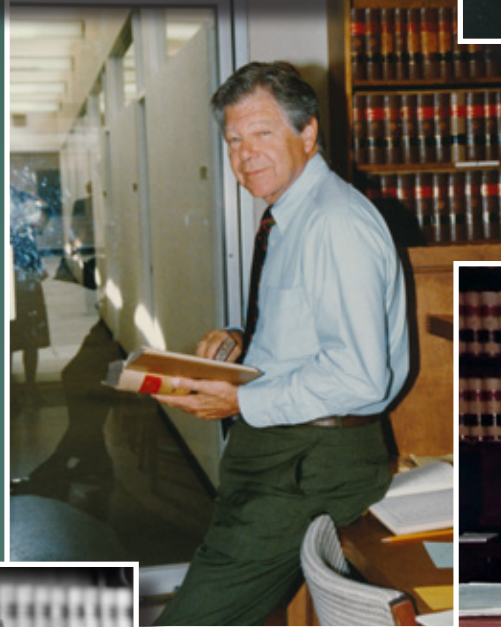


RIVERSIDE LAWYER

January 2022 • Volume 72 Number 1

MAGAZINE



IN MEMORIAM

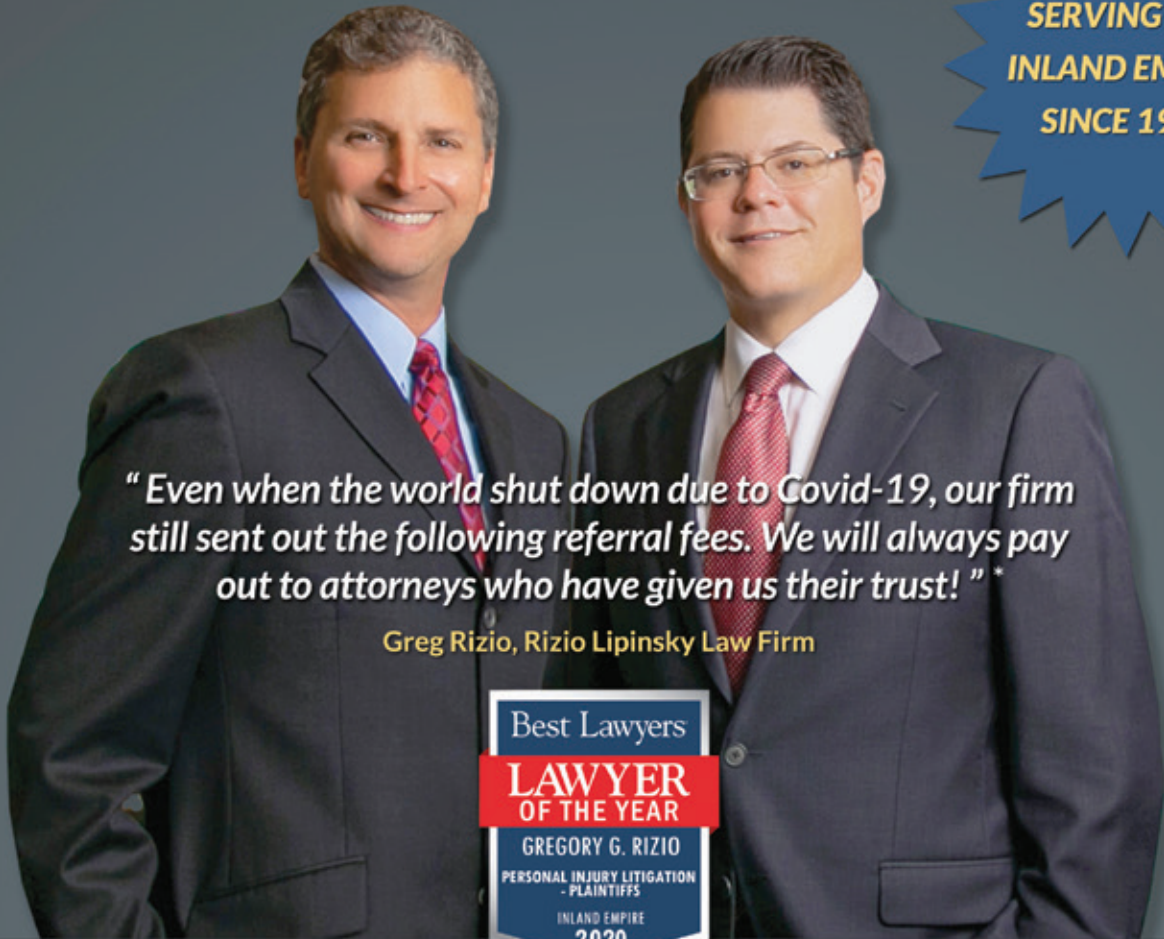
Arthur Littleworth

MAY 2, 1923 – OCTOBER 18, 2021



RIZIO LIPINSKY
PERSONAL INJURY & EMPLOYMENT LAWYERS

**SERVING THE
INLAND EMPIRE
SINCE 1995**



*“ Even when the world shut down due to Covid-19, our firm still sent out the following referral fees. We will always pay out to attorneys who have given us their trust! ” **

Greg Rizio, Rizio Lipinsky Law Firm



ACTUAL REFERRAL AMOUNTS PAID DURING COVID-19:**

\$246,667 PAID \$241,548 PAID

\$65,000 PAID \$56,250 PAID

\$41,667 PAID

888.292.8888

WITH OFFICES IN
SAN BERNARDINO, RIVERSIDE, AND ORANGE COUNTY

*All referrals consistent with California State Bar Rules of Professional Conduct.
**These results do not constitute a guarantee, warranty, or prediction regarding the outcome of future cases.

Publications Committee

Sophia Choi
Melissa Cushman
Megan Demshki
DW Duke
Abram Feuerstein
Stefanie Field
Alexandra Fong
Betty Fracisco
Andrew Gilliland
Amy Guldner

Boyd Jensen
Robyn Lewis
Juanita Mantz
Charlene Nelson
Wade Pyun
David Rivera
Nesa Targhibi
Gabriel White
Jamie Wrage
Lisa Yang

Editor Jacqueline Carey-Wilson
Copy Editor Juanita Mantz
Design and Production PrintMyStuff.com (PIP Riverside)
Cover Design PrintMyStuff.com (PIP Riverside)

Officers of the Bar Association

President
Neil D. Okazaki
(951) 826-5567
nokazaki@riversideca.gov

President-Elect
Lori Myers
(949) 300-3596
loriamyers@me.com

Vice President
Kelly Moran
(951) 955-6300
kmoran@rivco.org

Chief Financial Officer
Mark A. Easter
(951) 686-1450
Mark.Easter@bbkllaw.com

Secretary
Megan G. Demshki
(951) 534-4006
megan@aitkenlaw.com

Past President
Sophia H. Choi
(951) 955-5400
schoi102associations@gmail.com

Directors-at-Large

Erica Alfaro
(951) 656-8313
erialfaro@gmail.com

Goushia Farook
(951) 684-9000
goushia@brlfamilylaw.com

Aaron L. Chandler
(951) 826-5567
achandler@riversideca.gov

Elisabeth A. Lord
(951) 684-9000
elisabeth@brlfamilylaw.com

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

Officers of the Barristers Association

President
Michael Ortiz
(951) 289-4143
mike@mikeortizlaw.com

Treasurer
David Rivera

President-Elect
Lauren Vogt

Members-at-Large
Ankit Bhakta
Kevin Collins
Braden Holly
Alfonso Smith
Brigitte Wilcox

Secretary
Alejandro Barraza

Past President
Goushia Farook

Riverside County Bar Association
4129 Main Street, Suite 100
Riverside, California 92501

Telephone
951-682-1015

Facsimile
951-682-0106

Internet
www.riversidecountybar.com

E-mail
rcba@riversidecountybar.com

RIVERSIDE LAWYER

MAGAZINE

C O N T E N T S

Columns:

3..... **President's Message** by *Neil Okazaki*

COVER STORY:

18..... **In Memoriam: Remembering Mr. Arthur L. Littleworth**
by *John E. Brown and Eric Garner*

Features:

5 **Changes to California's Consumer Privacy Landscape in 2022**
by *Wade Pyun*

6..... **Riverside County Superior Court Update**
by *Presiding Judge John Monterosso*

8..... **A House Divided: Understanding The Impact of California's 2021 Housing Laws**
by *Carl Jones, Todd Leishman, and Ryan Stager*

10..... **The Ongoing Battle Over Vaccine Mandates Fuels Federal Litigation**
by *Jamie Wrage*

13..... **New Dependency Case Law 2021: Parent-Child Bond Exception**
by *Catherine Rupp*

17 **All Aboard the Orient Express**
by *L. Alexandra Fong*

22 **Listen to the Future**
by *Michael Gouveia*

23 **Opposing Counsel: Wade Pyun**
by *Sophia Choi*

25 **A Great Stride Along the Fields of Law**
by *Michael Guirgis*

26 **Judicial Profile: Honorable Marie E. Wood**
by *Betty Fracisco*

Departments:

Calendar 2

Membership 28

Classified Ads 28

MISSION STATEMENT

Established in 1894

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

RCBA Mission Statement

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

Membership Benefits

Involvement in a variety of legal entities: Lawyer Referral Service (LRS), Riverside Legal Aid, Fee Arbitration, Client Relations, Dispute Resolution Service (DRS), Barristers, Leo A. Deegan Inn of Court, Mock Trial, State Bar Conference of Delegates, Bridging the Gap, and the RCBA - Riverside Superior Court New Attorney Academy.

Membership meetings monthly (except July and August) with keynote speakers, and participation in the many committees and sections.

Eleven issues of *Riverside Lawyer* published each year to update you on State Bar matters, ABA issues, local court rules, open forum for communication, and timely business matters.

Social gatherings throughout the year: Installation of RCBA and Barristers Officers dinner, Law Day activities, Good Citizenship Award ceremony for Riverside County high schools, and other special activities, Continuing Legal Education brown bag lunches and section workshops. RCBA is a certified provider for MCLE programs.

The Riverside Lawyer is published 11 times per year by the Riverside County Bar Association (RCBA) and is distributed to RCBA members, Riverside County judges and administrative officers of the court, community leaders and others interested in the advancement of law and justice. Advertising and announcements are due by the 6th day of the month preceding publications (e.g., October 6 for the November issue). Articles are due no later than 45 days preceding publication. All articles are subject to editing. RCBA members receive a subscription automatically. Annual subscriptions are \$30.00 and single copies are \$3.50.

Submission of articles and photographs to Riverside Lawyer will be deemed to be authorization and license by the author to publish the material in the Riverside Lawyer.

The material printed in the Riverside Lawyer does not necessarily reflect the opinions of the RCBA, the editorial staff, the Publication Committee, or other columnists. Legal issues are not discussed for the purpose of answering specific questions. Independent research of all issues is strongly encouraged.

