

# RIVERSIDE LAWYER

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MAGAZINE

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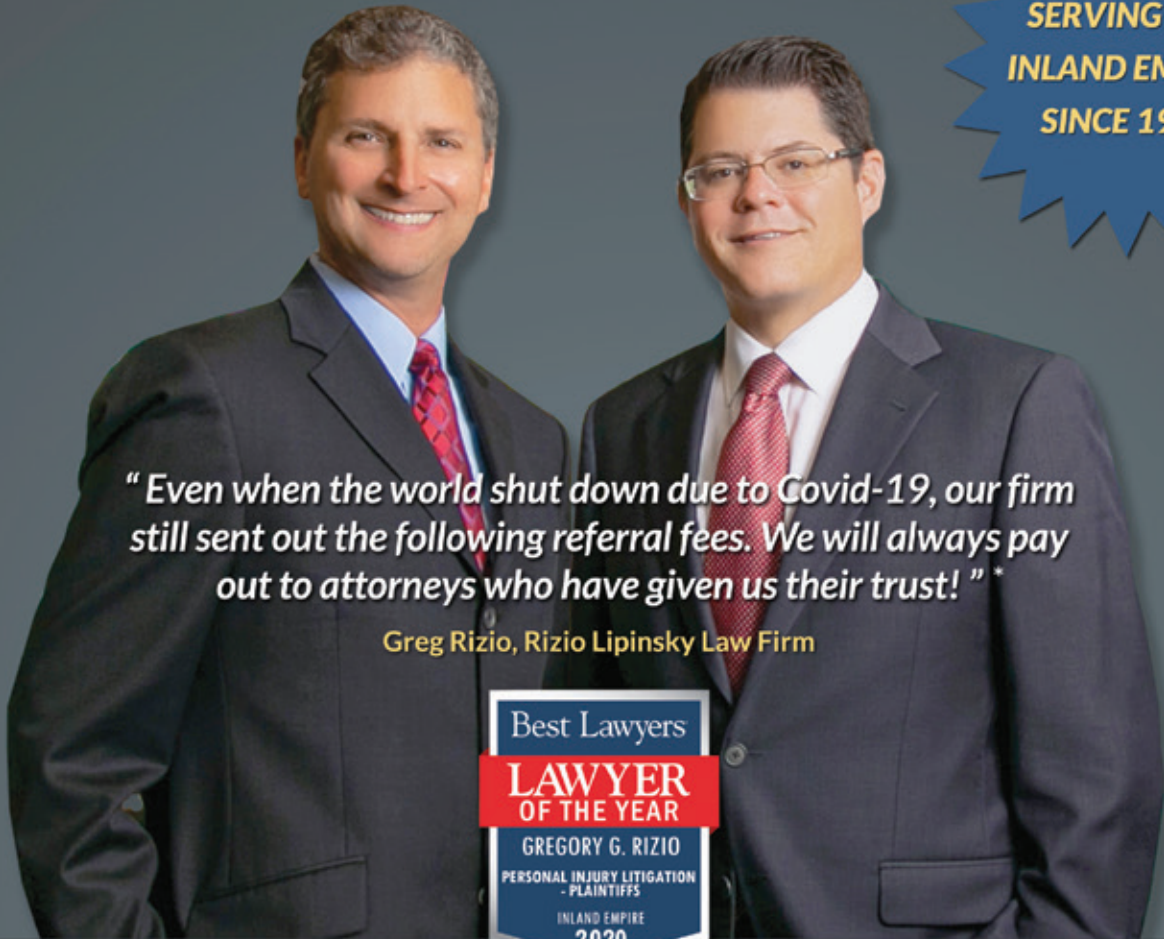
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# RIVERSIDE LAWYER

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 6<sup>th</sup> 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

## May

- 3 Civil Litigation Roundtable with Hon. Craig Riemer**  
Zoom - Noon  
MCLE
- 4 Juvenile Law Section**  
Zoom - Noon  
Speaker: Sabrina Forte  
Topic: "Transition Services for Youth in Foster Care and Juvenile Justice" - Part 1 of 2 (part 2 on May 18)  
MCLE
- 11 Civil Litigation Section**  
Zoom - Noon - 1:15 p.m.  
Speakers: Justice Kathleen O'Leary, Casey Johnson, Aitken Aitken Cohn, Clare Lucich, Bentley & More  
Topic: "Government Tort Immunity: What You Need to Know about Recent Developments in Government Tort Immunity and How to Get the Evidence to Support Your Case"  
MCLE
- 11 Special Program**  
Zoom - 5:30 - 7:00 p.m.  
Topic: Judicial Appointments Process: What You Need to Know - Special program for Riverside and San Bernardino Counties  
Speakers include: Gonzalo C. Martinez, Stella Ngai, Hon. Marsha Slough.  
Moderated by Hon. Raquel Marquez with special introductions by Hon. John Monterosso and Hon. Michael Sachs
- 13 Retirement Reception for Judge Jackson Lucky**  
Zoom - 5:15 p.m.
- 14 General Membership Meeting**  
Zoom - Noon - 1:15 p.m.  
Speaker: Mike Hestrin, Riverside County D.A.  
Topic: "Criminal Law Legal Update"  
MCLE
- 18 Juvenile Law Section**  
Zoom - Noon  
Speaker: Sabrina Forte  
Topic: "Transition Services for Youth in Foster Care and Juvenile Justice" - Part 2  
MCLE
- 20 Solo/Small Firm Section**  
Zoom - Noon - 1:30 p.m.  
Speaker: Ken Matejka, Esq.  
Topic: "Budget-Conscious Legal Marketplace Opportunities and Constraints of the Rules of Professional Conduct"  
MCLE - 1 hour Ethics
- 24 Estate Planning, Probate & Elder Law Section**  
Noon - Zoom  
Joint program with the SBCBA. Presentation will be by the San Bernardino County Assessor/Recorder Office regarding Prop 19 Implementation and e-recording. More information to be announced.
- 25 Juvenile Law Section**  
Zoom - Noon  
Topic: "Juvenile Dependency: New Laws effective in 2021"  
MCLE

*Please see the calendar on the RCBA website ([riversidecountybar.com](http://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](http://riversidecountybar.com).*





# PM President's Message



by *Sophia Choi*

May is Asian Pacific American Heritage Month and I am proud to be an Asian-American-Californian-Riversidian celebrating my heritage. Asian Pacific Americans have a rich heritage and have helped shape the history of the United States. Asian Pacific American Heritage Month is even more meaningful to me this year as I hear about the various anti-Asian hate crimes related to the COVID-19 pandemic, particularly against the elderly. Although not all crimes against Asian Americans can be categorically deemed a targeted hate crime, crimes committed with accompanying remarks, such as “Go back to your country,” are saddening to hear about. I hope that May is a time to reflect on the diversity of the United States and recognize and appreciate that we are a nation of Americans, each person with a beautiful heritage to be cherished and respected. I am very fortunate to be a part of this Riverside legal community that embraces this and has shown nothing but cultural inclusion and appreciation.

In allowing me to identify myself as a Korean American, there are so many people who have paved this path to thank, including Ahn Chang Ho, who was a Korean independence activist and one of the leaders of the Korean American immigrant community in the United States. My parents came to the United States and attended the University of San Francisco, where they fatefully met. I was born and raised in California, but have always been connected to my Korean heritage roots. My sister and I are both fluent in Korean because my parents raised us to always speak in Korean at home so that we will always have a connection to our Korean language. I am so grateful they did so because that has allowed me to be fluent in Korean and to be able to read and write in Korean as well. This fluency has given me the ability to help serve as a liaison between the non-English speaking Korean community and

the English-speaking community in many different capacities, including for church. Several years ago, I was a parishioner of a very small Korean Catholic community in the Inland Empire, with mostly an elderly generation speaking little to no English. I assisted them in personal matters to translate, and I served as a liaison between the Korean Catholic community and the San Bernardino Diocese. In college, I was a general manager of the Southern California Korean College Students Association and we often did community outreach, including encouraging voter registration. I assisted some non-English speaking elderly Korean Americans sign up to vote. As a board member of the Korean Prosecutors Association, we also do a great deal of community outreach activities, including seminars regarding domestic violence awareness and reporting for Korean Americans primarily living in Koreatown in Los Angeles. My ability to speak in Korean served as a bridge for me, allowing me to help others. It has also helped me substantially in learning about my Korean heritage and appreciating every part of it.

This led me to the realization that divisiveness is largely a result of language barriers and lack of cultural understanding. Asian Americans with heavier accents or inability or limited ability to speak English tend to face greater discrimination, or Asian Americans who adhere to certain cultural practices sometimes receive racially insensitive remarks. I believe that cultural insensitivities predominantly arise from lack of cultural knowledge, not vice versa. I hope that we all become open to learning and appreciating the different heritages and the uniqueness and beauty of each one of them.

As it is Asian Pacific American Heritage Month, I cannot help but to mention APALIE. In 2012, a group of friends and I established APALIE, the Asian Pacific American Lawyers of the Inland Empire, of which I was honored to serve as its inaugural president. I still maintain close friendships with many of the co-founders, including but not limited to my sister Sylvia Choi, Eugene Kim, Lloyd Costales, Justin Kim, Jerry Yang, Julius Nam, and Judge Jackson Lucky. I cannot believe next year will already be its tenth year anniversary!

In providing RCBA members with an update on RCBA activities, I would like to thank you for allowing RCBA to thrive. RCBA this year increased in membership and advertisement revenue. Additionally, the RCBA building has only two vacant offices left! Thank you very much for your membership and love of the RCBA! If you have suggestions for programs, please let us know.

I would like to end with this famous folk song by American folk singer Woody Guthrie in 1940, which now keeps replaying in my head, “This Land is your land and this land is my land. From California to the New York island, from the redwood forest to the Gulf Stream waters, this land was made for you and me.” Happy Asian Pacific American Heritage Month. Let us embrace and appreciate all the beautiful heritages that make up America, a land that was made for you and me.

*Sophia Choi is a Riverside County deputy district attorney, past president of the Leo A. Deegan Inn of Court, inaugural president of APALIE, and past vice president of the Korean Prosecutors Association.*





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# BARRISTERS PRESIDENT'S MESSAGE

by Goushia Farook and David P. Rivera



## Barristers Support the Asian-Americans and Pacific Islanders Community

Over the past year, as we have all struggled through a pandemic—regardless of race, ethnicity, color or creed—physical violence, harassment and verbal abuse against Asian-Americans and Pacific Islanders (AAPI) has

dramatically escalated. In sixteen of America's largest cities, anti-AAPI hate crimes increased 145%, even as overall hate crimes dropped 6%.<sup>1</sup>

In the past few months alone, a Filipino woman, Vilma Kari, was brutally attacked in New York;<sup>2</sup> an elderly Thai immigrant, Vichar Ratanapakdee, died after being violently shoved to the ground in San Francisco;<sup>3</sup> a Filipino immigrant, Noel Quintana, was slashed across his face, ear to ear, in New York with a box cutter;<sup>4</sup> more than twenty small businesses suffered robberies and attacks in Oakland's Chinatown.<sup>5</sup> These are only a few examples.

News of anti-AAPI violence is received with particular distress in Riverside County, which boasts a large minority population, and where, for many, diversity is a distinct point of pride. Many of us are part of the AAPI community, or we count its members among our friends, neighbors, and loved ones.

In the wake of these tragic events, we are reminded of California's Attorney's Oath, which includes a promise to be civil to others—to treat others with "dignity, courtesy and integrity."<sup>6</sup> These principles should guide us all, not only in our professional conduct, but in our personal lives. And we note that they are aptly consistent with the spirit of reconciliation, peace, and forgiveness that was celebrated recently as part of the Lunar New Year.

1 Ctr. for the Study of Hate and Extremism, CSUSB, Anti-Asian Hate Crime Reported to Police in America's Largest Cities: 2019 & 2020, Original Rep. on Hate and Terrorism from Ctr. Staff (last rev. Mar. 21, 2021), <https://www.csusb.edu/sites/default/files/FACT%20SHEET-%20Anti-Asian%20Hate%202020%20rev%203.21.21.pdf>.

