baseball Museum, which preserves the history of African American baseball.¹² It is located in the same building as the American Jazz Museum.¹³ The city’s major art museum, The Nelson-Atkins Museum of Art, is a first class art museum with an impressive and deep core collection. Missouri regional painter Thomas Hart Benton (1889-1975) is well represented. Of note, Benton and Truman became friends, and at Truman’s request Benton painted a large scale mural that adorns the main lobby of the Presidential Library, *Independence and the Opening of the West*.¹⁴

Abram S. Feuerstein is employed by the United States Department of Justice as an Assistant United States Trustee in the Riverside Office of the United States Trustee Program (USTP). The mission of the USTP is to protect the integrity of the nation’s bankruptcy system and laws. The views expressed in the article belong solely to the author, and do not represent in any way the views of the United States Trustee, the USTP, or the United States Department of Justice. The photographs accompanying the article were taken by the author in February 2015 using a cell phone camera.



memorial/elements-museum-and-memorial.

11 *Id.*

12 See generally, <http://nlbm.com/s/index.cfm>.

13 See generally, <https://americanjazzmuseum.org/>.

14 See <https://trumanlibrary.org/teacher/benton.htm>.



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BALANCING LIFE AS A MARINE CORPS RESERVIST AND A TRIAL LAWYER

by Cory R. Weck

I'm a United States Marine and trial lawyer.

Over 23 years ago, I stood at the position of attention and took the Oath of Office as a United States Marine Corps Officer. I was graduating from Officer Candidate School in Quantico, Virginia. I was handed my EGA (Eagle, Globe and Anchor) and had my shiny second lieutenant bars pinned to my epaulettes on my shoulder by my proud mother and girlfriend (now wife). It was the culminating moment of months of preparation for a program whose mission is to evaluate and screen individuals for the leadership, moral, mental, and physical qualities of a Marine officer. A program designed to weed out the weak or those who would cost Marines lives on the battlefield. Nearly 50 percent of our platoon either mentally or physically broke during the course. As I was handed my EGA, I felt I was bullet proof and invincible. Finally, I had earned the title of Marine and it changed me for the rest of my life.

I served my active duty days in the typical Marine Corps fashion—in whatever billet or job the Marine Corps needed. In a relatively short period of time I went from defense attorney to company commander to prosecutor. All Marines understand they are Marines first regardless of their specialty, to include being an attorney, an aviator, or supply officer. After serving my required time on active duty, I left Camp Pendleton where I had been serving as a prosecutor for 1st Marine Division to join a plaintiffs firm in Redlands. At that time, I was on the fence as to if I should stay in the active reserves.

Admittedly, I was concerned about staying in the Marine Corps reserves as the terrorist attacks on 9/11 had just occurred and war was brewing on the horizon. I was further concerned as I had heard horror stories from other Marines that had recently left active duty to find employment difficult in the civilian community. Many firms weren't sure how to interpret my trial experience in the Marine Corps. Even a few were surprised to learn that Marine Judge Advocates went to law school and passed the bar exam. I was advised not to even mention that I was going to stay in the reserves as many employers includ-



Cory R. Weck

ing law firms were not only wary of hiring veterans, but down right resistant to hiring National Guard and Active Reservists. Unfortunately, that resistance might be for valid reasons, despite nearly universal public support for our military.

Having a military reservist as an employee brings a lot of benefits many employers fail to consider. They respect authority and follow orders;

they are often leaders and understand working in a team environment. They have self-initiative and are no strangers to stress or adversity. However, there is also a cost to the employer due to the significant time a reservist commits to on a yearly basis.

How does a law firm run with one of its critical members being absent for a MINIMUM of nearly 40 days a year for just normal required duty in the reserves? For those firms that operate on the billable hour, those hours for those days can have a significant impact on a firm. That impact is even worse for the employer and the reservist when one is deployed for 12 or 18 months at a time and sometimes repeatedly over several years. While it's illegal to discriminate against guard or reservists, the practice is widespread and often subtle, even among government agencies. In fact, in 2011 the two employers that faced the highest number of discrimination complaints was the Department of Defense and Veterans Affairs. For the reservists, the stress of deployments can be overwhelming. Many employers do not pay the salaries of reservists while deployed, forcing the reservist to use vacation time



(l-r) Capt. Andrew Bagnell, Maj. Marc Tilney, Cory Weck, Maj. Phil Davis, and Mr. James O'Donnell

if available or a significant pay cut between their civilian pay and their military pay. My 15 years in the reserves was a constant struggle to maintain the balance between my civilian law firm, my family, and the military.