CALENDAR

January

10 Civil Litigation Roundtable with Hon. Craig Riemer

Noon
Zoom
MCLE

14 MCLE Marathon

Zoom
Session 1 – 10:00 am – 11:00 pm
Topic: “Title IX Celebrates 50 Years”
Speakers: Professor Charles Duskow,
Invited Speakers from University of California,
Riverside
MCLE - Recognition and Elimination of Bias – 1 hour

Session 2 – 11:15 am – 12:15 pm
Topic: “Competence, Stress & Substance Abuse
in the Legal Profession”
Speakers: James O. Heiting & Michael A. Razo
MCLE – Competence Issues – 1 hour

Session 3 – 12:30 pm – 2:30 pm
Speaker: Ellen A. Pansky
Topic: “Dodging Ethical Bullets While Practicing
During a Pandemic: Practical Application of the
California Rules of Professional Conduct”
MCLE – Legal Ethics – 2 hours

18 Juvenile Law Section

Noon
Zoom
Joint Meeting with the Public Defender’s Office
Speakers: Maura Rogers and Rick Majchrzak
Topic: “New 602 Laws in 2021-2022”
MCLE

21 General Membership Meeting

Noon
Zoom
Speaker: Kenneth W. Starr
Topic: Appearing in the U.S. Supreme Court
MCLE

EVENTS SUBJECT TO CHANGE.

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





by Neil Okazaki

As president of this organization for this year, I am constantly reminded of the extraordinary individuals who have come before me in service to our legal community. The list of past presidents is truly an extraordinary group of attorneys who exemplify what is best of our legal community. Many have given me much in terms of friendship, mentoring, or simply leading by example. Although we've turned the page on 2021, I want to remember two of our past presidents we lost last year.

I only knew Harry Histen as an attorney. But he first worked for eleven years at Rockwell International developing large-scale computer systems for Rockwell International. This included work on the Apollo 8 program, which was the first crewed spacecraft to successfully orbit the Moon and return to Earth. He also served in Vietnam War as a naval minesweeper. He eventually attended Western State University College of Law at night while working at Rockwell. He opened his own practice in downtown Riverside in 1977. Being a new sole practitioner attorney who needed guidance, he immediately joined the RCBA and began attending our events. He attributed the RCBA to receiving advice and mentoring to transition to his new profession. He had a long and highly regarded career in trusts and estates, probate, business law, and dispute resolution.

Mr. Histen served as president of the RCBA from 2009 to 2010. He cared so much for this organization that his family suggested in lieu of flowers that memorial contributions may be sent to the RCBA.

I also only knew Arthur L. Littleworth as an attorney. But his accomplishments are far greater. He was the son of immigrants who met on a boat trip to Canada. He was president of his graduating class and was awarded a scholarship to Yale University, where he earned a degree with honors in history. He interrupted his education to serve in the U.S. Navy during World War II. After his honorable discharge, he earned a master's in History from Stanford and a law degree from Yale. He practiced law at Best Best & Krieger for 70 years, achieving extraordinary success as an environmental and water attorney. As president of the Riverside School Board, Mr. Littleworth led the move to desegregate Riverside schools. He never wavered from his resolve to do what was right, even as he was threatened, his wife and kids had to move away because of those threats, and he slept at the home of friends for his own safety. This month's edition of *Riverside Lawyer* features a touching tribute to Mr. Littleworth written by his Best Best & Krieger colleagues and friends, John E. Brown and Eric Garner.

As we enter the new year, I wish you all the very best. This is not just turning the page – it is our chance to turn over a new leaf. Although the world had another crazy and unexpected year, a new year comes with new opportunities. May you have great success in all your endeavors. And do not give up on your new year's resolutions. As Harriet Tubman once said: "Every great dream begins with a dreamer. Always remember, you have within you the strength, the patience, and the passion to reach for the stars to change the world."

Happy New Year!

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



ATTORNEY POSITION

Small Personal Injury (PI) firm in Riverside desires attorney for associate position. May lead to future ownership!

Desire self-starter, prefer 5 years of experience, but will interview others with passion for the profession.

Salary negotiable. Percentage bonuses available. Gas card after probation. Must be able to work with church associations.

Please send resume to info@lawyerswhofight.com



**The Trusted Name in ADR
Mediation • Arbitration • Trial
Discovery Referee**

Hon. David M. Chapman (Ret.)

WWW.DESERTADR.COM

Hon. Robert G. Taylor (Ret.)

Desert ADR is pleased to announce and welcome Judge David M. Chapman (Ret.) as a neutral providing Mediation and Arbitration services. Judge Chapman is a retired judge of the Riverside County Superior Court and brings more than 43 years legal experience to conflict and dispute resolution. Upon his retirement in 2021 Judge Chapman joined Desert ADR and is available for Mediations, Arbitrations, Discovery Referee and Private Judging throughout the Inland Empire and Southern California.

Judge Chapman has tried to conclusion class action litigation and has presided over many complex matters including the following:

- Class Action Litigation
- Wage and Hour Litigation
- PAGA Litigation
- Construction Defect Litigation
- Product Liability - Roundup Litigation
- Mass Torts

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

SPECIAL RECOGNITION AND HONORS

- American Board of Trial Advocates Inland Empire 2018 Trial Judge of the Year
- Consumer Attorneys of California 2018 Trial Judge of the Year Inland Empire
- Certificate of Congressional Recognition for Academic Achievements and Commitment to Improving the Community Through Justice and Equality 2014
- California Legislature Certificate of Recognition for Commitment in Legal Education 2013
- State of California Senate Certificate of Recognition for Commitment in Legal Education and Positive Impact on the Promotion of Rights and Equality in the Coachella Valley

777 East Tahquitz Canyon Way • Suite 200-57 • Palm Springs, Ca. 92262
Direct: 760-510-5916 • Office: 760-770-1237
Email: judgechapman@desertadr.com

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

CHANGES TO CALIFORNIA'S CONSUMER PRIVACY LANDSCAPE IN 2022

by Wade Pyun

By virtue of the California Consumer Privacy Act (CCPA), which took effect in 2019, existing consumer privacy protections in this jurisdiction are already among the strictest in the nation, but 2022 will usher in significant changes to these statutory rights and entitlements, as well as the corresponding framework of regulatory oversight.

These changes stem from Proposition 24, the California Privacy Rights Act (CPRA), which was passed by a majority of state-wide voters in November 2020. The CPRA amends and expands the CCPA, by strengthening existing protections and establishing a new administrative body, the California Privacy Protection Agency (CPPA), vested with investigative and enforcement powers (along with the California Attorney General). The CPPA, which consists of a five-member board comprised of appointees selected by the Governor (2), Attorney General (1), Senate Rules Committee (1), and Speaker of the Assembly (1), will also assume exclusive rule-making authority from the California Attorney General. Most of the substantive provisions of CPRA will become operative on January 1, 2023, but they will apply to information collected on or after January 1, 2022, which underscores the practical importance for affected businesses to review their existing privacy-related practices and closely monitor the forthcoming regulations. The layering of additional amendments and regulations compounds the complexity of the CPRA/CCPA privacy framework, which also complements an existing and distinct set of data breach notification guidelines under California law previously enacted in 2003.

Governor Gavin Newsom recently signed two bills that further amend the CCPA and CPRA, and a third bill that institutes changes to California's data breach notification guidelines.

Assembly Bill 335 addresses and clarifies a statutory exemption, which is codified at California Civil Code section 1798.145, subdivision (g)(2), that bears on the right of consumers under the CCPA and CPRA to opt

out, and therefore, enjoin affected businesses from selling or sharing their personal information. This bill also clarifies that this prohibition does not apply to vessel or ownership information shared between a vessel manufacturer and dealer in connection with a vessel repair that is covered by a warranty or recall carried out in accordance with federal law.

Assembly Bill 694 amends California Civil Code section 1798.199.40, subdivision (b), to clarify that the CPPA will be required to exercise its rule-making responsibilities for the CCPA and CPRA after the later of either July 1, 2021, or within six months after notifying the California Attorney General that it is equipped to assume and carry out this function. This clarification resolves a discrepancy between this provision, which previously provided that the CPPA would take on its rule-making authority on the "earlier" of these aforementioned milestones, and California Civil Code section 1798.185, subdivision (d), which specifies that it is the "later" of the two timeframes.

Assembly Bill 825 amends California Civil Code section 1798.82, subdivision (h)(1)(H) by adding "genetic data" to the existing, enumerated categories covered under the definition of "personal information" within California's data breach notification guidelines. This bill imposes statutory notification and reporting obligations on affected businesses following a data breach involving any California resident whose unencrypted personal information was, or is reasonably believed to have been, acquired by an unauthorized person.

On September 22, 2021, the CPPA also published a preliminary invitation for public comments, as a precursor to its rule-making activities. Taken together, these developments augur additional changes that will substantially alter the landscape of consumer privacy rights under California law.

Wade Pyun is the Chief Legal Officer of Altura Credit Union.



RIVERSIDE COUNTY SUPERIOR COURT UPDATE

by Presiding Judge John Monterosso

The Riverside County Superior Court enters 2022 focused on the continuing challenges from the COVID-19 pandemic, the changing landscape of the legal system in California, and a historical turnover of judicial officers and staff. Although one could write volumes on each of these subjects, this article will hopefully provide a glimpse of what 2021 brought and what we may see in 2022.

COVID-19

In January 2021, the court was navigating the winter surge which compelled us to suspend jury trials for the second time during the pandemic. Nonetheless, we continued restoring services, cognizant that what was now “normal” was different from pre-COVID times. Masks, capacity limits, and social distancing measures were still in effect, but with the emergency approval of several vaccines, normalcy seemed on the horizon. The initial and significant drop in reported infections allowed us to loosen up restrictions in mid-June. However, this lasted only a few weeks as local vaccination rates plateaued and stagnated, and the emergence of the Delta variant compelled us to reinstitute the mask requirement for all court users. We begin 2022 disappointed that we are still in pandemic mode but operating at full capacity with reasonable measures to protect our staff, attorneys, and the public we serve.

Judicial & Staff Turnover

The Riverside Superior Court experienced near-historical turnover in the ranks of our professional staff and our judicial officers. Although no lay-offs occurred, pandemic related budget cuts resulted in a soft hiring freeze that left many critical staff positions vacant for months. The restoration of funding in the 2021/2022 budget has led to a massive recruitment that is filling the holes but will take many months to complete.

In 2021, the court said goodbye to nine of our judicial colleagues: Judges Bambi Moyer, Dave Gunn, Jack Lucky, David Chapman, Jim Latting, Roger Luebs, and Tom Cahraman; Commissioner Candace Garcia-Rodrigo; and Hearing Officer Judith Fouladi. Their experience and knowledge will be greatly missed. However, we welcomed eight new judicial officers: Judges Mark Singerton, Sean Crandell, Joshua Knight, and Marie Wood; Commissioners Arthur Hester, Laura Garcia, and Joni Sinclair; and Hearing Officer Sylwia Luttrell.

Although Riverside County continues to need 30 additional judicial officers added to our current compliment of 85 authorized positions, we are very fortunate to have such a talented and enthusiastic group of new judicial officers join our bench.

New Criminal Laws

An extremely active legislature enacted many new laws which will impact the courts and add to the usual challenges we face as one of the two courts in California most in need of new judgeships. Many new laws continue the trend of criminal justice reform, including bills that provide new avenues for retroactive re-sentencing or review of past convictions. Some examples:

- AB 1259: Penal Code section 1473.7 was amended to include those who are convicted at jury trial to apply for relief based upon a prejudicial error damaging the party’s ability to meaningfully understand the potential adverse immigration consequences of conviction.
- SB 775: Expands the scope of Penal Code section 1170.95 to allow persons convicted of attempted murder or manslaughter, to seek relief when the prosecution proceeded under felony murder or natural and probably consequences theories.
- AB 1540: Prohibits courts from denying a motion to recall and resentence under Penal Code section 1370 without a hearing, and creates a presumption favoring resentencing when recommended by the California Department of Corrections and Rehabilitation (CDCR), Board of Parole Hearings, Department of Justice, or local District Attorney.
- SB 483: Prior legislation repealed sentence enhancements for prior prison terms (Penal Code section 667.5(b)), and certain prior drug offenses (Penal Code section 11370.2). This bill also mandates CDCR to identify those currently serving sentences that include such enhancements and for courts to retroactively reduce their sentences.
- AB 177: Eliminates 18 criminal fees and prohibits courts from collecting outstanding debt on fees previously imposed.