2 Jonah E. Bromwich, Doormen Who Stood by After Brutal Attack on Asian Woman Are Fired, N.Y. Region (Apr. 6, 2021), <https://www.nytimes.com/2021/04/06/nyregion/anti-asian-attack-midtown-doormen-fired.html>.

3 Kyung Lah & Jason Kravarik, Family of Thai Immigrant, 84, Says Fatal Attack 'Was Driven by Hate', U.S. (last updated Feb. 16, 2021), <https://www.cnn.com/2021/02/16/us/san-francisco-vicharatanapakdee-asian-american-attacks/index.html>.

4 Wendy Grossman Kantor, Filipino American Man Recounts Brutal Attack with Box Cutter on N.Y.C. Subway: 'Nobody Helped', Crime (Feb. 18, 2021), <https://people.com/crime/filipino-american-man-recounts-brutal-attack-with-box-cutter-on-n-y-c-subway-nobody-helped/>.

5 Isa Peralta, Oakland Chinatown Hit with over 20 Attacks Targeting Elderly, Women in 2 Weeks, News (Feb. 1, 2021), <https://nextshark.com/oakland-chinatown-victim-reported-robberies/>.

6 Cal. R. Ct. 9.7.

Riverside County Barristers Association is committed to anti-racism. We stand in solidarity with others—including the Asian Pacific American Lawyers of the Inland Empire (APALIE), the Richard T. Fields Bar Association (RTFBA), and the Hispanic Bar Association of the Inland Empire (HBAIE)<sup>7</sup>—in embracing civility and peace, and in denouncing hatred and violence.

## A Safe Space Welcomes You

On behalf of the Barristers Board, I welcome any discussion about this ongoing issue in our AAPI community. If you have been a victim, feel you have been discriminated against or feel unheard, we are here for you. Please do not hesitate to contact me or anyone on the Barristers board. We want to create a safe space where you can come to peers and friends to discuss any issues openly and comfortably. If, in your current experiences, you feel there is a need for greater community involvement, forums, roundtable discussions, or other options please let me know. Ours is a community of diversity and we stand by you, we hear you, and we support you.

## Upcoming Events

Stay tuned for upcoming events!

## Follow Us!

For upcoming events and updates:

Website: [RiversideBarristers.org](https://RiversideBarristers.org)

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

Instagram: [@RCBABarristers](https://Instagram.com/RCBABarristers)

If there are any events you would like to see the Barristers host, MCLE topics you would like to see covered, or community outreach options, please contact us and we would love to explore those ideas with you. You can also reach me personally at [goushia@brlfamilylaw.com](mailto:goushia@brlfamilylaw.com).

*Goushia Farook is an attorney at Bratton, Razo & Lord located in downtown Riverside where she practices exclusively in the area of family law. She is a member of the board of directors of the Inland Counties Legal Services (ICLS) and a member of the Leo A. Deegan Inn of Court and Asian Pacific American Lawyers of the Inland Empire (APALIE). Goushia can be reached at [goushia@brlfamilylaw.com](mailto:goushia@brlfamilylaw.com).*

*David P. Rivera is a solo practitioner of business law in Highland. He is the treasurer of the Riverside Barristers, a founding member and the treasurer of the Hispanic Bar Association of the Inland Empire, and a member of the RCBA Bar Publications Committee.*



7 APALIE, HBAIE & RTFBA, Statement on Anti-Asian and Pacific Islander Violence and Incidents, Facebook (Mar. 24, 2021), <https://www.facebook.com/AsianPacificAmericanLawyersInlandEmpire/>; APALIE, HBAIE & RTFBA, Facebook, (Mar. 30, 2021), <https://www.facebook.com/HispanicBarAssociationIE>.



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# PRACTICING RESPONSIBLY AND ETHICALLY: KOREMATSU AND THE DUTY OF CANDOR

by David Cantrell & Brad Zurcher

Engaged in zealous advocacy, attorneys sometimes forget they are also officers of the court, charged with a duty “never to mislead the judge or any judicial officer by an artifice or false statement of fact or law.” (Cal. Bus. & Prof. Code § 6068(d).) Abdication of this duty can result in attorney discipline,<sup>1</sup> unjust consequences for an opposing party, and a decline in the public perception of the judicial system. Nowhere are these consequences more evident than in the much maligned and recently overruled<sup>2</sup> decision of *Korematsu v. United States*, 323 U.S. 214 (1944). The wrongness of that decision is well-documented. What is less widely known, however, is that the Court’s decision is also, at least in part, traceable to a failure by the Office of the Solicitor General to meet its duty of candor to the Court.<sup>3</sup>

Prompted by the unexpected bombing of Pearl Harbor, on February 19, 1942, President Roosevelt signed Executive Order 9066, which granted the Secretary of War (“Secretary”) broad authority to designate military areas over which the Secretary could, at his discretion, impose restrictions deemed “necessary or desirable” for the war effort. Under the authority granted by this Order, Lieutenant General John L. DeWitt issued now infamous orders providing for the imposition of curfews on and the eventual evacuation and incarceration of Japanese Americans along the Pacific coast.

Fred Korematsu was convicted of violating Exclusion Order No. 34, the internment order, by remaining in a military area. Korematsu challenged the order’s constitutionality for its indiscriminate incarceration of Japanese Americans. The Supreme Court rejected the challenge, partially because the Court “could not reject the finding of the military authorities”—presented in the solicitor general’s briefing—“that it was impossible to bring about an immediate segregation of the disloyal from the loyal.” (*Korematsu*, 323 U.S. at 219.)

In fact, by the time Korematsu’s case had made its way to the Supreme Court, attorneys at the solicitor general’s office had become aware of a December 1941 report (the “Ringle Report”) commissioned by the chief of naval operations—the primary military agency charged with gathering Japanese intelligence—which concluded unambiguously that “in short, the entire ‘Japanese Problem’ has been magnified out of its true proportion, largely because of the physical characteristics of the people...and, finally, that it should be handled on the basis

of the individual, regardless of citizenship, and not on a racial basis.”<sup>4</sup> This report further explained that the number of individuals who presented a threat to the United States was very limited and the majority of which were already known to the government.

Edward Ennis, then director of the Alien Enemy Control Unit of the Department of Justice, had previously alerted Charles Fahy, then solicitor general, of the Ringle Report. In an internal memorandum,<sup>5</sup> Ennis cautioned: “I think we should consider very carefully whether we do not have a duty to advise the Court of the existence of the [Ringle Report] and of the fact that this represents the view of the Office of Naval Intelligence.” He continued: “It occurs to me that any other course of conduct might approximate the suppression of evidence.”

Regrettably, the solicitor general never alerted the Court to the Ringle Report, thus misleading the Court to a false opinion on the military authorities’ belief that blanket internment order was necessary.<sup>6</sup> Forty years later, Korematsu’s conviction was overturned upon a finding that “there is substantial support in the record that the government deliberately omitted relevant information and provided misleading information in papers before the court.” (*Korematsu v. United States*, 584 F. Supp. 1406, 1420 (N.D. Cal. 1984).)<sup>7</sup>

Of the many lessons the bar should internalize from the tragedy surrounding the Korematsu decision is that, even in the face of social pressure from without, it is imperative that attorneys take seriously their responsibilities as officers of the court. Their professional reputation, the reputation of the courts, and even the liberty of others may depend on it.

*David Cantrell and Brad Zurcher are members of the firm Lester, Cantrell & Kraus, LLP. Their practice focuses on legal malpractice and professional responsibility. David is certified by the California State Bar’s Board of Legal Specialization as a specialist in legal malpractice law.*



1 Rule of Professional Conduct (“Rule”) 3.3 also establishes a duty of candor to the judicial tribunal, the violation of which provides grounds for discipline. See, e.g., Matter of Haynes, 2020 WL 827312, at \*6 (Rev. Dept., Feb. 11, 2020).

2 *Trump v. Hawaii*, 138 S. Ct. 2392, 2423 (2018).

3 We were first alerted to this aspect of the case by a fascinating article by Koji F. Fukumura, available here: <https://www.cooley.com/-/media/cooley/pdf/reprints/2017/20171201-aba-fukumura.as-hx?la=en&hash=3E218EB0445A51C8D789E4E23126064A>.

4 The full report is available here: <https://www.history.navy.mil/research/library/online-reading-room/title-list-alphabetically/r/ringle-report-on-japanese-internment.html>.

5 Available here: <https://www.internmentarchives.com/showdoc.php?docid=00327&pagenum=>. This memorandum was drafted in connection with an earlier case, *Hirabayashi v. United States*, 320 U.S. 81 (1943).

6 In 2011, then acting solicitor general of the United States, Neal Katyal, issued a public confession of error, admitting the role the Office of Solicitor General played in Korematsu being wrongly decided.

7 The suppression was not limited to the Ringle Report and included broader misconduct by the war authorities that is beyond the scope of this article’s focus on attorney conduct.

# CONDEMNING AND FINDING SOLUTIONS AGAINST ASIAN AMERICAN HATE CRIMES

*by Michael Wang*

There has been an alarming increase of violent crimes against the Asian Pacific Islander (API) community in the past few months. There were reports of brutal assault of a 91-year-old man in Oakland's Chinatown and a 84-year-old being run over by a man running at him at full speed. There were videos that surfaced of 75-year-old Asian woman that was assaulted in broad daylight on the streets of San Francisco. Then there was the horrific shooting in Atlanta, Georgia where six women of Asian descent were killed in a senseless shooting incident. According to the reports released by "Stop AAPI Hate," a project based out of San Francisco State University, between March 19, 2020 and February 28, 2021, there were at least 3,795 incidents of anti-Asian hate across the nation, ranging from physical assaults and verbal harassment to various civil rights violations. A majority of these incidents occurred in California.

API community leaders, members of Congress and even President Biden have condemned these senseless hate crimes against Asian Americans. The increase of Asian hate crimes can be attributed to the COVID-19 pandemic. The pandemic has been burdensome to society as a whole, but it has been a double threat to the API community. The API community has been targeted and unfairly blamed for COVID-19.

## History of Anti-Asian Sentiment

Anti-Asian sentiments are not new. In 1882, the Chinese Exclusion Act was passed by Congress and signed by President Chester A. Arthur. This act stated an absolute 10-year moratorium on Chinese labor immigration. The purpose of this ban was to prevent declining wages in the workforce post-Civil War. The economic recession and the declining work wages were blamed on the Chinese immigrants for working at low wages.

Anti-Asian sentiments also lead to the incarceration and relocation of Japanese Americans during World War II. Executive Order 9066 ordered Japanese Americans to be placed into concentration camps due to biased fear.

## California's allocation of funding

Today, we find that violence and hate is targeted towards the API community due to COVID-19. As a result of the alarming increase of hate crimes, California passed a bill allocating \$1.4 million dollars to track anti-Asian

bias and hate crimes. These funds will be used to support Stop AAPI Hate's research and help the organization track anti-Asian incidents so our community and law enforcement can better respond.

## Building Trust with Law Enforcement

Better funding will allow our law enforcement to better serve the community and identify these hate crimes. We also need to build trust between the API community and law enforcement to curb the senseless criminal behavior.

Many immigrants fear reporting or interaction with law enforcement mainly because of the lack of immigration status. However, many do not know that there is a certain visa category reserved for victims of certain crimes. Congress recognized that individuals without immigration status may be particularly vulnerable to victimization and may be reluctant to help in investigation or prosecution of criminal activity due to fear of removal from the United States.

Through the Victims of Trafficking and Violence Prevention Act of 2000, Congress created specific immigration benefits, including U nonimmigrant status (also known as the "U visa") for victims of certain crimes. U visas also enable victims of certain crimes to assist investigators or prosecutors by allowing victims to temporarily remain and work in the U.S., generally for four years.

