

RIVERSIDE LAWYER

December 2021 • Volume 71 Number 11

MAGAZINE

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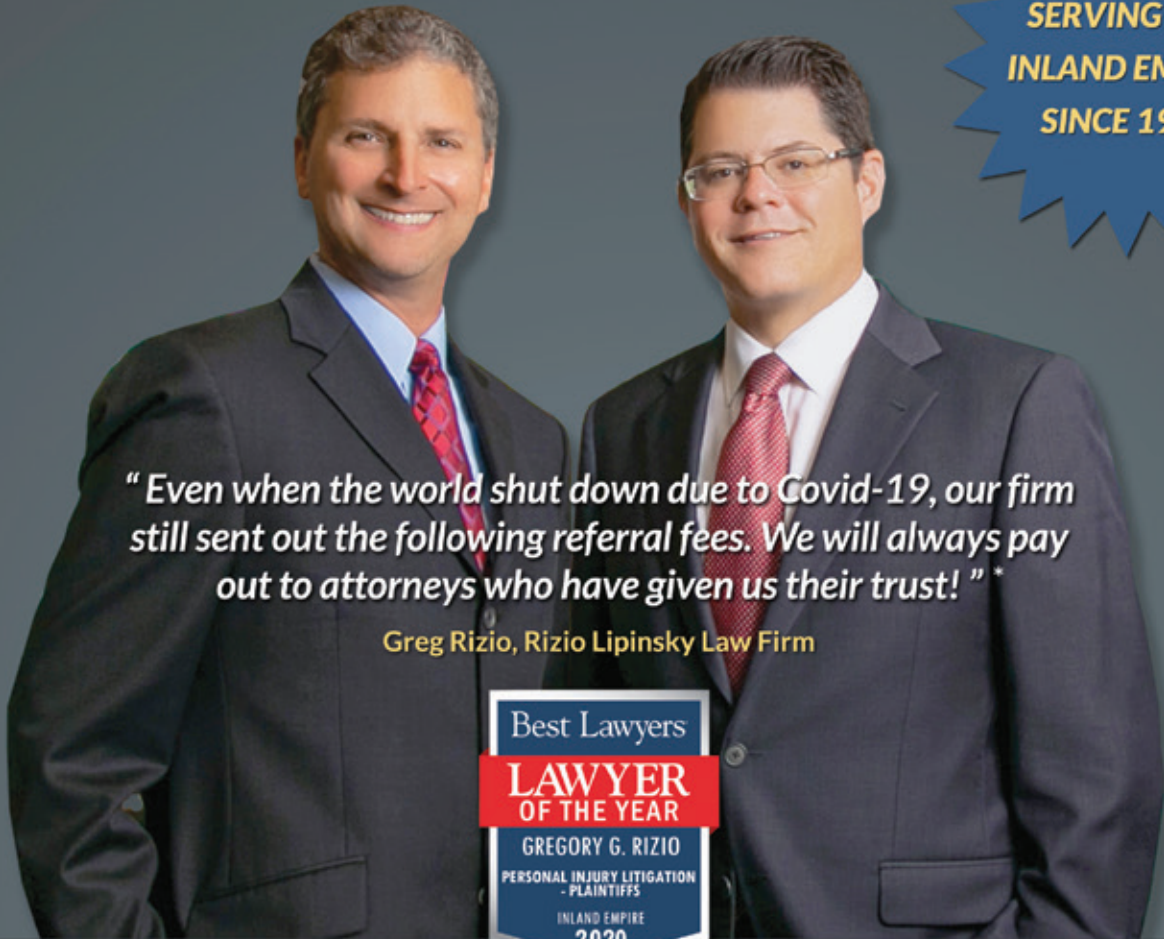
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RIVERSIDE LAWYER

MAGAZINE

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MISSION STATEMENT

Established in 1894

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

RCBA Mission Statement

The mission of the Riverside County Bar Association is:
To serve our members, our communities, and our legal system.

Membership Benefits

Involvement in a variety of legal entities: Lawyer Referral Service (LRS), 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 \$30.00 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

December

- 6 Civil Litigation Roundtable with Hon. Craig Riemer**
Noon
Zoom
MCLE
- 7 Juvenile Law Section**
Noon
Zoom
Speaker: Dr. Richard J. Lee, M.D.
Topic: "Overview of Adolescent Depression"
MCLE
- 13 Elves Shopping Night**
5:00 P.M.
Walmart
6250 Valley Springs - Riverside
Contact RCBA for more information
- 14 Civil Litigation Section**
Zoom
Noon
Speaker: William Thomsen
Topic: "Detecting a 'Rigged' Business Valuation"
MCLE
- 16 Estate Planning, Probate & Elder Law Section**
RCBA Gabbert Gallery
Noon
Speaker: Karl L. Hicks, The Leonard Financial Group, LLC
Topic: "How Smart Professionals Vet Financial Advisors to Recommend"
MCLE

January

- 14 MCLE Marathon**
Please visit riversidecountybar.com for details

Please see the calendar on the RCBA website (riversidecountybar.com) for information on how to access the Zoom meetings.

EVENTS SUBJECT TO CHANGE.

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

On the Cover:

- Photo from *Tau*, a short film by Elio Palacios, Jr.
- Robert Rancourt with his husband, Reuben Gallardo, and their dog, Max.
- Greg Rollins and his book, *Make Your Case*.
- Greg Snarr and the goats.
- Eugene Kim with wife, Yoko Townsend, daughter, Kaylani Kim, and son, Kyle Kim.
- (l-r) Jody Isenberg, vice president of the League of Women Voters of the San Bernardino Area (LWVSB); Shirley Harlan, a long-time local activist and LWVSB member who recently passed away; Betsy Starbuck, president of LWVSB.
- Harlan Kistler with his team of wrestlers.
- Juanita Mantz and her book, *Portrait of a Public Defender or How I Became a Punk Rock Lawyer*.
- Dr. James Husen





President's Message

by Neil Okazaki

This month's *Riverside Lawyer* magazine focuses on "other things" lawyers do outside of work. And there is good reason for this. Studies show that those with outside hobbies and interests perform better at work, have improved physical health, and reduced stress. That all makes sense when we think about it—who amongst us would not want to be better at our jobs, healthier, and have less stress?

Of course, this does not mean we should just become couch potatoes. "We all sometimes need to do nothing-in-particular, but a hobby is an activity, an active diversion—something that engages you mentally and physically," says Richard James, CEO of Automated Business Results, LLC. "Just find something constructive or fun to do that isn't work. You'll be a more well-rounded person—and a better attorney."

In the November 2014 *Riverside Lawyer* magazine, Amanda Daams wrote an article about her friend Kelly Moran, who is our current RCBA Vice President. I learned that Kelly worked for the Los Angeles Dodgers (which I thought was a dream job in and of itself). During her time working at Dodger Stadium (aka "Blue Heaven on Earth"), one of her favorite activities was to visit children at local hospitals and see their faces light up when she would give them tickets to a Dodgers game (obviously). She described it today as "seeing the happiness that a few small acts of kindness can bring to someone who has been through so much." Now, through its local office, being a Make-A-Wish "wish granter" provides her with the chance to now help make dream experiences a reality for people in Riverside County.

A few years ago, I met up with Kelly to ask her about being a wish granter. I was

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inspired by what she said and her enthusiasm for the program. I eventually signed up myself to be a wish granter through the Riverside office. Today, Kelly has this to say: "I get so much more from my time with Make-A-Wish than I could ever give back! As a lawyer, it is a little too easy to be jaded by the negative things you see in a courtroom – a little too easy to lose sight of the good in humanity and the world around us. Working with Make-A-Wish adjusts my perspective and always reminds me of how lucky I am to live in a wonderful community full of amazing people." And she's absolutely right. (But she is an Angels fan, but I am letting that slide.)

I spent time at the last in-person wish granter training with Karen Feld, partner at Cole Huber LLC. She does a lot of other things. She is a black belt, half IRONMAN triathlete, and runner. She has competed in swimming for 42 years. She participated in an open

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BARRISTERS PRESIDENT'S MESSAGE

by Michael Ortiz



“What do you do?” We all have been asked that once or twice in our lives. It is often asked in “small talk” or to fill a lull in conversation. I think it is common for

many people, myself included, to answer with, “I am a lawyer.” But, in reality, we all probably do many other things.

Lately, I have found myself in discussions about mental health and wellness in the legal profession. One common piece of advice I have heard to avoid burnout is to make time for other things aside from our jobs. I know from personal experience that the things I do aside from law do make me happier and, in my opinion, make me a better lawyer.

What is also interesting is that lawyers also tend to be great at a lot of other things. Maybe it is because we have natural inclinations toward learning and mastering things or because our training as lawyers makes us better at learning and mastering things. It is amazing how quickly lawyers can master new subject matter if it is necessary for one of our cases. I once had to look up patents filed by Nikola Tesla to help with a case. I do not think I ever would have if not for that case.

Once we make the time to do so, lawyers can be great at so many other things. This month's issue of the *Riverside Lawyer* recognizes that fact.

