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Judge Robert Timlin
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The Official Publication of the Riverside County Bar Association

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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

APRIL

12 Criminal Law Section
Noon – 1:15 p.m.
RCBA Gabbert Gallery
Speaker: Virginia Blumenthal
Topic: Child Sexual Abuse Accommodation Syndrome (CSAAS)
MCLE

14 General Membership Meeting
Noon – 1:15 p.m.
RCBA Gabbert Gallery

18 Family Law Section Meeting
Noon – 1:15 pm
RCBA Gabbert Gallery
Speaker: Tammy Chesworth, Family Court Services Manager
Topic: Child Custody Recommending Counseling Overview
MCLE

19 Estate Planning, Probate & Elder Law Section
Noon – 1:15 pm
RCBA Gabbert Gallery
Speaker: Herb Chavers, Esq.
Topic: Helping Clients Prepare and Journey Through Long-Term Care Challenges
MCLE

26 Business Law Sections
Noon – 1:15 p.m.
RCBA Gabbert Gallery
Speaker:
Topic: "Help! They're Raiding Company Assets!—Using TROs & Preliminary Injunctions to Protect Your Client"
MCLE

25 Appellate Law Section
Noon – 1:15 p.m.
RCBA Gabbert Gallery

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

President's Message

by Jean-Simon Serrano

When does representation of a client end? Does it end with your client being dismissed from the lawsuit? Does it end when your client receives their settlement check or when you receive your last check for fees? What about for purposes of malpractice?

The statute of limitations for legal malpractice is set out in Code of Civil Procedure section 340.6. That section, pertinent to this discussion, states:

> "An action against an attorney for a wrongful act or omission, other than for actual fraud, arising in the performance of professional services **shall be commenced within one year** after the plaintiff discovers, or through the use of reasonable diligence should have discovered, the facts constituting the wrongful act or omission, **or four years from the date** of the wrongful act or omission, **whichever occurs first**. . . in no event shall the time for commencement of legal action exceed four years except that the **period shall be tolled** during the time that any of the following exist:
>
> (1) The plaintiff has not sustained actual injury.
>
> (2) **The attorney continues to represent the plaintiff** regarding the specific subject matter in which the alleged wrongful act or omission occurred.
>
> (3) The attorney willfully conceals the facts constituting the wrongful act or omission when such facts are known to the attorney, except that this subdivision shall toll only the four-year limitation."[1]

Looking at subsection (2) of the statute, the question remains: When does representation end? The Third Appellate District recently attempted to answer this question. In *Flake v. Neumiller & Beardslee* (2017) ___Cal.Rptr.3d___, 2017 WL839822 (*Flake*) former counsel moved to withdraw from representing his client, indicating in his declaration that new counsel had already taken over the handling of the case. The motion to be relieved as counsel was filed on November 25, 2009, was unopposed, and was granted on January 7, 2010. On January 6, 2011, the client sued former counsel for malpractice – more than one year after the motion to withdraw was made but less than one year after the motion was granted.

Former counsel moved for summary judgment, arguing the suit was filed more than one year after any objectively reasonable person would have believed they were still represented by counsel and thus it was time-barred by section 340.6. Plaintiff (former client) argued that representation continues until the agreed-upon tasks or events have occurred, the client consents to termination, or the court grants the motion for withdrawal.

The trial court held that the former client (Flake) had no objectively reasonable expectation that his former attorney would continue to perform legal services after Flake was served with the motion to withdraw. This was especially true because the declaration accompanying the motion indicated that a new attorney had taken over representation on Flake's file. Flake's malpractice action was deemed untimely.

On appeal, the appellate court recognized that "the end of an attorney-client relationship is not always signaled by a bright line."[2] Discussing the continued representation tolling provision, the court found that tolling lasts only so long as the attorney works for the client on the same specific subject matter. In reviewing case law,

1 Code of Civ. Proc., § 340.6, emphasis added.
2 *Flake, supra*, WL839822 * 4.

the court further found that the client's *subjective belief* is not determinative.[3] The court explained: "In deciding whether an attorney continues to represent a client, we do not focus on the client's subjective beliefs; instead, we objectively examine evidence of an ongoing mutual relationship and of activities in furtherance of the relationship."[4]

In *Flake, supra*, 2017 WL839822, because the former attorney stated in the declaration accompanying the motion to be relieved as counsel that another attorney had already taken over representation of the client (Flake), the appellate court found that "*any objectively reasonable client* would have understood on receipt of the motion to withdraw that Neumiller [former attorney] had stopped working on the case."[5] The Court of Appeal found that Flake's action was thus time-barred by the statute of limitations.

So, to answer the original question, "When does representation end?" – it's complicated.

The filing of a motion to withdraw will not immediately end the representation in *every* circumstance. Is there evidence of an ongoing mutual relationship and activities in furtherance of that relationship? If yes, then representation is ongoing. Trickier issues arise when dealing with a long-lasting client whom you represent for numerous different issues, such as a corporate client. For these types of clients, tolling only lasts so long as the attorney works for the client on the same specific subject matter.[6]

Be mindful of the case law and, if you wish to end representation, file a motion and make it clear to your clients that representation has ceased. If you wish to end the relationship, do so in terms that make it clear to an objectively reasonable client. Ironically, at times it is not usually the "reasonable" clients from whom we seek to withdraw representation.

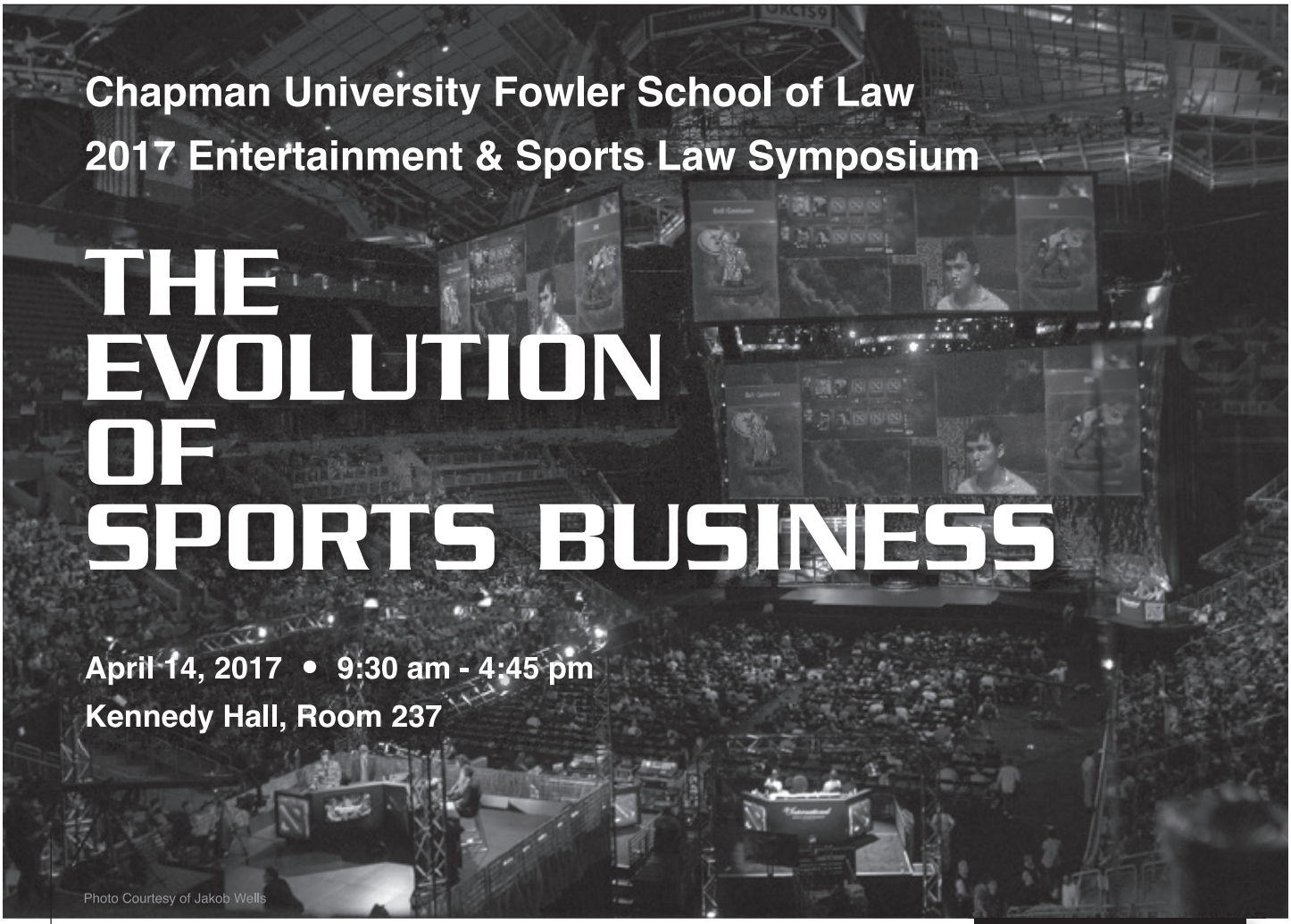
Jean-Simon Serrano is an associate attorney with the law firm of Heiting & Irwin.

