

VOLUME 73 | NUMBER 9

OCTOBER  
2023

# RIVERSIDE LAWYER

## IN THIS ISSUE

---

**Salem and Its Witches**

**AI and the Legal System**

**Halloween High Jinx of Yesteryear**

**First Year Law School Fright: What They Don't Tell You About**

**The Haunting Web of Halloween and Copyright**

**Halloween and Movie Time**

**The Last Phone Call**

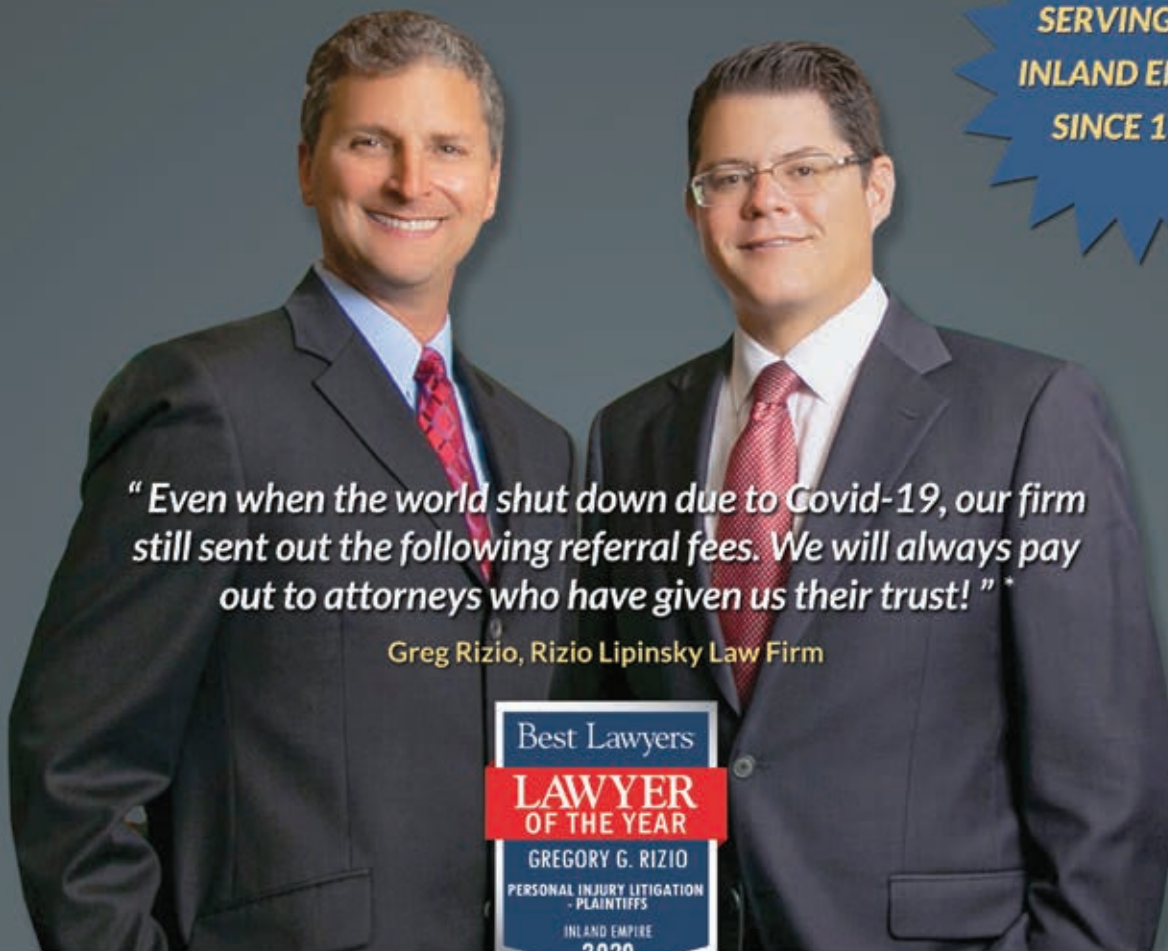


The Official Publication of the  
Riverside County Bar Association



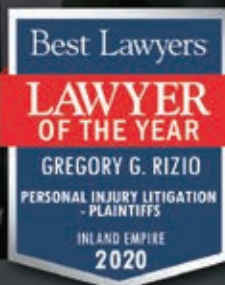
**RIZIO LIPINSKY**  
PERSONAL INJURY & EMPLOYMENT LAWYERS

**SERVING THE  
INLAND EMPIRE  
SINCE 1995**



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

Greg Rizio, Rizio Lipinsky Law Firm



**ACTUAL REFERRAL AMOUNTS PAID DURING COVID-19:\*\***

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

**\$65,000 PAID      \$56,250 PAID**

**\$41,667 PAID**

**888.292.8888**

WITH OFFICES IN  
SAN BERNARDINO, RIVERSIDE, AND ORANGE COUNTY

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



## Publications Committee

Sophia Choi  
Melissa Cushman  
DW Duke  
Abram Feuerstein  
Allan Fong  
Alexandra Fong  
Betty Fracisco  
Andrew Gilliland  
Amy Guldner  
Boyd Jensen  
Megan Kilmer

Robyn Lewis  
Juanita Mantz  
Charlene Nelson  
Wade Pyun  
David Rivera  
Mary Shafizadeh  
Nesa Targhibi  
Gabriel White  
Michelle Wolfe  
Lisa Yang

**Editor** Jacqueline Carey-Wilson

**Design and Production** PrintMyStuff.com (PIP Riverside)

**Cover Design** PrintMyStuff.com

**Cover Image** Examination of a Witch, Tompkins Matteson, 1853

## Officers of the Bar Association

### President

Kelly Moran  
(951) 534-6300  
kmoran@rivco.org

### President-Elect

Mark A. Easter  
(951) 686-1450  
Mark.Easter@bbklaw.com

### Vice President

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

### Chief Financial Officer

Elisabeth A. Lord  
(951) 338-5344  
elisabeth@lbfamilylawyers.com

### Secretary

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

### Past President

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

### Directors-at-Large

Heather Green  
(951) 682-5110  
hgreen@blumenthallawoffices.com

Malvina Ovanezova  
(951) 204-9047  
malvina@mkolegal.com

### Chris Johnson

(951) 695-8700  
cjohnson@rhlaw.com

### Lauren Vogt

(951) 781-6500  
lvogt@riziolawfirm.com

### Executive Director

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

## Officers of the Barristers Association

### President

David P. Rivera  
(909) 844-7397  
drivera@alumni.nd.edu

### Members-at-Large

Alejandro Barraza  
Nolan Kistler  
Sandra Lattouf  
Jack Rafter  
Sharon Ramirez

### President-Elect

Summer DeVore

### Secretary

Priscilla George

### Past President

Lauren Vogt

### Treasurer

Kevin Collins



## RIVERSIDE COUNTY BAR ASSOCIATION

4129 Main Street, Suite 100  
Riverside, California 92501

Phone (951) 682-1015 | Fax (951) 682-0106

rcba@riversidecountybar.com  
www.riversidecountybar.com

# RIVERSIDE LAWYER

MAGAZINE

# Contents

## Columns

- 3 **President's Message**  
*by Kelly Moran*
- 5 **Barristers President's Message**  
*by David P. Rivera*
- 7 **Practicing Responsibly and Ethically  
Dealing with a Malpractice Claim**  
*by David Cantrell and Cole Hegg*

## Cover Stories

- 8 **AI and the Legal System**  
*by James O. Heiting*
- 11 **Halloween High Jinx of Yesteryear**  
*by Chris Jensen*
- 13 **First Year Law School Fright:  
What They Don't Tell You About**  
*by Natalie Diaz and Sarah Sons Sanchez*
- 14 **Salem and Its Witches**  
*by Abram S. Feuerstein*
- 18 **The Haunting Web of Halloween and Copyright**  
*by Maryam Shafizadeh*
- 23 **Halloween and Movie Time**  
*by Juanita E. Mantz*
- 25 **The Last Phone Call**  
*by Jerry D. Mathes*

## Departments

- 2 **Calendar**
- 28 **Membership**
- 28 **Classified Ads**

# CALENDAR

**2** Civil Litigation Roundtable with Hon. Harold Hopp  
Noon - Zoom  
MCLE

**10** Civil Litigation Section Meeting  
Noon - Zoom  
Speaker: Alana Rotter  
Topic: "Laying the Foundation for Appellate Success: Tips for Litigators"  
MCLE

**13** New Attorney Academy  
9:00 am to 4:30 pm - Riverside Historic Courthouse

**General Membership Meeting**  
Noon - RCBA Gabbert Gallery  
Speaker: Kimberly A. Valentine  
Topic: "The Velveteen Rabbit: What is Real?"  
MCLE

**17** Family Law Section Meeting  
Noon - RCBA Gabbert Gallery  
Speaker: TBA

**18** Barristers  
5:30 p.m. - Lake Alice Trading Co.  
Happy Hour - with RCBA, HBAIE,  
RT Fields Bar Association, APALIE

**26** Federal Bar Association - Inland Empire  
Chapter 23rd Annual Constitutional Law Forum  
Noon - Zoom  
Speaker: Erwin Chemerinsky  
MCLE

## NOVEMBER

**3** Estate Planning, Probate & Elder Law Section  
Noon - RCBA Gabbert Gallery  
Speaker/Topic: Questions & Answers with Riverside Court  
Probate Examiners

**6** Civil Litigation Roundtable with  
Hon. Harold Hopp  
Noon - Zoom  
MCLE

### Events Subject To Change

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

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.

## 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 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, Dispute Resolution Service (DRS), Barristers, Leo A. Deegan Inn of Court, Mock Trial, State Bar Conference of Delegates, Bridging the Gap, the RCBA - Riverside Superior Court New Attorney Academy and the Riverside Bar Foundation.

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, Reading Day and other special activities, Continuing Legal Education brown bag lunches and section workshops. RCBA is a certified provider for MCLE programs.

# PRESIDENT'S Message

by Kelly Moran



I have a confession to make. I HATE virtual meetings. Nothing frustrates me more than 8 hours of back-to-back-to-back meetings over TEAMS or Zoom. I despise being stuck in my office chair all day and I desperately miss the times when conversations started in the courtroom hallway then progressed to coffee across the street after the hearing had ended.

Those that know me are not at all surprised by this confession. I have been a staunch advocate for a return to in person General Membership meetings, largely because I believe that a big part of the Bar Association is the ability to “associate” as a group, something that is more difficult to achieve on a virtual platform. I moved our board of directors’ meetings back to the boardroom, firmly believing that you build a stronger bond with your colleagues when you sit across the table from them and really listen to and learn from their points of view. I even opt to make my court appearances in person as often as possible because the opportunity to stand at counsel table is something that we all worked years to achieve, and I personally find it difficult to replicate that same feeling of accomplishment and pride in this profession when I am appearing telephonically in yoga pants from my couch.

All of that being said, what I have learned lately is that as much as I miss in-person meetings and appearances, I really undervalued the new opportunities that virtual meetings provide. Sure, I cannot meet with my opposing counsel for coffee as often, but with Zoom depositions, I have now been introduced to their dogs and two-year olds that wander in during the middle of our meeting. But for technology, I would never have seen my colleagues’ kitchens or interacted with their cats that decided that the top of the keyboard was the perfect place to sit. And without the virtual visits into my world, most people would never know that I put up Christmas trees in my office starting September 1, which involves throwing some

black and orange ornaments on and calling them “Halloween trees” just because it makes me happy to see the decorations every day.

I am guilty of saying that technology is tearing us apart as a culture, but when I stop and think about it, I must ask – Is it possibly giving us the chance to connect in a more personal way? While we may no longer be spending the same **quantity** of time together, there is certainly an argument to be made that the **quality** is better. With virtual meetings allowing us the chance to step into the private lives of others in a more intimate way than ever before, perhaps each meeting can serve as a reminder to recognize the real people on the other side of your argument. It becomes a lot more difficult to see someone as just your opponent when you have watched their pets and children grow over the past three years in the Zoom background. Maybe, just maybe, these virtual gatherings are encouraging us to put a little more humanity and empathy back into everything we do.

With that in mind, I would like to take this opportunity to encourage all of you reading this to consider using technology to help motivate and inspire our local college students over the coming months as a part of the RCBA’s partnership with UCR’s Presley Center of Crime & Justice Studies. This year, we will be hosting two webinars aimed at helping students with an interest in pursuing a career in the law. The first, offered in November, will focus on the process of applying to and entering law school. The second, presented in February, will involve a panel discussion about a “day in the life” of lawyers from multiple practice areas. Additionally, we will be asking RCBA members to participate in 30-minute “coffee break” virtual meetings with UCR students throughout March and April to help answer questions about the legal field on a one-on-one basis. If you are interested in participating in any of these opportunities, please contact Charlene Nelson at the RCBA or feel free to reach out to me directly.

While I am definitely looking forward to interacting with as many of you as possible at in-person events this year, I am grateful for the opportunities that virtual platforms have given us. As we move forward in a more hybrid world, I am going to strive to keep that personal aspect going – to ask about the dog, cat, or toddler I saw in the background; to take some time to follow-up on the vacation I heard about; or to give people a minute to make fun of me and my possibly somewhat premature holiday decorations. Because no matter how the interaction occurs, the best part about the organization is, and always has been, the people that we associate with the Riverside County Bar Association.