For me, my answer to the question is that, among other things, I am a father, husband, son, brother, grandson, uncle, and friend. That answer is not very conducive to small talk or maybe it is in the right instances, but when I am not practicing law, I am happy to spend my time and energy doing those things.

I wish you all a very safe, happy, and wholesome holidays. Do not forget to keep up with the Barristers and our future events by following our social media channels, below!

Follow Us!

For upcoming events and updates:

Website: RiversideBarristers.org

Facebook: [Facebook.com/RCBABarristers/](https://www.facebook.com/RCBABarristers/)

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If you would like to sponsor any Barristers events, request MCLE topics or community outreach events, or for any other matter, feel free to email me directly at Mike@MikeOrtizLaw.com.

Michael Ortiz is an attorney at Ortiz Law, where he practices primarily estate planning and administration. He can be reached at Mike@MikeOrtizLaw.com.



PRESIDENT'S MESSAGE from page 3

water ultra-swim (a 13.4-mile race), which she describes as being unable to control the ocean, but figuring out how to prepare for its challenges. “It’s very similar to being a lawyer. We cannot control the law, the facts of your case, the judge or the jury. But we can figure out how to anticipate the potential dangers and present your case in the best light.”

We do not all need to be Kelly or Karen. That is a high bar. But we can learn from them and see if there are ways to add an additional sense of fulfillment and joy to our lives. These outside activities help us discover new things, meet new people, develop new skills, and grow as more well-rounded people.

This holiday season is a good time to reflect upon our lives and things that we can do to enhance it. But in the true spirit of giving, it is also a good time to find things that we can do to help others. This allows us to give thanks for our many blessings and extend the joy of the season to those around us.

Along those lines, I would like to encourage you to participate in this year's Riverside County Bar Foundation Elves Program. This Program was established in 2002 to assist needy families in Riverside County. You can help empower kids to see beyond their challenges with the gift of toys where there might not be any otherwise. There are four Elf participation opportunities: Shopping Elves, Wrapping Elves, Delivery Elves, and Money Elves. Whatever fits your time and desire, there is a place for you. If you would like to participate, please contact Lisa (lisa@riverside-countybar.com) or Charlene (charlene@riverside-countybar.com).

My hope for you is that you enjoy many blessings during this wonderful time of the year. May you all share in the peace and joy that this season has to offer.

Neil Okazaki is an assistant city attorney for the City of Riverside.





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Judge Chapman is looking forward to applying his training, experience, and settlement skills with litigants and attorneys seeking alternative dispute resolution.

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Judge Chapman is available to travel outside of the Coachella Valley. Matters may be conducted in person or remotely utilizing the Zoom platform.

PRACTICING RESPONSIBLY AND ETHICALLY

OTHER THINGS LAWYERS DO (WITH THEIR CLIENTS)

by David Cantrell

When I sat down to write an article with the theme, “other things lawyers do,” I quickly realized there is nothing I am doing outside of the practice of law that would be entertaining enough for this column. Since this column addresses issues related to malpractice and professional responsibility, I decided to provide a quick overview of a rule that governs lawyers’ transacting business with a client. Sometimes these transactions are for business interests that are not part of the lawyer’s practice and other times the transactions are merely ways for lawyers to secure payment of a fee. In either scenario, there is documentation that must be completed or the lawyer risks the transaction being voided and/or discipline from the State Bar.

While the Rules of Professional Conduct do not prohibit the transaction of business between lawyer and client, Rule 1.8.1 contains a procedure that is designed to protect clients in these scenarios. The Rule prohibits lawyers from entering into a business transaction with a client, or knowingly acquiring an ownership, possessory, security or other pecuniary interest adverse to a client, unless: (1) the transaction terms are fair and reasonable to the client and the terms and lawyer’s role in the transaction are fully disclosed to the client in a manner that can be reasonably understood by the client, (2) the client is represented by an independent lawyer of the client’s choice or advised in writing to seek the advice of an independent lawyer and is given an opportunity to seek that advice, and (3) the client thereafter provides informed written consent to the terms of the transactions and the lawyer’s role in the transaction. Failure to comply with these terms makes the transaction voidable at the client’s option.¹

One example of the applicability of Rule 1.8.1 occurred in *Fair v. Bakhtiari* (2011) 195 Cal.App.4th 1135. In *Fair*, the client engaged the lawyer for assistance with investment of money he inherited. After a few months of the representation, the parties agreed to go into a real estate deal together with the client receiving a 70% interest in the real estate for his monetary investment and the lawyer receiving 30% for his legal expertise. The lawyer did perform a substantial amount of legal work for his interest (rendered legal opinion letters, provided advice on transactions, drafted documents and contracts, loan agreements,

etc.) After similar arrangements were made in other real estate ventures, the relationship soured, and the parties found themselves in litigation. Ultimately, the trial court and court of appeal found the agreements (and the lawyer’s interest in the real estate businesses) were void for failure to comply with Rule 3-300 (predecessor to Rule 1.8.1). The lawyer then sought to recover the reasonable value of his legal services and the court denied this recovery, finding the breach of fiduciary duty by the lawyer warranted denial of quantum meruit. After years of work (and litigation), the lawyer was left with nothing.

While the lawyer in the *Fair* case came away with no legal fee, the consequences of a Rule 1.8 violation can be much more severe. I was able to locate State Bar court opinions in which the State Bar recommended multiple year suspensions and restitution for lawyers who violated prior Rule 3-300.

One area where lawyers sometimes get hung up with Rule 1.8.1 involves fee agreements. For instance, Rule 1.8.1 does not apply to a charging lien given to secure payment of a contingency fee.² The State Bar has determined that charging liens are inherent in contingent fee contracts and (among other reasons) requiring clients to hire a second lawyer to review the agreement would be futile because the independent lawyer would likely confirm that standard charging liens are enforceable. (See, *Plummer* at 49.) Charging lien provisions in hourly fee agreements, on the other hand, are governed by Rule 1.8.1. The courts have determined that taking an interest in a client’s recovery (or property) as part of an hourly engagement amounts to an “adverse interest,” requiring compliance with Rule 1.8.1.³

If you are a lawyer looking for “other things to do” with your time, there are much better options than doing business deals with clients. However, if a business opportunity with a client is too good to pass up, be sure the deal is objectively fair and carefully documented before you proceed.

David Cantrell is a partner with the firm Lester, Cantrell & Kraus, LLP. His practice focuses on legal malpractice and professional responsibility issues. David is certified by the California State Bar’s Board of Legal Specialization as a specialist in legal malpractice law.



¹ *BGJ Associates, LLC v. Wilson* (2003) 113 Cal.App.4th 1217, 1227-1228.

² See, Rule 1.8, comment 1; *Plummer v. Day/Eisenberg, LLP* (2010) 184 Cal.App.4th 38.

³ *Fletcher v. Davis* (2004) 33 Cal.4th 61.

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FROM ATTORNEY TO AUTHOR: DON'T LET FEAR KEEP YOU FROM DOING SOMETHING NEW

by Greg Rollins

March 13, 2020. That is a day I will never forget. It was my last day as a prosecutor for the Riverside County District Attorney's Office. I was about to embark on an entirely new career after nearly a decade long career as a prosecutor. But instead of being a day filled with happiness and excitement, it was a day filled with apprehension and fear. And not just for me, but for the whole world, because the COVID-19 pandemic had just began. I remember asking myself, "What did I just do?" "Did I make the right decision?" "Is this really the time to try and open my own business as the rest of the world seems to be shutting down?"

Those first months were definitely not easy. There was definitely a learning curve as I switched from a prosecutor's mindset to a defense attorney's mindset. Plus, I went from being a full-time attorney who knew very little about running a business to a full-time businessman who practices law. But even as I brought myself up to speed for my new role, there was still one gigantic problem; the courts were all closed. That was definitely not good for me or my new law practice since criminal defense attorneys make their living inside the courtroom. So, while I waited for the courts to reopen, I began thinking of other ways I could use my knowledge and experience to make a living in the meantime.

With a little help from my wife and her network, I realized that I could share my knowledge and experience by writing a book. After all, I had always enjoyed reading and writing, so writing a book seemed like it would be a fun and easy pastime.

As I began writing, I soon realized a few things about my new "pastime." Yes, it was a lot of fun, but it certainly was not easy. And this "pastime" required more time, energy, and focus than I could have ever imagined. I spent almost a year writing the book and working with the publisher before it was ready to be released to the public. But finally, after numerous drafts, edits, and an immense amount of time and hard work, I released my first book, *Make Your Case*, on Amazon.

Writing a book was such a rewarding experience. When I began writing *Make Your Case*, I knew that I did not want it to be another boring law book for lawyers. Instead, I wanted the book to be something that anyone could read, follow, understand, and ultimately apply it to their own lives. *Make Your Case* makes use of numerous case examples based on my experiences both as a prosecutor and as a criminal

defense attorney to illustrate key concepts. The book lays out an approach based on my own experiences for achieving success, both in the courtroom, and in life.

Any trial lawyer knows that success in the courtroom depends on your ability to make your case, and in order to make your case, you must first do things like build a foundation, evaluate the case, apply critical thinking skills to the challenges posed by the case, and thoroughly prepare. Those things will then give you an understanding of what you have and what goals you need to achieve. That is where things like persuasion and negotiation skills become essential to achieving your goals. Then comes the moment of truth, the moment where you win or lose your case. Often times, mastery of this approach will result in success, but as the book illustrates, even losses can be turned into wins with the right perspective.