3 *Ibid.*

4 *Id.* * 5; see also *Shaoxing City Maolong Wuzhong Down Products, Ltd. v. Keehn & Associates, APC* (2015) 238 Cal.App.4th 1031, 1038.

5 *Id.* * 6, emphasis added.

6 *Beal Bank, SSB v. Arter & Hadden, LLP* (2007) 42 Cal.4th 503.



Chapman University Fowler School of Law
2017 Entertainment & Sports Law Symposium

THE EVOLUTION OF SPORTS BUSINESS

April 14, 2017 • 9:30 am - 4:45 pm
Kennedy Hall, Room 237

Photo Courtesy of Jakob Wells

Registration: Continental breakfast and beverages (9:30 - 10 am)

Panel I: Sports Law 2.0: Broadening the Scope of Sports Law (10 - 11:30 am)

Keynote Luncheon: Featuring Los Angeles Dodgers President & CEO Stan Kasten (11:30 am - 1:15 pm)

Panel II: Emerging Trends in Sports: The Business of eSports (1:30 - 3 pm)

Panel III: Keys to Success: Thriving as a Sports Agent in a Highly Competitive Market (3:15 - 4:45 pm)

En Banc Reception: Join us for appetizers & drinks (5 - 7 pm)

KEYNOTE LUNCH SPEAKER

Stan Kasten
President & CEO
Los Angeles Dodgers

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To RSVP or for more information about the symposium, please visit www.chapman.edu/2017sportslawsymposium.aspx

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Barristers President's Message

by Erica M. Alfaro

Board Member Q&A: Breanne Wesche

Breanne is a member-at-large on the Barristers Board. She was raised and currently resides in Riverside.

Breanne obtained her undergraduate education at University of California San Diego. She went on to attend Thurgood Marshall School of Law in Houston, Texas. After graduation she returned to Riverside. She currently practices personal injury law at the Rizio Law Firm.

Breanne enjoys practicing law in the Inland Empire because of the strong sense of community. She finds that members of the legal community are encouraging and supportive of one another, making this a fantastic place to practice law. She also is inspired by how the legal community becomes involved in the surrounding community, making meaningful connections with the rest of the Inland Empire through activities such as the Elves Program and Mock Trial.

Breanne enjoys being a Barristers board member because it gives her the opportunity to ensure that other young and new attorneys are able to easily network within the legal community. Riverside has so many amazing opportunities for attorneys to get involved and be supported by their colleagues, she hopes that Barristers helps young and new attorneys take advantage of these opportunities.

Breanne Wesche

In her spare time, Breanne enjoys hiking the local Southern California mountain ranges. She also recently had the opportunity to coach her first season of Mock Trial. Breanne worked with Notre Dame High School's inaugural mock trial team. She is incredibly proud of her students as the team advanced into the Elite Eight in the school's first year of competition. Breanne is really looking forward to the next season!

Upcoming Barrister Event

Barristers will be holding a Trial Skills MCLE on Saturday, April 22, 2017 from 9:00 am-12:30 pm at the RCBA Building. Featured presenters include Wylie Aitken, Richard Cohn, and Greg Rizio. Free for RCBA members, $20 for non-RCBA members. Payment to be received at door by cash or check made out to Riverside County Barristers. Please RSVP by Wednesday, April 19, 2017, to RCBAbarristers@gmail.com. Complimentary breakfast provided by Aitken, Aitken, and Cohn. (See ad on page 23).

Announcement

Nominations are now being accepted for next year's Barristers Board. Positions include President (nominee must be current Barristers board member), president-elect, treasurer, secretary, and members-at-large. Barrister eligible members may be nominated. All nominations must be submitted by Sunday, May 14, 2017, to RCBAbarristers@gmail.com. Election will be held on Wednesday, June 14, 2017.

Erica Alfaro currently works at State Fund.

You Don't Get to Keep Stolen Property; Neither Should Your Bank

by Donald P. Wagner

"You don't get to keep stolen property. That's a pretty basic legal principle."

I originally wrote those words a few years ago to kick off an article on my Assembly Bill 1698. That bill – addressing a particular category of white collar fraud – had run into substantial opposition from financial institutions and the real estate industry. At a committee hearing, those opponents of the bill had argued, essentially, that they should have the right to keep stolen property if that property was title to a house.

The history of AB 1698 is a useful illustration of the realities of legislating in the partisan world of Sacramento, and of how business interests should engage in Sacramento on legislation affecting their rights. This is especially important in the current political environment as the legislature increasingly indulges its hostility to – and misunderstanding of – California businesses. More rules, more regulations, and harsher penalties for running afoul of those rules and regulations, are all coming.

AB 1698 was written in response to a growing problem involving real estate fraud. It was supported by the California District Attorneys' Association whose members had seen an increasing number of cases of criminals defrauding homeowners – often the elderly – out of title to their homes. The scam was deceptively easy. The criminal would merely record a deed to property, thereby appearing in the title records to actually own it, and then either (1) sell the stolen property to a third party, who obtains a loan from a bank to finance the purchase, or (2) obtain a loan themselves by pledging the stolen property as security. The problem was that even if the criminal is convicted of the crime, the title remained clouded. Under the then-current law, the true property owner/fraud victim would have to file a separate civil case to quiet title, and then pay tens of thousands of dollars or more to litigate the case and waste months or years doing so, hopefully to clear title at the end of that arduous process. Sadly, many defrauded elderly victims are not up to the task.

Assembly Bill 1698 eliminated the need for a separate court case and for innocent homeowners to incur the sometimes ruinous extra expense. It allowed the judge in the criminal case, after the crime has been proven "beyond a reasonable doubt," to issue a recordable order clearing title immediately. After all, the victim should not be forced through the extra expense and legal delays to fix the fraud. In addition, of course, as my original article and argument for the bill contended, no one should get to keep stolen property.