The stress of balancing my civilian practice with my military career was always present. There was never a “convenient time” for my military duty as there was always a trial coming up or a family event that was planned prior to me receiving orders to duty. Sometimes, those calls would come with just one day of notice and the Marine Corps expects its reservists to be ready to answer that call. I once received a call from my Colonel who just casually stated only “I need you on a plane. How quickly can you get here?” I put everything immediately on hold in my practice and gave my wife the news that I was just tasked to lead parts of the investigation into a crash of one of our MV-22B Ospreys on Oahu on May 17, 2015. I told my partners and my wife and then caught the next plane.

On the flip-side, the impact of working as a civilian can also have a negative impact on the reservists’ military career. As a Marine officer I was expected to adhere to the same rules and standards as my active duty counterpart. It was certainly much easier to stay in shape while on active duty (it’s part of the daily job to train) than it is to squeeze in the time to train during the day of a busy trial prac-

tice. Even more egregious of an example was when those officers had to turn down orders to Iraq or Afghanistan because they simply couldn’t sacrifice a year or more overseas at the expense of their private practice. Many of those officers that declined to deploy were passed over for promotion. The Marine Corps expects an officer to answer the call to fight, and failure to do so, despite the impact on your practice and family, can have a serious impact on your military career. While there are many fine attorneys who have balanced their military career with their civilian practice, I’ve known just as many other reservists who have struggled to balance the two.

On November 11, our country will honor those who have served in uniform of our armed services. With nearly 38% of the uniformed services made up by reservists, my one ask of the reader is not to thank them for their service, but to remember their sacrifices that they and their families make throughout the year both in uniform and in their private practice.

Cory R. Weck is the managing partner of the personal injury division of McCune Wright Arevalo in Ontario. Mr. Weck also just recently retired from the Marine Corps after 23 years of service.



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SOHEILA S. AZIZI

WAKING UP TO THE HERE AND NOW: PTSD AND DISSOCIATION

by Monica Nguyen

I consider my mind to be my greatest asset. It is always present and generally reliable. I may not always remember mundane experiences, but I can certainly remember the important things with excellent precision. This is a state of mind that I do not take for granted, as I have witnessed others who don't enjoy this same confidence in their memories.

There are many mental disorders which impact a person's ability to form or keep memories. Dissociative Disorders are one type of these disorders.¹ Dissociative disorders fracture the mind between reality and an alternate experience. When a person suffers from a dissociative disorder, her body can be present in reality, but her mind is in an entirely different place or time. Sufferers experiencing a dissociative episode may not be capable of forming memories of what is happening in the present. There are many different types of dissociative disorders, including Dissociative Identity Disorder (formerly Multiple Personality Disorder), Dissociative Amnesia, and Post Traumatic Stress Disorder with dissociative features.

One of my first experiences with dissociative disorders was when I represented a client in Veterans Court. My client was an Army ranger with extensive combat experience. He had an intimate knowledge of the look, smell and feel of war. When he returned home, he was diagnosed with Post Traumatic Stress Disorder (PTSD). One evening, he and another veteran went for a drink to celebrate the birthday of their buddy who had died in combat. My client had one drink and decided to go to an ATM. He took a short cut through an alley.

My client doesn't know what triggered it, but he experienced a PTSD dissociative episode. He saw a person quietly sleeping in the alley and snapped. He started attacking the sleeping victim. The victim did not say a word to him, did not threaten him, and did not even know he was there. Likewise, my client gave no preamble before he acted. Thankfully, two passersby stopped my client. My

client was in an absolute daze. His body was in an alley in Riverside, but his mind was somewhere else entirely.

Police were called and they questioned my client. The last thing that my client remembered was looking for an ATM and seeing the victim lying in the stairwell. He vehemently denied striking the victim, because he had no memory of doing so. He was charged with felony assault. He continued to deny any wrongdoing until he watched the witnesses testify at preliminary hearing. After they identified him in court, he realized the likelihood that he had committed the attack. And yet, no matter how hard he tried, he could not remember what he had done.

He felt immense shame and guilt over harming the victim. He felt fear and bewilderment over his inability to remember any of it, and over the possibility that it could happen again without warning.