After spending over a decade as a trial attorney, fighting tirelessly in the courtroom, it was a nice change of pace to apply my knowledge, experience, and skills to something different. Writing a book has opened other doors for me to share my knowledge and experience with others apart from the legal field.

Since writing the book, I have had several opportunities to speak about my experiences and I hope to continue doing so. I have been invited to speak on podcasts, at career fairs, and as a motivational speaker to young people. I have even been approached to teach as an adjunct professor for a law school.

Leaving the stability of the DA's office was scary and at times still is. Managing your own business is not easy, but it has given me the flexibility to branch out into other avenues outside the courtroom. I believe all things happen for a reason, as anyone who reads my book will discover. If I had not left the District Attorney's Office when I did, at the start of a pandemic, I would never have had the opportunity, or motivation, to write a book or to branch out into other things. So even what seems like the worst timing, may actually be the perfect timing, you just have to be willing to look for different avenues to get you to where you want to go.

Greg Rollins runs his own criminal defense practice in downtown Riverside. Prior to starting his own law practice, Greg worked for nearly a decade as a Riverside County prosecutor.



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BOOK REVIEW: *PORTRAIT OF A DEPUTY PUBLIC DEFENDER OR HOW I BECAME A PUNK ROCK LAWYER*

Reviewed by Abram S. Feuerstein

Did you hear the joke about the public defender?
Defendant: Judge, I want you to appoint me another lawyer.

Judge: And why is that?

Defendant: Because the Public Defender isn't interested in my case.

Judge: (to Public Defender): Do you have a comment on the defendant's motion?

Public Defender: I'm sorry, Your Honor, I wasn't listening.¹

Ok -- lawyer jokes aside, no one can read *Portrait of a Deputy Public Defender or How I Became a Punk Rock Lawyer*,² and accuse its author, Juanita E. Mantz, a Riverside County Deputy Public Defender, of not listening to her clients or caring about their needs.

Indeed, caring is at the heart of Mantz' short volume, a memoir of sorts, but mostly a journey — in essay form — of self-exploration in which the author attempts to answer the Talking Heads question, “how did I get here?”³

Where's here? For Mantz, the “here” is a pre-trial world where she is assigned to represent individuals who have been accused of a wide range of crimes but whose mental competency to stand for trial is in doubt. The system has no place for these souls. Bail is beyond their financial reach. So, they end up shelved in jails for prolonged periods before their cases surface. Frequently, their underlying medical conditions go untreated. The presumption of innocence has little meaning in this “here” world, one that has a touch of Dickens, wrapped in a bit of Dante, and surrounded ultimately by the chaos and surrealism of *Alice in Wonderland*.

As a public defender, Mantz is charged with “navigating” her clients through this “impaired and broken” system.⁴ In doing so, she describes themes that must be common ones for many if not all public defenders -- the need to guard against becoming “desensitized” to her clients and maintain her lawyerly zeal and passion; the self-doubt

that she is making a difference; and, finally, the decision to “stay, and keep fighting the good fight every day.”⁵

But the “good fight” is high stress. A recent study by Rutgers University, “The Stress of Injustice,”⁶ confirmed that working in a resource-starved system that frequently punishes the disadvantaged and criminalizes mental health issues results in intense and chronic stress for public defenders. They feel that they are the last line of defense for their clients – and typically they are. Mantz writes: “Whenever I feel it is too much – too sad and too traumatic – I think, my clients need me. That need is everything. It gives me purpose.”⁷

For sure Mantz yearns to have a greater impact on this system, possibly through writing and advocacy, than she has as a lawyer at the “micro-level” trying to help one client at a time.⁸ In one poem that appears in the book, *Static*, Mantz writes:

*As a deputy public defender
I used to think
I could work within it
Now I see it's broken*

In another poem, *Who am I*, she observes:

*Torn in pieces
A deputy public defender
Who knows I am
Participating in a
Broken system*

The resulting “screaming in her head” causes Mantz to flirt with the thought that “Abolition (is) the only answer.”⁹ For now, however, there is the realization that maybe all Mantz can do is treat her clients with dignity and respect and kindness, while maneuvering them through the criminal justice maze.

⁵ *Portrait*, p. 29.

⁶ See V. Bacak et al., *The Stress of Injustice: Public Defenders and the Frontline of American Inequality* (December 12, 2020). Available at SSRN: <https://ssrn.com/abstract=3765714>.

⁷ *Portrait*, pp. 17-18.

⁸ *Portrait*, p. 28.

⁹ The quoted passages are taken from the poems referenced in the text.

¹ Retrieved at lawguys.com.

² Juanita E. Mantz, *Portrait of a Deputy Public Defender or, How I Became a Punk Rock Lawyer* (Bamboo Dart Press 2021, 72 pp, \$7.99) (hereinafter, “Portrait”).

³ *Portrait*, p. 21.

⁴ *Portrait*, p. 53.

Punk Rock Origins for a Punk Rock Lawyer?

In *Portrait*, Mantz describes herself as a “punk rock lawyer” but law schools generally do not have classes in punk rock. If they do, I missed it. For Mantz, punk started a lot earlier.

In her senior year at Chaffey High School in Ontario, California, Mantz relays that instead of going to class, she majored in sleeping all day and drinking all night.¹⁰ The music was full blast, the beer plentiful. Five credits short of her diploma, the former straight A student dropped out of high school. She attended graduation, but only to hide under the bleachers while the rest of her family watched Mantz’s twin sister graduate. Not exactly Bonnie of B and Clyde fame, she stole her dad’s truck, shoplifted, and even received a ticket for jaywalking. “It only took me months to ruin my life,” Mantz notes.¹¹

Thirty years later in her book, Mantz takes a shot at attempting to make sense of what happened: disharmony at home with parents yelling at each other; hard economic times for the family; a home lost to foreclosure and the resulting displacement; a personal battle with depression.

Mantz also states that at around this time, she found punk and post-punk music, and that for her it had a saving influence. Certainly, the anarchy of punk rock music has its appeal. After all, upsetting apple carts and giving the onlooking, conformist crowd a raised middle finger is always fun. Yes, Mantz also tacked up an obligatory poster of Sid Vicious in her bedroom (purchased at the mall at Spencer Gifts?). But, Mantz writes that the music went deeper and “touched my very soul.”¹² On the outside, much to the horror of her mother, Mantz changed her clothing and personal style from “goody two shoes” to a one-nostril pierced goth princess in combat boots.¹³ Less visibly, punk rooted itself in Mantz’s consciousness, providing a liberating sensibility that enabled her to reject existing societal constructs.

“What is punk for me?” Mantz asks. Her answer: “Punk means no rules and/or the breaking of rules, rebellion, no boundaries, inclusivity (at least it started that way) and a blue collar ‘f_ _ k the man’ ethos.”¹⁴

Eventually, Mantz gets her act together, obtains her GED, attends junior college, transfers to UCR, graduates with an English literature degree, attends USC law school, works at a large Texas corporate law firm, and returns to the Inland Empire to work in private and then in public practice, and if that is not enough, marries a dentist. (Question: Is there such a thing as a punk rock dentist?) Maybe all this is too ho hum; maybe punk music was simply playing in the background, and the outcome would be no different if the atmosphere had been filled with Beethoven’s 1-9 (ok, maybe 1, and 3-9) or even the tunes of that infernal Gilbert and Sullivan nonsense. According to Marilyn Manson, music is the strongest form of magic; then again, maybe Mantz’s hard work supplied the magic and drove the outcome even if no music had been playing.

No way of knowing, really. We simply will have to believe Mantz that punk helped get her to where she is, keeps her in her seat to continue fighting zealously for her clients, and inspires her to bring about systemic reform.

¹⁰ *Portrait*, p. 14.

¹¹ *Portrait*, p. 13.

¹² *Portrait*, p. 16.

¹³ *Portrait*, p. 42-3.

¹⁴ *Portrait*, p. 43.

One final note: Mantz has been on the publications committee for the *Riverside Lawyer* for a lengthy period and serves as its copy editor. Articles I have submitted have benefitted significantly from her once if not twice over. The short *Portrait* evidences Mantz’s clear and concise and humor-filled writing style, and as a result is a quick read. Yet, the strongest part of Mantz’s *Portrait* are her candid reflections on and reminiscences about her teen years, and I hope the author will next turn her attention and talent as a writer to a fuller length treatment of her punk coming of age.

Abram S. Feuerstein is employed as an Assistant United States Trustee by the Department of Justice. The mission of the United States Trustee Program is to help protect the integrity of the bankruptcy system for all its constituents. 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 United States Trustee Program, or the US Department of Justice.

