

# RIVERSIDE LAWYER

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MAGAZINE

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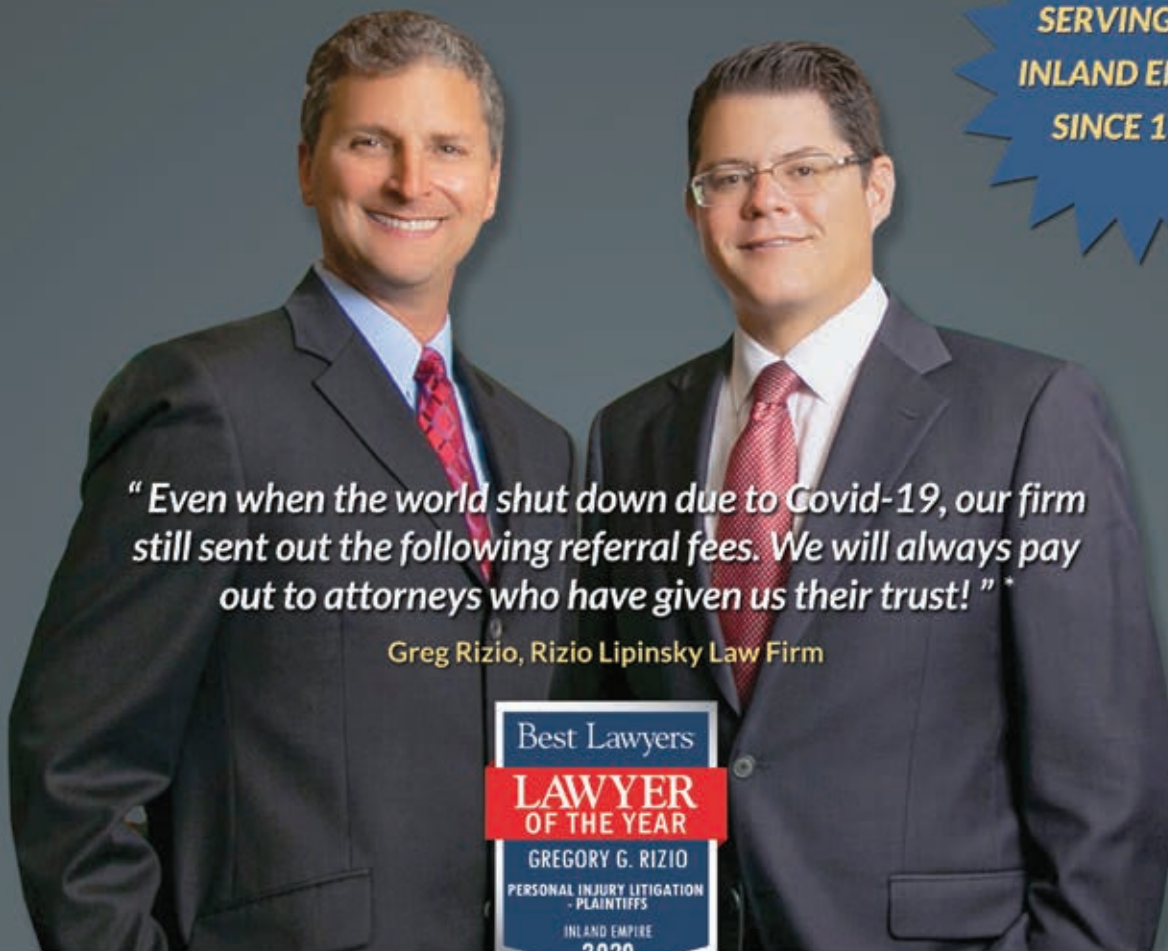


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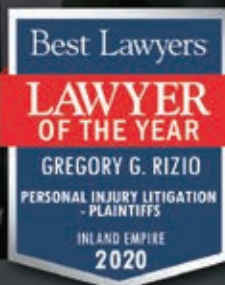
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# RIVERSIDE LAWYER

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**On the Cover:** Photo of the Coachella Valley with mountains and summer sunset in the background.

# MISSION STATEMENT

## Established in 1894

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

## RCBA Mission Statement

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

## Membership Benefits

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

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

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

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

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

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

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

# CALENDAR

## September

- 12 Civil Litigation Roundtable with Hon. Craig Riemer**  
Noon, Zoom  
MCLE
- 13 Landlord/Tenant Law Section**  
6:00 p.m.  
Le Rendez-Vous Café, Colton  
Speaker: Judge Stephanie E. Thornton-Harris.  
Fontana Court  
MCLE
- 20 Civil Litigation Section**  
Noon, Zoom  
Speaker: Carol M. Langford  
Topic: "Current Developments in Legal Ethics, Malpractice and Discipline"  
MCLE – 1 hour Ethics
- 22 Annual RCBA Installation of Officers Dinner**  
Social Hour – 5:30 p.m.  
Dinner – 6:30 p.m.  
Mission Inn – Grand Parisian Ballroom
- 27 Juvenile Law Section**  
12:15, Zoom  
Joint Meeting with the Public Defender's Office  
Speaker: Catherine E. Rupp  
Topic: TBA  
MCLE

## SAVE THE DATE

### General Membership Meeting

Friday, October 14, 2022  
12:00 p.m. to 1:30 p.m.  
RCBA Building, John Gabbert Gallery  
Guest Speakers:  
Judge Randall Stamen &  
The Veterans Court Team

## EVENTS SUBJECT TO CHANGE.

*For the latest calendar information please visit the RCBA's website at [riversidecountybar.com](http://riversidecountybar.com).*





# President Message

by *Lori Myers*

I am honored and privileged to be your president for the 2022-2023 year. This is my very first presidents' message and I am so excited for the upcoming year. I invite all members to bring forward any recommendations that you would like to see the RCBA tackle or MCLE topics you would like us to provide speakers — we are always open to suggestions.

For those of you who do not know me, I have been a local criminal defense attorney who started at the Riverside County Public Defender's office and then went out into private practice and have handled cases for the conflict panel and the Death Penalty Panel. If you see me in the trenches of the courtroom, please do not hesitate to stop and say hello. I am looking forward to speaking with many of our members this year.

I encourage members to become active in any of our worthwhile causes and if you are unfamiliar with our many programs, I hope this is the year that you decide to get involved with one. Participation is the catalyst for change and areas where you could participate are programs like Mock Trial, New Attorney Academy, Elves Program, general membership meeting, networking opportunities, Project Graduate, Adopt a High-School, MCLE trainings, Good Citizenship Awards, Bridging the Gap, Reading Day, etc.

I want to take this opportunity to thank our past president, Neil Okazaki, who works for the City of Corona, who has led us through the last year and set a new standard for the bar installation by throwing last year's event outside for the first time. The installation had a live auction with Judge Jack Lucky (ret), Greg Rizio, and our one

and only CEO of Riverside County, Jeffrey Van Wagenen serving as the ultimate auctioneers. There was even a silent auction where money was raised for the Civil Rights Institute of Inland Southern California. It was a huge success and per the usual, nothing really gets done at the RCBA without the help of our amazing Executive Director Charlene Nelson.

Let me set everyone's expectations straight for this year's installation. There will not be a grand outdoor event. Instead, I will be taking us back to our pre-covid tradition of having the installation this year at the Mission Inn at 5:30 p.m. on September 22, 2022. I look forward to seeing you there.

I am also happy to announce a new Attorney of the Year Awards program the RCBA has started this year. Each section chair nominates two candidates within their section and the ballots are sent out electronically to our members to vote on. The winners will be announced and awards will be presented at the RCBA Installation Dinner.

Please take time to review the attorneys and their short bios that have been nominated for the First Annual Attorney of the Year Awards. (Please see bios on page 4.) All of those who have been nominated are RCBA members and have demonstrated their legal ability, commitment and passion to their field of law, and dedication to their colleagues and always offering a helping hand. I am excited that the RCBA will honor our local lawyers each year. I personally believe they do not get enough recognition for their hard work and dedication to their area of practice. I look forward to serving you as the president in the upcoming year.

*Lori Myers is a local private criminal defense attorney and founder of the Warrior Attorney Academy©.*



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# NOMINEES FOR FIRST ANNUAL RCBA ATTORNEY OF THE YEAR AWARDS

## Appellate Law

### Brian Unitt

Brian has practiced in California and federal courts for over 35 years handling appeals, writs, and complex motions in civil litigation. He is certified as a specialist in civil appellate law by the State Bar of California Board of Legal Specialization. He also serves as a mediator and arbitrator, both court-appointed and privately.

### Alexandra S. Ward

Alexandra S. Ward, graduated from University of California at Riverside, B.A., 1979 and University of San Diego, J.D., 1982. She is employed by Ward & Ward in San Bernardino. She was a member, University of San Diego Law Review, 1981-1982. She was admitted to the State Bar of California in 1982. Her practice areas include appellate, business, real estate, and collections. She is a certified specialist in appellate law by the State Bar of California Board of Legal Specialization, one of only two specialists in the Inland Empire

## Civil Litigation

### Neil Okazaki

Neil Okazaki worked for the Riverside City Attorney's Office for 15 years. He was the Legal Advisor for the Riverside Police Department and took pride in serving our community. He attended community meetings and helped come up with collaborative ways to resolve residents' concerns. He is a zealous advocate and always displays civility and professionalism. He shows an extraordinary commitment to promoting high ethical standards. Over the years he has achieved significant results that assisted the City of Riverside become a place where people are proud to live. In addition to being a fantastic attorney, he is a caring mentor who makes time to give other attorneys advice. He also volunteers his time to serve as a mediator for the Court. Last year he served as RCBA's president and helped oversee the RCBA building renovation project.

### Greg Rizio

Greg Rizio is the founding partner of Rizio Lipinsky. Greg Rizio is one of the most successful and influential personal injury lawyers in California. This is particularly the case in Riverside, San Bernardino, and Orange Counties where his cases have resulted in record-breaking verdicts and recoveries for clients. A recent success was a jury trial verdict of nearly \$58 Million in Riverside Superior Court. It was the largest ever plaintiff's verdict in Riverside County, the #1 verdict in the State of California, and the 10th largest verdict nationally in 2014. As a result, Mr. Rizio was awarded the industry's "Litigator's Award," which is given only to the top 1% of attorneys nationwide. Consumer Attorneys of the Inland Empire has also awarded him "Attorney of the Year," and the California Association of Consumer Attorneys awarded him as California's "Trial Lawyer of the Year" for 2015. Mr. Rizio is incoming President of the Consumer Attorneys of California. Greg routinely donates his time, talent and treasure to the Riverside County Bar Association and Riverside County Bar Foundation, including as a co-chair of the New Attorney Academy.