I had heard of combat veterans suffering flashbacks, and I never gave it much thought. Representing this veteran changed that. I learned that flashbacks are a form of dissociation, that dissociation is very common for people who suffer from PTSD, and that PTSD flashbacks are not just memories of a past traumatic event. During a PTSD flashback, the sufferer reexperiences the prior traumatic event, causing him to feel like the trauma is happening now. He is not connected to the present. Rather, he sees, hears, smells, and feels everything that happened during the trauma. The profound loss of connection with the real world classifies these types of flashbacks as dissociative.

It is a tremendous challenge to represent a client who committed a violent act while in a dissociative state. First, your client cannot help you in any way to explain what happened, because he has no memory of the event. Courts have ruled that a defendant who committed a criminal act in a dissociative state can be found incompetent to stand trial, because he cannot rationally assist his attorney in his defense when he cannot recall what happened.² If a client has no memory of what happened, then the attorney is left trying to piece together a defense without any assistance from the client. This is possible when there are third-party witnesses to the event, such as

¹ See the Diagnostic and Statistics Manual V for classifications of dissociative disorders, including Dissociative Identity Disorder, Dissociative Amnesia, Depersonalization/Derealization Disorder, Other Specified Dissociative Disorder and Unspecified Dissociative Disorder.

² *Wilson v. U.S.* ((D.C. Cir. 1968) 391 F.2d 460; *People v. Amador* (2000) Cal.App.3d 1449.

in this case. But, when there are no other witnesses, it is nearly impossible to tell a client's side of the story when he cannot assist you.

The second challenge in representing a client who committed a crime in a dissociative state is trying to explain this obscure mental condition to others. Dissociative disorders are so far from the common experience of most attorneys that it is nearly impossible to get others to listen to the facts with an open mind. It seemed much easier to believe that my client was making this all up to get out of a prison sentence than to believe that he was legitimately suffering from a PTSD dissociative episode when he committed the crime.

After much litigation, my client was admitted into the Riverside Superior Court Veterans Court program. He graduated from that 18-month long rigorous recovery program and is doing very well now. I am grateful that, after all he had given to his country, there was a place for him within the Hall of Justice.

Monica Nguyen has been a public defender with the Law Offices of the Riverside County Public Defender since March 2007. She has focused on Mental Health law in Mental Health Court since November 2010.



MEMBERSHIP

The following persons have applied for membership in the Riverside County Bar Association. If there are no objections, they will become members effective November 30, 2017.

- Danielle Al-Chalati** – Lipinsky Law Firm, Chino Hills
- Amber T. Ashby** – Fiore Racobs & Powers, Riverside
- Jennifer E. Dean** – Shoup Legal, Murrieta
- Andrew W. Gilliland** – Law Offices of Andrew W. Gilliland, Riverside
- Linda A. Guzman** – Law Student, Upland
- Brenda Laird (A)** – Disenhouse Law, Riverside
- Gabriel J. Pitassi** – Law Student, Rancho Cucamonga
- Maria J. Romo (A)** – The Sullivan Group of Court Reporters, Pasadena
- Daniel D. Schwarz** – State Compensation Insurance Fund, Rancho Cucamonga
- Alexandra Vlasak (A)** – Disenhouse Law, Riverside

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MOVIES TO WATCH THIS VETERANS DAY

by Mohammad Tehrani

The guns fell silent on the eleventh hour, of the eleventh day, of the eleventh month, the year 1919: Armistice Day. Europe had bled for five years after German forces in August of 1914 attempted an offensive incursion to capture and occupy Paris within six weeks of mobilization before France's ally, Russia, could honor their union and attack Germany's eastern borders. By the time the war was over, 65 million people from 30 countries had fought in it and ten million lost their lives.

America's military role in World War I was limited. Armistice Day, while commemorated in Europe, was recognized in America only with a brief pause in business and school activities on November 11 at 11:00 a.m. Following World War II and the Korean War, however, Congress created "Veterans Day," which they moved it to coincide with Armistice Day following the Vietnam War. So, while Veterans Day traces its roots to the Great War, it is important to remember that Veterans Day commemorates all of our veterans, from the Revolutionary War to the war on terror.

We have the fortune of living in a nation with a volunteer army, with the freedom to allow others to serve in our stead if we choose not to. Commemorate Veterans Day, and if you choose to do so by watching a movie, I suggest, in no particular order, the following:

1. *Saving Private Ryan*

"You can tell her that when you found me, I was with the only brothers I had left. And that there was no way I was deserting them. I think she'd understand that."