*Kelly Moran is a chief deputy with the Riverside County Office of County Counsel.*





*Our family has been providing justice to Inland Empire residents for more than 50 years! It's in our DNA.*

### REFERRAL TO A TRUSTED INLAND EMPIRE INJURY FIRM IS JUST A CALL AWAY

We would be honored to serve you and your client. We are known for obtaining great results, as well as for our unmatched client care and satisfaction.

What's more, we painstakingly track all referrals to ensure prompt and reliable payments to all referring attorneys.\*

CONTACT US AT:

**(909) 297-5001**

[www.justinkinglaw.com](http://www.justinkinglaw.com)

### RECENT REFERRAL FEE PAYMENTS:\*

**\$270,562.70**  
paid Jan 2021

**\$100,000.00**  
paid Jun 2022

**\$30,000.00**  
paid Jul 2020

**\$29,135.50**  
paid Oct 2021

**\$26,400.00**  
paid Dec 2021



8301 Utica Ave, Suite 101  
Rancho Cucamonga, CA 91730

\*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.

# BARRISTERS

## President's Message

by David P. Rivera



### Haunted as a Matter of Law?

Possession is nine-tenths of the law. You've heard it before. But what if we're talking about that other kind of possession?

In Walt Disney Picture's 2023 remake of its Haunted Mansion movie, a single mother and her son come to realize that their newly purchased antebellum mansion isn't quite as empty as they expected. It's downright haunted!<sup>1</sup>

Does mom have any recourse against the seller? Are home-sellers required to disclose their Caspers, Slimers, dementors, supernatural activity, or other stigma? Let's quickly explore the case law, statutes, and other considerations that bear on the answer.

#### I. Notable Case Law on Stigmatized Property

In two notable cases, homebuyers sought rescission of their purchase and sale agreements because sellers did not disclose that their houses were (a) reputed to be haunted, or (b) the site of murder. Both cases distinguished physical from insubstantial defects (apart from legal impairment to use).

In *Stambovsky v. Ackley*, Mr. Stambovsky sought to rescind his contract to purchase Ms. Ackley's house on the grounds that it had a reputation in the community for being haunted—a reputation fostered and perpetuated by Ms. Ackley, including in Reader's Digest, yet unknown to Mr. Stambovsky until just prior to closing.<sup>2</sup> Mr. Stambovsky alleged that he overpaid for a house whose actual value had been diminished by its ghostly reputation.<sup>3</sup> The Appellate Division of the Supreme Court of New York, First Judicial Department, reversed the lower court's dismissal and reinstated the cause of action,<sup>4</sup> noting that "as a matter of law, the house is haunted."<sup>5</sup>

In an opinion rife with humorous ghostly references and commonly known as the "Ghostbusters ruling," the court sidestepped New York's strict adherence to the rule of *caveat emptor*,<sup>6</sup> whereby

the state had previously "impose[d] no duty upon the [seller] to disclose any information concerning the premises."<sup>7</sup>

The court's holding was narrow: nondisclosure is a basis for rescission when a seller creates a condition that materially impairs the value of the subject property, if that condition lies so peculiarly within the knowledge of the seller that a prudent purchaser could not discover it through a practical inspection. Basically, sellers who share with others that their homes are haunted must also tell their buyers.<sup>8</sup> Here, silence all around is golden.

In *Reed v. King*, Ms. Reed sought to rescind her contract to purchase Mr. King's house on the grounds that he and his real estate agent knew, but did not disclose, that it had been the gruesome site of multiple-murder ten years prior.<sup>9</sup> Ms. Reed discovered this fact from neighbors after she moved in, notwithstanding Mr. King having asked them to hold their peace.<sup>10</sup> Ms. Reed alleged that she overpaid for a house whose true value was depressed by an ill-reputed past.<sup>11</sup> The California Court of Appeal for the Third District reversed the trial court's dismissal and reinstated the cause of action.<sup>12</sup>

In its opinion, the court first noted one commentator's conclusion that "the ancient maxim [of] *caveat emptor*... has little or no application to California real estate transactions," a summarization of precedential fallout.<sup>13</sup> California's then-settled law charged sellers with disclosing known or accessible facts materially affecting the value or desirability of property when they were beyond buyers' diligent discovery efforts.<sup>14</sup> However, cases shaping this duty addressed it only in terms of physical property defects and legal impediments to use.<sup>15</sup> *Reed* went a step further, holding that sellers who are aware of facts having a significant and measurable effect on property values must disclose those facts to buyers, even if physical utility is unimpaired.<sup>16</sup> Though unaddressed by *Reed*, hauntings would seemingly fall within its holding as long as they have a quantifiable effect on market value.

*Stambovsky* and *Reed* widened the disclosure doorway to include insubstantial, or intangible, property blemishes that now fall under the descriptive umbrella of stigmatized properties—properties shunned by buyers for reasons other than physical condition. The National Association of Realtors characterizes stigmatized properties as having been psychologically impacted by generally disfavored events or histories, including hauntings, murder, suicide, diseased occupants, and infamous previous owners.<sup>17</sup>

#### II. Legislation on Stigmatized Property

In 1986, California passed stigmatized property legislation in response to *Reed* and similar cases.<sup>18</sup> Under the statute, property sellers are now

1 *Haunted Mansion* (Walt Disney Pictures & Rideback 2023).

2 *Stambovsky v. Ackley*, 572 N.Y.S.2d 672, 674 (N.Y. App. Div. 1991).

3 *Id.*

4 *Id.* at 677.

5 *Id.* at 674 (emphasis added). The court likely meant that, as a matter of law, the house's reputation was haunted, not that the house was truly haunted as a matter of law.

6 "Latin [for] 'let the buyer beware.' A doctrine holding that purchasers buy at their own risk." *Caveat Emptor*, Black's Law Dictionary (9th ed. 20).

7 *Id.* at 675.

8 *Id.* at 676.

9 *Reed v. King*, 193 Cal. Rptr. 130, 131 (Cal. App. 1983).

10 *Id.* at 131.

11 *Id.*

12 *Id.* at 131, 134.

13 *Id.* at 132.

14 *Id.* at 131, 132.

15 *Id.* at 132.

16 *Id.* at 133.

17 Nat'l Ass'n of Realtors, *Stigmatized Properties*, <https://www.nar.realtor/stigmatized-properties> (last visited Sept. 24, 2023).

18 Ronald B. Brown & Thomas H. Turlow III, *Buyers Beware: Statutes Shield Real Estate Brokers and Sellers Who Do Not Disclose That Prop. Are Psych. Tainted*, 49 Okla. L. Rev. 625, 630 (1996).



immune from causes of action arising from a failure to disclose psychological impacts identified in the statute.<sup>19</sup> With respect to death, the statute only excepts disclosure for occupants' deaths predating a purchase offer by more than three years.<sup>20</sup> However, it goes on to clarify that sellers must respond truthfully to direct inquiries concerning any death, regardless of date.<sup>21</sup> This is as close as the statute wanders toward hauntings and paranormal activity, stigmas which are generally tied to the macabre.

At least thirty-six other states and the District of Columbia have addressed stigmatized property by statute. New Jersey, Minnesota, and Massachusetts specifically mention paranormal activity in their disclosure statutes, but none establish an affirmative duty to disclose. New Jersey provides that disclosure is mandated only if a buyer asks about it. And though Minnesota and Massachusetts refer to the supernatural, disclosure is not required at all.<sup>22</sup>

### III. So... There's No Duty to Disclose Hauntings in California?

Given the rules governing disclosure, when must a seller really disclose hauntings or paranormal activity? Liability can be maximally averted by disclosing all known material facts, but the direct answer is a bit unclear. Even so, we can examine how a scenario of nondisclosure would need to play out for liability to attach. A successful plaintiff would need to factually prove (1) a house is indeed haunted, and (2) the haunting negatively impacted the fair market value of the house. No small feat. Or a

<sup>19</sup> *Id.*

<sup>20</sup> Cal. Civ. Proc. Code. § 1710.2(a)(1)(A).

<sup>21</sup> *Id.* § 1710(d).

<sup>22</sup> Matt Reynolds, Can Real Estate Disclosure L. Prot. Buyers from the Supernatural?, ABA JOURNAL (Oct. 28, 2021, 2:47 PM), <https://www.abajournal.com/web/article/can-real-estate-disclosure-laws-protect-buyers-from-the-supernatural>.

court might simply declare—à la *Stambovsky*—that the house is haunted as matter of law.

Happy Halloween!

### IV. Upcoming Events

Please join us for a happy hour on October 18th, 5:30 p.m. at Lake Alice Trading Co. This is a joint event with the Riverside County Bar Association, the Hispanic Bar Association of the Inland Empire, the Asian Pacific American Lawyers of the Inland Empire, and the Richard T. Fields Bar Association. Appetizers will be provided.

### Follow us!

For upcoming events and updates:

Website: [RCBABarristers.com](http://RCBABarristers.com)

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

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

If you have any suggestions as to possible events or activities, or comments on Barristers affairs, please email us at [bar\\_risters@riversidecountybar.com](mailto:bar_risters@riversidecountybar.com).

Contact me directly by email at [drivera@alumni.nd.edu](mailto:drivera@alumni.nd.edu), or by text or phone call at (909) 844-7397. If you are just discovering Barristers and would like to attend one of our events, I am more than happy to meet you at the door and introduce you to our wonderful group. Truly. I look forward to hearing from you!

*David P. Rivera is a solo practitioner of business law in Highland, treasurer of the Hispanic Bar Association of the Inland Empire, treasurer of the Asian Pacific American Lawyers of the Inland Empire, and a member of the RCBA Bar Publications Committee.*

# SOLVING REAL ESTATE CHALLENGES

## WE OFFER BOTH REAL ESTATE & APPRAISAL SERVICES

- Probate
- Bankruptcy
- Expert Witness Testimony
- Family Law Specialty Service
- Title Reports & Planning Property Profiles
- Estate Planning, Foreclosures, Short Sales
- Residential, Commercial, Industrial, Vacant Land
- Retrospective Evaluations, Rental Services, Property Damages
- Moore/Marsden Calculations
- Epstein Credits and Watts Charges

## WHY CHOOSE US?

- Over 35 years of experience in Real Estate
- Licensed Residential Appraiser since 1992
- Short Sales and Foreclosure Resource Certification (SFR)
- Court Appointed 730 Expert for both Real Estate and Appraisals
- Majored in Finance & Real Estate Law at Cal Poly Pomona University
- Real Estate Collaboration Specialist-Divorce (RCS-D) taken at Vanderbilt Law School

CALL US TODAY !

(909-981-6677)

Donald L. Mowery, II

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



MOWERY GROUP  
SOLVING REAL ESTATE CHALLENGES





# Practicing Responsibly and Ethically Dealing with a Malpractice Claim

by David Cantrell and Cole Heggi

Few things haunt lawyers more than the specter of a malpractice claim. If you have the misfortune of receiving a malpractice claim, here are some tips for an optimal outcome.<sup>1</sup>

## **Acknowledge the Claim Immediately.**

The first step is to promptly acknowledge the receipt of the claim. Ignoring the claim will not make it disappear; instead, dragging your feet might exacerbate the situation and make you look negligent.

**Contact your Insurer.** Most attorneys and firms have liability insurance that covers malpractice claims. Once you have been notified of the claim, contact your insurance provider immediately. If you work for a firm, inform your supervising attorney or the firm's managing attorney so that they can notify the insurer. Not doing so could void your coverage.

**Conduct an Internal Review.** Examine the case files, legal documents, and correspondence related to the matter. While it is natural to be defensive, an objective review can help assess the extent of the fault, if any, and can help to identify problems with your firm's internal processes that can be addressed to mitigate future claims.

**Consult with Counsel.** While it may seem counterintuitive, even lawyers need lawyers. Consulting another attorney specializing in legal malpractice claims can offer valuable insights into how to address the claim, what the risks are, and how best to mitigate them. If the claimant has filed suit, your malpractice insurer will most likely assign defense counsel; however, some policies allow you to choose your own defense counsel.

**Take Steps to Stop Representing the Claimant Without Causing Further Harm; Consider Whether Other Clients or Matters Are Impacted.** If the claim is made by a current client, you should consult with your counsel regarding a withdrawal from the representation. You should also consider—or ask your malpractice attorney—whether the claim impacts other clients or matters. For instance, if you represent multiple clients in the same matter that generated the malpractice claim, you may have to obtain their informed consent for

continued representation. In such a case, you should also review your case file and separate the other clients' documents and communications from the claimants', as these might be protected from being disclosed to the claimant.

**Consider Settlement Options.** After you or your counsel have assessed the merit of the claim, consider the possibility of a settlement. Sometimes, an amicable and quick settlement can be more economical and less damaging to one's reputation than a prolonged court battle. Be sure to abide by Rule of Professional Conduct 1.8.8(b) when you pursue a settlement with a former client.