Remote Proceedings

Courts turned to technology to operate and provide access to litigants, attorneys, and the public during COVID-19 shutdowns. The Judicial Council adopted Emergency Rule 3 which authorized courts to conduct civil proceedings remotely with parties appearing via videoconference or telephone. Since courtrooms were closed, public access was provided by way of an audio or video livestream. Questions arose about the future of these innovations once courts began opening to the public. The legislature partially addressed these issues in the following two bills.

- SB241: Authorizes parties in civil cases, and in some instances, witnesses, to appear remotely upon providing notice to all parties. Courts have the discretion to require an in-person appearance under certain circumstances, such as if the court's technology is inadequate to handle a remote appearance, the in-person appearance of the party or witness would "materially assist in the determination" of the proceedings, or in the effective management or resolution of the case.
- AB 716: Prohibits courts from excluding the public from physical access to courtrooms because the

proceedings can be accessed through a livestream, unless excluding or restricting public access is necessary to protect the health or safety of the public or court personnel. In the event public access is restricted, the court must provide at a minimum, a public audio stream for all non-confidential hearings. In the Riverside Superior Court, audio livestreaming is not required while our courts are open to the public, but judges retain discretion to livestream non-confidential proceedings when appropriate.

Most will agree that 2020-2021 has been one of the most challenging periods for our legal community, our country, and our families. While the changing of the calendar to 2022 is an arbitrary threshold, we cross it with hope that the new year will bring us closer to a post-pandemic world and we will be able to look back and realize that the challenges we faced together have made us stronger and more united as a community. All my colleagues at the Riverside County Superior Court wish everyone a healthy and happy 2022.

The Honorable John Monterosso is the Presiding Judge of the Riverside County Superior Court.



SOLVING REAL ESTATE CHALLENGES

We Offer both Real Estate & Appraisal Services

- Probate
- Bankruptcy
- Expert Witness Testimony
- Family Law Specialty Service
- Title Reports & Property Profiles
- Estate Planning, Foreclosures, Short Sales
- Residential, Commercial, Industrial, Vacant Land
- Retrospective Evaluations, Rental Surveys, Property Damages

Why Choose Us?

- Over 26 years of experience in Real Estate
- Licensed residential appraiser since 1992
- Short Sales and Foreclosure Resource Certification (SFR)
- Court Appointed 730 Expert for both Real Estate & Appraisals
- Majored in Finance & Real Estate Law at Cal Poly Pomona University
- Real Estate Collaboration Specialist -Divorce (RCS-D) taken at Vanderbilt Law School

CALL US TODAY
(855)201-HOME
(855-201-4663)



THE MOWERY GROUP
WE SOLVE YOUR REAL ESTATE CHALLENGES

Donald L. Mowery, II

The Mowery Group, Brokered by EXP Realty of California Inc. DRE: 01878277
Certified Residential Appraiser #AR014657 | Cal DRE: 01193547



A HOUSE DIVIDED: UNDERSTANDING THE IMPACT OF CALIFORNIA'S 2021 HOUSING LAWS

by Carl Jones, Todd Leishman, and Ryan Stager

Even in today's political climate, one of the few things most Californians can agree on is the state's high cost of living and lack of affordable housing (commonly referred to as California's "housing crisis"). In response to the state's housing crisis, the legislature in recent years has produced numerous bills aimed at relaxing regulations, streamlining development procedures, increasing incentives for the construction of affordable housing projects, and further limiting local control over housing development. Several recently-enacted bills continue this trend. This article profiles four such housing bills that will take effect on January 1, 2022.

AB 345 – Separate Sale or Conveyance of Accessory Dwelling Units

State law generally prohibits local accessory dwelling units (ADUs) ordinances from allowing ADUs to be sold or otherwise conveyed separately from the primary dwelling.¹ This landscape was first altered with AB 587, which created a limited exception by allowing (but not requiring) local agencies to adopt ordinances authorizing ADUs to be conveyed separately from the primary dwelling if certain conditions are met.² AB 345 builds off of AB 587 by adding new requirements and making its provisions mandatory. Beginning January 1, 2022, local agencies will be required to allow ADUs to be sold or conveyed separately from the primary residence under certain circumstances, which include satisfying all the conditions set forth in Government Code section 65852.26 (a)(1)-(5). Among other things, these conditions require that: (1) the ADU or primary dwelling was built or developed by a qualified nonprofit; (2) the ADU is sold to a qualified low-income buyer; and (3) the property is held in a recorded tenancy in common agreement that meets specified requirements.³

1 Government Code § 65852.2 (a)(1)(D)(i).

2 See Government Code § 65852.26.

3 Full text available at https://leginfo.ca.gov/faces/billTextClient.xhtml?bill_id=20210220AB345.

SB 8 – Housing Crisis Act Clarifications

SB 8 involved further legislative tinkering with the Housing Crisis Act of 2019 (the "Act"). In brief, the Act sought to encourage housing development projects throughout the state by restricting procedural and regulatory hurdles that could hinder such projects (e.g., the Act limits the number of hearings that a city can hold for certain housing development projects).⁴ The Act also established various protections for occupants of protected housing that is demolished for a new housing development project (e.g., providing the displaced occupants with relocation benefits and a right of first refusal to units in the new development). Among other things, SB 8: (1) extended the Act's sunset provisions from 2025 to 2030; (2) clarified that a "housing development project" under the Act includes a broad range of projects involving both discretionary and nondiscretionary approvals; and (3) excluded occupants of short-term rentals (i.e., rentals for fewer than 30 days) from the Act's displaced occupant protections.⁵

SB 9 – Urban Lot Splits and Two-Unit Projects

SB 9 will require local agencies to both: (1) allow any lot in a single-family residential zone to be split, roughly into halves, with resulting lots as small as 1,200 square feet; and (2) allow any lot in a single-family residential zone to be developed with up to two single-family primary dwellings.⁶ SB 9 requires local agencies to approve eligible lot splits and two-unit projects ministerially (i.e., without discretionary review, conditions, or a hearing).⁷ Property owners can also utilize both of SB 9's provisions, meaning that an SB 9 lot split may be followed with an SB 9 two-unit project on each of the two new lots, resulting in four total dwellings on what

4 Full text available at https://leginfo.ca.gov/faces/billTextClient.xhtml?bill_id=201920200SB330.

5 See Government Code §§ 66300(d)-(e); 65905.5(b)(3)(B).

6 Full text available at https://leginfo.ca.gov/faces/billNavClient.xhtml?bill_id=20210220SB9.

7 Government Code §§ 65852.21(a); 66411.7(a).

was formerly one single-family residential lot—all with only ministerial approval.

Notably, ministerial approval is only required when numerous (fact-specific) conditions are satisfied.⁸ For example, SB 9 provides that a project is ineligible for ministerial approval if it will involve the demolition or alteration of affordable housing, rent-controlled housing, housing that was withdrawn from rent within the last 15 years, or housing occupied by a tenant (market-rate or affordable) in the past three years.⁹ SB 9 also allows local agencies to impose objective zoning, subdivision, and design standards on eligible lot splits and two-unit projects (e.g., height limits, setback requirements, square footage limitations).

SB 10 – Optional “Upzoning”

SB 10 permits (but does not require) local agencies to “upzone” parcels in transit-rich areas and urban infill sites—to allow up to 10 dwelling units per parcel—notwithstanding any other local restrictions on adopting zoning ordinances.¹⁰ SB 10 does not apply in a variety of circumstances, including when the parcel is located in a very high fire hazard severity zone (unless the site

8 Government Code §§ 65852.21(a)(1)–(6); 66411.7(a)(1)–(3).

9 Government Code §§ 65852.21(a)(3)(A)–(C), (a)(4); 66411.7(a)(3)(D)(i)–(iv).

10 Full text available at https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202120220SB10.

complies with certain fire hazard mitigation measures).¹¹ Ordinances adopted in accordance with SB 10 must, among other things: (1) cite to SB 10; (2) clearly identify the areas being “upzoned”; and (3) make certain fair housing-related findings.¹² Any ordinance that supersedes zoning restrictions enacted by local initiative is not effective unless approved by two-thirds of the members of the local agency’s legislative body.¹³

Conclusion

Collectively, California’s 2021 housing laws will present new opportunities and challenges for communities, property owners, and their legal counsel. The new laws themselves are sometimes complicated and overlapping. Readers should do their research and consult with legal counsel before wading in.

Carl Jones, Todd Leishman, and Ryan Stager are attorneys at Best Best & Krieger, LLP in the municipal practice group. They each specialize in housing and land-use law and advise public agencies throughout California.



11 Government Code § 65913.5(a)(4)(A), (B).

12 Government Code § 65913.5(b)(1)–(3).

13 Government Code § 65913.5(b)(4).



MILHAUPT
DISPUTE RESOLUTION SERVICES

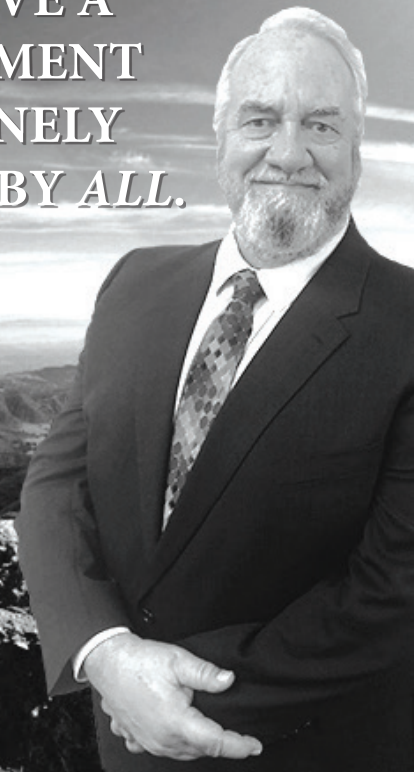
- Employment
- Wage & Hour
- Business/Contract
- Real Estate
- HOA Litigation
- Personal Injury
- General & Complex Civil Litigation

TOM MILHAUPT
MEDIATOR
tom@milhauptadr.com

RHONDA AVERY
CASE MANAGER
rhonda@milhauptadr.com

Phone (805) 482-0220 | Fax (805) 482-0116
www.milhauptadr.com

ACHIEVE A
SETTLEMENT
GENUINELY
DESIRED BY ALL.



THE ONGOING BATTLE OVER VACCINE MANDATES FUELS FEDERAL LITIGATION

by Jamie E. Wrage

The Universal Vaccine Mandate for Employers of 100 or More is On Hold

Vaccine mandates for COVID-19 continue to be contentious and the universal mandate sought by President Biden is at the top of the list. The U.S. Occupational Safety and Health Administration (“OSHA”) issued an emergency temporary standard (“ETS”) to minimize the risk of COVID-19 transmission in the workplace. OSHA has the authority to issue emergency temporary standards if it can show both of the following factors: (1) employees are exposed to grave danger from the hazard and (2) the ETS is necessary to protect employees from that danger. It remains to be seen whether OSHA can meet this standard in the eyes of the federal judiciary, but early indicators are not promising for enforcement.

