

# RIVERSIDE LAWYER

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MAGAZINE

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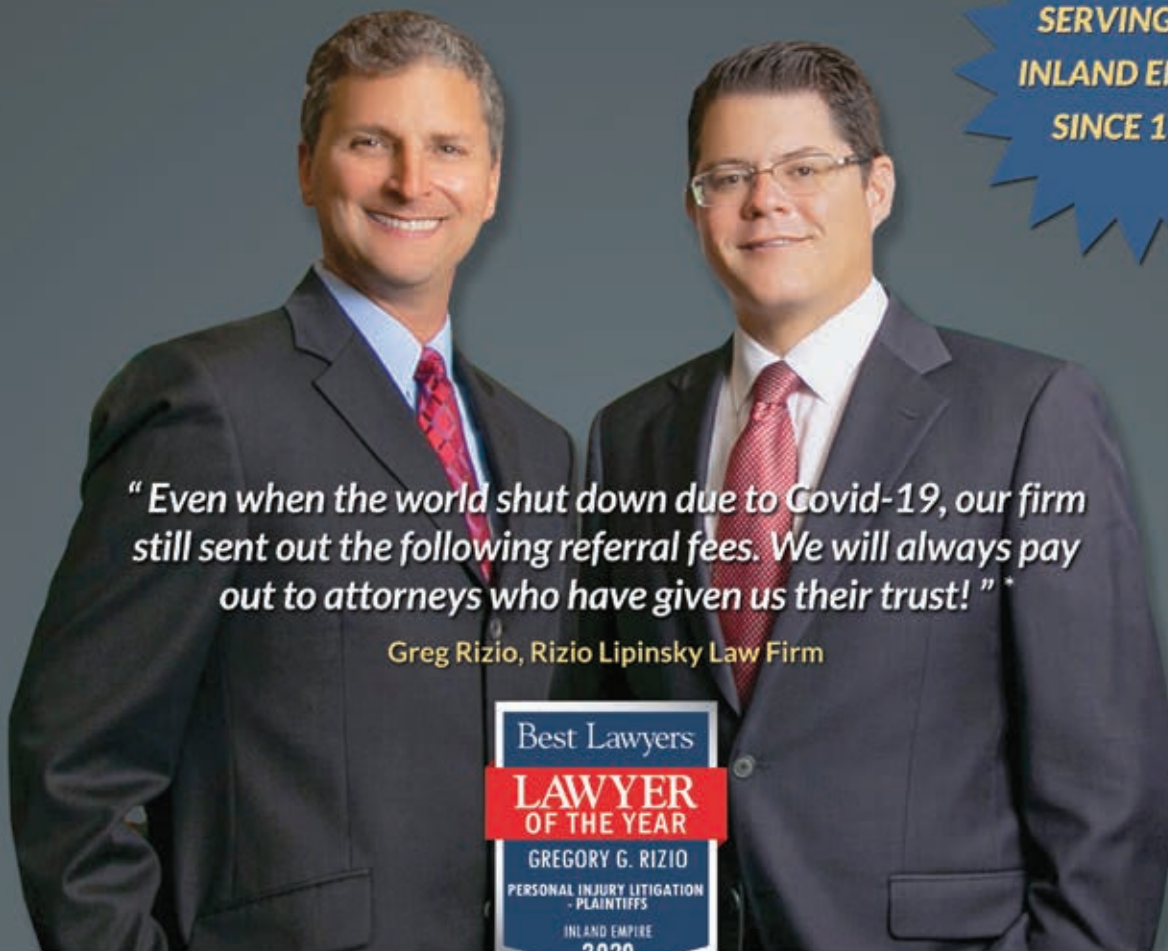


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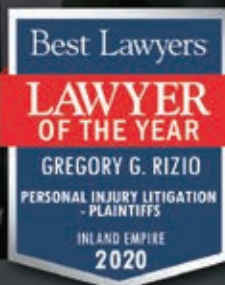
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# RIVERSIDE LAWYER

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# MISSION STATEMENT

## Established in 1894

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

## RCBA Mission Statement

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

## Membership Benefits

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

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

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

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

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

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

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

# CALENDAR

## May

### 1 Civil Litigation Roundtable with Hon. Craig Riemer

Noon – Zoom  
MCLE

### 9 Civil Litigation Section Meeting

Noon – Zoom  
Speaker: Megan Meadows & Jennifer Novak  
Topic: “What You Don’t Know CAN Hurt You: How Environmental Law Can Help Your Practice”  
MCLE

### 10 Criminal Law Section Meeting

Noon  
RCBA 3rd Floor  
Speaker: Virginia Blumenthal  
Topic: “Effective Communication with the Jury”  
MCLE

### 12 General Membership Meeting

Noon  
RCBA 3rd Floor  
Speaker: Hon. Judith Clark, Presiding Judge  
Riverside County Superior Court  
Topic: “State of the Riverside Superior Court”  
MCLE

### 16 Family Law Section Meeting

Noon  
RCBA 3rd Floor  
Speakers: Judge Sherrill Ellsworth (Ret.),  
Judge Jennifer Gerard, Julia Weber  
Topic: “Implementing SB320 and Gun Violence in Family Law”  
MCLE

### 17 4th Annual Judicial Reception

Presented by the RCBA Barristers  
5:00 – 7:30 p.m.  
Riverside City Hall Grier Pavilion  
Please see page 4 for details.

### 18 Joint Family Law Sections Webinar

Noon – Zoom  
Joint with the Los Angeles County Bar Association  
Panelists: Hon. Shelley Kaufman,  
Hon. Jennifer Gerard, Abbas Hadjian, Jeremy Roark  
Topic: “What You Need to Know to Practice Family Law in LA and Riverside”  
MCLE

## EVENTS SUBJECT TO CHANGE.

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





# President's Message

by Lori Myers

Springtime is often associated with feelings of renewal, happiness, and growth. It's a time when the weather warms up, flowers begin to bloom, and new life emerges after the winter rainy months. Many people experience a sense of rejuvenation and hopefulness during spring as they look forward to longer days, warmer temperatures, and the promise of summer—myself included.

NASA and the European Space Agency have captured amazing satellite imagery of California's super blooms, which are highly anticipated each year. From Lake Elsinore to Lancaster and Joshua Tree in Southern California, to Carrizo Plain National Monument and Napa Valley in the north, the state flower—the California poppy—is showing all its glory for the 2023 super bloom. I hope you are able to get outside and enjoy the beauty of mother earth.

May is the month of celebration for Mother's Day. Although I am not a mother myself, I have to admit, I was blessed with such a loving, kind, hardworking and dedicated mother—and I feel so blessed. I lost my mother to pancreatic cancer just three months after starting my career as a criminal defense lawyer at the Riverside Public Defender's Office. I won't lie, it was and still is the greatest loss in my life that I have experienced and endured. With that said, I share that to remind everyone reading this message that we all go through periods in our life that knock us down and remind us to be humble and challenge us

to move forward. We also go through times that make us appreciate the grace others show us; the people that choose to stand by us and cheer us on through the path of life. Of course, there are also times to celebrate as well. We can all get very consumed in our work life. Don't forget to celebrate the little victories along the way. Sometimes the little victory is literally just suiting up and showing up, just one day at a time.

I want to take a moment to acknowledge and celebrate all the mom lawyers out there. As a mother and a lawyer, I know you are juggling countless responsibilities from caring for your family to advocating for your clients. Through it all, you remain committed to both roles with grace and determination. I hope mom lawyers take a moment to congratulate themselves and take a moment to relax. You deserve it.

The month of May is also recognized as Mental Health Awareness Month. It makes this the perfect time to remind you that if you find yourself struggling in life, please know there are resources, support services, and individuals available to assist you. You are not alone.

I encourage you to take this spring season to remind yourself how far you have come in life. No matter where you are, you have currently survived all that life has thrown at you. No doubt, there are plenty of future challenges that await you. For now, remember we only have the present—enjoy each day. I am cheering you on.

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



**RCBA Dispute Resolution Service, Inc. (DRS) has an opening on its Board of Directors.**



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

# WILDFLOWER ETHICS AND NATIVE PLANTS

by U.S. Forest Service

For many of us a field of wildflowers is one of the most beautiful experiences we can encounter in Nature. There is a deep impulse we carry from childhood into adulthood to reach out and pick a flower in a beautiful butterfly-filled meadow or along a public wooded trail lined with spring beauties, irises, or wake-robins. It is because we all carry such memories that we have devoted an entire website to Celebrating Wildflowers. Millions of people visit the public lands each year and if only a small fraction of them each picked a few flowers, soon there would be none for the rest of us to enjoy.

Almost all wildflowers are fragile and many wilt and perish soon after being picked. Over the years, the repercussions of wildflower picking by unthinking people go far beyond the loss of the flowers themselves. A critical chain of events is triggered for years to come once wildflowers are lost. We don't often realize it, but wildflowers support entire ecosystems for pollinators, birds, and small animals on a micro scale. Butterflies and other insects, small birds, and animals depend on seeds, nectar, and pollen for their food supply and life support system. In addition, some pollinators are not very mobile or have very small home ranges or depend on just one species of plant and die once their habitat has been destroyed.