But the banks objected. Because they had loaned money based on the fraudulent title any undoing of the transaction would make them also victims of the fraud since they would be out the loan proceeds and security. Thus, they formally opposed the bill. They liked the idea of a separate, expensive civil case.

Why? Because of the lower standard of proof.

In criminal court, the judge must find guilt beyond a reasonable doubt. But in the civil courts, a much lower legal standard of proof, a mere "preponderance of the evidence," is all the banks needed to show to keep their security interests in that property.

In fairness to the financial institutions that opposed AB 1698, they supported their position with a "due process" argument that was compelling on the surface. Under the Constitution, of course, the government may not take your "life, liberty, or property" without giving you "due process." AB 1698, they argued, took their title or security interests without due process.

But remember: You do not get to keep stolen property. The property the banks wanted to keep was not *their* property, it was someone else's stolen property. Due process means that the government cannot take your property away from you and give it to me. But the government can take your property away from me and give it back to you.

In addition, the process that is "due" is quite frankly up to the legislature to determine. Prior to AB 1698, we had a "process" in California to clear title. But it was a time consuming, expensive, and inefficient process. Absolutely nothing in the constitution and the due process clause prohibits the legislature, which has set up that deficient process, from changing it to a better process.

The early hearing and preliminary stages of the legislative proceedings were contentious. But eventually, the opponents of AB 1698 met with me and my staff, and with the California District Attorneys' Association, to talk through the problems and to brainstorm possible solutions. Everyone agreed that a legitimate concern had been raised by the law enforcement community and that a public fight over the legislation was in no one's interest. The financial and real estate industries did not want to appear insensitive to often elderly fraud victims and the efforts by law enforcement to help those victims. Neither did I nor law enforcement want to disincentivize those industries from doing the lending

and refinancing work that the real estate industry requires. Everyone had incentive to cooperate – and benefitted from that cooperation.

Frankly, this is how the legislative process should work and compromise was reached finally on AB 1698. Legislators cannot be expected to know the particulars of any specific industry and when or how a piece of legislation will impact that industry. It is important for the business community to be heard. But it is not enough merely to assert objections to a bill and maybe threaten to sue, and then consider the job to be done. There is much more to opposing legislation – and working to change it through good faith negotiations and serious engagement with the proponents – in order to get the best possible results.

Fortunately, AB 1698 benefitted from that good faith give and take. Negotiators for the financial institutions and for the real estate industry, and for law enforcement, collectively crafted legislation that positively aided fraud victims. It ultimately passed through the legislature with their support and was signed into law by Governor Jerry Brown.

Donald P. Wagner represented the central Orange County cities of Anaheim, Irvine, Lake Forest, Orange, Tustin, and Villa Park in the California Legislature from 2010 to 2016. He was elected Mayor of Irvine, California in November 2016. He practices business litigation and municipal law with Best Best & Krieger LLP.

ATTENTION RCBA MEMBERS

If you are not getting email updates/ notices from the RCBA and would like to be on our mailing list, visit our website at www.riversidecountybar.com to submit your email address or send an email to lisa@riversidecountybar.com

The website includes bar events calendar, legal research, office tools, and law links. You can register for events, make payments and donations, and much more.

The Case of Al Capone: An Application of the Taxing Power to Prosecute an Elusive Criminal

by DW Duke

The incarceration of Al Capone remains one of the most interesting applications of the Internal Revenue Code for law enforcement purposes. Capone was a "Prohibition Era" gangster who evaded prosecution for acts of murder, theft, gambling and alcohol, and narcotic trafficking. Born Alphonse Gabriel Capone in Brooklyn, New York, to Italian immigrants on January 17, 1899, Capone spent his teen years working in syndicate-owned brothels as a bouncer, where he quickly earned a reputation as one whose use of force kept patrons compliant. He reached his twenties during the height of Prohibition and moved to Chicago, where he became a bodyguard for Johnny Torrio, the head of a Chicago crime syndicate that operated under the protection of the Unione Sicilliane, more commonly known as the Sicilian-American mafia. Torrio and Capone built an empire distilling and selling illegal alcohol. They expanded into prostitution, gambling, narcotics trafficking, robbery, and murder, though they also operated legitimate businesses and established a network of influence within labor unions.

Torrio was injured during a gunfight with a rival faction known as the North Side gang and shortly thereafter surrendered control of the syndicate to Capone. Utilizing force, Capone quickly expanded his operation under the protection of corrupt Chicago Mayor William Hale Thompson. In this environment, Capone became one of the most powerful men in Chicago. Making large donations to various charities brought him popularity until the infamous St. Valentine's Day Massacre, wherein seven men of a rival gang were executed by gunfire in broad daylight at Capone's bidding. Thereafter, a chorus calling for his arrest and conviction brought him into disfavor and he soon earned the title of "Public Enemy Number One."

Notwithstanding Capone's support by corrupt Chicago politicians, the U.S. Justice Department viewed Capone's activities with contempt and eventually the FBI was tasked with building a case against him. Given the abetting by local officials, finding a basis for conviction was not easy. Prohibition violations were under the authority of the Bureau of Prohibition and most of the other crimes were under the jurisdiction of local law enforcement, who refused to prosecute or even share evidence with the FBI. On February 27, 1929, Capone was subpoenaed to appear before a grand jury concerning violation of Prohibition laws. He claimed to be too ill to appear, so the FBI undertook surveillance and discovered that he was going to race tracks and enjoying outdoor recreation. Based on this information he was cited for contempt.

On March 27, 1929, Capone was arrested for contempt in Florida and released on bond. A month later, Capone was arrested in Philadelphia for carrying illegally concealed weapons. He was eventually convicted and sentenced to one year in prison. Capone was released in 1931 then convicted by a federal court of the original contempt charge and sentenced to six months in prison.

While Capone was serving his sentences for these relatively minor offenses, the FBI was gathering evidence that he had failed to pay his income taxes to the federal government. Capone was again arrested and finally, on June 16, 1931, Capone pled guilty to federal charges of tax evasion. On October 31, 1931, he was sentenced to eleven years in prison at Alcatraz. During his years in prison, his health continuously declined and he showed signs of syphilitic dementia. Due to his declining health, he was released after serving eight years of his eleven year sentence. He never recovered from his illness and he died from cardiac arrest on January 25, 1947, after suffering a stroke.

The Capone case demonstrates the use of the federal taxing power to prosecute criminals who would have otherwise likely continued to avoid prosecution indefinitely. Since the Capone case, violation of federal tax laws has served as a basis for prosecuting individuals who could not otherwise be convicted on other charges. While RICO (Racketeer Influenced and Corrupt Organizations Act) and other racketeering laws have made it much easier to convict criminals for racketeering, even to this day, tax evasion is used to convict members of organized crime when prosecution for other crimes would be difficult or impossible to obtain.

Partial List of References and Further Reading Materials:

1. *Farewell, Mr. Gangster!* Herbert Corey, D. Appleton-Century Company, Inc., New York, New York, 1936
2. *The FBI Story*, Don Whitehead, Random House, New York, New York, 1956
3. *Organized Crime In America*, Gus Tyler, University of Michigan Press, Ann Arbor, Michigan, 1962
4. *The Devil's Emissaries*, Myron J. Quimby, A. S. Barnes and Company, New York, New York, 1969

5. *Capone*, John Kobler, G. P. Putnam's Sons, New York, New York, 1971
6. *Mafia, USA*, Nicholas Gage, Dell Publishing Company, Inc., New York, New York, 1972
7. *The Mobs And The Mafia*, Hank Messick and Burt Goldblatt, Thomas Y. Crowell Company, New York, New York, 1972
8. *Bloodletters and Badmen*, Jay Robert Nash, M. Evans and Company, Inc., New York, New York, 1973
9. *G-Men: Hoover's FBI in American Popular Culture*, Richard Gid Powers, Southern Illinois University Press, Carbondale, Illinois, 1983
10. https://www.fbi.gov/news/stories/2005/march/capone_032805.