**Cooperate with Your Defense.** If the claim goes to court, actively cooperate with your defense team. Your input is valuable in framing defenses and pointing out factual or legal inaccuracies in the plaintiff's case. (You will almost always have a deeper knowledge of your own practice area than your defense counsel, your input will often be appreciated!) Don't hide evidence from your counsel. Be truthful.

**Learn and Adapt.** Regardless of the outcome, it's crucial to learn from the experience of a malpractice claim. Mistakes, however unfortunate, can serve as lessons. Update your firm's best practices, improve client communication, and take steps to ensure that similar claims do not recur.

In conclusion, handling a malpractice claim is a serious responsibility that must be approached strategically and ethically. Prompt action, consultation with experts, and cooperation with your insurance provider are critical. Being faced with a malpractice claim is challenging, but meticulous handling can limit the damage and serve as an educational experience for future legal practice.

---

*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.*

<sup>1</sup> This article discusses what to do *after* a client makes a malpractice claim against you. If you have handled a matter in a way that might generate a *future* malpractice claim, consult counsel with experience in this area to determine how best to proceed.



# AI and the Legal System

by James O. Heiting

A couple of weeks ago, I embarked on a seemingly simple project to investigate the trending field of artificial intelligence (AI) and write an article on how it has and/or will affect the legal system. After reading about machine learning, deep learning, strong and weak black boxes, and even something called Roko's Basilisk (which apparently means that I may now be doomed to death at the hands of some future AI algorithm), it has become clear that this assignment is anything but simple.

First, what is AI? It is the generic term for "Artificial Intelligence" that has been defined as the simulation of human intelligence processes by computer systems. As an example, the automated teller machine at the bank uses programmed intelligence to take your deposit or give you funds from your account, depending on your instructions. "Machine learning" is different. Machine learning is a subset of AI that Microsoft defines as "the process of using mathematical models of data to help a computer learn without direct instruction." Examples would include a computer program that predicted which team would win a football game based on their respective season statistics.

"Deep learning" is defined by Amazon as "a method in artificial intelligence (AI) that teaches computers to process data in a way that is inspired by the human brain." This form of AI learns from its prior experiences, allegedly in a similar manner as humans. Because of this, it can obtain and process information independent of its human creators, and largely uncontrolled by them. It is this form of AI that persons warning of a dystopian future decry, and that is so spooky. Think *Terminator* or "HAL" in the movie *2001, A Space Odyssey*.

"Black boxes" refer to the ability to understand how an AI algorithm has made its decisions. If the black box is "strong," that decision making process is opaque to humans, and cannot be analyzed. If it is "weak," the decision-making process is subject to at least some human analysis. And for Roko's Basilisk, you can read about that later, if you dare.

So why should this concern the average litigator? Well, if you practice criminal law, the judge you are in front of may be using an AI program in sentencing. Some of those programs are alleged to have built-in racial biases that punish some defendants more severely than their similarly situated counterparts (white v. people of color; male v. female; etc.) If you practice insurance bad faith, or even medical insurance or personal injury matters, you should be aware that AI is used to determine whether specific medical tests, procedures or treatments will be authorized, frequently without further review by an adjuster. And AI algorithms are being used with increased frequency in diagnosing medical conditions, as well as in determining the nature and extent of medical injuries or conditions.

Racial and other bias again becomes an issue with some studies showing that some patients are given different (or less) care than others with the same condition.

Within the civil law realm, medical malpractice is a particularly interesting area for AI speculation. The majority of current AI involvement in medicine relates to diagnosing medical conditions, particularly with regard to radiology. Currently, as far as I can tell, the algorithms are typically used to enhance CT scans, MRIs or X-rays so physicians may "better interpret the results." But some countries, particularly China, are developing algorithms that actually read and interpret the scan without physician review. Well, what could you expect? Is this the future of American radiology? It very possibly is, since healthcare providers and insurance carriers will constantly seek "improvements" and new innovative methods and programs. Each "improvement" will build on others until the conclusion is reached that the machine is more capable of reading and interpreting an X-ray or CT scan than the human, with a massive database of information at its command; and use of the machine is more profitable than a radiologist performing the same task (and we will still look for the next improvement, the next patentable idea, the next program).

We must recognize, in the course of our present post-industrial era, where mobile phones and computers are ubiquitous, computers and algorithms are not infallible. Just look at the collisions and deaths resulting from so-called self-driving automobiles to prove the point, although there are countless other examples.

AI begins right at the start - promising to deliver personalized care, with better outcomes. Not mentioned: "Better outcome" may well be geared for the company, not the patient. AI may just do the opposite for the patient, spitting out recommendations that fail to adjust for individual circumstances and needs.

So, what will happen if an AI algorithm diagnoses a patient with cancer, and that client begins a recommended course of chemotherapy and radiation, only to later find that he/she was actually cancer free all along? Should the patient so injured, physically and emotionally, sue his/her: doctor, medical facility, and/or the entity that owned the computer used in the diagnosis? What about the company(ies) that programmed the algorithm, or input the information, or contributed in some other manner? Who do we sue? Where does fault lie? Is there a "reasonable computer defense?" A real question is how are you, the plaintiff's attorney, going to prove negligence if it is hidden behind a strong black box that is incapable of being reverse-engineered to determine how the machine arrived at the diagnosis? With a human doctor, you would take his deposition and obtain his treatment notes and records.



With the computer, machine, algorithm, or whatever you want to call it, those options are off the table. Is re-engineering or reverse-engineering an option? If so, what is the budget on that one? Great new areas of expertise will arise.

A possible answer would be to pursue the matter under the doctrine similar to *res ipsa loquitur*. In asserting this doctrine, a plaintiff must establish that the harm ordinarily would not have happened unless someone was negligent; that the harm occurred (in a malpractice case) while the plaintiff was under the care and control of the healthcare provider; and that the plaintiff's voluntary actions did not cause or contribute to the event[s].

In our hypothetical, does *res ipsa loquitur* apply? Even accepting that the misdiagnosis of cancer would not ordinarily occur without negligence, would a defendant argue that use of the word "someone" denotes a human being, not AI? The court would probably neutralize that agreement by interpreting the first element to mean that the harm would not have occurred in the absence of negligence, leaving out "someone." That negligence could be the simple act of the healthcare provider making the decision to utilize AI to make the diagnosis without the assistance of a human physician for confirmation. Or it may be that there are claims of input errors by staff; physician negligence by failing to include some type of information; or not second-guessing the machine; or...use your imagination. Courts may also determine that the owner of the facility treating the patient was negligent, allowing for the application of a similar doctrine. The successful application of *res ipsa loquitur* "simply" results in a rebuttable presumption of the defendant's negligence. But there will be nothing here that is simple.

Another option is to turn to product liability law as a basis for liability, specifically the doctrine of strict liability in tort. In *Soule v. General Motors Corporation* (1994) 8 Cal.4th 548 at 560, the California Supreme Court describes when strict liability applies, saying: "A manufacturer, distributor, or retailer is liable in tort if a defect in the manufacture or design of its product causes injury while the product is being used in a reasonably foreseeable way." The question then becomes whether the AI had a "defect" in its manufacture or design, or input, and whether it was used for its intended purpose. What if it is proven as a tool to diagnose one condition, but used to diagnose another condition that seems, using all information and reasonable thinking, to be a good and proper fit? Will there be liability if the patient is harmed? If so, who is liable?

Under our hypothetical, the AI would have, presumably, been developed and marketed as being capable of diagnosing patients without input from a physician. Does this imply a 100% success rate? Probably not. The standard line from the defense in medical malpractice cases is that "this occurs in 1% of the cases even without any negligence." Does a single failure to properly diagnose a patient render the AI defective and unreasonably dangerous, or would there need to be multiple instances of failure? If so, how many? What type? Over what period? If the AI is contained within a strong black box (which for now cannot be evaluated through reverse-engineering), should the burden of producing evidence shift

to the manufacturer to show that the AI is not defective? These issues, and many more, no doubt, are on the horizon.

Even if the plaintiff is allowed to proceed with a strict liability claim against the manufacturer of the AI, will damages be limited by California's MICRA statute? The MICRA statutes apply in a professional negligence action against a healthcare provider. A "healthcare provider" is defined in Business and Professions Code section 6146(c)(2) as "any person licensed or certified pursuant to Division 2 (commencing with Section 500), or licensed pursuant to the Osteopathic Initiative Act, or the Chiropractic Initiative Act, or licensed pursuant to Chapter 2.5 (commencing with Section 1440) of Division 2 of the Health and Safety Code; and any clinic, health dispensary, or health facility, licensed pursuant to Division 2." Under this definition, the manufacturer of the diagnosing AI seems not to fall under MICRA since it is not listed within the definition of a healthcare provider. However, cases have limited damages to MICRA limits when faulty hardware or instruments are used in the case.

"Elderly people who spent their lives paying into Medicare, and are now facing amputation, fast spreading cancers, and other devastating diagnoses, are left [with a denial of services and are required] to either pay for their care themselves or get by without it." [citation]

"We take patients who are going to die of their diseases within a 3-month period of time, force them into a denial and appeals process that lasts up to 2.5 years," Chris Comfort, Chief Operating Officer of Calvary Hospital, at palliative and hospice facilities in the Bronx, New York, said of Medicare Advantage. "So what happens is the appeal outlasts the beneficiary."

The number of issues waiting for us in the world of AI law is immense, and well beyond the scope of this, or any, article to fully explore. It is imperative that attorneys must start thinking in this direction and conduct their own investigation and analysis of issues, and determine how they plan to approach the benefits and detriments of AI. It will invade every aspect of our lives.

Lawyers are currently struggling with these issues and proper methods of discovery and use of experts, which, admittedly, are in an embryonic stage. But it requires attention now. It is almost here.

Many futurists, and now others, believe that exponential increases in computing power will cause "singularity" to happen very soon — within the next 50 years or so. The singularity is, "the hypothesized future point at which computing power becomes so great that superhuman artificial intelligence becomes possible, as does the capability to simulate human minds, upload minds onto computers, and more or less allow a computer to simulate life itself." Yudkowsky goes further and says, "if you don't sign-up your kids for cryonics then you are a lousy parent."

Now, for Roko's Basilisk. I feel compelled to advise you that, according to one author at least, just by reading about this issue, you may be marked for torture and death.

Slate magazine, in a 2014 edition, described Roko's Basilisk as "an evil, godlike form of artificial intelligence, so dangerous that if you see it, or even think about it too hard, you will spend the rest of eternity screaming in its torture chamber." Because you now know about the AI, but do nothing to bring it into existence, the program/machine will resent your knowledge and refusal to assist, even if you should die before it comes into existence. (You see, Roko's Basilisk would even be able to raise you from the dead and commence torture.) So if you read this, or ever take a coding class, you may want to cover yourself by assisting in the creation of some benevolent AI system (that, you should be aware, might at some unidentified point in the future, decide to control the world and punish those who did not assist in its efforts.)

*James O. Heiting of Heiting and Irwin, was president of the State Bar of California in 2005-2006 and president of the RCBA in 1996.*



Don Cripe

ARBITRATOR/REFEREE/SPECIAL MASTER



FORMALLY TRAINED - 25 YEARS EXPERIENCE -  
JUDICIAL TRAINING AND EXPERIENCE -  
EXPERIENCED IN ONLINE PROCESSES

AFFORDABLE FEES

DONCRIPE@CAMSMEDIATION.COM

**(909) 864-5156**

OR (951) 267-1776

WWW.CAMSMEDIATION.COM

**Barry Lee O'Connor & Associates**  
A PROFESSIONAL LAW CORPORATION

REPRESENTING LANDLORDS EXCLUSIVELY  
UNLAWFUL DETAINERS/  
BANKRUPTCY MATTERS

**951-689-9644**

951-352-2325 FAX

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

**Need Confidential Help?**

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

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

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

ONE FOCUS.  
ONE PRACTICE.  
**IMMIGRATION LAW.**

OFFICES IN ARIZONA, CALIFORNIA, UTAH AND IDAHO

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



**KELLY S. O'REILLY**

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

**W&O'**

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

**(951) 787-0010**

3550 VINE STREET, STE 208 RIVERSIDE, CA 92507



# Halloween High Jinx of Yesteryear

by Chris Jensen

Riverside's Halloween of 100 years ago was not, at first glance, much different than today. For instance, in 1919 the Y.W.C.A. hosted a haunted house. Costumes were encouraged for the tour through rooms decorated and darkened, lights strategically placed amongst paper to shroud "witches, black cats, bats and owls" while "spooky ghosts" peered through at the unsuspected. After the tour there was "bobbing for apples" and "fortune telling."

Church groups hosted "Halloween pranks" at social gatherings, including such as "pinning the tail on the cat."

Hay rides were hosted with a dance hall as the destination for revelry, including "refreshments consisting of hot chocolate, pumpkin pie, and doughnuts being served."

But "Halloween Pranks" were not always that "G" rated vision of the Gilded Age through the roaring Twenties.