A United States field army in World War II had at least 50,000 men consisting of at least two corps. Each corps consisted of at least two divisions. Each division of at least two brigades, divided further into battalions, companies, platoons, and, lastly, squads. A squad is the smallest sub-unit of an army. It ranged from two to twelve men.

Saving Private Ryan is a story of a squad. It begins on D-Day, where United States troops accounted for over half of the Allied forces which attempted the largest amphibious invasion in world history on the heavily defended beaches of German-occupied France. *Saving Private Ryan* focuses on a squad of seven soldiers sent on a unique mission: find a mother's last surviving child after her three other sons had been killed in action, the last on D-Day. By focusing on only seven soldiers, *Saving Private Ryan* reminds the audience that each army is composed of

individuals, each fighting to survive within the mission thrust upon him, and each overcoming tremendous risk to obtain meaning in his personal sacrifice.

2. *Glory*

"We fight for men and women whose poetry is not yet written but which will presently be as enviable and as renowned as any."

The history of the United States is unusual. Aside from being the product of colonialism, it began halved. In the early 1600s, England's King James I charged two companies to colonize North America's Atlantic coast: the Plymouth Company, with shareholders from the city of Plymouth, and the Virginia Company of London, with shareholders from the city of London. The north went to the Plymouth Company and the south to the Virginia Company. The Virginia Company found that Caribbean tobacco grew well in its colony of Jamestown and by 1619, was importing slaves from Africa for its cultivation.

Less than one hundred years into its formation, the nation that grew up halved, fractured, and split. South Carolina seceded from the United States in December of 1860 and formed the Confederate States of America, along with six other slave-holding states in February of 1861, and grew by four more states shortly thereafter. In April, President Lincoln declared war to preserve the union. The war would last until 1865. The ensuing combat would claim the lives of three-quarters of a million countrymen, still more than all American deaths from all other wars combined.

The result was the preservation of the union and the Emancipation Proclamation, which freed some four million slaves, and allowed for the first fully African-American military regiment: the 54th Massachusetts. *Glory* is the story of the 54th Massachusetts. It follows a group fighting for promised freedom, which in the face of pay disparity and constant insults from other regiments, reflects the long struggle for equality that lies ahead.

3. *The Patriot*

"You did what I told you to do. You did what you had to. There was no wrong in it."

The United States of America arose only after taking its independence from the British during the Revolutionary War. America was just one of many colonies belonging to the world's greatest empire, Britain. It had no formal

standing army, limited training, and limited resources. But they fought for freedom and they won.

The best ways to celebrate America's fight for independence are, like fireworks on the Fourth of July, some bright lights, loud noise, and a feel good ending. That's why I recommend *The Patriot*.

Like so many Mel Gibson movies, the opposing side is pure evil with no redeeming qualities and the good side is the polar opposite. Where, in actuality, the British hoped to quell a rebellion and retain the American colonies in its empire, the British in *The Patriot* are portrayed as a more evil version of the Nazis led by a Goebbels-inspired character who views Americans as genetically inferior creatures. Americans have to band together to oust this evil force. Remarkably, historically inaccurate atrocities inspired by the Nazis abound, including British hunting Americans for sport a la *Schindler's List* and the rounding up of entire villages in churches to be burned alive.

But it makes it so good.

4. A Few Good Men

"We joined the Marines because we wanted to live our lives by a certain code, and we found it in the Corps. Now you're asking us to sign a piece of paper that says we have no honor. You're asking us to say we're not Marines. If a court decides that what we did was wrong, then I'll accept whatever punishment they give. But I believe I was right sir, I believe I did my job, and I will not dishonor myself, my unit, or the Corps so I can go home in six months... Sir."

Lyndon B. Johnson signed into being the Judge Advocate General's Corps within the Department of the Navy (JAG) in 1967, creating a separate corps of lawyers designated as navy officers specializing in the Uniform Code of Military Justice (UCMJ). A trial under the UCMJ is called a court-martial. A general court-martial, as opposed to summary or special, consists of not less than five officers sitting as jury-equivalents participants called members and a judge. A general court-martial may result in any punishment proscribed by law, including the death sentence.

