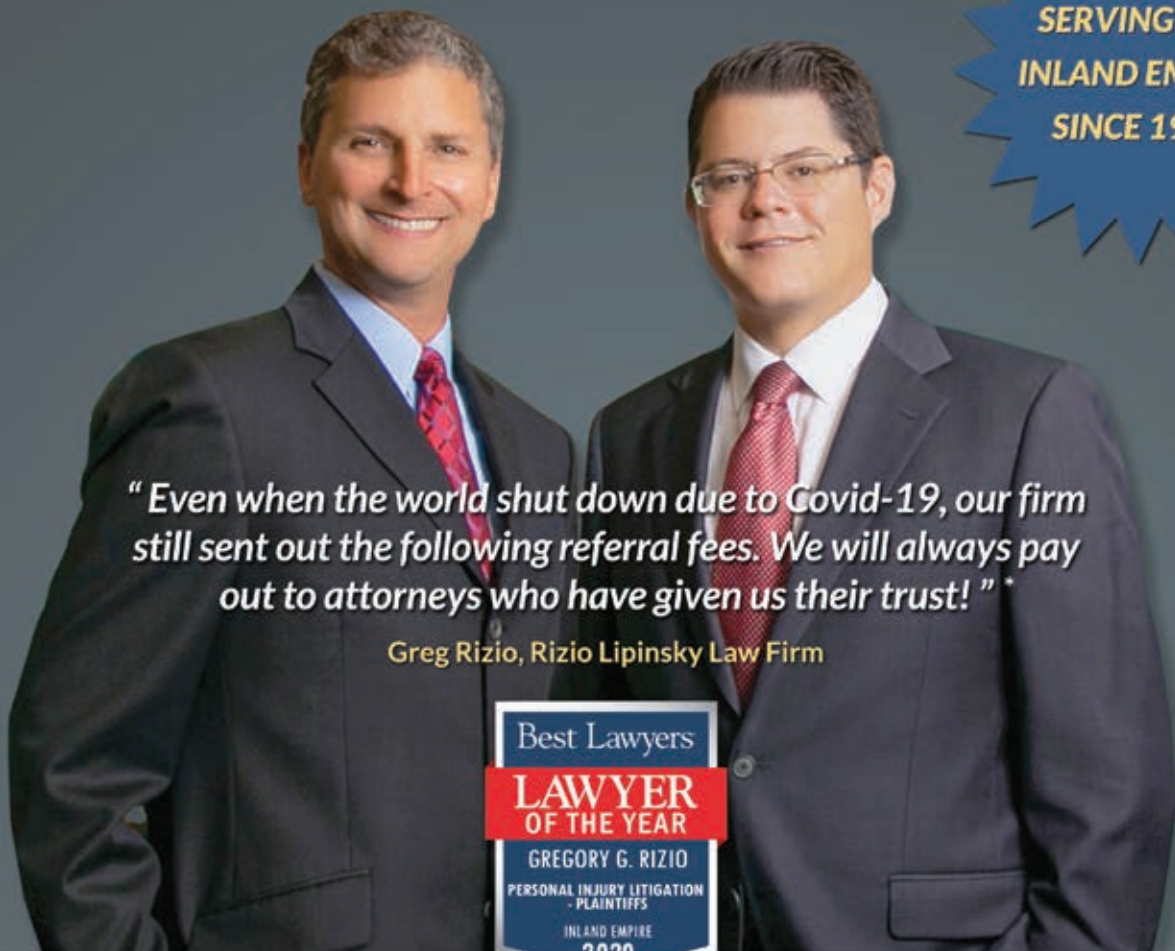




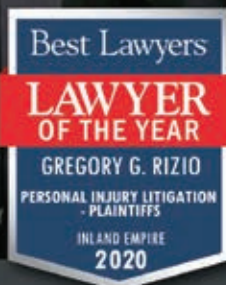
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RIVERSIDE LAWYER

MAGAZINE

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CALENDAR

JANUARY

- 8** Civil Litigation Roundtable with Hon. Harold Hopp
Noon - Zoom
MCLE
- 10** Civil Litigation Section Meeting
Noon, Zoom
Speaker: Amy Guldner
Topic: "Reframing Imposter Syndrome: How to Maximize the Upside and Minimize the Downside of Self-Doubt"
MCLE 1 hour, wellness competence
- 12** MCLE Marathon
Zoom, 10:00 a.m. - 2:30 p.m.
10:00 - 11:00
Implicit Bias - Casey Johnson
11:10 - 12:10
Ethics Presentation - Carol M. Langford
12:20 - 1:20
Wellness Competence - Jim Heiting & Greg Dorst
1:30 - 2:30
Elimination of Bias - Eugene Kim
- 16** Family Law Section Meeting
Noon, RCBA Gabbert Gallery
- 17** Estate Planning, Probate & Elder Law Section Meeting
Noon, RCBA Gabbert Gallery
- 19** General Membership Meeting
Noon, RCBA Gabbert Gallery
Speaker: Presiding Judge Judith Clark
Topic: State of the Riverside Superior Court
MCLE
- 24** Juvenile Law Section Meeting
12:15 PM, Zoom
- 25** Mock Trial - Round 1
6:00 PM
Riverside Hall of Justice,
Southwest, Larson Justice Center
- 30** Paralegal Section Meeting
Noon, RCBA Gabbert Gallery
Speaker: Steven Harmon
Topic: Ethics
MCLE
Mock Trial - Round 2
6:00 PM
Riverside Hall of Justice

Events Subject To Change

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

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.

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

Submission of articles and photographs to *Riverside Lawyer* will be deemed to be authorization and license by the author to publish the material in the *Riverside Lawyer*. The material printed in the *Riverside Lawyer* does not necessarily reflect the opinions of the RCBA, the editorial staff, the Publication Committee, or other columnists. Legal issues are not discussed for the purpose of answering specific questions. Independent research of all issues is strongly encouraged.

PRESIDENT'S Message

by Mark A. Easter



HAPPY NEW YEAR!