The Forest Service is very enthusiastic about the public's increased interest in native plants found on our national forests and grasslands. This interest and increased knowledge and awareness of the benefits of landscaping and gardening with native plants have resulted in nurseries producing native plants for the public to grow. Landscaping and gardening with native plants has many benefits including the creation of habitat for many different animals; from pollinators to birds, to small mammals. Many folks are now planting butterfly gardens that benefit these beautiful animals and bring enjoyment and joy to the gardener.

Unfortunately, the Forest Service is experiencing increased poaching of native wildflowers; even some that are listed as endangered species. Many people desire species that are not available commercially because these plants are difficult to grow or take too many years to reach maturity; and some people desire the rarest of the rare bringing those precious jewels ever closer to extinction. Consequently, some people are illegally removing wildflowers and other native plants from their natural habitats. In some cases, entire populations of a species have been stolen.

There are four main consequences to this illegal activity:

1. All living organisms need to reproduce. Digging up wildflowers, picking wildflowers, or collecting their seed will reduce a plant's ability to reproduce and will adversely affect its long-term survival in that location;

2. Removing wildflowers from the wild can adversely affect pollinators and other animals that depend on that species for food and cover;
3. Removing wildflowers from our national forests and grasslands prevents other visitors from enjoying our natural heritage; and,
4. Most wildflowers when dug from their natural habitat do not survive being transplanted.

There are legal ways to collect native plants from national forests and grasslands that will allow their use but still sustain them for future generations.

Remember, respect and protect wildflowers and their habitats, leave only footprints, and take only memories and photos so that future generations may enjoy our precious natural heritage.

*\*Reprinted from the United States Department of Agriculture website at: <https://www.fs.usda.gov/wildflowers/ethics/index.shtml>.*



The poster is for the 4th Annual Judicial Reception, presented by RCBA Barristers. It features a gold and white color scheme with decorative flourishes. At the top, it says "You are invited to attend our 4th Annual Judicial Reception Presented by RCBA Barristers". The event is on May 17, 2023, from 5:00 to 7:30 PM at Riverside City Hall Grier Pavilion. A QR code is provided for more information. The location is 3900 Main Street, 7th Floor/Rooftop. The poster lists honorees for 2023 and 2020 awards, and sponsors categorized into Platinum, Gold, and Silver.

*You are invited to attend our*  
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**MAY 17, 2023**  
**5:00 - 7:30 PM**

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# PRACTICING RESPONSIBLY AND ETHICALLY

## CLIENT TRUST ACCOUNTING

by David Cantrell and Cole Heggi

In the wake of the disbarment of Tom Girardi for his mishandling of client trust accounts, the State Bar implemented several changes designed to curtail such abuses in the future. In addition to approving implementation of the Client Trust Account Protection Program (CTAPP), the California Supreme Court approved amendments to Rules of Professional Conduct 1.4 and 1.15.

But—these changes aside—what are the attorney’s basic obligations when it comes to handling client funds and property? The most important document for understanding these obligations is the State Bar’s 2023 Handbook on Client Trust Accounting for California Attorneys, which is available on the State Bar’s website. Although the Handbook purports to set forth “a simple set of procedures that is easy to learn and easy to practice,” it is nevertheless 150 pages long.<sup>1</sup> In this article we will list and elaborate upon the Handbook’s seven “Key Concepts.”

The first Key Concept is “Separate Clients Are Separate Accounts.” Even if you or your firm keep clients’ funds in a common account, you can never use money allocated to one client to pay obligations of anyone other than that client. This means you must keep a separate ledger for each client detailing how much went into the account and how much came out of the account on that client’s behalf. Note that your money must also be kept separate from clients’ money. You can keep small amounts of non-client funds in client accounts to pay for account charges and fees, but nothing more.

The second and third Key Concepts are “You Can’t Spend What You Don’t Have” and “There’s No Such Thing as A ‘Negative Balance.’” Do not write checks against money that has not been deposited and cleared yet, even if your client trust account has overdraft protection or if the account contains other clients’ money sufficient to cover the expense.

The fourth Key Concept is “Timing Is Everything.” Funds deposited in client trust accounts can take some time to become available, and this varies depending on your bank and the type of deposit. Make sure you’re familiar with your bank’s policies on fund availability and daily cut-off times for deposits and payments – when in

doubt, contact your bank. Steer clear of using other clients’ money to cover checks before the funds clear. Watch out for “instant credit” offers—where the bank agrees to immediately credit accounts for deposits while the bank waits for the funds from another bank—as they can result in commingling of funds. Always play it safe and wait for funds to clear before making any client-related payments.

The fifth Key Concept is “You Can’t Play the Game Unless You Know the Score.” Since—as we’ve already discussed—you can’t spend what you don’t have, you are required to maintain running balances for individual clients (on client ledgers) and overall trust accounts (on account journals). Updating these balances for every transaction ensures accurate records and prevents over-spending. Always check a client’s ledger before writing checks from their trust account, ensuring you don’t spend more than what’s available.

The sixth Key Concept is “The Final Score Is Always Zero.” Proper client trust accounting aims to ensure that every dollar received for a client is ultimately paid out—no more, no less. It’s common for attorneys to have small, inactive balances in their trust accounts, which could result from errors, overlooked fees, or uncleared checks. As long as the money remains in the account, you’re responsible for it, and tracking these funds becomes harder over time. Address small, inactive balances promptly, including contacting payees about uncleared checks. If you still can’t pay out the funds, consider whether they escheat to the state under Code of Civil Procedure section 1518.

The seventh Key Concept is “Always Maintain an Audit Trail.” Keep an “audit trail”—bank records, canceled checks, and other important documents—for every transaction. A good audit trail starts when you first receive funds for a client and continues until the final check is issued. If a record for a given transaction (e.g., a bank deposit receipt) does not include the client’s name, case details, and transaction purposes, be sure to fill in or otherwise make note of the missing information. While Rule 1.15 only requires you to keep bank statements and canceled checks for every client-related account and transaction, the Handbook recommends that you also keep the initial deposit slip or bank receipt identifying the date, time, and purpose of the

<sup>1</sup> The self-reporting requirements were confusing enough that the authors of this article received questions from many practicing lawyers on how (mechanically) to complete the process.



transaction; checkbook stubs showing such information; and copies of the front and back of executed drafts you have received on behalf of a client.

It has always been important for attorneys to ethically handle their clients' funds in accordance with the Rules, regardless of the consequences. Nonetheless, client trust accounting has become an area of increased focus for the State Bar in the wake of the Girardi saga, so attorneys are well advised to avoid even small accounting errors or recordkeeping oversights, as these could lead to disci-

plinary action given the heightened attention now being paid.

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

*Cole Heggi is senior counsel at Lester, Cantrell & Kraus, LLP, where he also represents and advises clients on legal malpractice and professional responsibility issues.*



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# MUSINGS OF A NEW DEPUTY PUBLIC DEFENDER

by Jonathan Greenbergs

*“You’re a public defender? Do you feel bad for representing criminals?”*

I have only been a public defender for a month, but I’ve had this conversation with friends, family, acquaintances, and a shocking number of strangers. It is an awkward question and is usually followed by a tense moment.

Now, I could respond with some cliché about everyone having constitutional rights, or that innocent people have been convicted of crimes, or that even if someone is guilty of something, that does not necessarily mean they are guilty of the crime they are accused of committing.

But usually, I tell them the same thing I tell my clients: My main job is to be a zealous advocate for people who cannot afford anyone else’s help. But, figuratively speaking, what I really am is a GPS.

Imagine this. My client is driving their car down a road, and they have never been to this part of town before. They cannot see what will happen if they turn left or if they turn right. My job is to explain the costs and benefits, risks and rewards, and to help them make an informed decision. One of my most important duties is to convey all offers from the prosecutor. As a defense attorney, my job is to help a client make an informed decision, not to make decisions on their behalf.

Lawyers that sloppily fail to inform their clients of a new offer face serious repercussions and do a serious disservice to their client by taking the choice out of the client’s hands. Cars do not have autopilot in the criminal defense world. Clients have to be awake at the wheel, alert, and informed. The GPS cannot turn the clock or the car around. All I can do is hold their hand during one of the scariest moments of their lives. Lawyers and judges use big words, in hyper-formal courtrooms, in the presence of armed deputies. A courtroom is a high-context environment where sanitized language masks a desperate reality. Mostly, clients just want someone to hear them. To hear their struggle, to hear about the events that brought them here.

Someone else asked me recently, “But does someone like that deserve a shoulder to cry on? They are the one that put themselves in this situation.”

Someone like what? Our criminal justice system tries to balance liberty and safety. Everybody knows the image of the blind Lady Justice with her scales. But most people, including some artists, seem to forget that those scales are not supposed to be balanced. The scales lean heavily on the side of liberty. That’s why we have the presumption of innocence, the right against self-incrimination, and why prosecutors must shoulder the high burden of “Beyond a Reasonable Doubt” to prove someone is guilty. Without these protections, we fall quickly into the grip of tyranny.

Another comment. “But defense attorneys are so slimy.”

Real doctors laugh at the show *Gray’s Anatomy*. Real detectives chuckle watching the TV series *Sherlock*. *Better Call Saul* is entertaining because it’s ridiculous, not because

it’s real life. The reality of being a defense attorney is a lot more paperwork and procedure, but not as much (zero) hiding evidence and getting shot at by drug kingpins.

“So, what do you do for a client?”

The basic stuff is to comply with our legal duties. The duty to convey (already mentioned) and the duty of candor.

“Candor? Do defense attorneys really have to be honest?”