As early as 1898, *The Enterprise*, one of Riverside's earlier newspapers, reported Halloween pranks resulted in many broken wagons and trash found in the Riverside Canal. Road and business signs were found quite misplaced and many fences laid to the ground. In fact, it was reported some went too far by placing obstructions in the middle of un-lit streets with the obvious intention of wreaking havoc on the unsuspected. Such mayhem continued to be reported for the next few decades.

A favorite Halloween prank was to pull fire alarms, causing the city fire department to waste the night chasing fictitious fires. Horse drawn carts were mysteriously overturned throughout town. Many wagons were found the morning after any particular Halloween void of wheels and sometimes axels. Potted plants disappeared from porches. Sometimes, the plants were found elsewhere around town.

One year it was reported a house was severely damaged by pranksters who shoved a water hose through the front door mail slot and then turned on the water. The flood was not discovered for hours resulting in excess damage.

Another tale reported was a strategic conspiracy of multiple trouble makers. The prank started with a young lad, who, in the early morning hours, knocked on the door of a community farmer. The farmer was told, while still in a sleepy daze, his milk cow was out in the neighboring corn field. The lad had a few of his cohorts strategically hidden in the field amongst the tall corn stalks, each with a cow bell. One of the conspirators would lightly ring a cow bell causing the farmer to dash in the direction of the runaway Bessie. When the farmer was just about on the discovery of his prized "cow," another conspirator hiding elsewhere in the field would ring a bell. This ruse would continue until the farmer was exhausted.

These "Halloween Pranks" were not isolated to Riverside. *The Enterprise* reported in 1910, that Ontario School District suspended 22 high school boys for such mean spirited pranks.

In 1911, Riverside learned of an attempted preemptive strike by the Los Angeles Police Chief. The Chief sternly admonished the public against such Halloween high jinx. He told all that plain clothes police officers were out in force to capture such scofflaws. Citizens were reminded of the Los Angeles' law against wearing masks or "false faces" (probably a throwback law to the armed robberies by the banditos of yesteryear). To make his point clear, the Chief outlined that pranks not tolerated were the tearing down of fences, carrying away gates, throwing garbage on porches, and discharging firearms and other loud noise devices.

One of our early RCBA presidents foisted one "Halloween prank." On Halloween night of 1920, Lyman Evans (RCBA president 1916) saved the day by removing a large boxed plant from the 14th Street railcar tracks. While Evans was clearing the tracks for rail traffic, a soldier from March Field chased down the boys involved, and apparently caught them. Jail time was sought.

Riverside leaders of the time were informally polled, or interviewed, as to how they celebrated Halloween. Most, attorneys, councilmen and the like recalled conducting pranks which they now didn't appreciate, except the Mission Inn founder, Frank Miller, who denied ever doing such because he had more important tasks at hand. Apparently, Frank's brother, Ed, was the family prankster who, even in his later years, was known to appreciate a good "one."

Except for technology, not much ever changes. Our youth still undertake pranks, Halloween celebrations continue, Haunted Houses are still attended, and we report about the problems in the day after the High Jinx.

*Chris Jensen, Of Counsel in the firm of Reid and Hellyer, is president of RCBA Dispute Resolution Service, Inc. Board of Directors and chair of the RCBA History Committee.*



## LAWYER REFERRAL SERVICE of the Riverside County Bar Association

How often do you get a call from a prospective client with a legal need that falls outside your area of practice?  
You need a resource to quickly refer that caller to a qualified and reputable attorney.

The LRS has been providing referrals  
to the community since 1968.  
**(951) 682-7520 or (760) 568-5555**



**INLAND EMPIRE'S  
PREMIER  
SERIOUS INJURY &  
WRONGFUL  
DEATH LAW FIRM**



**CONTACT FOR  
FREE CONSULTATION**

893 E. Brier Drive, San Bernardino, CA 92408

IE: (909) 890-1000 OC: (949) 922-8690

Toll Free: (877) 611-1529

**[www.wshapiro.com](http://www.wshapiro.com)**





# First Year Law School Fright: What They Don't Tell You About

by Natalie Diaz and Sarah Sons Sanchez

The first few weeks of law school are a whirlwind of orientation sessions, meeting new classmates, and trying to decipher legal jargon. The unfamiliar surroundings, the intimidating professors, and the sheer volume of information to absorb is enough to make anyone's head spin. Nothing can truly prepare you for what to expect in your first year of law school. To put it lightly, it felt like being thrown into the deep end without knowing how to swim. Your friends, family, and mentors share chronicles of late-night study sessions, tales of tragic cold-calls, and the intensity of the curriculum. But amidst the law school horror stories, there is also an undeniable sense of excitement and anticipation in the uncertainty. Now embarking on our final year of law school, we look back to ourselves as first year law students and share with you the things we wish someone would have shared with us and offering some tips for the future.

## Your Classmates Are Not Your Competition

Law school is more than just hitting the books; it's about cultivating relationships too. Law school grading consists of the dreaded curve system. This system encourages a competitive environment and can become toxic. While this is supported by tales of the law school curve in outdated movies, depicting people studying alone, and tearing pages out of textbooks, your classmates are not your competition. They will be your friends, opposing counsel, or even your colleagues one day. Remember that law school is a demanding environment for everyone. It is not easy to get through it alone. The best thing you can do is uplift those around you. You are your only competition. This remains true both pre-bar and post-bar.

## It's Okay to Get a Full Night's Sleep

You will hear your peers boast about not sleeping more than four hours a night, so they can study and be top of the class. You will have the urge to do the same- but don't. Everyone is different, you will not fall behind because you got a full night's sleep. The beginning of law school fosters an environment that can easily burn you out. But law school is not a sprint. And you have to take care of yourself. So put down the textbook and get some sleep. I promise it will still be there in the morning. Remind yourself of this in your first year of law practice and even more as the years go on. The work will always be there.

## You Are Not Alone

Yes, law school can be intimidating. From the infamous Socratic method to the pressures to excel, your fears will creep in. But here's the secret: everyone feels scared! It's natural to have moments of self-doubt or questioning whether you belong. Remember that success is born from pushing through those fears. Always and forever.

## Remember to Live Outside of Law School

It is incredibly easy to be all-consumed by the workload and intensity of law school. But do not lose sight of life outside law school walls. Neglecting your self-care and hobbies will inevitably lead to burnout. Don't forget to take breaks, pursue passions outside academia, and maintain meaningful connections with your friends, family, and loved ones. As each year passes, law school gets easier and so does striking a school-life balance. Remember to give yourself grace, now and later when the stresses of being an attorney can get even greater.

## Yes, You Do Belong

Perhaps one of the hardest, but most common law school experiences is facing imposter syndrome – that lingering doubt in your abilities as you question whether you truly belong there. Having these self-doubt moments is entirely normal. Remember that this feeling affects many individuals at some point in their academic journey. Trust yourself and celebrate every small victory along the way; they are proof of your capability. You are meant to be here. This mantra will help you throughout your life, first as a law student and then later, as a lawyer.

## Find Your People

One of the most crucial aspects of starting law school is often overlooked – the value of building your village. Law school can be a challenging and isolating experience, especially for those who are first-generation law students. You have to be willing to seek out support. Professors, peers, mentors, and other members of the legal community can help you navigate the difficulties of adjusting to law school. More importantly, they understand. As important as it is to have a life outside of law school, it is important to have a village that knows exactly what you are going through and can lend an ear when, inevitably, you have had a rough day. Find your people and keep them close. Again, you can use this idea both during law school and later in your life as an attorney.

While the first year of law school may be the spookiest season thus far, embrace it in all of its dimensions – both the thrilling and spine-tingling ones. Face the first year fears and the rest of life head-on and know that with dedication, perseverance, and self-belief, nothing can stand in your way.

---

*Natalie Diaz is in her third year at Southwestern Law School and she is a certified law clerk at the Law Offices of the Riverside County Public Defender.*

---

*Sarah Sons Sanchez is in her third year at Chapman University, Fowler School of Law and she is a certified law clerk at the Law Offices of the Riverside County Public Defender.*



# Salem And Its Witches

by Abram S. Feuerstein



Witch PEZ dispensers on sale at a local grocery store

At one point during the summer of 1692, the sky above Salem, Massachusetts must have been so crowded by people accused of flying around on poles and sticks that it resembled the Long Island Expressway at rush hour. Pre-pandemic. Jails overflowed as neighbors accused neighbors, and family members accused each other, of witchcraft. The court system could not keep pace with the volume of arrest warrants. And, by the fall of 1692 when the crisis ended – nearly as suddenly as it had begun –

19 women and men had been hanged, two dogs executed, several prisoners died in custody, and an old man who refused to stand trial crushed to death by stones.<sup>1</sup>

Today, the commercialism associated with Salem and its month-long celebration of Halloween tend to take center stage in our thinking about the events in 1692.<sup>2</sup> Older tourists might point out to their kids the statue of Elizabeth Montgomery, the actress who played Samantha from the *Bewitched* T.V. series (1964-72) and who, with a twitch of her nose, could block her mother from interfering in the mortal life her husband, Darrin, imposed on the mixed heritage family. Or walking on a Salem street you might hear: "There's the store that sells broomsticks. How are we going to get it back on the plane?" High school sports jerseys proudly display the school's witch mascot. And an earnest online review of one of the biggest tourist traps in the world, the Salem Witch Museum,<sup>3</sup> notes that although

the gift shop is "decent," the Witch City Mall has a "wider selection of souvenirs and mementos."

Tourist attractions aside, the 1692 Salem crisis itself is an industry that has fascinated historians and yielded hundreds of books attempting to explain how it all could have happened – how one of the most educated citizenries in the world to that date could put to death so many innocent people. Yet, for something so well studied, so much remains unknown. Worse, still, as historian Stacy Schiff observes, if you spend so much scholarly time seeking answers to your questions about Salem 1692, you start seeing things that are not necessarily there.<sup>4</sup>



Plush pillows of a witch and a devil on a shelf at a local store.

## What is a Witch?

Witches certainly were not unknown to Massachusetts. What was a witch? According to a seemingly universal definition by Joseph Glanville, a 17th Century English academician, a witch "is one who can do or seems to do strange things, beyond the known power of art and ordinary nature, by virtue of a confederacy with evil spirits."<sup>5</sup> Even if one had not experienced witches firsthand, witches and the devil to the 17th Century Puritan mind were as real as the computer on which this article is being typed. In a pre-germ theory world, if a cow died suddenly, a woman lost her pregnancy, or a fire destroyed a home, clearly the devil and his confederates were to blame.<sup>6</sup> The Old Testament had commanded that "Thou shalt not suffer a witch to live."<sup>7</sup> Yet, in the 70 years prior to 1692, only six people in Massachusetts had been executed for witchcraft, a capital crime.<sup>8</sup> So, why were the conditions particularly ripe in late 17th century New England for witches to re-emerge and

*Salem Witch Museum was, 65 countries in 2016.*

4 Schiff, p. 397

5 Quoted at Schiff, p. 60.

6 See Norton, p. 6

7 See Schiff, p. 63, noting that there is some debate as to whether the term "witch" in Hebrew refers to a "poisoner."

8 Schiff, p. 69.

1 The old man, Giles Corey, holds the distinction of being the only person sentenced to and pressed to death in American history. Stacy Schiff, *The Witches: Salem, 1692*, pp. 315-16 (Little Brown 2015) (hereafter, "Schiff"). And, notwithstanding popular misconceptions, no witches were burned in Salem. Schiff, p. 3. The author has relied heavily on Schiff's well written and researched work in this article, together with the more rigorous and scholarly, *In the Devil's Snare: The Salem Witchcraft Crisis of 1692* (Vintage 2003), by Mary Beth Norton (hereafter, "Norton").

2 Each Halloween, as many as 250,000 tourists visit Salem for an event called "Haunted Happenings," with revelers dressed as zombies and witches. See Christine Woodside, "The Site of the Salem Witch Trial Hangings Finally has a Memorial," July 13, 2017, *Smithsonian Magazine*, retrieved at <https://www.smithsonianmag.com/history/site-salem-witch-trial-hangings-finally-has-memorial-1864049/>.