DW Duke is the managing partner in the Inland Empire office of Spile, Leff & Goor LLP and the principal of The Duke Law Group. He is the author of five books and a frequent contributor to the Riverside Lawyer.

Visiting Perry Mason: A Trip to the Temecula Valley Museum's Erle Stanley Gardner Exhibit

by Abram S. Feuerstein

When Supreme Court Justice Sonia Sotomayor appeared before the Senate on the third day of her confirmation hearing in July 2009, she echoed a sentiment that many seasoned legal professionals could have expressed – that the television show "Perry Mason" had been a major influence behind her decision to pursue a career in law.

"I watched it all the time," Sotomayor said.[1] But she also noted that "for the young people (sitting) behind all of (the senators), they may not even know who Perry Mason was."[2]

A near-life size cardboard cut-out of Erle Stanley Gardner is on display at the Museum.

If a declining number of young people do not know the name, Perry Mason, one of the first and most famous lawyers portrayed in a TV series, they likely would not recognize the name of Perry Mason's real-life creator, author Erle Stanley Gardner. Yet Gardner (1889-1970), a self-described "fiction factory,"[3] for almost half a century from the 1933 appearance of his first novel, *The Case of the Velvet Claws*, sold more books than almost any other writer. Indeed, with sales estimated at well over 325 million books, and a list of approximately 150 titles, Gardner has few rivals in terms of book sales or word output. The Perry Mason character alone appeared in 82 separate novels.[4]

Gardner, a resident of Temecula, California for the last three decades of his life, did not publish *Velvet Claws* until he was 45, after he had practiced law for almost 20 years.[5] He had been a successful partner at a Ventura, California based law firm, and developed a reputation as an extremely capable trial attorney. He began selling stories in the early 1920s to pulp fiction magazines, but with magazines paying writers three cents per word, Gardner recognized that he would have to produce a quantity of material if he wanted to leave the law to become a full-time writer. Later in life, he would joke that when one of his characters shot a gun, rather than simply write the word, "Bang," he could pocket an additional six cents by writing, "Bang! Bang! Bang!"[6]

The Business of Writing

Perhaps because of his legal background, he approached writing as if it were a business, and had little to do with the *artistes* that peopled the literary world. With some notable exceptions,[7] he counted few authors among his friends. At times a bit of a loner, and an outdoorsman, he would load up his camper and venture out to desert locations in the Southwest, many of them in Riverside and San Bernardino counties. He called these trips "Podunking" – a word he concocted from the term "Podunk," the name given to almost any small town located out in the middle of nowhere.[8] Other trips over the years involved exploring the labyrinth like waterways of the Sacramento Delta, or the caves and other inaccessible places of Baja California,[9] which would provide source material for the dozen or so travel books that he wrote.

1 *See http://www.bing.com/videos/search?q=sotomoyor+youtube+perry+mason&view=detail&mid=36C77B52CD58646C2D1136C77B52CD58646C2D11&FORM=VIRE.*

2 *See https://www.youtube.com/watch?v=zMyZxL1oOjA*

3 Dorothy B. Hughes, *Erle Stanley Gardner: The Case of the Real Perry Mason, A Biography*, p. 16 (William Morrow & Company 1978) (hereafter, "Hughes"). The author of this article is indebted to Hughes for providing significant background information about Gardner. Indeed, Hughes' book is one of the few biographical works available about Gardner, who having written about almost any subject in the world, oddly never wrote his autobiography. Of note, without any support, Hughes makes the dubious assertion that the otherwise prolific Gardner simply did not have the time to write his autobiography. Hughes, pp. 202, 272.

4 The Hughes book contains a bibliography of Gardner's novels, short stories, articles, and non-fiction books that extends for 30 pages.

5 Hughes, p. 204.

6 Hughes, p. 89.

7 The most notable exception appears to have been Gardner's friendship with and admiration for a fellow writer of detective fiction, Raymond Chandler. Chandler, too, had enjoyed a successful business career and did not publish his first story until the age of 45, and his first book until he was 51. Hughes, p. 204.

8 Hughes, p. 110.

9 Gardner is credited with making an important archeological find of prehistoric cave paintings in Baja, California. Hughes, p. 272.

Gardner's dictation equipment.

Long separated from his wife and daughter (his only child), he surrounded himself with a team of female secretaries, including three sisters who seemed to make Gardner their lifetime careers and who, rightly, can be seen as a composite for the Della Street character, Perry Mason's trusted legal secretary. At his law firm, he learned how to use newfangled dictation equipment; as a writer, he would dictate tremendous quantities of material from plot outlines in the early morning hours and deposit the completed dictations with the secretarial pool. He would correct the transcriptions by the next day, and add new dictations to the pile. The pace continued; the workflow never ceased.

At the heart of Gardner's work was the character of Perry Mason. At times, Gardner seems indistinguishable from his fictional creation. The "lawyer as detective" novels departed from traditional "dead body in the library" or "locked room" whodunit mysteries; Mason had little in common with the crime-solving approach of Sherlock Holmes; and Mason really did not partake of the hard-boiled private detective prototype frequently associated with Dashiell Hammett's Sam Spade or Raymond Chandler's Philip Marlowe.

Sex and Profanity

The popularity of the Mason novels likely had several explanations. Mostly, Gardner understood his audience. "I am writing for a mass market," he observed.[10] He peppered the novels with language that seems tame, today, but for its time could be characterized as coarse, crude, or even vulgar. Writing to one of his handlers at Morrow, his long-time publisher, Gardner noted: "You don't like profanity. You list 'hell' and 'damn' as profanity. Out here they are adjectives of punctuation." Further, "Perry Mason has used damn and hell for twenty-three years. The readers who don't like hell and damn quit him long ago."[11]

Gardner continued: "If a client asks him if the situation is serious, the Perry Mason readers have known for twenty-three years would say, 'Damn serious!' rather than 'I am inclined to think that, if the evidence as we now know it is received before the Court with no extenuating facts brought into existence, there is a very strong possibility the verdict of the jury would be adverse. By this I do not mean necessarily that the verdict would be that of first degree murder, but it might be one of the lesser offenses included within the charge, such as second degree murder or manslaughter."[12]

A TV Guide cover features the actors who played Perry Mason and Della Street.