So December was a very eventful month! No, Best Best & Krieger did not offer me a 10 year, \$700 million extension. But that's okay. Here are some of the highlights:

PARTNERING WITH UCR PRESLEY CENTER

On November 30 (okay, technically not December), Summer DeVore, Nolan Kistler, Ceciah Lucero, Matthew Neufeld, and Gabriela Rodriguez—all RCBA Barristers members—conducted a panel discussion for over 70 college students on the decision and process involved in applying for law school. The panel was sponsored by the UCR Presley Center of Crime and Justice Studies. Topics included the journey of those attorneys to law school, how they chose their law school, advice for the application process, and their overall law school experience. I am sure these college students benefited greatly from hearing the experiences of these attorneys. We look forward to more opportunities to partner with the Presley Center on programs such as this.

IELLA AND THE CIELO FUND

On December 7, I attended the Inland Empire Latino Lawyer's Association's celebration honoring its attorneys who volunteer at IELLA clinics, providing legal assistance and advice to needy people who very likely would not otherwise have access to professional assistance. Great job by these difference-makers! That night I met Jesse Melgar, who works with and told me about the CIELO Fund, which provides funding to IELLA. The CIELO Fund (CIELO stands for Cultivating Inland Empire Latino Opportunity) is a separate fund created by the Riverside Community Foundation, for the specific purpose of uplifting and investing "in organizations, initiatives and ideas that are led by-and serve-Latinos in the Inland Empire." If you are interested in more information on the CIELO Fund, go to iejives.com

MOCK TRIAL

On Friday night, December 8 and Friday night, December 15, the courtrooms in the Hall of Justice were opened to our local high school mock trial teams for practice. For some students, this was their first opportunity to be inside a real courtroom. Suddenly, this somewhat abstract, one-dimensional process these students have been working on for months becomes very REAL, and their interest, enthusiasm, and inspiration takes off! We appreciate the support of the Riverside County Superior Court in making these courtrooms available, as it will certainly make a big difference when the real competition gets underway later this month. This year, we have 24 high schools that will be competing, and we need attorney scorers for rounds taking place on January 25, January 30, and February 6 at 5:00 p.m., and on Saturday morning, February 10. Please contact the RCBA if you can help.

CIVIL ROUNDTABLE

On December 11, Judge Harold Hopp held his monthly "Civil Roundtable" with our litigation section. Judge Hopp's focus was on new legislation that went into effect in 2024. Some of the more significant changes are:

- SB 71: New dollar amount limits for small claims (\$12,500) and limited civil (\$35,000);
- SB 235: Early disclosure of witnesses/evidence in civil cases;
- AB 119: Changes in procedures for enforcement of judgments and judgment debtor exams;
- SB 652: Admissibility of certain expert testimony regarding causation in medical malpractice actions;
- CEQA: Numerous new laws related to exemptions for housing projects; and
- Fees: Sunset eliminated on complex action fees, summary judgment fees, and pro hac vice fees.

Thank you, Judge Hopp, for presenting that overview along with your thoughts and insight on the potential impact of these changes.

HAPPY CHANUKAH!

Monday, December 11, was the 19th Annual Chanukah Festival in front of the Historic Riverside County Courthouse. Emceed by our very own Virginia Blumenthal, we heard Chanukah greetings from many of our civic leaders, observed the lighting of the Chanukah candles, and received inspiring words from Rabbi Shmuel Fuss of the Riverside Chabad Center. I am fortunate to have Rabbi Fuss as both a neighbor and friend; he has been a blessing to our community for many years now, consistently presenting opportunities for spiritual growth, education, and fellowship. For more information about the Chabad Jewish Community Center, go to jewishriverside.com.

ELVES

During the week of December 11-17, the RCBA Elves shopped, wrapped, and delivered for 113 needy families. This is far and away the largest number of families that the Elves program has reached in any year! Many thanks to all of our Elves family—who contributed with their wallets, hands, feet, scissors, tape, cars, and yes, their hearts also—to this being another successful year. Thank you also to Charlene Nelson and the rest of the RCBA staff for all of your help. And of course, thanks once again to our COE (Chief of Elves), Brian Pearcy, who keeps everything organized and moving forward!

BE A GIFT!

In mid-December I received a call from Gene Tanaka, who now practices out of our Walnut Creek office. Gene let me know that he was retiring at the end of the year and wanted to wish me well; we reminisced and laughed about many years working together. I was really touched when I realized that this was the ONLY reason he was calling. The call was an unexpected GIFT. So let me just say...December and the "gift season" may be behind us...but we have a whole year in front of us in which we can BE a gift. Look for opportunities to be that unexpected gift—to the person who needs anything from coverage or input on a case, to a ride, to lunch or a cup of coffee. Maybe someone is sick and needs an errand done. Or they need help moving. Or they need a referral or a reference. Or they could use an unexpected encouraging phone call like Gene's call to me. It may seem small or insignificant. But it isn't. As God told Abraham (Rabbi Fuss, I hope my translation is okay) "BE A BLESSING." HERE'S TO A GREAT 2024!

Mark A. Easter is the president of the RCBA, a partner at Best Best & Krieger LLC, and has been residing and practicing law in Riverside since 1989.

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BARRISTERS

President's Message

by David P. Rivera



“Set Sail for Adventure”¹

Ahoy, Mickey Mouse, Public Domain Day awaits! January 1, 2024, marks Public Domain Day, a date on which protected works of authorship from 1928 pass into the public domain. Those works will become freely accessible for almost any purpose—to use, share, revitalize, reinterpret, and transform. Mickey Mouse, in his original incarnation, was introduced to the public in Disney's first animated short film, *Steamboat Willie*, on November 18, 1928. What does this mean for Disney and Mickey Mouse?

This article broadly examines the impact of Mickey's unprotected status as he sets sail for adventure into the public domain. It is based on an overview of U.S. copyright law, Mickey's status under that copyright law, and Mickey's continued protection under patent law.