3 On a summer trip in 1973 or so, the author's family took a car trip from Brooklyn, New York to Salem and visited the Salem Witch Museum, which had only recently opened. Based on online reviews, the museum remains every bit the tourist trap that it was fifty years ago. Indeed, a recent report rated the museum as the world's second biggest tourist trap, only outranked by Arizona's Four Corners Monument. See David Cifarelli, "USA Today names Salem Witch Museum second biggest tourist trap worldwide", September 6, 2023, retrieved at: <https://www.masslive.com/entertainment/2023/usa-today-names-salem-witch-museum-second-biggest-tourist-trap-worldwide.html#:~:text=The%20>

become part of the landscape, causing what Schiff calls "America's tiny reign of terror"?<sup>9</sup>

The winter of 1692 had been a particularly cold and harsh one. The Bay Colony's governmental structures had been weakened since the revocation of its charter in 1684. The relationship between Salem Village (now Danvers, MA) where the initial witch craze emerged and Salem Town, the commerce center, were strained. A second major war with the Indians (and French), known as King William's War, raged throughout Maine and New Hampshire, and Salem in Essex County, Massachusetts was near its frontier. The two wars were the most brutal ever fought on American soil (the Civil War included), with once flourishing communities devastated and terrorized refugees fleeing towards Salem.<sup>10</sup> Defeats by colonial forces needed an explanation – natural or supernatural – if not a scapegoat. Finally, if anyone could do battle with the devil, New England's Puritans, a chosen people who devoted their lives to religion, believed uniquely they could conduct a holy war to hunt out and eradicate him from Massachusetts, where the devil was hated the most.<sup>11</sup>

## The Afflicted Girls

The witch hunters would have their chance starting in February 1692, when a couple of pre-adolescent girls in the home of Salem Village's minister, Samuel Parris, inexplicably began convulsing, twisting themselves into pretzels, jumping around the household furniture, and even barking like dogs. An eyewitness later wrote that the "sadly afflicted" girls were "bitten and pinched by invisible agents; their arms, necks, and backs turned this way and that way, and returned back again, so as it was impossible for them to do of themselves, and the power of any Epileptick Fits, or nature Disease to effect."<sup>12</sup> The account continued: "Sometimes they were taken dumb, their mouths stopped, their throats choaked, their limbs wracked and tormented so as might move an heart of stone, to sympathize with them."<sup>13</sup>

After a few weeks, Salem Village's only physician, William Griggs, armed with a medical bag filled with nostrums that, who knows, might have included "eyes of newts and toes of frogs,"<sup>14</sup> examined the girls, but could only conclude that they were "under an evil hand."<sup>15</sup> When fasting and prayer did not cure their condition, a neighbor suggested to Tituba, an Indian slave in Parris' household, that they treat the girls with another form of magic.<sup>16</sup> This involved making a witchcake, a baked mixture of the children's urine and rye meal, and feeding it to the family dog. Somehow, this was supposed to help identify the witch.<sup>17</sup> The girls identified Tituba. And soon others. And soon other girls became afflicted. And they named names, too.

Were the afflicted girls faking it? Did they enjoy the attention they were getting? Were they suffering from

some form of food poisoning, possibly convulsive ergotism resulting from ingesting bread made from fungal-infected rye grain, as some scholars have argued?<sup>18</sup> Did the Puritan life of endless work and endless doctrine overtax young nervous systems and create a hysteria of sorts, or in more modern terms, "conversion disorder" that manifested itself in the strange physical symptoms.<sup>19</sup> Did stories of the horrors described by war refugees create unimaginable fear? More than 325 years later we are unable to read the minds of the afflicted girls but whatever the explanation, Salem's elders believed in the girls' bewitched or possessed condition, and their accusations assumed "oracular" significance (representing what Schiff notes is one of the few times in history "with the exception of Joan of Arc and a few underage sovereigns" when young women dominated the narrative).<sup>20</sup>

Formal charges against the accused followed. But the crisis really got going when, under questioning by magistrates in front of a large meeting house audience and in a gripping, elaborate account, Tituba confessed to harming the girls at the instance of a tall man (i.e., the devil) who had threatened to kill her if she did not follow his instructions.<sup>21</sup> Soon, Tituba's tale became more comprehensive and included flights through the air ("I ride on a stick or pole"), multiple visions of the devil in the form of animals, and requests by the devil that she sign his book in blood while noting that she had seen nine marks by others in the same book.<sup>22</sup>

Tituba's confession provided fuel for the zealous witch-hunting that followed, and by the end of May 1692 at least 60 suspected witches filled the local jails.<sup>23</sup> The accused were not just from Salem, but from an ever-expanding geographic area encompassing most of Essex County. To deal with the overcrowded conditions and try the growing number of cases, the colony's governor established a special court, a Court of Oyer and Terminer (literally, "to hear and determine").<sup>24</sup> He then appointed nine of the region's most prominent and respected citizens to preside over the Court. The Court in turn empaneled a jury.

## A Courtroom Drama

The Salem story then transforms itself during the summer of 1692 into a courtroom drama. The well-organized 3-Volume *Salem Witchcraft Papers*, a compilation of indictments, pre-trial proceedings, arrest warrants, and confessions, demonstrate the efficiency with which the court operated.<sup>25</sup> The accused did not have legal

9 Schiff, p. 5.

10 Norton, p. 11.

11 Schiff, p. 73.

12 Norton, pp. 18-19, quoting the Reverend John Hale's 1702 work, *A Modest Enquiry into the Nature of Witchcraft*.

13 *Id.*

14 See Schiff, p. 23 (noting that a basic medical kit would have looked little different from an ancient Greek one).

15 Norton, p. 19.

16 Norton, p. 20; Schiff, pp. 26-27.

17 Schiff, p. 26

18 Norton, pp. 4, 337. Of note, the drug LSD derives from ergot. Norton observes that explanations of the afflicted girls' convulsions and hallucinations brought on by ergotism largely have been debunked.

19 Schiff, pp. 386-88.

20 Schiff, p. 131. For her part Norton, a pioneer in the study of women's history in the Colonial period and the first woman to obtain a job in Cornell's history department, observes that "as in no other event in American history until the rise of the women's rights movement in the nineteenth century, women took center stage at Salem: they were the major instigators and victims of a remarkable public spectacle." Norton, p. 4.

21 See Schiff, pp. 53-55.

22 Schiff, pp. 55-58.

23 Schiff, p.181.

24 Schiff, pp. 181-182.

25 See <https://saalem.lib.virginia.edu/category/swp.html>.



counsel; their guilt seems to have been assumed.<sup>26</sup> Trials were short. The afflicted girls were paraded into the court and through their fits and contortions testified that they were being subjected to torture by the accused. The court ordered physical examinations of accused witches and admitted evidence of their witches' marks.<sup>27</sup> The court allowed spectral evidence, too, in which witnesses claimed that although not visible to anyone else, the accused or their spirits/specters had the power to leave their own physical bodies and in spectral form assault their victims.<sup>28</sup> "Touch tests" were administered to see if by touching, the accused witch could cause an afflicted girl, as expected, to cease her convulsions (no surprise that it worked). And, of course, those who confessed previously to witchcraft and named names testified as to the defendant's guilt.

The questioning of the accused proceeded with a logic of sorts. For example, when Bridget Bishop denied being a witch and stated that she did not know what one was, magistrate John Hathorne asked: "If you do not know what a witch is, how do you know you are not one?"<sup>29</sup> Good question. Those who maintained their innocence, such as the well-connected and well-respected Rebecca Nurse, a pillar of the Church and community, nevertheless did not doubt the existence of witches or that the girls had been bewitched.<sup>30</sup> Then there were the confessions. Over 55 people confessed to witchcraft.<sup>31</sup> Aside from the psychological and physical coercion and financial ruin suffered by the accused, many had figured out that those who confessed and implicated others avoided trials, convictions, and death sentences.<sup>32</sup> As readers of Arthur Miller's *The Crucible* know, the gallows and hangman's noose were reserved only for martyrs, such as Bishop or Nurse. The Court of Oyer and Terminer achieved a 100 percent conviction rate<sup>33</sup> and there was no formal appellate process.

The hangings in the summer of 1692 were well attended public spectacles. When they ended and the crowds dispersed, family members retrieved the bodies and arranged for burials.<sup>34</sup> Until recently, the exact location of the hangings remained unknown, but historians now believe they have identified the site, Proctor's Ledge, and not the nearby Gallows Hill.<sup>35</sup> A small but tasteful

monument in memory of those wrongly executed was erected at Proctor's Ledge in 2017.<sup>36</sup>

The hangings had little effect on the number of accused individuals, which continued to climb. Schiff estimates the number of accused witches and wizards at 144-185 people, with some reports gauging the Massachusetts witch population at seven hundred.<sup>37</sup> In nearby Andover, one in fifteen residents were accused of witchcraft.<sup>38</sup> These daunting numbers must have created a feeling of growing unease among the population of Essex County at a time when all of New England's population could fit into Yankee Stadium.<sup>39</sup> Doubts about trial procedures and, particularly, the use of spectral evidence set in. And touch tests. And confessions extracted by fear or worse, torture, and which named and accused others. In his *Cases of Conscience*, Increase Mather, a leading intellectual and moral authority in the colony, observed that it "were better that ten suspected witches should escape than one innocent person should be condemned."<sup>40</sup> His words did not cause the end of the crisis, but reflected views among the governing elites that it was time to hit the brakes on what had been unleashed. In short order, as if by magic, the crisis burned itself out by early October 1692. At the end of the month, the governor disbanded the Court of Oyer and Terminer.<sup>41</sup> By early 1693, most of the remaining accused had been acquitted or pardoned.<sup>42</sup>

## A Summing Up

In the aftermath of the crisis, one wonders how family members who had been the subject of accusations by other family members behaved towards each other; or how neighbors interacted. Did the afflicted girls at the center of the accusations marry and have children of their own, and what were their adult lives like?<sup>43</sup> Were those impacted the most by the crisis, the individuals who had lost their lives, their property, and their reputations, obtain restitution?<sup>44</sup> Did the judges in charge of the Court of Oyer and Terminer apologize to the communities?<sup>45</sup>

26 See Douglas Linder, *The Witchcraft Trials in Salem: An Account* (hereafter, "Linder") retrieved at <https://www.famous-trials.com/salem>.

27 See Schiff, p. 194.

28 See generally, *Spectral Evidence*, retrieved at <https://salemwitchmuseum.com/2013/02/15/spectral-evidence/>.

29 Schiff, pp. 115-16.

30 Schiff, p. 91.

31 Schiff, p. 4.

32 Norton, p. 303.

33 Pre-Salem, the conviction rate for the 103 witchcraft cases in New England was approximately 25 percent. Schiff, p. 69.

34 Schiff, p. 238.

35 For a good discussion of the evidence concerning the site of the hangings, see <https://historyofmassachusetts.org/where-is-the-real-gallows-hill/>. A Smithsonian Channel video, *America's Hidden Stories: Salem's Secrets*, which aired on March 4, 2019, reviews the efforts made by scholars to discover the site of the hangings. That said, the location originally associated with the executions, Gallows Hill, remains a top Salem tourist attraction. See generally, <https://gallowshillsalem.com/>.

36 See *Proctor's Ledge Memorial*, retrieved at <https://salemwitchmuseum.com/locations/proctors-ledge-memorial/>.

37 Schiff, p. 4.

38 *Id.* More than 40 of the accused were Andover residents. Norton, p. 8.

39 Schiff, pp. 5-6.

40 See Linder; Norton, pp. 280-82.

41 Schiff, p. 351

42 Norton notes that one of the distinguishing features of the Salem crisis was the relative speed with which support for the trials evaporated. Norton, p. 10.

43 According to Schiff, approximately half of the girls grew up, found husbands, and had children. Schiff, p. 407.

44 Within a couple of decades, the government of Massachusetts acknowledged responsibility for the injustices of 1692 and the legislature voted to compensate the survivors. Norton, pp. 10-11. The last victim of the Salem trials received a pardon on Halloween 2001. Schiff, p. 417.

45 One did (Samuel Sewall), but its most active judge, William Stoughton, had no regrets for the holy war he had conducted against the devil. Indeed, we may view Stoughton today as the main villain in the drama but shortly after the crisis he became the next governor of Massachusetts. Of note, his will left generous bequests to numerous charities, including scholarship funds for Harvard college. Schiff, p. 382-3.



Three witches decorating a lawn for Halloween at a house located on Magnolia Avenue in Riverside.

Until Salem's 20th century embrace of the witch tourism industry, its residents seemed to want to wash their hands of and erase Salem's ignoble past. Historians have noted that there is a documentary gap for the nine months in which the crisis persisted.<sup>46</sup> Diary pages, letters, and notes that recorded parties' involvement in what had transpired are missing. Church records of sermons during the crucial months gone. The actual court records of trials – as opposed to pre-trial proceedings – unlocatable.

46 Norton, p. 13.

Rather than an organized conspiracy of silence, the documentary shortcomings likely are attributed to individual actions taken by the participants or their descendants who decided to remove traces of their role in the proceedings.<sup>47</sup> Maybe they wanted to avoid blame; maybe they were ashamed of their participation. According to Schiff, while Arthur Miller researched his play, *The Crucible*, in the 1950s, he encountered the same silence when he questioned Salem's residents about the 1692 crisis. "You couldn't get anyone to say anything about it," he said.<sup>48</sup>

To be sure, tens of millions of Americans can trace their heritage to New England's Puritans and the residents of Essex County in 1692. But to all Americans today, Salem stands as an allegory concerning what happens under certain conditions when a controlling ideology or orthodoxy strangles dissent and courts fail to protect the wrongly accused. We owe it to the victims memorialized at Proctor's Ledge to absorb Salem's lessons and prevent future witch-hunts.

