

# RIVERSIDE LAWYER

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MAGAZINE

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An Update: Secondary Education in Riverside

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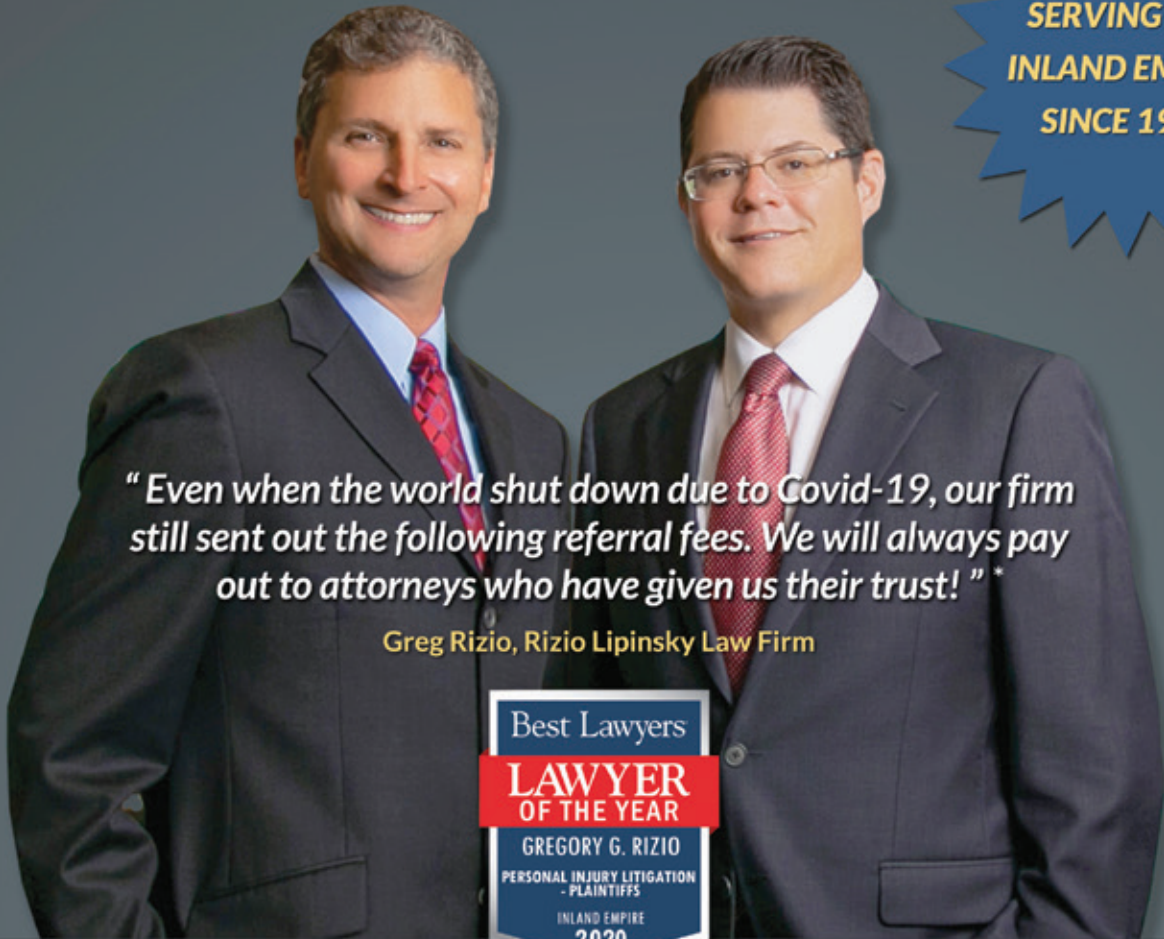
The 2021 RCBA Virtual Reading Day was a Huge Success





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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

## September

- 23 RCBA Annual Installation of Officers  
Dinner & Charity Auction**  
Riverside Convention Center  
Outdoor Plaza  
Social hour – 5:30 pm  
Dinner – 6:30 pm

## October

- 4 Civil Litigation Roundtable with  
Hon. Craig Riemer**  
Zoom  
Noon  
MCLE
- 7 Red Mass**  
Our Lady of the Rosary Cathedral  
San Bernardino  
6:00 pm  
(see notice on page 28)
- 8 General Membership Meeting**  
Noon  
Speaker to be announced  
RCBA Building – Gabbert Gallery

*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).*

### On the Cover:

*Jacqueline Carey-Wilson is reading virtually to Michelle Vara's fourth grade at Anna Hause Elementary School in Beaumont on May 26, 2021 (full story on page 23).*





## President's Message

by Neil Okazaki

On February 27, 2020, Bothell High School in Washington became the first school to shut down due to COVID after an employee's relative became sick and was tested for COVID-19. Twenty-six days later, all U.S. public school buildings were closed. More than 1.5 billion children worldwide were affected by school closures, including a staggering 463 million who had no access to remote learning.

Last month, something special happened for many that we normally take for granted – schools were open for learning. Kids are playing at recess on playgrounds. Teachers are helping kids in person with their homework. Children are reading books at libraries. Student athletes are practicing in preparation for a full season of sports. It may not be totally normal yet in the era of masks, social distancing, vaccinations, and the delta variant. But it is a significant step towards normalcy.

It is therefore fitting that the return to schools coincides this month's *Riverside Lawyer* focus on education. Teachers are the backbone of our society, and we wish to pay tribute to those who worked hard during this pandemic to creatively teach our youth through the unprecedented challenges they faced. Many are underpaid and overwhelmed. But through the face of adversity, we saw heroes in "zoom classrooms" remain committed to their students and their profession. We owe them a debt of thanks.

The programs of the Riverside County Bar Association (RCBA) and Riverside County Bar Foundation allow our members to serve a role in supporting school children in Riverside County. First, our Mock Trial Steering Committee plays a vital role relating to the annual county mock trial competitions. The case materials are being released this week as we work towards round one of the competition on February 2, 2022. Second, after having previously organized an Adopt-a-High School program, we have pivoted this year to a virtual reading day at Anna Hause Elementary School in Beaumont. Third, this is the thirtieth anniversary of our Good Citizenship Awards Program, in which we recognize high school students from around the county for their good citizenship as part

of our celebration of Law Day. High school principals and counselors throughout the county nominate one junior from each school who are recognized as "good citizens" – meaning they care, they participate, and they make a difference. And fourth, the ever-popular Elves Program was established in 2002 to assist less fortunate school children with holiday gifts each December. These programs make a difference in the lives of the children it serves. But equally important, it makes a difference in our lives by doing good for others.

Our good work continued last year. Despite the challenges that came with a pandemic, we thrived nonetheless thanks to the leadership of the RCBA Board of Directors and staff. Executive Director Charlene Nelson led her team of professionals as we pivoted during the pandemic and will continue to creatively adapt to a new normal while aligning with the board's strategic vision. Sophia Choi served as president during an unexpectedly challenging time. Her resilient leadership allowed us to weather a myriad of challenges that she turned into opportunities to move this organization forward. She led us all with authenticity and empathy, which are just two of her many good qualities that have served her well in her successful career and life. We all are immensely appreciative of her service to our organization. And Lori Myers did not let COVID end our general membership meetings. She used the year as an opportunity to reach a broader audience and find innovative speakers for our Zoom general membership meetings. Lori will be president of this organization in about 350 days, and I'm sure most of you reading this column are already counting down for that to happen.

As we think about schools taking a major step towards normalcy, the RCBA is moving in that direction as well. Our first major upcoming event will be our annual installation dinner on September 23, 2021. To comply with COVID safety protocols, the dinner will be outside at the Riverside Convention Center. This year, we are particularly pleased to honor Chris Jensen with the E. Aurora Hughes Meritorious Award for Service. Chris is a worthy recipient of this award, which was named after a truly generous and courageous woman. Although Aurora sadly lost her fight to ALS in 2011, her legacy continues by honoring individuals like Aurora and Chris who have an outstanding record of service or achievement to our organization.

At this year's installation, we will be showcasing items in a live and silent auction to benefit the Civil Rights Institute of Inland Southern California. As the voice of civil rights for our region, the Civil Rights Institute has the following aims:

- (1) To provide public programming and children's programs focusing on civil rights and our region's civil rights history;
- (2) To program exhibits and performances that support civil rights activities; house an archive and library of regional civil rights materials;
- (3) To conduct oral history projects and support the production of civil rights audio and video productions through their media center; and
- (4) To recognize this region's civil rights leaders and their impacts.

We have set a fundraising goal of \$10,000 for this important endeavor. The success of the auction is dependent on the generosity of friends and supporters in our community. If you or someone you know would be willing to donate an item or experience to be auctioned off at our fundraiser, please contact Charlene Nelson at (951) 682-1015. We hope to see you there as we safely gather to celebrate our profession and the good work that we do.

Amy Poehler once said, "Find a group of people who challenge and inspire you, spend a lot of time with them, and it will change your life forever." Your board of directors is that kind of an extraordinary group of individuals, and it is an honor for me to have the opportunity to work with Lori Myers, Kelly Moran, Mark Easter, Megan Demshki, Erica Alfaro, Aaron Chandler, Goushia Farook, Elisabeth Lord, Sophia Choi, and Michael Ortiz. Together, they will make sure we are successful and the RCBA continues to advance our important mission to serve our members, our communities, and our legal system.