Defense attorneys balance the duty of confidentiality and the duty of candor. The duty of confidentiality is vital to the attorney-client relationship, because if clients feel like they cannot be honest with us, then we cannot help them make informed decisions. The duty of candor means telling the truth to the prosecutor and to the judge regarding certain types of information. Sometimes that means telling the whole truth, sometimes that means saying truthful things, without sharing all the information you have, and sometimes that means saying nothing at all.

As I was saying, another important requirement is handling a case load. Most criminal defense attorneys have less than 50 cases or clients, while public defenders usually handle two or three times that amount. Being disorganized is the easiest way to be terrible at your job. Planners and being organized are essential, and prioritization is the key.

Another essential function is to provide (at minimum) adequate legal assistance, but preferably excellent legal assistance. This means keeping up with new laws and cases, understanding procedure, and being able to explain consequences. This includes the possibility that the client could be deported, or sent to prison, or lose their job, or lose their license. This also means that we have to take complex legal ideas and options and break them down to their simplest terms, to explain them to someone who is scared, confused, and could be stepping into a courtroom for the first time in their life.

The highest duty of a deputy public defender is to be a righteous advocate for your client. That could mean fighting to get the best plea deal you can get them or fighting to exclude a piece of evidence because of how the police officers acquired that information. That means bringing up any possibly viable defense to a judge, prosecutor, or jury. Finally, at sentencing, after twelve strangers have found your client guilty beyond a reasonable doubt, that means asking for mercy.

What role does mercy play in the justice system? An innocent person being exonerated, or a guilty person being proportionately punished is justice. An innocent person does not need mercy. And a guilty person does not necessarily always deserve mercy. But us defense attorneys ask for it anyways.

We must.

*Jonathan Greenbergs is a deputy public defender in Riverside. He graduated from the University of San Diego School of Law. He enjoys philosophy, chess, and jiu jitsu. The opinions in this article are his personal opinions only.*



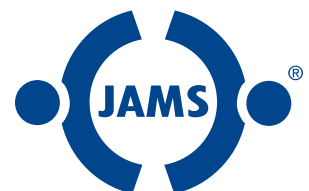


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# PROSECUTORIAL ETHICS AND DISCOVERY OBLIGATIONS

by Sophia Choi

Prosecutors represent all members of society, the people, and thus hold a very important role in the legal system. They are held to a high standard of legal ethics. As provided in the United States Supreme Court, the California Supreme Court, and the California Court of Appeal:

*[The prosecutor] is the representative not of an ordinary party to a controversy, but of a sovereignty whose obligation to govern impartially is as compelling as its obligation to govern at all; and whose interest, therefore, in a criminal prosecution is not that it shall win a case, but that justice shall be done.<sup>1</sup>*

*A prosecutor is held to a standard higher than that imposed on other attorneys because of the unique function he or she performs in representing the interests, and in exercising the sovereign power, of the State.<sup>2</sup>*

*As such, he is in a peculiar and very definite sense the servant of the law, the twofold aim of which is that guilt shall not escape or innocence suffer.<sup>3</sup>*

This duty is recognized by the Riverside County District Attorney's Office. As provided in the Riverside County District Attorney's Office's Mission Statement, "The District Attorney of Riverside County, as the public prosecutor acting on behalf of the People, vigorously enforces the law, pursues the truth, and safeguards the rights of all to ensure that justice is done on behalf of our community. The District Attorney works with every component of the criminal justice system to protect the innocent, to convict and appropriately punish the guilty, and to protect the rights of victims." One of the office's core values is integrity, which it deems to be non-negotiable.<sup>4</sup>

Not only are these special obligations of a prosecutor illustrated in case law, but the California Rules of Professional Conduct, rule 3.8, requires special responsibilities for prosecutors because of their unique duty to seek justice. *A prosecutor has the responsibility of a minister of justice and not simply that of an advocate.<sup>5</sup>* Rule 3.8 provides specific duties of a prosecutor to ensure that a defendant is given procedural justice, that guilt is decided based on sufficient evidence, and that special

precautions are taken to prevent, as well as to rectify, the conviction of innocent persons, thus imposing postconviction obligations as well. Rule 3.8 provides:

*The prosecutor in a criminal case shall:*

*(a) not institute or continue to prosecute a charge that the prosecutor knows\* is not supported by probable cause;*

*(b) make reasonable\* efforts to assure that the accused has been advised of the right to, and the procedure for obtaining, counsel and has been given reasonable\* opportunity to obtain counsel;*

*(c) not seek to obtain from an unrepresented accused a waiver of important pretrial rights unless the tribunal\* has approved the appearance of the accused in propria persona;*

*(d) make timely disclosure to the defense of all evidence or information known\* to the prosecutor that the prosecutor knows\* or reasonably should know\* tends to negate the guilt of the accused, mitigate the offense, or mitigate the sentence, except when the prosecutor is relieved of this responsibility by a protective order of the tribunal;\* and*

*(e) exercise reasonable\* care to prevent persons\* under the supervision or direction of the prosecutor, including investigators, law enforcement personnel, employees or other persons\* assisting or associated with the prosecutor in a criminal case from making an extrajudicial statement that the prosecutor would be prohibited from making under rule 3.6.*

*(f) When a prosecutor knows\* of new, credible and material evidence creating a reasonable\* likelihood that a convicted defendant did not commit an offense of which the defendant was convicted, the prosecutor shall:*

*(1) promptly disclose that evidence to an appropriate court or authority, and*

*(2) if the conviction was obtained in the prosecutor's jurisdiction,*

*(i) promptly disclose that evidence to the defendant unless a court authorizes delay, and*

*(ii) undertake further investigation, or make reasonable\* efforts to cause an investigation, to determine whether the defendant was con-*

1 *Berger v. United States* (1935) 295 U.S. 78, 88; see also *People v. Hill* (1998) 17 Cal.4th 800, 820.

2 *People v. Espinoza* (1992) 3 Cal.4th 806, 820.

3 *People v. Daggett* (1990) 225 Cal.App.3d 751, 759.

4 See [www.rivcoda.org/the-office](http://www.rivcoda.org/the-office)

5 Cal. Rules of Professional Conduct, rule 3.8, Comment [1].

victed of an offense that the defendant did not commit.

(g) When a prosecutor knows\* of clear and convincing evidence establishing that a defendant in the prosecutor's jurisdiction was convicted of an offense that the defendant did not commit, the prosecutor shall seek to remedy the conviction.<sup>6</sup>

A crucial component of prosecutorial ethics includes disclosure of evidence to defense. A prosecutor has specific discovery obligations as provided in the California Rules of Professional Conduct, the Penal Code, and *Brady v. Maryland*.<sup>7</sup> Recognizing the importance of this duty, California Rules of Professional Conduct, rule 3.8(d), (f), and (g) specifically provide for disclosure of evidence as a special responsibility of a prosecutor. Penal Code sections 1054 to 1054.10 provide the primary statutory scheme for criminal discovery. However, there are also disclosure obligations pursuant to *Brady*, imposing an affirmative duty to disclose to defense evidence favorable to an accused...where the evidence is material either to guilt or to punishment, irrespective of the good faith or bad faith of the prosecution" that is possessed by the prosecution team.<sup>8</sup> This obligation is derived from the due process

clause of the Fourteenth Amendment.<sup>9</sup> See *Brady*, supra, at p. 86. See *Brady*, supra, at p. 86. The purpose behind the *Brady* rule is not to displace the adversary system as the primary means by which truth is uncovered, but to ensure that a miscarriage of justice does not occur<sup>10</sup> and that criminal trials are fair[.]<sup>11</sup> Putting the burden on prosecutors to disclose information illustrate[s] the special role played by the American prosecutor in the search for truth in criminal trials.<sup>12</sup> Thus, *Brady* serves to restrict a prosecutor's ability to suppress evidence and to ensure that justice is done.

There are many ethical responsibilities of a prosecutor to ensure that justice is done. A crucial component of this purpose is to ensure compliance with ethical, statutory, and *Brady* obligations.

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



6 Cal. Rules of Professional Conduct, rule 3.8.  
7 *Brady v. Maryland* (1963) 373 U.S. 83.  
8 *Brady*, supra, at p. 87.

9 See *Brady*, supra, at p. 86.  
10 *United States v. Bagley* (1985) 473 U.S. 667, 675.  
11 *Brady*, supra, at p. 86.  
12 *Strickler v. Greene* (1999) 527 U.S. 263, 281.

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# ETHICS IN MEDIA AND ENTERTAINMENT

by D.W. Duke

Typically, when considering ethics in entertainment and media, our discussions focus on business transactions and not on the ethics of the creator and producer in delivering information that is beneficial to society. But this raises the question, is there a responsibility of those in entertainment to assure that they provide a message beneficial to society or should the focus only be upon generating the highest monetary return? In this article, we consider the responsibility of those in the entertainment industry to provide content that is beneficial to society or at least, does not cause a negative condition in our society.

At the core of this discussion is the First Amendment right to free speech. It is one of the most treasured features of the Bill of Rights. The freedom to communicate ideas has been held to be the backbone of our constitutional republic. At times, however, the right to free speech has clashed directly with the interest in keeping society safe from individuals who might be negatively influenced by the media to such an extent that they carry out crimes they believe were encouraged by the media. An example of such negative influence in the media is the famous case involving Charles Manson and his followers who claimed they were inspired by the Beatles song, *Helter-Skelter*, to carry out the Tate-LaBianca murders in 1969. While the claim was not persuasive with the jury, or even the public, the influence of the music industry on society cannot be denied.