A Few Good Men delves into the general court-martial of two Marines stationed in Guantanamo Bay accused of murdering a fellow Marine. *A Few Good Men* takes the audience through the attorney's struggle with his clients. It has clients who reject, it appears irrationally, settlement agreements; discovery battles; dramatic courtroom scenes, and witness examinations; all-night trial preparation; failed arguments, and shaken confidence. It is a great court drama. But dramatizations aside, *A Few Good Men* emphasizes the importance of the law and lawyers even in the military, where stakes are at their highest ("I

eat breakfast 300 yards from 4,000 Cubans trained to kill me[.]").

5. Patton

"Americans love a winner and will not tolerate a loser. Americans play to win all the time. I wouldn't give a hoot in hell for a man who lost and laughed. That's why Americans have never lost, and will never lose a war... because the very thought of losing is hateful to Americans."

General George S. Patton served in the United States Army from 1909 to 1945. He began as a West Point graduate commissioned as a second lieutenant in the Cavalry Branch of the army, and died as a four star general shortly after the end of World War II from injuries sustained in a car accident.

Patton follows the General from the moment he receives his third star in North Africa until he is involuntarily stripped of his command after the surrender of Germany. Patton was a tremendously successful commander. *Patton* shows the General's military prowess as he crushes Rommel's forces in North Africa and cuts through Sicily and Germany with great effectiveness. Patton's Third Army, the army he led through Germany, captured 1.2 million German soldiers and 81,000 square miles of territory.

The film captures Patton without romanticizing him. While a great general, Patton was an even worse politician and at all times operated on a sphere of reality slightly ajar from everyone else. *Patton* does not forgive the General for his idiosyncrasies. The film shows a bewildered General Omar Bradley as Patton explains that he was a general in the Carthaginian Wars with Rome, and panicked soldiers scrambling to save the General when he attempts to shoot down a strafing plane with just a handgun. *Patton* criticizes the General when he slaps repeatedly a soldier physiologically crushed with post-traumatic stress disorder and risks the lives of those serving in his army when he takes additional risks for the sole purpose of accomplishing a goal more quickly so he does not have to share the glory with allied forces.

It is fascinating.

Mohammad Tehrani is an employee of the United States Department of Justice as a trial attorney in the Riverside Office of the United States Trustee Program (USTP). The views expressed in the article belong solely to the author, and do not represent in any way the views of the United States Trustee, the USTP, or the United States Department of Justice.



JUDICIAL PROFILE:

MAGISTRATE JUDGE H. SHASHI KEWALRAMANI

by Ashleigh Aitken

When asked to write an interview about my dear friend, the Hon. H. Shashi Kewalramani, I was hesitant, to say the least. He is not only one of the finest lawyers I have ever worked with, but he is unique in a way that I will have trouble conveying via the written word. Kissing up to the judge—check.

I met him when I was a new prosecutor at the United States Attorney's Office, and by the end of my first day, his infectious smile and welcoming attitude reassured me that I was going to love my new office neighbor. Our spouses and kids became friends and I even found them a house to buy conveniently located in my neighborhood. No, it was not in a stalker-way, but rather it was cute the way it worked out.

To make this interview official, I drafted a list of questions to go over with Shashi. This article has to follow glossy inside-cover boy himself, Greg Rizio, so I knew I needed to be on my A-game—both probative AND entertaining. To my surprise, this opportunity allowed me to learn a lot about Shashi that I did not know, or was told once but forgot because it was not about me. Self-deprecating humor and Rizio reference—double check.

Why are you an A's fan? Do you look into Mike Trout's baby blues and cry?

That's your first question?

Okay, I'll move on. Where were you born and raised?

I was born in Baroda, India. My father was hired as an engineer for Bechtel, so we moved around from New Jersey to Oakland then to Houston. In 1979, my father took a job in Dhahran, Saudi Arabia and my mother, sister and I moved back to Baroda, India to stay with my grandparents. We then joined my father in Saudi Arabia where I attended the American Consulate School. I then went to boarding school in India for one year and in 1986, we returned to the U.S. and moved to Austin where I attended high school.

What were you like in college?

I was able to attend the University of Texas, Austin, on a scholarship. I majored in Aerospace Engineering because I wanted to make planes. I always liked physics and history in high school, so UT School of Engineering was a natural choice. I was a teacher's assistant my junior and senior year, and was one of only a handful of



Hon. H. Shashi Kewalramani

Indian Americans to join a fraternity and be in the Greek System.