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



A black and white portrait of Judge Jackson Lucky, a middle-aged man with glasses, wearing a suit and tie, smiling. The portrait is positioned on the right side of the page, partially overlapping the text.

# JAMS Welcomes Hon. Jackson Lucky (Ret.)

Attorneys say Judge Lucky's **"preparation is nothing short of exhaustive"** and **"you're going to get a well-reasoned decision."** – 2018 Daily Journal Profile

Judge Lucky served for 13 years on the Riverside County Superior Court, including four years as supervising judge of the family law division. He presided over and settled thousands of family law and unlimited civil cases, and developed successful ADR programs for the court during both his civil and family assignments. A passionate technologist with an ability to explain complex legal and technical issues in plain language, Judge Lucky has built and programmed computers and is a sought-after instructor in virtual ADR. He is available in person or remotely as a mediator, arbitrator, special master/referee and temporary judge in **business/commercial, employment, family law, personal injury, professional liability** and **real property** matters.

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# BARRISTERS PRESIDENT'S MESSAGE

by Michael Ortiz



## A special thank you to outgoing Barristers President Goushia Farook

As I begin my term as president of the Barristers, I am humbled and honored at the opportunity to build upon the foundations of this organization laid by the great presidents that came before me. A special thank you to outgoing

president Goushia Farook, who led us through the infamous year that was 2020. We finished strong, in Barristers' fashion, by having a "happy hour marathon" consisting of four happy hours during the months of July and August and culminating in the "Barristers secret exciting event" on August 26. What a way to end a term!

Seeing as this month's theme is "education," I feel it fitting to begin with my favorite quote about the topic, which is the following: "Formal education will make you a living; self-education will make you a fortune." - Jim Rohn

As lawyers, we are no strangers to formal education. We have all completed more years of schooling than a majority of the national population. So why, then, should we bother with continuing self-education? Well, as Mr. Rohn so clearly explained above, because it will make you a fortune.

The fortune promised to those who self-educate is not in money, alone. Studies have shown that learning reduces anxiety and stress, significantly reduces burnout, and helps to develop optimistic perspectives toward work-related challenges. Learning improves feelings of competence, capabilities for problem solving, and overall self-esteem.

For me, personally, learning helps me stay curious and makes my life more enjoyable. Whether I am learning about estate planning and administration, managing and operating a law practice, or even prospecting for gold in the local mountains, learning new things has always had a net positive impact on my career and overall happiness.

Learning doesn't have to be a chore, either. As lawyers we learn from our peers, mentors, and sometimes from our own mistakes. Imitation, repetition, and exposure are some of the most primitive and passive ways humans learn. What I love about being part of the Riverside County Bar Association (RCBA) and the Riverside Barristers are the opportunities these organizations provide for members to learn things the easy way.

As a new attorney, I participated in the RCBA New Attorney Academy. The time I spent in the Academy and the opportunities to speak and learn from attorneys and judges, helped me

immensely in the beginning of my legal career. In addition, attending RCBA events like the monthly membership meetings, section meetings, and round tables with local judges provided easy ways to improve my professional competence.

Participating with the Barristers has likewise provided opportunities for easy learning. I specifically recall reaching out to a fellow Barrister the first year I opened my own law practice. I encountered a situation I wasn't familiar with, and I simply asked a fellow Barrister that practiced at a larger firm for advice. She not only gave me her input, but asked one of the partners at her firm for his advice as well. These intangible benefits saved me time and more importantly decreased stress.

As president of the Barristers, it is my goal that new and young attorneys are aware of the many resources provided by these two wonderful organizations. Specifically, I will be working closely with the RCBA to reignite the RCBA mentorship program. The Barristers will continue to hold our monthly happy hours to help members build connections among each other. We will continue to hold CLEs and provide informal opportunities for new and young lawyers to learn fundamentals about practicing law. And, of course, we will continue the traditional Furristers hikes and Disneyland/Universal Studios trips because "why not?"

## A Call to Action

When I first joined the Barristers Board, I made it my goal to serve my fellow RCBA new and young attorneys. The Barristers Board and I can only be as effective as the feedback we receive from our constituents. So, if you are a new or young attorney, I am asking you to come to at least one of our events. Whether it is a happy hour, Furrister's hike, or mentorship program event, I promise you it will be worth your time. You never know, you might be the next Barristers Board member or president.

## Follow Us!

For upcoming events and updates:

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

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

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

If you would like to sponsor any Barristers events, have MCLE topics you would like to see covered, or community outreach events you would like use to hold, please contact us and we would love to explore those ideas with you. Feel free to email me directly at [Mike@MikeOrtizLaw.com](mailto:Mike@MikeOrtizLaw.com).

*Michael Ortiz is an attorney at Ortiz Law, where he practices primarily estate planning and administration. He can be reached at [Mike@MikeOrtizLaw.com](mailto:Mike@MikeOrtizLaw.com)*



# PRACTICING RESPONSIBLY AND ETHICALLY

## CONTINUING LEGAL EDUCATION

by David Cantrell

With fall around the corner, we have so much to look forward to: leaves changing color, football season (go Rams!), Thanksgiving – just to name a few. However, many of us have education (more precisely, Continuing Legal Education) on our minds. Despite our best intentions, many lawyers are scrambling to complete those final few units this time of year. This article is an overview of California's MCLE requirement and the consequences for failing to comply.

The “M” in MCLE stands for “Minimum.” Every three years we are required to complete a minimum of twenty-five (25) hours of continuing legal education, including at least four (4) hours of legal ethics, one (1) hour relating to recognition and elimination of bias, and one (1) hour relating to substance abuse or other mental or physical issues that impair competence. (B&P Code sec. 6070(a); CRC 9.31; State Bar Rule 2.72.) Legal specialists have a requirement of thirty-six (36) hours in their specialty area.

The requirements imposed by the State Bar often seem onerous, but when compared to other professions they are quite reasonable. For instance, the California Medical Board and Dental Board each require fifty (50) hours of continuing education every two years. The California Board of Accountancy requires eighty (80) hours of continuing education every two years. Annualized, our required 8.33 hours seem very achievable when compared to 25 (doctors/dentists) and 40 (accountants). If you are in compliance Group 1 (last names beginning with A-G; compliance due on February 1, 2022) and have not started your MCLE requirements for this period, you can at least be glad you are not an accountant.

Over the years, a few lawyers have asked me what happens if they fail to comply with the MCLE requirements, or fail to do so by the deadline. The answer, as with so many things, is “it depends.” If the lawyer simply fails to timely file the compliance form with the State Bar, the Bar will send a notice of noncompliance. (State Bar Rule 2.91(A).) A failure to respond to the compliance notice will result in automatic involuntary inactive status. The lawyer can be placed back on active status once she provides proof of MCLE compliance. (State Bar Rule 2.92.) There is even a process to expunge the inactive status from the lawyer's record provided certain criteria are met. (CRC 9.31.)

If you find yourself in the unenviable position of having not completed the MCLE requirements, the worst thing you can do is to make a false statement to the State Bar when you file your compliance forms. *The Matter of Yee* (Rev. Dept. 2014) 5 Cal. State Bar Ct. Rptr 330 is instructive on the seriousness of falsifying the compliance forms. In *Yee*, a lawyer was randomly audited after claiming she met the MCLE requirements. The lawyer had a practice of taking a 25-hour bundle of online courses and storing the attendance certificates on her computer. Upon being audited, the lawyer could not (1) find the attendance records, (2) recall the name of the course provider, or (3) locate payment or other records that might establish she attended. During the State Bar's investigation, the lawyer conceded that she “believed I had complied” and “I now believe that I made a mistake.” The hearing judge found the lawyer to be a compelling witness and believed that she made an honest mistake. However, the fact that the certification was made “without making any effort to confirm its accuracy” led to a finding of gross negligence, which triggered a finding that the false certification was an act of moral turpitude. While the State Bar's Office of Chief Trial Counsel (OCTC) argued for an actual suspension, the lawyer was ultimately given a public reproof. She was fortunate that the trial judge found her testimony credible – had the judge found the certification to be an intentional misrepresentation instead of gross negligence, she may have lost her license or received a lengthy suspension.

We should all strive to complete our MCLE requirements as early as possible – perhaps viewing it as an opportunity to improve as lawyers, rather than filing burden. However, if you have procrastinated, hopefully this article will serve as a reminder to complete your units this fall.

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



### ATTORNEY POSITION

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9. **Weekly "Barrister" Luncheons** are provided by CDTA. This allows students, attorneys and judicial officers the opportunity to network and connect while enjoying a meal during the Saturday Classes noon break.
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"Study at, or graduation from, this law school may not qualify a student to take the bar examination or to satisfy the requirements for admission to practice in jurisdictions other than California. A student intending to seek admission to practice law in a jurisdiction other than California should contact the admitting authority in that jurisdiction for information regarding the legal education requirements in that jurisdiction for admission to the practice of law."