The ETS applies to private employers with 100 or more employees, firm- or corporate-wide, and may affect more than 80 million workers. The mandate requires all businesses with 100 or more employees to “develop, implement, and enforce” mandatory COVID-19 vaccination policies. (86 Fed. Reg. 61, 402, 61, 402.) The employer policies must require unvaccinated employees to undergo weekly testing and to wear face coverings.

The proposed rules resulted in numerous lawsuits seeking to invalidate or stop implementation of the mandate. Some of the many claims in the fight to prevent implementation are that OSHA exceeded its statutory authority by issuing the ETS and improperly preempting anti-vaccination and masking rules and regulations put in place in some states and that implementation will illegally impinge on the constitutional rights of the employees affected.

On November 6, 2021, the Court of Appeals for the Fifth Circuit, in *BST Holdings, LLC v. OSHA*, temporarily stayed the implementation of the rules subject to the court’s further consideration of its enforceability. Soon after, on November 12, 2021, the Fifth Circuit granted a motion to stay the COVID-19 Vaccination and Testing Emergency Temporary Standard, published by OSHA on November 5, 2021. (86 Fed. Reg. 61402.)

Under 29 U.S.C. 655(f), the litigants were able to bypass district court and collectively file petitions in each of the twelve regional circuit courts across the country. In response, the Judicial Panel on Multidistrict Litigation randomly selected the Sixth Circuit Court of Appeals to hear all the cases regarding the President’s vaccine mandates

pursuant to the Multicircuit Petition Statute, 28 U.S.C. 2112(a). Unless and until the U.S. Supreme Court weighs in, the Sixth Circuit will be the last word.

After that, as summarized by OSHA, itself, “[t]he U.S. Court of Appeals for the Sixth Circuit [then had] jurisdiction over ETS challenges and DOL has filed a motion to lift the stay.” In the meantime, OSHA stopped enforcement.

The board changed again on December 17, 2021, when the Sixth Circuit lifted the stay by a 2-1 decision. Accordingly, at least of the time of this writing, employees at companies of at least 100 workers must be vaccinated against COVID-19 or produce a weekly negative test. The Sixth Circuit’s decision was based upon “the pervasive danger that COVID-19 poses to workers -- unvaccinated workers in particular -- in their workplaces. OSHA explains why the mechanics of COVID-19 transmission make our traditional workplaces ripe for the spread of the disease, putting workers at heightened risk of contracting it ... transmissibility is possible from those who are symptomatic, asymptomatic or presymptomatic, and variants are likely to be more transmissible.”¹ The appellate court found that OSHA acted within its authority and that the decision to put the ETS rules in place was reasonable based upon the substantial evidence for the decision contained in the record.²

In response, on December 18, 2021, the U.S. Labor Department announced citations would not be issued for general noncompliance before January 10, 2022, and citations for noncompliance for testing would be delayed until February 9, 2022, so long as employers were making “reasonable, good faith efforts to come into compliance with the standard.”³ The ultimate decision is likely to lie with the U.S. Supreme Court.

1 *In Re: MCP NO.165, Occupational Safety and Health Administration, Interim Final Rule: COVID-19 Vaccination and Testing; Emergency Temporary Standard 86 Fed. Reg. 61402* (6th Cir. Dec. 17, 2022) No. 21-7000.

2 (*Id.*)

3 U.S. Dept. of Labor News Release (Dec. 18, 2021) Statement from the U.S. Department of Labor on the 6th Circuit Court of Appeals dissolving the stay of OSHA emergency temporary standard on vaccination and testing | U.S. Department of Labor (dol.gov).

The Federal Contractor Mandate is Still Blocked in Most Jurisdictions

President Biden's plan also included a vaccine mandate for federal contractors. On November 30, 2021, the U.S. District Court for the Eastern District of Kentucky enjoined enforcement of the vaccine mandate for federal contractors and subcontractors in all covered contracts in Kentucky, Ohio, and Tennessee. The judge defined the question presented as: "Can the president use congressionally delegated authority to manage the federal procurement of goods and services to impose vaccines on the employees of federal contractors and subcontractors?", answering the question with: "In all likelihood, the answer to that question is no."

On December 7, 2021, the U.S. District Court for the Southern District of Georgia enjoined the president, the Safer Federal Workforce Task Force, and 18 executive agencies and departments from enforcing the federal contractor vaccine mandate established by Executive Order 14042 ("E.O. 14042"). This decision is based upon different grounds than the objections to the ETS. In the district court's analysis, the court reasoned the plaintiffs were likely to succeed on the merits because the court was "unconvinced, at this stage of the litigation" that the Procurement Act authorized the president to issue E.O. 14042. The court reasoned that the president's order (E.O. 14042) went far beyond addressing administrative and management issues

allowed under the Procurement Act.⁴ This was followed by an announcement by the Office of Management and Budget that E.O. 14042 will not be enforced while the injunction is in place.

Voluntary Employer Vaccine Mandates Remain an Option

Despite the OSHA, Cal/OSHA, and the Fifth and Sixth Circuit's decisions, private employers may still implement their own vaccine requirements unless there is a conflicting state law. President Biden already has imposed similar vaccine or test mandates on federal workers and the military.

In California, there are state-level requirements in place that health care workers must be vaccinated. Also, California state workers and teachers must either be vaccinated or tested. A broader vaccine mandate was also considered by California's Legislature earlier this year, but a bill was never formally introduced. That may change if the federal mandate is held up in or invalidated by the federal courts.

This is a rapidly changing area of the law. If the rules apply to you, your business or your clients, keep a watchful eye for new rules and rulings.

Jamie E. Wrage is a shareholder at Stream Kim Hicks Wrage & Alvaro, PC who practices employment law and complex business litigation.



⁴ Georgia v. Biden (S.D. Ga. Dec. 7, 2021) No. 1:21-cv-163.

RUN YOUR PRACTICE NOT YOUR I.T.

Make your technology work for you and not the other way around by letting Inland Premier I.T. Solutions manage it for you - so you can get back to the business of running your business!

Inland Premier specializes in: Networks | Email & Exchange | Network Security | Data Recovery | Support | Archiving

Quote: RCBA when you call for a free consultation and IT review.



On-Site
Services



Help Desk
Support



Consulting



CALL US TODAY: (951) 530-9609

WWW.INLANDPREMIER.COM

The importance of knowing the **TOTALITY** of client injury

Accurately diagnosing soft tissue injuries within the neck and spine can be challenging. Subjective clinical assessments alone are not enough.

MRI may reveal additional pathology that a physical examination and x-ray can miss. But not all MRI is the same, nor is the expertise available at most imaging centers.

Expert MRI offers specialized expertise in neck and spine injury. We have the full range of MRI equipment, including upright MRI, that can often find injuries that other MRI systems can miss.

Trust Expert MRI to uncover the totality of client injury... to ensure that you can secure the full amount of care needed for their recovery.



877.MRI.8888 | ExpertMRI.com



NEW DEPENDENCY CASE LAW 2021: PARENT-CHILD BOND EXCEPTION

by Catherine Rupp

Requirements To Place A Child In An Out-Of-State Residential Facility Until July 2022

Assembly Bill 153 created a new process to place a dependent child in an out-of-state residential facility. As of July 21, 2021, a child may only be placed in an out-of-state residential facility (OOSRF) after the California Department of Social Services (CDSS) certifies the facility for placement and the juvenile court approves of the placement. There are four steps required to obtain OOSRF placement. First, the county placing agency will identify an OOSRF as the recommended placement for a specific child. Then, the county will ask CDSS to certify the out-of-state facility for placement of that child.¹ CDSS will determine whether or not to certify the OOSRF for placement, and after CDSS makes this determination the county placing agency may seek approval from the juvenile court to place the child “in the identified [out-of-state residential facility] pursuant to WIC section 361.21 or subdivision (b) of WIC section 727.1, as applicable.”² Once the court approves the placement, CDSS may initiate the procedure required by the Interstate Compact on the Placement of Children (ICPC) to obtain placement approval from the state in which the facility is located.

AB 153 requires CDSS to report to the legislature the steps taken to implement the new law. On or before January 1, 2022, the CDSS is required to provide the legislature with a summary regarding the “capacity for serving all child-welfare and probation-supervised foster children within California or in home-based settings outside of the state.”³ CDSS is to consult with the counties when creating this report and the report must be made every six months until all out-of-state facilities are decertified and all children are returned to California. Welfare and Institution Code section 16010.9, a statute created by AB 153, requires each county to engage in “technical assistance” with CDSS, and to “verify that the [out-of-state residential facility] identified for the child does...meet the child’s needs and that those needs cannot be met within California prior to seeking child-specific

1 *Id.* at p. 3; Welfare and Institution Code section 16010.9(e).

2 All County Letter 21-146 and Provider Information Notice 21-30 CRP, p.3; quoting Welf. & Inst. Code section 16010.9(f).

3 *Id.* at p.6.

certifications by the CDSS of the identified [out-of-state residential facility].”⁴

Please note that this certification procedure for OOSRF is only available until July 1, 2022. CDSS may only seek approval from other states to place a child in an OOSRF until July 1, 2022.⁵ After that date, no child may be placed in an OOSRF unless an exception is met. Appropriate exceptions are found in Family Code section 7911.1, subdivision(h)(1), and include providing placement to emotionally disturbed children “made pursuant to an individualized education program developed pursuant to the federal Individuals with Disabilities Education Act,” and the placement of Indian children. By January 1, 2023, all OOSRF will be decertified, and all children placed in those facilities must have been returned to California.⁶

Beneficial Relationship Exception

A child placed in foster care has a right to maintain key relationships, particularly with parents, while in out-of-home care. When a parent is unable to reunify with a dependent child, the juvenile dependency court will hold a hearing pursuant to Welfare and Institution Code section 366.26 (“26 hearing”) to select a permanent plan for the child. At the .26 hearing, the court may decide to terminate parental rights and free the dependent child for adoption, unless a statutory exception to termination applies. An exception codified in Welfare and Institution Code section 366.26 subdivision(c)(1)(B)(i) applies where “[t]he parents have maintained regular visitation and contact with the child and the child would benefit from continuing that relationship.”⁷ This is the beneficial-relationship exception.

In the past, a parent who asserted the beneficial-relationship exception also had to prove that they met the child’s day-to-day needs, because “[t]he significant attachment from child to parent results from the adult’s attention to the child’s needs for physical care, nourishment, comfort, affection and stimulation” and “[t]he

4 All County Letter 21-146 and Provider Information Notice 21-30-CRP, p. 3.

5 All County Letter 21-146 and Provider Information Notice 21-30-CRP, p. 3.

6 *Id.* at p.1-2.