How did you end up at Baylor Law School?

I really didn't know what I wanted to do and my family didn't know a single attorney in the United States. Most of my generation of Indian Americans were expected to get an engineering degree or go to medical school. I satisfied the engineering degree aspect, but due to severe cutbacks in the defense industry, there weren't that many jobs for aerospace engineers. A friend told me about the field of patent law and I thought it was a good way to use my engineering degree.

How many pairs of cowboy boots do you own?

Only two, but they are both Lucchese boots.

What was your experience in law school?

I LOVED law school and would like to go back.

Baylor emphasized trial advocacy and it was helpful to learn what a lawyer really did. We had a class called practice court where we learned civil procedure and essentially learned how to handle a case from intake through a notice of appeal. I benefitted from several amazing professors—Professors Bill Trail, Brian Serr, William Underwood and Louis Muldrow. Each of these professors stressed that it wasn't enough to do well strategically and legally, but to practice honestly and ethically. I was a member of the *Law Review* at Baylor and a notes and comments editor. I also participated in the moot court program and eventually became the president of the Moot Court Society.

What was your first legal job?

I clerked for two IP law firms during law school, but my first full time legal job was as a judicial law clerk to U.S. District Judge Richard A. Schell, in Beaumont, Texas. I wanted to see how cases were handled and decided at the district court level. I also knew I wanted to practice patent litigation, which is mostly handled in federal district court. Judge Schell was a gentleman's gentleman, and taught me that we worked for the public and to treat everyone with the utmost respect.

How did you meet the wonderful Dr. Deepa?

Deepa and I met at a wedding in New Delhi, India, which had well over 1,000 people in attendance. I was living in Houston and she was living in Long Beach. The groom is a close friend of mine from Houston and

the bride is a relative of my wife's. After meeting her, I made excuses to come out to California and said I was working on cases from my firm's Los Angeles office. We dated for about 10 months before I proposed and we got married 6 months after that in Orange County. We now have two beautiful children that keep us running around on the weekends.

How did you end up an assistant U.S. Attorney (AUSA)?

I worked at Arnold, White & Durkee for several years where I was given significant responsibility and handled the damages side of patent cases. While I was interested in becoming an AUSA when I clerked, I wanted to pay off my law school loans. My firm allowed me to volunteer at the Dallas County DA's office and in 2003, I decided to make the move and applied to several U.S. Attorney's offices. I was hired in San Jose, California, and handled cases involving computer hacking and IP theft. I also worked in the Oakland office, before transferring to Santa Ana in 2008. It was a great experience and I focused on white collar investigations, but handled everything including trying narcotic trafficking cases. I was able to work with some great and dedicated agents, many of whom I am still good friends with. My goal as an AUSA was to treat everyone with respect, even the accused, and be transparent. When I left, I started a law firm with former colleagues from Houston handling criminal defense matters and patent cases.

How did you decide to put on the black silky robe?

I had thought about applying a year ago. I spoke with friends who were judges and got the confidence to apply for the U.S. Magistrate position. I only applied to the federal side because I was very comfortable in the federal system, as well over 90% of my experience had been in the federal system, since graduating from law school. I can't say it has been a life-long dream, but it's something I thought I would love to do, if given the opportunity. The process was stressful and I continued to believe that I would be discovered as not being smart enough or having the breadth of experience necessary to do the job. I spoke with other U.S. Magistrate Judges and District Judges and the input and advice I received at this stage was invaluable.

I applied to Riverside because I had handled cases there as a criminal defense attorney and really liked the feel of the courthouse. It reminded me of San Jose and it is truly a courthouse family where everyone is kind to each other. The attorneys who appear in court and all the courthouse staff, including the judges, appreciate the special place we work and take steps to maintain that atmosphere of congeniality. One of those judges, who was one of the kindest and most open people I knew, was Judge O'Connell, who recently passed away.

She was so warm and welcoming. It's a great loss to the court and the community.

Advice to those appearing before you?

My judicial philosophy is to apply the law as fairly and expeditiously as possible. Every party should know that their position has been heard and fairly considered. I aspire that any party who I've ruled against would still say – "I don't agree with him, but I see why he came out the way he did, and I understand the basis for the ruling." I am big on timeliness because when the courtroom is open and the matter is called, there are other people whose schedules and workloads are being impacted. I hope to be well prepared and versed on the facts and law in the matter and expect counsel would be to.