## Criminal Law

### Meghan Blanco

Meghan Blanco graduated from San Diego State University with her bachelors, summa cum laude and was the valedictorian in 2002. She graduated from Southwestern University School of law in the

top 10% of her class, was on Law Review and graduated in 2005. Meghan started her career at Gibson, Dunn & Crutcher and moved on to the U.S. Department of Justice in 2009, where she presented cases before federal grand juries for indictment, briefed the Attorney General's Office regarding significant civil rights cases in Los Angeles and has argued appeals before the Ninth Circuit Court of Appeals. Additionally, she was appointed as Special Assistant Attorney General to investigate allegations of corruption and civil rights violations by federal law enforcement agencies in Northern California. In 2015, she went on to open her own law office and has been fighting for her client's rights in Riverside and a variety of courtrooms throughout southern California in state and federal court ever since. She handles serious complex federal and state gang, corruption, and homicide cases. When she is not in trial, she is doing something that gives back to her community, or sharing her knowledge when asked to speak as a lecturer and mentors young lawyers whenever she can.

### Steven L. Harmon

Steven L. Harmon graduated from Loyola School of Law in 1972 and serves as the Public Defender of Riverside County. Before accepting this position he distinguished himself during 40 years in private practice as a criminal defense attorney. Mr. Harmon tried over 300 cases to verdict. Many of these trials gained national attention. Literally hundreds of his former clients owe their freedom to his tireless efforts and advocacy on their behalf. Mr. Harmon has lectured throughout the country on trial skills. He was a long time faculty member of the National Criminal Defense College. He is a Fellow of the American College of Trial Attorneys, a recipient of the Defender of the Constitution Award - the list of awards and recognitions is too long to list here. Countless accomplished lawyers, judges, and civic leaders credit Steve as their mentor and most trusted advisor. Steve's leadership as the Public Defender of Riverside County continues to bend the arc of our universe towards justice.

## Estate Planning, Probate & Elder Law

### Herb Chavers

Herb graduated from Western State University College of Law in 1988. He was certified as an Estate Planning, Trust and Probate Law Specialist by the State Bar of California, Board of Legal Specialization in 2008 and accredited for the preparation, presentation, and prosecution of claims for Veterans benefits before the Department of Veterans Affairs in 2013. Herb served as the RCBA Chairperson for the Estate Planning, Probate and Elder Law Section, 1999/2000, 2000/2001, 2006/2007 and 2019/2021 and the California Association of Nursing Home Reform. He is a member of WealthCounsel, a national membership organization that supports estate planning attorneys in their practices. He is also a member of ElderCounsel, a national membership organization that supports elder law, special needs planning and veteran benefit planning attorneys in their practices. He is a past member of the National Network of Estate Planning Attorneys, the Riverside Estate Planning Council, the Professional Advisors Council of the Community Foundation, UCR's Planned Giving Advisory Board, and was a charter member of Inland Empire Planned Giving Roundtable and was an associate member of the Inland Empire Association of Insurance and Financial Advisors. Herb says his practice is all about people and considers himself blessed to serve so many incredible people and enjoys helping them plan for and journey through the later seasons of life.

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**Michael Ortiz**

Michael is a UC Riverside graduate and former United States Marine. He received his law degree from the Sandra Day O'Connor College of Law at Arizona State University. During law school he interned with the Honorable Terry J. Hatter, Jr. in the Central District of California and the Honorable Mary. H. Murguia in the Ninth Circuit Court of Appeals. He is the Past-President of the Riverside County Barristers Association and Vice-President of the Hispanic Bar Association of the Inland Empire. His practice is focused on trusts and estates and is founded on the principles of quality work, kindness, and integrity. His firm motto is "we treat our clients the way we would want to be treated."

**Family Law****Malvina Ovanezova**

Malvina Ovanezova is a partner at the Law Firm of Schwartz, Godbey & Ovanezova. She is a member of the Leo Deegan Inn of Court and an Educational Rights Holder for foster children through RCBA's Project Graduate Program. Malvina is dedicated to her practice and to service in the legal community. She serves as an arbitrator on the RCBA Fee Arbitration Panel and volunteers at the Riverside Legal Aid Clinic assisting those who cannot afford to pay for legal representation. She serves the Family Law Court representing minors in highly contested custody proceedings while still finding time to serve ProTem in various courts, including traffic, family law, small claims and criminal. She is an active member of RCBA serving as a Mock Trial scoring attorney and participant in the Elves program. Malvina is known amongst her peers as a skilled lawyer that zealously represents her clients with integrity and compassion. She is very deserving of this acknowledgment and nod from our legal community.

**Michael Razo**

Michael Razo is a family law attorney and partner at Bratton and Razo. He is an Inland Empire native and has been an active member of the Riverside County Bar Association for 13 years. Michael currently serves as President of the Other Bar after several years of service on the board of directors. The Other Bar is a non-profit organization comprised of judges, attorneys and law students focused on assisting those in the legal profession seeking help with alcohol and substance abuse issues. Michael has volunteered with Riverside Legal Aid for 12 years, assisting self-represented litigants with family law issues. Riverside Legal Aid provides pro bono services to low-income residents. Michael has a stellar reputation in court and amongst his peers.

**Juvenile Law****Jessica Munoz**

Jessica Muñoz is the executive director for Voices for Children. Beginning in 2015, Voices for Children, a nonprofit organization, became the Court Appointed Special Advocates (CASA) for Riverside County. The Welfare and Institutions Code permits the Juvenile Court to appoint a CASA for children in foster care to advocate for their best interests in educational needs, mental and physical health, and promote permanency goals. Due to Jessica's leadership, Voices for Children has been able to expand quickly and responsibly allowing more children in foster care to be assigned a CASA in Riverside County. Jessica graduated from Creighton University School of Law and was admitted to the State Bar in 2006. She practiced as an attorney for over seven years, including four years as a trial attorney in juvenile dependency courts in both Los Angeles and San Diego counties. Prior to joining Voices for Children, she developed and coordinated a program at UC San Diego to provide support services to students who are undocumented. In addition to her law degree, she holds a Master of Forensic Science degree and a professional certificate in nonprofit management. Jessica is a past chair of the County of San Diego – Juvenile Justice Commission and served on the board of the San Diego Civic Youth Ballet.

**Jason Seward**

Jason graduated from the University of La Verne College of Law in January 2004. While a student at the College of Law, he had the opportunity to assist with re-writing the Juvenile Bench Guide for L.A. County. Little did he know at that time that the entire focus of his legal career would be dedicated to Child Welfare. Upon passing the bar, he was hired as an attorney for the Juvenile Defense Panel in Murrieta. During his tenure with JDP, he was appointed by the court to represent both parents and children in Child Welfare proceedings.

In September 2008, he was hired as a Deputy County Counsel I with Riverside County and assigned to the Indio office, handling Child Welfare proceedings on behalf of the Department of Public Social Services - Children's Services Division. He advanced within the office of County Counsel from a DCC I at his time of hire in September 2008 to his current position, Chief Deputy County Counsel. He has the privilege of serving the residents of Riverside County in all four County Counsel office locations during his tenure with the office. He is currently responsible for all court operations and supervision of all courtroom/trial attorneys within the Child Welfare Division across all three court locations: Indio, Riverside, and Murrieta.

**Labor/Employment Law****Maryann Gallagher**

Maryann P. Gallagher has been a plaintiff's attorney practicing employment litigation for over 25 years. She has tried over 40 cases to verdict. In addition to employment verdicts, she has verdicts in products liability, personal injury, labor code violations, medical malpractice, and construction accidents. In addition to being a trial attorney, Ms. Gallagher also has handled her own appeals, having several cases published and creating new areas of law in sexual abuse and HIV infliction cases. She received her JD from Temple University Beasley School of Law.

**Daren Lipinsky**

Daren Lipinsky has successfully represented workers in all areas of employment litigation, including cases involving sexual harassment; disability; discrimination involving pregnancy race, age, sexual orientation, and gender; violations of California Family Rights Act and wage and hour laws; retaliation; breach of contract; and wrongful termination in violation of public policy. Daren's aggressive and dedicated approach to the litigation process and rights of employees has resulted in numerous substantial and unprecedented successes against some of the nation's largest employers. He received his JD from Loyola Law School.

**Landlord/Tenant****Elliott Luchs**

Elliott Luchs has practiced law for 46 years and is currently with Reid and Hellyer. His major practice areas include real estate transactional and litigation, business and commercial transactional and litigation, title and escrow litigation, probate and estate planning. He serves as a board member and arbitrator/mediator for the RCBA Dispute Resolution Service, is a former mediator for the U.S. District Court and a former settlement conference mediator to the Court of Appeal, Fourth Appellate District. He received his J.D. from Pepperdine University, School of Law in 1973.

**Barry Swan**

Barry Swan received his J.D. from the University of the Pacific, McGeorge School of Law in 1987. He currently practices with the firm of Reid and Hellyer where he does civil litigation, trials, arbitrations, and mediation. His primary practice areas are real estate, business, construction, and trucking industry litigation. He is a judicial arbitrator and a judge pro tem for the Riverside Superior Court.





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# BARRISTERS PRESIDENT'S MESSAGE

by Lauren Vogt



## The Riverside Legal Family

I am honored to be this year's Riverside County Barrister's Board President. As I sit here, tasked with drafting this message, I can't help but reflect back on my very first introduction to the RCBA. It was fall of 2016, and as a law student at University of La Verne - College of Law, I was offered an opportunity to attend the RCBA Installation Dinner. Little did I know that by accepting that invitation, I was opening the door to opportunities I had never imagined.

It is funny to think back on now, but I can recall this mixture of nervous excitement as I arrived at the Mission Inn and saw all of these "suited up" attorneys filing in, one-by-one, to a beautiful dining room. I made my way through dinner, smiling politely and inserting comments when I felt it was appropriate. Then, when it appeared as though the night had come to a conclusion, my friend and I gathered our personal belongings and exited the dining room. However, the best part of the night was still to come.

As we walked through the hotel towards the lobby, we heard a shout from Mr. Greg Rizio (although in retrospect, I now realize that is just standard Rizio voice volume): "You two new attorneys!?"

We responded that we were "just" law students, but Greg graciously invited us to join him and the other attorneys sitting at his table, which included Darren Pirozzi. Naturally, I accepted the invitation, having no clue who Greg and Darren were nor the ultimate impact they would have in my life and career. Today, I have the privilege of working with these men on a daily basis, which has been an incredible experience that I am grateful for, every day.