I. U.S. Copyright Law—An Overview

The authoritative foundation for U.S. copyright law is rooted in the Constitution: “Congress shall have Power . . . [t]o promote the Progress of Science and useful Arts, by securing for limited Times to Authors and Inventors the exclusive Right to their respective Writings and Discoveries.”² Congress passed the Copyright Act of 1790 under this grant of authority. In the past two centuries, Congress revised the Copyright Act multiple times, including in 1831, 1870, 1909, 1976, and 1998, to economically incentivize the creation and distribution of a broad range of works of authorship, to grant a monopoly to authors in those works, and to prevent others from adapting them without permission.

The Constitution requires that authors' rights be limited, endowing the public with unrestrained access to creative works once they enter the public domain. The Copyright Act of 1790 established an initial fourteen-year term that was eligible for an equally long renewal term. Congress passed a major revision to the act in 1909, expanding the breadth of copyrightable works to include all

works of authorship and to increase the duration of the initial and renewal terms to twenty-eight years each.

Enter *Steamboat Willie* in 1928, Disney's first animated short film to ever be distributed featuring Mickey Mouse. This OG Mickey differs stylistically from his contemporary incarnations. Copyright law at the time would have protected Disney's ownership of the film and OG Mickey for a total of fifty-six years, or until 1984. But before that copyright protection could expire, Disney successfully lobbied Congress to pass the Copyright Act of 1976, evolving our copyright law to its present form. That legislation extended the copyright term of *Steamboat Willie* and Mickey Mouse to 2003.

The Copyright Act of 1976 did several things. Among them, in the case of older works—works published before 1978 and which had not yet entered the public domain—it increased the renewal term from twenty-eight years to forty-seven years, which, when combined with an initial term of twenty-eight years, yielded a total copyright term of seventy-five years. This seventy-five-year term is the basis for calculating the revised expiry year of Disney's copyright in *Steamboat Willie*.

Two decades later, in 1998, the Sonny Bono Copyright Term Extension Act—derisively dubbed the Mickey Mouse Protection Act because it was the product of a broad lobbying effort backed by Disney—became law. Its primary purpose was to extend copyright terms under the 1976 Act. For works created before January 1, 1978—like *Steamboat Willie*—the renewal term is sixty-seven years (previously forty-seven years), yielding a total copyright term of ninety-five years expiring on January 1 after the conclusion of the ninety-fifth year. This ninety-five-year term places the new expiry date of *Steamboat Willie* on January 1, 2024.

II. Mickey's Status Under Copyright Law

So where does this leave us? Is Mickey Mouse now fair game? A little bit, yes, but not completely. *Steamboat Willie* and the image of Mickey's appearance in that film will sit squarely in the public domain. Mickey's appearance in *Steamboat Willie* is distinctly more angular and a bit more rat-like than recent versions of Mickey. The latter versions look more child-like and softer. Based on this distinction, the original *Steamboat Willie* version of Mickey can be used in new creative works, sans copyrightable elements of his more modern iterations. In other words, Disney's newly added elements to Mickey's appearance over the years remain the company's property, but not the original underlying image from 1928.

When an author claims copyright protection over novel additions to preexistent subject matter, protection will only extend to original creative expression. Variations and innovations must be more than trivial or miniscule updates. They must transcend in some way.

How exactly does all this shake out in a meaningful way? We can copy OG Mickey wholesale. We cannot copy newer iterations of Mickey wholesale. There appears to be gray area if we add some of the newer elements to Mickey's image from 1928. Ultimately, we may not see clarification until Disney exerts a copyright claim over hybrids of those images.

¹ “Set Sail for Adventure” is the name of a 2000 Mickey Mouse Hallmark Christmas ornament that places Mickey Mouse as the captain of a riverboat on Jungle Cruise, a Disneyland ride. It has also been identified as a quote attributed to Mickey Mouse.

² U.S. Const. art. I, § 8, cl. 8.

III. Does Trademark Law Bear on Mickey's Protection?

Disney has trademarked OG Mickey from 1928. Moreover, trademarks can persist indefinitely even though copyrights have limited life. Given Disney's trademark, does the passage of Steamboat Willie into the public domain have little practical effect?

To answer this question, it's important to understand that trademarks and copyrights serve different purposes. Trademark law protects names, figures, symbols, words, logos, and other marks that serve as brand identifiers to source products and services. Whereas the purpose of copyright law is to prevent people from copying creative works and using them without permission, the objective of trademark law is to provide clarity in the marketplace by distinguishing a seller's goods and services. The effect of this is that we can use OG Mickey unless doing so attributes a product or service to Disney. To avoid this, we can simply claim ownership and disclaim any affiliation with Disney.

Courts have commented further on the matter. The Supreme Court held that trademarks cannot be used to bypass the expiration of copyright protection.³ The Ninth Circuit provided additional comment: when a creative work that was once protected by copyright law enters the public domain, it cannot be removed.⁴

Disney's trademark of 1928 Mickey doesn't circumvent the expiration of the figure's copyright protection. Stating otherwise is an oversimplification.

³ *Dastar v. Twentieth Century Fox*, 539 U.S. 23 (2003).

⁴ *Comedy III v. New Line*, 200 F.3d 593 (9th Cir. 2000).

IV. Summary

Disney and Mickey Mouse enjoy a rich tradition that has left a mark on our country and the world.

When *Steamboat Willie* enters the public domain on January 1, 2024, the original 1928 Mickey Mouse can be copied, altered, and adapted by others. However, Disney will retain trademark protection over that particular Mickey image as a brand identifier. Additionally, more recent iterations of Mickey will remain Disney's copyrighted intellectual property.

Upcoming Events

January Happy Hour. January 19, 4:30 p.m. at ProAbition.

Beer Yoga with Barristers. January 21, 10:00 a.m.–11:00 a.m. at Safe Haus in Moreno Valley. Please RSVP!

Barristers Disneyland Day! March 2, 8:00–close. Please RSVP!

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Contact me directly by email at drivera@alumni.nd.edu, or by text or phone call at (909) 844-7397.