# THE 1619 PROJECT AND SYSTEMIC RACISM\*

by DW Duke

(This article is excerpted from a book entitled *Racism Awareness by DW Duke with an anticipated release date in 2022. Used by permission.*)

On August 14, 2019, the *New York Times Magazine* published the *1619 Project* authored by *New York Times* writer, Nikole Hannah-Jones, and her colleagues.<sup>1</sup> The project's stated goal was to "reframe the country's history by placing the consequences of slavery and the contribution of Black Americans at the very center of the United States' national narrative."<sup>2</sup>

Almost immediately, the *1619 Project* sparked criticism and controversy by historians who challenged the accuracy of the content and accused the project of rewriting history to fit the author's ideology.<sup>3</sup> Despite the challenges, on May 4, 2020, the Pulitzer Prize Board announced the award of the 2020 Pulitzer Prize for Commentary, to project creator Nikole Hannah-Jones for her introductory essay to the *1619 Project*.<sup>4</sup>

Hannah-Jones was also offered the Knight Chair in the School of Journalism, at the University of North Carolina, her alma mater, but without tenure as had been offered to all Knight Chair recipients in the past.<sup>5</sup> After much controversy and debate, the Board of Trustees changed its position and agreed to offer tenure, but Hannah-Jones declined the offer and accepted a position at Howard University instead.<sup>6</sup>

The *1619 Project* is credited for launching the Critical Race Theory (CRT)<sup>7</sup> which in turn has generating nationwide

controversy by those who contend that the project seeks to correct past racism against black Americans by fostering a new racism against white Americans.<sup>8</sup> The allegation is also made that Critical Race Theory represents a far left-wing radical effort to rewrite history in a fashion that disparages the history of America, for the purpose of causing racial division, which in turn, would allow certain political groups to acquire votes by pretending to be protectors of those identified as victims.<sup>9</sup>

In this article, we will look at some of the key terms used in Critical Race Theory to ascertain their accuracy. This is important because as lawyers, writers, and educators know, words are important. The insertion of a simple adjective or an adverb, can instill emotions that can be positive and hopeful or negative and defeating. The use of improper words to describe a condition can instill hatred and inflame racial division. While we need to acknowledge American's strained history, the goal should not be to generate another century of racial conflict with an improper or an inaccurate description of our condition. This, I would submit, may account for the backlash against Critical Race Theory and may account for its failure, to date.

2020 was a year of conflict and turmoil. In response to the death of George Floyd, at the hand of Minneapolis police officer, Derek Chauvin, peaceful protests, many organized by Black Lives Matter (BLM), took place throughout the United States. Unfortunately, at the same time, riots broke out across the United States, many in the evening hours after BLM protests. Between May 26, 2020 and June 8, 2020, damages from riots had reached nearly \$2 billion with numerous deaths and injuries. It was the worst episode of race rioting in U.S. history.<sup>10</sup>

In 2020, the term *systemic racism* became commonly used to describe what was alleged to be a massive racist culture in law enforcement, government, and in private lives in

1 Hannah-Jones, Nikole, *The 1619 Project* The New York Times. August 14, 2019. Accessed July 30, 2021. <https://www.nytimes.com/interactive/2019/08/14/magazine/1619-america-slavery.html>  
2 Ibid  
3 Wall Street Journal, *The 1619 Project Gets Schooled-WSJ*. December 16, 2019. Accessed on July 27, 2021 <https://www.wsj.com/articles/the-1619-project-gets-schooled-11576540494>  
Serwer, Adam, *The Fight Over the 1619 Project is Not About the Facts*. The Atlantic. December 23, 2019. Accessed on July 31, 2021. <https://www.theatlantic.com/ideas/archive/2019/12/historians-clash-1619-project/604093/>  
4 Pulitzer Prize Update, "Nikole Hannah-Jones Wins Pulitzer Prize for 1619 Project" May 4, 2020. Accessed July 7, 2021. <https://pulitzercenter.org/blog/nikole-hannah-jones-wins-pulitzer-prize-1619-project>  
5 Ruf, Jessica, Diversity, "Nikole Hannah-Jones No Longer Has Immediate Tenure at UNC. What Happened?" May 20, 2021. Accessed July 28, 2021. <https://diverseeducation.com/article/215511/>  
6 Fernando, Christine, USA Today, *Nikole Hannah-Jones won't join UNC after tenure controversy: 'It's not my job to heal the university'* July 6, 2021. Accessed July 30, 2021. <https://www.usatoday.com/story/news/education/2021/07/06/nikole-hannah-jones-declines-unc-tenure-offer-joins-howard-university/7871206002/>  
7 Critical Race Training in Education, *The 1619 Project*. Undated.

Accessed July 31, 2021. <https://criticalrace.org/the-1619-project/>  
8 Bloustein, Paul, WSJ, Opinion, *Critical Race Theory has a Racism Problem*, July 13, 2021, Accessed July 30, 2021. <https://www.wsj.com/articles/critical-race-theory-racism-rufo-11626110701>  
9 Sprunt, Barbara, NPR, *The Brewing Political Battle over Critical Race Theory*, June 29, 2021. Accessed July 31, 2021. <https://www.npr.org/2021/06/02/1001055828/the-brewing-political-battle-over-critical-race-theory>  
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10 Kingson, Jennifer, A. Axios, Exclusive: *\$1 Billion Plus Riot Damage is Most Expensive in Insurance History*. September 16, 2020. Accessed July 15, 2021. <https://www.axios.com/riots-cost-property-damage-276c9bcc-a455-4067-b06a-66f9db4cea9c.html>

the United States. In this article, we will examine the term systemic racism to better understand its use in modern American sociology and culture. We will review statistical data that will cause many of us discomfort and we will ask questions that will similarly be uncomfortable to address. This exercise is necessary to reach the truth and to bring the dialogue into a realm of civility without hyperbole, racist innuendos, and race baiting. It is important to remember that these statistics do not define who and what we are. They identify conditions that exist at a given time and place that may shed light on the issue of racism in the United States.

Institutional racism was described by Sir William Macpherson in the UK's Lawrence Report (1999) as: "The collective failure of an organization to provide an appropriate and professional service to people because of their colour, culture, or ethnic origin. It can be seen or detected in processes, attitudes and behaviour that amount to discrimination through prejudice, ignorance, thoughtlessness, and racist stereotyping which disadvantage minority ethnic people."<sup>11</sup>

It is important to note that the Lawrence Report includes within its definition of racism discrimination that occurs through prejudice, ignorance, thoughtlessness, and racist stereotyping. This broad and sweeping definition lumps ignorance and thoughtlessness (unintentional) into the same category as prejudice and racist stereotyping (intentional). In addition, the Lawrence Report makes no distinction between racism and discrimination, but rather uses these terms interchangeably. As we will see, nearly all the authors in this arena have used these terms interchangeably. But is that an accurate and precise use of terminology and, if not, is this the root of the backlash over the teaching of CRT and the *1619 Project*?

The term *systemic racism* is a variation of the term *institutional racism* that was coined by Stokely Carmichael (later known as Kwame Ture) and Charles V. Hamilton, *Black Power, The Politics of Liberation*.<sup>12</sup> Carmichael and Hamilton provided an example of institutional racism in their analysis.

"Racism is both overt and covert. It takes two, closely related forms: individual whites acting against individual blacks, and acts by the total white community against the black community. We call these individual racism and institutional racism. The first consists of overt acts by individuals, which cause death, injury or the violent destruction of property. This type can be recorded by television cameras; it

can frequently be observed in the process of commission. The second type is less overt, far more subtle, less identifiable in terms of specific individuals committing the acts. But it is no less destructive of human life. The second type originates in the operation of established and respected forces in the society, and thus receives far less public condemnation than the first type.

"When white terrorists bomb a black church and kill five black children, that is an act of individual racism, widely deplored by most segments of the society. But when in that same city—Birmingham, Alabama—five hundred black babies die each year because of the lack of proper food, shelter and medical facilities, and thousands more are destroyed and maimed physically, emotionally and intellectually because of conditions of poverty and discrimination in the black community, that is a function of institutional racism."<sup>13</sup>

Clearly, bombing a church and killing children is an act of racism. But is the lack of food, shelter, and medical facilities the result of current *racism* or the result of *discrimination* that resulted from past racism? How do these terms differ? Let's look at the definition of racism as it appears in the Merriam-Webster Online Dictionary.

#### **Racism:**

1. A belief that race is a fundamental determinant of human traits and capacities and that racial differences produce an inherent superiority of a particular race.
2. The systemic oppression of a racial group to the social, economic, and political advantage of another.
3. A political or social system founded on racism and designed to execute its principles.<sup>14</sup>

The Merriam-Webster Dictionary comments to the definition of *racism* state: "*Racism* and *racist* appear to be words of recent origin, with no citations currently known that would suggest these words were in use prior to the early 20th century . . ."<sup>15</sup>

But the reality is that most Americans do not carry a Merriam Webster dictionary in their pocket. They use terms as commonly heard in the English language. To assess the accuracy of the definitions of the term racism, we must also consider the common usage as it exists in America today. In modern society, the term *racism* implies a despicable behavior. The term is derogatory and is frequently used as an insult to identify a person as within definition 1 of the Merriam-Webster Dictionary definition of *racism* above.

<sup>13</sup> Ibid P. 3-4.

<sup>14</sup> Merriam-Webster Online Dictionary, *Racism*, ©2021, Accessed July 31, 2021. <https://www.merriam-webster.com/dictionary/racism>

<sup>15</sup> Merriam-Webster Online Dictionary, *Racism*, ©2021, Accessed July 31, 2021. <https://www.merriam-webster.com/dictionary/racism>

<sup>11</sup> Home Office, *The Stephen Lawrence Inquiry: Report of an Inquiry by Sir William Macpherson of Cluny*, CM 4262-1, February 1999, para 6.34 (cited in Macpherson Report Twenty-Two Years On in 2021); Available on the Official British Parliament Website. Accessed July 26, 2021. <https://committees.parliament.uk/publications/7012/documents/72927/default/>

<sup>12</sup> Ture, Kwame (Carmichael, Stokely) and Hamilton, Charles V., *Black Power, The Politics of Liberation*. Vintage Press, NY 1967, 1992 edition.