In recent years, attempts to demonstrate the link of lyrics in popular songs to criminal activity have found their way into the courts, with such cases as *McCollum v. CBS, Inc.*, (1988) 202 Cal. App. 3d 989, 249 Cal. Rptr. 187. *McCollum* involved a lawsuit against CBS for the death of children at Columbine High School. The allegation was that the lyrics to the song *Irresponsible Hate Anthem*, by the artist Marilyn Manson, influenced the shooters to go on a shooting rampage resulting in the death of 15 and injuries to 24 others. Under the Brandenburg test the courts have been reticent to allow impingement on free speech and thus, these cases have not fared well.

In the same manner that music has influenced the conduct of listeners, the motion picture industry has demonstrated an ability to influence viewers. Indeed, it was also alleged that the Columbine shooters were influenced by the shooting scene in the motion picture *Matrix* starring Keanu Reeves.

In the United States, the primary focus on limiting the content of speech in motion pictures has been in sexual content with almost no limitation on the display of violence in films. Violence is generally permissible in motion pictures; it merely affects the rating, but is not prohibit content. Should legislation require motion picture producers and directors to hold a higher standard in the display of violent material?

Historically, we have seen the power of media influence thought processes. Examples, of the negative influence of the media may be seen with DW Griffith's 1916 movie *The Birth of a Nation*, which was played in theaters throughout the United

States. The motion picture was the catalyst for the increase in membership of the KKK. In same way, the motion picture industry generated stereotypes about certain racial groups that have taken nearly a century to overcome.

Despite negative features in the motion picture industry the positive aspects have been recognized. The 1962 movie, *To Kill a Mockingbird*, based on the book by Harper Lee, bearing the same title, caused many Americans to reconsider the treatment of black persons. Yet, even in the movie, the focus is almost exclusively on the attorney and his family with little more than a cameo appearance by, Tom Robinson, the black man at the center of the movie who was wrongfully convicted of raping a white woman. In a sense, the movie reinforced negative stereotypes about black men, but at the same time exposed the mistreatment members of the black community faced during the Jim Crow era. It was the first motion picture to address the topic of racism on such a large scale, and it started a dialogue.

On October 11, 1963, the late president John F. Kennedy approved National Security Memorandum Number 263, which called for withdrawing 1,000 troops by the end of 1963. At that time, the United States had only 16,000 troops in Vietnam and Kennedy planned to bring all troops home by the end of 1965. After his assassination, Lyndon Johnson immediately rescinded Memorandum Number 263 and ordered 250,000 troops to be sent to Vietnam. Kennedy's nephew, Robert F. Kennedy, Jr., who recently announced his candidacy for president, maintains that JFK was assassinated by the CIA in cooperation with the military-industrial complex and has asked Congress to investigate JFK's assassination now that much of the information has been unclassified.

As our nation surrendered to the military-industrial complex under the Johnson administration, millions of Americans held deep reservations about the Vietnam War, but there was little that could be done. Those who spoke against the war were called traitors and were harassed by both law enforcement and private citizens. It was at this time that news media organizations decided to cooperate to show the world what was happening in Southeast Asia. ABC, NBC, and CBS decided to join efforts and expose the truth about Vietnam. At that time, news media in the 1960s felt its obligation was to deliver the news without commentary. The idea was that it was the responsibility to give the news and to allow the public to decide how to analyze the news. So, while they generally did not comment on the merits of the war, they could flood American television sets with footage of U.S. soldiers being killed. The strategy worked. Within a matter of years, opposition to the Vietnam War had become massive leading to protests at college campuses throughout the nation. The reality is that if the major news networks had not challenged the military industrial complex by

exposing the real scenes of the battle, the Vietnam War might well have continued into the 21st century.

We recognized the power of the media in the 1970s when the Vietnam War was finally brought to a conclusion by a poorly executed withdrawal that left three million South Vietnamese and Cambodians to be murdered under the brutal hand of the Soviet backed militaries. The 1984 movie, *Killing Fields*, was intended to educate the public about the poor manner of our exit from Vietnam and the devastation that was left in the region.

Historically, other movies have been influential in shaping public thought and providing educational information. The 1993 movie, *Schindler's List*, showed us the horrors of the Holocaust and the efforts of one man to help Jews survive by employing them in his business. The 1980 movie, *Chariots of Fire*, was about Olympic runner, Eric Liddell, who refused to run on Sunday because, in his Christian faith, Sunday was the Sabbath. The message was that holding deep religious convictions is not ignoble and may even be heroic.

We are just beginning to recognize the many ways that social media is influencing our society. 47 U.S.C. § 230 provides immunity for media platforms for the content of speech that the public posts on their sites. Facebook, Instagram, and Twitter remain three of the largest platforms. But some argue that these platforms have abused this immunity to influence the content of speech. Recent Congressional hearings reveal that after the acquisition of Twitter by billionaire Elon Musk it was discovered that members of the FBI had been paying

money to Twitter to stifle certain political views. This shows the complexity of matters that must be addressed by Congress and by the courts to prevent social media sites from unfairly influencing the public in local and national elections.

Near the end of 2019, I opened a motion picture production company with my cousin, Pat Duke, whom you may recognize as the voice for the television show, *Swamp People*. Within a few months of opening our doors, we had to put everything on hold due to the pandemic. Finally in late 2022, we began filming documentaries and plan to begin shooting "movies" in the near future. Our objective is to provide motion pictures with educational content. Most of our films will be based on biographical novels and historical events. We believe that motion picture producers have a responsibility to present material that is not only entertaining, but provides important information to educate members of the public and to foster a sense of self-worth and a need for cooperation with others in overcoming violence, racism, and other negative features that exist in our society today.

*DW Duke has an office in Temecula, California specializing in real estate, professional liability, and human rights. He is the author of eight books and numerous articles and is a motion picture producer. He received his Bachelor of Arts from the University of Michigan and his Juris Doctor from Washington University School of Law in St. Louis, Missouri.*



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Luis E. Lopez

# ON FRIVOLOUS APPEALS

by Gabriel White

It seems that for as long as there have been advocates, there have been concerns about those advocates wasting everybody's time and money on frivolous matters. Those concerns get expressed in various rules and ethical guidelines discouraging them from doing so. For example, an oath dating to the sixth century A.D., the era of the Justinian Code, but which may reflect even earlier Roman practice, required advocates to promise zealous advocacy, but to refrain from prosecuting a case that is "dishonest or utterly hopeless or composed of false allegations," and to withdraw if it later became known to them that it is so.<sup>1</sup>

Much more recently, the first widely adopted canons of ethics for attorneys in the United States, the ABA's 1908 Canons of Ethics, included similar ideas.<sup>2</sup> Canon 15, for example, entitled "How Far a Lawyer May Go in Supporting a Client's Cause," states that the lawyer owes "warm zeal in the maintenance and defense" of the client's rights, but "it is steadfastly to be borne in mind that the great trust of the lawyer is to be performed within and not without the bounds of law." Canon 30, entitled "Justifiable and Unjustifiable Litigations," requires the lawyer to "decline to conduct a civil cause or to make a defense when convinced that it is intended merely to harass or to injure the opposite party or to work oppression or wrong."

Similarly, for as long there have been rules of professional conduct for California attorneys, there has been a rule against filing or maintaining a frivolous case, including on appeal. In the first California rules of professional conduct, approved by our Supreme Court in 1928, rule 13 stated that a member of the state bar "shall not accept employment to prosecute or defend a case solely out of spite, or solely for the purpose of harassing or delaying another." Rule 13 also specified that an attorney shall not "take or prosecute an appeal merely for delay, or for any other reason, except in good faith."<sup>3</sup>

Related principles are codified in the Business and Professions Code; section 6068, both when adopted in 1939 and still today, requires a lawyer to "counsel or maintain such actions and proceedings or defenses only as appear to him legal or just," with an exception to facilitate the work of criminal defense attorneys.<sup>4</sup> The same statute states that lawyers may not commence or continue an "action or proceeding from any corrupt motive of passion or interest."<sup>5</sup>

1 See Andrews, *The Lawyer's Oath: Both Ancient and Modern* (2009) 22 Geo. J. Legal Ethics 3, 9 & fn. 20.

2 The ABA's 1908 Canons of Professional Ethics are available at [https://www.americanbar.org/content/dam/aba/administrative/professional\\_responsibility/1908\\_code.pdf](https://www.americanbar.org/content/dam/aba/administrative/professional_responsibility/1908_code.pdf), last viewed April 10, 2023.

3 A copy of the 1928 version of the Rules of Professional Conduct is available at <https://kafkaesqdotcom.files.wordpress.com/2014/10/1928-rpc.pdf>, last viewed April 10, 2023.

4 Bus. & Prof. Code, § 6068, subd. (c); see Stats. 1939, Ch. 34., § 1, p. 355.

5 Bus. & Prof. Code, § 6068, subd. (g); see Stats. 1939, Ch. 34, § 1, p. 355.

In the current California Rules of Professional Conduct, Rule 3.1 provides as follows: "(a) A lawyer shall not: [¶] (1) bring or continue an action, conduct a defense, assert a position in litigation, or take an appeal, without probable cause and for the purpose of harassing or maliciously injure any person; or [¶] (2) present a claim or defense that is not warranted under existing law, unless it can be supported by a good faith argument for an extension, modification, or reversal of the existing law. [¶] (b) A lawyer for a defendant in a criminal proceeding, or the respondent in a proceeding that could result in incarceration, or involuntary commitment or confinement, may nevertheless defend the proceeding by requiring that every element of the case be established." It seems to me there is little in this formulation that would be disagreeable to the unknown author of the Justinian Era oath quoted in my first paragraph.