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

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Questions: Contact the Riverside Superior Court Executive Office at (951) 777-3162

Practicing Responsibly and Ethically: California's New MCLE Requirements

by David Cantrell and Cole Heggi

Several changes to California's MCLE requirements will go into effect on January 1, 2024. Going forward, all attorneys will still be required to complete 25 credit hours of MCLE activities, with no more than 12.5 credit hours of self-study, every three years. However, the 25 hours now must include 10 hours of specific ethics-related content (up from 8 hours), as follows:

- At least 4 hours of **Legal Ethics**. This requirement remains unchanged from last year.
- At least 2 hours of **Elimination of Bias in the Legal Profession**, 1 hour of which must be on **Implicit Bias**. This is a continuance of the requirements established under rule changes that went into effect in 2022, which increased the Elimination of Bias Requirement from 1 to 2 hours and introduced the Implicit Bias requirement. (See Cal. Bar Rules, Rule 2.72(B)(2).)
- At least 2 hours in **Prevention and Detection Education**. This requirement, new for 2024, is a repackaging of what used to be referred to as "substance abuse" or "competence issues." The requirement has been raised from 1 to 2 hours, and focuses on the prevention and detection of substance use disorders, mental illness, and other physical or mental issues that can impair an attorney's ability to perform competently. The objective is to help lawyers to be able to recognize, prevent, and address these issues, thereby maintaining high standards of professional capability and care in legal practice. We are skeptical that compliance with this new standard will appreciably affect the overall rate of mental illness and substance abuse in the profession, but, nevertheless, the Bar will discipline you for failing to comply.
- At least 1 hour of education addressing **Technology in the Practice of Law**. A new requirement for 2024, this change recognizes the increasing importance of technological competence for practicing attorneys. Given the number of fax machines that still appear to be in use, this new requirement is needed. Kidding aside, this category covers important emerging technology-related topics, including (1) tools for protecting a firm's, its employees', and its clients' data; (2) how to leverage technology to organize and manage information and documents; (3) software and applications relating to law firm management; (4) technologies for virtual court appearances and remote depositions; (5) soft-

ware, applications, and services for electronic discovery; and (6) software and applications, including artificial intelligence technology, for improving and streamlining the provision of client services.

- At least 1 hour of education about **Civility in the Legal Profession**. This is another new requirement for 2024, and targets a perceived rise in incivility in the legal profession, often disguised as zealous representation. This topic will address uncivil behavior directed at opposing parties and counsel, as well as at the judiciary. Notably, this category appears to be an attempt to include a third required hour of bias-related education, as providers of MCLE courses meeting the civility requirement are directed to address "the link between civility and bias[.]" (See Cal. Bar Rules, Rule 3.601(H).)

These changes affect all three compliance groups, although Compliance Group 2 (last names H-M), whose current compliance period ends on January 31, 2024, does not have to comply with the new requirements until its next compliance period ending January 31, 2027. Group 1 attorneys (A-G) must comply with the new requirements by January 31, 2025, and Group 3 attorneys (N-Z) must comply by January 31, 2026.

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

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



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Civil Discovery Changes in the New Year

by Andrew G. Saghian

Senate Bill 235 Modifies the Civil Discovery Act to More Closely Reflect Initial Disclosure Requirements in Federal Court

On September 30, 2023, the Governor signed into law Senate Bill (SB) 235, which makes certain changes to the Civil Discovery Act. SB 235 builds on the revisions made to the initial disclosure framework SB 17 first introduced in 2020. SB 235 models aspects of the Federal Rules of Civil Procedure, and it requires parties in many civil cases to disclose certain discoverable information in response to another party's demand. This article briefly analyzes SB 235's changes as well as potential implications for civil litigators going forward.

Initial Disclosures Before SB 235. The Civil Discovery Act previously allowed parties to stipulate to initial disclosures of information within 45 days of the court's order. These disclosures needed to include, among other things, information concerning witnesses, insurance, indemnification, document descriptions, and electronically-stored information.

Changes Under SB 235. A party's demand now triggers the initial disclosure obligations, unless the parties agree otherwise, and the disclosures are due within 60 days of a party's demand. SB 235 also makes modest changes to the information and materials that must be disclosed. For example, SB 235 requires parties to produce insurance policies and documents regarding insurance coverage disputes. Also required are documents, or their description, if such documents are relevant to the action's subject matter. Expert trial witness information is exempt from required disclosure.

Additionally, SB 235 amends how parties may propound supplemental demands. Specifically, SB 17's mandatory supplementation obligation has been replaced by the supplementation framework for other forms of written discovery. Now, a party may make a supplemental demand for initial disclosures twice before an initial trial date is set, and once after. A court may, however, grant leave for one additional supplemental demand if good cause is shown. Initial disclosures, supplemental or otherwise, must be verified by a written declaration from either the party or the party's authorized representative, or signed by counsel.

Certain cases and parties are exempt from the initial disclosure requirements, including those actions commenced under the Family or Probate Codes, unrepresented litigants, and cases designated as "preference cases."

Finally, SB 235 raises sanctions from \$250 to \$1,000 under Code of Civil Procedure section 2023.050. The sanction is triggered where a court finds that a person, party, or attorney: (i) did not respond in good faith to the production of documents; (ii) produced the requested documents, but did so within seven days before the court was scheduled to hear a motion to compel production, which was filed by the requesting party due to the failure to respond in good faith

to the request for production; or (iii) failed to meet and confer with the requesting party in a reasonable and good faith attempt to resolve a dispute concerning a request for production.

SB 235's Implications. This bill signals a modest, but steady shift towards more transparency between parties in discovery. Notably, SB 235 was amended to remove automatic, mandatory initial disclosures due to resistance from some practitioners. As the bill's author notes, SB 235 is intended to "limit gamesmanship" while advancing disclosure goals. SB 235 may change the pace of the discovery process and affect the likelihood of early resolution. Ultimately, discovery disputes are oftentimes time-consuming and costly, and the increased sanctions coupled with the disclosure requirements may help encourage civility and professionalism during the discovery process.