Rapid response round as I'm running out of space:

Best Childhood Memory?

Playing in the Little League World Series in Williamsport, PA during the summer of 1983.

Austin?

Live music. South by Southwest started my senior year.

Favorite President?

Abraham Lincoln, but I also want to say Jimmy Carter.

Secret to your amazing margaritas?

Fresh lime juice and agave.

What do you want your rainbow to say?

Truth is an ever-receding ideal, but you never stop searching for it.

Asleigh Aitken is Of Counsel with Aitken Aitken Cohn. She was the 2015 president of the Orange County Bar Association and current candidate for mayor of Anaheim.



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OPPOSING COUNSEL: BRADEN HOLLY

by Megan Demshki

From Kung Fu to the Courtroom

Braden Holly was born in Portland, Oregon before moving to Northern California at just a few months old. After living in Northern California for several years, Braden and his family moved to Los Angeles when he was about six years old, where he lived in Glendale and La Crescenta.

One summer after high school, Braden and several of his friends road tripped from California to Massachusetts, where he became a lifeguard for the summer. That summer Braden saved money and decided to move to China to learn Kung Fu.

Braden researched Kung Fu schools and moved to Northern China with nothing but a backpack filled with necessities. While in Northern China for a year, he was taught Kung Fu by a monk and practiced Kung Fu for a year. He lived at the school in an ancient castle and learned some Mandarin while he was there. Fortunately for Braden, his teacher spoke some English and became more proficient during his time there. Braden says his Mandarin leaves something to be desired.

After a year of Kung Fu school, Braden was ready to return to the United States and was looking for a way to gain more practical life experience and skills. It was at this time that he decided to join the United States military. Braden served in the Navy and was deployed to Iraq. He was a hospital corpsman and deployed with the Marine Corps.

Following his military service, Braden began working at Medieval Times as a knight. It was during this three-



Braden Holly

year stint that he met Marianne who was also working at Medieval Times. Braden and Marianne would go on to marry in July 2013.

Braden attended Pasadena City College before transferring to University of Southern California where he completed his Bachelor of Arts in print journalism from the Annenberg School for Communications and Journalism, and a minor in cinema. Braden graduated magna cum laude in 2013.

After marrying Marianne, Braden went on to law school at University of California,

Los Angeles. While in law school, he had the opportunity to work in the legal department of Activision, one of the largest video game publishers in the world.

Before graduating from law school in 2016, Braden interviewed with Scott Talkov for a position at Reid & Hellyer's Riverside office. After successfully passing the July 2016 bar exam, he joined Reid & Hellyer as an associate attorney where he is a member of the firm's litigation practice with an emphasis in business, real estate, employment and bankruptcy.

Braden and Marianne now reside in Riverside. After living in Riverside for over a year, he enjoys walking the dogs with Marianne, and exploring local movie theaters, breweries, and restaurants.

Braden was a member of the 2016-2017 New Attorney Academy and now serves as a member-at-large on the Barristers Board. He enjoys the friendly nature of the Riverside bench and bar.

When practicing in other counties, Braden is reminded of just how collegial and interconnected the Riverside legal community is. He explained that while practicing in other counties can often feel contentious, perhaps due to the anonymity provided by practicing in a vaster legal community, Riverside is special. In Riverside, you are not a faceless or nameless practitioner of law, you are an individual member of the legal community.

Braden can be reached at bholly@rhlaw.com or 951-682-1771.

Megan G. Demshki is an attorney at Aitken Aitken Cohn in Riverside



DRS MEDIATOR PROFILE: JOHN BOYD

by Betty Fracisco

An Attorney for All Seasons

John Boyd exemplifies the notion of a “life well lived.” This long-time partner at Thompson & Colegate has never failed to volunteer his services when the need arose. And through his life, this “need” has taken many forms.

John grew up in Corona and graduated from Corona High School. He started his educational career at Riverside Community College in 1972, transferring after only one year to San Diego State, where he graduated in 1976 with a degree in marketing. He could not see himself spending a life in sales, and he had always thought about a legal career, so his junior year he decided to improve his grades and made the Dean’s List. He did well on the LSAT, so his next stop was Pepperdine School of Law, which at the time was in Orange County. After completing his first year, he married his college girlfriend, Janice, to whom he’s been married for 40 years. He gladly admits he’s been blessed and that he and Janice were opposites; she kept him on a budget throughout law school. He felt Pepperdine was a good fit for him. He served as a member and business editor of the *Pepperdine Law Review*. He graduated from the Malibu campus in 1979 and was admitted to the Bar that year.