But aside from that, it was this experience and many other like it within the RCBA, that are examples of the generosity of spirit that the Riverside legal community is known. Over the years, I have discovered, unlike many other legal communities, Riverside is like a family. I have come to find that my closest "legal" friends are people that I met at one RCBA event or another.

So, while I am honored and humbled by this opportunity to serve as Riverside County Barrister's Board

President, I would be remiss if I did not take a moment to say thank you to all of you for your support and kindness as I have navigated and continue to navigate through this crazy thing we call, the practice of law!

## Everybody Wants to Be Like Mike

And while we are giving thanks, I believe Barristers owes a huge THANK YOU to Michael Ortiz, our outgoing president. Mike, we thank you for your dedication and commitment to this organization. While it could not have been easy to lead a group of miscreants like ourselves, you found a way! Even during a time when the world was flip flopping between being open one day and social distancing the next, you made the presidency look easy. You ever so gracefully rolled with the punches, looking for fresh ideas, and new ways we could come together as Barristers, including the introduction to this year's first New Attorney Academy graduation party. Somehow, you managed to do so much, all while juggling your own practice and a precious new addition to your family. I am so grateful that you will continue to be around this year, serving as immediate past president, as I expect throughout my term I will be looking to you for inspiration and guidance.

## Your New Barrister's Board

I am so excited to introduce our new board. I look forward to an eventful year and I know this team is going to knock it out of the park!

Past President: Michael Ortiz

President-Elect: David Rivera

Treasurer: Kevin Collins

Secretary: Priscilla George

Members-At-Large:

Alejandro Barraza

Ankit Bhakta

Sharon Ramirez

Sandra Lattouf

Summer DeVore

## Join the Family

We have so many wonderful ideas and plans for this year. When it comes to social events, in addition to the multiple happy hours we have planned for Barristers to hang out and relax at, we are looking forward to the return of our Annual Judicial Reception, which always offers an amazing opportunity to network with Riverside's judicial bench. Additionally, we are looking forward to teaming up with Inland Counties Legal

Services (ICLS) and logging some pro bono hours, helping those in need and the American Board of Trial Attorneys (ABOTA) for an informational “Civility Matters” MCLE.

With all of these things in the works, I invite you to join the family! Whether you have plans of your own that you would like to see the Barristers get involved with or are just looking for someone to sit with at the next event, give me a call, 951-781-6500, or shoot me an email, lvogt@rizio-lawfirm.com. I would love to meet you!

**Follow us!**

*For upcoming events and updates:*

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*Lauren M. Vogt is an associate with Rizio Lipinsky Law Firm.*



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# DATE SHAKES IN INDIO

by Abram S. Feuerstein



Date Palms growing at Shields' Gardens.

Until recently I couldn't give a fig about dates. Then, waking up one humid July Riverside morning, with no particular plans and a warm wind blowing from the West, I decided to travel 75 miles east to Indio, California, where temperatures were set to rise to 110 degrees. Why? To try a date shake.

By way of some explanation, I am from Brooklyn, and palm trees do not grow

there. The tree made famous by Betty Smith's *A Tree Grows in Brooklyn*, the Ailanthus, known for its resiliency in withstanding adverse conditions, was the only tree growing behind our family's East Flatbush house. It sprouted from the base of a concrete wall that separated our property from the neighbor's. That is, until the tree took down the wall causing a dispute as to who should pay to rebuild it. In my memory, the tree had a foul, garlic-like smell. As children, we would strip the leaves from the tree's fallen branches and use them in pretend swordplay. No lasting scars; lots of fun.

But, unlike the ordinary Ailanthus, the palm tree represented something exotic – the stuff of Gilligan and his island, of the beaches and warm weather and blue oceans depicted in Caribbean vacation ads. Not until arriving in California after law school did my landscape include palm trees. And, nearly 35 years later, although Brooklynites never really leave Brooklyn, with their extraordinary and unique structure palm trees still mark the fact that I am a West Coast transplant.

As to the date fruit, Brooklyn certainly had middle eastern markets which sold them. Although displaced somewhat by the Barclays Center where the Brooklyn Nets now play, Lebanese immigrants had established specialty stores along Atlantic Avenue, the center of one of the oldest Arab communities in the United States. As a treat, my father purchased apricot fruit rolls at these stores. They consisted of pressed apricots entwined in sheets of cellophane, which my dad called "shoe leather." But he never purchased dates. In my elementary school, P.S. pick a number, a teacher brought into class pitted dates (why aren't they called "de-pitted" dates?) which she rolled in sugar and cut into pieces before handing them out. Ugly, tough to chew, and dry, they were terrible, which settled the matter for several decades.

So why now? Well, this is the *Riverside Lawyer's* desert issue, and someone on the magazine's publication committee back in May mentioned the idea of date shakes and how much she loved them. Since you do not get a figure like mine ignoring food recommendations, the idea took root. Also, to be a resident of Riverside County is to appreciate that each February the Riverside County Fair is the site, in Indio in the Coachella Valley, of the National Date Festival, the world's largest.<sup>1</sup> Complete with camel and ostrich races, daily cooking demonstrations featuring dates, and an Arabian Nights Pageant outdoor musical, the event even opens traditionally with a "Blessing of the Dates Ceremony."<sup>2</sup>

## Dates Come to California

Fossil evidence shows dates growing in the Mesopotamian Fertile Crescent 50 million years ago,<sup>3</sup> and dates as a cultivated crop are among the oldest, with at least 6,000 years of history.<sup>4</sup> Dates played a significant role in Sumerian economic life,<sup>5</sup> and several codes from Hammurabi (1728 – 1686 BC) regulate date farming.<sup>6</sup> In describing Babylonia, Herodotus (484-425 BC) noted palm trees that grew "in great numbers over the whole of the flat country, mostly of the kind which bears fruit, and this fruit supplies them with bread, wine and honey."<sup>7</sup> In his first century AD *Natural History*, Pliny the Elder surveyed dates growing in various foreign countries, observing that in their fresh state they were "remarkably luscious," and afforded "not only plenty of nutrient, but a great abundance of juice; it is from these that the principal wines are made in the East."<sup>8</sup>

Ancient coins featured palm trees. Palm tree biblical references, New Testament and Old, abound. And, dates were a daily mainstay in the prophet Muhammad's diet.<sup>9</sup> Over time dates became prized for medicinal qualities as a remedy for anything and everything – a cancer preventative, a cure for alcoholism, even an aphrodisiac.<sup>10</sup>

1 Nawal Nasrallah, *Dates: A Global History* (Reaktion Books 2011) ("Nasrallah"), pp. 89-91.

2 *Id.* The festival has been cancelled the past two years due to the COVID pandemic. This coming year the Riverside County Fair and National Date Festival is scheduled to be held February 13-22, 2023. See <https://www.palmsprings.com/event/riverside-county-fair-national-date-festival-indio-southern-california/>.

3 Nasrallah, p. 93.

4 Marc E. Paulsen, *The Amazing Story of the Fabulous Medjool Date* (A Marc Paulsen Press Book 2005) ("Paulsen"), p. 17.

5 Nasrallah, p. 75.

6 Nasrallah, p. 29.

7 Nasrallah, p. 7.

8 Nasrallah, pp. 12, 52, 68, and 92.

9 Nasrallah, p. 69.

10 Nasrallah, p. 73.



*Date Palms growing at Shields' Gardens.*

Fast forward to when dates made their way to the American Southwest. The Spanish conquistadores brought date palms with them on their journeys, first to Cuba as early as 1513, then through Mexico and up along the California coast.<sup>11</sup> But humid coastal weather conditions prevented trees from bearing fruit. Instead, the beginnings of the commercial date industry trace largely to the efforts of an individual named Frederick Oliver Popenoe. Originally from Illinois, Popenoe seems to have been a jack of many trades, including a court reporter, a secretary to a governor, a Costa Rican gold miner, and a nurseryman.<sup>12</sup> He opened his "West India Gardens" in Altadena, California in 1907, and introduced sub-tropical plants and fruits to California (including avocados from Mexico).<sup>13</sup> He sent his two sons to the Middle East and between 1911 and 1913 they sent back 16,000 date offshoots from palms in Iraq, eastern Arabia, and Algeria.<sup>14</sup> With this growing stock, Popenoe became the leader in encouraging date culture. These private efforts were aided as well by the Department of Agriculture, which began to import date palm offshoots to experiment with varieties that could thrive as a commercial crop. These included the Moroccan medjool which rapidly became the "royalty" of dates in America.<sup>15</sup>

In the early twenties, an Iowa born engineer named Floyd Shields made his way to California and, approximately 100 years ago, in 1924, established Shields Date Gardens in Indio.<sup>16</sup> Shields and several other pioneering farmers were instrumental in promoting dates and made

<sup>11</sup> Nasrallah, p. 103.

<sup>12</sup> Paulsen, pp. 15-16.

<sup>13</sup> *Id.*

<sup>14</sup> *Id.* In 1913, one of Popenoe's sons, Paul Popenoe, published the authoritative *Date Growing in the Old World and the New*. Nasrallah, p. 104.

<sup>15</sup> Paulsen, pp. 19-26; Nasrallah, pp. 105-106. According to these sources, the medjool was threatened by a bacterial disease that had wiped out most of the medjool date palms in Morocco. Eleven offshoots were rescued by the Department of Agriculture and brought to Nevada and, once established, the palm trees were distributed to growing areas in Arizona and California.

<sup>16</sup> Paulsen, p. 16.

the Coachella Valley, with its exceptionally hot summer temperatures, a lack of humidity, and moderate winters, the center of date culture in the United States, where approximately 95 percent of U.S. palms grow.<sup>17</sup> And Shields, located along Highway 111 aka the Date Palm Highway, is where I traveled to have my date shake.

## Shields' Shakes

You can't miss Shields. In true roadside attraction fashion, a sign consisting of a giant blue knight in armor, holding – what else – a shield, points you towards the entrance. It touts "Don't Miss It!" and "Open All Year."