In order to be eligible, the applicant must have been the victim of one or more of the following crimes: abduction, abusive sexual contact, blackmail, domestic violence, extortion, false imprisonment, female genital mutilation, felonious assault, fraud in foreign labor contracting, hostage, incest, involuntary servitude, kidnapping, manslaughter, murder, obstruction of justice, peonage, perjury, prostitution, rape, sexual assault, sexual exploitation, slave trade, stalking, torture, trafficking, witness tampering, unlawful criminal restraint, or any other similar criminal activity where the elements of the crime are extensively similar.

Additionally, the applicant will need to demonstrate that he/she was or will be helpful in the investigation and/or prosecution. Cooperation will ultimately be evidenced by the law enforcement agency signing off on a certification regarding the same. Additionally, the



victim would need to show that he/she has suffered substantial physical or mental abuse as a result of being a victim of that crime or criminal activity. Finally, the crime or criminal activity for which the person was a victim of, must have occurred in the U.S.

The U visa is a very detailed and long process, even after the application has been submitted. There is a yearly limit on the number of U visas that can be given and that is 10,000. Once this cap has been reached, the application will be placed on a waiting list for once a visa is available. A person is able to be placed on this waiting list if a person is determined by an immigration officer to meet the basic U visa eligibility requirements.

If a person is placed on this waiting list, they are eligible for deferred action and work authorization. Deferred action is not a legal status, but it temporarily allows the individual to remain in the U.S. and

not be removed from this country. Currently, it is taking approximately four to five years after submitting a U visa application before a person may be approved for deferred action. Overall, it may take many years before a decision on a U visa application can be approved.

Additionally, once a person is granted his or her U visa status, they are eligible to obtain employment authorization, as well as temporary authorization to remain in the U.S. If an individual is granted U visa status, he or she may later be eligible to apply to adjust to a permanent resident if he or she meets other additional criteria. Victims of crimes need not be scared of cooperating with law enforcement to achieve justice. All parties must work together to drive out hate and senseless crimes.

There are no quick or easy solutions to combat hate crimes against the Asian American community. However, we must all stand in soli-

arity to condemn racist and discriminatory behavior.

*Chien-Yu (Michael) Wang is the managing attorney at Wilner and O'Reilly's Sacramento office and practices exclusively in immigration law. He is a former board member of the Southern California Chinese Lawyers Association (SCCLA) and is the current president of the Asian Pacific Bar Association of Sacramento.*



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# THE MURDER OF VINCENT CHIN SPARKS THE ASIAN AMERICAN COMMUNITY

by L. Alexandra Fong

Vincent Chin was born in the Guangdong province in China on May 18, 1955. He was adopted by Bing Hing “David” and Lily Chin in 1961 and his family lived in Michigan. He was employed as a drafting engineer, an engineering technician who makes detailed technical drawings or plans for machinery, buildings, electronics, infrastructure, etc. Drafting engineers design and draw the blueprints needed to bring new concepts and products to life.

On June 19, 1982, Vincent was beaten in the head with a baseball bat by two Caucasians, a father-stepson duo, following a fight at a club in Highland Park where he was having a bachelor party. Despite the fact that he was of Chinese descent, he was blamed for the success of Japan’s auto industry and assumed to be of Japanese descent. Witnesses to the fight heard one of the killers call Vincent “Chink” and “Nip” as well as “It’s because of you little motherf—s that we’re out of work.”

Vincent was beaten in the head so badly, he lapsed into a coma and died four days later, on June 23, 1982. Before he lost consciousness, he whispered three words to one of the friends who’d been out with him that night: “It’s not fair.” He was buried the day after what was supposed to have been his wedding day.

His two killers were charged with second-degree murder and ultimately pled guilty to manslaughter. Although the manslaughter plea carried a potential for a 15-year sentence, they were sentenced to three-years of probation and a fine of less than \$4,000. The judge in the case later said “I just didn’t think that putting them in prison would do any good for them or for society. You don’t make the punishment fit the crime; you make the punishment fit the criminal.”

While Vincent’s death did not make national headlines, his killers’ sentence did and ignited a flame to a movement of the Asian American community which would continue to this day. Led by activist Helen Zia, several Asian American community leaders and lawyers banded together to create American Citizens for Justice (ACJ). This grassroots advocacy group rallied with many diverse groups, including African-American activists, churches, and synagogues, to protest the sentencing. The fallout from the sentencing also led to changes in the criminal justice system, which remain in effect today. These include, but are not limited to, victim impact



Photo via Asian Americans Advancing Justice - LA/Twitter

statements at sentencing, mandatory minimum sentencing, and federal hate crime statutes.

Although the local United States Attorney declined to file charges against both killers, the United States Department of Justice overruled that decision and instituted proceedings under the Federal Civil Rights Act of 1964, in the United States District Court for the Eastern District of Michigan. It was the first time in history that the Federal Civil Rights Act of 1964 was used for violence against an Asian. One was convicted of violating 18 U.S.C. Section 245(b)(2)(F) and the other was acquitted.<sup>1</sup> The conviction was later overturned and that individual was acquitted in a second trial. Although the conviction was overturned, the United States Court of Appeals for the Sixth District found that the Federal Civil Rights Act of 1964 applied to people of Asian descent.<sup>2</sup>

The murder of Vincent Chin is viewed as a critical turning point for Asian American civil rights engagement and a rallying cry for stronger hate crimes legisla-

1 <https://law.resource.org/pub/us/case/reporter/F2/800/800.F2d.1422.84-1757.html>

2 “We do not agree with [the] contention that, in enacting Section 245, Congress intended to limit its application exclusively to vindicate the rights of blacks and of white civil rights workers who aid blacks but not to alleged discrimination against citizens of Oriental descent by whites.” The opinion cites *Yick Wo v. Hopkins*, 118 U.S. 356. 6 S.Ct. 1064 (1886) for the ruling that “Orientals come within the broad constitutional protections of the Fourteenth Amendment even though the original thrust of the amendments was primarily motivated by concern for the rights of black persons.”



tion. For the first time, then-separate Asian communities came together to stand up against racial violence. Although neither convicted killer spent a day in jail for his crime, the legacy of what arose from Vincent Chin's death remains to this day.<sup>3</sup>

As we celebrate National Asian American and Pacific Islander Heritage Month in May 2021, we should not forget the struggles of those who came before us and those who will come after us.

*L. Alexandra Fong is a deputy county counsel for the Riverside County Counsel's Office in its Child Welfare Division. She is a past-president of the Riverside County Bar Association and Leo A. Deegan Inn of Court. She is the co-chair of the Juvenile Law Section of RCBA, a member of the Continuing Legal Education committee, and a member of the Bar Publications Committee.*



<sup>3</sup> <https://www.justice.gov/usao-id/pr/coronavirus-no-excuse-hate>

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# THE ASIAN PACIFIC AMERICAN LAWYERS OF THE INLAND EMPIRE: FINDING A COMMON GROUND IN OUR SHARED HERITAGE

by Wade Pyun

## What is the American?

At the inception of the republic, St. John de Crevecoeur wrote *Letters from an American Farmer*, which garnered widespread acclaim for a comprehensive and sweeping depiction of American life that spanned the maritime communities of Nantucket and Martha's Vineyard, the villages and farms of the middle colonies, and the manorial plantations of the South. As one of the first works to articulate the concept of "the American dream," *Letters from an American Farmer* culminates in a query that captures the zeitgeist, or spirit of the age: "What is the American?" In Crevecoeur's view, the inhabitants of this country become "American by being received in the broad lap of our great Alma Mater." In America, declares Crevecoeur, "individuals of all nations are melted into a new race... whose labours and posterity will one day cause great changes in the world."

## The Melting Pot Versus Cultural Pluralism

This assimilationist view is echoed in Israel Zangwill's 1908 play, *The Melting Pot*, which introduced this eponymous metaphor into our cultural lexicon. Zangwill's work posits the idea of the American as a living and evolving abstraction, encapsulated in the declaration that "America is God's crucible, the great Melting Pot... Germans and Frenchman, Irishmen and Englishmen, Jews and Russians – into the Crucible with you all! God is making the American!"

The idea of a monolithic identity, as a political construct, is intimated by the motto that appears on the Great Seal of the United States, "E Pluribus Unum," a Latin phrase meaning "out of many, one" which was intended to connote the formation of a new nation from 13 colonies. In the context of race and ethnicity, these words take on a different meaning, personifying the view of America as a nation of immigrants.

In his 1915 essay, "Democracy versus the Melting Pot," Horace Kallen, the scholar credited for coining the term "cultural pluralism," offered an alternative metaphor to the melting pot; in Kallen's view, cultural pluralism in America represents a symphony, "a multiplicity in a unity, an orchestration of mankind. As in an orchestra, every type of instrument has its specific timbre and tonality, founded in its substance and form; as every type has its appropriate theme and melody in the whole symphony,

so in each society each ethnic group is the natural instrument, its spirit and culture as its theme and melody and the harmony and dissonances and discord of them all make the symphony of civilization. . ."

## Anti-Asian or Anti-Asian American

This cultural harmony resonates in the celebrations of Asian American and Pacific Islander Heritage Month that takes place every year, over the duration of the month of May, but the tone and focus of this year's observance is markedly different, due to a recent cacophony of violence and hatred that has been directed at Asian Americans. Stop AAPI Hate, a community non-profit organization that was formed to increase public awareness of, and mobilize collective action against, racism and bigotry resulting from the COVID-19 pandemic, has collected data on 3,795 racially motivated hate crimes and incidents reported to the group from March 19, 2020 to February 28, 2021. This total includes the recent mass shooting and murder of eight people, including six Asian American women in Atlanta, Georgia, as well as numerous incidents of violence that have targeted elderly Asian Americans. According to a study published by the Center for the Study of Hate & Extremism at California State University, San Bernardino, hate crimes against Asian Americans in 16 major American cities increased by 149% in 2020, based on police data and records. These incidents evoke parallels to the 1982 murder of Chinese American Vincent Chin and the looting and destruction of Korean American businesses during the 1992 Los Angeles riots, but these recent hate crimes have targeted a larger number of Asian Americans on a broader geographical scale.

Perplexingly, many media accounts and descriptions of these hate crimes have used the term "anti-Asian" as if it were interchangeable with "anti-Asian American," even though these senseless acts of violence were not directed against foreign tourists visiting from Asia, but were perpetrated against Asian Americans, many of whom were born in this country, and live alongside us as our colleagues, friends, and neighbors. The distinction is not subtle, yet unintentionally or otherwise, it misleadingly points to a foreign diaspora that belies our shared American heritage.



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## Asian American and Pacific Islander Heritage Month

The timing of the observance of Asian American and Pacific Islander Heritage Month, and its precursor, Asian/Pacific American Heritage Week (established by Public Law 95-419, which was signed by President Jimmy Carter on October 5, 1978) and Asian Pacific American Heritage Month (established by Public Law 102-450, which was signed by President George H.W. Bush on October 23, 1992 to provide for a month-long observance) during May reflects this shared heritage; it commemorates the arrival of the first immigrant from Japan to America on May 7, 1843 and recognizes the efforts of the Chinese American laborers who helped construct the transcontinental railroad, which was completed on May 10, 1869.

The current observance of Asian American and Pacific Islander Heritage Month derives from Presidential Proclamation 8369, which President Barack Obama issued on May 1, 2009. This proclamation emphasizes this shared heritage in recognizing the following:

Asian Americans and Pacific Islanders have contributed in great and significant ways to all aspects of society. They have created works of literature and art, thrived as American athletes, and prospered in the world of academia. Asian Americans and Pacific Islanders have played a vital role in our Nation's economic and technological growth by establishing successful enterprises and pushing the limits of science. They are serving in positions of leadership within the government more now than ever before. And along with all of our great service men and women, they have defended the United States from threats at home and abroad, serving our Nation with valor. From the beaches of the Pacific islands and the California coast, the grasslands of Central Asia and the bluegrass of Kentucky, and from the summits of the Himalayas and the Rocky Mountains, the Asian American and Pacific Islander community hails from near and far. This is the story of our more perfect union: that it is diversity itself that enriches, and is fundamental to, the American story.