In addition to their arguable profanity, the novels contain a sexual undercurrent – again, mild by today's standards as to be almost unnoticeable. A character pays undue attention to a short skirt worn by an attractive secretary. A female client pretends to be a "damsel in distress," and uses her sex appeal to influence the men around her to do her bidding. Again, Mason here resembles the real life Gardner. In correspondence with the well-known actress Marlene Dietrich – who became one of his long-term pen pals even though the two never met – he wrote how he had wanted to use a picture of her legs for the cover art of the third Mason novel, *The Case of the Lucky Legs*. However, her legs were too expensive so they used cheaper, less attractive, legs for the book jacket.[13]

Although some sex here, and a "damn" or "hell" there may have sold a few books, they did not sell 325 million of them. Instead, the sales resulted from the quality of Gardner's writing, a crisp, no frills, prose characterized by fast-paced dialog that moved Gardner's well-crafted plots forward. The mysteries were not overly ingenious, but the plot twists and turns were sufficient enough when combined with the business-like prose to keep the pages turning. As Raymond Chandler wrote, "it must be obvious that if I have a dozen unread books beside my chair and one of them is a Perry Mason, and I reach for the Perry Mason and let the others wait, that book must have quality."[14]

In Perry Mason, Gardner knew he created a character with an enduring quality. After several weak film treatments of the character in the 1930s which almost sank the franchise, Gardner exercised strict control over Mason's radio and television career. Gardner had a heavy hand in managing the scripts and selecting actors. At one

10 Hughes, p. 165.
11 Hughes, p. 164.
12 Hughes, p. 165.
13 Hughes, p. 217.
14 Hughes, p. 208.

point, Fred MacMurray appeared to have the inside track to play the television Perry Mason, but Gardner watched Raymond Burr test for both the Hamilton Burger district attorney role and Perry Mason, and immediately announced, "That's Perry Mason."[15] Starting in 1943, the Perry Mason show aired on radio for 12 years as a 5-day a week show. The original television show lasted nine seasons from 1957 to 1966, and still is shown in syndication. It was on last night, and the night before that. It will be on tomorrow.[16]

Temecula

Gardner's connection with Riverside County is a deep one. He acquired a ranch in Temecula that eventually grew to over 3000 acres. Located on property that adjoined the Pala Indian reservation, the ranch, which he called Rancho del Paisano, became his home for more than 30 years until his death in 1970. In addition to a working ranch, it was the center of the "fiction factory," with Gardner dictating his books and correspondence in one building, and the team of secretaries transcribing in another. He used the ranch to entertain his East Coast business associates, and apparently they enjoyed the "retreat" atmosphere. After Gardner's death, the Ranch eventually was sold to the Pechanga Band of Luiseno Indians.[17] The Pechanga Cultural Resources Department offers guided tours of a 1000-year old live oak tree, known as the Great Oak, which is located on the property.[18] Huell Howser's well known television series, *California's Gold*, featured the ranch property and focused on Gardner's life and work in an episode that aired in 2002.[19]

15 Hughes, p. 245.

16 Of note, Gardner personally appeared in only one episode of the TV series – the last one, entitled "The Case of the Final Fade-Out." Gardner played the role of a judge and, interestingly, Dick Clark played the murderer. See *http://www.robertreeveslaw.com/blog/21-amazing-bizarre-facts-perry-mason/.*

17 *See http://www.pechanga-nsn.gov/index.php/history/the-great-oak*.

Gardner's desk.

An old fashioned TV set at the Museum played a video about Bravo, Gardner's pet coyote.

As a result of Gardner's Temecula ties, the Temecula Valley Museum houses a permanent exhibit devoted to Gardner.[20] Located on the Museum's second floor, the display features a reproduction of Gardner's office. Memorabilia collected by Gardner clutter the large desk; bookcases behind the desk are crowded with Perry Mason and other Gardner titles. Gardner's dictation equipment is there, too. The display areas outside the office area feature photographs of Gardner, various editions of his books, original cover art, and a near life-size cardboard cut-out of Gardner. On a recent visit, an old television set in one corner of the exhibit area played a 5-10 minute video of Gardner together with Bravo, a pet coyote that wandered onto the ranch property and befriended Gardner.

The Court of Last Resort

The Museum's display also includes several documents associated with the Court of Last Resort, which Gardner founded, and which served as an early prototype of The Innocence Project. With its stated goal of "preventing the conviction of innocent men and the escape of guilty men,"[21] Gardner used his considerable

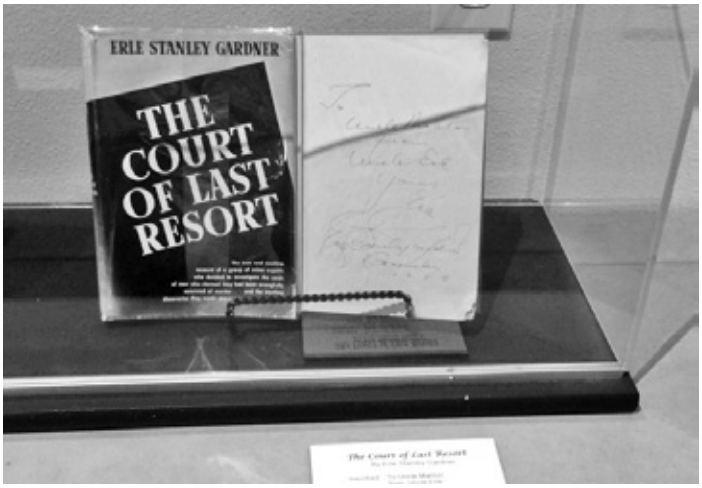
18 At the Temecula Valley Museum, the author was advised that tours to the Great Oak, which are conducted on the 3rd Friday of each month, can be arranged in advance by calling the Pechanga Cultural Center (phone 951-308-9295).

19 *See https://blogs.chapman.edu/huell-howser-archives/2002/01/08/erle-stanly-gardener-californias-gold-4005/.* The episode can be viewed by visiting the Huell Howser archives on the website maintained by Chapman University.

20 *See generally, http://www.temeculavalleymuseum.org/exhibitions/erle-stanley-gardner/.*

21 The quotation is taken from a document displayed on a wall at the Museum entitled, "Court of Last Resort: Ten Steps to Justice."

The Museum features a re-creation of Erle Stanley Gardner's office at the Temecula ranch.



A display copy of The Court of Last Resort*, which Erle Stanley Gardner founded to review cases of potentially innocent defendants.*

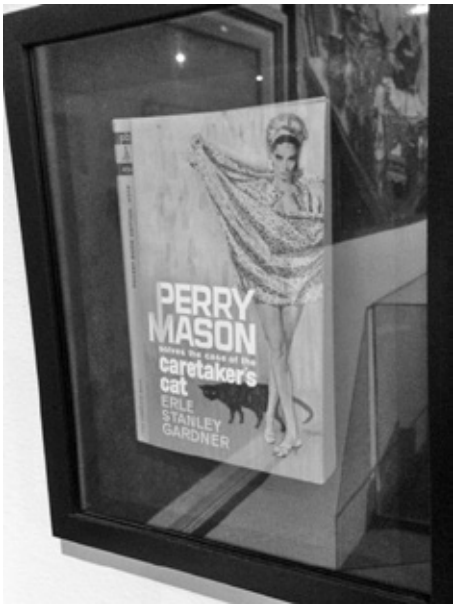
reputation and resources to gather forensic and legal experts to review cases involving criminal defendants who professed their innocence. Apparently, the Court meant more to Gardner than anything else in his professional career.[22]

Gardner donated his personal archives to the Harry Ransom Center at the University of Texas at Austin.[23] Like the Temecula Museum, the Center at one time also housed a re-creation of Gardner's Temecula study, with more than 1500 items littering office surfaces.[24] Unfortunately, with knowledge of Gardner fading, that exhibit was disassembled in 2010 and can be viewed only as an interactive panorama.[25] Luckily, readers seeking the presence of the real life Perry Mason, Erle Stanley Gardner, can visit nearby Temecula.

Abram 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 essay were taken by the author on October 22, 2016, using a cell phone camera.

22 Hughes, p. 261.
23 Hughes, pp. 279-83.
24 See http://www.hrc.utexas.edu/collections/performingarts/holdings/personaleffects/gardner/.
25 *Id.*

The Museum exhibit includes several examples of cover art for the Perry Mason books.