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



47 *Id.*

48 Schiff, p. 416.

# RUN YOUR PRACTICE NOT YOUR I.T.

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

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

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



On-Site Services



Help Desk Support



Consulting



**CALL US TODAY: (951) 530-9609**

**WWW.INLANDPREMIER.COM**

# The Haunting Web of Halloween and Copyright

by Maryam Shafizadeh

Halloween is a season of magic and eerie treats. Rooted in Celtic traditions and Christian observances, this age-old celebration has evolved into a secular extravaganza, where the mystical, spooky, and surreal are celebrated. It's a time for ghostly tales, enchanting spells, mysterious frights, glowing jack-o'-lanterns, and pumpkin spice. Creative costumes are plentiful, and the night seems to hold its breath, eager for supernatural encounters and a few tricks. For a moment, the ordinary and the extraordinary collide, as a captivating mystique is embraced in the shadows. Hidden beneath the masks and spooky decor, however, lies a fascinating interplay between Halloween and copyright law. As Halloween encourages individuals to unleash their imaginations, crafting unique personas and spine-chilling landscapes, copyright law protects its creativity. From haunting ghosts to enchanting witches and infamous monsters, the eerie elements raise intriguing questions about the limits of copyright protection. This article delves into the interwoven web of Halloween and copyright law, where creativity thrives, but respect for copyright's boundaries is essential.

## From Samhain To Spooky

Originating from the ancient Celtic festival of Samhain, a pagan religious celebration where people would wear costumes and light bonfires to ward off ghosts as they welcome the end of summer harvest, Halloween has undergone a remarkable transformation. In the eighth century, Pope Gregory III officially designated November 1st as All Saints Day, a day dedicated to honoring saints and eventually incorporating elements of Samhain traditions into the observance. The night before, All Saints Day became recognized as All Hallows Eve, eventually evolving into the celebration we now know as Halloween.<sup>1</sup> Today, Halloween is primarily a secular celebration centered around spooky themes, costumes, parties, and candy. It serves as a source of joy and an imaginative escape into the supernatural and a chance for communities to come together in the spirit of fun and creativity. Its purpose has shifted from a solemn or superstitious observance to a lighthearted and enchanting holiday that embraces the magic of the season – one that explores beyond the ordinary and in which ghosts, witches, and menacing monsters may haunt the imagination.

<sup>1</sup> Heather Thomas, *The Origins of Halloween Traditions*, Lib. of Cong. Blogs (Oct. 26, 2021), <https://blogs.loc.gov/headlinesandheroes/2021/10/the-origins-of-halloween-traditions/>.

## Entwined Creativity

In a magical interlace of tradition and imagination, Halloween and copyright law uniquely intersect, as both concern the expression and protection of creativity.

Halloween offers an opportunity for individuals to explore their imaginative spirits through costumes, decorations, and spooky storytelling – transforming into their wildest fantasies, embracing beloved characters, and crafting imaginative pieces. It empowers creativity within a safe space, allowing celebrators to temporarily shed their ordinary identities and embody their chosen characters, thus reveling in the freedom of creative self-expression. Similarly, copyright law encourages and empowers individuals to unleash their creativity and bring their visions to life, fostering an environment where artistic expression thrives, and creators can share their distinctive voices globally while receiving legal protection and incentives for original works.

Specifically, U.S. copyright law extends to copyright owners exclusive rights over their literary, artistic, musical, and other creative expressions, thereby granting them control over the use and distribution of their works. This can be a powerful motivator for creative individuals. These rights include reproduction, the creation of derivative works, public distribution (including sales, transfers, or rentals), public performance or display, and the capacity to grant others permission to exercise these rights, all within defined statutory confines.<sup>2</sup> Furthermore, given that creators have the potential to derive profits from their societal contributions through licensing, royalties, or sales, they may be motivated to generate additional creative works.

Accordingly, both Halloween and copyright law promote celebrating individuality and creativity, whether expressed through a clever costume or unique writing. Moreover, much like how Halloween requires respecting the boundaries and customs of the season while prohibiting criminal activity, copyright law requires respecting others' intellectual property rights, while prohibiting the unauthorized reproduction and distribution of protected works. In essence, both Halloween and copyright law encourage a balance between embracing creative expression and respecting the boundaries provided.

## Copyright Law Among The Eerie

Although potentially a topic of debate, during the Halloween season, one's imagination may be haunted, and copyright issues may arise, due to the presence of such creatures as ghosts symbolizing a connection to the afterlife, witches representing the mystical and

<sup>2</sup> 17 U.S.C. § 106



mysterious, and menacing monsters (including notorious killers) tapping into fascinations with the macabre.

Among these eerie haunts, one question that transcends is whether these creatures can be deemed authors and, subsequently, the rightful owners of copyrighted works. For instance, in respect to ghosts – and I'm not discussing "ghostwriters" – can ghosts be considered a copyright holder? This was the issue in the 1927 England case, *Cummins v Bond*.

Geraldine Cummins was a professional medium, communicating between spirits and human beings. During a seance, she claimed to transcribe messages from the 2000-year-old spirit of "Cleophas," intended for her client, Bligh Bond, who was present at the session. Bond then published the messages, claiming he's the copyright holder – as the messages were addressed to him and he had his hands over Cummins as she wrote. This led to a copyright dispute as to the authorship of the text: was it the ghost of Cleophas who allegedly sent the message, Cummins who served as the medium channeling the message into text, or Bond, who was the intended recipient? The Court held it had no jurisdiction over ghosts. Therefore, the copyright holder was Cummins, as she was the original human to write it down, and the jurisdiction extended only to the world of the living.<sup>3</sup>

In 2021, the U.S. Copyright Office further clarified, "the Office cannot register a work purportedly created by divine or supernatural beings, although the Office may register a work where the application or the deposit copy(ies) state that the work was inspired by a divine spirit."<sup>4</sup> Reason being, "the Copyright Act protects 'original works of authorship'...[and] to qualify as a work of 'authorship' a work must be created by a human being."<sup>5</sup>

Next, shifting from the case of ghostly copyright rights, let's explore the mystical world of witchcraft and its potential connection to copyright law.

Throughout history, witchcraft has encompassed various practices. During the witchcraft persecution era, it was often defined as maleficium, which referred to the act of causing harm through supernatural means. Witches may have used simple spells and charms, leading to accusations of witchcraft when misfortune occurred. Witchcraft, however, also included white magic, where individuals sought cures, protection, fertility, and love through magical practices.<sup>6</sup>

Accordingly, since copyright law typically protects original literary, artistic, musical, and other human-created works fixed in a tangible medium of expression, it does not extend to practices or rituals like witchcraft, which may be considered cultural or religious traditions. Rather, it protects the specific expressions of ideas, not the ideas

3 Melanie Stockton-Brown, *Ghosts and Punks: The Aesthetics of Copyright Law in Graphic Novels and Comic*, 36 INT'L. J. SEMIOTICS OF LAW 509-527 (2023); *Cummins v Bond* [1927] 1 Ch. 167.

4 *Copyrightable Authorship: What Can Be Registered*, US Copyright Office, Ch 313.2, <https://www.copyright.gov/comp3/chap300/ch300-copyrightable-authorship.pdf>.

5 *Id.*

6 Frances Timbers, *A History Of Magic And Witchcraft: Sabbats, Satan & Superstitions In The West. Pen And Sword*, (2019). Available at: [https://books.google.com/books?id=BE8IEAAQBAJ&pg=PT10&source=gbs\\_toc\\_r&cad=2#v=onepage&q&f=false](https://books.google.com/books?id=BE8IEAAQBAJ&pg=PT10&source=gbs_toc_r&cad=2#v=onepage&q&f=false)

or practices themselves. Specifically, under 17 U.S.C. § 102, copyright protection for an original work of authorship does not extend to "any idea, procedure, process, system, method of operation, concept, principle, or discovery, regardless of the form in which it is described, explained, illustrated, or embodied in such work." Therefore, copyright law may protect the written or recorded descriptions of spells and rituals, but it does not grant ownership of the underlying magical powers or practices described, which may be considered beliefs and traditions.<sup>7</sup>

In certain respects, spells are like recipes. Both may provide a list of ingredients or a simple set of directions for achieving a specific result. Generally, due to the idea-expression dichotomy, where ideas and facts cannot be copyrighted, but the expression of those ideas can – a mere list of ingredients and the underlying procedure or processes for a recipe cannot be copyrighted. "In contrast, a recipe that creatively explains or depicts how or why to perform a particular activity may be copyrightable...[It] may cover the written description or explanation of a process that appears in the work, as well as any photographs or illustrations that are owned by the applicant."<sup>8</sup> Therefore, individual spells, like recipes, may fall under the idea-expression dichotomy, and the underlying list of ingredients and simple instructions may not be copyrightable. On the other hand, the specific literary or textual expression of the spell or recipe, including the wording, arrangement, and creative elements, may be eligible for copyright protection. This distinction ensures that, while the basic idea of a spell or recipe remains free for others to use and build upon, the manner it is written or presented may be protected. Additionally, although individual recipes within a cookbook may not be copyrightable, the cookbook itself can be protected if the selection and arrangement of the compilation of recipes are creative.<sup>9</sup> As such, whereas an individual spell may not be copyrightable, a compilation of spells in a spell book may receive copyright protection.

In addition, whereas witchcraft includes supernatural practices, magic is an art that can be learned and developed, without necessarily depending on inherent or innate ability.<sup>10</sup> Courts have upheld registered copyrights for magic performances, while clarifying that illusions are not copyrightable. For example, in a 2014 case involving Teller of Penn and Teller, the U.S. District Court for the District of Nevada ruled that magic tricks lack copyright protection. Dramatic pantomimes, however, which convey emotions, actions, and feelings through gestures, are copyrightable. In this case, a magician had posted videos recreating Teller's "Shadows" illusion on YouTube – a trick where Teller stands before a white screen projecting the shadow of a rose, and as he slices leaves from the shadow, corresponding leaves fall off the physical rose. The Court sided with Teller, stating that the magic trick qualified as a pantomime. "The mere fact that a dramatic

7 17 U.S.C. § 102

8 *Works Not Protected by Copyright*, U.S. Copyright Office, Circular No. 33, 2021, <https://www.copyright.gov/circs/circ33.pdf>.

9 Samantha Levin, *Are Recipes and Cookbooks Protected by Copyright?* Copyright Alliance (Mar. 9, 2021), <https://copyrightalliance.org/are-recipes-cookbooks-protected-by-copyright/>.

10 Timbers, *A History Of Magic And Witchcraft*.

work or pantomime includes a magic trick, or even that a particular illusion is its central feature does not render it devoid of copyright protection."<sup>11</sup>

Further investigating the intersection of copyright law and supernatural beings, next let's examine its influence on menacing monsters and notorious killers. A notable advantage of obtaining a copyright lies in the control it grants creators over licensing, sales, and usage of their work. This control has given rise to tremendously profitable franchises, exemplified by iconic characters such as Michael Myers from *Halloween*, Jason Voorhees of *Friday the 13th*, Freddy Krueger in *A Nightmare on Elm Street*, Ghostface from *Scream*, and Leatherface of *The Texas Chainsaw Massacre*.

Interestingly, Michael Myers may have been inspired by a real-life encounter the film's director and co-writer, John Carpenter, had with a creepy psychiatric patient.<sup>12</sup> Similarly, Jason Voorhees bears likeness to a series of gruesome murders in Finland during the summer of 1960.<sup>13</sup> Freddy Krueger from *A Nightmare on Elm Street* might have been "inspired by a newspaper story [Wes Craven read] about a boy who suffered from horrible nightmares and then died mysteriously in his sleep."<sup>14</sup> The character Ghostface in *Scream* could be linked to the real-life serial killer known as the "Gainesville Ripper," while Leatherface in *The Texas Chainsaw Massacre* may be based on the Butcher of Plainfield.<sup>15</sup> Despite their potential origins, these characters remain fictional creations that have thrived in Hollywood.

In reality, however, although there are generally no legal barriers to registering copyrights, many jurisdictions have Son of Sam laws. These laws restrict individuals convicted of serious crimes, including serial killers, from profiting from their wrongdoing by sharing their accounts of the crimes or capitalizing on their criminal notoriety – with the aim of protecting the rights of victims and their families. However, the specific regulations and their enforcement can vary among jurisdictions. In California, for instance, the California Supreme Court struck down a revised version of the law in the case of *Keenan v. Superior Court*, finding the law violates the First Amendment and California Constitution's "liberty of speech" clause. Subsequently, California has implemented a new law, allowing victims to seek damages up to ten years after a felon completes parole.<sup>16</sup>

11 C. Coble, *Can you copyright a magic trick?* Find Law (2019), <https://www.findlaw.com/legalblogs/legally-weird/can-you-copyright-a-magic-trick/>; Eriq Gardner, *Teller Wins Lawsuit Over Copied Magic Trick Performance*, *The Hollywood Reporter* (March 21, 2014).

12 Rose Minutaglio, *The Untold Story of the Real Person Who Inspired Halloween's Michael Myers*, *Esquire* (Oct. 6, 2018), <https://www.esquire.com/entertainment/movies/a23515967/halloween-movie-michael-myers-true-story/>.

13 Jennifer Lind-Westbrook, *Friday the 13th: How Jason Voorhees Inspired A Real Serial Killer*, *ScreenRant* (Sept. 26, 2020), <https://screenrant.com/riday-13th-movie-jason-voorhees-peter-moore-true-crime/#:~:text=Although%20Jason%20is%20supposed%20to,while%20camping%20at%20Lake%20Bodom>.