The year 1979 also marks the beginning of John’s 38-year career at Thompson & Colegate, which was an insurance defense firm when he signed on. John practices business/commercial law, which encompasses formation, contracts, construction disputes, collection, civil litigation, bankruptcy and creditor’s rights. He has really enjoyed his days at this close-knit firm, which became his family, one that has an annual retreat off-site. As a young attorney, he worked with many of Riverside’s legal pioneers, like Bob Swortwood, Jack Marshall, Don Grant, and Don Brown. He held Jim Ward’s briefcase when they appeared before the U.S. Supreme Court on a *Press Enterprise* access case. He also had the opportunity to work with two of Riverside’s female pioneers, Joan Burgess and Sharon Waters, both of whom are currently serving on the bench.

John commented that he has seen two significant changes in the legal profession during his career: the diversity of attorneys and the growth of technology. The diversity is a positive change which is helping reduce the predominance of white males in the profession. However,



John Boyd

technology has turned up the stress level for attorneys. Gone is the time attorneys used to have to cool off after a heated phone call before writing that responsive (possibly nasty) letter. This has been replaced by the instantaneous email, which often contributes to animosity. He feels this has ratcheted up the pressure on litigators. Additionally, attorneys now have laptops and are expected to produce their own documents. They never have to verbalize their thoughts, as in the days of dictating letters and other documents. He feels they are losing the opportunity to express themselves verbally, outside the courtroom.

One of John’s volunteer persuasions is mediation. As he points out, Abraham Lincoln was the first American mediator. There are always barriers between parties, and this taxes the courts, so mediation is always good. He has served with the Riverside County Bar Association’s Dispute Resolution Service for more than ten years and also serves as a Judge Pro Tem for Riverside County Superior Court. He believes the most important trait of a mediator is the ability to listen. After a mediation, he finds himself emotionally drained, because the mediator has to think quickly to provide strategies and rationale that will get the parties to come to an agreement. After a mediation, he wants the parties to realize that they have had to compromise. They may not have achieved 100% of their desired goal, but they have settled the case and can go on with their lives without litigation hanging over their heads. He will mediate a wide range of cases, but declines personal injury because he has little experience in that area. And he comes up with creative solutions; he’s been known to put at least one settling party on a payment plan. Even though he receives very reduced fees for this work, one of his future goals is to attend Pepperdine’s Straus Institute for Dispute Resolution to hone his skills.

John also volunteers with the TAM (Trial Assignment Mediation) program, which deals with cases the day before trial. The bench is very supportive, because they want cases settled, if at all possible. If the case does not settle, it is continued or goes immediately to trial. This work, in which John has also been involved for about ten years, is all done for a token flat fee, so it, too, is a labor of love. John also serves as a fee arbitrator for the RCBA Fee

Arbitration Panel, where he admits he has seen a few “fake attorney fees” bills. It takes a seasoned attorney to know.

So where does an attorney develop this spirit of volunteerism? With John, it came to the forefront when he became the father of three sons. He coached them in Little League and National Junior Basketball and was involved with AYSO. Probably the most rewarding of his volunteer activities, however, was coaching the Mock Trial teams of Woodcrest Christian High School for seven or eight years. This experience quite possibly steered his twin sons into the legal profession: Jeffrey is an assistant district attorney in Orange County and Michael is an assistant district attorney for Riverside County, now in Banning. Older brother Steven chose a high-tech career with ERSI in Redlands. This could have been the genetic influence of John’s wife Janice, currently a CPA with Teaman Ramirez and Smith. John and Janice have five grandchildren, with another on the way, and John’s five-year plan is to take the whole family on a trip outside the U.S. John also serves on the board of his Church of Christ in Riverside and has been an active volunteer there for countless years.

John Boyd is definitely an attorney for all seasons. He is a well-respected partner in a prominent law firm, a good son (his parents have been married 70 years), a good husband (although we’d have to ask Janice about that), a devoted father and grandfather (ask him about his first three grandchildren being girls), and a much appreciated member of the Riverside County Bar Association. John’s service and his willingness to pitch in when needed is legendary, and for that we salute him.

Betty Fracisco is an attorney at Garrett & Jensen in Riverside and a member of the RCBA Publications Committee.





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