A strikingly different definition of the term *racism* can perhaps be found in the Merriam-Webster Online Thesaurus, which defines *racism* as:

**Racism:**

1. The belief that certain races of people are by birth and nature superior to others.
2. Hatred of or discrimination against a person or persons based on their race.<sup>16</sup>

Completely absent from the Merriam-Webster Thesaurus definition of *racism* is the reference to a political or social system, which is the third prong of the Merriam-Webster Dictionary definition. Also, the Merriam-Webster Thesaurus definition only includes intentional acts of prejudice, hatred, or discrimination, but does not include unintentional acts of thoughtlessness or ignorance. The conflicting definition of *racism* between the Merriam-Webster Online Dictionary and the Merriam-Webster Online Thesaurus reveals, perhaps, the root of the problem of semantics in this area of research. If the Merriam-Webster Thesaurus reflects the commonly understood definition of *racism* whereas the Merriam-Webster Dictionary reflects the changing use of the term *racism*, when the public hears the term *racism*, would not they be most likely to consider the Thesaurus definition? If so, when they hear politicians and news commentators say there is *systemic racism* in law enforcement in the United States, is the message they receive that police officers in the United States are racists who believe (1.) that certain races of people are by birth and nature superior to others and (2.) that police officers have hatred toward persons because of their race and police officers discriminate against persons based on race. If this is the perception of the public, is this perception true?

As if the inconsistency in the definition of racism within Merriam-Webster's own editing staff is not sufficient to show the poor scholarship in this arena, we should consider the Oxford American dictionary definition of racism given that the Oxford Dictionary is considered the premium source of definitional information. So how does the Oxford American Dictionary define *racism*?

**Racism:**

"The belief that all members of each race possess certain characteristics or abilities specific to that race especially so as to distinguish it as inferior or superior to another race or races."<sup>17</sup>

The Oxford American definition is more concise and identifies specific conditions of racism without the hyperbole that the Merriam-Webster definitions incorporate. Critical to the definition in the Oxford American dictionary is the term "belief." This term requires conscious thought which

can only be generated with human consciousness. In other words, a library can't be racist. A law can't be racist. A police department (in contrast to individual officers) can't be racist. These are inanimate objects that do not possess the ability to reason. This differs from the definition of *discrimination* which is defined in the Oxford American Dictionary as:

"The unjust or prejudicial treatment of different categories of people or things, especially on the grounds or race, age, or sex."<sup>18</sup>

Immediately apparent is the difference between the definitions of racism and discrimination. Racism refers to a belief, whereas discrimination refers to treatment or a consequence. While a law might discriminate in the way it is applied, a law cannot be racist because it lacks the ability to reason and hold beliefs. Hence, the interchangeable use of the terms *discrimination* and *racism* has led to confusion concerning the conditions that exist in America today. While racism is a belief held by individuals, discrimination is a condition often caused by racism, but the terms are not synonymous, and researchers need to carefully distinguish between the two.

The term *systemic racism* was coined by Texas A&M Professor of Sociology, Joe R. Feagin, PhD. In his publication *Systemic Racism, A Theory of Oppression*,<sup>19</sup> Feagin discusses his concept of *systemic racism* in the United States. As an example of *systemic racism*, he provides an account of English writer Henry Fairlie's visit to Thomas Jefferson's plantation in the 1960s, shortly after becoming a U.S. citizen. In this account, Fairlie asked the tour guide where the slaves were kept, which embarrassed the tour guide who responded that slave quarters are not included in the official tour. Feagin opines that this demonstrates racism in the following manner. He notes that Thomas Jefferson and other founding fathers strongly espoused the idea that all men are created equal, but excluded from the term all men, are African Americans, indigenous peoples, and women.<sup>20</sup> This, Feagin argues, is evidence that racism in the United States is both foundational and systemic. Feagin further elaborates as follows:

"... Over the long history of this country, the oppression has included exploitive and other oppressive practices of whites, the unjustly gained socioeconomic resources and assets of whites, the long term (sic) maintenance of socioeconomic inequalities across what came to be defined as a rigid color line. Today, as in the past, systemic racism encompasses a broad range of white-racist dimensions the racist ideology, attitudes, emotions, habits, actions, and institutions of whites in this society. Thus, systemic

16 Merriam-Webster Online Thesaurus, *Racism*. © 2021, Accessed August, 1, 2021.

<https://www.merriam-webster.com/thesaurus/racism>

17 New Oxford American Dictionary, Third Edition, *Racism*, Oxford University Press, 2010, page 1437.

18 New Oxford American Dictionary, Third Edition, *Discrimination*, Oxford University Press.

19 Feagin, Joe R., *Systemic Racism, A Theory of Oppression*, Routledge, NY, 2006

20 Ibid 1-2

racism is far more than a matter of racial prejudice and individual bigotry. It is a material, social and ideological reality, that is well imbedded in major US institutions.”<sup>21</sup>

At first blush one might deduce that Feagin lacked cognizance of the Civil War and the thousands of constitutional amendments, statutes, and regulations at the state and federal level designed to eradicate racism in America. This observation is promptly dispelled when he provides an example of the way racist practices have carried forward to this day. Feagin notes that although the Civil War abolished slavery, it did little to secure equality under the law. As an example, he notes that under the Homestead Act of 1862, 256 million of acres of land, much of which had been taken from Native Americans, was distributed to homesteaders. Native Americans and blacks were excluded from the homestead benefits and as a result, today 46 million Americans almost exclusively white, are heirs of the advantages that this homesteaded property provided. This example of benefits designed for whites at the exclusion of blacks, has given white families an immediate advantage. Then Jim Crow laws, segregation, real estate, and business discrimination and other dynamics of racial exclusion perpetuated and enhanced the advantage provided by these racially discriminatory programs.<sup>22</sup>

While Feagin eloquently lays the foundation for his thesis, his substitution of the term *systemic* for the term *institutional* further complicates the confusing definitions in play in social justice research. Those in the medical profession will immediately recognize *systemic* as a medical term of art, referring to an organ that supplies the entire body, like the circulatory system or, more commonly as “supplying those parts of the body that receive blood through the aorta rather than through the pulmonary artery.”<sup>23</sup> In so doing, Feagin created a new definition of the term *systemic* that would also apply in governmental and social systems. In fact, it was not until 2020 that Merriam-Webster added the definition of *systemic racism* to their definition of *racism*.<sup>24</sup> But the implication is that there flows, throughout law enforcement agencies in the nation, some type of racism, which could be anything from ignorance and thoughtlessness to the more ominous prejudice and racist stereotyping. This further confounds the public given the lack of precision in the definition of *racism* as so blatantly displayed in the inconsistency between the Merriam-Webster Dictionary and the Merriam-Webster Thesaurus in the definition of *racism*. When this term, *institutional racism*, became *systemic racism*, law enforcement

in America was cast almost as a Borg Collective tethered together only by racism and hatred for black persons. Some may find professor Feagin’s work disingenuous. Why would Feagin utilize terminology that on its face appears inflammatory? This is an important consideration since Feagin’s work led the charge of the modern-day war for racial equality. Was this an effort to choose terminology designed to trigger an emotional response to racial discrimination in America or is he describing what he believes he sees?

When authors used the term *institutional* the subject focused on the structure of the society and government, but the focus was on inanimate entities such as law enforcement agencies not individual officers. The argument is that society is structured in such a way that it discriminates against black persons by virtue of America’s racist history. By substituting *systemic* for the word *institutional* Feagin changed the dynamic significantly. Now it is no longer a condition where black persons are at a disadvantage due to laws that existed in the past and are embedded in our legal system, now the allegation is that police officers themselves harbor feelings of prejudice and hatred toward black persons. What is the responsibility of a sociologist when writing about social conditions in America? Is it ethical to suggest that certain groups in our society harbor feelings of hatred toward black persons without proof? Is there proof?

As evidence that *systemic racism* exists in law enforcement in the United States today proponents typically recite the names of black individuals shot and killed by police officers over the past few years. These names typically include George Floyd, Breanna Taylor, Michael Brown, Philando Castile, Tamir Rice, Eric Garner, and others. Clearly, it is tragic when anyone dies at the hand of a police officer. But can we deduce from these events that there is systemic racism in law enforcement in the United States? While we can conclude that some of these killings were likely racially motivated, can we conclude from these deaths that racism is prevalent throughout the United States in law enforcement entities? Clearly the answer is no. We need to look deeper. We need to begin by examining the number of black persons shot and killed by police officers in comparison to the number of white persons shot and killed by police officers. So, what do the statistics show?

Because 2020 was an aberrant year due to the pandemic, we will focus our attention on the year 2019, which is typical in terms of the percentages of black person killed by police officers vis-a-vis white persons. According to the United States Census Bureau’s Quick Facts Table<sup>25</sup> we see that the white population in the U.S. is about 76.3% of all races. In contrast, the black population only comprises 13.4% of the U.S. population.