7 *In re Caden C.* (2021) 11 Cal.5th 614, 620, quoting *In re Marilyn H.* (1993) 5 Cal.4th 295, 305.

relationship arises from day-to-day interaction, companionship and shared experiences.”⁸ Parents who continued to struggle with the issues that brought their child before the dependency court faced a formidable obstacle. Some courts pointed to the parent’s failure to overcome their issues and/or inability to assume custody of the child, and declined to seriously consider whether or not the beneficial-relationship exception applied. However, the 2021 decision of *In re Caden C.* (2021) 11 Cal.5th 614 (“Caden C.”), re-focused the juvenile dependency court’s attention away from day-to-day caregiving and toward the substantial emotional connection shared between the parent and child. Subsequent decisions, such as *In re B.D.* (2021) 66 Cal.App. 5th 1218 [281 Cal.Rptr.3d 726] (“*In re B.D.*”) and *In re J.D.* (2021) 69 Cal.App.5th 594 (“*In re J.D.*”), further illustrated how the beneficial-relationship exception should be applied.

To prove the “beneficial relationship” exception, the parent must show by a preponderance of the evidence that the parent had regular and consistent contact with the child.⁹ The parent must also show that the child has a “substantial, positive, emotional attachment to the parent—the kind of attachment implying that the child would benefit from continuing the relationship.”¹⁰ Finally, the parent must show that terminating the attachment would be detrimental to the child even when balanced against the benefits of a new adoptive home.¹¹

The first prong of the parent-child bond analysis is the most straight-forward: has the parent visited and had regular contact with the child? The court must consider the contact between the child and parent in the context of the level of contact permitted by the juvenile dependency court.¹² A child’s contact with their parent “continue[s] or develop[s] a significant, positive, emotional attachment from child to parent.”¹³ The court should “. . . not punish parents or reward them for good behavior in visiting or contact; the focus is on the best interests of the child.”¹⁴

In *Caden C.*, the child Caden was first removed at age four due to mother’s substance abuse, unstable housing, and mental health issues. The child was placed back in mother’s care under court supervision, but was removed again two years later when mother relapsed.¹⁵ At the child’s Welfare .26 hearing, mother argued that Caden would be harmed if the court terminated their legal rela-

tionship.¹⁶ After hearing testimony from dueling experts on behalf of mother and the social services agency, the trial court found that mother successfully established the beneficial relationship exception and ordered the agency to investigate whether or not the child’s caregiver would agree to serve as a legal guardian; the agency appealed.¹⁷ The appellate court reversed the trial court’s orders and its rationale for doing so focused on the mother’s failure to maintain her sobriety and address her mental health issues.

Mother appealed the reversal of the trial court’s orders. The California Supreme Court took up the case, and held that a parent’s failure to overcome the issues that gave rise to dependency does not prevent the parent from asserting the parent-child bond exception.¹⁸ A parent’s failure to overcome substance abuse and mental health issues is not a “categorical bar” to proving the exception. However “issues such as those that led to dependency often prove relevant to the application of the exception,” and the appellate court noted that the mother’s attempts to undermine some of the child’s foster care placements “could certainly have a negative effect on him.”¹⁹ The parent’s continued struggle with substance abuse, criminal recidivism or mental health “could be directly relevant to a juvenile court’s analysis in deciding whether or not termination would be detrimental.”²⁰ But, a parent currently struggling with addiction could still conceivably prove that their child would be harmed if parental rights were terminated. A parent is simply not required to demonstrate that they are sober or seeking treatment to apply the exception.

When evaluating the second prong of the parent-child bond exception analysis (that the child has a substantial positive emotional connection to the parent), the juvenile court should not consider the parent’s ability to provide for the child’s daily needs. Instead, the court must determine whether the parent has shown by a preponderance of the evidence that the child shares a “substantial, positive, emotional attachment to the parent.”²¹ Daily contact is not required to demonstrate this attachment. Analyzing the emotional connection is also not straight-forward: “sometimes [. . .] a relationship involves tangled benefits and burdens. In those cases, the court faces the complex task of disentangling the consequences of removing those

8 *In re Autumn H.* (1993) 27 Cal.App.4th 567, 575.

9 *In re Caden C.* (2021) 11 Cal.5th 614, 636.

10 *Ibid.*

11 *Ibid.*

12 *In re Caden C.*, supra, at p. 632.

13 *Ibid.*, quoting *In re Autumn H.* (1994) 27 Cal.App.4th 567.

14 *Id.* at p. 632.

15 *Ibid.*

16 *Id.* at p. 627.

17 *Id.* at pp. 627-628.

18 *Id.* at p. 637.

19 *Id.* at p. 637.

20 *Id.* at p. 639.

21 *Id.* at p. 636.

burdens along with the benefits of the relationship.”²² In *Caden C.*, the Supreme Court noted that there were negative aspects to mother’s relationship with the child. According to the agency’s expert, the child was “preoccupied with mother, and his “preoccup[ation]” made it difficult for the child to form other relationships; mother’s expert disagreed.²³ The agency’s expert believed that terminating parental rights would allow the child to become “less preoccupied with mother,” while the mother’s expert believed terminating parental rights would harm the child due to his preoccupation.²⁴ Ultimately the court of appeal found that the child’s contact with mother was often detrimental to the child’s well-being, but it failed to “connect [m]other’s substance abuse or mental health to its emphasis on contested evidence whether Caden’s visits with mother ‘were often detrimental to his well-being.’”²⁵ When examining the parent-child bond exception, the trial court must analyze the child’s contact with the parent to determine if the parent and child share a substantial, positive emotional attachment. A finding that contact with the parent is detrimental to the child must be evidenced by a connection between contact with the parent and the child suffering harm.

In *In re B.D.* (2021) 66 Cal.App. 5th 1218 [281 Cal. Rptr.3d 726], the juvenile court declined to find that the parent-child exception applied, because there was no evidence on the record that the parents filled a “parental role” relative to the children; the children received daily care from their caregiver (paternal grandmother), and they looked to their caregiver for protection, not their parents.²⁶ However, order terminating parental rights was reversed because the trial court considered improper factors when analyzing the second prong of the inquiry.²⁷ It is critical that the court consider “. . . whether the parent’s actions or inactions ‘continued or developed a significant, positive, emotional attachment of the child to the parent’” when analyzing the second prong.²⁸ A “positive emotional attachment” to the parent means that the child is nurtured in some manner; the relationship cannot be detrimental, but must endow the child with a sense of security and responsibility. It was unclear what weight the trial court in *B.D.* gave to the conclusion that the parents did not occupy a “parental role” when analyzing

22 *Id.* at p. 634.

23 *Id.* at p. 634.

24 *Id.* at p. 634.

25 *Id.* at p. 642.

26 *In re B.D.* (2021) 66 Cal.App. 5th 1218 [281 Cal.Rptr.3d 726, 732].

27 *Id.* at p. 737.

28 *In re B.D.* (2021) 66 Cal.App.5th 1218 [218 Cal.Rptr.3d 726, 735], quoting *In re Autumn H.* (1994) 27 Cal.App.4th 567, 636.

ing the second prong of the exception.²⁹ Consequently, the appellate court reversed the termination of parental rights and ordered the juvenile dependency court to hold a new .26 hearing.

Although the burden is on the parent to prove the parent-child bond exception, the agency must investigate and document “compelling facts” regarding the child’s feelings about the parent and the child’s feelings about the prospect of never seeing the parent again. The court should not analyze the relationship to determine the presence of a “parental” bond, because such a term is vague and unhelpful. If the parent-child bond exception is asserted and the social services agency fails to provide essential information to the court regarding the quality of the parent-child relationship, the trial court’s finding regarding whether or not the exception applies may be reversed on appeal.

In *In re J.D.* (2021) 69 Cal.App.5th 594, mother’s reunification services were terminated at the eighteen month hearing, and the court set a .26 hearing. Throughout the case, the mother harassed the child’s caregiver in person and over social media.³⁰ While the .26 hearing was pending, mother continued to participate in weekly virtual visits with the child for thirty minutes and sometimes more; during visits mother would discuss her financial problems and the prospect of the child returning home, in spite of being repeatedly asked not to do so.³¹ The child expressed to the social worker that he wanted to become his caregiver’s son.³² At the January 2021 .26 hearing, the trial court terminated parental rights after it declined to find that the parent-child bond exception applied, and mother filed a timely appeal. Regarding the second “beneficial relationship” prong of the exception analysis, the appellate court noted that although the mother tended to threaten, undermine, and speak negatively of the relative caregiver, there was no evidence presented “. . . that mother’s behavior had a lasting impact on J.D.”³³ The agency’s reports showed that the child maintained a positive attitude toward mother, and it was not necessary for mother to demonstrate she was the child’s “primary attachment.”³⁴

Although J.D. expressed a desire to become C.J.’s son, his emotional attachment to mother could not be ignored; “a child’s emotional attachments are not a zero-

29 *Id.* at p. 737.

30 *In re J.D.* (2021) 69 Cal.App.5th 594, 619.

31 *Id.* at p. 619.

32 *Id.* at p. 616.

33 *Id.* at p. 629.

34 *Id.* at p. 624.

sum game.”³⁵ The caregiver expressed that the mother’s relationship with J.D. was positive and the caregiver felt that it was important that they have continued contact. The appellate court considered this to be “third party evidence” of the parental bond, and because it was given by the child’s long-term caregiver it was “sufficient to establish the exception in an appropriate case, even in the absence of professional opinion.”³⁶ The relationship that satisfies the parent-child bond exception must be more than a “mere friend or playmate,” but the relationship itself “. . . is not narrowly defined or specifically identifiable, because parent-child relationships are endlessly varied.”³⁷

When analyzing the third prong the court must perform a case-specific inquiry to determine whether or not the benefit of a new adoptive home outweighs the harm the child would suffer after losing a significant, positive, emotional relationship with the parent. A child may share a significant positive emotional bond with a parent even if contact is limited to supervised visits, and even if the

³⁵ *Id.*

³⁶ *Id.* at p.629.

³⁷ *In re J.D.*, *supra*, 69 Cal.App.5th at p. 631, quoting *In re B.D.* (2021) 66 Cal.App.5th 1218, 1230 and *In re Caden C.* (2021) 11 Cal.5th 614, 632.

child does not desire to return to the parent’s care. There may be more than one person who holds an important, emotional role in a child’s life, and a non-reunifying parent may hold such a position even if they are unable to provide for the child’s everyday care. In *J.D.*, the appellate court reversed the termination of mother’s parental rights and remanded the matter to the juvenile court to conduct a new .26 hearing.³⁸

These cases of *Caden C.*, *In re B.D.* and *In re J.D.* illuminated a path toward preserving parental rights for parents who maintain consistent positive contact with their child, but who are unable to overcome the issues that led to the removal of the child. These decisions will allow juvenile dependency courts to perform a more nuanced analysis of the beneficial-relationship exception in every case where termination of parental rights is the proposed permanent plan for a dependent child.

Catherine Rupp is a graduate of Chapman School of Law, a deputy in the Child Welfare Division of the Riverside County Office of County Counsel, and has represented parents in Los Angeles County Juvenile Dependency Court.