Andrew G. Saghian is a litigation associate in Best Best & Krieger's Municipal practice group. He assists clients with navigating all aspects and stages of litigation at both the trial and appellate levels.



The poster is for the "Access to Justice Gala Labor of Love" event. It features a pink and white color scheme with floral decorations. At the top left, it says "You're Invited!" and "2024". The logo for the "LEGAL AID SOCIETY OF San Bernardino" is in the top right. The main title "Access to Justice Gala" is in a large, elegant font, with "Labor of Love" on a red ribbon below it. The date and time are "FEBRUARY THURSDAY 15 05:00 PM". The location is "Fox Event Center, 123 Cajon St., Redlands, CA 92373". A QR code is provided for scanning, with a "SCAN" button next to it. The website "WWW.LEGALAIDOFBSB.ORG" is listed at the bottom. A note at the very bottom says "ELEGANCE IS THE THEME, SO WE SUGGEST BLACK TIE ATTIRE TO ENHANCE THE EVENING'S ALLURE".



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Discovery Protection for Victims of Domestic Violence and its Impact on Family Law

by Jeremy Roark

On January 1, 2024, Family Code section 6309 became effective which limits discovery and creates a protective order to ensure that litigants do not use litigation abuse to further perpetuate domestic violence under the Domestic Violence Protection Act (DVPA).

According to the newly enacted code section, domestic violence is an urgent public safety and public health crisis. More than one in three California women and one in seven men experience intimate partner physical violence, intimate partner sexual violence, or intimate partner stalking in their lifetimes. Domestic violence accounts for more than fifteen percent of all violent crimes in California and more than ten percent of all California homicides. Research has shown that a domestic violence restraining order is the most effective legal remedy for intervening in and preventing future abuse.

Domestic violence survivors who enter the family or civil court systems seeking protection often face ongoing abuse in the form of litigation abuse. Litigation abuse is the use of legal procedures by abusive partners to continue to harass or maintain contact with their former partners through the litigation system with excessive discovery and litigation. Studies show that litigation abuse causes severe consequences for survivors, including economic hardship and psychological harm, and some forego legal relief in part or in whole due to the litigation abuse.

Further, the goal of Family Code 6309 is to provide for separation and to prevent future acts of domestic violence by streamlining any domestic violence restraining order discovery to expedite the adjudication of requests for restraining orders and prevent abusive litigation tactics that interfere with legislative intent to protect domestic violence victims.

Family Code 6309 now requires court approval prior to a party seeking discovery from another party in a proceeding for a protective order under the Domestic Violence Prevention Act (DVPA). It further provides that a court may grant a request for discovery only on a showing of good cause by the party making the request. If the court continues the hearing to allow for discovery, the court must extend, and may modify, any restraining order in place.

What does it mean for Family Lawyers?

On its face, the Family Code section 6309 seems clear with its limitations on discovery in domestic violence cases.

However, Riverside County, and many other counties, often have domestic violence restraining orders attached to established family law cases. The code is unclear on whether discovery for family law issues ceases or is stayed when there is a pending request for domestic violence restraining

order. The code is unclear on whether Family Code section 6309 only applies to the restraining order issues when attached to family law cases or all discovery is stayed in the entire family law matter. There is information that can regularly be sought during the dissolution process unrelated to domestic violence. It is expected that information related to family law issues, such as support, visitation, etc, would be appropriately requested through traditional discovery channels.

In contrast, there are ways where one side can perpetuate abuse by burdening and overwhelming their victims of domestic violence, which is in complete opposition to the spirit of Family Code section 6309. As described above, one side can inundate the other with excessive documents requests and set up depositions to intimidate and financially abuse the other side.

When one faces discovery requests during the pendency of a request for domestic violence restraining order without first seeking the approval of the court, Family Code section 6309, subdivision (b)(3) allows a party to orally object at the time of the hearing, and not require a person to file a written objection. In practice, no response is even required.

I can envision a situation where one faces a motion to compel for family law related issues and the court has to decide whether the burden is on responding party to comply or the propounding party to have sought approval of the court by disclosing the good cause.

Until such time as the Court further clarifies with case law, one with the intentions of using available discovery tools ought to seek the court's approval for any discovery, whether related to domestic violence or not. The request should be narrow and propose the least invasive means to avoid even the perception of litigation abuse.

However, the most prudent practitioners should first meet, confer, and work together to resolve discovery disputes for family law issues when there is a pending request for a restraining order. The parties should understand the goal of Family Code section 6309 is to reduce the potential for alternative forms of abuse. The parties should also understand the need for information to make decisions related to their family law matters. Attorneys should prioritize discovery that is less intrusive, less invasive, and less burdensome, but still provide information to move cases forward.

Jeremy N. Roark is formerly the co-chair of the Riverside County Bar Association's Family Law Section, a Certified Family Law Specialist, and attorney at Holstrom, Block & Park, APLC.



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Navigating New Laws for Employers in 2024

by Michelle Wolfe

With the new year comes new labor and employment laws, affording employees in California more protections and hefty obligations for employers. The most challenging will be expanding paid sick leave benefits, addressing employee protections for off-premises cannabis use, the invalidity of non-compete agreements, and increasing penalties for misclassification of employees. Below is a summary of some of the notable new laws, and unless otherwise noted, all take effect on January 1, 2024.

1. Expanded Leave Protections

A. Increased Sick Leave

Senate Bill (SB) 616 increased the amount of paid sick leave employers must provide California employees. The amended Healthy Workplaces, Healthy Families Act, now requires California employers to provide at least five (5) days or 40 hours of paid sick leave instead of the three (3) days or 24 hours previously required.¹ Local ordinances may require higher amounts of paid sick leave.