### The Harada House

The history of the Asian American community in Riverside County represents an important and indelible part of the broader narrative of the American dream and its trials, travails, and triumphs. The Harada House, which is located on Lemon Street in downtown Riverside, was the subject of a historic case, *State of California v. Jukichi Harada*, et al., involving California's Alien Land Law (also known as the Webb-Haney Act), a statute enacted in 1913 that restricted the real property ownership and leasehold rights of those ineligible to become citizens (which at that time, included immigrants from Japan, the implicit primary targets of this measure). In 1915, Jukichi and Ken

Harada attempted to circumvent this restriction through a loophole, by recording the title of the land on which the Harada House is situated in the names of their three American-born children, but neighboring landowners lobbied the California State Attorney General to charge the Harada family for violating California's Alien Land Law. A case was subsequently filed in Riverside County Superior Court in October 1916, and the proceedings, which drew attention as a matter of national significance, stretched out over the following two years. In September 1918, Judge Hugh Craig ruled that the Harada children, as American-born citizens of immigrants, could not be denied their rights in contravention of the equal protection clause of the 14th Amendment, because "[t]he political rights of American citizens are the same, no matter what their parentage." Though it left intact California's Alien Land Law (which was amended in 1920 to close loopholes and add further restrictions), the ruling nevertheless represented an important symbolic victory, and served as an early bellwether case in a trajectory of decisions that eventually culminated in the landmark 1952 ruling issued by California Supreme Court in *Sei Fujii v. State of California*, which finally struck down California's Alien Land Law on constitutional grounds.

In 1942, the Harada family vacated their home and, along with approximately 120,000 other Japanese Americans, were forcibly relocated to, and incarcerated in internment camps as the result of Executive Order 9066, which was issued by President Franklin Roosevelt in response to Japan's attack on Pearl Harbor on December 7, 1941. Jukichi and Ken Harada died in their internment camp, but their daughter, Sumi Harada, survived and returned to the family home after the end of World War II. In the years that followed, she housed and sheltered Japanese American families, in order to provide a temporary sanctuary for other internees who were seeking to rebuild their lives. In 1990, the Harada House was added to the National Register of Historic Places and designated as a National Historic Landmark. After she passed away in 2000, the Harada House was inherited by her brother, Dr. Harold Harada, who served in the 442nd Infantry Regiment during World War II. Following his death in 2003, his heirs donated the Harada House and the underlying land to the City of Riverside, under the stewardship of the Museum of Riverside (formerly, the Riverside Metropolitan Museum).

### The Pachappa Camp

An area on Pachappa Avenue (later re-named to Cottage Street) in downtown Riverside served as the site of the Pachappa Camp, which was established in 1904 and represents one of the earliest known settlements of Korean immigrants in the continental United States. Through archival historical research undertaken in 2014

by Professor Edward Chang, the director of the Young Oak Kim Center for Korean American Studies at the University of California, Riverside, the Pachappa Camp is now recognized as one of the birthplaces of the Korean American community in the U.S. mainland. At its height, the Pachappa Camp was inhabited by more than 300 residents. Many worked on citrus farms in the region, while others were employed at local hospitals, shops and hotels, including the Mission Inn. The Pachappa Camp maintained close ties to the local Calvary Presbyterian Church; a mission was established at the Pachappa Camp in 1905, and it served as a place of worship, as well as a site for joint social and cultural events that took place between the two groups. The Pachappa Camp remained an active settlement for over a decade, but local economic conditions caused its inhabitants to depart the region, and by 1918, the site was occupied by less than a handful of families.

None of the approximately 20 original physical structures that comprised the Pachappa Camp remain, due to the redevelopment of the area that has occurred over the last century, but the site was designated as a “Point of Cultural Interest” by the Riverside City Council in 2016.

## Two Chinese American Districts

The first Chinese American quarter in Riverside was established by the late 1870s in the “Mile Square” of the downtown area, and consisted of 10 physical structures that included stores, laundries, and a carpenter’s shop. Many of those who settled in this area established small businesses, while others worked on local citrus farms. Some residents found employment with the California Southern Railroad, helping to construct a 116-mile stretch of track from National City to San Bernardino that was later linked to Santa Fe’s transcontinental railroad, which extends eastward to Chicago.

In the mid-1880’s, an editorial campaign and local ordinances that targeted Chinese American businesses caused residents to depart the downtown area and establish a second Chinese American quarter on a 7-acre site near the Tequesquite Arroyo, at the base of Mt. Rubidoux. Data compiled through the 1900 U.S. Census indicated that the area was home to more than 200 Chinese Americans. The second Chinese American quarter remained active in subsequent decades, but the population declined due to a variety of factors, that included the departure of residents for other regions, and the impact of the Page Act of 1875, the Chinese Exclusion Act of 1882, and the Geary Act of 1892, federal laws that restricted immigration from China.

None of the physical structures from these original sites have survived. A thoroughfare, Wong Street (formerly, Wong Way) within the second Chinese American quarter is named after its last resident, George Wong, who

served as an oral historian and steward of the site until his passing in 1974. A local landmark, the Chinese Pavilion, which stands in front of the Riverside Central Library in the downtown area, was constructed between 1985 to 1986 to commemorate the settlers of the first Chinese American quarter. Archaeological information provides most of what is known about today the second Chinese American quarter, which was added to the National Register of Historic Places in 1990.

## The Asian Pacific American Lawyers of the Inland Empire (APALIE)

Bar association groups are uniquely positioned to contribute to, and influence our shared heritage, which has been shaped through, and is in many ways, guided by the law. APALIE was founded in 2012, and has grown to comprise a diverse group of attorneys and judges whose individual areas of practice and specialization encompass a wide range, spanning both the public and private sectors. The events and initiatives that APALIE has jointly sponsored with other affiliate bar groups, such as the Hispanic Bar Association of the Inland Empire and the Richard T. Fields Bar Association, and the larger Riverside County Bar Association, reflect and reinforce our shared heritage and mission.

APALIE exemplifies the notion that the sum is greater than the parts, and the observance of Asian American and Pacific Islander Heritage Month serves to highlight the group’s ongoing mission to strive to ensure justice, equal access, and opportunities within the legal profession and the public at large, through its professional development, legal scholarship, advocacy, and community-based activities and efforts, which include the provision of pro bono assistance to underprivileged members of the community, mentorship of law students, and advocacy for diverse judicial appointments. The history of the Asian American community in Riverside County speaks to the rich heritage of our region. The distinguished legacy of the Riverside Superior Court includes its role in recognizing (and remedying, in part) the inequity of California’s Alien Land Law. The lessons of the past simultaneously inform the priorities of the present and signal the possibilities that lie in our future. In the face of a rise in anti-Asian American hate crimes, the observance of Asian American and Pacific Islander Heritage Month underscores the importance of championing diversity and eliminating prejudice and discrimination, in all its forms. A commitment to diversity, equity, and inclusion drives our pursuit of the American dream and defines how we view ourselves, our community, and our shared American heritage.

*Wade Pyun is the Chief Legal Officer for Altura Credit Union and president of APALIE.*





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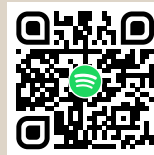
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# THE HARADA HOUSE

## A SYMBOL OF COURAGE, STRENGTH AND PERSEVERANCE

by Elio Palacios, Jr.

Many years ago, in the last century, a schoolteacher looked toward the United States of America from a distant shore and decided that he should leave the country of his birth and uproot his life for a chance of a better life in America. That schoolteacher was my own father. But this description also applies to another schoolteacher, Jukichi Harada.

Jukichi settled in America many years before my own father, in around 1903. After securing employment, Jukichi arranged for his wife, Ken, and their young son, Masa Atsu, to join him in California and eventually in Riverside.

Jukichi worked for another Japanese immigrant in his restaurant and learned the food service trade. Jukichi and Ken eventually opened their own restaurant in downtown Riverside. As many immigrants then, and now, the Haradas also took on other work to make ends meet. They managed the crowded rooming house where they lived in cramped quarters with their growing family.

Life in the rooming house was difficult. Because sanitation was substandard, and due to the crowded conditions, disease was a common occurrence for those, mostly immigrants and people of color, who lived in the rooming house. One November day in 1913, the Haradas' first American-born son, Tadao, became very ill. A few days later, Tadao, age 5, died from diphtheria. It was at that moment that Jukichi and Ken vowed that they would move their family to a nice house in a nice neighborhood where their other children could grow up happy and safely. In 1913, with savings from their business, the Haradas purchased a modest house in one of Riverside's nicest neighborhoods, on Lemon Street.

Although Riverside in the early 20th century was mostly welcoming to the Haradas and a vibrant Japanese immigrant community, elsewhere in California people began to fear the growing Japanese American influence. James Phelan, a former mayor of San Francisco at the time, exemplified the growing anti-Japanese sentiment. Phelan told the *Boston Sunday Herald* in 1907, that Japanese immigrants "must be excluded because they are non-assimilable [sic]; they are a permanently for-



*The Harada Family circa 1911*

eign element . . . in time of trial they will not fight for Uncle Sam, but betray him to the enemy . . . California is white man's country." In 1913, California sanctioned anti-Japanese sentiment by enacting the Alien Land Law, which effectively prohibited Japanese immigrants from owning real property.

Because the Haradas could not own their house due to the Alien Land Law, they put the title to the house in the name of their three American-born minor children. After heavy lobbying and pressure from some of their new neighbors (some of whom also happened to be prominent members of the local community), the California Attorney General prosecuted Jukichi Harada



for violating the Alien Land Law even though the house was owned by his American-born children.

In May 1918, Jukichi's trial started at the Riverside County Superior Courthouse, where many of us attorneys today still ply our trade daily. Judge Hugh Craig decided the case in favor of Jukichi by finding that the children were the owners in fact and that, due to



*The Harada house on Lemon Street*

their being American citizens, there was no violation of the Alien Land Law. While not a legal precedent setting case, many Japanese immigrant families took solace from Jukichi's court victory in knowing that their American-born children had the same rights as any other child born on American soil. Jukichi and Ken Harada had finally secured their American Dream on Lemon Street for their family.

That security ended when Japan attacked the United States on December 7, 1941, and with the ensuing entrance of the U.S. into World War II. Instantly, the loyalty of the Haradas, along with that of all Japanese Americans, was put into question for no reason other than that they shared common ancestry with the enemy. In 1942, Jukichi and Ken, by then elderly and in ill-health, were forced to leave their dream house on Lemon Street and were relocated to an incarceration camp pursuant to Executive Order 9066. Jukichi and Ken never returned to their house on Lemon Street because they died in the camp.

The Haradas' adult daughter, Sumi Harada, was able to return to the family home after the war and lived there until her passing in 2000. Sumi's brother, WWII war hero Dr. Harold Harada, donated the Haradas' house to the City of Riverside after her death. According to Harold's daughter, Naomi, he "wanted to share with the public his family's home, its story, and

its significance to the rights and liberties cherished by Americans."

Today, the Harada House still stands, as stubbornly as Jukichi and Ken once did, as a humble, but powerful testament to the early struggles of the schoolteacher from Japan, turned restaurateur, and his family. The house survived many challenges over the years, both natural and from people. In 2017, there were substantial official discussions within the City of Riverside (including at public meetings of the board of the now-called Museum of Riverside) about whether or not to demolish the house, which by then had fallen into significant disrepair but was, together with the Mission Inn, one of two National Historic Landmarks in Riverside. The local community rallied in support of saving the Harada House and the Museum of Riverside; and City of Riverside chose to save the house.

In August of 2020, the Museum announced that it was awarded a federal grant in the amount of \$500,000. Today, the Museum, in partnership with the Harada House Foundation, a 501(c)(3) nonprofit corporation, is raising matching funds to restore the house, so that it can once again welcome people inside and serve as a place that teaches everyone about an important part of our country's history. Jukichi, the schoolteacher, would be very happy about that.