³⁸ *Id.* at p. 634

R & H REID & HELLYER

LAW OFFICES | EST. 1897

Practicing Law with Competence and Integrity for over 120 Years

WE OFFER OUR CLIENTS SAGE AND PRACTICAL ADVICE BACKED BY EXPERIENCE, COMPETENCE AND INTEGRITY

Our attorneys have decades of experience in the following practice areas:

- | | | | |
|------------------|---------------------|--------------------|-------------------|
| Civil Litigation | Business Formations | Business Law | Transactional Law |
| Real Estate Law | Bankruptcy Law | Immigration Law | Estate Planning |
| Employment Law | Writs & Appeals | Probate Litigation | Wills & Trusts |

Our practice combines solid values with the latest technology to cost-effectively and ethically give our clients the results they want and deserve.

www.rhlaw.com

Murrieta Office: (951) 695-8700 • Riverside Office: (951) 682-1771

ALL ABOARD THE ORIENT EXPRESS

by L. Alexandra Fong

On Thursday, May 12, 2022, Project Graduate, one of the original programs of Riverside County Bar Foundation, Inc., will hold an event to raise funds to help foster youth graduate from high school with a path to a successful future. Project Graduate is hoping to raise \$20,000 to support foster youth on their quest to complete high school. Riverside County has over 4,000 youth in foster care and approximately 66% of foster youth graduate from high school.

The fundraising event consists of a social and theatrical performance. The social will be held at the outdoor patio next to the Riverside Community Players theatre, conveniently located in downtown Riverside, at the corner of Fourteenth Street and Brockton Avenue.¹ Parking is available near the theatre and at the Riverside Community Hospital parking structure, located next to the theatre with its entrance on Fourteenth Street.

After the social, guests are invited to watch the Riverside Community Players perform Agatha Christie's *Murder on the Orient Express* in their 183-seat theatre which will begin promptly at 8 p.m.² The mystery novel was adapted for the stage by two-time Olivier Award-winning playwright Ken Ludwig, at the request of the Agatha Christie Estate.

Patrons are sought at the following levels:

Producer: \$1,000

Director: \$500

Production Manager: \$250

Stage Manager: \$100

Patrons of silent auction items are also sought. Suggested items include, but are not limited to: estate plans, theme park admission and/or annual pass vouchers, autographed sports memorabilia, gourmet dinners, a stay at your second / vacation home at the beach, mountains, lake, or desert area, tickets to sports events, admission to Disneyland's exclusive Club 33, estate plans, gift certificates for local dining and experiences, gift baskets, or other fun experiences.

To pledge your support and/or donate silent auction items, please contact L. Alexandra Fong at (202) 961-8715. Your patronage and/or silent auction items must be received by May 5, 2022, in order to allow sufficient time for printing of acknowledgments in the written program and to prepare the bid sheets. Late patronages and/or silent auction items are also accepted and will be acknowledged verbally at the social.

Patrons of \$500+ will receive two complimentary tickets to the social and theatrical performance.

Tickets to the social and theatrical performance will go on sale in early February 2022. Tickets to the theatrical performance of *Murder on the Orient Express* are available for \$20 per person. Tickets to the social are available for \$40 per person. Combined admission to the social and

theatrical performance are available for \$50 per person.

Donations may be tax deductible to the extent provided by law. Please contact your tax professional with any questions you may have regarding your donation. The RCB Foundation tax identification number is 47-4971260.

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



Need Confidential Help?

Contact Us: The Other Bar
24 hours • (800) 222-0767

The Other Bar is a network of recovering lawyers, law students and judges throughout the state, dedicated to assisting others within the legal profession who are suffering from alcohol and substance abuse problems.

We are a private, non-profit corporation founded on the principle of anonymity providing services in strict confidentiality.

Barry Lee O'Connor & Associates
A PROFESSIONAL LAW CORPORATION

REPRESENTING LANDLORDS EXCLUSIVELY
UNLAWFUL DETAINERS/
BANKRUPTCY MATTERS

951-689-9644

951-352-2325 FAX

3691 Adams Street
Riverside, CA 92504
Udlaw2@AOL.Com

1 If the theatrical performance is canceled due to COVID-19 restrictions, the social will be moved to another venue in Riverside.

2 Due to the spacing in the theatre, those in wheelchairs must be able to transfer to a regular seat. If the theatrical performance is canceled due to COVID-19 restrictions, the \$20 cost of admission will be considered a donation to Project Graduate.

IN MEMORIAM: REMEMBERING MR. ARTHUR L. LITTLEWORTH

by John E. Brown and Eric Garner

Mr. Arthur L. Littleworth, a member of the Riverside County Bar Association for more than 70 years, passed away on October 18, 2021. He practiced his entire career with the law firm of Best Best & Krieger. He was a preeminent California water lawyer, recognized nationally, and was called upon as a Special Master to the United States Supreme Court which twice unanimously upheld his decisions.

When Mr. Littleworth, as he was known by his law firm colleagues for decades, just plain, Art, to his friends, arrived in downtown Riverside on October 30, 1950 at the red brick and doomed Evans Building, he had reasons to be optimistic about his and the firm's prospects. Raymond Best had been practicing law since 1891 and founded and managed Riverside's largest title company, Riverside Abstract Company. Eugene Best, his son, following his admission to the California State Bar, joined his father in 1920 and both pursued the general practice of law, specializing in real estate and title law. Eugene Best soon founded the firm's public law practice becoming the City Attorney of both Riverside and Lake Elsinore in the 1920's. Best & Best were joined by John G. Gabbert in 1938 and James H. Krieger in 1946, and when Gabbert was appointed a Superior Court judge in 1949, the firm became Best, Best & Krieger. Gerald Brown and John Babbage joined the firm in 1949. When Art associated with the firm in late 1950, it was one of the oldest law firms in Riverside and San Bernardino counties with some of the most prominent lawyers in the region. Within a decade, they were joined by Enos C. Reid, James B. Corison, Glen Stephens, and Horace C. Coil, among others.

By the time the young Art walked up to the second floor of the Evans Building, he brought to the firm his own academic achievements. Born May 2, 1923, the son of English immigrant parents, he was a native Californian. Raised in Los Angeles, he was the valedictorian of that City's Washington High School and was awarded a scholarship to Yale University. Following his graduation from Yale in 1944, he served in the Navy during World War II, earned a master's degree in history from Stanford University, and graduated from Yale Law School with



Arthur L. Littleworth

honors in 1950. When Art later interviewed new hires at the firm, they all recalled affectionately an office setting right out of central casting. His degrees were framed on the walls, he sat at the secretarial oak desk of Riverside's founder, John Wesley North, with North's leather-bound law books shelved on the entire wall behind him.

When Art and his wife Evie, who had married in law school, returned to Los Angeles after he graduated, he received an offer of employment from the prestigious Los Angeles law firm of O'Melveny & Myers. Before accept-

ing that offer, his friend and fellow Yale graduate, Gerald Brown, invited Art and Evie to Riverside for the weekend. Arthur spent time with both the Bests and Jim Krieger and in years later, Art described Krieger as charismatic and almost evangelical in his belief that the firm could develop a specialized legal practice statewide and even nationally. Following an early morning walk up Mount Rubidoux, Art, a lifelong hiker, decided that Riverside was a great place to raise a family, provided opportunities to make a difference through community involvement, and chances to grow a law firm and his own legal practice. He accepted the firm's offer of employment.

In the 1950's, Raymond Best's 66-year legal career was concluding. On his 86th birthday in 1954, he told local historian, Tom Patterson, that there were several ways to



Passing the Bar Luncheon, circa 1951. Arthur Littleworth (left), Raymond Best (center) and Eugene Best (right) with unidentified secretaries.

achieve fame. “The easiest, the one I practiced, is longevity.” Raymond Best and Eugene Best had established themselves as pillars of the community through their decades of involvement in civic and community affairs, in addition to their long and distinguished careers in both local,



Art with son Todd and daughter Anne.



Arthur Littleworth and Michelle Ouellette, RCBA Installation Dinner, 2004.



Peggy and Art Littleworth, RCBA Installation Dinner, 2015.

state, and national bar associations. Eugene Best had ended his twelve-year term as Riverside’s appointed city attorney in 1941 and recommended that the city hire a fulltime in-house city attorney. He remained the city attorney of Lake Elsinore into the 1950’s, in part because as an amateur pilot, he enjoyed flying his own Cessna airplane to Lake Elsinore, having reported in a 1946 news story that his commute had been shortened to 17 minutes. In 1954, as new doors were opening for the firm, the Lake Elsinore City Council appointed Art as city attorney to fill the vacancy left by the resignation of Eugene Best. During the next twenty years, Jim Krieger and Art became two of the most important water lawyers in California.

Art formed a close professional and personal relationship with Jim Krieger throughout that time. Many have noted that they played to one another’s strengths. Jim Krieger was the more charismatic and outgoing of the two. He had worked as a radio actor in New York City before completing law school. He understood the changing landscape of and need for water in California in the 1950’s. He participated in the formation and representation of some of the largest water districts in the region. For more than 15 years, Jim Krieger served as chairman of the Southern California Water Council. He lent his legal and political advice to the efforts to bring water from northern California to the reservoir in Perris. Important politicians, like then Governor Pat Brown, sought his counsel. He was one of the leaders in the 1960s effort to bring Feather River water into the California Aqueduct. Quieter, more reserved and a legal scrivener of great repute, Art was at Krieger’s side during all those years.

As Krieger moved from one project to another, they were a band of brothers. Art represented Rancho California Water District concerning

the water rights of the United States Marine Corps and Camp Pendleton and was involved in a general adjudication of the Mojave River system. By the early 1960s, devoting himself fulltime to the practice of water law, Art represented the City of Riverside and over 1,000 Santa River area water pumpers in the massive litigation battle over the Santa Ana River and underlying groundwater between San Bernardino, Riverside, and Orange counties. His defense of those water rights against the claims of Orange County Water District settled once and for all in 1969 Riverside’s rights to its principal source of water which are still in effect today. In 1987, his national reputation now established, Arthur was asked to referee a dispute between the States of Kansas and Colorado over water in the Arkansas River by the United States Supreme Court. He would joke that was just as close to being a Supreme Court Justice as one might get without being appointed to the court. When Jim Krieger died in a plane crash in 1975, many credit Art’s leadership, steady hand, and good humor with permitting Best Best & Krieger to soldier on after this tragedy.

Not only a legal scholar, but Art also loved to write. In 1995, he and his co-author, Eric Garner, published *California Water*, which is universally recognized as the most comprehensive and important books on California water law. In 2014, he published *No Easy Way: Integrating Riverside Schools – A Victory for Community*.

From 1958 to 1972, Art served on the Riverside Unified School District’s Board of Education, including 10 years as president. In 1965, he led the effort to integrate Riverside schools, one of the first integrations of a large school District in the nation. He noted later he considered that his most important contribution despite many other civic contributions, including successful efforts



Arthur L. Littleworth



Jack Clarke, Arthur Littleworth and Justice Richard T. Fields, RCBA Installation Dinner, 2019.



The Master



Arthur Littleworth with Cati Porter, Executive Director of Inlandia Institute and Lloyd Porter in 2019.



The Hippie



The Dalai Lama



The Conehead



The Blue Man Group

in 1976 to form the Mission Inn Foundation and save the Mission Inn, service to the University of California Riverside, and numerous other civic awards recognizing his contributions over the decades.

To those of us who were Art's colleagues in his last few decades of practice, his kindness, generosity, and affection for his employees and colleagues were exceptional. Art hosted the firm Christmas parties at his home, and when he stepped away, Santa Claus would make a surprise appearance. He reminded many of us of jovial Mr. Fezziwig in Dickens, *A Christmas Carol*, in those social settings and was always the first to call out "God bless us everyone." Art's luncheons for firm assistants and paralegals were welcome events and his annual firm Halloween appearances, even into his '90's, were emblematic of his love of people and Best Best & Krieger. His numerous Halloween personas, among others The Blue Man Group, a cone head, Dumbledore, and Olive Oyl will be missed, but not soon forgotten.