Employers using the accrual method may still provide paid sick leave at an accrual rate of one hour for every 30 hours worked.² However, employees must accrue at least three days of paid sick leave by their 90th calendar day of employment and five days by their 200th calendar day.³ Further, employees must be allowed to carry over at least ten days (or 80 hours) of paid sick leave to the following calendar year.⁴

Alternatively, employers may provide the full five days or 40 hours of paid sick leave upfront in a lump sum each calendar year or 12-month period.⁵ Employers using the upfront, lump-sum method do not have to accrue any sick leave or allow carryover to the following year; however, all sick leave provided must be available for use during the same calendar year in which the employer provides it.⁶

Employers may still require employees to work for 90 calendar days before using sick leave.⁷ Accrued but unused sick time provided separate and apart from a vacation or paid time off policy still does not need to be paid out upon termination.⁸

B. Reproductive Loss Leave

This new law provides a separate leave from California's existing bereavement law and provides employees with five days of protected time off for a

"reproductive loss event."⁹ The new law applies to private employers with five or more employees and any California employee employed for at least 30 days prior to the commencement of leave, even if a portion of that time was spent working outside of California.¹⁰ The term "reproductive loss event" is broadly defined to include a failed adoption, failed surrogacy, miscarriage, stillbirth, or unsuccessful assisted reproduction.¹¹ Unlike California's bereavement leave law, this new law does not contain a provision allowing employers to request documentation to confirm the reproductive loss event. Employers' existing leave policies will determine whether the reproductive loss leave is paid or unpaid; however, employees must be allowed to use paid time off, paid vacation, paid personal leave, accrued paid sick leave, or other compensatory time off in lieu of taking the five days unpaid.¹² The five days must be taken within three months of the reproductive loss event, but need not be taken consecutively.¹³ Employees who experience more than one reproductive loss event in a 12-month period need only be provided with a maximum of 20 days of leave.¹⁴

2. The Defeat of Non-Compete Agreements in Employment Contracts

California has long precluded non-competition clauses in employment contracts, subject to strict exemptions that limit employees' abilities to work in professionals, trades, or businesses. SB 699 extends the prohibition of non-compete agreements in California by explicitly providing that agreements void under existing California law are also unenforceable, regardless of when and where the contract was signed. Beginning on January 1, 2024, employers may not enter into or enforce employment agreements, "no matter how narrowly tailored," that restrict an employee from "engaging in a lawful profession, trade, or business of any kind."¹⁵ This restriction applies "regardless of where and when" such agreements are presented or were originally executed.¹⁶ Current, former, and prospective employees presented or threatened with such agreements may seek immediate injunctive relief or damages in California courts, as well as "reasonable attorney's fees and costs."¹⁷ In addition, by February 14, 2024, California employers and non-California employers with California employees

1 2023 Cal. S.B. No. 616 (2023-2024 Regular Session).

2 *Id.* (Cal. Labor Code § 246(b)).

3 *Ibid.*

4 *Id.* § 1 (Cal. Labor Code § 246(j)).

5 *Id.* § 1 (Cal. Labor Code § 246(d)).

6 *Ibid.*

7 *Id.* § 1 (Cal. Labor Code § 246(c)).

8 *Id.* § 1 (Cal. Labor Code § 246(g)).

9 2023 Cal. S.B. No. 848 (2023-2024 Regular Session).

10 *Id.* § 1 (Cal. Gov. Code § 12945.6(a)(3), (a)(2)).

11 *Id.* § 1 (Cal. Gov. Code § 12945.6(a)(7)).

12 *Id.* § 1 (Cal. Gov. Code § 12945.6(b)(4)).

13 *Id.* § 1 (Cal. Gov. Code § 12945.6(b)(3)).

14 *Id.* § 1 (Cal. Gov. Code § 12945.6(b)(1)).

15 2023 Cal. S.B. No. 699 (2023-2024 Regular Session).

16 *Id.* § 2 (Cal. Bus. & Prof. Code § 16600.5(b)).

17 *Id.* § 2 (Cal. Bus. & Prof. Code § 16600.5(d), (e)).

must notify current and former employees (defined as those employed after January 1, 2022) in writing that previously executed agreements covered by the new law are now void.¹⁸

Failure to comply with these new laws, including the notification requirement, may result in civil penalties for “unfair competition” under Business and Professions Code section 17206, which are capped at \$2,500 per violation.¹⁹ While neither statute addresses how civil penalties will be calculated—i.e. whether per employee, per non-compliant agreement, or per overall failure to notify an employee population, California courts are “afforded broad discretion” when determining the amount of civil penalties to impose under section 17206.²⁰

Note that this new law applies to employment contracts. The three limited statutory exceptions allowing restrictive covenants in the sale or dissolution of corporations, partnerships, and limited liability corporations remain in effect.²¹

3. Discretionary Stays Pending Appeals of Arbitrability

As of January 1, 2024, the California Code of Civil Procedure will no longer provide for automatic stays of trial court proceedings pending appeal of “order[s] dismissing or denying a petition to compel arbitration[.]”²² Instead, trial courts will have discretion to deny a stay pending appeals of arbitrability.²³ Because S.B. 365 creates a procedural change, courts may apply the discretionary standard to pending and future litigation. Given its marked departure from the U.S. Supreme Court’s recent decision in *Coinbase, Inc. v. Bielski*, 599 U.S. 736, 737 (2023), which held that the FAA requires “a district court [to] stay its proceedings while the interlocutory appeal on arbitrability is ongoing,” S.B. 365 will likely face preemption challenges on the ground that it disfavors arbitration. See *Kindred Nursing Centers Ltd. P’ship v. Clark*, 581 U.S. 246 (2017) (a state law that “discriminate[s] on its face against arbitration” or “singles out arbitration agreements for disfavored treatment... violates the FAA”).

4. Prior Marijuana Usage

Last year, the California legislature amended the Fair Employment and Housing Act (FEHA) to create employee protections for off-premises off-duty cannabis use, and delayed enforcement of the law. It is now unlawful for an employer to discriminate against a person in hiring, termination, or any term or condition of employment based on (1) a person’s use of cannabis off-the-job and away from the workplace or (2) an employer-required drug screening test that has found the person to have non-psychoactive cannabis metabolites in their hair, blood, urine, or other bodily fluids. While employers can still prohibit employees from using or being impaired by

18 2023 Cal. A.B. No. 1076 (2023-2024 Regular Session).