To enter the early 1950s building is to take a step back in time, a time of soda jerks and luncheonette counters, albeit prices keep current at \$7.99 a date shake. Before ordering one, I walked around the adjoining general store which sells candy, tee shirts, California souvenirs, and of course, dates. At the back of the store is a hundred seat movie theater, which since 1951 has played continuously a narrated slide show entitled, "The Romance & Sex Life of the Date." The film is informative and reinforces the labor-intensive nature of date farming: the years of caring for the trees before they bear fruit; the de-thorning of branches; the collection of pollen from male trees; the hand-pollination of female trees; the thinning and training of fruit arms; pruning offshoots; irrigating; fertilizing; weed tilling; thinning fruit strings; removing old fronds; bagging fruit arms to protect maturing fruit from birds and insects; harvesting; packinghouse activities; and repairing equipment to begin the next year's cycle.<sup>18</sup> Much of this labor is taking place at dangerous heights of 30-50 feet off the ground, by Palmeros who scale each palm tree as much as 18 times during a season,<sup>19</sup> hanging from ladders or standing on raised platforms while they perform the necessary tasks. Yikes.

I returned to the counter and ordered a shake. In 1936, Shields invented something he called the date crystal, supposedly the size of oatmeal flakes and easier to use in cooking,<sup>20</sup> and the shakes are made with them. And ice cream. And milk. A true guilty pleasure. If a McDonald's



*A sign points the way to Shields' Date Gardens.*

<sup>17</sup> Nasrallah, p. 102. The industry particularly flourished in the 1940s after water from the Colorado River was brought to the Coachella Valley. Nasrallah, p. 106.

<sup>18</sup> Paulsen, p. 31.

<sup>19</sup> Paulsen, p. 34.

<sup>20</sup> See generally, [www.shieldsdategarden.com](http://www.shieldsdategarden.com). A 1.5 lb. bag sells for \$20.95 on the website.

green St. Patrick's Day shake is a 3 or 4 on the 1-10 shake scale, this was a ten. It is possible that other date operations serve up a better shake, but it is hard to imagine they could.

A restaurant at the premises was closed for a July break.



*Shields' Date Gardens on Highway 111.*

“Have you been to our gardens?” a worker asked. No, I hadn’t. So, with shake in hand, I strolled the acres and acres of palms growing behind the building. The dates were still a couple of months from harvest, but you could see the developing fruit. Each mature tree can produce 100 to 200 pounds of dates annually.<sup>21</sup> Aside from the palms, the gardens feature numerous biblical sculptures mostly portraying on a grand scale pivotal events in the life, death, and resurrection of Jesus; some visitors will be impressed; others will think it kitsch. I walked away, well, amazed, and continued to enjoy the shake.

<sup>21</sup> Paulsen, p. 34.



*A step back in time at Shields'.*

Back inside the shop, I purchased medjool dates to take with me back to Riverside so that in coming days, I could continue to enjoy the memory of the outing with my newfound appreciation of dates.

*Abram S. Feuerstein is employed as an Assistant United States Trustee by the Department of Justice. The mission of the United States Trustee Program is to help protect the integrity of the bankruptcy system for all its stakeholders and constituents. The views, if any, expressed in the article belong solely to the author and do not represent in any way the views of the United States Trustee, the United States Trustee Program, or the U.S. Department of Justice.*



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# “LIGHTS! CAMERAS! OBJECTIONS!”

by Rod Soda



Photo by Cristal Houseman

I have been practicing law in the Coachella Valley since 1976! In that span of 46 years, I was able to observe the changing landscape of the legal field. From 6 judges in the Valley when I first arrived, the total has risen to 15 judges and 4 commissioners with positions yet to be filled. “Back in the day” there were so few lawyers you knew them all by name. Today, you’d be hard pressed trying to learn them all.

More interesting is the changing practice of the law. In looking back on our early days, it almost feels like we were one step removed from chiseling on stone tablets. The pace was much slower. We would hold bound books in our hands and write notes on yellow legal pads. We even wrote in cursive! We checked out actual court files or searched for microfiche to learn about prior cases. There were no personal computers. IBM Selectric typewriters were the norm with the later models featuring limited forms of word processing. Lawyers actually researched in law libraries, and yes, the libraries came with banks of pay phones. Dimes and quarters in your pocket were a necessity. Cell phones came later; so did Post-Its.

In the early eighties, things started to accelerate with the availability of personal computers. Before long, the leisurely practice of law became a foot-race, and later still, a Star Trek warp-speed affair.

When I was asked if I would write this short piece, I was told it would need a title. I was disappointed to discover that former Secretary of State, Dean Acheson, had already taken the title I would have liked to have had, *Present at the Creation*. Of course, he was more deserving of the title as he was one of the architects of America’s Cold War policies under Harry Truman. My story is far more modest, and frankly, my title turned out to be a better choice.

The thing about the practice of law here in the desert is that it remains unique. The constant during my 46 years has been the quality of the players.

This Valley is a unique community of legal professionals unlike many other legal communities. With a few exceptions, despite the number of lawyers, the Desert Bar Association is collegial, accommodating, talented, and very professional. But, one night a year, we poke fun at ourselves – judges included.

We put on a dinner show and interspersed between acts are the highly coveted Bird Awards given to the recipients who made the biggest or funniest blunders over the past year. The “statuette” is a brass roadrunner, hence, the name as it “was known for its intelligence, perception, foresight and ability to run scared.” And even though the award is presented publicly, in front of one’s peers, along with the description of each nominee’s most embarrassing moment of the year, attorneys and judges clamor to get one, often even lobbying the Bird Awards Top Secret Selection Committee by snitching on themselves!



March Hare is attorney Marty Mueller, Door Mouse is paralegal Mary Lou Johnson, and the Mad Hatter is attorney Bob Caruso. Photo by Javier Guerrero

The event is always well-attended between 250 to 300 guests — including attorneys, judges, court clerks, legal secretaries – anyone involved in the legal community, all dining together. Even judges and lawyers from other districts travel to the desert on Bird Award night just to watch these imaginative shows. It is unique to the desert. Guests from outside of the area lament how they wished their legal communities could come together to try something like this. In the alternative, they have even asked us to go to their districts to perform the shows.

Displayed throughout this article are old photos of past Bird shows to capture the spirit of the skits and plays. Those photos include images of sitting judges in costume performing with the lawyers in plays written for the Desert Bar Association’s annual poke-fun-at-us night. Those shows included law-oriented spoofs of popular musicals and plays taking good-hearted shots at our profession. They have included, “The Wizard of Laws,” “Chi-law-go,” “Law Miserables,” and many others.

The sets and costuming have become quite elaborate, and surprisingly, the talent pool is exceptional. Among the lawyers and judges in this Valley are former singers, actors and dancers. They can be raucous, but not raunchy, at least not any more...

In 1975, these awards were the brainchild of attorney, Linda Klatchko, who came up with the idea of a legal awards evening. Other attorneys—legends all—helped to refine the concept. Later still, attorneys Jeff Patterson and Barbara Krystal over drinks, sealed their pledge to work together to ferret out the nuggets that would later be cited for distinction. Together, on a cocktail napkin, they

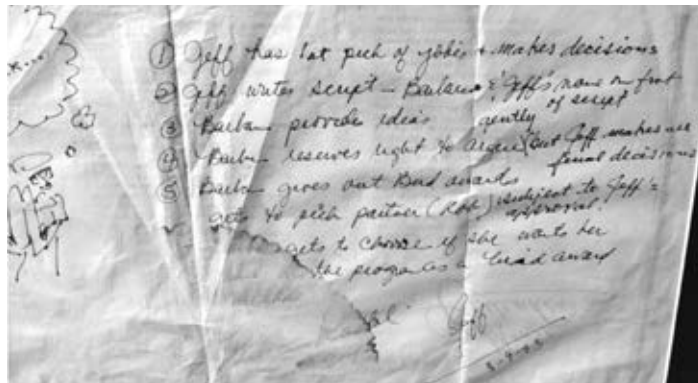


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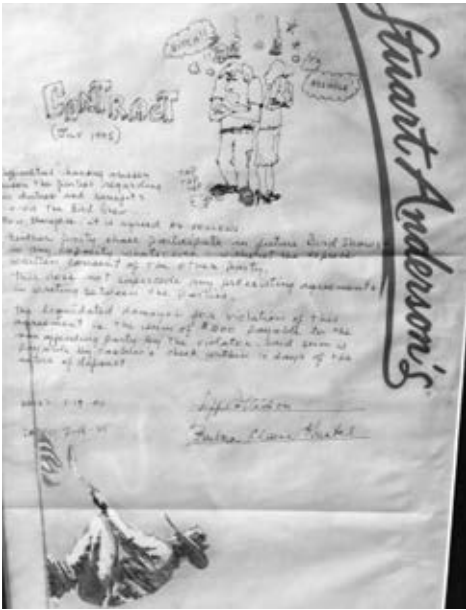


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committed to being the secret select committee assigned the task of choosing and presenting the winners.

Two years later, while dining at a Stuart Anderson's they signed a new agreement on the restaurant's placemat, **withdrawing as the secret committee!** To paraphrase a line in the movie "Tombstone," the pressure was more than they could bear!

A typical example of the type of awards was the category entitled, "The

Legal Overkill Award" and was presented as follows:

Attorneys are often accused of being obsessive/compulsive Type-A personalities. This category is to demonstrate how that characteristic can result in a variety of excesses in the practice of law. No Malice. No Mistake. Just good old-fashioned LEGAL OVERKILL.

And the Nominations are:

1. Attorney Ed Cross invited members of the Palm Desert Chamber of Commerce to a business presentation about the various legal issues facing small businesses. As the presentation was ending, Ed demonstrated how a business person has to be versatile in today's economy. He stripped off his elegant tuxedo and, wearing a black "par-TAY" get-up, joined a rock 'n roll band which played for the rest of the evening.

2. Attorney Mike Kahn who stipulated with opposing counsel for a continuance of their upcoming trial. Nevertheless, leaving no stone unturned and in an excess of caution, Mike filed a 2-page ex parte application along with a 3-page declaration with attached exhibits and a 5-page memorandum of points and authorities.

3. Attorney Jim Cicalese represented a client in criminal court. Before trial, the client died and Jim appeared to inform the court. The judge was moving through his calendar very quickly and asked Jim if he would continue to represent the client. Jimmy replied, "Yes, but only in spirit, Your Honor."



Judges and Commissioners (left to right) Judge Larry Fry (in mask), Comm. Mickie Reed, Judge David Chapman, Judge James Hawkins and Judge James Latting.  
Photo by Crystal Houseman



The Sophisticrooks, left to right, Judge Thomas Douglass, Judge Lawrence Fry, Judge Richard Erwood, and Rod Soda. Photo by Javier Guerrero

4. Attorney Mike Rover reported to the Desert Bar Board that there was an application for membership from a Walter Mitchell. He had checked with the State Bar website and learned that there are two attorneys named Walter Mitchell – one is deceased and one is alive – but not to worry -- BOTH are currently in GOOD STANDING.