Our Supreme Court has articulated the following standard: an appeal is frivolous "only when it is prosecuted for an improper motive—to harass the respondent or delay the effect of an adverse judgment—or when it indisputably has no merit—when any reasonable attorney would agree that the appeal is totally and completely without merit."<sup>6</sup> The first, subjective part of this standard focuses on the good faith, or lack thereof, of the appellant and counsel. The second, objective part focuses on the legal merits, as evaluated by "any reasonable attorney." Although the Supreme Court stated these two standards in the alternative, "in practice the two standards usually are used together with one providing evidence of the other. Thus, the total lack of merit of an appeal is viewed as evidence that appellant must have only intended it for delay."<sup>7</sup>

Appeals that are "totally and completely without merit" come in a few different flavors, not uncommonly stirred together in a delightful medley. The party's arguments may be without legal basis, for example, because there is no reasonable basis to distinguish or argue for reversal of irreconcilable, controlling legal authority.<sup>8</sup> Also, even a well-established legal theory must be supported by the facts of the case. On appeal, it must be underlined, the factual basis for the claims must be in the appellate record. In the absence of an adequate record for demonstrating prejudicial error, a reasonable person cannot

6 *In re Marriage of Flaherty* (1982) 31 Cal.3d 637, 650.

7 *In re Marriage of Gong & Kwong* (2008) 163 Cal.App.4th 510, 516, quoting Eisenberg et al., Cal. Practice Guide: Civil Appeals and Writs (The Rutter Group 2006), ¶ 11:104, p. 11-34 [cleaned up].

8 See, e.g., *Pierotti v. Torian* (2000) 81 Cal.App.4th 17, 32 [counsel failed to cite, much less distinguish, controlling authority fatal to appeal].



possibly expect the appeal to succeed.<sup>9</sup> Often, lack of law and lack of facts go hand in hand.<sup>10</sup>

Appellate opinions considering whether to impose sanctions for filing or maintaining a frivolous appeal often recite the principle that sanctions should be used sparingly to deter only the most egregious conduct.<sup>11</sup> No one wants to deter attorneys from bringing all their creativity and energy to bear on behalf of their clients, even in circumstances where the odds of success may be long. Sanctions tend to be imposed only where there is a “very high” degree of “objective frivolousness,”<sup>12</sup> and/or strong evidence of improper purpose or lack of good faith.<sup>13</sup>

In the civil law context, filing or maintaining a frivolous appeal may be punished with monetary sanctions.<sup>14</sup> Such sanctions may be imposed against a litigant, against the lawyer, or both.<sup>15</sup> Factors relevant to determining the amount of sanctions to be awarded a party responding to a frivolous appeal include “the amount of respondent’s attorney fees on appeal; the amount of the judgment against appellant; the degree of objective frivolousness and delay; and the need for discouragement of like conduct in the future.”<sup>16</sup> The award of sanctions payable to the party responding to a frivolous appeal need not necessarily be limited to that party’s costs; it can also include additional “damages as may be just.”<sup>17</sup> Sanctions may also include a payment to the court compensate the state for the cost of processing the frivolous appeal.<sup>18</sup>

9 *Ibid.* [“grossly inadequate record,” combined with meritless legal arguments, demonstrates not only objective lack of merits, but also that appellate counsel “subjectively prosecuted appeal for an improper purpose”]; see also *Protect Our Water v. County of Merced* (2003) 110 Cal.App.4th 362, 364 [“When practicing appellate law, there are at least three immutable rules: first, take great care to prepare a complete record; second, if it is not in the record, it did not happen; and third, when in doubt, refer back to rules one and two.”].

10 E.g., *Kurokawa v. Blum* (1988) 199 Cal.App.3d 976, 996 [appellant’s counsel sanctioned; he “asserted little, if any, evidence or legal support” for his client’s causes of action, and briefs on appeal “state the record loosely, cite strained authorities, and discuss legal principles in a vacuum”].

11 E.g., *In re Marriage of Flaherty*, *supra*, 31 Cal.3d at pp. 649-650.

12 *Kleveland v. Siegel & Wolensky, LLP* (2013) 215 Cal.App.4th 534, 559.

13 E.g. *Malek Media Group LLC v. AXQG Corp.* (2020) 58 Cal. App.5th 817, 834-86 [finding appellant’s appeal was “devoid of factual or legal support,” and emphasizing that court of appeal is “not the forum for [appellant] or its counsel to rant about conspiracies or their politics”].

14 Code Civ. Proc., § 907; Cal. Rules of Court, rule 8.276(a)(1). Of course, a frivolous appeal may also be dismissed. See *In re Marriage of Gong and Kwong*, *supra*, 163 Cal.App.4th at p. 519 [stating “We begin by dismissing the appeal outright,” before considering monetary sanctions]. As a practical matter, however, dismissal of an appeal is not much different from affirmance, and thus is not particularly meaningful as a sanction.

15 *In re Marriage of Schnabel* (1994) 30 Cal.App.4th 747, 755

16 *In re Marriage of Gong and Kwong*, *supra*, 163 Cal.App.4th at p. 519.

17 Code Civ. Proc., § 907.

18 E.g., *In re Marriage of Gong and Kwong*, *supra*, 163 Cal.App.4th at pp. 519-520 [ordering sanctions consisting of \$30,000 in attorney fees plus an additional \$15,000 to the responding party, plus \$6,000 payable to the court of appeal]. The going rate for the portion payable to the court in a case resulting in an opinion may be closer to \$8,500. See *Clarity Co. Consulting, LLC v. Gabriel* (2022) 77 Cal.App.5th 454, 467-468. That amount seems due

Even in a direct appeal from a criminal conviction, of course, counsel may not make frivolous arguments; the duty to zealously represent the interests of the defendant does not trump the attorney’s other professional obligations. And, in any event, defendants’ interests are not served by truly frivolous (as distinguished from long-shot) arguments made on their behalf. Counsel appointed to represent an indigent defendant on appeal who “finds his case to be wholly frivolous, after a conscientious examination of it,” may file a so-called Wende brief, presenting the case to the court of appeal for an independent review of the record, but raising no issues.<sup>19</sup> There is no similar pressure release valve for attorneys outside the criminal context.

I will conclude with a few thoughts arising from my experience as an appellate court attorney. These should be taken with a grain of salt, of course, since I can speak only for myself.

First, I would note that, in the absence of a motion for sanctions, I am unlikely to recommend that the court consider sanctions. An appeal that is totally without legal merit is quick and easy to write up as an affirmance. I get no brownie points for interjecting a new, generally more difficult issue to analyze instead of just moving on to the next appeal. That said, the many published opinions that do consider sanctions on the court’s own motion demonstrate that if you go far enough off the rails, you can convince the court some extra attention is required. Try not to do that.

Second, if you are considering a motion seeking sanctions against your opponent for bringing or maintaining a frivolous appeal, be sure that you have a solid basis to do so. Always bear in mind that only the most egregiously frivolous appeals warrant sanctions. Keep the motion short, to the point,<sup>20</sup> and congruous with your merits briefs, which also should also be short and to the point. Focus on the facts that demonstrate that the appeal is frivolous, rather than expressing how offended you are by the other side’s behavior.

Third and finally, if a motion seeking sanctions for filing a frivolous appeal has been filed by your opposing party, analyze it seriously, from a legal perspective and setting aside any hurt feelings. Maybe they have a point? Maybe they have identified something you can fix, say, by augmenting the record? By all means, stand your ground if they are wrong. But obstinately continuing down a path that has been shown to be without merit only helps your opponent demonstrate subjective lack of good faith. The first law of holes is that if you realize you are in one, stop digging.<sup>21</sup>

*Gabriel White is a senior appellate court attorney at the California Court of Appeal, 4th District, Division 2, assigned to the chambers of Justice Michael J. Raphael. The views expressed in this article are his own.*



for an increase, though, as the cost analysis on which it is based dates to 2008. (See *In re Marriage of Gong and Kwong*, *supra*, 163 Cal.App.4th at p. 520.)

19 *People v. Wende* (1979) 25 Cal.3d 436, 439.

20 See *Couts v. O’Neil* (1921) 51 Cal.App. 152, 158 [“We are not inclined to seriously consider an assertion that an appeal is frivolous when the maker of the assertion has employed 299 pages . . . in an endeavor to demonstrate that it is not meritorious”].

21 The second law of holes, of course, is that when you stop digging, you are still in a hole. But at that point, at least, you can start trying to climb out, one way or another.

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# HELLO? CAN YOU HEAR ME? EFFECTIVE COMMUNICATIONS WITH CLIENTS, OPPOSING COUNSEL AND THE COURT.

by *Ellen A. Pansky*

Many professional problems that lawyers face result from inadequate and/or ineffective communication skills. Lawyers pride themselves on their verbal and written communication abilities but, in fact, failure to adequately communicate with clients is the impetus for most State Bar complaints, and the lack of written confirmation of information provided only verbally is the cause of many legal malpractice actions. Similarly, failure to confirm agreements with opposing counsel can have dire consequences. Worse yet, imprecise, rushed, incomplete or inaccurate factual representations to the court can have dire consequences for the attorney and client alike, including monetary sanctions, issue preclusion, or even dismissal of a case. Needless to say, refreshing one's familiarity with the rules and standards governing lawyer communications is a crucial part of legal education.