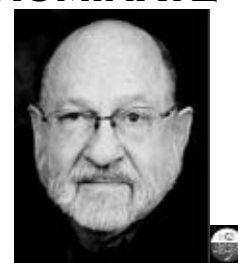


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OF DIRTY HANDS AND GREEN THUMBS

by Gregory G. Snarr

As a litigator, I love how intellectually stimulating this profession can be and how rewarding it is to help people, entities, and businesses solve problems. But, practicing law means discovery disputes, motion practice, and drawn-out trials that translate into some long days, nights, and weekends. Also, because the work is mostly intellectual work (i.e., it is not what I would call hands-on), it can also be mentally draining on occasion. To help me stay energized and motivated in the office and in the courtroom, I have to spend time out in the open outdoors, in the sun and in being connected with the Earth. I need to get my hands dirty.

Since my early twenties, I have been rock-climbing, fly-fishing, and mountain biking to decompress and step away from meetings, computers and phones (whether for school or work). Now that my kids have grown into pre-teens, their little league games and karate practices make it so my therapeutic out-of-office activities are fewer and farther in between. However, my family and I have a small two-acre hobby-farm in Woodcrest where I can get my hands dirty on a daily basis.

From growing vegetables to raising livestock (we have chickens, ducks, goats, pigs) my day starts at 4:30 a.m. I plant vegetables, weed gardens, prune fruit trees, feed animals, and shovel manure. While doing my farm chores, I listen to Ted-talks, podcasts, and audio books and by the time I get to the office or court in the morning, I have spent a few cathartic hours working with the earth, getting my hands dirty.

Part of our farm also includes beekeeping, which has been enlightening, educational, and relaxing. Not only that, beekeeping supports community pollination, food supplies, and fosters bee populations outside of the commercial beekeeping industry. As beekeepers, we become intimately connected with an ancient natural process of honey-making from start to finish. If a hive grows, there is a similar sense of development and the harvest of honey has a real feeling of achievement to it (not to mention it's hard to find honey that tastes as good as local honey from our hives). As beekeepers, we're connected to nature, and you can even taste the effect of the local flora in the honey that is ultimately produced. Being placed in such a position of care for both a community of creatures and the immediate natural environment upon which they depend has been an exceptionally rewarding experience.

Oftentimes I wonder what about this hobby farming that is so appealing to me. Before tract homes and neighborhoods, it seems like most people farmed or gardened in some degree or another. In fact, many of the fathers of our country, such as Washington and Jefferson, were farmers and I believe that their outlook on life had to have been shaped the spirit

of our Constitution and government. Also, I am under the belief that farming or gardening can actually produce mental and physical health benefits. In a 2010 study, researchers asked participants to complete a stressful task, then split them into two groups. One group read indoors and the other gardened outdoors for 30 minutes. The group that stayed indoors reported that their mood "further deteriorated," while the gardeners not only had lower levels of the stress hormone cortisol afterwards, they also felt "fully restored" to a good mood.¹

Moreover, preliminary studies among elderly people suffering from cognitive issues (such as dementia and Alzheimer's) report benefits from garden settings and horticulture therapy. Sunlight and fresh air, for example, help agitated elders feel calmer, while the colors and textures of various plants and vegetables can improve visual and tactile ability. There is no cure-all for growing old but, the science suggests, gardening does appear to improve our quality of life as we age.² One Australian study showed that farmers were a third less likely to suffer from a chronic illness, and 40 percent less likely to visit a GP than non-farm workers.³ Researchers from the U.S. compared mortality rates among farmers against rates for the general population and found farmers less likely to die from cancer, heart diseases, or diabetes.⁴

When I see some of these studies, I can relate. While I do not know if my hobby will prolong my life or prevent me from getting cancer, there is definitely something very therapeutic about growing vegetables and harvesting my own eggs, meat, and honey. Besides the fact that it all somehow tastes better than what you can get at the grocery store (i.e., you have not had a tomato until you grow it yourself, pick it, and eat it in the same day), there is something about digging my hands in dirt that helps me decompress, relieve stress, and prepare for the courtroom in a clean suit and tie.

Greg Snarr is a Partner at Best Best & Krieger, LLP, in the business services practice group and practices civil litigation and eminent domain law.



- 1 *Gardening Promotes Neuroendocrine and Affective Restoration from Stress*, Agnes E Van Den Berg, Mariëtte H G Custers, <https://pubmed.ncbi.nlm.nih.gov/20522508/>.
- 2 *What Is the Evidence to Support the Use of Therapeutic Gardens for the Elderly?*, Mark B. Detweiler, et al. (May 22, 2021) <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3372556/>.
- 3 *The Health and Wellbeing of Australian Farmers: A Longitudinal Cohort Study*, Bronwyn Brew, et al., <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5025556/>.
- 4 *Mortality in the Agricultural Health Study, 1993-2007*, Jenna K. Waggoner, et al., (17 Nov. 2010), <https://academic.oup.com/aje/article/173/1/71/127899>.

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INSTALLATION OF OFFICERS DINNER 2021

The RCBA's Installation Dinner was held at the Riverside Convention Center on September 23. A silent and live auction were held at this year's dinner with Judge Jack Lucky (Ret.), Greg Rizio and Jeff Van Wagenen serving as the evening's auctioneers. More than \$17,000 was raised to benefit the Civil Rights Institute of Inland Southern California. Incoming President Neil Okazaki and Secretary Megan Demshki presented outgoing President Sophia Choi with the past presidents statute, pin and a beautiful bouquet of flowers. Greg Rizio made a presentation to Sophia with a plaque titled a Special Presentation for a Historic Year to honor her exceptional service as she led the RCBA through the year of the Covid-19 Pandemic. Greg also presented her with Ruth Bader Ginsburg's biography. Judge Irma Asberry administered the oath of office to the RCBA board members. Neil Okazaki was installed as the 2021-2022 president. The other officers installed were Lori Myers (president-elect), Kelly Moran (vice president), Mark Easter (CFO), Megan Demshki (secretary), Erica Alfaro, Aaron Chandler, Goushia Farook and Elisabeth Lord (directors-at-large) and Sophia Choi (past president) and Michael Ortiz (as Barristers President he sits on the RCBA Board).

Kelly Moran gave the oath of office to the 2021-2022 officers of Barristers. Michael Ortiz was installed as president. The other officers installed were Lauren Vogt (president-elect), Alejandro Barraza (secretary), David Rivera (treasurer), Ankit Bhatka, Kevin Collins, Braden Holly, Alfonso Smith and Brigitte Wilcox (members-at-large), and Goushia Farook (past president).

President Neil Okazaki paid a special tribute to local civil rights heroes Carolyn Confer, Justice Richard T. Fields, Arthur Littleworth and Judge Virginia Phillips, and honored them with Certificates of Recognition from Riverside Mayor Patricia Lock Dawson.

RCBA Director-at-Large Aaron Chandler made a presentation to two RCBA employees for their many years of exceptional service to the RCBA – Mae Krems has worked for the RCBA/LRS for 31 years and Lisa Yang for 30 years.

Riverside County Public Defender Steve Harmon presented the tenth E. Aurora Hughes Award to Chris Jensen. This award, which is given annually, was named in honor of E. Aurora Hughes who served as president of the RCBA from 2008 to 2009. The award is to honor a distinguished member of the RCBA for his or her service to the RCBA and to the legal community.

The RCBA would like to thank the sponsors of the Installation Dinner and the sponsors for the live and silent auctions for the Foundation for their generous support. A list of sponsors can be found on pages 3 and 15.

Photographs by Sylvia Choi and Michael Elderman.



Mark Easter presented RCB Foundation donation to Civil Rights Institute Board members – Q'Vinc Asberry, Jane Carney and Rose Mayes.



Judge Irma Asberry swears in the RCBA 2021-2022 Board of Directors – (l-r) – Lori Myers (President-Elect), Megan Demshki (Secretary), Elisabeth Lord, Aaron Chandler, Goushia Farook, Erica Alfaro (hidden) (all Directors-at-Large), Sophia Choi (Immediate Past President), Michael Ortiz (Barristers President), Mark Easter (CFO), Kelly Moran (Vice President) and Neil Okazaki (President).



2021-2022 Barristers Officers (l-r) – Kevin Collins (Member-at-Large), Brigitte Wilcox (Member-at-Large), Alejandro Barraza (Secretary), Goushia Farook (Immediate Past President), Lauren Vogt (President-Elect), Michael Ortiz (President), Ankit Bhatka (Member-at-Large), David Rivera (Treasurer).



RCBA Board members Goushia Farook, Elisabeth Lord, Erica Alfaro made a special presentation to local civil rights leaders and Carolyn Confer, Judge Virginia Phillips and Justice Richard T. Fields.



Sophia Choi and Neil Okazaki presented 25 year or more RCBA membership pins to Carolyn Confer, Marlene Allen Murray, Jacqueline Carey-Wilson, Darrell Moore and William Bratton.



Special presentation was made to outgoing President Sophia Choi by Neil Okazaki, Megan Demshki and Greg Rizio.



Riverside County CEO Jeff Van Wagenen and City Attorney Phaedra Norton.



Erica Alfaro and Shumika Sookdeo.



Jack Clarke and Virginia Blumenthal.



Neil Okazaki, Maria Riemer, Judge Craig Riemer.



Deborah Lucky and Paul Grech.



Daren Lipinsky, Darren Pirozzi, Greg Rizio, Judge Jack Lucky (Ret.).