So, there are approximately six times the number of white people in America than there are black persons. If all

21 Ibid 2

22 Ibid 3

23 Merriam Webster Medical Dictionary. Accessed August 1, 2021. <https://www.merriam-webster.com/dictionary/systemic#medicalDictionary>

24 Houser, Christine, New York Times, *Merriam-Webster Revises ‘Racism’ Entry After Missouri Woman Asks for Changes*, June 10, 2020, Accessed July 28, 2021. <https://www.nytimes.com/2020/06/10/us/merriam-webster-racism-definition.html>

25 United States Census Quick Facts Table, 2020, Accessed July 26, 2021. <https://www.census.gov/quickfacts/fact/table/US/PST045219>

things are equal, we would expect approximately six times the number of white people to be killed by police officers than black people. Yet, when we look at the number of black persons killed by police officers in 2019, we see that is not the case. Statista, *Number of People Shot to Death by the Police in the United States from 2017 to 2021, by Race*.<sup>26</sup> This graph shows the number of black people killed in comparison to white people by law enforcement. As you look at the graph you will see that the number of black people killed by law enforcement is approximately 63% of the number of white people killed by law enforcement.<sup>27</sup> For example, in 2019 there were 370 white people killed by police officers in the United States whereas there were 235 black people killed by police officers in the United States. There were more than 60% as many black persons shot and killed by police officers than white persons in 2019.<sup>28</sup> On its face, this would suggest that there is systemic racism in law enforcement today, but our inquiry does not end there.

To truly understand the dynamic of police officer shootings, we must ask how civilians find themselves in violent altercations with law enforcement. People find themselves

<sup>26</sup> Statista, *Number of People Shot to Death by the Police in the United States from 2017 to 2021, by Race*, 2021, Accessed July 26, 2021.

<https://www.statista.com/statistics/585152/people-shot-to-death-by-us-police-by-race/>

<sup>27</sup> Ibid

<sup>28</sup> Ibid

in shooting altercations with police officers typically by committing violent crimes. To compare the number of persons between different races who committed violent crimes in 2019, we should focus on two categories which are most likely to put a person into a situation of a dangerous police apprehension. The first is murder and intentional manslaughter and the second is robbery, which is the unlawful taking of another person's property by force or threat of force. According to the United States Department of Justice, there were 5,070 white people arrested for murder/intentional manslaughter in the United States in 2019, whereas there were 5,660 black persons arrested for murder in the same year. Thus, there were approximately 600 more arrests of black persons for murders than white persons in 2019.<sup>29</sup> If we examine the number of white persons arrested for robbery in 2019, we see that 33,290 white persons were arrested for robbery in contrast to 39,290 black persons; thus, there were 6,000 more arrests of black persons for robbery than white persons.<sup>30</sup> Given that more black persons were arrested for the violent crimes of murder/intentional manslaughter and robbery, than white persons, one would expect the number of blacks to be victims of fatal police officer shootings to be much higher than white persons, but the evidence is to the

<sup>29</sup> US Department of Justice, *Statistical Briefing Book*, 2021, Accessed July 20, 2021.

[https://www.ojjdp.gov/ojstatbb/crime/ucr.asp?table\\_in=2](https://www.ojjdp.gov/ojstatbb/crime/ucr.asp?table_in=2)

<sup>30</sup> Ibid

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contrary. While this does not prove that systemic racism does not exist in law enforcement, it certainly mitigates against the theory that our law enforcement agencies are filled with *systemic racism*.

When looking at the above data concerning crimes committed by race, it is important not to draw the conclusion that certain races are inherently or genetically predisposed to crime. This would be a false conclusion. But the data does suggest that something is occurring that has put many black persons into a situation where they feel helpless. I would submit that it is not *systemic racism* that accounts for the higher violent crime rate among black persons, but rather *institutional discrimination* that has held black persons back causing a larger percentage to resort to violent crimes. So, let's look at the term *institutional discrimination* in contrast to *systemic racism*.

## Systemic Racism vs. Institutional Discrimination

We have examined the term *systemic racism* and asked whether it accurately describes conditions in law enforcement agencies in the United States. We have considered statistical data that appears to show that systemic racism is not prevalent in law enforcement, based on the number of individuals killed by police officers, considering the number of arrests for violent crimes such as murder and robbery in the

two categories of black persons and white persons. We have acknowledged that the use of the term *systemic* by Feagin may be inflammatory as is the word racism. The question is whether they are justified.

If the goal of the *1619 Project* and the Critical Race Theory is to persuade the public that our nation is filled with *systemic racism*, the project has failed, to date. At the time of writing this article 28 states have passed laws or are entertaining laws to make the teaching of Critical Race Theory unlawful. Is this the result of racist white backlash by people who do not wish to see this in their schools or could this be the direct result of the inflammatory language and race baiting by the proponents of Critical Race Theory in their publications? Is it true that, as alleged, CRT is an effort to foster a new generation of hatred and bigotry to keep the conflict going for another century so certain political entities can derive a benefit? If so, what could possibly be the motive for this effort other than the acquisition of votes? Is this merely identity politics taken to a new level?

Efforts to draw direct parallels from racist activities in the 1600s to conditions in America today are disingenuous at best. In the United States, thousands of laws have been passed to protect minorities. The 13th Amendment abolished slavery in the United States. The 14th Amendment secured equal protection under the laws for all persons, including black persons. The Fifteenth Amendment guaranteed the right of

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black men to vote. The Civil Rights Act of 1875 guaranteed African Americans equal treatment in public accommodations, public transportation, and prohibited their exclusion from jury service. The Civil Rights Act of 1957 established the Civil Rights Commission (CRC) which was designed to protect an individual's rights to equal protection and protected some civil and voting rights. The Civil Rights Act of 1964 prohibited discrimination in places of public accommodation and employment. The Civil Rights Act of 1968 provided for equal housing opportunities regardless of race, creed, or national origin and made it a federal crime to injure or intimidate anyone because of their race, color, religion, or national origin. Affirmative Action was established to give disadvantaged minorities access to higher education. These are only a few of the statutes and constitutional amendments designed to protect the rights of minorities at the federal level. Thousands of additional statutes have been enacted at the state and local level. No country on earth has done more to protect the rights of minorities than the United States.

Critical Race Theory is correct that Americans need to become aware of the abuses that minorities have suffered since the arrival of Europeans on America's shores. But so far Critical Race Theory has been plagued with poor scholarship, imprecise definitions, lack of empirical evidence to support the claims, inflammatory language, and violence at the hand of many of its proponents. Is this a way to move forward as a nation?

Yet, Critical Race Theory has important information to share. Perhaps, advocates of CRT should regroup and present their message in a less aloof and more deliberate approach. Delivering the important information about our nation's history without condemnation of certain races of persons, would significantly enhance the effectiveness of the *1619 Project*.

A large segment of the American population was injured by slavery and decades of oppression. They are disadvantaged today because of it. Policies implemented by the federal government have broken their families and kept them in poverty. Many minority students and their parents are unaware of financial aid and affirmative action programs and have no understanding of how to apply for them. They are trapped in a self-perpetuating cycle of despair and misery. Low inner-city tax bases often force students to attend underprivileged academic institutions where the students are more concerned about getting home from school without suffering a gang beating than they are in doing well in class. It is the responsibility of our nation to help them get into a better place.

Vice President Kamala Harris was asked recently if America is a racist nation. She replied, "Well, first of all, no, I don't think America is a racist country, but we also do have to speak the truth about the history of racism in our country and its existence today."<sup>31</sup> I agree. We do not have

*systemic racism* in the United States, but we do have *institutional discrimination*. Great persons who went before us worked hard to overcome racism. Abraham Lincoln, John Kennedy, Bobby Kennedy, Martin Luther King were martyrs to the cause of racial equality as were thousands of others including 362,000 Union soldiers who died in the Civil War to eradicate slavery and the 5,000 black people who were lynched during the Jim Crow Era. We should not tarnish their names and their graves by saying that America is racist and that their deaths were in vain. And making statements that all white people are inherently racist, as some CRT advocates have done, is not only unscholarly and immature, but it is potentially harmful and downright false.

Racism is evil and should be denounced wherever it occurs. As a person who has fought racism my entire life, I have learned to recognize people who truly oppose racism in contrast to those who pretend to hate racism for political or personal reasons. How do we tell the difference? It is easy.

People who truly hate racism will be compassionate, empathetic people who care about everyone. They have learned that harming others, regardless of the reason, is cruel and hurtful, and they will oppose injustice in every form. They will always speak out against all forms of injustice whenever they see it regardless of who the victim might be.

There is in the United States, a second group of people that pretends to hate racism but that does not square with their attitudes towards others. These people trample the rights of others supposedly to fight racism. If they would trample other people's rights to support their cause of "anti-racism" then they are not empathetic people. Why would they care about victims of racism if they don't care about other groups of people? They would not. They do not exhibit true compassion or empathy.

So, when we observe a person claiming to care about victims of racism, while simultaneously degrading other people and displaying racist attitudes towards those other people, we are not seeing a person of compassion and empathy. More likely in that context we are observing a person who uses allegations of racism to score political points, generate income for himself, or appear socially aware.

Persons who truly care about victims of racism will be empathetic to all persons. A compassionate person will not show kindness to one group of people while disparaging another. They will show compassion toward everyone. I submit that this test should be applied whenever we observe a person who claims to care about victims of racism.

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



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31 Brown, Matthew, USA Today, *Kamala Harris Agrees with Tim Scott that America is not a Racist Country but must Speak Truth on Racism*, April 29, 2021. Accessed August 2, 2021.