The Haradas' story of perseverance and their family's success in their new home, America, is a story uniquely American and that resonates, in many diverse verses, in all of us. If you would like to join in realizing the legacy of the Harada House, you can learn more at [www.haradahousefoundation.org/donate](http://www.haradahousefoundation.org/donate).

*Elio Palacios, Jr., is an attorney practicing in Riverside and is a member of the Harada House Foundation's Advancement Committee. He served for eight years on the board of the Museum of Riverside, until 2017.*

*Photos courtesy of Museum of Riverside.*



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# CALIFORNIA MUST DO MORE TO PREVENT AND PUNISH PERPETRATORS OF ANTI-ASIAN AMERICAN HATE CRIMES

*by Kristen Buie Allison*

Nationwide, the COVID-19 pandemic has claimed the lives of over 500,000 people and left a country financially troubled, emotionally drained, and divided. But, as case rates and hospitalizations decline and over 30% of Californians have received at least one vaccine dose, there is finally – finally – hope that this dark time in our history is ending. Despite this hope, however, is the ugly reality that amongst the many victims in the pandemic's wake are Asian Americans and Pacific Islanders (AAPI), who have suffered increased abhorrent discrimination, fear, and, violence this past year.

During the pandemic there was a rise in anti-Asian American hate crimes across the country, specifically in Atlanta, San Francisco, New York City, and right here in Southern California. The Center for the Study of Hate & Extremism at California State University, San Bernardino gathered and analyzed hate crime statistics from 16 major U.S. cities for 2019 and 2020. The Center found a 6% decline in hate crimes overall, but a startling 145% increase in anti-Asian American hate crimes during the pandemic, with notable increases in March and April of 2020. Nationally, in the first six months of the pandemic, the non-profit Stop AAPI Hate received almost 2,600 self-reported incidents of anti-Asian discrimination – with more than 40% of those incidents occurring in California. According to a Pew Research Center study, in the past year 31% of Asian Americans reported they were subjected to slurs and racist jokes, 58% believe that anti-Asian sentiments have increased since the beginning of the pandemic, and 26% are afraid someone might physically attack or threaten them.

These statistics are heartbreaking. We must acknowledge there is a problem, condemn all acts of hate, and take action to address it. Prosecutors like myself vow to continue to seek justice for all people, regardless of race, ethnicity, nationality, sexual orientation, gender identity, disability, or religion. We do so by aggressively prosecuting hate crime offenders within the confines of current California hate crime law, by supporting proposed laws before the state legislature that would enhance prosecutors' abilities to seek justice for victims of hate crimes, and by warning the public of proposed legislation that would significantly hurt the fight against acts of hate and discrimination.

Unfortunately, there are two bills before the state assembly right now that would negatively impact the fight against racially motivated hate crimes. State Senator Nancy Skinner introduced two bills, SB 81 and SB 82 in December 2020, which the California District Attorneys Association (CDA) describe as, "two reckless and misguided bills [that would]

dramatically and dangerously lessen the consequences for violent crime and would directly benefit the predators currently committing hate crimes against Asian Americans."

SB 81 requires judges to dismiss sentencing enhancements against some violent criminals who commit a variety of crimes, including hate crimes. A sentencing enhancement in California adds additional custody time to the underlying offense. The most common and effective sentencing enhancements involve guns, gangs, convicted felons, fraudsters who steal over \$100,000, and hate crimes. SB 81 creates a presumption that it is in the furtherance of justice to prohibit enhanced sentences in a variety of circumstances, including, if adding the enhancement would result in a sentence of 20 years or more, regardless if it is a hate crime or not. Clearly, SB 81 would decimate sentencing enhancements, including for those convicted of committing a violent hate crime.

SB 82 changes some violent felony robberies to misdemeanor petty theft. A person could only be charged and convicted of robbery if the offender used a deadly weapon or caused great bodily injury to a victim. If a robber violently attacks an elderly Asian American woman, steals her purse, and leaves her with two black eyes, under SB 82 that abhorrent conduct could be re-classified as misdemeanor petty theft, thereby eliminating any possibility that offender would serve any prison time at all.

Of course, we must do more than denounce poorly crafted and short-sighted laws. We must encourage hate crime victims and witnesses to come forward and report what happened. We must gather as much reliable and accurate statistical information as possible about hate crimes so we know the true extent of the problem, and how to best attack it. Finally, we must enact narrowly-tailored, commonsense laws that will help hate crime victims obtain justice.

Fortunately, a few state lawmakers have proposed legislation that would help:

- **Encourage Victims to Report Hate Crimes**
  - o AB 557 was introduced by Assemblyman David Chiu in February of this year — it would require the state Attorney General to set up a free hotline for hate crime victims to report crimes committed against them.
- **Require the State to Collect and Report Hate Crime Statistics**
  - o AB 57, also recently proposed by Assemblyman Chiu, this law would require local law enforcement to collect and report detailed hate crime statistics, conduct hate crime specific training, and work

with schools to encourage students to report hate crimes.

- o Assemblyman Richard Bloom introduced AB 1126 in February 2021, to create a state-run hate crimes commission to monitor, report, and issue policy recommendations.
- Enact Laws that will Result in Justice for Hate Crime Victims
  - o Assemblyman Jim Cooper, recently proposed AB 266 to fix a gap in our criminal justice system. As it stands now, all stand-alone hate crimes are deemed “non-violent” by statute. AB 266 would re-classify felony hate crimes as “violent” crimes, thereby increasing penalties, and preventing offenders from early release from prison. This legislation is also strongly supported by CDAA.
  - o Assemblyman Tom Lackey introduced AB 282 this year to ensure perpetrators of misdemeanor hate crimes are ineligible for diversion. Diversion allows an offender to attend classes or counseling, avoid a conviction, duck jail time, and have the arrest erased from their record.
  - o AB 886 was proposed by Assemblyman Rob Bonta (the newly appointed California Attorney General)

recently and would fund mental health services for hate crime victims, as well as permit hate crime victims access to state victim compensation funds.

Of course, passing these laws and preventing the enactment of reckless ones is just the beginning — prosecutors must steadfastly pursue perpetrators of anti-Asian American hate crimes to the best of their abilities, and be an unwavering voice for victims.

Despite all the strife, all the heartache, and all the disappointment this past year brought – there is still hope that we can change for the better. Hope that we can unite behind our commonly and closely held belief that all people were created equal – regardless of race, ethnicity, nationality, gender, sexual orientation, disability or religion. Let’s grasp onto that hope and see what change we can affect.

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*Kristen Buie Allison has been a deputy district attorney at the Riverside County District Attorney’s Office since 2008. She has experience prosecuting offenders for a wide-range of crimes, including domestic violence, theft, robbery, drugs, and sex offender violations. Ms. Allison currently specializes in prosecuting complex financial crimes.*



## KRIEGER AWARD NOMINATIONS SOUGHT

*by Honorable John Vineyard*

The Riverside County Bar Association has two awards that can be considered “Lifetime Achievement” awards. In 1974, the RCBA established a Meritorious Service Award to recognize those lawyers or judges who have, over their lifetimes, accumulated outstanding records of community service beyond the bar association and the legal profession. The E. Aurora Hughes Award was established in 2011 to recognize a lifetime of service to the RCBA and the legal profession.

The Meritorious Service Award was named for James H. Krieger after his death in 1975, and has been awarded to a select few RCBA members that have demonstrated a lifetime of service to the community beyond the RCBA. The award is not presented every year. Instead, it is only given when the extraordinary accomplishments of particularly deserving individual come to the attention of the award committee.

The award honors the memory of Jim Krieger and his exceptional record of service to his community. He was, of course, a well-respected lawyer and member of the Riverside bar. He was also a nationally recognized water law expert. However, beyond that, he was a giant in the Riverside community at large (please see the great article by Terry Bridges in the November 2014 issue of the Riverside Lawyer). The past recipients of this award are Judge Victor Miceli, Jane Carney, Jack Clarke, Jr., and Virginia Blumenthal, to name a few.

The award committee is now soliciting nominations for the award. Those eligible to be considered for the award must be (1) lawyers, inactive lawyers, judicial officers, or former judicial officers (2) who either are currently practicing or sitting in Riverside County, or have in the past practiced or sat in Riverside County, and (3) who, over their lifetime, have accumulated an outstanding record of community service or community achievement. That service may be limited to the legal community, but must not be limited to the RCBA.

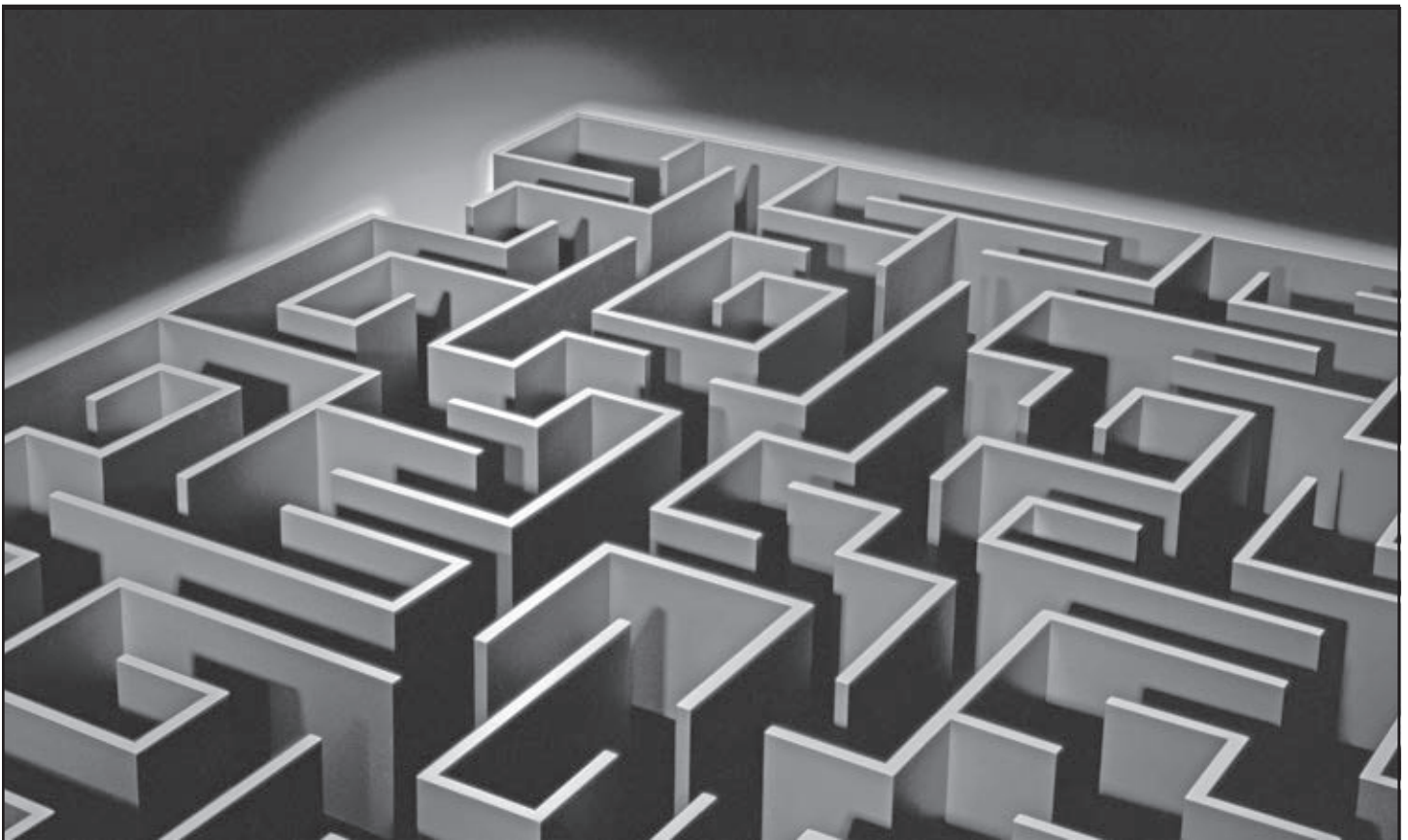
Current members of the RCBA board of directors are not eligible, nor are the current members of the award committee.