Aaron Chandler and Anna Zargari



Diane Wiesmann, Dan Faustino, Sergio Stevens, Bret Zaccaglin.



Steve Harmon presented the E. Aurora Hughes Award to Chris Jensen.



Casey Johnson, Megan Demshki, Wylie Aitken.



Jim Heiting and Mike Marlatt.

The RCBA would like to thank the following sponsors who donated an auction item, experience, or service at the RCBA Installation Dinner on September 23, 2021.

- Agua Caliente Band of Cahuilla Indians
- Anchos
- Bratton Razo & Lord
- Canyon Crest Country Club
- Sophia Choi
- Corona Fire Department
- Megan Demshki
- Mark Easter
- Abe Feuerstein
- Fox Theater / Fox Foundation
- F.U.N. Yoga Studio
- Gless Ranch
- Geoff Goacher
- Goldman Family
- Paul Grech
- Katie Greene
- Harrah's Resort Southern California
- Hollywood Wax Museum
- Casey Johnson
- Magic Castle
- McVicker Family Law Mediation Center
- Messi Establishments/Restaurants
- Mission Inn Hotel & Spa
- Kelly Moran
- Joe Moreno
- Marlene Allen Murray
- Neil Okazaki
- Riverside Art Museum
- Riverside Community College
- Riverside Community Players
- Riverside Fire Department
- Riverside Game Lab
- Riverside Philharmonic
- Riverside Police Department
- Greg Rizio
- Seattle Kraken
- Southern California Railway Museum
- Substation
- The Pilates Co. Riverside
- Tula Yoga
- University of California, Riverside
- Vito D'Angelo & Associates



Sophia Choi and Lori Myers.

HOW I SPEND THE MANY HOURS OF RETIREMENT

by Jody Isenberg

I retired in 2015, after 32 years of lawyering, all but seven of which as a research attorney at the Fourth District Court of Appeal, Division 2, in Riverside. When I told folks at the court that I would retire on June 20 (the day before my 62nd birthday) I was caught off guard by the number of people who said they had thought about retiring but had no idea what they would do with all that free time. More of them than I would have imagined asked what I would do when I stopped coming to work. My response seemed obvious -- "Anything I want!" I intended to spend at least six months sleeping late and puttering around the house in my pj's. And I did that. I also signed up for a boat load of online classes, from mindful meditation courses at UCLA, to permaculture gardening and a mystery knit along.

But puttering came to a halt in late 2015, when the election cycle started. I jumped into local, state, and federal election campaigns. I ran to be a Bernie Sanders delegate to the Democratic national convention in Philadelphia (I lost by one vote, but went to Philly anyway even though I could not get on the convention floor; that experience is a whole other story), I volunteered with various local and state candidates' campaigns (I lost 15 pounds walking neighborhoods to talk to voters and suffered one impressive dog bite), and I joined a bunch of social justice and progressive political action groups. Once the 2016 primary and general elections were over, I put my energy into the organizations I had joined. One of those was the League of Women Voters of the San Bernardino Area (LWVSB).

The LWVSB is a local affiliate of the national League of Women Voters (LWVUS) which has affiliate organizations in all 50 states. LWVUS celebrated its 100th anniversary last year. Its origin coincided with passage of the 19th Amendment. The League was formed to educate 20 million women about how to effectively exercise their newly acquired right to vote in order to shape public policy and improve government to benefit the lives of all people.

The League's focus has always been on educating voters about issues affecting government. After a century of practice, the League is incredibly effective at providing non-partisan voter information on ballot issues. The League does not endorse political parties or candidates for office. Here in California, our state League of Women Voters undertakes the often times daunting task of evaluating the referenda and initiatives on the statewide ballot in a publication called Pros and Cons. The LWV of California also maintains a website called VotersEdge.org (Vote411.org at the national level) that

provides detailed information about what's on the state ballot, as well as how to register to vote and where to vote.

State and local Leagues also host debates for candidates running for national, state, and local office. The League of Women Voters of the United States, through its educational foundation, hosted the presidential candidate debates beginning in 1976 and continuing through 1984. Until the 1976 League-sponsored presidential debates, the last time presidential candidates had publicly debated was 1960. After the 1984 election the two political parties took over the debates. Although their Commission on Presidential Debates asked the LWVUS to conduct the 1988 debates, the League declined because the parties had imposed too many restrictions. The League has not been involved in the presidential debates since then.

For the 2020 general election, conducted mid-pandemic, the LWVSB, recorded hours of video, in both English and Spanish, on each ballot initiative covered in the Pros and Cons. We posted those recordings, featuring our local members, on our website. We made video recordings of local candidate debates, and local and county-wide ballot measures. In the recent recall election, we provided information about the process (yes, you vote on whether the governor should be recalled, and then you can but do not have to vote for the person you want to replace him if the recall is successful). Like the national and state organizations, the LWVSB also conducted an education campaign about the census, and we now are focusing on local and state redistricting.

As part of our focus on effective government, the LWV and its state and local affiliates, conduct in depth studies of issues such as housing and homelessness, healthcare access, criminal law reform, expansion of the right to vote, and immigration reform, to name just a few. The studies often take years to complete and the information gathered is the basis for the many positions the League has adopted and continues to adopt.

Because we are a grassroots organization, we depend on member participation. Please become a member by going to my.lwv.org/california to find your local LWV.

Jody Isenberg is a happily retired attorney.



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HELPING OUR YOUTH WRESTLE THEIR WAY TO THE TOP

by Harlan Kistler

I first started coaching high school wrestling while I was attending the University of Iowa School of Law. I was coaching the Iowa Hawkeyes twice a week when a dentist invited me to assist him with coaching at a local Catholic high school in Iowa City, Iowa. I was only paid a small stipend, but it paid for the heat during the winter. One of my wrestlers placed 2nd in the Iowa State Tournament and he was recruited by my former wrestling coach, Dan Gable. I really liked the experience of helping others and it was far different from the solitary life of training as a wrestler since I was 10 years old. The head coach, Dr. Kanalis, was a good mentor when it came to being involved in the community.

When I returned to my hometown of Riverside, I started coaching at Temecula Valley High School in 1994 with my younger brother who lived in Temecula at the time. When he left to work in Pennsylvania, I continued coaching those dedicated wrestlers out of my garage, which was known back then as "Kistler's Dungeon." Canyon Springs and Temecula Valley High School organized my three car garage into a wrestling room with padded walls, so I could coach from my home two days a week. Mark Perryman, David Moore, and Judge Randy Stamen would participate in some of these practices and assist the high school wrestlers. Practically every single kid in that room placed top six in the California State wrestling tournament and we had several California State Champions. It was dedication, focus, and tenacity all on display.

Years later, Martin Luther King High School (MLK) was established and I started coaching there as an Assistant Wrestling Coach. After several years I stepped up to become the Head Varsity Wrestling Coach and ran both the youth group practices and the high school programs all year round. During the four month season, practices would be every night except Friday and tournaments would run all day Friday and Saturday. A very exhausting schedule to say the least.

When I first started coaching, my goal was to mold tough successful wrestlers and assist them with their goal of obtaining a college scholarship. Many wrestlers that I coached attended great schools and military academies on both academic and athletic scholarships. MLK has had 75 CIF placer winners, 23 CIF champs, 32 Masters placers (high placing in all 6 CIF's combined), 12 California State placers, 10 National high school placers, and academic awards too numerous to count. Nolan Kistler and Luke Troy were two of the high school National Champions for MLK. In 2020, the Riverside Unified School District built the MLK wrestling program a new wrestling room.

One of my former high school wrestlers changed my approach to coaching when he asked me to officiate his wedding ceremony. I had originally told him I was too busy. At the time I was the RCBA President and I had a heavy trial schedule, so I recommended judges that I knew who officiated wed-

dings. I informed him that I had no experience with this type of public speaking and with my time constraints, I would do a terrible job. However, his heartfelt response struck me to the core. When I heard his story about how much I had impacted his life, I was humbled, my heart sank, I was speechless and I was convicted. All of a sudden I felt like my greatest coaching accomplishment was right in front of me and I never saw it coming. All the team and individual successes meant less to me in the moment and it forever changed the way I would coach kids in the future.

From that moment forward, my coaching paradigm shifted to focus more on the total person and to help each kid with their everyday struggles. In 2008, my own two boys were coming up through the Junior High program, and I became more acquainted with the athletes and knew them on a more personal basis. I looked at team success a lot differently. My coaching focused more on life lessons and teaching student-athletes how to prepare for college or life thereafter, how to get through teenage drama and personal conflicts. I became a support mechanism for some kids who had a rough life. One wrestler even lived in my home for a year.

My oldest son coaches at North High School and we do intrasquad events between our teams. His wrestlers call me "Papa Kistler." When our two teams compete in the annual BIG DOG wrestling match between the North High Huskies and MLK Wolves we have fun and the winning team takes home a huge team trophy with a plaque indicating which team won for that season. This "Big Dog" event creates a lot of camaraderie between the two teams and neighborhoods. Each coach votes for the other team's MVP and that wrestler gets a medal placed around their neck during a ceremony and both teams pose for a team picture uniting the two communities. This year North and King wrestled at MLK on December 6, 2021.