5. Attorney Steve Dedina, who was trying to get a statement of damages from the deponent in a deposition: "Sir, at this time are you working on a calculation of the damages?" The witness honestly replied: "No, at this time I am answering your questions at this stupid deposition."

6. Attorney Marty Mueller objected to a question asked by Steve Dedina in a deposition: "Steve, that was an improper question – clearly aimed at getting a Bird award!"

And the WINNER of the "LEGAL OVERKILL" Award Is ...

At any rate, it was envisioned that the Desert Bar would gather at a swanky venue and have an evening of unfiltered fun! The word spread to members of the bar and bench inviting them to participate in this merriment. Like most half-baked ideas, the judges knew to stay away from the rehearsals. Those turned out to be beer and wine gatherings requiring spouses to pick up the performers at the end of the evening.

Given the then talent pool, the early years were somewhat uneven. The inaugural was held at the Mission Hills Country Club, then in subsequent years, at the Riviera Hotel's entertainment and banquet room where Dean Martin, Frank Sinatra, Bing Crosby, Elvis Presley, and others performed or appeared. We performed our shows in the very same banquet room and on the very same stage! So glad they weren't there to see the early efforts!

Which leads me back to the "raucous, but not raunchy" comment earlier. It was in one of our early efforts that some of the players tore pages out of the Saturday Night Live playbook and offended the judges and their spouses with their improvisations. It took a few years and a lot of assurances to get the bench back. But, when they came back, The Birds soared. In the ensuing years, the judges



Tweedle Dee and Tweedle Dum. Judges Hal Hopp and James Latting.  
Photo by Javier Guerrero



Attorneys Karen Sloat, Julie Rosser Balbini, and Court Administrative Assistant, Susie Pimental.  
Photo by Crystal Houseman





Accomplished dancer, attorney Ross Hollenkamp and cast. Photo by Crystal Houseman

not only attended, but became players themselves. They sang, danced, and acted to the delight of the entire audience. They like the lawyers were a sight to behold. In fact, in one show, the audience had no idea that the flying monkeys were judges and a commissioner until the curtain call when they revealed themselves.

As for me, one year I played Judge Lance

Ito and danced the waltz with Marcia Clark (played by trial consultant Wendy Alderson) in a scene about our own OJ trial. In another, I danced in a number with 3 judges. We were in orange jail jumpsuits with top hats and canes. We were known as the Sophisticrooks and we were so well-received that we reprised the roles twice in later years. By the last effort, we were no longer able to click our heels or bow too deeply. What is the old saying about hanging on too long?

After those early years sprang the more sophisticated and intricate shows. The "Wizard of Laws" involved a wrongful death against Dorothy for killing the Wicked Witch of the East when Dorothy's house landed on her. Of course her lawyers were the scarecrow, cowardly lion, and tin man—one had no brains, another was afraid of the courtroom, and the third had no heart. In his solo, the tin man boastfully sang:

*I fax Fridays at 5:30.  
Oh I love to play real dirty.  
Such habits I impart.  
I sue widows, oppress orphans.  
I get high on those endorphins.  
If I only had a heart!*

"Law Miserables" was the musical comedy about the Indio courts' rebellion to escape the tyrannical hold of the Riverside courts. "Wicked: L. Ed." (lawyers' edition) was another musical comedy about the trials and tribulations of Elphaba in law school.

Through the years there have been over 30 separate programs. Since the covid pandemic, the program has been on hiatus. With optimism, the Desert Bar plans to resume the Bird Awards next June.

A lot of performers have come and gone. The remaining old timers are ready—and insistent—to regale the "youngsters," with tales of their feats of athleticism, musicality, grace, and charm. We never sang off-key, missed a line, or caused the chorus to misstep. This is much like how we remember our careers. We never lost a case or gave the wrong advice. But, no matter the age, the constant has been the sense of community and uniqueness experienced by all. That common experience has made it easier for the full range of professionals, support staff, and court personnel to pass in the hallway and exchange nods, smiles, and hellos.

So, how has the legal profession changed over the years here in the Coachella Valley? It has grown tremendously, yet remains friendly and professional. Given how adversarial the practice of law has become elsewhere, that is change without a difference.

*Rodney Soda is a criminal and civil litigator in Palm Desert. He is with the firm of The Law Offices of Soda & Greenberg. He started practice in the Coachella Valley in 1976.*



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# ARE JOSHUA TREES ENDANGERED? THE LITTLE KNOWN STATE FISH AND GAME COMMISSION WILL SOON DECIDE

by Steve Anderson and Hannah Zirzow

A species endemic to parts of Riverside County may soon be added to the State of California's official protected species list. The iconic twisty, spiky trees, formally named *Yucca brevifolia* and more commonly known as the western Joshua tree, can be found throughout the Mojave Desert, including in the Coachella Valley and Joshua Tree National Park.<sup>1</sup> However, according to non-governmental organizations and others, the Joshua tree population is facing "threats of development, wildfire, drought and climate change."<sup>2</sup> Some scientists have predicted that, if no action is taken to reduce carbon emissions, only 0.02% of the western Joshua tree's habitat will survive to the end of the century, thus imperiling the species' survival.<sup>3</sup>

The Center for Biological Diversity, a nonprofit organization whose website states it utilizes "science, law, and creative media" to protect "the lands, waters, and climate that species need to survive,"<sup>4</sup> petitioned several years ago to list the western Joshua tree as threatened under the California Endangered Species Act (CESA).<sup>5</sup> CESA allows members of the public,

organizations and others to ask for species to be added to the state endangered and threatened species list.

The road to a potential full listing of a species under CESA takes months, and sometimes years, to navigate. A petitioner must submit a formal request to the State explaining with scientific evidence why a listing is appropriate. The State then evaluates the petition to first determine whether the petition contains sufficient scientific information that the listing "may be warranted." Only if the petition passes this first hurdle will the State proceed with a comprehensive evaluation of the species to determine whether it should be placed on the permanent protected species list.

At its September 2020 meeting, the California Fish and Game Commission—a body comprised of five individuals appointed for six-year terms by the governor—officially determined that the listing petition provided sufficient information to indicate that listing the western Joshua tree may be warranted.<sup>6</sup> Under CESA, the western Joshua tree then received protected "candidate species" status,<sup>7</sup> which temporarily provides the western Joshua tree the same protections that listed species receive.<sup>8</sup> Under those protections, Joshua trees are protected from "take," defined by Fish and Game Code section 86 as to hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill. (Since the Fish and Game Code definition applies to fauna as well as flora, it is not surprising that hunting, pursuing and catching are included, even though Joshua trees are stationary.)

In the next part of the listing process, the California Department of Fish and Wildlife prepared a one-year status review of the Joshua tree based on "the best sci-

1 See Jane Rogers, *Joshua Trees*, NAT'L PARK SERV. (May 16, 2021), <https://www.nps.gov/jotr/learn/nature/jtrees.htm>; <https://www.nwf.org/Educational-Resources/Wildlife-Guide/Plants-and-Fungi/Joshua-treeTree#:~:text=Joshua%20trees%20are%20desert%20plants,national%20park%20named%20for%20them>

2 *Editorial: Joshua Trees, Threatened by Climate Change, Deserve California's Protection*, (April 17, 2022 5:00 AM), <https://www.latimes.com/opinion/story/2022-04-17/joshua-trees-threatened-climate-change>.

3 See generally Lynn C. Sweet, Tyler Green, James G.C. Heintz, Neil Frankes, Nicholas Graver, Jeff S. Rangitsch, Jane E. Rodgers, Scott Heacox & Cameron W. Barrows, *Congruence Between Future Distribution Models and Empirical Data for an Iconic Species at Joshua Tree National Park*, 10(6) ECOSPHERE, 1 (2019).

4 *Our Story*, CTR. FOR BIOLOGICAL DIVERSITY <https://biologicaldiversity.org/about/story>.

5 CAL. FISH AND GAME COMM'N STAFF SUMMARY FOR JUNE 15–16, 2022 at 1 (2022). A "threatened species" under the ESA is "a native species or subspecies of a . . . plant that, although not presently threatened with extinction, is likely to become an endangered species in the foreseeable future in the absence of the special protection and management efforts." *CESA to the Federal Endangered Species Act*, CAL. DEPT OF FISH AND WILDLIFE <https://>

[wildlife.ca.gov/Conservation/CESA/FESA](https://wildlife.ca.gov/Conservation/CESA/FESA).

6 CAL. FISH AND GAME COMM'N STAFF SUMMARY FOR JUNE 15–16, 2022 at 1 (2022).

7 *Id.*

8 See generally *California Endangered Species Act Listing Process*, CAL. DEPT OF FISH AND WILDLIFE, <https://wildlife.ca.gov/Conservation/CESA/Listing>.

entific information available to [the Department].”<sup>9</sup> The Department, after reviewing the available information, recommended to the Commission that it not permanently list the western Joshua tree as threatened under the CESA.<sup>10</sup> This was a somewhat surprising recommendation as the Department generally recommends in favor of full species listing when the “may be warranted” criteria is met.

In June of 2022, the Fish and Game Commission held a second public meeting to determine whether to place western Joshua tree on the permanent “threatened” species list.<sup>11</sup> Like endangered species, threatened species are protected from “take” under CESA. This means take cannot occur unless a permit is first received from the State allowing it.

After taking hours of public testimony from concerned citizens, community and business leaders across the High Desert and environmental organizations, the Commission could not come to a final listing decision due to the absence of its fifth member. With a 2-2 vote, the Commission ultimately agreed to push a final vote on whether to permanently list the Joshua tree to its October 2022 meeting.<sup>12</sup>

The Fish and Game Commission received more than 1,700 written comments regarding the potential listing of the western Joshua tree.<sup>13</sup> Of these, just over 250 opposed the petition.<sup>14</sup> Some notable reasons for opposing the petition included the Department of Fish and Wildlife’s status review report’s finding that the western Joshua tree is abundant and widespread, the impact on the ability of cities and counties to meet state-required commitments were new housing prohibited on lands containing the trees, and the potential impact on job opportunities, which would, according to the commenters, require Mojave desert inhabitants to commute to more urban areas and thereby exacerbate traffic and pollution.<sup>15</sup> Conversely, reasons for supporting the petition cited in the comments included studies showing high tree mortality rates due to various factors such as climate change, the western Joshua tree’s importance to the desert ecosystem, and lack of government oversight, enforcement, and protection of current tree populations.<sup>16</sup>

The western Joshua tree will remain a candidate species under the CESA until the Fish and Game Commission reaches a final decision on the listing petition, which we may see as early as mid-October this year.<sup>17</sup> However,

one of the seats on the Fish and Game Commission recently became vacant. As a result, it is unclear whether the governor will fill the vacancy before the October 2022 Commission meeting or whether June’s tie vote will be broken.