## Duties To The Client

A lawyer has a duty to communicate significant events to the client. This duty requires the lawyer to promptly notify the client whenever there is a material development in the client's matter, including promptly responding to a client's reasonable request for information and documents. This duty also requires the lawyer to communicate dispositive settlement offers which are made in a criminal matter, and to communicate significant written settlement offers made in civil matters. (See, California Rules of Professional Conduct "CRPC," rule 1.4.1.) The duty to promptly communicate significant events to the client is so important that it is contained both in rule 1.4 and in the California Business and Professions Code (Bus & Prof Code sec. 6068(m)).

Although required communications to the client in civil matters may be made verbally, it is highly recommended that all communications relating to significant events in the client's matter, including meaningful settlement discussions and offers, should be confirmed in writing. If the lawyer fails to provide a written confirmation and the client later denies that the verbal communication occurred, it is likely that the client will be believed over the lawyer.

The duty to communicate significant events overlaps with the dual duties to provide competent and diligent legal services (see, CRPC rules 1.1 and 1.3). Again, the failure to confirm verbal information in writing may raise an inference that the lawyer failed to provide timely legal services, and/or that the lawyer fell below the standard of care by allowing the client's matter to be delayed or languish with no activity. These duties apply equally to litigation and non-litigation legal services.

## Duties To The Court

Every lawyer also owes a direct duty of candor to the court. This duty has always existed (see, Bus. & Prof. Code sec. 6068(d,)) and it compels lawyers to take care to be reasonably certain of the truthfulness of factual statements before communicating with a judge or judicial officer. Indeed, many lawyers have fallen into the trap of making "off the cuff" statements in open court when the lawyer had not undertaken due diligence to verify the truthfulness of those facts. While vigorous advocacy on behalf of a client is laudable and usually required to provide proper representation, negligent misrepresentations do not benefit the client and may subject the lawyer to sanctions. Even worse, a finding that a lawyer made misrepresentations to the court will sometimes result in the termination of the attorney-client relationship, and/or a State Bar complaint from the judicial officer, opposing counsel, or the client. At a minimum, once a judicial officer forms mistrust of a lawyer's veracity and integrity, it is likely that the lawyer will find it difficult to regain the trust of the court, and this can have unfortunate consequences in the case.

If a lawyer knows that a falsity has been presented to the tribunal, the lawyer has a duty to take remedial action to correct the falsity. (See, rule 3.3(a)(3).) This duty continues through the pendency of the proceeding. (See, rule 3.3(c).)

## Duties To Other Parties

Misrepresentations made out of court are also dangerous. CRPC rule 3.4(a) makes it a disciplinary offense to unlawfully obstruct another party's access to evidence, rule 3.4(b) makes it a violation to suppress that the lawyer or the lawyer's client has a legal duty to "reveal or produce;" and 3.4(c) makes it unethical to assist a witness to testify falsely. The lawyer who makes factual representations without exercising reasonable diligence and due care is at risk for judicial sanctions, a legal malpractice action, a State Bar investigation, and a loss of reputation in the legal community. A court may uphold a cause of action for misrepresentations made by a lawyer to a non-client when a reasonably prudent lawyer should have realized that the non-client would detrimentally rely on the lawyer's statement.

## Don't Guess!

These considerations do not mean that a lawyer is ethically precluded from arguing facts in the light most favorable to the client. Nor does it mean that the lawyer is not permitted to argue inferences and implications of evidence or lack thereof. It can be said that, like beauty, truth is often in the eye of the beholder, and it is often not

black or white. Nonetheless, it would behoove the lawyer, and ultimately the client, to exercise caution in asserting facts that are not reasonably certain, whether the communications regarding facts are made by the lawyer to the client, opposing counsel, the court, or to third parties whom the lawyer should reasonably know are relying on the lawyer's statements.

Another way of deciding whether to make a factual statement: don't guess! If the facts are not yet known or certain, just point that out. If the statement is based on assumptions, the lawyer should take the opportunity to make that clear. And, if the other party to the communication expresses confusion or misunderstanding as to true and demonstrable facts, the lawyer should use caution in taking advantage of that occurrence.

It bears repeating that lawyers must avoid engaging in an "artifice" of fact or law, as Bus. & Prof. Code section 6068(d) makes clear. As has been observed for hundreds of years, it is wise to refrain from being "too clever by half." It is best to refrain from exaggeration and factual hyperbole that exceeds the bounds of reason, and to stay close to factual representations that the lawyer is reasonably sure are true. In doing so, the lawyer will best serve the client, avoid unfavorable consequences, and preserve a good reputation in the legal community.

*Ellen Pansky has been practicing in the areas of legal ethics and professional responsibility for 45 years. She is ranked as a Martindale Hubble Preeminent Attorney and is a State Bar of California certified legal malpractice specialist. You can reach her at [epansky@pansky-markle.com](mailto:epansky@pansky-markle.com).*



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# JUDICIAL PROFILE: HONORABLE KRISTI HESTER

by Mary Gilstrap

Ever since she could remember, Judge Kristi Hester wanted to be a lawyer. From the first moment she took a class in college on Prosecutorial Functions at San Diego State, she knew she wanted to be a deputy district attorney.

Judge Hester was raised by her mother, a school principal, having lost her father at age 11. Her mother was the first person in the family to attend college; her grandmother never made it past the third grade. Judge Hester's mother always stressed the importance of schooling. While Judge Hester was considering a career in sports medicine as a young adult, she took criminal justice classes in college and discovered a passion for the law.

By the time that Judge Hester went to Loyola Law School, she was already very familiar with court procedures. She worked for the Los Angeles County District Attorney's office as a paralegal and also worked for the DA's Family Support Division as a Family Support officer. Following graduation from Loyola Law School, she took a job as a deputy district attorney with the Riverside County District Attorney's Office and has never looked back.

She relished her new position as a prosecutor. "It took a minute to get good at the job, but I loved it," Judge Hester said. Known for her drive and work ethic, she spent 13 years as a prosecutor with the DA's office, where she was honored in 2011 with Felony Prosecutor of the Year for the Eastern Region. During her tenure with the District Attorney's Office, she tried 32 cases, of which 17 were felony cases. She loved her job and was good at it.

Despite a demanding career and three young boys, Judge Hester also was active outside the courtroom. She participated in community outreach activities, such as reading to elementary school children as part of the National Read Across America Day and has participated in Youth and Government Day activities, as well as participating in mock trials and the Big Brothers/Big Sisters program. She was also active in professional organizations, including the National Black Prosecutors Association where she was honored for her review of the National Protocol for Sexual Abuse Medical Forensic Examinations.



Hon. Kristi Hester

When a commissioner's position opened up in late 2017, Judge Hester submitted an application "almost on a whim," she said. She was both surprised and very pleased when she was offered the position in early 2018. As a commissioner, Judge Hester sat in the Family Department in Indio, which she enjoyed. "I like dealing with people," she said. "They want to be heard and I like allowing people to have their say." Judge Hester was also grateful for the support and assistance from Commissioner Mickie Reed, also sitting in the Family Law department, with whom she worked closely.

Her assignment was also the perfect training ground for her next position – judge for the Riverside County Superior Court. "I'm a firm believer that things happen for a reason," Judge Hester said with a smile. Judge Hester was appointed to the bench by Governor Gavin Newsom in 2020. Remaining in the Family Law department, Judge Hester liked the dynamics of dealing with the different litigants appearing in front of her. Judge Hester also presided over the Family Preservation Court, which provides substance abuse and family treatment services, including informal diversion programs. She enjoyed this position as well, because she liked feeling that she made a difference in someone's life.

In 2023, Judge Hester was moved to handle the felony vertical calendar at the Larson Justice Center. Judge Hester is married to Commissioner Arthur Hester, a former prosecutor himself, who presides over Department PS4 in Palm Springs. Two judicial officers in the same household isn't such a bad thing – they are both understanding of the other's job pressures, Judge Hester said. They have three boys: ages 8, 10 and 11, and their beloved dog, Bella. The Hester family spend a lot of time with their three children, attending sports practices or ukelele performances (their 8-year-old plays the ukelele!) and taking trips to San Diego.

*Mary E. Gilstrap is a partner of the law firm of Roemer & Harnik LLP and a past president of the Desert Bar Association.*



# OPPOSING COUNSEL: DAVID CANTRELL—THE DISTINGUISHED LITIGATOR

by Betty Fracisco

“For almost twenty years David Cantrell has represented professionals, entrepreneurs and private businesses in Southern California, focusing on providing litigation, pre-litigation and legal advice regarding their business operations,” or so states the website for the Riverside firm of Lester, Cantrell & Kraus, which was founded in 2010. Although David Cantrell devotes a large portion of his practice to the representation of entrepreneurs and privately held businesses, the biggest part of his practice involves the representation of attorneys in disputes arising from their practice. And you might wonder, how does an attorney from a Central Valley town end up in Riverside representing his fellow lawyers in matters involving malpractice, breach of fiduciary duty, fraud, or malicious prosecution? Let’s follow the path of David Cantrell.