If you would like to nominate a candidate for the Krieger Award, please submit a nomination to the RCBA office no later than June 18, 2021. The nomination should contain, at a minimum, the name of the nominee and a description of his or her record of community service and other accomplishments. The identities of both the nominees and their nominators shall remain strictly confidential.

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*The Honorable John Vineyard is a judge of the California Superior Court located in Riverside County, is the chair of the Krieger Meritorious Service Award Committee, and a past president of the RCBA.*



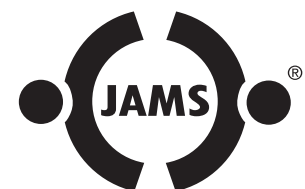


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# HONG YEN CHANG, SIX YEARS LATER

by Gabriel J. Chin

In March 2015, the California Supreme Court posthumously admitted Hong Yen Chang to the California Bar based on a petition by UC Davis APALSA students and their lawyers. Mr. Chang was an immigrant from China who attended Yale College and received a degree from the Columbia Law School in 1886, but was excluded from the California bar in 1890. California bar admission required citizenship. Mr. Chang had been issued a naturalization certificate by a court. However, in 1890 the California Supreme Court held that Mr. Chang's naturalization was void, because the nationalization was granted to a person who was racially ineligible to citizenship, and therefore he could not be a lawyer.

In 1890, the California Supreme Court was all white men; by 2015, it included women, African Americans, Latinx people, and Asian Americans. In their 2015 decision, the justices repudiated the actions of their predecessors, acknowledging the racism of past California law, and honored Mr. Chang by admitting him to the bar. In January 2021, he received another marker of recognition and respect: Columbia Law School honored him by inaugurating the Hong Yen Chang Center for Chinese Legal Studies.

Yet, if 2015 seemed like a moment of triumph for racial justice—a California Supreme Court led by an Asian American Chief Justice righting an historic wrong, while an African American President led the entire nation—2021 feels like something different. In 2016, President Donald J. Trump was elected on a platform of building a wall on the border between the United States and Mexico, and imposing a ban on Muslim immigration. That coincided with a resurgence of open white nationalism in the United States—skepticism about the value of non-white immigration, and, seemingly, non-white Americans.

The Covid-19 pandemic made things worse. President Donald Trump repeatedly made reference to “Kung Flu,” “Wuhan Virus,” and the “Chinese Virus.” According to stopaapihate.org, thousands of Asian Americans across the county have been harassed, assaulted, even murdered, often by people making direct references to the virus.

Race scholars understand this phenomenon to be driven by the perception that Asians—including those born here and whose families have been here for generations—remain “perpetual foreigners.” This seems reflected by the decline in business in Chinatowns, and Chinese and Asian restaurants. It is also evidenced by

the imposition of racial responsibility for the pandemic. Even if, say, the unproven allegations—some would say conspiracy theories—that Chinese Communist Party officials or some Chinese scientists bear responsibility for Covid-19, Chinese people in the United States are definitionally not Communist Party officials or scientists. Nor are Chinese and Chinese Americans in the United States likely to be the individuals who carried the disease here from China—we live here in the United States.

Even more telling is that violence and hostility against Asians seems to be occurring without regard to specific racial ancestry. Even if, somehow, Chinese in the United States had some responsibility for the virus, other Asians do not. Yet Korean, Japanese, Pilipino, other Asian Americans, and people mistaken for Asian Americans, have been subjected to racist, pandemic-related assaults. Just as the murder of Vincent Chin in 1982 was committed by white auto workers resentful of Japanese competition, anti-Asian racism seems to include the idea that Asians are fungible.

All of this, unfortunately, was promoted by U.S. law. The Chinese Exclusion Act of 1882 and other forms of Asian exclusion rested on stereotypes about ineradicable racial characteristics. As one representative said, in a speech on the floor of Congress in favor of the Chinese Exclusion Act:

Alien in manners, servile in labor, pagan in religion, they are fundamentally un-American. Our civilization; which is the most potent in the world in blotting out race distinctions. and amalgamating nationalities, is utterly powerless to efface in a single aspect the primeval national characteristics of the Chinaman. He is literally iron-clad to the genius of our institutions. He is the same unadulterated Mongolian on the banks of the Sacramento river as he is on the Hoang Ho.

For its part, the Supreme Court often wrote about the desire for white immigration. In 1849, Justice Robert Grier explained: “It is the cherished policy of the general government to encourage and invite Christian foreigners of our own race to seek an asylum within our borders, and to convert these waste lands into productive farms, and thus add to the wealth, population, and power of the nation.”<sup>1</sup>

1 *Smith v. Turner* (1849) 48 U.S. 283, 461 (Grier, J., concurring).

Three-quarters of a century later, the U.S. Supreme Court took the same view in explaining why a Japanese immigrant could not naturalize. Writing of the naturalization act passed by the First Congress, the Court explained:

The immigration of that day was almost exclusively from the British Isles and Northwestern Europe, whence they and their forebears had come. When they extended the privilege of American citizenship to any alien being a free white person it was these immigrants—bone of their bone and flesh of their flesh—and their kind whom they must have had affirmatively in mind. The succeeding years brought immigrants from Eastern, Southern and Middle Europe, . . . and these were received as unquestion-

ably akin to those already here and readily amalgamated with them.<sup>2</sup>

Mr. Chang had a successful career in spite of his lack of California bar membership. Yet it is clear that his life was constrained by the philosophy that race and Americanness were inextricably linked, and the legal policies that followed. Much has changed since Mr. Chang fought his battles, yet Asians and other non-whites in the United States still confront a version of the same problem he did.

*Gabriel "Jack" Chin is a teacher and scholar of Immigration Law, Criminal Procedure, and Race and Law at UC Davis School of Law. He is the Edward L. Barrett Jr. Chair of Law, Martin Luther King, Jr. Professor of Law, and Director of Clinical Legal Education at UC Davis School of Law.*



<sup>2</sup> *United States v. Bhagat Singh Thind* (1923) 261 U.S. 204, 213–14.

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# JUDICIAL PROFILE: JUDGE KENLY KATO

by Tiffany L. Nocon

Judge Kenly Kiya Kato presides as a U.S. Magistrate Judge in the George E. Brown, Jr. Federal Building in Riverside, California. Her former law clerk, Tiffany L. Nocon, recently interviewed her to understand her personal history, professional experiences, and what motivated her to become a judge.

## Growing up

As a young child growing up in Southern California, Judge Kato heard stories from her parents and their families about the hardship and heartbreak they experienced during World War II. They, along with thousands of other Americans of Japanese descent, were forcibly removed from their homes and communities and “relocated” to internment camps during World War II. Understanding her family’s experiences instilled a deep appreciation for the Constitution and the principles it embodies. But Judge Kato also recognized how fragile concepts like due process and equal protection could be, particularly during times of stress and crisis. From a young age, she recognized the importance of having people willing to do what was necessary to safeguard and uphold the Constitution and she was motivated to become a lawyer to have a role in this process.

## Education

Judge Kato is proud to have attended public schools from kindergarten through her graduation from U.C.L.A. After graduating from Harvard Law School, she returned to Southern California and clerked for the Honorable Robert Mitsuhiro Takasugi, one of the first Asian Americans to be appointed to the federal bench. Judge Takasugi and his family, like hers, was interned during World War II. With this shared history and Judge Takasugi’s support and guidance, she deepened her understanding of constitutional protections and solidified her desire to work to ensure access to justice.

## Advocacy

Following her clerkship, Judge Kato worked as a deputy federal public defender and solo practitioner. As a deputy federal public defender, she represented indigent defendants in district court and on appeal before the Ninth Circuit. In solo practice, she continued to represent indigent defendants as a member of the Criminal Justice Act panel, and also handled civil rights and employment matters.



Honorable Kenly Kiya Kato

## Judgeship

In 2013, she was asked to consider applying for a U.S. Magistrate Judge position. Having made hundreds of appearances in front of Magistrate Judges, she valued the unique role of a U.S. Magistrate Judge, which she knew included handling habeas corpus petitions, pro se civil rights matters, and preliminary criminal proceedings. With her professional experience and interests, the position seemed like a good fit.

Judge Kato was sworn in as a U.S. Magistrate Judge in July 2014. Since day one,

she has “absolutely loved her job” and has found opportunities to expand her role in the court. Besides her criminal and civil caseloads, she serves as a team member on the Court’s two alternative court programs: (1) Conviction and Sentencing Alternatives (CASA) and (2) Substance Abuse Treatment and Reentry (STAR).

CASA is a program supporting individuals with limited or no criminal history. Participants have regularly scheduled meetings with the CASA Team of judges, pretrial services officers, prosecutors, and public defenders. With their CASA Team’s support, participants engage in counseling, drug testing, and community service. After graduating from CASA, participants are either sentenced to probation or have their charges entirely dismissed.

STAR is a program that supports individuals with lengthy criminal histories and substance use disorders. Participants have weekly meetings with the STAR Team of judges, probation officers, prosecutors, public defenders, and treatment providers. In addition, participants have



Judge Kenly Kato and Tiffany Nocon



various weekly responsibilities, including drug testing and counseling, Alcoholics and Narcotics Anonymous meetings, and obtaining sponsor support. Through STAR, participants achieve and maintain sobriety with the added incentive of having their term of supervision reduced by one year.

Judge Kato considers CASA and STAR to be among the highlights of her job because they are collaborative, alternative court programs offering participants meaningful opportunities to change their lives. She credits the programs' success to the court's willingness to implement creative strategies, the commitment of members of the CASA and STAR Teams, and the resilience and strength of the participants themselves.

The generosity of spirit she brings to CASA and STAR spills into her chambers. She offers professional guidance to court staff, law clerks, and other new lawyers. She says, "it's just a joy to spend time with such an amazing group." Their "KK family" stays connected and frequently gath-

ers for activities such as hikes, movies, and musicals. The group has attended *Les Miserables* and *Wicked* together, and were set to see *Hamilton* when the pandemic hit.

## Looking Forward

As our community starts to see a light at the end of the tunnel, Judge Kato is most looking forward to being able to reconnect with people in person, including her colleagues and court staff, the CASA and STAR Teams and participants, and her KK family. For Judge Kato, these personal experiences, stories, and connections continue to inspire and motivate her just as they did when she was a child first deciding to become a lawyer.

*Tiffany L. Nocon works as a civil rights lawyer at Disability Rights California. She is also a former law clerk to Judge Kato, former assistant federal public defender, and currently serves on the board of directors for the Federal Bar Association, Inland Empire Chapter.*



# CORRECTION RE REMOTE TRIAL PROTOCOL

*by Judge Craig G. Riemer*

The Court would like to clarify two issues discussed in the recent article, "Riverside Remote Jury Trial Protocol" (April 2021).

First, the article mentions that, after the jurors have been discharged, the trial lawyers will have the opportunity to speak with them in a Webex break-out room. While that is a possibility, it is not guaranteed. The trial judge will decide whether the court will continue the Webex session after the conclusion of the trial, for a break-out session with discharged jurors or for any other reason.

More importantly, the article suggests that conducting a trial remotely will facilitate post-trial motions for new trial or for judgment notwithstanding the verdict, "since almost everything could be recorded." The assumption that the parties are free to record a remote trial is incorrect. No one may record court proceedings without prior authorization. (Cal. Rules of Court, rule 1.150(c)&(d).)

Even if you were authorized to record the trial proceedings, that recording could not be used to prove what occurred in those proceedings. The only official record of superior court proceedings regarding unlimited civil cases is one made by official reporters and official reporters pro tempore. (Code Civ. Proc., § 269, subd. (a); Gov. Code, § 69957, subd. (a); California Court Reporters Assn.

v. Judicial Council of California (1995) 39 Cal.App.4th 15.) There is no permissible electronic substitute. (California Court Reporters, p. 28.) Thus, no such motion could be supported by any audio or video recording of the trial proceedings.