19 *Id.* §2 (Cal. Bus. & Prof. Code § 16600, 16600.1 (c)).

20 See *Nationwide Biweekly Administration, Inc. v. Superior Court* (2020) 9 Cal.5th 279,326.

21 Cal. Bus. & Prof Code §§ 16601, 16602, 16602.5.

22 2023 Cal. S.B. No. 365 (2023-2024 Regular Session).

23 *Id.* § 1 (Cal. Code Civ. Proc. §1294(a)).

cannabis at work, they cannot prohibit cannabis use off duty.

SB 700 further expands employee protections. Starting January 1, 2024, employers may not request information about an applicant or employee’s prior use of marijuana.²⁴ Employers also cannot discriminate against current or prospective employees on the basis of criminal history related explicitly to prior marijuana use unless otherwise allowable by law.²⁵

5. Labor Code’s New Rebuttable Presumption of Retaliation

A new rebuttable presumption of retaliation was codified in California Labor Code section 98.6. If an employer takes adverse action against or disciplines an employee within 90 days of that employee engaging in protected conduct, there is a rebuttable presumption of retaliation. Protected conduct may include, but is not limited to, discussing, inquiring, or complaining about wages or encouraging other employees to exercise their own protected conduct rights.²⁶

6. Increased Penalties for Independent Contractor Misclassification

Section 226.8 of the Labor Code will require courts and the Labor and Workforce Development Agency to impose \$5,000 to \$15,000 in civil penalties per violation starting on January 1, 2024, for: (1) willful misclassification and/or (2) charging a willfully misclassified person a fee or “making any deductions from compensation” for any purpose “arising from [their] employment” that would otherwise be illegal if they were not misclassified (i.e. charges for necessary uniforms, tools, etc.).²⁷ The penalties can be increased to \$10,000-\$25,000 per violation where there is or has been, a pattern or practice of violations.²⁸ These penalties are in addition to any other available penalties or fines.²⁹ A violator will be required to prominently display a notice on their website for one year, stating that they have engaged in willful misclassification and have made business changes to avoid further violations, along with other information.³⁰

Conclusion

These are a few new laws affecting employees and employers this year, which are expected to have the greatest impact. The pace of new employment laws coming out of the California legislature did not slow in 2023, and it is not likely to slow down after the new year.

Michelle M. Wolfe is Senior Counsel at the Law Office of Karen J. Sloat, APC in Palm Desert. Her practice focuses on representing employers and management on labor and employment matters in litigation and in providing workplace solutions.



24 2023 Cal. S.B. No. 700 (2023-2024 Regular Session).

25 *Id.* § 1 (Cal. Gov. Code § 12954(c)).

26 Cal. Labor Code §§ 98.6, 1197.5(k).

27 *Id.* § 1 (Cal. Labor Code §226.8).

28 *Id.* § 1 (Cal. Labor Code §§ 226.8(b), (c)).

29 *Ibid.*

30 Cal. Labor Code § 226.8(e).

2023 Update on Key Immigration Laws

by Mariella P. Diaz

Immigration has three broad and complex immigration practice categories: (1) family-based petitions, (2) business immigration, and (3) removal defense. These complex categories change constantly, with new federal cases at the Board of Immigration Appeals (which has jurisdiction over the fifty states), BALCA, any Circuit where your case belongs and the U.S. Supreme Court decisions. In addition, we have continuous regulations and memos given by the administration in charge, and power over the Department of Homeland Security.

The constant changes of the immigration rules demand attorneys to be continually updated about the new rules. Moreover, when the U.S. welcomes a new president from a new political party, immigration attorneys also welcome drastic changes in immigration. Most of us pray the changes will not apply to our clients' cases, but often they do.

When this happens, often, we need to explain to clients that they have to separate from their immediate family for a couple of years, a decade, or even forever. Frequently, there is not much that can be done in the short run. In the long run, immigration attorneys unite and often fight back against the government. This is unique to immigration practitioners.

In 2023, there were no drastic changes in immigration law, but there were few to be noted. When you read these new laws, regulations, or memos, let's try sympathizing with the people on the other side of the pond affected by these laws. Imagine our country is in crisis and we must leave behind everything we worked hard for our entire life, just to save our family. In this context, please note the significant changes in 2023.

FAMILY-BASED PETITIONS

Family Reunification through the Parole Program

In the past, the parole program was only reserved for Cubans since 1994, and Haitian since 2014 after the earthquake in 2010. In 2023, the Department of Homeland Security (DHS) modernized the Cuban and Haitian family reunification parole (FRP) processes.

The program unites certain families waiting for their application to be available for ten, twenty or more years. This process is the correct and safe manner to unite family members who have already filed a family petition (I-130) for certain relatives overseas.

In May 2023, citizens of Colombia, El Salvador, Guatemala, and Honduras joined Cuba and Haiti in the

family reunification through the parole program. Ecuador was added on November 15, 2023.

However, not everyone from these countries who has a family petition pending can apply for this program. The relatives must wait for an invitation from the State Department. The state will invite "certain" individuals as a lottery.

Temporary Protected Status

The Secretary of Homeland Security can designate a foreign country for Temporary Protection Status (TPS) due to severe conditions in the foreign country that prevent nationals from returning safely. USCIS may grant TPS to eligible nationals of certain countries who are already in the U.S. The temporary foreign conditions are ongoing armed conflicts (civil war), an environmental disaster (hurricane, earthquake, or epidemic), or other extraordinary circumstances.

During the designated period, TPS beneficiaries can be eligible for employment authorization, and the U.S. will not remove them from the U.S. This benefit does not have a path for lawful permanent resident or other immigrant status. This is temporary status, and the U.S. can take it away at any time.

The countries currently designated TPS are Afghanistan, Burma (Myanmar), Cameroon, El Salvador, Ethiopia, Haiti, Honduras, Nepal, Nicaragua, Somalia, South Sudan, Sudan, Syria, Ukraine, Venezuela, and Yemen. Each country has a different expiration date.