David had a pretty idyllic childhood in the Central Valley town of Porterville, where his father was a landscaper for the State Developmental Center (for 30+ years, as were his grandparents) and his mother assembled circuit boards for Beckman. He was an only child until his brother came along when he was six. He has fond memories of a small-town upbringing, riding around on bikes and playing sports with friends. He actually spent two of his summers doing volunteer work.

Eventually he and his friends moved on to Monarche High School, where he continued to play his favorite sport, baseball. He always had a job during school, ranging from gas station work to painting at the Beckman facility. His most memorable job was working on the local newspaper, *The Porterville Recorder*, for a couple years. After graduation he attended Porterville College for two years before majoring in criminal justice administration at San Diego State University. He moved to San Diego and shared an apartment with his high school friend, Tonia. He actually worked full-time for *The San Diego Union-Tribune* (circulation



David Cantrell

and computer reports) while attending school full-time, because he was paying his way through school. His long-range plan was actually to move back to the valley and work in administration at one of the local prisons, which he thought was a reasonable career. However, fate interfered: he came up for jury duty, and an eight-week trial with a lot of time to observe the attorneys, made him think he might want to attend law school. He took the LSAT, applied to law schools, and had a year to wait, so he went to work as a claim’s adjuster for Geico, where the tort process was an “eye opener.” His girlfriend completed her degree in biology.

David next attended Pepperdine Law School, which he described as “a great time” graduating in 2003. During law school he held jobs working twenty to thirty hours a week at several different law firms, learning the basics of personal injury, family law, and general civil litigation and business law. During the summer of 2002, David had a summer clerkship at Lobb & Cliff in Riverside, and at the end of the summer they offered him a position after he passed the Bar. Throughout law school he and his girlfriend lived in West Los Angeles, while she attended dental school at the University of California, Los Angeles.

David passed the Bar the first time and joined Lobb & Cliff. He spent the next three years working mainly on business to business cases and shareholder disputes, which often involved family law. In 2006, Lobb & Cliff hired a new partner from Haight, Brown & Bonesteel, Mark Lester. David had always thought he’d be a transactional attorney, but Mark Lester saw him as a litigator and started mentoring him in that vein. Legal malpractice was Mark’s specialty, and he shared everything he knew with David. He “dove in” and it became his specialty. He liked that his clients, lawyers like himself, knew the process, although the essence of each case, the elements of negligence, the duty and breach, were different every time. He found these cases required

more research to learn the body of law involved in each case and to see whether the error involved damages. Although most of the cases went to mediation, they were more expensive.

The year 2006 was an important year for another reason: in July 2006 David married Tonia, after thirteen years of dating. They had apparently agreed not to get married until after they were finished with school, but they had no idea their educations would be so extended, law school for David and dental school for Tonia, as well as a two-year program in pediatric dentistry in Wisconsin. During this time, David also became active in the Riverside County Bar Association. He was a member of the Leo Deegan Inn of Court, then became involved in the Barristers, serving as president from 2008 to 2010. During those same years he was a member of the RCBA Board of Directors.

David left Lobb and Cliff in 2010 and formed Lester and Cantrell with Mark Lester as Managing Partner. They then hired Matthew Kraus as an associate, and eventually the firm became Lester, Cantrell and Kraus, today a firm with thirteen attorneys. Although their firm has specialty teams for business, real estate,

trucking, construction, and probate, 75% of David's practice is legal malpractice. He enjoys representing lawyers and finds it interesting peeking into the professions of attorneys who do something different. Seeing alleged errors can keep him vigilant, too. He's grateful that Mark Lester brought him into this area of the law and showed him the ropes. David is AV rated and is a Certified Specialist in Legal Malpractice Law by the State Bar Board of Legal Specialization, one of only two in the Inland Empire.

So what does David do in his off-time? He's married to a woman he's known for thirty years, who practices pediatric dentistry in Moreno Valley and Temecula. They have two sons, both of whom are scholar athletes who also play the piano. Jake is a high school freshman and Cooper is almost thirteen. David coached both of them in baseball in their younger days. For now, David has foregone extensive travel, because he knows you only have so many years with your kids, and he wants to spend that time with his family. Sounds like a pretty healthy attitude for a distinguished litigator.

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



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# NOMINEES FOR THE 2023-2024 RCBA BOARD OF DIRECTORS

The Riverside County Bar Association's Nominating Committee has nominated the following members for the 2023-2024 RCBA Board of Directors. The term of each office begins on September 1, 2023. Below are the biographies submitted by each candidate. The election will be conducted by a web based electronic voting system. Please watch your email for voting information. Election results will be announced in June.



**Kelly Moran**  
*President*

As President-Elect for 2022-2023, Kelly Moran will automatically assume the office of president for 2023-2024.



**Mark Easter**  
*President-Elect*

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

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

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

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

transition in how litigation is conducted and legal services overall are provided.



**Megan Demshki**  
*Vice President*

Megan G. Demshki is a partner at Aitken Aitken Cohn in Riverside where she specializes in traumatic personal injury, wrongful death, and medical practice matters. Megan has been active in the Riverside County Bar Association for many years and currently serves as chief financial officer on the RCBA Board of Directors and Riverside County Bar Foundation Board of Directors. She is a past president of the Barristers, the new and young attorney organization of the RCBA. Megan also served as the chair for the RCBA Civil Litigation Section for several years. Megan currently sits on the Steering Committee for the Riverside County Bar Foundation. Megan is a proud graduate of the RCBA's New Attorney Academy, where she now sits as a member of the Steering Committee.

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

Outside of her involvement with the legal community, Megan serves as past president for the Pick Group of Young Professionals, immediate past chair of the Janet Goeske Foundation, and vice president of Community Development for the Magnolia Center Business Council. She is a graduate of the Greater Riverside Chambers of Commerce Leadership Riverside program.

Megan is eager to continue her involvement with the RCBA as vice president by bringing quality opportunities for members of the RCBA to network and form meaningful relationships.

**Elisabeth A. Lord**  
*Chief Financial Officer*



I have been honored to serve our legal community for the past three years as a director-at-large and secretary. I am asking for your support to elect me as CFO. I love being able to participate with my fellow bar members in supporting our legal community and community at large.

I have been part of the Riverside County legal community since 2005. I am a Family Law practitioner and owner of the law firm Lord & Brooker, APC. I received my B.A. from University of California Santa Cruz in Language Studies. I received my J.D. from Santa Clara University and was admitted to the California Bar in December 1999. Prior to moving to Riverside County, I practiced juvenile dependency,

criminal law and family law in Santa Cruz and Santa Clara counties. In 2005, I relocated my family and practice to Riverside County. Since that time, I have been involved in the local legal community serving as president and vice-president of the Mt. San Jacinto Bar Association and as a volunteer mediator to assist the court with resolving family law cases involving self-represented litigants. I have been an active member of the Riverside County Bar Association for many years. I am a regular participant in the Elves program having served as money, wrapping and shopping elf. I participate yearly in our excellent mock trial program by serving as a scorer. I have been a member of the Leo A. Deegan Inn of Court for eight years and currently serve as an Attorney Master. Prior to the pandemic, I served as an attorney mentor for the Youth Court program assisting high school students with presenting the sentencing phase of a case.

Since being elected, I have been an active member on our board. I served in organizing our 2021 Reading Day at Anna Hause Elementary School. I served as a participant to mentor UCR students interested in entering the practice of law. I currently serve as a member of the steering committee for the New Attorney Academy. I look forward to having the opportunity to further serve our community as CFO and would consider it a privilege.

I thank you for your consideration to allow me to continue to serve our great legal community and our community at large as CFO of the Riverside County Bar Association.



**Goushia Farook**  
*Secretary*

It is an absolute honor to have been nominated for the secretary position for the Riverside County Bar Association Board of Directors. I have had the privilege of serving as a director-at-large for the past two terms. Prior to that, I joined the board

as the president of Barristers.

Over these years, I have gained tremendous insight and respect for our bar and the substantial value it brings to our legal community. I would be honored to continue playing an active role on the board and look forward to giving back more to both the board and our community.

I have had the privilege of being president of the Barristers. I currently serve as secretary for the board of Inland Counties Legal Services. I am also on the board for the Leo A. Deegan Inn of Court and I am the current chair for the Family Law Section of the RCBA.

I am currently an attorney at Bratton & Razo in downtown Riverside where I practice exclusively in the area of family law. I have been with Bratton & Razo for three years and could not be happier! To say I have found both my family and my happy place is an understatement! I started practicing in Riverside in 2015 after relocating from San Diego and I immediately fell in love with the Riverside legal community and Bar Association. I knew the RCBA was special when I reached out for help in navigating

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

Despite no longer being a Barrister, I still attend their events as the lifelong friendships I have made through the Barristers organization are some of my most cherished. I have participated in the Elves Program since 2016. I am currently a member of the Leo A. Deegan Inns of Court and have been a member since 2017.

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



**Chris Johnson**  
*Secretary*

As a lawyer for nearly thirty years, Chris has handled transactional and litigation matters in real estate, land development, merger & acquisitions, and overall business governance.

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

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

As secretary, Chris would strive to enhance several facets of the ongoing enterprise:

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

Chris has lived in Temecula with his wife and their two daughters since 2003. Chris and his wife now spend a lot of their

“free” time meeting the needs of their 6-year-old English bulldog “Titus.”