If the Joshua Tree is ultimately listed, most “take” of the species will be prohibited without first receiving a permit from the State Department of Fish and Game to do so. Officials from many desert areas have expressed concern that a permanent listing could have devastating impacts on the ability to further develop their communities.

*Steve Anderson is a partner with Best Best & Krieger. Hannah Zirzow is a summer law clerk at Best Best & Krieger.*



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9 One-Year Status Reviews of Candidate Species, CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE, <https://wildlife.ca.gov/Conservation/CESA/One-Year-Reviews>.

10 CAL. FISH AND GAME COMM’N STAFF SUMMARY FOR JUNE 15–16, 2022 at 1 (2022).

11 *Id.*

12 Sara Greenberg, *Listing Decision on Western Joshua Tree Delayed by Tied Vote*, NOSSAMAN LLP (June 17, 2022), <https://www.endangeredspecieslawandpolicy.com/listing-decision-on-western-joshua-tree-delayed-by-tied-vote#:~:text=The%20Western%20Joshua%20tree%20was,as%20a%20candidate%20under%20CESA>.

13 CAL. FISH AND GAME COMM’N STAFF SUMMARY FOR JUNE 15–16, 2022 at 2 (2022).

14 *Id.*

15 *Id.*

16 *Id.* at 3-4.

17 Sara Greenberg, *Listing Decision on Western Joshua Tree Delayed by Tied Vote*, NOSSAMAN LLP (June 17, 2022), <https://www.endangeredspecieslawandpolicy.com/listing-decision-on-western-joshua-tree-delayed-by-tied-vote#:~:text=The%20Western%20Joshua%20tree%20was,as%20a%20candidate%20under%20CESA;2022%20Meetings,CAL.FISH%20AND%20GAME%20COMM’N>, <https://fgc.ca.gov/Meetings/2022>.

# CALIFORNIA ASSEMBLY BILL 1183 (2021-2022) AND THE ESTABLISHMENT OF THE CALIFORNIA DESERT CONSERVATION PROGRAM

*by Wade Pyun*

*"If the desert is holy, it is because it is a forgotten place that allows us to remember the sacred. Perhaps that is why every pilgrimage to the desert is a pilgrimage to the self. There is no place to hide and so we are found."*

*- Terry Template Williams*

The word "desert" derives from the Latin term "desertum," which means "wasteland," as well as the French term "déserte," which means "desolate or barren." Notwithstanding the etymology of this particular word, the desert lands in California belie this definition; this area comprises roughly one-fourth of the state, spanning eight counties covered by the California Desert Conservation Area (CDCA), with a corresponding population of more than 19 million residents that benefit from the natural resources (agricultural, geothermal, mining, solar, wind, etc.), cultural/historical sites (indigenous ancestral tribal lands), and recreational areas (state and national parks and monuments) of the region. According to the National Park Service, in 2021, 1.1 million people visited Death Valley National Park, and over 3 million people visited Joshua Tree National Park.

On both the federal and state level, the desert lands in California have been the subject of a long-standing legislative effort to preserve and protect the largest intact ecosystem in the 48 contiguous states. The roots of this effort can be traced back to the Reorganization Plan No. 3 Act of 1946, which established a new federal agency, the Bureau of Land Management (BLM) through a merger of the General Land Office and Grazing Service that occurred during the Truman Administration. A year later, the California Wildlife Conservation Law established the Wildlife Conservation Board (WCB) within the state's Department of Fish and Wildlife (CDFW). In subsequent decades, the legislative focus on the desert lands in California increased on a trajectory that paralleled the population growth in the cities and towns of the region. In 1976, Congress, through the passage of the Federal Land Policy Management Act, vested the BLM with the authority and responsibility for overseeing an expanse of desert lands in southern California exceeding 25 million acres (as referenced above, this area is now referred to as the CDCA). In 1994, Congress passed

the California Desert Protection Act, landmark legislation that established Death Valley National Park, Joshua Tree National Park, and the Mohave National Preserve, and designated more than 7.6 million acres of desert lands as wilderness.

In the past decade, federal and state agencies have undertaken innovative and collaborative efforts aimed at protecting the conservation lands within the CDCA, while facilitating the development of sustainable renewable energy projects for this area; in 2013, the Desert Renewable Energy Conservation Plan (DRECP) was devised jointly as an interagency plan by the CLM, CDFW, the U.S. Fish and Wildlife Service, and the California Energy Commission. The region covered by the CDCA has also expanded, by virtue of the federal enactment of the California Desert Protection and Recreation Act of 2019, which, among other changes, expanded Death Valley National Park by 35,292 acres and Joshua Tree National Park by 4,518 acres.

More recently, in September 2021, Governor Newsom signed Assembly Bill 1183 into law; this ground-breaking measure, which is codified in a new chapter 4.4 for Division 2 of the Fish and Game Code that became effective on January 1, 2022, established the "California Desert Conservation Program," with oversight authority vested in the WCB. This measure provided a corresponding allocation of funds for the program from donations, gifts, and grants, along with monies appropriated by the state legislature, which will help even out an existing imbalance of conservation funding devoted to the CDCA relative to other areas of the state. The program will support (strategically and financially), and partner with local and state agencies, non-profit groups, and tribal organizations on initiatives and projects geared towards preserving, protecting, restoring the iconic desert lands that comprise the CDCA, while holistically advancing other economic (e.g. renewable energy) and social (e.g. public access and recreational use) and utility goals.

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





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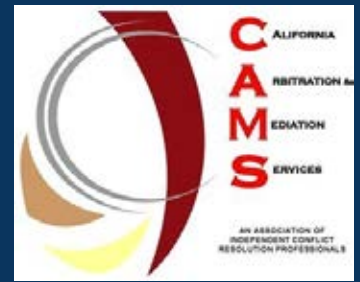
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# GROUNDWATER SALINITY: A NATURAL PROBLEM EXACERBATED BY HUMAN INTERVENTION

*by Anya Kwan*

Water salinity creates issues in water quality throughout the state of California. Salinity is a measure of the total dissolved solids in the water and is an issue because high levels of solids can cause the water to be detrimental to plant and animal health despite the non-enforceable regulations at both the state and federal levels. Although salinity can be an issue in surface water, it poses more of an issue in groundwater because it is a property that increases naturally over time and is difficult to permanently reduce in the groundwater basin.

## **Background on Salinity**

Salinity is a measure of the total dissolved solids (“TDS”) in the water. The solids considered in salinity are compounds that ionize in water including sodium bicarbonate (baking soda), sodium chloride (table salt), sodium nitrate, and potassium chloride. At high levels, saline water can be toxic to plants and animals meaning it can be unsafe for people to drink and should not be used either for irrigation or livestock.

Just because dissolved solids can create problems does not implicate that saline water is always an issue. Even very clean fresh water naturally has some dissolved salts. Water with no dissolved solids is tasteless and lacks ions that are necessary for plants to flourish.

## **Legal Standards for Salinity**

At the federal level, TDS is a national secondary drinking water regulation (NSDWRs) meaning that these are non-enforceable guidelines describing what the EPA believes the level should be. The standard for salinity is 500 mg/L. California takes a similar perspective towards salinity and has determined that TDS is a secondary drinking water standard. The recommended TDS level is 500 mg/L and the upper limit is 1,000 mg/L. With this established, the stated allows a short-term amount of 1500 mg/L.

Even though the federal and state salinity requirement is not an enforceable standard, it is important to note that the ions incorporated within salinity such as nitrate, chlorine, or metal ions can be subject to their own drinking water standards. Therefore, merely satisfying the salinity or TDS requirement does not implicate that water is safe to drink.

Besides the drinking water standards, salinity is implicated in the Sustainable Groundwater Management Act (“SGMA”). SGMA ensures that groundwater basins continue to have water by requiring the water drawn from the basin is not more than the amount of water that percolates into the basin. Overdraft can result in salinity issues because it reduces the amount of total water in the basin which causes the concentration of TDS to increase. To combat this, the State Water Board (“SWB”) created Groundwater Ambient Monitoring and Assessment

Program (“GAMA”) which provides groundwater quality monitoring and information.

## **Cause of Salinity in Groundwater**

Groundwater is naturally saline because as the water percolates through the ground, it dissolves various minerals located in rock and soil. In an undisturbed basin, deeper groundwater is generally more saline because the water travels farther meaning that the water is exposed to more minerals that could get dissolved. Additionally, water with more particles is heavier which causes it to percolate farther than less saline water. With this established, shallower groundwater is not always less saline. In water basins that are used by people, the shallow groundwater can become saline because pumping groundwater can create pressure within the water basin which may force the deeper saline groundwater to migrate up towards the surface. This saline shallow groundwater can remain as long as the pressure from pumping continues; once the pressure is removed, the saline water will again percolate deeper into the ground.

In general, human interactions with groundwater basins causes them to become more saline. When water is pumped out of the groundwater basins, this reduces the total volume of water in the basin. Because pumps generally do not take water from the deepest part of the basin, the most saline water remains. The smaller volume and higher percentage of more saline water causes the remaining water to have an overall higher concentration of dissolved solids which increases the salinity. Additionally, incidental or purposeful refill of groundwater basins can increase the salinity. Runoff that includes nitrates from fertilizer or manure can get absorbed into the soil and eventually reach the ground water basin. This runoff increases salinity by introducing nitrate salts into the water basin. Besides incidental refill, purposeful refill can increase salinity if the water used for these refill projects has high levels of TDS. For example, the Colorado River water can have a TDS of about 700 mg/L. Using this to refill groundwater increases the overall salinity of the groundwater basin.

## **Reduction of Salinity in Groundwater**

To reduce the salinity of the groundwater, agencies have a few options. Agencies can import and refill groundwater basins with less saline water or pump the water into desalination plants. Generally, the refill solution is only available when there is excess water imported; given the current drought conditions, this may not be a viable solution. Although desalination is effective at reducing the saline concentration, desalination creates brine which has to be disposed.

*Anya Kwan is an associate at Best Best & Krieger.*



# THE FIRST FRIDAY VOLUNTEER SETTLEMENT CONFERENCE PROGRAM AND ITS DEDICATED VOLUNTEER PANEL

*by Lori B. Sanford*

As the volunteer administrator of the First Friday Voluntary Settlement Conference program, I have seen what a tremendous difference our local settlement program has made in the legal community. For those unfamiliar with First Friday program, we are a settlement conference program with a panel of volunteers who are matched to civil cases that the panelist has a high likelihood of success in resolving based on the panelist's subject matter expertise. We pride ourselves on our settlement rate. We have saved the court and litigants millions of dollars with our early resolution program.