Alternative Sentencing – A Look into Use of Alternatives to Incarceration

by Nesa Targhibi

What is Alternative Sentencing?

Incarceration is major topic in America and for good reasons too. In the United States, more than 2 million people are locked up in federal and state prisons and local jails which makes the U.S. the country with the highest incarceration rate in the world.[1] Roughly 22% of the world's prison population is held in prisons in the U.S., despite only having 5% of the world's population.[2]

These numbers reflect both a great human cost and financial cost. Many of those who are released after incarceration, even if it was for non-violent crimes, experience great difficulty reintegrating into the society. They will experience unintended consequences such as: loss of job, loss of residence and other valuable possessions, loss of contact with family and friends, damage to reputation, difficulty reintegrating back into the community, financial hardship, homelessness, and stigmatization. These high numbers of incarceration also leave our jails and prisons over-populated and create some extremely harsh living conditions for inmates. Incarceration also has a huge financial burden on the society. According to a study by the Vera Institute of Justice, the average taxpayer cost per inmate is $31,286, adding up to a total of $39 billion spent on incarceration (excluding data from the 10 states that did not participate in the study).[3]

In order to manage the over populations of jails and prisons and the high cost of the incarceration, and also to find better ways of rehabilitating convicted offenders, the courts have created alternative sentencing programs. Traditionally, the punishment for committing a crime was to pay a fine or be incarcerated, but now a person might be eligible for a different form of sentencing such as mandatory community service, work release programs and home detention. Judges typically consider many factors in deciding if a person qualifies for alternative sentencing such as the type and severity of the crime, the age of the defendant, the defendant's criminal history, the effect of the crime on the victims, and the defendant's remorse.

1 Rabuy, Bernadette and Peter Wagner, "Mass Incarceration: The Whole Pie 2015," Prison Policy Initiative (December 8, 2015).
2 *Mass Incarceration in the USA*, Amnesty International. Retrieved March 24, 2017.
3 Delaney, Ruth and Christian Henrichson, *The Price of Prisons*, Vera Institute of Justice (July 20, 2012).

Different Types of Alternative Sentencing

Work Release – This program allows a convicted offender to work, go to school and other pre-approved activities during the day, returning to the jail or prison during non-working hours. This allows the offender to save money for when they are released from prison. Also, this program helps the offender to begin re-entering the community even before they are released, and thus they are better situated to succeed.

Work Crew Program – this program allows a convicted offender to serve his or her sentence by working alongside other inmates and perform designated tasks assigned by the jail. While the person is considered an inmate, he or she may go home at the end of each shift.

House Arrest and Community Service – These programs allow a convicted offender to pay their debts to society by performing community service and monitors them by use of electronic devices such as ankle bracelets. These options offer several great advantages. They cost taxpayers less than it would to house a person in jail or prison. Also, these programs keep families together, and allow the offender to continue to help provide for his or her family while repaying their debt to society.

Multiple Offender DUI Program – This program is an extension of the work release programs, and it is meant to help those who can benefit from drug and/or alcohol treatment. Depending on the local judicial system, it may consist of home detention/monitoring and work release.

Suspended Sentences – Under this program, a judge can refrain from handing down a sentence or decides on a sentence but refrains from carrying it out. Suspended sentences can be unconditional or conditional. Under a conditional suspended sentence, the judge can hold off from either imposing or executing the punishment so long as the convicted offender fulfills the condition of the suspension. Common conditions can include enrolling in a substance abuse program and not committing any further crimes. If the conditions aren't

met, the judge can then either impose or execute a sentence. The goal of diversion programs is to allow a defendant time to demonstrate that they are capable of behaving responsibly, and they are typically used for drug offenses or first-time offenders. Normally, the conditions imposed include some form of counseling and/or probation, and require the defendant to stay out of trouble.

Probation – A major program used in alternative sentencing is probation. Similar to a suspended sentence, probation releases a convicted offender back into society, but with a reduced level of freedom. Probation comes with conditions that restrict behavior, and if the probationer violates one of those conditions, the court may revoke or modify the probation.

Restitution – Under this program, the convicted offender must pay a fine but the payment goes to the victims of that crime instead of the court or municipality. Judges often order restitution be paid in cases where victims suffered some kind of financial setback as the result of a crime. The payment is designed to make the victims whole and restore them financially to the point they were at prior to the commission of the crime.

Advantages of Alternative Sentencing

Alternative sentencing options can benefit the convicted offenders, the criminal justice system and society as a whole. The alternative sentencing allows the convicted offenders to keep their employment or school status, continue to provide for their family, and give back to the society while they are still "doing time" for their crimes. Depending on the alternative sentence, it may also provide the offender with moral and ethical lessons that aren't necessarily attainable in a traditional jail or prison environment. For example, an offender who is sentenced to mandatory community service or a work crew program can learn valuable work ethic and skills that they wouldn't learn otherwise in jail — skills that they can take with them after the end of their sentence to return to the workforce. By serving a constructive alternative sentence, the offender may also learn to appreciate his or her role within the community, encouraging them to stay away from crime in the future. This allows them to remain as productive members of society while receiving their punishments, which ensure they will be able to re-integrate into society.

Alternative sentencing can be especially beneficial to juveniles and first-time offenders. While jail time can affect these individuals' ability to be productive members of society, alternative sentences allows juvenile and first-time offenders to receive a fair punishment without holding them back from school, work or other obligations.

Alternative sentencing doesn't just benefit the convicted offenders. Many courts offer alternative sentencing as an option because it is a low-cost alternative to expensive, traditional incarceration. Courts may also consider alternative sentencing to be a form of "restorative justice" — in other words, the offender may constructively repay society for his or her crimes. The criminal justice system also benefits by reducing the number of inmates committed to already overcrowded jails and prisons, which in turn provide a substantial cost savings to the tax-payers and society as a whole.

Nesa Targhibi, treasurer of the Riverside County Barristers, is a sole practitioner based in Riverside County. She practices in the area of immigration.

* ATTENTION RCBA MEMBERS *

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

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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).

Thank you.

Our Friend, Bob — A Tribute to Judge Robert Timlin, 1932-2017

by Terry Bridges

I first met Bob Timlin almost 50 years ago. Over those years I was honored to relate to him as a trial lawyer, a fellow member of the Leo A. Deegan Inn of Court, a section member in the RCBA, and a committee member on Federal Court issues. I quickly grew to admire and appreciate his many unique and endearing qualities.

Judge Robert Timlin

He was profoundly humble.

When I first met Bob, I was immediately impressed with his profound sense of humility. That wonderful trait never left him as he journeyed throughout his distinguished career as a city attorney, municipal and superior court judge, justice of the Court of Appeal, federal judge, and finally, senior federal judge. I sometimes wondered if he was born with a deeply imbedded humility gene. To his friends and all he met, he made it clear that he would prefer to be addressed, not as judge, or justice; "Bob" was just fine.

He wore his judicial robes gently.

While judicial robes could be utilized as symbols of power, to Bob, they were a reminder of his deeply felt obligation to dispense justice fairly, thoughtfully, equally, and with compassion.

He had the perfect temperament of a judge.

Uncivil or disrespectful conduct in his courtroom which might be met with instant and embarrassing rebuke, was dealt with firmly, yet fairly. Bob never embarrassed an attorney in his courtroom. Instead, in those instances in which incivility occurred, he dealt with the issue quickly and firmly. On several occasions I was present when Bob simply called a recess, asked to see counsel in chambers and then firmly, but fairly, informed the offending attorney that civility and professionalism were at all times to be adhered to in his department, including all dealings not only with the court, but with opposing counsel and parties, witnesses, and members of the jury and courtroom staff. The word quickly spread throughout the Bar that behavior in Bob's courtroom was expected to be at the highest professional level.