14 Craig Marks & Rob Tannenbaum, *Freddy Lives: An Oral History of A Nightmare on Elm Street*, *Vulture* (Oct. 20, 2014), <https://www.vulture.com/2014/10/nightmare-on-elm-street-oral-history.html>.

15 *Id.* at Minutaglio, *The Untold Story of the Real Person Who Inspired Halloween's Michael Myers*.

16 Ellen Hurlley, *Overkill: An Exaggerated Response to the Sale of*

These unexpected links between intellectual property and the eerie highlight the vast reach of copyright law, extending even into the supernatural.

## Commercialization and Copyright Law

Finally, let's explore one more connection between copyright law and Halloween. As Halloween has evolved from its historical roots into the commercialized holiday many cherish today, creativity takes center stage. Accordingly, copyright law also becomes relevant.

For instance, when it comes to costumes and whether they may infringe upon another's copyright, courts have held they're generally not eligible for copyright protection as they're considered useful articles due to their intrinsic utilitarian function, as opposed to merely portraying the appearance of the article or conveying information. Nonetheless, a costume may be protected if it's a mask with artistic or decorative features, or there are specific design elements within the costume that "can be perceived as two- or three-dimensional works of art separate from the fashion item itself; and [it qualifies] as a protectable pictorial, graphic, or sculptural work, either on its own or fixed in some other tangible medium."<sup>17</sup> Moreover, when it comes to haunted house displays and spooky attractions, they often include creative elements like thematic decorations, creepy soundscapes, and elaborate narratives to deliver a memorable and immersive experience. These elements, however, are often copyrighted and may require licenses for use. Lastly, let's not forget the Halloween-themed merchandise, which includes intricate decorations to creatively designed candy packaging, as they too may rely on protecting the original designs and displayed characters.

Therefore, as Halloween's creative spirit continues to expand into commercialization, so too does its interaction with copyright law.

## Final Act

In conclusion, Halloween is a celebration where imaginations can run wild, even if it's just for one night. It's a holiday where, much like ghosts, witches, and monsters haunt festivities, so do questions of copyright's reach. Ultimately, Halloween stands as a testament to creative self-expression, where we celebrate originality while respecting copyright boundaries, ensuring that creativity shines even in the shadowy season.

*Mary Shafizadeh, of the Law Office of Maryam Shafizadeh, specializes in family law and intellectual property. Committed to helping individuals and entrepreneurs embark on new chapters in their lives or businesses, she guides families through family law matters and empowers creative entrepreneurs and digital ventures in the realms of copyright, trademark, and website compliance.*



*Murderabilia*, 42(2) INDIANA L. REV. 411 (2009); *Keenan v. Superior Ct.*, 27 Cal.4th 413 (2002); *Son of Sam II Law Enacted in California*, *Prison Legal News* (Dec. 15, 2002), <https://www.prisonlegalnews.org/news/2002/dec/15/son-of-sam-ii-law-enacted-in-california/>.

17 Rachel Kim, *How Is Fashion Protected by Copyright Law?* *Copyright Alliance* (Feb. 10, 2022), <https://copyrightalliance.org/is-fashion-protected-by-copyright-law/>.

# JAMS INLAND EMPIRE NEUTRAL SPOTLIGHT

## Hon. Keith D. Davis (Ret.)

Judge Davis joined JAMS in 2020 after a distinguished 35-year judicial and legal career. He spent more than two decades on the San Bernardino Superior Court, where he earned a reputation for being fair, patient and tireless.

Judge Davis handled a heavy caseload, hearing both regular and complex civil matters in his department. He handled a wide variety of disputes and conducted hundreds of settlement conferences in virtually every area of civil litigation.

He began his career as a deputy district attorney in the San Bernardino County District Attorney's Office. After two years, he joined a law firm and began representing public entities, private businesses, law enforcement agencies and individuals.

Judge Davis is available as a mediator, arbitrator and neutral evaluator in disputes involving:

- Business/Commercial
- Construction Defect
- Construction
- Employment
- Insurance
- Personal Injury Torts
- Professional Liability
- Real Estate & Real Property



Visit [jamsadr.com/keith-davis](https://jamsadr.com/keith-davis) or scan the QR code to learn more.

Local Solutions. Global Reach.®







## California Desert Trial Academy College of Law

### Top Ten Reasons to Attend CDTA College of Law

1. **Our Distance Learning Option** allows you to obtain your J.D. while completing most of your studies from the convenience of home. "Attend" CDTA in real time, enjoy 24/7 access to all classes online and solidify the week's learning in person with our Saturday writing classes.
2. **LexisNexis is included in your tuition.** Learn how to research and apply case authority with the same tools you will use in your law practice.
3. **ExamSoft is included in your tuition.** All practice, midterm and final exams are given on the same software program the State Bar uses for your bar exams. Repeated exposure to ExamSoft means you will tackle the bar with confidence!
4. **AdaptiBar is included in your tuition.** Practice thousands of actual bar multiple choice questions on the premier MBE program designed to prepare you to conquer 50% of the bar exam.
5. **Fleming's Fundamentals of Law** course reviews are included in your tuition. Substantive video reviews and outlines condense every bar tested subject into a straightforward and understandable format you will find invaluable as you prepare for exams.
6. **Snacks and Drinks** are provided at all CDTA classes and events at no charge to you. Never underestimate the power of a little sustenance to get you through a long day!
7. **Saturday Enrichment Program.** Legal essay writing is unlike any other form of writing. Practicing essays and MBE questions under simulated exam conditions means you walk into the bar exam with the confidence you need to pass.
8. **Student Support** is invaluable to your success. Our students have found that together they can accomplish what might be impossible alone. You will thrive as you establish lifelong bonds with your classmates.
9. **Weekly "Barrister" Luncheons** are provided by CDTA. This allows students, attorneys and judicial officers the opportunity to network and connect while enjoying a meal during the Saturday Classes noon break.
10. **We Commit to Keeping You in School!** It often feels as if law school is an exercise in exclusion, not inclusion. Not at CDTA. We will help you overcome any obstacle.

And...**all of your Casebooks** are included with your tuition!!!

**"Educating, Training and Developing Extraordinary Legal Advocates"**

California Desert Trial Academy, College of Law

45-290 Fargo Street • Indio, CA 92201 • CDTALaw.com • (760) 342-0900

**Classes commence the first Tuesday after Labor Day**

**Apply Now!**

"The method of instruction at this law school for the Juris Doctor (J.D.) degree program is principally in physical classroom facilities."

"Students enrolled in the J.D. Degree program at this law school who successfully complete the first year of law study must pass the First-Year Law Students' Examination required by business and Professions Code Sec. 6060(h) and Rule VIII of the Rules Regulating Admission to Practice Law in California as part of the requirements to qualify to take the California Bar Examination. A student who passes the First-Year Law Students' Examination within three (3) administrations of the examination after first becoming eligible to take it will receive credit for all legal studies completed to the time the examination is passed. A student who does not pass the examination within three (3) administrations of the examination after first becoming eligible to take it must be promptly disqualified from the law school's J.D. Degree program. If the dismissed student subsequently passes the examination, the student is eligible for re-enrollment in this law school's J.D. Degree program but will receive credit for only one year of legal study."

"Study at, or graduation from, this law school may not qualify a student to take the bar examination or to satisfy the requirements for admission to practice in jurisdictions other than California. A student intending to seek admission to practice law in a jurisdiction other than California should contact the admitting authority in that jurisdiction for information regarding the legal education requirements in that jurisdiction for admission to the practice of law."

# Halloween and Movie Time

by Juanita E. Mantz

Anyone who knows me well knows that I love Halloween. I mean that I absolutely adore Halloween. Some might say that I am even a tad obsessed with the season and have been known to leave my Halloween decorations up in one room of our house year-round. My husband humored me this season by buying me a six-foot tall mohawked Zombie for the front yard.

My love of Halloween was passed down to me from my father who was a Halloween fanatic. When we were kids, my dad would decorate the front yard with gravestones and zombie heads. He always hid some kind of device to howl at the trick-or-treating kids that would approach our house and my dad would buy the best candy he could find (which he would hide from us as he knew we were thieving candy obsessed kids).

When I was very little, I remember wearing a K-Mart Casper costume made of plastic with a plastic mask that I wore proudly, but my favorite costumes as a kid were the homemade ones my mom would buy us at the thrift store. I especially loved my witch costume where I painted my face green and carried a real broom. And my go to when times were tight was my black cat costume. My dad would often dress up as a cowboy, which wasn't much of a stretch as he was a cowboy from Montana. One year, I remember my mom dressing up as a baby in a pink pinafore with a huge pacifier for a party at the bar they owned, which was having a costume contest. Mom even painted freckles on her face, and I think that she came in second place.

My dress ups were not limited to Halloween. One year, in the 1970s, my sisters and I dressed up as literary characters for the Ontario Library Book Parade. My little sister, Annie, stole my prairie girl, aka Laura Ingalls, idea and my mom even bought her a bonnet, so I was forced to pick a different literary heroine. After my mom and Annie ignored my protestations, I picked Nancy Drew as my second choice. I wore a corduroy mini skirt paired with a turtleneck and I carried a spy glass along with a sign that said, "I am Nancy Drew" (just in case). While we were marching in the parade by Euclid Avenue in Ontario, I told Annie she looked old and dusty. To this day, I assert that on the cool scale, Nancy Drew was the clear winner.

One of my favorite parts of Halloween, for both my father and I were the scary movies on television around Halloween. Our favorites were Freddie Krueger, the *Halloween* movies (the underrated *Halloween 3* about killer masks was my favorite), *The Exorcist*, *The Omen*, *Rosemary's Baby*, the Peanuts' cartoons, and of course, *The Shining*, which is based on one of my favorite Stephen



Jackie, Annie and Juanita Mantz on Halloween circa 1980s  
(photo from Juanita E. Mantz's photo collection reprinted here with permission)

King novels (for which there is a wonderful novel sequel). Dad even considered another Kubrick movie *Clockwork Orange* to be Halloween appropriate.

Later, as an adult, I became enamored with *The Nightmare Before Christmas*, a classic movie made by Tim Burton and Danny Elfman (the singer from the post punk band Oingo Boingo). A few years back, my husband and I saw Danny Elfman at the Hollywood Bowl and I dressed up, along with many others, and sang along to songs like *This is Halloween*. Other movies which I always watch on Halloween include *The Craft* and *Hocus Pocus* and please do not judge me, but I can even get sucked into the *Halloween Town* Disney cannon that airs on Freeform around Halloween.

I guess what I am saying is that I feel as if Halloween is a time when magic is celebrated. For all of us that work in the criminal system, Halloween is a time when we can imagine taking our magic wand in court and waving it in the air and fixing all the system's problems.

*Juanita E. Mantz is a writer, a performer, and a deputy public defender in Riverside representing the mentally ill in incompetency proceedings for diversion. She has two award winning memoirs, Tales of an Inland Empire Girl (Los Nietos Press, 2022) and Portrait of a Deputy Public Defender or how I became a punk rock lawyer (Bamboo Dart Press, 2021). She also hosts a podcast on Apple called Life of JEM where she interviews other writers on writing. Find her at <https://juanitamantz.com/>.*





# ARBITRATION & MEDIATION SERVICE PROVIDER

RCBA Dispute Resolution Service, Inc.

# *You be the Judge.*

Over 100 experienced Riverside County Bar Association mediators

2 out of 3 private mediations reach full settlement

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

No administrative fees! Competitive hourly rates!

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

(951) 682-2132

[www.rcbadrs.org](http://www.rcbadrs.org)



## CONFERENCE ROOMS AVAILABLE

Riverside County Bar  
Association Building  
4129 Main Street, Riverside 92501

Various size rooms available.

Call for more information.

In the heart of Downtown Riverside  
Next to Family Law Court  
Across the street from Hall of Justice and  
Historic Courthouse  
Within walking distance to U.S. Bankruptcy  
Court, U.S. District Court and Court of Appeal

(951) 682-1015

[rcba@riversidecountybar.com](mailto:rcba@riversidecountybar.com)



# The Last Phone Call

by Jerry D. Mathes

**Note: This story was featured at the 2016 Ghost Walk on the “Things that go Bump in the Night Tour.”**

## INT. LIBRARY – NIGHT

THUNDER RUMBLES from outside. BOBBY, a young man, sits at a table typing furiously on his laptop. He takes a drink from his water bottle and sets it next to his laptop. He looks exhausted.

He stretches, yawns, and types a little more.

BRENDA and TIFFANY, young women, enter and stop in front of Bobby. They each carry their smart phones in their hands.

BRENDA: *You were supposed to meet me an hour ago.*

Bobby motions to his lap top exasperated.

BOBBY: *I need to finish this paper*

TIFFANY: *You could've called.*

She holds out her phone as if presenting evidence.

Brenda sets her smart phone on the table and rummages through her purse.

BRENDA: *You wasted our time*

She looks to Tiffany.

BRENDA (CONT'D): *I left my card at Back to The Grind.*

BOBBY: *Please. You know I love you. I'll be there in another hour. If not, I'll call. Promise.*

BRENDA: *Fine. But you'd better call.*

TIFFANY: *Or have a really good excuse.*

BRENDA: *Or you can just drop dead!*

Brenda and Tiffany storm off. Brenda's phone is still on the table.