By way of history, Judge Randall White started the First Friday program in 2007 in Dept. 2H of the Larson Justice Center in Indio. On the first Friday of the month, Judge White would call a calendar of 20 to 25 cases and a panel of volunteers would roll up their sleeves to put settlements on the record. In the old days, the physical court files were pulled and placed in the judge's law library. Gary Galton or I would review every case and assign the volunteer with the best chance of resolving the case.

In 2012, Judge David Chapman took over the First Friday program when Judge White retired and the civil division moved to Palm Springs. In July 2021, Judge Kira Klatchko took over the program when Judge Chapman retired. Three panelists ascended to the Bench: Judge Latting, Judge Chapman and Judge Klatchko. The First Friday program is now under Judge Klatchko's sage guidance.

The First Friday program is a judge created program designed to lessen the court caseload which joined forces with the local bar association, the Desert Bar Association, to provide a panel of qualified volunteers. The program has been successful because we have a very loyal group of attorney volunteers including: Amir Afsar, Nikki Allen, Julie Balbini, Renell Burch, Oliver Cleary, Al Gerisch, Mark Gershenson, Joseph Gibbs, Michael Kaiser, Nicholas Kraushaar, Hon. Steven Lachs (ret.), Steven Moyer, Shaun Murphy, Naran Reitman, Lori Sanford, Robert Scott, Charles Schoemaker, Karen Sloat, and Julie Weber and past volunteers: Brian Harnik, Catherine Gayer, Diane Blasdel, Gary Galton, Ed Hackney, and the Hon. Gail Andler (ret).

Not every case qualifies to be placed into the First Friday program. You will not find a malpractice case,

PAGA, or complex civil case in the program. You will find cases involving personal injury, contracts, real property, and employment, along with cases that have limited parties. We want parties and counsel who appreciate the opportunity to participate in the program and understand that it is their job to provide the volunteer panelist with mutually agreed upon dates for the conference within 10 days of the case being put into the program. The parties should have exchanged basic discovery. The cases that are successful in the program are the ones where counsel enlist the help of the volunteer panelist to get their case resolved at an early stage.

When the pandemic hit, the First Friday program went remote. We took our panel of 20 plus volunteers and trained them on Zoom. We continue to provide a remote program for many reasons including a conscious effort to avoid bringing a large number of people into the Courthouse and for the safety of our panelists. We held a recruitment event in March 2022 to diversify our panel and to recruit attorneys from different legal backgrounds.

We now rely on the court to select the cases that would benefit from the program and to assign the volunteer panelist who's background is a good fit for the case. In ending, I would like to thank the DBA Mediation Committee members Michael Knighten and Shaun Murphy for assisting me in running the First Friday program. I would also like to thank the dedicated courtroom assistants who do everything they can to ensure that our volunteers and litigants move seamlessly through the program: Madeline Youngberg, Darcy Elless, Lucero Zuniga, and Kym Chank.

If you are interested in becoming a First Friday panelist or learning more about the program, you can visit the Desert Bar Association website at [desertbar.com](http://desertbar.com) and look for the First Friday tab to find our panel application and panel qualifications and requirements; or you can email me at [info@desertbar.com](mailto:info@desertbar.com) or [lori@lorisanfordlaw.com](mailto:lori@lorisanfordlaw.com).

*Lori B. Sanford is a mediator and arbitrator and can be reached at Lori Sanford Law, PC. Email: [lori@lorisanfordlaw.com](mailto:lori@lorisanfordlaw.com)*





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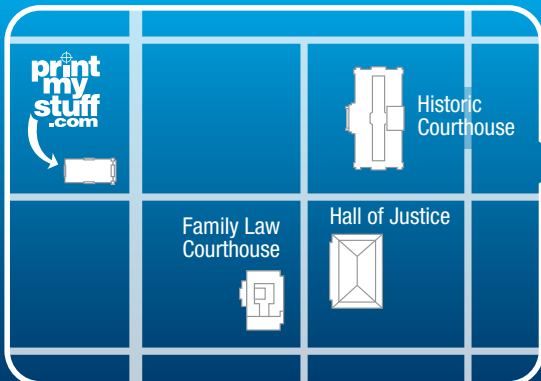
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# WARREN E. SLAUGHTER/RICHARD I. ROEMER CHAPTER OF THE AMERICAN INNS OF COURT

by *Honorable Kira Klatchko*

The Desert legal community is relatively small, and one of its hallmarks is that most local attorneys and judges know, or know of, one another. In such a small community, civility and professionalism are paramount concerns. This is one reason that in 1996, a small group of Coachella Valley attorneys dedicated to enhancing the competence, civility, ethics, and professionalism of our local bar, founded the Warren E. Slaughter/Richard I. Roemer Chapter of the American Inns of Court. Those founders will be familiar to many of you: Honorable Robert G. Taylor, Jon A. Shoenberger, Robert F. Hurley, Brian Harnik, Joseph Gibbs, Honorable Lawrence W. Fry, Honorable Rick A. Erwood, Honorable Thomas N. Douglass, Henry V. Cleary, Honorable David Chapman, Barbara M. Brand, David L. Barron, Richard I. Roemer, D. Martin Nethery, and Honorable Douglas P. Miller.

At the time the Inn was founded, it was named for Judge Warren Slaughter, a well-respected local judge known for his ethics. Judge Slaughter began practicing law in Palm Springs starting in 1948, and founded the firm of Slaughter, Schlesinger, and Schlecht, which is still in operation today as Schlect, Shevlin, and Shoenberger. He was a founding member of the Desert Bar Association and was appointed to the bench in 1966 by Governor Edmond G. Brown. Judge Slaughter sat in Indio and Palm Springs until 1984. The Inn was named for him during his lifetime and it was one of his proudest achievements. Many years later, the Inn was renamed to add well-respected local attorney, Richard I. Roemer. Roemer practiced law for 54 years. He moved to the Coachella Valley in 1978. Roemer was a co-founder of local firm Roemer & Harnik, which is also still in operation today. Roemer, like Judge Slaughter, felt one of his greatest professional accomplishments was his role as a founder of the local Inn chapter. Certainly, both Roemer and Slaughter would be very proud of the work done by the Inn named in their honor.

The Slaughter-Roemer Inn was one of the first Inns in the country to establish a community outreach program to supplement its regular ethics, civility, and professionalism education. Starting in 2000, the Inn organized annual outreach events at local middle schools. The first year, Judge, now Justice, Doug Miller, and Brian Harnik presented at the Oasis Middle School in Thermal. Since that time, outreach programs have become the norm for many Inns and outreach efforts are a requirement for Inns in the national Achieving Excellence “Platinum” Program. The Slaughter-Roemer Inn has long been designed as a Platinum Inn, the highest level of distinction bestowed by the American Inns of Court.

The outreach program has also grown over the years and makes annual presentations at three different middle schools in the Coachella Valley. Slaughter-Roemer Inn was recognized by the American Inns of Court and awarded the national Best Special Project Award for the 2021 outreach program at Toro Canyon Middle School in Thermal, California.

The national-award-winning Toro Canyon outreach program, like all of the Slaughter-Roemer Inn’s annual outreach programs, focused on engaging middle school students on current legal topics. Toro Canyon Middle School is located in Thermal, at the eastern edge of the Coachella Valley; 98.2% of the students are considered socioeconomically disadvantaged, 39.7% are English learners, and 18.9% are migrant students.<sup>1</sup> Unlike in past years, where outreach has been done in person, this project took place during the pandemic and was fully remote, allowing over 300 students to participate on Zoom each day, over the course of four days.

On the first day, the students were introduced to the court and court staff, and had the opportunity to ask me and the staff in Department PS1 questions about our roles at the court. They heard from my courtroom assistant and from a court reporter, interpreter, and sheriff’s deputy about their respective roles at the court. They were also treated to a virtual tour of my courtroom and learned about the role of the courts and the judicial branch.

On the second and third day of the program, lawyers from the Inn engaged with the students about a variety of topics relating to civil and criminal practice. The lawyers covered topics relating to “Kids and the Law,” including insights into the differences in rights and responsibilities of juveniles and what changes at the age of 18, including the right to vote and to serve on a jury, along with liability for civil and criminal wrongs. The lawyers also covered free speech limitations and restraints, discussing criminal and civil harassment restraining orders, texting and use of social media, freedom of speech, bullying, cyberbullying, and when speech becomes a crime. The students were able to interact with the presenters through a series of poll questions. They were also able to ask about topics of interest to them and to learn about how to become a lawyer. The final day of the program included an interactive discussion among the students and their teachers about the program topics. All of these programming days were supplemented with separate lesson plans by the teachers at Toro Canyon, including teacher Eriberto Mendez who has coordinated our outreach efforts with the school for years and without whom the outreach efforts would not have been possible.

Although the Toro Canyon outreach was very successful on Zoom, we hope to transition back to an in-person program this coming year. We also look forward to more in-person events, generally, so that we can honor the founders of our Inn, who understood the value of engaging local members of the bar in a meaningful discussion of civility and professionalism through fellowship and shared purpose.

*Honorable Kira Klatchko is a judge with the Riverside Superior Court and a past president of the RCBA.*



1 School Accountability Report Card available at [https://www.cvusd.us/uploaded/Ed\\_Services/SARCs/20-21/2021\\_Toro\\_Canyon\\_SARC.pdf](https://www.cvusd.us/uploaded/Ed_Services/SARCs/20-21/2021_Toro_Canyon_SARC.pdf).

# JUDICIAL PROFILE: JUDGE VALERIE NAVARRO

by Sophia Choi

When I saw that this month's theme was the desert, I was enthused to write about my good friend, Judge Valerie Navarro, whom I believe to possess all the qualities of what makes a good judge: excellent work ethic, dedication to the community, great temperament, abundant knowledge and experience, and a heart filled with kindness. Judge Navarro was appointed by Governor Gavin Newsom in March of 2022 and is currently assigned to the Larson Justice Center in Indio in criminal court.