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<https://www.usatoday.com/story/news/politics/2021/04/29/kamala-harris-responds-tim-scott-saying-america-not-racist-country/4886682001/>

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# STATE OF EDUCATION IN RIVERSIDE COUNTY

by Dr. Michael John Roe

Education finds itself in a constant state of flux. Since the onset of the COVID-19 pandemic, schools and districts have been working tirelessly to adapt to the challenge. The unique and relentless nature of this crisis is ongoing – resulting in shifting paradigms about what teaching and learning can look like in a “hyflex” environment. Compounding this challenge is traditional nomenclature, which viewed time as the constant and learning as the variable. Indeed, the opposite is now true and has created a host of issues balanced by thoughtful innovation and a touch of grace.

Districts throughout Riverside County have proven to be nothing short of resilient and resourceful. These descriptors lend themselves to parents as well who have played a vital role in the education of their children. Teachers have had to reimagine traditional lessons and courses and work tirelessly behind the scenes to ensure that students have access to a guaranteed and viable curriculum. Students have stepped up in unimaginable ways to engage in their learning navigating through the virtual asynchronous and synchronous environment.

## **August Duality**

As August is upon us, there are some major challenges that districts are grappling with. As we return to in-person instruction a unique duality has emerged. On one hand, you have a cohort of students who were virtual during the pandemic that are coming back to full time in-person instruction. In contrast, many students and families who were solely online throughout the pandemic are choosing to stay virtual. The essential interrogative becomes which cohort of students are at an advantage? Conventional wisdom would suggest that in-person instruction would be more advantageous while advocates of the virtual environment would argue that the online component allows for enhanced learner feedback and customization of learning.

## **Mitigation of Learning Loss**

Traditionally, schools experience retention issues when it comes to summer. When you couple summer with the length of the ongoing pandemic, the “Covid Slide” becomes profound and elusive. The ability to assess where students are at and what needs have emerged is the vital first step in developing a plan to mitigate gaps in learning. Inasmuch, the approach to dealing with this will look strikingly different depending on what platform students are on versus in-person instruction. Districts throughout Riverside County are working hard to address this issue looking at various measures to assess student learning to better inform instruction and create a viable plan moving forward to accelerate learning.

## **Continuity of Learning**

The pandemic has created some proactive measures from the state – notably AB-130 which addresses independent study options for families that would now require live synchronous instruction and peer interaction in addition to requiring guaranteed and viable curriculum comparable to what students get in an in-person format. If a student needed to be in Independent Study due to COVID exposure

or diagnosis, schools are focusing their efforts to ensure there is coherence and consistency for the student. Where the challenge gets difficult is when students are moving from in-person to virtual and then return – this process can be repeated multiple times and creates distinct barriers for teachers to ensure that students are getting what they need in a variety of different learning platforms.

## **Moving Forward**

Research is showing that there is wide support from parents regarding learning in a variety of different platforms. Equally as important is the reemergence of the student voice in their learning experience. The immediate assumption that students will do better in an in-person instructional environment is not necessarily true. In the end, it depends on the learner. The same challenges we faced prior to COVID were only further exposed over the last 15 months. For some students, the virtual environment helped ease internal stressors and assisted in better school-life-well-being. Clearly, for some, the need for social interaction and the lack thereof led to isolation. What we have learned from this is that flexibility and customization are not simply buzz words anymore – they are essential ingredients in our path forward.

Transcending the either/or continuum of virtual versus in-person is the first step that we are seeing many other states embrace. Why would a kid who misses school for a day etc... be excluded from the learning experience when they can access critical content and engage with the material in a virtual setting?

## **Challenging Assumptions and the Norm**

Throughout Riverside County, our educators (at all levels) are responding to the challenges that lay ahead. Education, like most in the private sector, cannot walk away from the need to adapt with rapid responsiveness with the ongoing crisis we face. We have had over 15 months to collectively prepare for moving into the 2021-2022 school year. Parents, rightfully so, are expecting us to be on top of our game to ensure that we meet the needs of all students. Assessing where students are at and where we need to bring them is the paramount challenge facing our teachers as every student has their own unique learning style and needs. Put that in the context of a high school teacher who sees over 150 students in a given day, and the complexity of this issue becomes clear and daunting. However, the last 15 months teachers have worked tirelessly transferring their courses, units of study and the like to a virtual delivery. If we can capture all of that collective work and leverage it to help current students regardless of whether they are in-person or not – we can honor their efforts and capture the shift that is occurring and meet the need of every student – name and need.

*Dr. Michael Roe, Ed.D. is the Executive Director for the Division of Educational Services of the Riverside County Office of Education.*



# AN UPDATE: SECONDARY EDUCATION IN RIVERSIDE

by Dr. David Hansen

*Dr. David Hansen first came to Riverside as a summer sales associate. He met friends, started a family, obtained his EdD. in Education, and this year retired as the Riverside Unified School District Superintendent. The last year of his remarkable career brought challenges never before faced in the Inland Empire. The Publications Committee felt his perspective could be of value to lawyers as we work to understand the needs and rights of those whom we represent.*

March 13, 2020, was the day the Riverside Unified School District (RUSD) Board of Education made the difficult decision to close down all schools to in-person instruction, due to the COVID-19 pandemic. As the Superintendent of RUSD at the time, it will be a day that I will never forget. It was also the beginning of the craziest “roller coaster ride” I have ever been on during my more than 50 years of working in public education and as a student attending public schools.

I first started to hear the news reports of COVID-19 during the Fall of 2019 when it was widely reported to be affecting other countries around the globe. Hospital beds were being filled, morgues were overflowing, economies shut down, schools closed - all in an attempt to stop the spread of the virus. I called my older brother, who has been living overseas for many years, to learn more about his experiences with the pandemic. Their schools had closed several months prior and most everyone was quarantined in their homes, working, and going to school virtually. It was after speaking with him that I realized we were just beginning to embark on what appeared to be a very difficult and long journey. But, I had no idea how difficult or long it would be.

RUSD pivoted quickly on March 13, 2020, to still provide quality instruction and much needed services. Employees worked tirelessly around the clock to move instruction, in all grades, to on-line learning. Computers, hotspots, and internet services were provided to families and students who did not have access. Other school supplies and equipment were sent home, (i.e. art, music and PE). School meals were moved from inside the cafeteria to outside city parks and food for three meals per day was now being provided for the entire week. Throughout every change, RUSD held weekly staff, student, parent, and community updates. School board members received and participated in all of the updates. RUSD’s cabinet members participated in all county and state updates as well. In addition, as Superintendent, I attended weekly check-in meetings with other Riverside County Superintendents.

As we closed out the 2020 school year, with drive through graduations replacing the traditional celebration and all earlier grade promotions being canceled, the sum-



mer months were spent preparing for the opening of the 2021 new school year.

In-person schools would continue to look differently, and health officials were telling us to prepare for a “new normal.” A new home-based school program was developed where approximately 3,000 parents/guardians became the primary teachers. Our 100% virtual school was enhanced and expanded dramatically—ballooning to over 15,000 students enrolled. Also, all of the safety precautions and requirements were put into place at all of our schools for the over 20,000 families and students, who chose to attend in-person instruction, when that day arrived. In addition, the school day was adjusted to now include teacher office hours, on-line tutoring, language, and technical support. Counseling services became a regular part of the school day too for all students, and weekly staff and family “well-being webinars” were developed, just to name a few of the changes.

What surprised us all was the length of time we would continue to remain virtual. State and county officials provided reopening guidelines and Riverside County was one of the last, throughout our state, to meet these guidelines. Yet, one year after closing down schools to in-person instruction, we were able to cautiously reopen them in March 2021. Elementary students and staff came back first, followed by all of our middle and high schools two weeks later. As the 2021 school year came to an end, we were again able to celebrate our senior graduates with the traditional in-person graduation. Yet, many of our elementary and middle schools were limited to drive through celebrations, while closely following reopening guidelines from our state and county officials.

Again, this past summer was a time for planning and making adjustments for the opening of another new school year. Although RUSD continues to provide three choices for our students and families (home school, 100% virtual, in-person), over 38,000 of our families and students choose to come back to the traditional in-person school and commit

to follow the state and county guidelines for reopening. Matter-of-fact, parents and students regularly reach out and urge us to adhere to the safety guidelines and every parent/guardian expects us to keep their child safe.

We were also very concerned about our teachers who daily give so much of themselves to teach and elevate our students. We were constantly consulting with teacher representatives and leaders of unions to formulate a plan which protected all, complied with governmental strictures, and provide a safe and productive learning environment.

While on campus this new school year (school started on August 9, 2021), the students have been wonderful and willingly follow all of the state and county safety guidelines. The majority of our students and parents are grateful to have back familiar routines, friends, teachers, extra curricular activities, and some sort of normalcy once again.

Unfortunately, throughout the months we have been affected by the worldwide COVID-19 pandemic, we have also seen many people suffering

as a result of other disasters, hate or injustices. And, as a school district we have found ourselves needing to address not just one crisis, but several.

It appears that many students do not know how to deal with everything we are facing in our community and as a society. Therefore, mental health concerns and challenges are greater than ever before, and we are seeing more students struggling with anxieties, depression, and suicidal tendencies. Because schools are a reflection of who we are, communities need to come together and vigorously address this or there will be long term devastating effects upon our future.