Bobby looks sad and frustrated. He yawns.

BOBBY: *Maybe just a catnap.*

Bobby lays his head on the table.

EVIL SPIRIT enters. A woman dressed in a white dress, white faces with slight skull shadings. She is at once playful and menacing.

She puts her finger to her lips and shushes the audience, with a mischievous grin.

She waves her hand and THUNDER RUMBLES. She knocks over the water bottle and it spills on the laptop. It SIZZLES.

Bobby jerks and spasms from electrocution and then slumps in his chair.

The Evil Spirit LAUGHS.

Brenda's phone on the table RINGS.

Tiffany walks in, looking at her phone.

The Evil Spirit moves around her.

TIFFANY: *Here it is, Brenda.*

Brenda comes back, picks up her phone, and regards Bobby.

The Evil Spirit stands by Bobby and motions towards him like a game show hostess presenting a new car.

BRENDA (exasperated): *Look at him. Asleep.*

TIFFANY: *So rude.*

Tiffany sniffs the air.

TIFFANY (CONT'D): *Smells a little like burnt chicken.*

The Evil Spirit rolls her eyes.

Brenda shrugs.

TIFFANY (CONT'D): *Let's go.*

Brenda takes a step but hesitates.

BRENDA: *Why should I let him sleep?*

She reaches out to shake his shoulder.

The Evil Spirit dances about, encouraging her.

TIFFANY: *No wait. He's been working so hard.*

Brenda pauses. The Evil Spirit shakes her fist at Tiffany.

BRENDA: *Excuse me?*

TIFFANY: *He just wants to get good grades to get into med school.*

BRENDA: *I'm his girlfriend.*

The Evil Spirit continues to pantomime.

TIFFANY: *He wants to make a great future with and help people.*

BRENDA: *How do you know this?*

TIFFANY: *He says it all the time. You just don't notice it.*

Brenda softens. Pulls her hand back to her side, looking at Bobby lovingly.

BRENDA: *Oh. I guess I can be self-involved.*

The Evil Spirit LAUGHS, but Brenda and Tiffany don't notice.

They move to the side and whisper to each other as TWO YOUNG MEN, MIKE and FRANK, enter and pause in front of Bobby.

MIKE: *Smells like my mom burned dinner again.*

The Evil Spirit regards the two young men.

EVIL SPIRIT (to audience): *Ah. Boys. The pliant tools of mischief.*

FRANK: *Bobby's hard out.*

The Evil Spirit beckons them toward Bobby.

Mike grins mischievously at Frank who grins back.

The Evil Spirit motions for them to shake Bobby.

Mike takes out a Sharpie and uncaps it.

The Evil Spirit gives them a what the heck look and a look of disbelief to the audience.

MIKE: *Mustache time!*

EVIL SPIRIT (to audience): *The imperfect tools of mischief.*

Mike and Frank move toward Bobby.

BRENDA: *What do you think you are doing?*

Mike pauses.

BRENDA (CONT'D): *He is dead tired from studying.*

She points to Bobby and in the same instant the Evil Spirit waves her hand and THUNDER RUMBLES.

Bobby falls from his chair to the floor. They all SCREAM in horror. The Evil Spirit looks satisfied with herself as she dances around.

Tiffany rushes to Bobby, checks his pulse...

TIFFANY: *Call 9-1-1.*

Mike takes out his cellphone as Tiffany starts CPR. Frank jumps to help her. Brenda stares in shock.

Bob gets off the floor and walks to the Evil Spirit. Tiffany and Frank keep doing CPR where Bobby had been on the floor.

The Evil Spirit hands Bobby a cellphone. Bobby nods and dials.

Brenda's phone RINGS. She looks at it in horror and to where the CPR is being performed. She answers it.

BOBBY: *Hi, Brenda. I'm not going to make it for coffee.*

*J.D. Mathes grew up a feral child in the deserts of the American Southwest who loved to read library books and take photographs. In 2019, he was awarded a PEN America Writing for Justice Fellowship and writes about the personal impact of incarceration. He has worked as a screenwriter with Rehabilitation Through the Arts, awarded the Norman Levan Grant twice, a Jack Kent Cooke Scholar alumnus, an award-winning author of four books, photographer, screenwriter, and librettist.*

*Two of his four books are Shipwrecks and Other Stories - awarded Honorable Mention Los Angeles Book Festival - and a memoir, Ahead of the Flaming Front: A Life on Fire - awarded the North American Book Prize for Memoir - about his experiences fighting wildfire throughout the American West, including four years on an elite helicopter rappel crew and ten years as a crew boss and an incident commander. He has taught various writing courses since 2005. His script entitled, In the Desert of Dark and Light, adapted from his short story, Red Flag Warning, is in pre-production. Although Mathes still struggles with subject-verb agreement and where to put commas, he is working with The New Press on a book/memoir, ILL SERVED, about veterans and mass incarceration.*



## MCLE Compliance

Attorneys with last names beginning with **H-M** (Group 2).

Compliance Period: **2/1/21 - 1/31/24**

Deadline to Report: **Feb. 1, 2024**

For compliance groups who must report for the period ending on January 31, 2023, and thereafter.

### ➤ Special Requirements:

- At least four hours of Legal Ethics
- At least one hour on Competence Issues
- At least two hours dealing with Elimination of Bias. Of the two hours, *at least one hour must focus on implicit bias and the promotion of bias-reducing strategies.*

Compliance information is available on the State Bar's website.

# PRINTING & MARKETING SUPPORT

## for Legal Firms



**Local. Award-Winning. Trusted.**

Serving the Riverside County legal community since 1968.

### STATIONERY

- Letterhead
- Business Cards
- Envelopes
- Mailing Labels
- Notary Stamps

### ORGANIZATION

- Binders
- Custom Folders
- Forms
- Labels & Seals
- Rubber Stamps

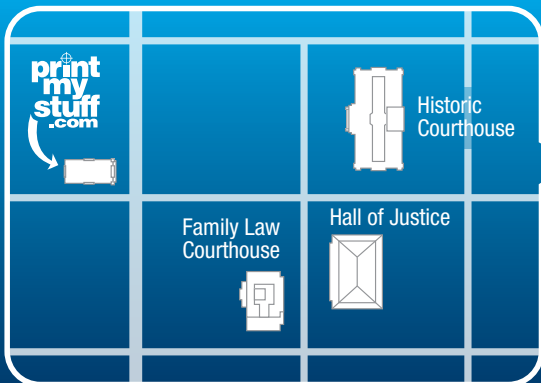
### PROMO ITEMS

- Pens
- Notepads
- Sticky Notes
- Thumb Drives
- Tote Bags

### SECURE DOCUMENT SERVICES

- Shredding
- Scanning
- Exhibits

*...and so much more!*



*Located in the heart of Riverside's Legal District*

**Riverside** 4093 Market St  
951.682.2005

**Corona** 501 E. Sixth St  
951.737.1820



# CLASSIFIEDS

## Office Space - Downtown Riverside

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

## Legal Malpractice

Certified Specialist by the State Bar of California Board of Legal Specialization. Referral Fees Paid. California and Nevada. 760-479-1515, Joel@SelikLaw.com.

## Judgment Collections

California and Nevada. Referral Fees Paid. 760-479-1515, Joel@SelikLaw.com.

## Nevada

Referrals or Pro Hac Vice. Nevada since 1985. 702-244-1930, Joel@SelikLaw.com.

## Seeking Experienced Probate Attorney

To take over office lease and well-established probate and estate planning practice in Yucca Valley, California. Interested candidates should email a cover letter with employment history and resume to: ificaralaw@gmail.com.

## Associate Attorney Position Available

For small personal injury firm. May lead to future ownership! (Senior attorney a few years from retirement.) Desire self-starter, prefer 5 years of experience, but will interview others with passion for the profession. Salary negotiable. Percentage bonuses available. Gas card after probation. Must be able to work with church associations. Position available at mutually acceptable date. Please send resume to y.posada@lawyerswhofight.com. If desire, call lead attorney, William Kennedy, at 951-533-1295.

## Office Space - RCBA Building

4129 Main Street, Riverside. Next to Family Law Court, across the street from Hall of Justice and Historic Courthouse. Office suites available. Contact Charlene Nelson at the RCBA, (951) 682-1015 or rcba@riversidecountybar.com.

## Conference Rooms Available

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

## Riverside County Superior Court - Implementation of the CARE Act

Effective October 2, 2023, the Riverside County Superior Court began accepting Petitions to Commence CARE Act Proceedings. To make it easier to participate in the proceedings, petitions may be filed at any of the Riverside County Court locations. Petitions may also be electronically filed via the court's eSubmit system. The CARE proceedings will be heard in Department 12 of the Riverside Historic Courthouse, located at 4050 Main Street in Riverside, with remote appearance available, Monday through Friday at 1:30 p.m. It should be noted that CARE proceedings are confidential and not open to the public. Should you have any questions, please contact the court at (951) 777-3147 or email probatewebassistance@riverside.courts.ca.gov.



# MEMBERSHIP

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

**Francisco Cabada** – Varner & Brandt, Riverside

**Ladda Arceneaux** – Potter Handy, San Diego

**Judy Baladi** – Aleshire & Wynder, Riverside

**James E. Brabeck (A)** – IntelSource Private Investigations, Riverside

**Seth P. Cohen** – Davis & Wojcik, Hemet

**Peter S. Deng** – Law Offices of Peter S. Deng, Los Angeles

**William R. Finkle** – Law Student, Sacramento

**April Noelle Grant** – Aarvig & Associates, San Bernardino

**Tiffany Harper** – Aleshire & Wynder, Riverside

**Channing T. Hawkins** – Bracy Hawkins Law, San Bernardino

**Joshua J. Husen** – Law Offices of Brad Husen, Corona

**Clint D. Jones** – Miles & Hatcher, Rancho Cucamonga

**George V. Karr** – Vistas Law Group, Ontario

**Zion D. Maffeo** – Pony.ai, Fremont

**Czarmaine Majan** – Cole Huber, Ontario

**John V. Marinkovich** – Solo Practitioner, San Pedro

**Shannon C. Meagher (A)** – J&S Legal Nurse Consulting, Beaumont

**Elizabeth Munoz (A)** – Inland Counties Legal Services, Riverside

**Erica T. Murphy** – Aleshire & Wynder, Riverside

**Efren Nava** – Inland Counties Legal Services, Riverside

**Khoa D. Nguyen** – Solo Practitioner, Corona

**Ji Hea Oh** – Aleshire & Wynder, Riverside

**Tonya E. Okon-Johnson** – Johnson Law Office, Upland

**Lorenzo Orozco (A)** – Inland Counties Legal Services, Riverside

**Ashley M. Payne** – Stream Kim Hicks Wrage & Alfaro, Riverside

**Marcela Jeannette Pena** – Law Office of Kyle A. Patrick, Riverside

**Amanda K. Perez** – Reid & Hellyer, Riverside

**Eleni I. Rodriguez** – Office of the Public Defender, Riverside

**Louie A. Ruiz** – Vistas Law Group, Ontario

**Dean R. Sadeddin** – Richard Sadeddin Law Group, Upland

**Jacquelyn A. Silva** – Lawyers For Justice, Glendale

**Roger Zelaya (A)** – Fiusion Real Estate, Upland

(A) – Designates Affiliate Members





**LAWYERS'  
MUTUAL**  
INSURANCE COMPANY

## A CORNERSTONE FOR NEW LAWYERS: STRONG START PROGRAM

**Year one policy premium only \$500.**

Our Strong Start Program is an easy to apply for program designed to provide coverage to solo practitioners who have been licensed for thirty six months or less.

Lawyers' Mutual leverages our strength and experience to support you, eliminating some of the risk associated with starting a new practice.

Key points about the Strong Start Program\*:

- Limits of liability \$100,000 per claim / \$300,000 in the aggregate.
- Cyber coverage endorsement at no charge.
- \$50,000 Claims Expense Allowance outside limits included.
- 20% discount for members of five consecutive years in the Strong Start Program converting to our Standard rating system.
- Financing available over nine monthly installments.

Become a member now for instant free access to the following benefits:



Lawyer-to-Lawyer hotline



Legal Research System



Continuing Legal Education

Protect your practice. Protect your clients. Protect your future.

**[www.lawyersmutual.com](http://www.lawyersmutual.com)**

*\*Terms and conditions apply.*

*Our strength is your insurance*



Riverside  
County **LAWYER**

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

PRSRT STD  
US POSTAGE  
**PAID**  
PERMIT #1054  
RIVERSIDE, CA

# Altura Credit Union is Riverside's credit union.



We consider the county our home, and have 21 branches located throughout, from Corona to Coachella. We offer the services you expect from your financial institution, but with a neighborhood feel, with over \$4.7 million dollars donated and over 20,000 hours of volunteerism to the community since 2015. We do this for the 2.4 million Members and non-members who call Riverside home. Come visit a branch or our website today to become a part of Altura Credit Union.



**AlturaCU.com** | **888-883-7228**

Federally Insured by NCUA