Judge Navarro is the daughter of Mexican immigrants and was raised bilingual in English and Spanish. Her parents instilled in her the importance of education, which was easily accepted by Judge Navarro because she really enjoyed school, with reading being one of her greatest hobbies. Her senior year in high school, she was working 32 to 36 hours per week. As she was in a work study program, she left school just before lunch every day. She was accepted into California State University, Fullerton, and on her first week on campus, she met with the prelaw advisor. He suggested that she obtain a degree she would excel in. Judge Navarro soon came to believe that a University of California degree would open her up to more opportunities towards law school, so she transferred to the University of California, Riverside (UCR) and obtained a Bachelor of Arts degree in sociology with an emphasis in law and society in 2003.

Judge Navarro then went to Western State University College of Law, where she received her Juris Doctorate in 2006. Law school alone did not just pave Judge Navarro's path towards her legal career; her family was instrumental in her journey. She met her husband, Francisco, in law school. When she first met him, although she believed him to be strikingly handsome, she did not want to start a new relationship. However, his persistence won her over, and they have been inseparable since, both starting their legal careers in Riverside County, which they have embraced as their community to work in and live.

After graduating law school, Francisco was offered a job as a deputy district attorney, and Judge Navarro was offered a job as a deputy public defender, both in Riverside County. Although Francisco pursued his passion as a deputy district attorney, Judge Navarro knew her heart was set on criminal defense. Her personal life experiences and obstacles led her down the path of criminal defense. She wanted to be the voice for underrepresented individuals and helping others has been something she had done in some shape or form throughout her life. She therefore accepted a job offer with the Riverside County Public Defender's Office.

Judge Navarro expressed that, although she was never one to be concerned about what others thought or felt about her, this situation was different to her because she did not want her clients to incorrectly think that her heart was not in the right place because her husband was a deputy district attorney. During her time at the Public Defender's Office, she showed her clients her commitment to them, completing 31 felony jury trials, 9 misdemeanor jury trials, and one juvenile transfer hearing. She also wrote hundreds of motions and completed dozens of preliminary hearings. Prior to her appointment,



Hon. Valerie Navarro

she was assigned to the writs and post-conviction unit, managing the Fresh Start program and serving as the head of training in the volunteer and law clerks program. Judge Navarro spent nearly 15 years keeping her husband's profession outside of her career, but now, on the bench, she discloses it on every case that is before her.

In 2013, Judge Navarro and Francisco married. Two years later, their daughter was born, which changed their lives forever. It was no longer just the two of them, but another life to love and to ensure to provide the best. In 2019, their son was born, and they became a family of four. Family is everything to Judge Navarro, and she is grateful to have a job that she is deeply passionate about while at the same time allowing her to be a great mother to her two children.

Having a deputy district attorney father and a deputy public defender mother, her children were able to see firsthand the importance of the justice system in its entirety of helping victims and advocating for the underrepresented.

Deciding to pursue a career as a judge was not something Judge Navarro dreamed of as a child. She did not know what a judge was as a child. She also did not pursue this next career path on the bench because she grew to dislike criminal defense work. She loved what she was doing. However, she felt that she was ready to do something she had never before imagined she would and could do. Judge Navarro expressed, "I hear the phrase all the time: You cannot be what you cannot see. That was me for a long time. It took many discussions with my husband, but there was no one I had to convince but myself that I am capable of doing this important job for my community."

Judge Navarro commented that it is a true honor to hold this role as a judge. She wholeheartedly respected the role for almost fifteen years as a deputy public defender. Judge Navarro is the first Latina judge to sit on the bench at the Larson Justice Center, a courthouse 91 miles one way from her home. She knew the sacrifices that she and her family would have to make. She saw it through her six-year-old daughter's comment that she wishes her mom could be a "Riverside Judge" so she could see her mom in the mornings during the week. However, Judge Navarro often reminds her daughter about the meaning of sacrifice and the importance of her job, as well as how this new path is enjoyable.

In her free time, Judge Navarro enjoys cycling on her stationary bike at home. She does not watch much television, but instead enjoys her Pinterest app, looking at things related to recipes, organization, crafts, and DIY projects. Most of all, she loves spending time with her family and loves it when her children speak Spanish. She loves pizza, coffee, and charcuterie boards, so if you have a good pizza or coffee place to recommend, I bet Judge Navarro would love to hear!

Riverside County is lucky to have Judge Valerie Navarro on the bench, and I am so proud of her as my friend.

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



# OPPOSING COUNSEL: AARON GARCIA – MAN OF THE HOUR

by Betty Fracisco

This could be another one of those “local boy makes good” stories, but in light of the fact that Aaron Garcia is this year’s president of the Desert Bar Association, after 8 years of service to the Desert Bar, it would be more fitting to call Aaron the Man of the Hour. Aaron was born in Indio, raised in Coachella and Indio, and currently has a thriving law practice in Rancho Mirage (with satellite offices in Riverside, Redlands, and Temecula). One might think he hasn’t ventured far from home. To the contrary, Aaron has ventured far from home, succeeded there, and has decided to live his life and practice law in the heart of his home turf and in proximity to almost 100 cousins.

Aaron Garcia is the third son of proud, hard-working parents whose families came to the desert from Texas and Arizona. His mother was from a family of 11 children and his dad from a family of 12 children, explaining all the cousins. His father went into the air conditioning field, while his mom was a homemaker. While his Dad was busy working throughout the valley, his Uncle Tony took him and his brothers fishing and hunting. As a desert kid, he remembers “canal surfing” and riding dirt bikes with his brothers before taking college prep classes at Indio High School. He attended University of California, Santa Barbara and remembered it as a time of deep learning and “lots of concepts.” He graduated in 1993 with a degree in economics.

After college, Aaron decided to become a teacher, so he earned his credential at California State University, San Bernardino and began teaching U.S. history and economics at Palm Springs High School. After three years, he was 5 minutes from earning tenure, when he decided to try something that promised more pay and took the LSAT. His score resulted in an offer of entrance to several schools, but he chose California Western School of Law in San Diego, which had a good State Bar pass rate and was a school for “working lawyers.” Fortunately by this time, he had married his wife, Melinda (also from Indio), who was able to support him by working at Scripps Medical Center in La Jolla. In law school, Aaron’s favorite classes were trusts and estates and property, exactly the work he specializes in today. He participated in moot court and during the summer he worked for Jack Patterson (who had gone to high school with his Uncle Tony) in Rancho Mirage. Patterson was president of the Desert Bar Association, so Aaron spent 6 weeks meeting other lawyers in the Coachella Valley. Patterson became his mentor. After that summer, his grades improved because all of a sudden, after experiencing a real legal environment, all the law classes made sense.

After graduating from Cal Western and passing the Bar, Aaron thought he’d be a legal aid lawyer. He went to work for California Rural Legal Assistance (CRLA) in Coachella, but he had debt from law school, so he became a deputy public defender for Riverside County in Indio. He was employed there for 2 years, but it became heartbreaking because no matter how hard he worked, his clients would be found guilty. He wanted to help the less fortunate more than he was able. The effort took a lot out of him, but he learned many valuable skills such as, evaluating cases and clients rapidly, working under stress, perfecting his oral advocacy, preparing jury trial motions, and developing a feeling of fearlessness, among other things. All skills he would use throughout his career.



Aaron Garcia

About this time, Aaron and his wife, who was managing a medical office, bought their first home in La Quinta, and he met Anthony Corona, a personal injury attorney who started using him for court appearances, depositions, and short trials. He worked with Tony for one year. To learn the ropes, he attended 20 seminars in this first year of private practice. His first trial, in Rancho Mirage, involved a trust, right up his ally. He did what attorneys at that time did, put an ad in the phone book and he started getting cases from that source and eventually had enough to refer some to his buddies. Within a year, he opened his own office in Rancho Mirage, in a building owned by Dr. Patel, one of his clients. Five years later, in 2007, he bought his own commercial building, this time from one of his clients who was a developer.

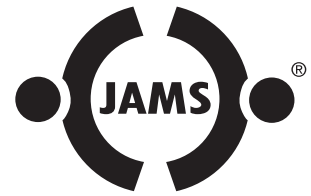
During this time, Aaron’s practice flourished, mainly in the probate and business law areas. He estimates he tried 40 to 50 cases, but he also became adept at resolving cases for clients, because he had found that often if a client took a case to trial, they never seemed to get what they really wanted, which was justice (or an apology) more than money. Seven years ago, the civil judges in the desert approached him to work on habeas corpus cases because of his criminal law background. So, with that he started taking cases in Riverside and he ended up with so much business that he opened two more offices, in Redlands and Temecula, handling probate, business, and real estate matters. He has never lost that ability to evaluate cases. He has built a busy, successful practice, all on his own. He still does criminal cases occasionally. And his wife now manages his office in Rancho Mirage.

For the past 8 years, Aaron has been active in the Desert Bar Association, this year serving as its president. He has promoted in-person social events and has been active with the Bird Awards, which involve judges, lawyers, support staff, and spouses with talent acting in a funny or strange production. As president, he will preside over the Hall of Fame Awards, as well as the event at which the Inn of Court and the Desert Bar present awards for Distinguished Lawyer, Outstanding Young Lawyer, and Outstanding Jurist of the Year. He keeps in touch with the judiciary and sees them on a personal level.

Aaron feels he’s in the middle of his career and really likes how it’s going. He believes the harder you work, the luckier you get. He knows people are coming to him with their problems at what could be the worst time in their lives. He feels it’s important for the attorney to realize he’s not perfect and to treat these people like human beings. As a solo practitioner, he works a lot, but he enjoys it and always has time for his family. He and his wife have 2 children, a son who attends Xavier Prep in Palm Desert, and a daughter, who’s in fourth grade. He rides bikes with his son, and their family has travelled together through multiple states. He likes to barbecue, which is another family activity. Among his relatives in the desert are his older brothers, Scott, who is a contractor, and Steve, who followed their father into the air conditioning business. For a boy raised in Coachella and Indio, Aaron Garcia is definitely the Man of the Hour.

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





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

- Joshua Arthur** – J. Arthur Law Firm, Cathedral City
- Islam A. Bahhur** – Ford Walker Haggerty & Behar, Corona
- Dahann Robinson Bowers** – Bennett & Bennett, Temecula
- Gabe Brooks** – Solo Practitioner, Riverside
- Lana P. Cook** – Solo Practitioner, Murrieta
- Keith R. Dobyns** – Riverside Community College District, Riverside
- Gene N. Dunn** – Hunsberger Dunn, Riverside
- Carlos R. Flores** – Metropolis Law Group, Rancho Cucamonga
- Allan M. Fong** – Office of the Public Defender, Riverside
- Anlai Jiao** – Ambrose Advisors, Riverside
- Nicholas Kritikos** – Law Offices of Nicholas Kritikos, Upland
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