I continue to coach the youth and high school programs and I thank God for the opportunity that I can play such an important role in shaping the lives and futures of so many different teenagers. I no longer consider it work but something that needs to be done for society as so many kids are lost and need to find their footing and direction in life. I am blessed that I have a skill that allows me to teach the youth and also provide life lessons along the way. After I officiated the wedding of my former wrestler, I have had other wrestlers ask me to stand for them at the altar and officiate that next chapter in their life.

Harlan Kistler is a past president of the RCBA and personal injury attorney for the Law Offices of Harlan B. Kistler.



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HOW I BECAME A DANNY ELFMAN FILM DIRECTOR

by Elio Palacios, Jr.

“We close our eyes and dream and another year has come and gone,” composer and songwriter Danny Elfman once penned. Elfman, front man of the band Oingo Boingo in the 1980s, is now famous for his movie scores, most notably for *The Nightmare Before Christmas*, and for the theme for *The Simpsons* television series. I have been a fan of Elfman’s music since his Boingo days and it has now been a few “another year . . . come and gone” since I became internet-search-connected to Elfman’s music.

The LA Film Festival and Danny Elfman in 2016 sponsored an independent filmmaker challenge in which Elfman offered free licenses to use music from his album *Rabbit and Rogue* in short films inspired by his album. A friend of mine shared the announcement for this project with me and other aspiring filmmakers and all I could think was “this looks like fun . . . what’s this?” In the press release for the filmmaker challenge, Elfman was quoted as saying “I have composed the soundtrack to your short film, now go make it!” And so I set off to make it.

Much like the start to drafting a legal brief, writing an article for *Riverside Lawyer*, or even naming a special pet, there is a lot of thinking and planning and idea vetting that goes into coming up with a short film concept – especially if you are a novice. Prior to embarking on this filmmaking challenge, I had been starting to take up screenwriting out of a lifelong interest in filmmaking. I had taken a screenwriting course through the Inlandia Institute, wrote a story for *Ghost Walk Riverside* (which was performed at the Museum of Riverside), studied a few different screenwriting and filmmaking books, and joined an area filmmakers’ networking and professional development group. Thus with confidence from ignorance due to only having this basic background, I dove freely and blissfully into making my short film.

Rabbit and Rogue was commissioned for the American Ballet Company and performed at the Metropolitan Opera House in 2008. You can find the music online - it is beautiful. I listened to the album to find a piece that worked for me. I had been, before learning of the *Rabbit and Rogue* film challenge, thinking of a short film concept about beginnings and endings, of the cycles of our days and lives and such. With this in mind, I decided on the piece “Gamelan” for the soundtrack for my short film because it seemed to have a fitting overarching rhythm to it. I now needed a name for the film.

As naming that special pet (or anything else important to you), naming a film can be an exercise in over-thinking and misplaced faith in one’s taste. I ended up deciding on the name *Tau* for my short film. The word “tau” is the name for

the 19th letter of the Greek alphabet and has been applied as a label for many concepts and principles of biology, physics, and mathematics. Of interest to me was that in ancient times, tau was a symbol for life or resurrection and this fit the concept for my film well. Besides, a three-lettered title for my short film was a nice aesthetic bonus.

Filming *Tau* would take place at two primary locations, the interesting of which was Griffith Observatory. I chose the Observatory because of the Foucault pendulum there. I filmed during public hours and the star was the pendulum (which is a device used to prove the Earth’s rotation), with its oscillating motion reflecting the theme of endings and beginnings. As a beginner, I filmed first and asked the Observatory afterward for permission to use the footage in my film and they were fine with my use of it.

Tau is a concept film that uses the piece “Gamelan” as its constant soundtrack. It opens with a commuter driving in to her garage at the end of the day. There are scenes of a circular sprinkler watering a lawn and then shutting off, then the sun going down at sunset at the beach, and midway we arrive at the Observatory where a man (played by myself) is observing the pendulum in contemplation and looking at the Ballin Murals on the ceiling above the pendulum. The piece has been building up to this point, the halfway, and then shifts to a more upbeat tempo. Then scenes follow of a male youth observing the pendulum in wonder and looking at the same murals, the sun rising over a lake at sunrise, the same sprinkler turning on to water the lawn, and then the commuter enters her car and drives out of the garage to go to work as the piece comes to its triumphant crescendo. The music then subsides as the scene fades to black and credits roll.

I submitted *Tau* in May of 2017 and it was accepted into the challenge. While my film did not win any award, I was able to get my filmmaking credit listed on IMDb because the film had been accepted into a film festival event. Internet search my name together with Danny Elfman’s and you will find me listed as a Danny Elfman film director, which, I suppose, will now be as an indelible part of my “permanent record” of life as is my bar number. As Danny once wrote, “we’re on a roller coaster ride that could never turn back.” Enjoy as best as you can your roller coaster ride on whichever path it takes you.

Elio Palacios, Jr., is an attorney practicing in Riverside and has been active in the community serving on various nonprofit boards and city boards and committees for many years. He is currently cast in the role of Baptista in The Taming of the Shrew for a virtual play to be performed in 2022.



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CHANCES ARE EVERYTHING

by Robert L. Rancourt, Jr.

March 28, 2020 was supposed to be our special day: The decade anniversary of our first date and our wedding. We even designed our rings to contain 10 channel diamonds and measure 10 millimeters in width. Although the pandemic made us reschedule, we later learned that it would still be a very special day for us.

Instead, on September 7, 2020, we eloped to Las Vegas with two best friends as witnesses. Pandemic be damned, we insisted on commemorating our decade together with nuptials and no regrets.

In what seems like another life now, I spent 28 years in the closet internalizing cultural homophobia and wondering whether I would ever have the chance for a loving family. Growing up in the chaos of domestic violence, substance abuse, and limited resources, had already instilled plenty of shame.

Coming out and overcoming this upbringing were two of many difficult life experiences that would add hard edges to my personality. Softening these hard edges remains part of life's daily work today. A confident demeanor, arguably a prerequisite to being a litigator, hides the hardscrabble story of my life.

It is such a truism though: "Tough times never last. Tough people do." No doubt my earlier life made me tough in more ways than one.

Brené Brown teaches that vulnerability is the antidote to shame. So does my dog, Max.

Max too has a difficult personality. What happened in his first five years of life that formed his tough exterior remains a mystery. But no doubt it was hard.



On March 28, 2020, instead of getting married, an animal shelter picked up Max roaming the streets as a stray dog. What were the chances?

My spouse agreed to that first date, we moved in together, and *Obergefell v. Hodges* (2015) 576 U.S. 644 became law. As inevitable disagreements happened, I gave my partner teddy bears, once as a Valentine's gift, once with a request for forgiveness, and he said that he often found solace in these teddy bears. Close friends gave us a Build-A-Bear as a gift, and we eventually came to consider these three teddies our "kids."

As sheltering in place took hold last year, I realized I had my loving family after all. My husband and I then thought about adding to this little family of ours. Our friends have a Goldendoodle we love, so we put down a deposit and were added to the list.

Not having had pets since childhood, we wanted to prepare ourselves. So, we decided to become doggy foster parents as we awaited the arrival of our final family member.

Max's photo jumped off the screen: He resembled our teddy bear kids! Becoming "prepared" or "foster parents," however, didn't quite work out.

The rescue agency warned us. Max is "aloof;" he does not like affection. Worse still, he has a bite history.

We gave Max what the agency later told us was his last chance. Soon we saw his hard edges. Hardly a lap dog, he growled and snapped sometimes. He tried to fight dogs three times his size. He was frequently regurgitating, so we took him to a vet. It turned out that he has a serious medical condition that apparently no one previously had the time and willingness to discover.

Yet Max stole our hearts and became the final member of a loving family for which, at one time, I thought I never had a chance. But Max's biggest surprise for me was not that we would adopt him, cancel our Goldendoodle order, or learn about his disease.

Rather, Max teaches me about true self-worth. The kind that unseats deep-seated insecurities and wards off shame.

Sure, Max is difficult. He requires prescription medication dosed twice daily and needs multiple smaller feedings a day. He growls at us while motioning his paw suggesting he would like more petting. He snaps at friends and strangers. He has bitten others. He often overreacts. It is hard to take him places.

I get it, Max. More than once, I too have been told that I am difficult. I too overreact and snap sometimes. I too do not care for a lot of affection.

Yet I love Max unconditionally. When he misbehaves, it frustrates me. But in Max I see my own hard edges, and I realize, despite them, I know unconditional love, no better measure of a family and quality of life. Like Max—and so many of my clients—I understand that I am a worthwhile work in progress.

Before, I never thought about giving a dog a chance at a rescue. Now, I see that Max has given me the chance to complete my loving family and combat the occasional self-loathing pity party. Max's last chance was everything for he and us.

Annually, shelters euthanize approximately 390,000 dogs nationally. To date this year, county animal control has euthanized 57 dogs that could have been saved. The statistics for cats are much worse!

Are you able to rescue an animal? If you cannot rescue, perhaps you can foster, donate, or volunteer. Or, perhaps just give yourself, someone else, or a cause a first, another, or a last chance. Giving and receiving chances can be everything.