RUSD still has many difficult decisions ahead of them and need community members to be engaged and provide civilized, meaningful, and productive input and discourse. This will help our community, board members, and the district's executive team make sound decisions as they govern and lead during tumultuous times.

*Dr. David Hansen is a retired RUSD Superintendent.*



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# JUDICIAL PROFILE: JUDGE MICHELE MATHIS

## A LIFETIME COMMITMENT TO RIVERSIDE COUNTY

by Joshua Knight

It is my pleasure to introduce the Honorable Michele Mathis to the Riverside County legal community. She was raised and educated in Riverside County and has dedicated her life to our region.

After moving from the Sierras to Orange County, her family settled in Murrieta when she was 9. As a co-worker, she would regale stories of Murrieta's past describing how there was only one grocery store and the only gas station was attached to the Ace Hardware. There was not even a high school.

Her parents owned businesses in the automotive industry most of her life which she said is one of her greatest advantages. She was exposed to the business world at a young age, learning customer service at her parents' side. At age 7, she answered business calls and even calculated job estimates. At age 13, she made sales calls and helped her mother with the accounting. Watching her parents work 18-hour days to build a future for their family instilled a work ethic to accomplish her goals.

Judge Mathis went to high school in Murrieta, but was unsure what occupation to pursue after she graduated. She knew, however, that it was most important to keep moving forward and to improve herself. She started her schooling at Mt. San Jacinto Community College, transferred to Riverside Community College for her general education, and transferred again to the University of California, Riverside (UCR) for her teaching credential. But, along the way, she took an introduction to the law course and her life's plan changed. She was taken by a moot court competition and discovered her skills in the law.

After graduating from UCR, Judge Mathis married a classmate from high school. While they did not date until after their graduation, both were from the same groups of friends. Moreover, her husband's family also had deep roots in the region, with all his family living in southwest Riverside County. Judge Mathis credits her family support as the reason why she has been able to achieve her professional goals while balancing her family and career. She also stresses how her children and husband are the joys of her life.



Hon. Michele Mathis

Prior to her legal career, Judge Mathis realized public service was most important to her. She viewed teaching as the way she could help children realize their goals and potential. Even after she decided to pursue a career in the law she continued to teach. Before, during, and after law school, she worked as a substitute teacher for Murrieta Valley School District between 2003 and 2007. In the end, however, she chose the law, but has continued her work with youth through outreach programs and the girl scouts.

Judge Mathis has spent her entire career in public service. Throughout law school, she interned at District Attorney's offices in Orange and Riverside counties. At that time, she believed that the best way to serve her community was to stand for victims of crime, as a

prosecutor. It was a rewarding experience, but she also saw that many defendants had stories of trauma and hardship and someone needed to advocate for them and be their voice. Consequently, she spent her career, since passing the bar, with the Law Offices of the Public Defender, Riverside County.

While with the Public Defender's office, she tried 48 jury trials, including 4 homicide and 13 life cases and rose from a misdemeanor attorney to the office's Complex Litigation Unit. She also spent a year handling juvenile delinquency matters and handled 5 contested jurisdictional hearings and 2 juvenile homicides. She was widely respected throughout the office and known for being a persuasive and effective litigator.

As a judge, Judge Mathis looks forward to the freedom of being able to weigh both perspectives in her decisions. She will continue to serve our community with respect and dignity, which is a reflection of her lifetime commitment to Riverside County.

*Joshua Knight has been a deputy public defender for 16 years with Kern and Riverside counties. He supervises the writs and appeals unit and worked with Judge Mathis for over 12 years. On Sept. 3 he was appointed a judge to the Riverside Superior Court.*



## MEMBERSHIP

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

**James L. Andion** – Andion Shaw McKee & Orleans, Los Angeles  
**Andrew B. Byrd** – Federal Public Defender's Office, Riverside  
**Myanna F. Dellinger** – Solo Practitioner, Los Angeles  
**Chayanm E. Garcia** – Lester Cantrell & Kraus, Riverside  
**Toni Lea Guess** – Solo Practitioner, Palm Desert  
**Dr. Bijal B. Joshi** – Solo Practitioner, Chino  
**Toni Chapman Momberger (A)** – Follow Our Courts, Redlands  
**James G. Perry** – McCune Wright Arevalo, Ontario

**Sharon P. Ramirez** – Solo Practitioner, Fontana  
**Matthew D. Shapiro** – Law Offices of William D. Shapiro, San Bernardino  
**Luisa P. Tamez** – Federal Public Defender's Office, Riverside  
**Nicholas P. Terwilliger** – Solo Practitioner, Moreno Valley  
**Daniela P. Tovar-Jalalian** – Tovar Law, Riverside  
**Evelyn Ogochukwu Uba** – Solo Practitioner, Moreno Valley  
**Yecenia Vargas** – Solo Practitioner, Anaheim  
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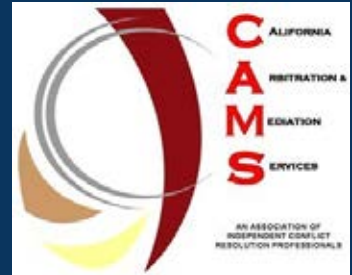
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# THE 2021 RCBA VIRTUAL READING DAY WAS A HUGE SUCCESS

by Jacqueline Carey-Wilson

On May 26, members of the RCBA participated in reading to students, virtually, from kindergarten to fifth grade at Anna Hause Elementary School in Beaumont. The attorneys were assigned classrooms to read their favorite children's book to the students. The event turned out to be incredible. I read to Michelle Vara's fourth grade class and the students were fabulous. They asked questions about the book I read, which was *The Places You Will Go* by Dr. Seuss, and about being an attorney, which is a reflection that they paid attention and were engaged. I read this book to help the students understand that in the future there are many different roads they can choose, many different people they will meet, and there may be many ups and downs along the way. I was very impressed with Ms. Vara and her students. They will go far in this world.

The following are comments from the other volunteer readers:

• **Joshlyn Pulliam:** Thank you for the opportunity to participate in this event. I really enjoyed reading and interacting with the kids. I would very much like to volunteer to do it again. I read the book, *There Was a Cold Lady Who Swallowed Some Snow* by Lucille Colandro. I chose this book because the story was funny and easy for the children to follow along with me while trying to solve the mystery of why the woman swallowed the snow. The illustrations helped the children improve their memory skills by recalling all the items the woman ate and why.

• **Sophia Choi:** I read the book, *The World Needs More Purple People* by Kristen Bell and Benjamin Hart. I chose this book because it illustrates in an easy way that it is important to embrace what makes you special and unique. I thought it was an important lesson for young kids to know how special they are!

• **Martha Knutson:** I read chapter 2 of the book, *Love Has No Age Limit - Welcoming an Adopted Dog into Your Home* by Patricia B. McConnell Ph.D. and Karen B. London Ph.D. I am on my 9th rescued canine family member - 7 labs, a Springer Spaniel and a Staffordshire terrier over time.

• **Jenny Shin:** I read the book, *What Does It Mean to be Kind?* by Rana DiOrio, to Mrs. Marsh's 2nd grade class. The teacher and I collaborated on the choice. I was looking for a book about showing kindness and she suggested that book. The students were so engaged and asked such good questions. It was perfect! I'm definitely in for next year.

• **Angela Viramontes:** I read Chapter One from *Pirate School - Port of Spies* by Brian James. I chose this book because it is a class favorite with my daughter's first grade class.

• **Judge Jack Lucky:** I read the book, *The Sneetches*, a Dr. Seuss book about prejudice and tolerance. I chose it because tolerance is an important topic these days.

• **Wade Pyun:** I read the book, *A Child's Calendar* by John Updike and a contemporary rendition of *Stone Soup* by Heather Forest. I chose *A Child's Calendar* because it is a recipient of the Caldecott Medal, while *Stone Soup* is a classic, time-honored tale. Both books feature wonderful illustrations, which I was able to present and share on my screen, via GetEpic.com's digital library format. It was a great experience, so thank you for allowing me to participate!

• **Elle Reed:** I read the book, *The Littlest Dinosaurs*, by Bernard Most, to Ms. Gravanda's class of second graders because it was a favorite book for both my brother and I growing up. We always loved how the countless dinosaurs described in its pages came to life as the author compared the size of each dinosaur to an everyday thing - and it turned out that "my" students did too! After we finished the story,

the students had one question after another for me about dinosaurs, superheroes, and, of course, being a lawyer. All in all, this was one of my all-time favorite bar association events and I look forward to returning to Anna Hause Elementary School for this event again next year! Thank you to everyone at the Riverside Bar Association that helped make this event happen!



L. Alexandra Fong

• **Mark Easter:** I read the book, *One Fish Two Fish Red Fish Blue Fish* by Dr. Seuss. My daughter suggested that I read this book to the students.

• **Natalie Keller:** I read the book, *Charlotte's Web* by E.B. White. I talked about the concept of advocacy in saving the life of a little pig. The class was great and we were so excited to be reading and asking questions.

• **Blaine Hopp:** I read the book, *Guji Guji* by Chih-Yuan Chen. My children still love me to read it to them.

• **Rosa Marquez:** I only read a little introduction to the Bill of Rights and made sure they learned their three basic human rights—life, liberty, and property. They asked me about my cases, but I deal with stuff that is not very children friendly, so I told them the happy side to my job.