Art's wife, Evie, sadly passed away in 1982. His marriage to Peggy O'Neil Shaw in 1994 was an occasion of great joy. Peggy was Art's loving and constant companion during the later years of his life, and the couple remained constant fixtures of Riverside's civic life, of our law firm, and in educational and arts groups throughout the region. And, by the way, those children Art and Evie raised in Riverside, Anne and Todd, turned out just great. Congratulations, Mr. Arthur L. Littleworth!

John E. Brown is Of Counsel to Best Best & Krieger LLP and Eric Garner is the Managing Partner of Best Best & Krieger LLP. Many thanks to Tim Roche and Follow Our Courts for contributing to this article.



Make your depositions an asset, not an obstacle. *Make the move to Steno.*

Steno's reliable court reporting comes with a revolutionary approach—allowing you to take all the depositions you need, all while paying nothing up front. That's **DelayPay**, our signature deferred payment option, built specifically to solve the challenges that plaintiff's attorneys face.



BOOK YOUR DEPOSITION TODAY
1.800.604.4694 OR CONCIERGE@STENO.COM

LISTEN TO THE FUTURE

by Michael Gouveia

Last Spring, 58 local attorneys volunteered to mentor students from the University of California, Riverside (UCR) for the “One-to-One Mentorship Event.” Justine Ross, PhD., associate director of the UCR Robert Presley Center of Crime and then RCBA President Sophia Choi coordinated the event by placing 126 UCR students with attorney members from the Riverside County Bar Association.

I was one of those attorneys who volunteered after seeing the RCBA’s “Looking for Mentors!!” announcement. In my field, I have informally mentored or coached dozens of new attorneys in bankruptcy practice. There is no better feeling than to help someone succeed through a question you asked or a suggestion you made. It is an easy way to volunteer and give something back to the legal community.

For the One-to-One Mentorship Event, I offered to “mentor” three students. I would meet with each student once for a thirty-minute Zoom call. The calls were set up at a mutually convenient time. Originally, I thought I would offer many suggestions and ideas on succeeding in law school. However, something inside me told me to take a different approach, maybe it was being “helpful” to my three grown sons and them not following my fatherly advice.

I decided to listen more than I spoke and find out more about the student. The first student popped up on my video screen and I did not realize it until later, the student was in his parent’s home due to the pandemic. Last school year, all the classes were conducted remotely as the students did not set foot on campus.

What it was like to be a 19-year-old college student in 2021?

One student talked about a possible law career, but his half-hearted responses suggested another profession. I caught him off guard when I asked him, “If you could go into any field, what would it be?” He thought for a moment and said it would be in the creative arts and not the legal profession. I suggested that he follow his heart.

That is what I have found in my mini profession as volunteer coach. I do not tell students or newer attorneys what to do but ask questions to help them come up with their own answers. Sometimes a clarifying question can spur creative solutions.

Another student had an aunt who was a lawyer and he did not know if he should follow.

He had insight into the legal world, but did not know if it was for him. I could not tell if this said something about him or the way a legal career had been portrayed to him.

My third student was a first-year undergrad student who was on a mission to be a lawyer. As a freshman, he has planned out his future and he had the determination to succeed at whatever he ultimately chooses. His story is printed in this issue and I am certain you will meet Michael Guirgis in a few years as a freshly minted lawyer.

Dr. Ross, of UCR’s Presley Center, said to me, that when the students were surveyed after the event, “Almost eighty percent said they were more likely to apply to law school.” She further said, “Many UCR students are the first in their family to go to college and this event was broadly designed to inform about the legal field and to introduce students to professionals who they would not normally meet.”

For my part, the mentorship event allowed me to listen to the future of our profession. These 19-year-old students may or may not choose our profession, but I commend them for reaching out to ask lawyers who have been there. As a volunteer mentor/coach, I only ask the questions. It is up to the student to make his or her own decisions.

Dr. Ross stated that the “One-to-One Mentorship Event” may be offered in the future as her team learned from the past program. If it comes back, I urge you to volunteer to listen to the future of our profession.

Michael Gouveia, a 25-year RCBA member, practices consumer bankruptcy, and teaches the next generation bankruptcy professional. Email at mgo29@att.com or visit bkofficehours.com.

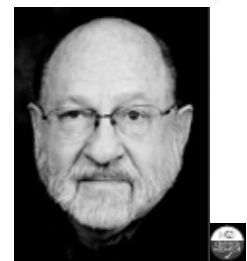


LOCAL REFEREE/ SPECIAL MASTER

15 YEARS EXPERIENCE

REAL ESTATE, DISCOVERY, BUSINESS,
GENERAL CIVIL & FAMILY LAW DISPUTES

REASONABLE FEES
NOMINATE



Don Cripe

DON CRIFE
909-864-5156

DONCRIPE@CAMSMEDIATION.COM



OPPOSING COUNSEL: WADE PYUN

by Sophia Choi

I met Wade Pyun through a mutual friend, Eugene Kim, who is a partner at the law firm Stream, Kim, Hicks, Wrage, and Alfaro. My first impression was that he was a very professional, cordial, and intellectual attorney with the talent to give back to our Riverside community in many ways. My first impression was not proven wrong and I am proud to say that he has become a wonderful friend of mine.

Wade Pyun earned B.A. and M.A. degrees in English literature from Stanford University, and a J.D. from the University of California, Hastings College of the Law. After his college and law school education in Northern California, he returned to Southern California and is currently the chief legal officer for Altura Credit Union (“Altura”), a financial institution headquartered in Riverside, that manages \$2.2 billion in assets and serves over 160,000 members. Through Wade and his leadership within Altura, Altura has become a huge supporter of the Riverside County Bar Association since our virtual installation held in September 2020, the year I was installed as president. Prior to joining Altura, Wade worked in various leadership roles, including Senior Corporate Counsel at U.S. Bank. His previous experience also includes advising the California state legislature on policy matters involving consumer protection laws and regulations. Wade is frequently featured as a speaker at regional and national banking conferences, and he has served on policy steering and advocacy committees for the California Bankers Association and the Mortgage Bankers Association.

Wade is the current president of the Asian Pacific American Lawyers of the Inland Empire (“APALIE”), an organization that is very dear to my heart as one of its founding members (along with Eugene Kim and others) and inaugural president. Wade has already put on many programs, including a webinar focused on diversity, equity, and inclusion, with speakers U.S. Senator Alex Padilla, Congressman Andy Kim, and Don Liu, the executive vice president and chief legal and risk officer for Target. Wade has built a very strong network because



Wade Pyun

of his leadership roles both in and outside of Riverside County. Wade has previously served as president of the Orange County Korean American Bar Association. He also serves on advisory boards for the International Association of Korean Lawyers and the Koreatown Youth and Community Center. He previously served on the Orange County Executive Advisory Council for Asian Americans Advancing Justice. He has been and remains active in supporting legal and civic causes.

In 2017, Wade was part of a planning committee for the “Embrace Unity” gala, an event that commemorated the

25th anniversary of the 1992 Los Angeles riots by raising over \$250,000, with all of the proceeds donated to groups that included, among others, UCLA’s Office of Equity, Diversity, and Inclusion, and the Tiger Woods Foundation. In 2019, he participated in the 4th annual “Over the Edge” fundraiser organized by Habitat for Humanity Riverside and rappelled down the 10-story Regency Tower in downtown Riverside. More recently, Wade was elected to the board of directors of the Southern California chapter of the Association of Corporation Counsel (“ACC”), the world’s largest organization of in-house lawyers, with over 45,000 members in 85 countries. He is chairing the planning committee for the group’s annual In-House Counsel Conference, which will take place at Angel Stadium in January 2022.

Additionally, Wade is an active member of the Riverside County legal community through the RCBA and APALIE. He is also a member of the RCBA Publications Committee and contributing writer for the *Riverside Lawyer*. Included in this issue is an article he wrote entitled, *Changes to California’s Consumer Privacy Landscape in 2022*, which can be found on page 5. We are all very fortunate to have Wade as an active part of our legal community.

Sophia Choi is a Riverside County deputy district attorney, the immediate past president of the RCBA, past president of the Leo A. Deegan Inn of Court, inaugural president of APALIE, and past vice president of the Korean Prosecutor’s Association.



SIGNS MADE HERE

Keep your business,
products & services

TOP OF MIND!



Point your
phone's camera
at the code



With our extensive selection of signage solutions, we can put your brand or message on a building or a table top, a wall or a bus...

WE'VE GOT YOU COVERED!

printmystuff
PIP PRINTING RIVERSIDE/CORONA
.com

Riverside 4093 Market St
951.682.2005

Corona 501 E. Sixth St
951.737.1820



A GREAT STRIDE ALONG THE FIELDS OF LAW

by Michael Guirgis



Michael Guirgis in front of the Nassau County Supreme Court.

Eight years ago, becoming an attorney was an absurd dream looked down upon by many from my community. Today, I tell of my journey of navigating the winding road to the legal field. Those who know me will tell you that my sense of navigation is as good as that of Columbus setting sail for India.

My name is Michael Guirgis and I am a second-year political science/international affairs student at the University of California, Riverside (UCR). Since sixth grade, I wanted to be an attorney,

but the legal field in my country (Egypt) did not have the same prestige or recognition as it does in the western world. Due to my enrollment in an international school, I grew up with tales and stories about the “land of the free and the home of the brave.” I grew fascinated with a region thousands of miles away from my home. Then the improbable happened, I moved here.

I could write pages about my transition to the United States, but that is not the purpose of this article. Although I have lived in the United States for five years, it was only in last year where I took the greatest strides toward my goal. From captaining a team in mock trial to attending law seminars offered by my university, I set out to understand the law. This is how I met Michael Gouveia, the bankruptcy lawyer who encouraged me to write this piece.

During Spring, UCR hosted the Presley Center Pre-Law Mentoring Program where students had the opportunity to speak with practicing attorneys. I was paired with Mr. Gouveia to learn about the bankruptcy sector of law. The advice he provided was more than the “focus on school and work hard” advice that everyone receives at some point. No, this advice was more direct, it was a list of tasks that would act as a guide on the path to the legal field. The list is as follows: read a specific case and watch a law instructor lecture on that case, create a work/life balance, read Ari Kaplan’s *The Opportunity Maker*, ride down to the nearest Supreme Court to attend a hearing, and talk to a judge.

The advice was direct, specific, and short-term. Immediately after the meeting, I read the case and watched the lecture. I decided to explore new clubs to create that balance. As for Kaplan’s book, I’m currently on page 67, but by the time you read this, I would already be done writing a book report on it.

The nearest Supreme Court was the Nassau County Supreme Court in New York (I was living in New York at the time). I went there during summer only to find out that no hearings were done in-person. Of course, I would not be writing this article if the story ended there. I went to the Supreme Court where it would be impossible not to have a case pending. A couple weeks before leaving, I went to the New York Supreme Court in Manhattan.

After taking almost every wrong subway in New York and pestering random bystanders for directions (again, navigation is not my strong suit), I stood on the steps of the New York Supreme Court. I hopped from courtroom to courtroom trying to approach any judge and tell them of my plan, but most judges were either too busy or plainly unapproachable to question. It was not until I started introducing myself as a college student from California that I was able to grab their interest.