*Judge Craig Riemer hears complex civil cases in Department 5 of the Historic Courthouse, and is a past president of the RCBA.*



## MEMBERSHIP

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

**Robert M. Cohen** – Law Offices of Robert M. Cohen, Santa Monica

**Megan R. Kilmer** – Best Best & Krieger, Riverside

**Laura A. McGee** – Renteria & Associates, Riverside

**Bret A. Zaccaglin** – Thompson & Colegate, Riverside

**Charles E. Reed** – Renteria & Associates, Riverside





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# OPPOSING COUNCIL: MARK SINGERTON

by L. Alexandra Fong

## It's the journey that matters, not the destination.

Mark Singerton was raised in Cerritos, California, by his mother and maternal grandmother, back when the city still had dairy farms. His parents met on a train in Japan, when his father, a Caucasian, was stationed there in the late 1960s by the United States Army. After their marriage, they moved to California.

When he was a few years old, his mother wanted to return to work. His maternal grandmother moved from Japan to California to assist in childcare. He grew up speaking Japanese in the home. Sadly, Mark's parents divorced when he was eight years old and his maternal grandmother returned to Japan shortly thereafter.

Mark was one of the few Asians in the neighborhood and at school and he experienced a few difficulties growing up. Every year, his mother took him to Japan to visit his maternal relatives and get in touch with his Japanese roots. While in Japan, he developed a passion for travel and for nature, a passion that continues to this day.

After graduating from Whitney High School in Cerritos, he attended the University of California Los Angeles (UCLA), where he met his future wife Cheryl. At UCLA, he was a sports reporter for the "Daily Bruin," a student newspaper which began publishing in 1919 and is published five days a week, with a current circulation of 6,000 copies per school day.

At UCLA, Mark was also the vice president for a Filipino based fraternity, Theta Delta Beta. The fraternity had existing chapters at University of California, Irvine and California State University, Fullerton and wanted to expand its reach. Although other Asian based fraternities existed at UCLA, Mark seized the opportunity to start a new chapter of Theta Delta Beta and helped build it from the ground up. While at Theta Delta Beta, Mark participated in many community activities, including fundraising for various charitable organizations, working with students who were behind in school, including those on academic probation, and cleaning litter.

After graduating with a Bachelor's Degree in political science, he attended Loyola Law School, where he served on the Jessup Moot Court Team and became the executive editor of the *Loyola Law Review*. He graduated with his Juris



Mark Singerton

Doctor in 2000. Cheryl went on to work as a paralegal for a firm that was in-house counsel for Farmer's Insurance.<sup>1</sup>

Mark interned at the Los Angeles County District Attorney's office in September 2000. With the intent to pursue a career in public service, he joined the Riverside County District Attorney's office in 2001 as a post-bar clerk. After successfully passing the bar exam, he was offered a permanent position. He became a line deputy and prosecuted a variety of cases, including domestic abuse, gang and violent crimes.

He and Cheryl married and began the first of many trips to the world's national parks—Rotorua and Fjordland National Parks in New Zealand,<sup>2</sup> Hawaii Volcanoes National Park,<sup>3</sup> Jasper National Park in the Canadian Rockies,<sup>4</sup> Banff National Park in Canada (the first national park in Canada), Fuji-Hakone-Izu National Park in Japan (famous for Mt. Fuji),<sup>5</sup> and the Beijing Great Wall National Park.<sup>6</sup> Since having three children, Mark and Cheryl's family have toured many of America's national parks in the continental United States, including Badlands, Denali



1 Cheryl became an attorney in 2004 and also works for the Riverside County District Attorney's Office.

2 <https://www.newzealand.com/us/feature/national-parks-fiordland/>

3 Information about U.S. National Parks can be found here: <https://www.nps.gov>

4 Information about Canada's National Parks can be found here: <https://www.pc.gc.ca/en>

5 <https://www.fujihakoneizu.com/>

6 <https://national-parks.org/china/beijing-great-wall>



National Park and Preserve, Glacier, Grand Teton, Kenai Fjords, Joshua Tree, Yellowstone, and Yosemite.

In 2008, he was promoted to supervising deputy district attorney,<sup>7</sup> and has supervised numerous units, including Gangs, Special Prosecutions and Fraud, General Felonies, Major Crimes, and Sexual Assault. He currently supervises the office's county-wide Juvenile Unit. He is based out of Riverside, but travels to Murrieta and Indio, where the other two juvenile justice courthouses are located. During his tenure, he has served with four District Attorneys: Grover Trask, Rod Pacheco, Paul Zellerbach, and Michael Hestrin.

In his spare time, Mark volunteers with our local community. He currently serves on the steering committee of Project Graduate, one of the core programs of Riverside County Bar Foundation, the charitable arm

<sup>7</sup> In 2017, the position of supervising deputy district attorney was reclassified as managing deputy district attorney.

of RCBA. Project Graduate works in collaboration with the Riverside Superior Court and Riverside County's Department of Public Social Services to assist at-risk foster youth to graduate high school, to continue their education beyond high school, and to plan for a successful future. He also serves on two subcommittees of Project Graduate: fundraising and programs. He also serves as an educational representative and is currently assigned to assist one student. Mark also serves as a scoring judge for Future Business Leaders of America and is frequent speaker with Corona-Norco School District's Career Technical Education program, where he talks to high school and middle school students about career planning and careers in the law.

Mark enjoys reading, playing basketball and tennis, watching his beloved Chicago Bears and, of course, hiking and touring national parks. He and his family hope to visit Iceland's three official national parks (Þingvellir, Vatnajökull and Snæfellsjökull) soon.

*L. Alexandra Fong is a deputy county counsel for the County of Riverside, practicing juvenile dependency in its Child Welfare Division. She is a member of the Bar Publications Committee and CLE Committee. She is co-chair of the Juvenile Law Section of RCBA. She is a past-president of RCBA (president in 2017-2018) and the Leo A. Deegan Inn of Court (president in 2018-2019.) She works with Mr. Singerton on the two subcommittees of Project Graduate.*



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# NOMINEES FOR THE 2021-2022 RCBA BOARD OF DIRECTORS

The Riverside County Bar Association's Nominating Committee has nominated the following members for the 2021-2022 RCBA Board of Directors. The term for each office begins on September 1, 2021. Below are the biographies submitted by each candidate. The election will be conducted by a web based electronic voting system. Please watch your email for voting information. Election results will be announced in June.



**Neil Okazaki**  
*President*

As President-Elect for 2020-2021, Neil Okazaki will automatically assume the office of president for 2021-2022.



**Lori Ann Myers**  
*President-Elect*

Lori Ann Myers was born in Huntington Beach, and grew up in Lake Forest. She received her law degree from Western State University College of Law. She has practiced exclusively in the area of criminal defense. Working as a clerk for the Orange County Public Defender's Office in law school cemented her belief that criminal defense was her calling. Ms. Myers' first job as an attorney was with the Riverside County Public Defender's Office.

Currently, Ms. Myers has a vibrant private practice, and she is also the creator and founder of the Warrior Attorney Academy, a 6-week online academy for new criminal defense lawyers. She guides her new lawyers from criminal file to jury trial and empowers attorneys to achieve excellence in their career.

She has tried, to verdict, cases involving sexual molestation, rape, driving under the influence, vehicular manslaughter, assault, robbery, and gang allegations. Ms. Myers was recognized by AVVO with an award as Top Attorney for 2017 with a Superb Attorney rating by the Legal Community and was also recognized by the American Institute of Criminal Law Attorneys as one of the 10 Best Attorneys in 2017 for Client Satisfaction in Criminal Law in California and is AV rated by Martindale Hubbard.

Her involvement in the community has included participation as a scoring attorney for various Mock Trial competitions and a volunteer with VIP Mentors. This organization, formerly called Volunteers in Parole, contracts with the California State Bar to provide volunteer attorneys who serve as mentors to parolees. The program helps facilitate a successful re-entry into society by providing the parolee with much needed guidance and advice from a reliable mentor. Currently, she is on the Board of Directors as the vice president and is the co-chair of the RCBA Criminal Law Section.

In addition to her private practice, Ms. Myers provides representation to indigent criminal defendants. The Public Defender has many cases in which a conflict of interest is present. In these situations, the defendant is still entitled to a defense attorney. The County of Riverside contracts with entities to provide defense attorneys to indigent defendants who cannot be represented by the Public Defender. Lori has been working within this system of court-appointed counsel for over 17 years.



**Kelly Moran**  
*Vice President*

I am incredibly honored to have been nominated to continue as a member of the Riverside County Bar Association Board of Directors. I have had the opportunity to serve as a board member for five years, first as the 2013-2014 Riverside County Barristers President, then later as a director-at-large from 2015-2017, secretary from 2019-2020, and most recently as the chief financial officer during the 2020-2021 term. I would be privileged to continue that experience in the future as the 2021-2022 vice president of the Riverside County Bar Association.

As a Riverside native, I strive to give back to the community that I am so proud to call my hometown. I am a graduate of Notre Dame High School and UC Riverside. After obtaining my JD and a Certificate in Dispute Resolution from Pepperdine University School of Law, I returned to Riverside where I have been fortunate enough to practice law for the past twelve years. I currently serve as a supervising deputy county counsel for the County of Riverside in the Public Safety & Litigation Services Division.

Throughout my time as an attorney, I have had many wonderful experiences in the Riverside legal community. Most near and dear to my heart has been my work in helping to establish and coach the (two-time medal winning!) Mock Trial team at my alma mater, Notre Dame High School. This experience has been a challenging and rewarding endeavor that has allowed me to form deeper friendships in the legal community, strengthened my appreciation for the law, and has given me a continued sense of pride and optimism for the future of the Inland Empire.

In addition to my work with mock trial, I am also privileged to have been included as a member of the Leo A. Deegan American Inn of Court, the Civil Bench and Bar Panel, RCBA's Mentoring Program, and the Riverside County Bar Foundation's Adopt-a-High School program. Outside of the legal community, I volunteer as a "Wish Granter," member of the Speaker's Bureau, and member of the Medical Outreach Team for the Orange County and Inland Empire chapter of Make-A-Wish.

I am extremely grateful to be a member of the Riverside legal community and would be honored to have the opportunity to continue my journey on the RCBA Board of Directors as the vice president for the 2021-2022 year.



**Mark Easter**  
*Chief Financial Officer*

Mark Easter is a Partner at Best Best & Krieger LLP, where he has worked since graduating from U.C. Davis Law School in 1989. Mark serves on BBK's Recruitment Committee, Associate Development Committee, and Nominating Committee.

Mark specializes in real estate litigation, receivership litigation, public agency acquisitions, eminent domain, and inverse condemnation. Mark is a board member and is actively involved in the Inland Empire Chapter of the International Right of Way Association ("IRWA"), a professional organization that focuses on public agency acquisitions, right of way, and valuation. Mark has taught courses and seminars on eminent domain, expert witnesses, and trial advocacy for the IRWA, the Appraisal Institute, CLE International, and the RCBA.

Mark has been actively involved in the Riverside County High School Mock Trial program for over 25 years, as an attorney scorer from 1992-1995, as a member of the Steering Committee from 1996-2004, as an attorney coach for Woodcrest Christian from 2004-2014, and as an attorney coach for Valley View in Moreno Valley since 2015.

Since 2010, Mark has assisted in RCBA's Elves Program as a money elf, shopping elf, wrapping elf, and delivery elf. Since 2014, Mark has served on RCBA's Bench Bar Committee. Mark has served two years as a member-at-large of the RCBA Board and one year as secretary. Mark believes that attorney professionalism and civility, clear and consistent communications between the Bench and the Bar, virtual/technology training, and attorney outreach to the community are very important as we work through this period of transition in how litigation is conducted and legal services overall are provided.