Bob Rancourt is in his 20th year as a Deputy Public Defender with the Law Offices of the Public Defender, County of Riverside, where he is presently assigned as a lead attorney in the Banning Office. He is forever grateful to the organizations who were vital in making Max part of his family, including I.C.A.R.E. (Into Canine Adoption, Rehabilitation, and Education) Dog Rescue, Second Chance Canine Rescue, and Inland Valley Humane Society & S.P.C.A. The views, thoughts, and opinions expressed belong solely to the author and not necessarily to the author's organization or any other group or individual.



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FAMILY LAW LAWYER BECOMES A CHILD CUSTODY EVALUATOR

by Dr. James Husen

As a family law lawyer for 20+ years, high conflict custody cases were among my most professionally challenging and difficult cases. I often hired child custody evaluators to assist with them. The reports helped immensely even in those cases that went to trial.

Child custody evaluations help children by helping resolve high conflict custody cases. Becoming a psychologist / child custody evaluator has given me the privilege of studying children in their relationships with their parents and families and hopefully writing helpful reports. “Research has consistently demonstrated that CCEs [Child Custody Evaluations] lead to the parties reaching settlement before trial in 70 to 90 percent of cases, and judges follow recommendations made in CCEs more than 90 percent of the time (Saini, 2008).”¹

Evaluating a family feels like riding a roller coaster. I interview one parent. In understanding his/her point of view I think, *Oh my gosh, that other parent is horrible*. Then I talk to the other parent. Now I think, *Oh my gosh, I don't know what to think?* I assess the parents using psychological tests. I observe and interview the children at least twice. I study the documents (sometimes thousands of pages), watch videos of the parents and children, interview therapists, doctors, other family members, and the parents again.

Drawing on 20 years as an attorney, more than 10 years of advanced study, and over ten thousand hours of work with families, children, and adults in mental health settings, the law and psychological principles of the case emerge.² I attempt to discern and apply the scientific psychological literature and the law of the case.

1 Alison T. O'Neill, Kay Bussey, Christopher J. Lennings & Katie M. Seidler (2021): What constitutes a high-quality child custody evaluation? A qualitative analysis, *Journal of Family Trauma, Child Custody & Child Development*, DOI: 10.1080/26904586.2021.1951419 citing Saini, M. A. (2008). Evidence Base of Custody and Access Evaluations. *Brief Treatment and Crisis Intervention*, 8(1), 111–129.

2 The 10,000 hour rule comes from a study of top-level violinists where it was found that on they practiced on average more than 10,000 hours by the time they reached their peak in performance. (Ericsson, K. A., & Charness, N. (1994). Expert performance: Its structure and acquisition. *American psychologist*, 49(8), 725-747; See also Ericsson, K. A. & Pool, R. (2016). *Peak: Secrets from the new science of expertise*. New York: Mariner Books on Scribd)

These cases often involve cross-allegations of abuse, domestic violence, parental alienation, etc. by the parents and their families. Children Protective Services is often involved. One of these cases involved allegations of ritualized sexual abuse of a grade school child. The child was using weapons on his/her siblings and engaging in other bizarre sexual behaviors. It was all very alarming. Ultimately, I felt the report explained the phenomena well and materially helped with decisions benefiting the child and his/her siblings over time.

What I am doing now in my forensic work as a psychologist is somewhat similar to what I had been doing as an attorney—helping families and their children. However, the work is coming from a different angle. A good portion of my advanced and ongoing training as a psychologist involves being aware of and controlling for bias.

When retained by one side or the other for a case, I can feel the emotional pull of bias and try to control for it. Although nearly all forensic psychologists attempt to remain free of bias when retained by one side or the other, the fact is that only about 20 percent manage to stay neutral.

However, when appointed as a child custody evaluator by the court, there is an inherent neutrality similar to that of the bench. Child custody evaluators have guardrails protecting against bias in gathering data and formulating opinions. I think the power of child custody evaluations to promote settlement and resolution of high conflict custody cases comes from this, the methodological and intrapsychic safeguards established and used to protect against bias in gathering data and formulating one's opinions.

I am grateful to my family, professional staff, professional colleagues, the RCBA, and the bench for allowing opportunities to develop myself over time. I am really enjoying this fascinating and challenging professional niche.

Dr. James (Jim) Husen grew up in Corona, was in the Navy for 7 years, practiced law for 20 years in Riverside and is now providing forensic and clinical psychological services. In his spare time, he likes to hike, read, and watch movies and television.



THE THRILL OF A NEW ENDEAVOR

by Eugene Kim



By day, I am a business litigation attorney in Riverside, but by night I become a full-fledged motocross coach and mechanic for my son. This is not something I aspired to do. Growing up, I played football, I wrestled, and I ran track. But I literally had no experience in motocross. I thought it was crazy to ride a motorcycle. I mean, who would choose to hit a 90 foot jump with 40 other people on two wheels while jockeying to gain position?

This journey into motocross, which has been the most rewarding experience of my life so far, parallels my career as an attorney in many ways. Just like a first-year attorney, I spent hours inside my garage just trying to figure out how a dirt bike works. No different than researching legal issues and Googling legal theories, I spent hours studying the owner's manual, watching YouTube videos, and scouring internet forums just to figure out how to repair and maintain a dirt bike.

But getting mired in the details is no fun unless you also get a taste of the thrill. I still remember how excited I was to take my first deposition, conduct my first trial, and argue my first hearing before the court of appeals. As a motocross coach, I get the same excitement and adrenaline rush when I see my son line-up to the gate for a race. At first, it was the local races, then the regional races, and now we travel all over the country to compete at the national races.

In the end, there is nothing more gratifying than bonding with people and creating new relationships with people that share a

common goal. For me, the best part of being an attorney is appreciating the great relationships I have built through my involvement at various bar associations, valuing the bonds I created with other attorneys in my firm, and respecting the clients who vested their trust in me. Similarly, the best part of being a "moto-dad" is forming new connections with other families at races, spending countless hours with my son's training partners and their families, and acknowledging my son's sponsors who help make his dream become reality.



Being an attorney has been a wild and fulfilling ride. Being a motocross coach and mechanic has been equally rewarding and challenging. But in the end, there is nothing I would rather do. I am proud of my accomplishments as an attorney. I am equally proud of my son, his accomplishments, and my growth as a coach, mechanic, and father. Looking back at both experiences, I learned that if you love what you do, you will invariably surround yourself with people that also love what they do. Yes, there are hard times, obstacles, and setbacks. But carrying a genuine passion for what you do will change your perspective and make the journey gratifying and exhilarating.

Eugene Kim is a Shareholder at Stream Kim Hicks Wrage & Alfaro.



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IN MEMORIAM: HARRY JAMES HISTEN, III

SEPTEMBER 19, 1942 – OCTOBER 11, 2021

Harry J. Histen, III passed away on Monday, October 11, 2021, after suffering from dementia. Harry passed peacefully at home with his wife, Sherise and his sister, Jeanne Brown at his side.



Harry was born on September 19, 1942 in St. Louis, Missouri to Harry James Histen, II and Helen Marie Histen. He was the second oldest out of five children. At the age of nine Harry had his own paper route.

Early on Harry followed his dad's footsteps and studied to become an engineer.

He later changed his major to computer science and became a programmer. He worked at North American Rockwell from 1966 to 1976 on the Apollo 8 program. He served two years in the Navy during that time, on a minesweeper in the Vietnam War. He always joked about being in the Navy by saying "he'd rather be laughed at than shot at."

Eventually he decided to follow his real calling as an attorney. He attended night school while he was at Rockwell, supporting his then wife, Shirley and their two children. As an attorney at law, Harry opened his own practice in Riverside in 1976, practicing family law and some criminal law. Later he focused on estate planning, wills, trusts, and probate. Harry decided, to better serve his clients with their estate planning, and earned a degree in taxation in 1998. Harry served as president of the Riverside County Bar Association from 2009 to 2010.

Harry is survived by his wife, Sherise M. Histen, her daughter Sahdia Ayuso, his children Derek Histen, Kerry Histen, adopted daughter Stefanie Ellie, a granddaughter Chloe Blood, two sisters, Eileen Histen and Jeanne Brown, brother-in-law, Alex Brown, brother Tom Histen and three nieces, Dawn Histen Abbott, Kim Histen Robinson, Ronda Ramey, four nephews Michael Brown, Tim Brown, Greg Brown, his wife, Juliana and Gordon Brown, his wife, Amanda, and many friends.

Harry loved everyone, but his greatest love was his wife, partner and very best friend, Sherise.

Love bears all things, believes all things, hopes all things, endures all things. 1 Corinthians 13:7

Acknowledgements

from Sherise Histen

Jeanne Brown (Harry's sister), my mother for being there for me. Charlene Nelson at the Riverside County Bar Association, and Dan Olson for assisting in his workload; Richard Pershing for handling my husband's last probate case, and last but not least, Judge Tom Cahraman for always being fair in the courtroom.

We sincerely appreciate the token of love you have provided which means so much to our family. The family would like to take this opportunity to express our sincerest appreciation for the thoughtfulness presented to us and love we have been given during our time of bereavement. May God Bless You!