Although there were no trials, there was one suppression hearing. The defense wanted to suppress a cop’s body cam footage on the basis of illegal seizure. At first, the judge sent his court attorney, Travis Talbot, to understand why I wanted to speak with him. The conversation with the court attorney alone was incredibly helpful as he gave an overview of what a hearing is and what it would be about. I observed the direct and cross examination of a police officer and the judge eventually ruled in favor of the plaintiff. After the hearing, I had the opportunity to talk with the judge and understand his ruling. The judge noted that although neither attorney had the correct argument, he could still rule because he knew the law. I found that to be an interesting take on judgeship.

Overall, observing court was a great experience. I learned and witnessed new interactions with the law that I would not have learned if I had not taken the trip to the Supreme Court. The road to the legal field may be full of obstacles and hurdles, but it is important to remember that any road is easier to take than trying to navigate the subway.

Michael Guirgis is the conference director of UCR’s Model United Nations and former captain of UCR’s mock trial team.



JUDICIAL PROFILE: HONORABLE MARIE E. WOOD

by Betty Fracisco

Riverside County has a new judge who has taken one of the most circuitous routes to the bench ever. Judge Marie Wood was sworn into the bench on September 3, 2021, and on September 20 she began her assignment in Murrieta. As you will see, this is not your typical judge who attended college, then law school, then practiced for a number of years before being appointed or elected to the bench.

Marie Elena Wood was born in Mexico in 1976, the second of then four children. Her father had spent most of his life working in landscaping in the United States, returning to Mexico for two to three weeks every year. In 1988, she, her mother and siblings emigrated to California where she spent her childhood in Ramona. Her parents had an additional three children. Her father eventually was granted U.S. citizenship, a citizen by birth, when it was discovered that although he had been born in Mexico, his Caucasian grandfather had been born in Oakland.

Judge Wood spoke no English when she began junior high in Ramona, a shy girl with an obsession for reading. She learned to read and write English before speaking it. Her parents had a fourth grade education, but at Ramona High School she was a good student, “brainy” even, who loved reading and learning. After graduation she worked as a waitress and at a fruit stand, but then she spent a semester in a dental assistant program at Palomar Community College. She started a job as a receptionist at a law firm, which she considered her first “real job,” and this inspired her to switch to the Paralegal Studies Program at night, where she met her mentor, Professor Angelo Corpora. She received her AA in 2001 and received her paralegal certification. At the law firm, Mellin & Markee in Rancho Bernardo, she was promoted to legal assistant, then to paralegal. She continued with her education, attending University of Phoenix at night, receiving her degree in Business Management in 2005. She then moved to Temecula and began working for the law firm of Fabozzi & Miller. Overall she worked as a paralegal for about ten years before going to law school.



Hon. Marie E. Wood

She worked on discovery, Motions For Summary Judgment, Motions in Limine and trial briefs, among other things. With the encouragement of the late Dennis Fabozzi she entered Thomas Jefferson Law School in San Diego while continuing to work part-time as a law clerk at the firm in Temecula. Even so, she made Law Review and wrote an article on Fourth Amendment search and seizure.

Judge Wood took the February 2010 Bar Exam, and when she passed she became an Associate at Fabozzi & Miller, practicing general and real estate civil litigation until 2014. She had gotten married in 2012, and when she had a child in 2013 she found it difficult to keep up with the billing requirements. So she and a friend opened their own practice, specializing in civil and immigration law. Then for a year she was on her own doing business and real estate. In 2016 she joined the Murrieta office of Reid & Hellyer, where she continued her practice in business and real estate litigation, as well as immigration law, including family, employment and business based matters. In the words of Reid & Hellyer, when she made partner in February 2021, Judge Wood “prides herself in building great client relationships while supporting the community.”

Judge Wood was a founding member of the Hispanic Bar Association of the Inland Empire, a board member and past president of the Southwest Riverside Bar Association, and a member of the Southwest Inn of Court. She is proud of her involvement on the CLA Real Property Law Executive Committee. She has also been a supporter of the Temecula Legal Scholars Program and a member of the board of the Riverside Community College District Foundation. She has a basic desire to be involved and help others. Between 2011 and 2016 she was an adjunct professor at Palomar Community College, teaching business and contracts law courses, and found it very rewarding helping the students gain confidence to believe in themselves and continue their educations.

While she was working at Reid & Hellyer, a judge suggested to Marie that she consider applying for the bench and recommended she talk to judges who had children, since time with her children was a concern. She received good feedback, so as soon as she had 10 years' experience as an attorney she started working on her application. She submitted the application in November 2020 and received her appointment on September 3, 2021. Hers is a new position created in 2019.

Since she got married, Judge Wood has worked hard to balance family life and work life. She and her husband have two sons, 8 and 5. Her own parents always supported her, and she does that for her boys. Her weekends are dedicated to her family. One other family/friend tradition she never misses is a Spring Training weekend in Glendale, Arizona watching the Dodgers, the last time in 2019 with 32 other friends and family members and their children. Judge Wood is certainly a great addition to the Riverside County bench.

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



LAWYER REFERRAL SERVICE of the Riverside County Bar Association

State Bar of California Certification # 0038

Attorneys Needed:

The Lawyer Referral Service (LRS) is looking for panel attorneys that practices in the following fields:
Administrative Law (School), Auto Contracts,
Construction Defects, Family Law,
Guardianship/Conservatorship, Immigration Law,
Landlord/Tenant (Tenant), Medical Malpractice

In the Coachella Valley (Desert Area) –
Bankruptcy Law, Landlord/Tenant (Tenant), Tax Law



If you would like to be a panel member on the LRS, please call (951) 682-1015 for an application packet, or download it from www.riversidecountybar.com (under Members, click on All Applications).

ONE FOCUS.
ONE PRACTICE.
IMMIGRATION LAW.

*In Immigration Law, the stakes are always high. It's your business. It's your family. Results matter and you deserve a firm that can deliver. **We are that firm.***

KELLY S. O'REILLY

Founding Partner - Former District Adjudications Officer for the U.S. Immigration and Naturalization Service in Los Angeles and Orange County

RICHARD M. WILNER

Founding Partner - Board Certified Specialist, Immigration and Nationality Law (State Bar of California)

OFFICES IN CALIFORNIA, UTAH AND IDAHO

W&O'

WILNER & O'REILLY
IMMIGRATION LAWYERS
WWW.WILNEROREILLY.COM

(951) 787-0010

3403 TENTH STREET, SUITE 742
RIVERSIDE, CA 92501

CLASSIFIEDS

Office Space – Downtown Riverside

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

Legal Malpractice / Judgment Collection / CA Pro Hac Vice

Joel Selik, Nevada Bar #402 & California Bar #117383. Referral Fees Paid. Joel@SelikLaw.com, 760-479-1515 or 702-243-1930.

Riverside County Superior Court Notice

Mid-County Domestic Violence and Petition to Terminate Parental Custody Cases Return to the Hemet Courthouse. Please be advised that effective Monday, January 3, 2022, all Domestic Violence and Petitions to Terminate Parental to Custody and Control cases for the Mid-County Region will return to the Hemet Courthouse. All matters (Domestic Violence and Petitions to Terminate Parental Custody and Control) previously assigned to the Southwest Justice Center will be reassigned to the Hemet Courthouse and all hearings on or after January 3, 2022 will be scheduled in Department H1 located at: Hemet Courthouse, 880 N. State Street, Hemet, CA 92543. Please note: The case prefix for Domestic Violence cases filed on or after January 3, 2022 will change from DVSW to DVHE.

Conference Rooms Available

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

Riverside Superior Court COVID-19 Update

Due to the current rate of positive COVID-19 cases in Riverside County, the Riverside Superior Court will be suspending all jury trials that are not currently in progress from January 5 to January 28, 2022. See General Order No. 2022-9 on the court's website, www.riverside.courts.ca.gov.



MEMBERSHIP

The following persons have applied for membership in the Riverside County Bar Association. If there are no objections, they will become members effective January 30, 2022.

George T. Adams – Office of the County Counsel, Riverside

Amir H. Alavi – Riverside County Office of Education, Riverside

Douglas S. Baek – Office of the District Attorney, Riverside

Christian E. Bredeson – Collins + Collins LLP, Rancho Cucamonga

Zheng (Matthew) Q. Chen – Law Office of Zheng Qiao Chen, Corona

Julio C. De Leon – Solo Practitioner, Riverside

Timothy L. Dominguez – Tim Dominguez Injury Law, Irvine

Marissa Flores – Office of the County Counsel, Riverside

Judith N. Gallardo – Office of the County Counsel, Riverside

Christopher A. Gonzalez – Brown, White & Osborn, Redlands

Kamaria A. Henry – Office of the District Attorney, Riverside

Edna Meraz Ibarra – Reid & Hellyer, Murrieta

Michael Mellgren – Reid & Hellyer, Riverside

Sung J. Min – Solo Practitioner, Beaumont

Caroline K. Monroy – Office of the County Counsel, Riverside

Stephanie K. Nelson – Office of the County Counsel, Riverside

Eugene Osko – Osko Law, Redlands

John F. L. Pomeroy – Office of the District Attorney, Riverside

Carissa Ann Rarick – Office of the County Counsel, Riverside

Esen Emel Sainz – Office of the County Counsel, Riverside

Richard Soto (A) – Manufacturers Bank, Brea

Kathryn E. Wilkins – Office of the County Counsel, Riverside

Ryan D. Yabko – Office of the County Counsel, Riverside

(A) – Designates Affiliate Member.





BUILT WITH YOU IN MIND, INTRODUCING OUR LAWYERS' INSURANCE DEFENSE PROGRAM

Lawyers' Mutual is excited to share our values, services and member benefits with an ever expanding pool of California attorneys.

Built with you in mind, Lawyers' Mutual has redesigned our Lawyers' Insurance Defense Program for firms of six attorneys or more who practice 90% insurance defense work or greater.

Key program features:

- Limits from \$1,000,000 per claim / \$3,000,000 in the aggregate to \$10,000,000 per claim / \$12,000,000 in the aggregate.
- \$50,000 Claims Expense Allowance outside limits included.
- Expert in-house California claims examiners.
- Multi-attorney discount factor.

Our Lawyers' Insurance Defense Program delivers on our commitment to enhance, revolutionize and challenge the status quo of how the traditional insurance industry operates.



**LAWYERS'
MUTUAL**
INSURANCE COMPANY

Our strength is your insurance

www.lawyersmutual.com



Riverside
County

LAWYER

Riverside County Bar Association
4129 Main St., Ste. 100, Riverside, CA 92501
RCBA 951-682-1015 LRS 951-682-7520
www.riversidecountybar.com rcba@riversidecountybar.com

PRSRT STD
US POSTAGE
PAID
PERMIT #1054
RIVERSIDE, CA

ARBITRATION & MEDIATION SERVICE PROVIDER

RCBA Dispute Resolution Service, Inc.

You be the Judge.

Over 100 experienced Riverside County Bar Association mediators

2 out of 3 private mediations reach full settlement

3 out of 4 Family Law cases referred to our Court program reach full settlement

No administrative fees! Competitive hourly rates!

DRS is a nonprofit public benefit corporation proudly serving Riverside County since 1995.
DRS is the approved mediation service for the Riverside County Superior Court.
Located across from the Riverside County Historic Courthouse at 4129 Main Street, Suite 100.

(951) 682-2132
www.rcbadrs.org