• **L. Alexandra Fong:** I read the Disney book *Mulan* to a class of 2nd graders taught by Mrs. Powell. I chose the book because the movie is the first Disney animated movie featuring a strong, female Chinese warrior who overcame obstacles to save her father and China. It is based upon an ancient Chinese legend, with its first known telling in a folk song composed during the Northern Wei dynasty. My two favorite quotes from the movie are the following: "The greatest gift and honor are having you for a daughter" and "The flower that blooms in adversity is the most rare and beautiful of all."

After the reading session concluded, a \$1,000 check from the Riverside County Bar Foundation was presented to Assistant Principal Mandy McClure for the school's library. The students, faculty, and staff at Anna Hause Elementary were excited for the virtual visit and grateful to all who volunteered their time to read and/or who donated funds for the school's library. The RCBA wishes to thank the following who participated:

Jacqueline Carey-Wilson	Judge Jack Lucky
Aaron Chandler	Rosa Marquez
Sophia Choi	Judge Dorothy McLaughlin
Mark Easter	Joshlyn Pulliam
Alexandra Fong	Wade Pyun
Nazik Hasan	Elle Reed
Blaine Hopp	Jenny Shin
Chris Johnson	Elaine Torres
Natalie Keller	Angela Viramontes
Martha Knutson	Xinia Williams

Jacqueline Carey-Wilson is a deputy county counsel with San Bernardino County, is chair of the RCBA Reading Day, and past president of the Riverside County Bar Association and the Inland Empire Chapter of the Federal Bar Association.



# PROJECT GRADUATE SEEKS EDUCATIONAL REPRESENTATIVES

by: L. Alexandra Fong and Lyssandra Erwin

Do you like helping teenagers? Do you like to work with at-risk youth? Do you like to advocate for foster children? Do you want to make a difference in someone's life? Are you looking for a meaningful opportunity to give back to foster youth? If you answered yes to at least one of these questions, we need you!

Project Graduate began in 2011 as a collaboration between Riverside County Bar Association (RCBA), Riverside County Department of Public Social Services, and the Riverside Superior Court. It is a volunteer program with a mission to help local at-risk foster youth in Riverside County stay on a clear path to graduate from high school and achieve their educational goals. Since its inception, thirty-six foster students have graduated from high school with the assistance of Project Graduate.

But we need your help! Educational representatives are needed to help guide struggling foster students on a path to graduation. Educational representatives are not required to be attorneys or affiliated legal professionals working for attorney members of RCBA. No experience is required to be an educational representative. Interested individuals go through a background check from the County of Riverside and/or the Riverside County Office of Education, which can take up to six months to complete. After passing the background check, the educational representative completes a one-day training provided by RCBA. The educational representative is assigned the educational rights of the struggling foster student who is currently in high school, attends educational meetings with the assigned student at school, and advocates for the student.

We currently are accepting students that are in 10th through 12th grade and hope to expand our reach to 9th grade students.

The benefits of volunteering with Project Graduate are like no other and are often filled with gratifying moments for those that are committed to this program. It will provide you with a unique opportunity to work within our juvenile court system and support a special group of our community's foster youth. If you are interested in learning more about being an educational representative or volunteering for this wonderful opportunity, please contact L. Alexandra Fong, Chair of the Project Graduate Steering Committee of the Riverside County Bar Foundation, Inc. at [lafong@rivco.org](mailto:lafong@rivco.org).

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

*Lyssandra Erwin is a senior paralegal working for a private law firm in the city of Riverside. She has been a paralegal since 2005 working primarily in family law, juvenile defense, and criminal defense. She has been an educational representative for Project Graduate since 2015 and is treasurer of the Project Graduate Steering Committee.*



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# OPPOSING COUNSEL: KEN MINESINGER

## LOCAL BOY MAKES GOOD

by Betty Fracisco

This is another of those “Local Boy Makes Good” stories about a Riverside lawyer. Ken Minesinger was born and raised in Loma Linda and has been a business and tax attorney in Riverside for nearly 25 years. He grew up in Loma Linda, the son of a surgeon who ran the emergency department at Loma Linda Medical Center. His mother was an entrepreneur/real estate maven. With him on this journey were an older sister and a younger brother who shared a childhood that included camping, biking, running, and playing active sports like soccer. He graduated from Loma Linda Academy where he participated in the international club and played tennis, soccer, and ran. He then attended Cal State San Bernardino, first majoring in economics, then accounting, and finally finance, his perfect major. He was involved in student government as the Entertainment Committee Chair, which had him booking bands and promoting entertainment activities. At one point he met people at a record company in Los Angeles and was offered an internship, but decided against it. Instead he focused on his studies and graduated from Cal State San Bernardino in 1992.

After college, Ken decided to combine his interest in economics and business with the law, so he began law school at Western State University in Fullerton. He focused on business and taxation, but clerked for his sister, Pamela Bratton, a family law attorney in Riverside. During his second year of law school, Ken married Kimberly, also from Loma Linda, who was about to begin medical school. Sadly, his father passed away during his third year of law school, but he still managed to graduate on time and pass the California State Bar exam the first time.

For the first 10 to 12 years after law school Ken was a solo practitioner handling business transactions and tax work. He then joined a partnership in Irvine which specialized in business and government work, while he continued his tax work. After several years he returned to Riverside as a solo practitioner primarily handling business transitions.

Seven years ago, a friend who was teaching at California Baptist University in Riverside asked Ken if he would consider teaching in the online division. Since that time, he has taught business law, constitutional law, and a variety of business law classes in the undergraduate and MBA pro-



Ken Minesinger

grams and taxation, business entities, business ethics and federal income tax related classes in the MSA (Master of Accounting) program. He generally teaches two classes a semester. This has been a great experience and has widened his horizons, since Cal Baptist has many international students. Although teaching online, he has the usual professorial responsibilities of office hours, faculty meetings, and evaluations.

As for his practice, Ken continues his business and taxation practice in downtown Riverside. He does tax planning for individuals and businesses and does some business returns for these clients but is adamant

that his is not a tax preparation business. Ken has been active in the RCBA, but his most notable involvement has been with the State Bar as both editor and editor in chief of the State Bar Business Law News. He has served on the Executive Board of the Business Law Section of the State Bar. With the reorganization of the State Bar, now the new California Lawyer's Association (CLA), he is still an editor of the Business Law News, specializing in taxation and is a member of its Business Law and Tax sections. He is also on the Board of Directors of the Riverside Medical Clinic Charitable Foundation and on the RCBA Fee Arbitration Panel. Since 2014, he has published many articles and given presentations to technical meetings, seminars, and conferences on topics that range from medical legal issues to taxation issues.

On a personal note, Ken and his wife, Kimberly, have two daughters, 19 and 10, and somehow manage to juggle two busy careers. While Ken was beginning his career, Kimberly was plodding through medical school and her residency at the San Bernardino County Medical Center. She has a family medicine, hospice and palliative medicine practice in Corona and is the director of a hospice organization. So, it looks like this could actually be one of those “Local Boy and Girl Make Good” stories. Interestingly, the favorite interests and hobbies Ken lists for today, namely running, mountain biking, and camping, are the same activities he recalled most fondly from his childhood. Life comes full circle.

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



# CLASSIFIEDS

## 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.

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## Seeking Associate Attorney for Palm Desert

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Burke, Williams & Sorensen, LLP is seeking a skilled and motivated attorney for its Riverside office with between two and eight years of experience in representing public entities, including attendance at public meetings, drafting ordinances and resolutions, performing legal research, reviewing and drafting contracts, and providing advice regarding conflicts of interest, the Brown Act, and Public Records Act. Familiarity with public land use, environmental, and economic development matters is preferred. Experience attending planning commission and similar meetings or familiarity with special districts is a plus. Please email cover letter, resumé, writing sample, and law school transcript to avanwye@bwslaw.com. EOE.

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## Conference Rooms Available

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



## 30th ANNUAL RED MASS

Thursday, October 7, 2021, at 6:00 p.m.

Our Lady of the Rosary Cathedral  
2525 North Arrowhead Avenue, San Bernardino

### Live & Livestreamed Event

The entire legal community and persons of all faiths are invited to attend the 30th Annual Red Mass on Thursday, October 7, 2021, at 6:00 p.m. The mass will be held at Our Lady of the Rosary Cathedral, which is located at 2525 North Arrowhead Avenue in San Bernardino. The chief celebrant will be the Most Reverend Bishop Alberto Rojas, the Bishop of the Diocese of San Bernardino.

The Red Mass is a religious celebration in which members of the legal community of all faiths invoke God's blessing and guidance in the administration of justice. All who are involved in the judicial system, including lawyers, judges, legal assistants, court personnel, court reporters, court security officers, and peace officers, are encouraged to attend the Red Mass.

Honorable Michael Sachs and  
Honorable John Vineyard  
will be presented with  
the Saint Thomas More Award

and  
Honorable Ronald Gilbert and Sophia Choi  
will be presented with  
the Saint Mother Teresa of Calcutta Award

The Saint Thomas More Award is given to a lawyer or judge who gives hope to those in need, is kind and generous in spirit, and is an overall exemplary human being. The Saint Mother Teresa of Calcutta Award is given to anyone with those attributes who is a member of the legal community or who has made contributions to the legal community. For further information about this event, please contact Jacqueline Carey-Wilson at 909.387.4334 or Mitchell Norton at 909.387.5444.





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