Remembrances and Tributes

by Hon. Chad Firetag

The first time I met Harry Histen was when I served on the RCBA Board of Directors as a new board member. I remember walking into the boardroom a little unsure of what I was to do or how I would be accepted. Although I had been part of the RCBA for several years, to be frank I had no idea how the Board operated, and also to be frank, I was a little intimidated even being there.

But all my fears were gone when I walked in the door because the first person to greet me was Harry. He enthusiastically shook my hand and welcomed me to the group. At that point, I did not feel out of place or like an outsider; that simple act made me feel accepted and welcomed. When the meeting started, he introduced all of the new board members and said a few words. He conducted our business meetings with efficiency and skill.

For those that knew Harry, this will come as no surprise. Harry was one of those persons who was always smiling and upbeat. I never heard him say a bad word about another lawyer or speak ill of a client. His earnestness was infectious. He could charm you with a sly smile and a quick turn of words. Harry epitomized the definition of an optimist.

Years later, when I assumed the bench, one of my first assignments as a judge was to our family law court. I have always been impressed with the quality of our bar and the lawyers who appeared in front of me. Harry was one of those lawyers. He was never mired in the contentiousness that

sometimes comes during the heat of family law litigation. Instead, he exemplified the qualities of professionalism and hard work in order to achieve good results for his clients.

But while I could certainly give more anecdotes to describe Harry, I think actually Harry's own words say it best. In preparation for this short memoriam, I took a look through some of Harry's old bar president messages. If you ever have a chance, I would encourage you to go through some of Harry's messages to get a real flavor of who he was. From topics as varied as the importance of diversity in the courts [May 2010], to a class he took as a freshman in Aristotelian Logic and Objectivism [June 2010], Harry had no shortage of ideas. But it was his commitment to the ideals of the RCBA and our role as professionals that I wanted to highlight. In his February 2010 address, Harry wrote:

The stereotype of family practice as an endless parade of soul-draining moments is untrue. Family lawyers deal with real people facing crises that go to their essence. There is satisfaction, distinction and honor in helping people in stressful times. Although the parties' emotions may escalate, good family lawyers can and do rise above them. I believe that we are in very good shape here.

I could not have said it any better, Harry. Thank you for your example.

by David Bristow

Harry Histen was the quintessential lawyer, a sole practitioner whose favorite client was the underdog and who never tired of championing the legal profession. I first met him when I was in law school and he had an office in the firm's building. He did not stand on formality and treated me the same as he treated the named partners in the firm, which was warmly. He was happy to give advice and would often make your problem his own to help figure out the solution. Throughout my career, Harry remained steadfast in his friendship and provided thoughtful counsel and terrible jokes. He also maintained that essential trait of a lawyer, the courage to speak truth to power. He was always engaged with the Riverside County Bar Association, and late in his career, he became even more so, winning a seat on the board and eventually becoming president. Like the rest of us who were fortunate to know Harry, the staff at the RCBA learned how committed and supportive he was to the mission of the organization and he endeared himself to all of them, as well as to his fellow board members. I am so very fortunate to have been friends with Harry and can only hope that I can have as much of an impact on the local legal community as he did. He will be missed.

by Jeb Brown

Harry was a kind, funny lawyer who always gave practical advice to his clients. Harry cared deeply about being a lawyer and cared deeply about the legal community in Riverside. He devoted much of his professional life to nurturing the special environment that we all share as

lawyers in the Inland Empire. All of us who are fortunate to practice here owe Harry a debt of gratitude.

by Robyn Lewis

While I was so very sad to hear of his passing, I was honored by the privilege of having been asked to say a few words about my friend, Harry Histen. Harry was one of a kind. And he will be dearly missed by those who knew him and loved him.

I was a young attorney when I first met Harry. I do not remember the exact circumstances of our first meeting other than that it was at a bar function. I was immediately struck by his warmth and his ability to make me feel welcome in a community, to which I was brand new.

As I got to know Harry better over the years, my favorite part about him was his wit and his sarcasm. How I appreciated his sarcasm! I also quickly realized that Harry was super smart. So it came as no surprise to me when I learned that the law was his second career. Harry had previously worked for Rockwell International Corporation on the Space Shuttle and Apollo as a rocket scientist. So when he would say, "this isn't rocket science," I figured he knew what he was talking about! Not only did he have his JD and a BA in math, but Harry also had a MS in taxation. He truly was an incredibly intelligent man.

Harry and I served together on the RCBA Board of Directors. As we both became members of the executive board, I was always impressed with his leadership and his kindness. When Harry served as the RCBA president-elect, I was serving as its chief financial officer. That year, the late E. Aurora Hughes was serving as our president. During the board's orientation meeting, Aurora gave us the devastating news that she had been diagnosed with ALS or Lou Gehrig's Disease. Even though she had received this terminal diagnosis, she wished to proceed as best she could with carrying out the terms of her office. Without hesitation, Harry was the first person to volunteer whatever help he could to carry out that wish.

I watched that year as Harry graciously helped Aurora in many of the tasks of the RCBA president. He did so without trying to take any of the credit and generously volunteered his time to make sure that Aurora had the best year that she could.

Harry again touched my heart when my husband and I lost our first daughter. He was one of the first people of the legal community to reach out to me to extend his condolences and to offer any assistance that he could while we were struggling at one of the most difficult times in our lives. I will always remember his kindness and his friendship but most appreciate his support at that difficult moment.

Harry also extended that kindness and desire to help others into his law practice. He worked with people in probate matters and assisted those who had elder law issues.

Like others who had the privilege of knowing Harry, I will miss him. He truly was one of the best.



PROPOSED BUDGET 2022

Riverside County Bar Association Proposed 2022 Budget
(to be approved at the January 21, 2022 General Membership Meeting)

REVENUES	
Bar Magazine Advertising	\$57,000.00
Committee/Section Meetings	\$ 3,500.00
Conf. Room Rental Fees	\$1,200.00
DRS Reimbursements	\$90,000.00
Fee Arbitrations	\$ 5,500.00
General Membership Meetings	\$6,500.00
Installation Dinner	\$ 15,000.00
Interest & Dividends	\$ 500.00
Labels & Rosters	\$ 200.00
Lease Income	\$ 220,000.00
LRS Panel Dues	\$ 8,000.00
LRS Percentage Fees	\$165,000.00
LRS Referral Fees	\$ 60,000.00
Mock Trial T-Shirts	\$ 700.00
Parking Space Fees	\$ 2,400.00
RCBA Membership Dues	\$ 115,000.00
Misc Income/Refunds	\$100.00
TOTAL REVENUE	\$750,600.00
EXPENSES	
Bank Service Charges	\$ 8,000.00
Bar Magazine Production/ Mail	\$ 52,000.00
Bldg Maintenance & Repairs	\$ 30,000.00
Bulk Mail/Magazine	\$5,000.00
Committee Meetings	\$ 600.00
Conference of Delegates	\$ 2,000.00
CPA/TAX/Payroll Services	\$ 10,000.00
Donations	\$ 500.00
Employee Benefits/ Medical	\$ 34,000.00
Employee IRA	\$ 5,000.00
Employee Salaries	\$ 270,000.00
Florist	\$200.00
General Membership Meetings	\$ 6,500.00
Good Citizenship- Photographer	\$220.00
Installation Dinner	\$ 15,000.00
Insurance - Workers Comp	\$ 1,100.00
Insurance - Building	\$ 13,500.00
Insurance - Bond	\$439.00
Insurance - E & O	\$ 925.00
Computer/Web Services	\$12,500.00
Interpreter Service	\$200.00
Janitorial Services	\$ 34,800.00
Janitorial Supplies	\$ 4,000.00
Licenses, Dues	\$1,000.00
Loan Interest - Provident	\$17,410.00
LRS Advertising	\$ 5,300.00
LRS Google Ad Campaign	\$27,600.00
LRS Recertification	\$2,333.00
Meeting Refreshments	\$ 2,000.00
Miscellaneous Expense	\$ 250.00
Mock Trial - State	\$ 1,000.00
Mock Trial T-Shirts	\$700.00
Office Equip - Maint/ Lease	\$ 11,000.00
Office Supplies	\$ 5,000.00
Payroll Taxes	\$ 24,705.00
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Utilities	\$ 42,000.00
TOTAL EXPENSES	\$ 682,382.00

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4129 Main Street, Riverside. Next to Family Law Court, across the street from Hall of Justice and Historic Courthouse. Office suites available. Contact Charlene Nelson at the RCBA, (951) 682-1015 or rcba@riversidecountybar.com.

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

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.

Riverside Superior Court – Update on Mandatory Date for Civil eFiling

Due to local rule requirements, the Riverside Superior Court is revising its mandatory date for Civil eFiling to January 1, 2022. This means that the court will remain in our optional (voluntary) period for eFiling until then. eSubmit will remain available for small claims, UD and civil until January 1, 2022.



MEMBERSHIP

The following persons have applied for membership in the Riverside County Bar Association. If there are no objections, they will become members effective December 30, 2021.

Courtney Medina – C Medina Law Inc., Upland

Shyneisha L. Rous'e – Law Office of Michael L. Fell, Irvine





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