**Alejandro Barraza**  
*Director-at-Large*

Alejandro Barraza is a criminal defense and immigration attorney at Barraza Law, APC. He handles all types of criminal defense cases, with a specialty in defending those with mental health diagnoses, veterans, and non-citizens (no status, legal permanent residents, and/or lawful visa status). With respect to immigration, he helps individuals navigate through our complex and ever-changing immigration system. He represents individuals seeking lawful status through family petitions, u-visa, special immigrant juvenile status, post-conviction relief, and other avenues.

Prior to opening his own practice, Alejandro was very fortunate to have worked at a variety of public defender's offices in Colorado and Southern California. His favorite, obviously, was the Riverside County Public Defender's Office. For the first three years of his practice, Alejandro was extremely fortunate to have worked as a panel attorney for the VMB panel. His favorite memories are working with the amazing attorneys, Riverside University Health Systems Behavioral Health, and judges in the mental health department at the Riverside County Superior Court, Hall of Justice.

Alejandro grew up in Anaheim. He is an avid Angels fan and prays they can develop a pitching staff. Alejandro earned his Bachelor of Arts degree in criminology, law, and society from the University of California, Irvine. He earned his law degree from the University of Colorado, Boulder in 2016.

Alejandro has been an active member in the RCBA since his first days as a young attorney. A fantastic young man, Paul Lin (Criminal Specialist Attorney in Riverside), invited him to a Barrister's event at Heroes. It was the Electoral happy hour, and Alejandro made a pitch to be on the Board. Although he lost, he immediately felt the camaraderie, saw a fun legal community, and an opportunity to learn from amazing people. Since this event, he has been on multiple Barrister's Boards and is currently on this year's Barristers Board. In addition, Alejandro has been on multiple Asian Pacific American Lawyers of the Inland Empire (APALIE) Boards and is currently on this year's APALIE's Board. Also, he is currently on this year's board of the Hispanic Bar of the Inland Empire (HBAIE). The HBAIE is newly founded and is doing amazing things in our community.

Alejandro enjoys spending time with his family, playing soccer, and joining board associations. He enjoys finding ways to give back to the community, especially with others who have the same joy. He would be honored to use his talents on RCBA Board of Directors.



**Malvina Ovanezova**  
*Director-at-Large*

It is an honor to be nominated for a position on the Riverside County Bar Association Board of Directors. If elected, I would be excited to join the RCBA as a director-at-large and further contribute to this Bar Association.

I work for the Law Offices of Schwartz, Godbey & Ovanezova in Riverside where I practice family law, criminal law, and juvenile dependency. I have had the pleasure of working for this office for almost nine years and enjoy working with a great team. While attending law school and for my first year as an attorney, I worked for Riverside Department of Child Support Services where I learned the intricacies of the child support division as it relates to family law.

During my time as an attorney, I have joined the RCBA's Fee Arbitration Program as an arbitrator. I have worked with the Riverside Legal Aid Clinic assisting indigent parties with completing family law documents. In addition, I have been an Educational Rights holder to several local foster youth through the Riverside County Bar Foundation, Project Graduate program. As a court-appointed Educational Rights holder, I have been assisting and supporting numerous foster youth students graduate from high school for last eight years. I am also a member of the Leo A. Deegan Inn of Court. I currently serve as minor's counsel for Riverside and Hemet courthouses. I do this for the sole purpose of providing the court, litigants and their respective attorneys, the child's perspective, and role in the litigation matter. I also volunteer and sit as a pro tem in family, criminal, unlawful detainers, small claims, and traffic matters on a consistent basis.

I participate in all of these special and unique opportunities because I enjoy serving our local and legal communities and believe it is important to give back whenever possible. I am a proud and active member our community and of the Riverside County Bar Association. To serve in the capacity as a director-at-large would allow me to continue contributing and service our legal community.



**James G. Perry**  
*Director-at-Large*

James G. Perry is a trial and litigation attorney with Abir Cohen Treyzon Salo, LLP, with a practice focused on catastrophic injury, wrongful death, products liability, and environmental actions. James received his mechanical engineering degree from Cal Poly Pomona and law degree from University of California, Berkeley, School of Law before spending nearly a decade as a prosecutor. Since transitioning to civil practice in 2021, James continues to help individuals who have experienced life-altering trage-

dies. James handles cases across California, including here in Riverside County where much of his family lives.

James devotes a significant amount of his time mentoring students and young lawyers, particularly in the area of trial advocacy. In addition to being a mock trial coach with Berkeley Law School, James has judged and assisted with various mock trial programs and competitions in Riverside County and the surrounding communities. James' community involvement extends to his membership in the RCBA as well as his service on the Board of the Consumer Attorneys of the Inland Empire (CAOIE).

James and his wife currently live in the Inland Empire where they spend much of their free time with their two dogs and family. James is excited about the opportunity to represent and be an advocate for the Riverside County community through the RCBA and its talented members.



**Jeremiah Raxter**  
*Director-at-Large*

Jeremiah Raxter is the principal attorney at Raxter Law, P.A. which is currently a two-lawyer firm concentrating on all aspects of estate planning, probate, and probate litigation. He has mentored two law clerks that became attorneys that have went on to start their own practices in the Riverside area. In addition to private clients, Jeremiah Raxter represents both the Riverside and San Bernardino Public Administrators. He has practiced all facets of probate law and recently obtained a favorable appellate decision after several years of litigation from the 1st District Court of Appeal. Mr. Raxter serves on the Riverside and San Bernardino Court appointment list and occasionally serves as temporary judge in the areas of probate, traffic, and unlawful detainers.

Jeremiah earned his undergraduate degree from Chapman University and graduated from California Southern Law School where he also spent several years teaching professional responsibility and wills/trusts until the school's closure in 2020. Mr. Raxter has been a member of the Leo A. Deegan Inns of Court for the past three years. Recently, Mr. Raxter has dedicated time to the RCBA by serving as co-chair of the Probate Section and has assisted in planning the monthly meetings.

Mr. Raxter grew up in the Inland Empire and lives in the City of Menifee. Jeremiah is a proud supporter of the Alzheimer's Association and is a volunteer for the local chapter. He is married with one daughter. His wife is a first-grade schoolteacher in the Lake Elsinore area. He is most proud of his daughter who is team captain of her high school girls' wrestling team and wrestles at the CIF level.

If chosen as director-at-large, Jeremiah would strive to encourage the southwest members by planning events both in Riverside and beyond and work to plan engaging well attended bar events that interest both newer and experienced attorneys.

Jeremiah hopes to earn your vote for director-at-large and considers it an honor to serve the members of the RCBA.



**Lauren M. Vogt**  
*Director-at-Large*

Lauren M. Vogt is a trial lawyer at Rizio Lipinsky Law Firm in Riverside where she specializes in traumatic personal injury, wrongful death, and employment matters. Lauren has been active in the Riverside County Bar Association for many years. She is the current president of the Barristers, the new and young attorney organization of the RCBA. As Barristers president Lauren currently sits on the RCBA Board of Directors as well as the Riverside County Bar Foundation Board. Lauren is a proud attendee of the RCBA's New Attorney Academy and has participated as a speaker at the Academy. Lauren also currently serves as secretary of the Consumer Attorneys of the Inland Empire (CAOIE) and will serve as president of the organization in 2024-2025. Lauren is also serves on the Board of Directors for the statewide organization, Consumer Attorneys of California (CAOC) and as director-at-large on the Western San Bernardino County Bar Association board. Lauren is eager to continue her involvement with the RCBA as director-at-large.



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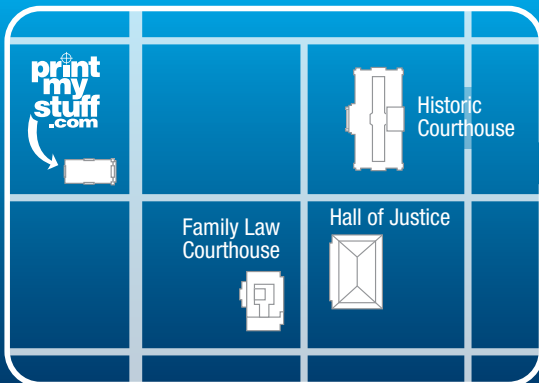
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### Conference Rooms Available

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

### Job Openings at Court of Appeal

The Court of Appeal, Fourth District Division Two, in Riverside is seeking three attorneys, two for the writs department and one for a central staff. The job listings will remain open until filled: Appellate Court Attorney Level D - Senior (Writs Department - 2 positions, Job ID 5818); Senior Appellate Court Attorney (Central Staff - 1 position, Job ID 5817). To obtain more information about these positions and apply, go to [www.courts.ca.gov/careers](http://www.courts.ca.gov/careers).

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## MEMBERSHIP

The following persons have applied for membership in the Riverside County Bar Association. If there are no objections, they will become members effective May 30, 2023.

**Aaron Gray (A)** – The Kaur Gray Group, Riverside

**Lynnell V. Harris** – Inland Counties Legal Services, Riverside

**Claire E. Hurst** – Law Office of Michael R. Young, Redlands

**Justin Powell** – Law Student; Eugene, Oregon

**Maria D. Serrano** – Law Office of Maria Serrano, Fontana

(A) – Designates Affiliate Member



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**TRC**  
EST. 2015

**Saturday**  
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