**Megan Demshki**  
*Secretary*

Megan G. Demshki is a trial lawyer at Aitken Aitken Cohn in Riverside where she specializes in traumatic personal injury, wrongful death, and medical practice matters.

Megan has been active in the Riverside County Bar Association for several years and currently serves as a director-at-large on the RCBA Board of Directors. She is a past president of the Barristers, the new and young attorney organization of the RCBA. Megan also serves as the chair for the RCBA Civil Litigation Section and on the Steering Committee for the Riverside County Bar Foundation.

Megan is a proud member of the Deegan Inn of Court and a past recipient of the Biddle Book Award by the Inn. The Biddle Book Award recognizes an outstanding attorney who exemplifies the goals of the Inn and for her professionalism and dedication to the legal community.

Megan currently serves as the president of the Consumer Attorneys of the Inland Empire (CAOIE). Megan was awarded the 2018 CAOIE Presidential Award for Distinguished Service.

Outside of her involvement with the legal community, Megan serves as first vice president for the Pick Group of Young Professionals, chair-elect of the Janet Goeske Foundation and vice president of Membership & Finance for the Magnolia Center Business Council. She is a graduate of the Greater Riverside Chambers of Commerce Leadership Riverside program.

Megan is eager to continue her involvement with the RCBA as secretary by bringing quality opportunities for members of the RCBA to network and form meaningful relationships, both virtually and, hopefully soon, in person.



**Chris Johnson**  
*Secretary*

As a lawyer for over twenty-five years, Chris has handled transactional and litigation matters in real estate, land use & development, title review, bond (re)financing, merger & acquisitions, and business law.

After receiving his Juris Doctorate from the University of San Diego cum laude in 1993, he obtained his initial training as an associate working with the trial lawyers in the San Diego law firm formerly known as McInnis, Fitzgerald, Rees & Sharkey. In 1998, he worked as in-house counsel for the Insurance Company of the West. From 2002-2015, he was the principal of his own law practice: Single Oak Law Offices in Temecula. In November of 2015, Chris joined Reid & Hellyer. He became a partner in February of 2017. Chris is the senior attorney responsible for the Temecula/Murrieta office.

Chris has been a member of the Riverside County Bar Association since 2010. Since that time, he has participated as a panel member during a day of "Access to the Courts" for the public and as a scoring attorney in the High School Mock Trial competitions. Chris co-chaired the Solo/Small Firm Section of the Riverside County Bar Association from 2014-2017.

As a director-at-large, Chris would strive to enhance several facets of the ongoing enterprise:

- Increase the participation and coordination of private, public, and governmental practitioners in the Association;
- Garner greater inclusion of those practitioners who practice outside of the traditional downtown area such as southwest county and the desert communities;
- Emphasize greater civility and professionalism in practical legal training curriculum such as the ongoing academy training program. Also explore the possibility of bringing that program to other regions of the county.

Chris has lived in Temecula with his wife and their two daughters since 2003. Because the daughters now attend college out-of-the-area (UCLA and Point Loma Nazarene University), Chris and his wife spend a lot of their "free" time meeting the needs of their 4-year-old English bulldog "Titus."





**Erica Alfaro**  
*Director-at-Large*

Erica Alfaro is a native of Riverside. She obtained her undergraduate and legal education at University of California, Davis.

Erica serves as staff counsel at State Compensation Insurance Fund and practices workers' compensation insurance defense. She was recently appointed to the State Fund Diversity Committee, a statewide task force and the Emerging Leaders Program.

Erica has been active in the RCBA since 2015. In 2018-2020, she has served as director-at-large on the RCBA board. She previously served as Barristers' president and was successful in reviving the organization.

Committed to the community at large, Erica has served as a board member for Inland Counties Legal Services for the past 4 years and currently serves as vice president. She is a founding member of the Hispanic Bar Association and also serves as vice president. Erica is a member of the Leo A. Deegan A. Inn of Court.

She would like the opportunity to serve the Riverside legal community again as director-at-large.



**Melissa Cushman**  
*Director-at-Large*

Melissa Cushman is a deputy county counsel for Riverside County and has been with the office since 2014. She does a combination of litigation and transactional work, litigating land use matters and actions brought under the California

Environmental Quality Act (CEQA), as well as other writs of mandate, and also drafts and reviews contracts, ordinances, resolutions, and CEQA documents.

Born in the Inland Empire and with family ties to Riverside going back over a 100 years, Melissa actually grew up in Nashville, Tennessee, but made her way back to the area for college. She graduated with a B.A. from Pomona College, where she was a member of Mortar Board National College Honor Society, which recognizes college students for scholarship and service, and, afterwards, Phi Beta Kappa. After graduation she travelled and taught English in Argentina and Italy, moved to Central Coast California, then made her way back to Riverside, working in a bank then commuting to Los Angeles for law school at the University of Southern California Gould School of Law. After graduation in 2006, she worked as an associate attorney at Best Best & Krieger LLP in the Environmental Law and Natural Resources Department before coming to the County.

A big believer in community participation, Melissa has served as a board member of the Association of Environmental Professionals—Inland Empire chapter and has been a contributing writer of Eastern Water Law and Policy Reporter and the RCBA's *Riverside Lawyer*. She has taught classes at California State University, San Bernardino; University of California, Riverside; and La Verne Law School and participated in Leadership Riverside.

Melissa is also an active member of the RCBA. She is chair of the Environmental Section & Land Use Law Section, has served on the *Riverside Lawyer* Publications Committee for

almost ten years, participates in the MCLE Committee, and was an active member of the Leo A. Deegan American Inn of Court for several years. She hopes to continue her service to the community and the Bar Association by becoming a member of the board of directors and would now like to be considered for director-at-Large. Melissa says, "Thank you for your consideration, and I appreciate everyone's support in helping me continue my work for the community and the RCBA."



**Amanda Daams**  
*Director-at-Large*

Amanda Daams is of counsel in Best Best & Krieger's Environmental Law & Natural Resources practice group, where she assists public and private clients in navigating complex issues related to the California Environmental Quality Act, the

National Environmental Policy Act, and associated environmental and land use laws.

Amanda grew up in Riverside and graduated from Notre Dame High School as valedictorian. She received her law degree from the University of Notre Dame in 2009. During law school, she participated in the San Diego Volunteer Lawyer Program, providing a variety of pro bono legal services as part of the HIV/AIDS Legal Services Project. After finishing law school she knew she wanted to return to Riverside to practice law. She began her legal career at Gresham Savage Nolan & Tilden before joining Best Best & Krieger in 2017.

Amanda became active in the RCBA since her first days as a young lawyer. She was Barristers president in 2012-2013, is a contributor to *Riverside Lawyer* Magazine on environmental topics, and served as a mentor for the New Attorney Academy. In addition to writing and speaking on environmental law issues, Amanda has served as the Chapter Director of the Inland Empire Chapter of the Association of Environmental Professionals (AEP) since 2010. AEP seeks to enhance, maintain, and protect the quality of the environment through research and education and advising on legislative matters. She represents the Inland Empire on AEP's state board of directors.

Amanda enjoys spending time with her husband and their three children. She is excited to give back to Riverside's legal community through increased involvement in the RCBA and would be honored to use her talents on the RCBA Board of Directors.



**Goushia Farook**  
*Director-at-Large*

It is an absolute honor to have been nominated for a position on the Riverside County Bar Association Board of Directors. As the present president of the Barristers Association, I have had the privilege of participating with the current RBCA board

at board meetings. It would be an honor to join the RCBA as director-at-large and contribute to the growth of our amazing Bar Association.

I am currently an attorney at Bratton, Razo & Lord in downtown Riverside where I practice exclusively in the area of family law. I have been with Bratton, Razo & Lord for over a year and could not be happier! I started practicing in Riverside in 2015 after relocating from San Diego and I immediately fell in love with

the Riverside legal community and Bar Association. I knew the RCBA was special when I reached out for help in navigating the area of family law in a new city. The feedback and overall support I received was outstanding. I was amazed by how many attorneys were willing to take time from their hectic schedules to help me. I knew immediately this was going to be my home and I wanted to give back to my community of professional colleagues.

I participated in the New Attorney Academy program and started attending Barristers events where I met lifelong friends and made professional connections. Knowing I wanted to be part of our thriving legal community, I joined the Barristers Board as a member-at-large and started my term as president in 2020. I have participated in the Elves Program since 2016. I am currently a member of the Leo A. Deegan Inn of Court and have been a member since 2017. My favorite part of the Inn has been the community service team and finding creative methods of giving back to our community. I also currently have the privilege of serving as a board member for Inland Counties Legal Services (ICLS).

I have an immense amount of love and respect for our Bar Association and would be delighted to serve in its growth and efforts to continue making our legal community a place we all call home.



**Paul Leonidas Lin**  
*Director-at-Large*

Hello, I'm Paul Lin! You may remember me from such articles such as "Ugly Christmas Suits: Ultra Christmas Chic or Fashion Faux Pas?" and "We're not a cult, I promise" from my time as the president of the Barristers. But today I'd like to talk to you about why I'd make an excel-

lent director-at-large for the Riverside County Bar Association (RCBA).

A transplant to Riverside County, I was born and raised in Puerto Rico. At the age of 11, I moved to West Covina, California, where I would eventually meet my high school sweetheart. In 2006, I followed her to Riverside where she pursued her studies at the University of California, Riverside. I never left. After a brief career as a programmer and IT technician, I enrolled in a night-time law school program at the California Southern Law School, here in Riverside.

While working during the day and attending law school at night, I spent the remainder of my "free" time volunteering as a certified law clerk for the Riverside District Attorney's Office on my first year and the San Bernardino District Attorney's Office for the remaining three years of school. This sealed my interest in the criminal law. Today, I practice exclusively as a criminal defense attorney representing both private clients and accepting court-appointed cases for indigent defendants.

Currently, I am finishing my term as immediate past president of the Barristers (New and Young Attorney Division of the RCBA); I am a past president of the Asian Pacific American Lawyers of the Inland Empire (APALIE); and I am a founding member and inaugural secretary for the newly formed Riverside County Criminal Defense Bar Association (RCCDBA). Having been part of the RCBA since being a law student, I am eager to continue my work and give back to the Riverside community.



## CLASSIFIEDS

### **Searching for Donald O. Vogel's Attorney**

Searching for Riverside County attorney who drafted estate planning documents for Donald O. Vogel, who resided in Pahrump, Nevada. Please contact Joshua M. Hood, Esq., of the law firm of Solomon Dwiggin & Freer, Ltd., at 702-853-5483 or [jhood@sdfnlaw.com](mailto:jhood@sdfnlaw.com).

### **Office Space – RCBA Building**

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](mailto:rcba@riversidecountybar.com).

### **Office Space – Downtown Riverside**

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

### **For Sale**

Professional office building, Magnolia Center in Riverside. Great location. 3,000 to 5,000 sq. ft. Contact Jeff Nauta, United Real Estate Group, (714) 612-0944 or [unitedreg@hotmail.com](mailto:unitedreg@hotmail.com).

### **Criminal Attorney**

AV rated Riverside criminal firm seeks attorney with criminal experience to handle felony, misdemeanor and traffic matters in Riverside and San Bernardino counties. Some jury trial experience is preferred. Spanish speaking is a plus. A competitive salary and benefits package are offered. Please email resume to [socalawfirm@gmail.com](mailto:socalawfirm@gmail.com).

### **Associate Attorney**

Small local law firm seeking full-time attorney with several years of civil litigation experience. Send resume and salary history to Chandler & Associates, 6185 Magnolia Ave # 336, Riverside, CA 92506.

### **Senior Associate Attorney**

Local law firm seeking part-time attorney (20 hours) to handle depositions, mediations, settlement conferences, and short-cause trials. Send resume and salary history to Chandler & Associates, 6185 Magnolia Ave # 336, Riverside, CA 92506.

### **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](mailto:rcba@riversidecountybar.com).







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