He was fully prepared and remained engaged throughout the trial or hearing.

No one who tried a case before Bob will ever forget the morning of the hearings on motions in limine. Bob's desk would be stacked with many case books open, of course, to the specific ruling on the various issues in dispute. The open pages were often supplemented with handwritten notes affixed to each page. Once the hearing commenced, you never forgot the experience of Bob asking with a kind and disarming smile something like "Counsel, I've read your well briefed argument, but it seems to me that the case of *Smith v Jones* is fully dispositive, particularly footnote 3 on page 345, which states. . . "

After that experience, one would never enter Bob's courtroom less than fully prepared to the 9th power. Without intending it, Bob's thorough preparation forced all counsel to elevate their research, briefing, and oral argument.

He deeply believed in the profession and the betterment of it.

Bob was one of the early members of the Leo A. Deegan Inn of Court. He gave generously of his time with younger attorneys, sharing his thoughts and concerns over dinner about our obligation to practice at the highest professional level. His words and example have been long remembered by those fortunate enough to be a member of Bob's team.

One of Bob's greatest contributions to civility and effective trial skills was his five years of service as a judicial panelist at the RCBA Trial Skills weekend workshops at the beautiful Arrowhead Conference Center. Bob would quietly observe demonstrations, listen to his fellow panelists, ponder questions from the participants, and then provide an insightful and practical response to the question or tactic under consideration. Even when critical of a person's presentation, Bob gently, yet effectively, pointed out how the individual might adjust his or her approach for the better.

The graduates from that program always left as a more effective and collegial trial lawyer.

He deeply loved his Georgetown Hoyas.

Bob never forgot the great education he received at Georgetown Law School and remained a lifetime fan of Hoya basketball. Frequently, the Hoyas would be playing at some level of post season play during the Arrowhead Conference, often during dinner. If so, Bob would courteously ask a member of the wait staff to kindly keep him current with the score. The server would happily keep

Bob supplied with appropriate written comments placed inconspicuously under his plate.

He was a true friend.

You never left a visit or casual encounter on the street with Bob without a firm handshake, a genuine smile and his wonderful understated laughter. Without fault, Bob would turn the conversation to the other person and always inquire about family members. You could not leave Bob without a smile. Truly, in an age of form, Bob was a person of substance.

We thank you for gracing our lives and our profession, Bob. You will be dearly missed and always remembered.

Terry Bridges is a past president of the RCBA.

For more information on Judge Timlin's impact on the legal community, please see the Judicial Profile on Judge Timlin published in the November 2004 issue of the Riverside Lawyer, *which can be found on line at the following link: http://www.riversidecountybar.com/Documents/Magazine-2004/Riverside-Lawyer-Magazine-volume-54-10-November-2004.pdf.*

Membership

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

John "Brad" Baldwin – Law Student, Upland

Michael L. Brusselback – Office of the District Attorney, Riverside

Debra Cahir – Professional Fiduciary Services LLC, Canyon Lake

Kathleen Alexys Castro – Law Offices of Sandra H. Castro, Ontario

Courtney Writer – Price Law Firm, Redlands

Presentation of the Saint Thomas More Award to Judge Robert Timlin in May 2004

Following the Red Mass in May 2004, Judge Virginia Phillips presented the second annual Saint Thomas More Award to Judge Robert Timlin. I thought it would be fitting to reprint the portion of the article on the Red Mass that highlighted Judge Phillips' remarks during the presentation. The article was originally published in the June 2004 issue of the *Riverside Lawyer*. — Jacqueline Carey-Wilson, Editor.

Judge Phillips began the presentation by analogizing Judge Timlin's life and career to that of Saint Thomas More. "As we present this tribute to Judge Timlin, it's appropriate to reflect on Sir Thomas More and what he stood for," said Judge Phillips. "He rose rapidly in public life, despite his lack of ambition, becoming Lord Chancellor to Henry VIII of England. He had a horror of luxury and worldly pomp. He found the lies and flatteries of court nauseating. He felt the scholar's life was conducive to a virtuous life of piety toward God and service to his neighbor. Virtue and religion were the supreme concerns of his life. He considered pride the chief danger of education, believing instead that education should inculcate a spirit of detachment from riches and earthly possessions, along with a spirit of gentleness. . . Sir Thomas was a man of conviction and was executed on Tower Hill in 1534 for his refusal to violate his religious beliefs by accepting the Act of Supremacy, validating the King's breach with the church in Rome. On the scaffold, he said simply, 'I have been ever the King's good and loyal servant, but God's first.'"

Judge Phillips continued, "These things I've touched on tonight are the examples I believe of why Judge Timlin is being honored with the Saint Thomas More Award. His rise in public life, despite his lack of personal ambition; his lifetime of public service as a lawyer and as a judge for over 30 years; his abhorrence of pomp and luxury; his scholarship and his belief that education should lead to a spirit of detachment from riches and earthly possessions, along with a spirit of gentleness; and of course, his extraordinary diligence; all these are values and qualities that apply equally to both men." Judge Phillips then presented the Saint Thomas More Award to Judge Timlin in gratitude for his extraordinary service and devotion to church, community, and justice.

Riverside County Bar Foundation, Inc.'s Inaugural Fundraiser

by L. Alexandra Fong

On May 9, 2017, Riverside County Bar Foundation, Inc. (the "Foundation") will host its inaugural "Spring into Action" fundraiser. The fundraiser, planned by the Foundation's Steering Committee (Marlene Allen, Jacqueline Carey-Wilson, L. Alexandra Fong [chair], Cathy Holmes, and Greg Rizio), is meant to bring awareness to members of the bar and the community of the programs supported by the Foundation, as well as raise funds for continued success of these programs.

The Foundation currently supports four programs of the Riverside County Bar Association, which are as follows: (1) Project Graduate, which provides assistance to Riverside County foster youth to graduate high school with a plan for the future, (2) The Elves, which provides holiday gifts and meals for families in need, (3) Good Citizenship Awards to acknowledge the achievements of Riverside County high school students, and (4) Adopt-a-High School, which educates students about the legal system. Representatives from the programs will be present at the fundraiser.

The fundraiser will be held at the Benedict Castle, conveniently located at 5445 Chicago Avenue, Riverside, California from 5:30 p.m. to 8:30 p.m. The Rizio Law Firm is a platinum sponsor of the event.

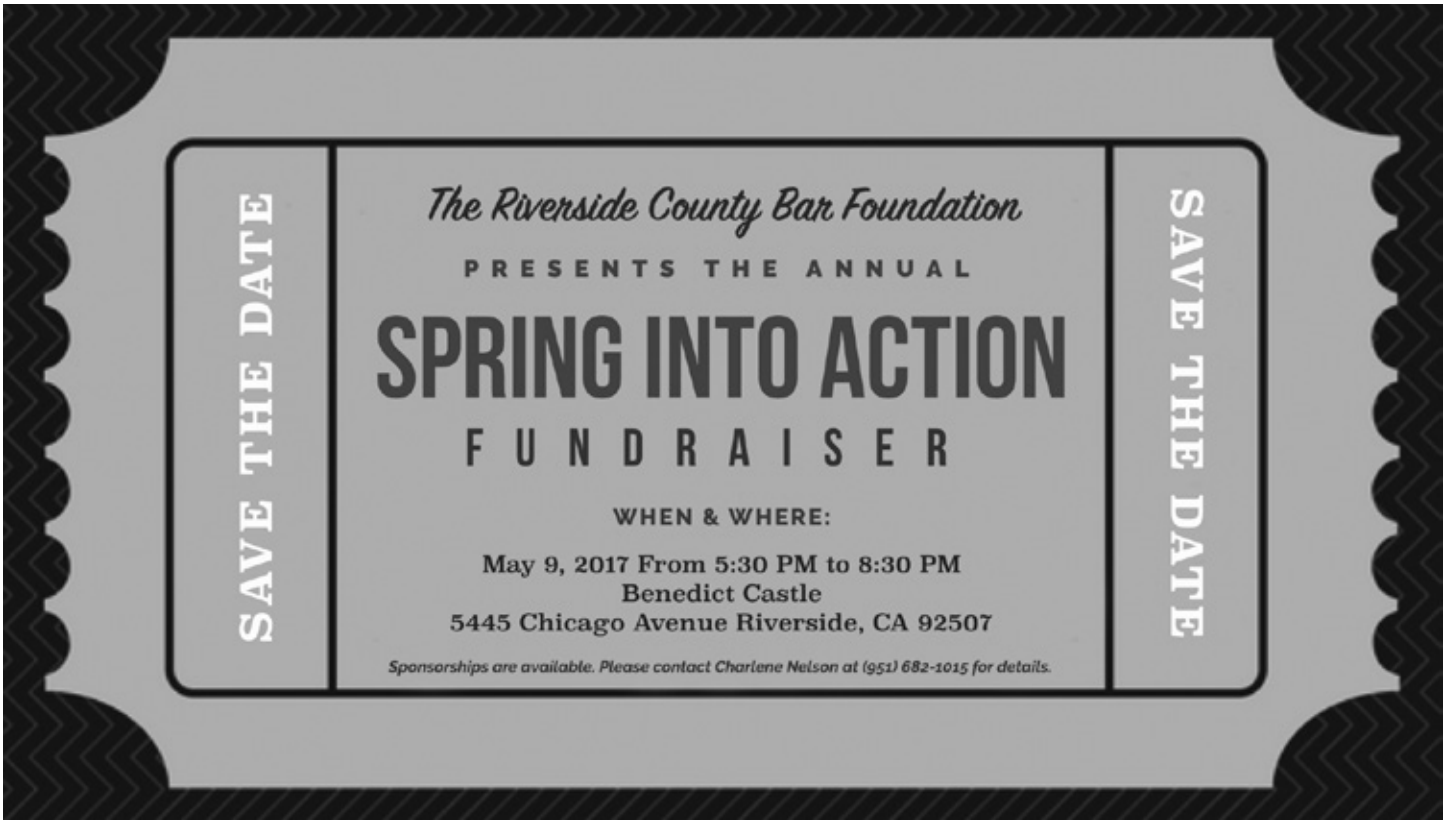
Silent auction items include theme park tickets, gift baskets, baseball tickets, and sports memorabilia. Silent auction items were donated by Aitken Aitken & Cohn, Gless Ranch, The Walt Disney Company, The Los Angeles Angels of Anaheim, Sea World San Diego, The Living Desert, Los Angeles Chargers, Six Flags Magic Mountain, California Academy of Sciences, and The Hollywood Wax Museum/ Guinness World Records Museum.

Tickets to the event are $35 per person and include hors d'oeuvres and non-alcoholic drinks. RSVP your attendance with payment by May 1, 2017, to Riverside County Bar Foundation, Inc., ATTN: Charlene Nelson, at (951) 682-1015. We look forward to your attendance at our inaugural fundraiser.

Additional sponsorships are available for the event. We also continue to seek additional items for our silent auction. Please contact Charlene Nelson for further details.

The Foundation is a 501(c)(3) non-profit corporation and donations to it may be tax deductible, to the extent authorized by law. Please consult your tax advisor for further details.

L. Alexandra Fong is a deputy county counsel for the County of Riverside. She is the President-Elect of the Riverside County Bar Association and Riverside County Bar Foundation, Inc. She is also Vice President of the Leo A. Deegan Inn of Court.



Poly High School Repeats as Mock Trial Champion

by John Wahlin

1st Place - Poly High School

2nd Place - Great Oak High School

It was a closely contested competition but, after seven rounds, the Riverside County mock trial champion was again Poly High School. Riverside Poly won its sixth championship in the last seven years, defeating Great Oak High School from Temecula. The Great Oak team's participation was the school's first appearance in the County final.

The championship round was conducted in Department 1 of the Historic Courthouse with United States Central District Chief Judge Virginia Phillips presiding. Presiding Superior Court Judge Becky Dugan, District Attorney Michael Hestrin, Public Defender Steven Harmon, RCBA President Jean-Simon Serrano, and Judge Gloria Trask served as the panel of scorers.

In this year's case, *People v. Awbrey*, the defendant is charged with human trafficking and false imprisonment. Cameron Awbrey had employed Lin Stark (in mock trial names are unisex, so that each witness can be male or female) as a cook for the restaurant Cameron had just opened. The employment arrangement required Lin to live in a studio apartment above the restaurant and to turn over Lin's work visa and passport to Cameron. These and other facts led to the trafficking charge, which required a showing by the prosecution that Cameron had caused Lin to be deprived of Lin's personal liberty with the intent to obtain forced labor or services.

Thirty teams from 29 public and private schools from all regions of the County competed in the first four rounds. The first round was held in three venues—Riverside, Southwest and Indio; all 30 teams then came to Riverside for the next three rounds.

After the fourth round the highest scoring eight teams (the "Elite 8") based on win-loss records and points competed in a single elimination tournament. Teams qualifying for the Elite 8 in addition to Poly and Great Oak included Martin Luther King Jr. High School, Notre Dame High School, and Arlington High School from Riverside; Hemet High School; Murrieta Valley High School; and Valley View High School from Moreno Valley. Notre Dame made it to the Elite 8 in its first year of competition. Also a newcomer to the Elite 8 was Valley View, which qualified for the first time in school history.

In the Elite 8 round Poly defeated Hemet, King defeated Arlington, Murrieta Valley defeated Notre Dame, and Great Oak defeated Valley View. In the closely contested semifinal round Poly defeated King and Great Oak overcame Murrieta Valley.

Awards for individual performances were presented at the awards ceremony following Round 4. Earning paid internships with the Superior Court, the District Attorney and the Public Defender were the best prosecution (Danielle Oyama, Poly High School) and defense (Nick

3rd Place - Martin Luther King Jr. High School

3rd Place - Murrieta Valley High School

Delzompo, Murrieta Valley High School) pre-trial attorneys, best prosecution attorney (Sara Picazo, Citrus Hill High School), and best defense attorney (Cameron Lucky, Martin Luther King Jr. High School).

The mock trial program is a joint effort of the RCBA, Superior Court, and Riverside County Office of Education. Its success depends on a significant commitment of volunteers from the legal community. Local attorneys and judges contribute countless hours every week as coaches from September to March. In each of the rounds of competition as many as 45 attorneys and 15 Superior Court judges volunteer their time as scorers and presiding judges. For more information concerning the volunteer opportunities, please contact the RCBA.

John Wahlin, Chair of the RCBA Mock Trial Steering Committee, is a partner with the firm of Best Best & Krieger, LLP.

Photos courtesy of the Riverside County Office of Education.

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

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