Board of Immigration Appeal (BIA) Decisions

The BIA held that applicants for admission who are released on conditional parole have not been "inspected and admitted or paroled," and thus are not eligible for adjustment of status under the Cuban Refugee Adjustment Act. *Matter of Cabrera-Fernandez*, 28 I&N Dec. 747 (BIA 2023).

The BIA held that noncitizens who are inadmissible for a specified waiting period pursuant to INA 212(a)(9)(B)(i) due to their previous unlawful presence and departure are not required to reside outside the U.S. during this time. *Matter of Duarte-Gonzalez*, 28 I&N Dec. 688 (BIA 2023).

BUSINESS IMMIGRATION

Temporary Nonagricultural Visas (H-2B)

The H-2B nonimmigrant program permits U.S. employers to temporarily hire foreign workers to perform nonagricultural labor or service work in the U.S. Employment is of a temporary nature for a limited period

of time such as a one-time occurrence, seasonal need, peak load need, or intermittent need. Congress normally issues 66,000 H-2B visas available every fiscal year. In consultation with the Department of Labor, on November 16, 2023, the Department of Homeland Security (DHS), published a temporary final rule making available an "additional" 64,716 H-2B temporary nonagricultural worker visas for fiscal year (FY) 2024.

Premium Processing for F-1 Students

On March 6, 2023, U.S. Citizenship and Immigration Services announced the expansion of premium processing for certain F-1 students seeking Optional Practical Training (OPT) and F-1 students seeking science, technology, engineering, and mathematics (STEM) OPT extensions who have a pending Form I-765, Application for Employment Authorization, and wish to request a premium processing upgrade.

REMOVAL DEFENSE

EOIR Memo regarding Enforcement Priorities and Prosecutorial Discretion

The memo clarifies who is a priority for removal, meaning not all noncitizens are a priority for removal. Immigration enforcement prioritizes the apprehension and removal of noncitizens who are (1) a threat to our national security, (2) public safety, and (3) border security. A noncitizen is a threat to national security when engaged in, is suspected of terrorism or espionage, or related activities, or who poses a danger to national security. A noncitizen is a threat to public safety when it poses a current threat to public safety, typically because of serious criminal conduct. A noncitizen is a threat to Border Security when the person is apprehended at the border or port of entry while attempting to unlawfully enter the U.S. or unlawfully entered after November 1, 2020. The guidance is effective on September 28, 2023.

End of Title 42

A big policy change this year in the removal defense area was the end of Title 42 on May 11, 2023. During the COVID-19 pandemic, Title 42 was created under the Trump administration as a public health order, which allowed U.S. authorities to prohibit the entry of migrants who potentially pose a health risk, and expel them quickly back to Mexico, or in rare cases, to their countries. The practice continued with the Biden administration and ended on May 11, 2023. 42 U.S.C. §265.

Title 42 was also used even for people who would normally have temporary protected status (TPS) based on their country of origin or were eligible for asylum. This is why Title 42 was severely criticized by American Civil Liberties Union (ACLU), Amnesty International, Human Rights Watch, Human Rights First, and the American Immigrant Council.

Ninth Circuit Decisions

A lawful permanent resident who committed an offense after less than seven years of continuous residence was ineligible for cancellation of removal relief. *Rudnitskyy v. Garland*, 82 F.4th 742 (9th Cir. 2023).

Due process does not require the agency to provide a second bond hearing for noncitizen under prolonged statutory nonmandatory detention pending removal. *Rodriguez Diaz v. Garland*, 53 F.4th 1189 (9th Circuit, 2023).

A conviction for possessing a controlled substance with intent to deliver, in violation of Idaho Code section 37-2732(a)(1)(A), is a controlled substance trafficking under INA section 101(a)(43)(B), and an aggravated felony. *Tellez-Ramirez v. Garland*, No. 22-1168 (9th Cir., 2023). This case is relevant because it stands for the proposition that *mens rea* need not be an exact match for crimes of illicit trafficking.

Board of Immigration Appeal (BIA) Decisions

The BIA held that, for choice of law purposes, the controlling circuit law in immigration court proceedings is the law governing the location of the immigration court where the venue lies and will change only if an IJ grants a motion to change venue. *Matter of Garcia*, 28 I&N Dec. 693 (BIA 2023). Shortly after this case, the Idaho, Montana and Wyoming Immigration Courts sitting in Utah, were transferred to Oregon. Why? Because Utah follows the Tenth Circuit law, whereas Idaho, Montana, and Wyoming follow the Ninth Circuit law.

The BIA held that for purposes of Convention Against Torture (CAT) eligibility, an official's tortuous conduct was undertaken "in an official capacity" if they were able to engage in the conduct because of their government position. *Matter of J-G-R-*, 28 I&N Dec. 733 (BIA 2023).

The BIA held that a conviction for displaying what appears to be a pistol, revolver, rifle, shotgun, machine gun, or other firearm while committing burglary under New York law constitutes an aggravated felony crime of violence. *Matter of Pougatchev*, 28 I&N Dec. 719 (BIA 2023).

It is clear from the changes and the diversity of jurisdiction that Immigration is complex and if we were navigating Immigration as a practitioner, some would find it challenging, exciting and/or rewarding. Immigration was a dynamic force in many of 2023 laws and will have implications for many clients today and in the future. This is the blessing of immigration practice.

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“The Times They Are A-Changin’” Changes for the Estate Planner

by Andrew Gilliland

According to his website,¹ Bob Dylan has played his classic anthem “The Time They Are A-Changin’” 633 times with the first performance in 1963 and the last performance in 2009. The acoustic guitar, harmonica, and nasal sung lyrics resonated in the 1960s as a rally cry for change and even today still evoke emotion laced calls for change in our very fluid world. Dylan masterfully starts out the song by calling everyone “wherever you roam” followed by very specific calls to “writers and critics, senators, congressmen,” and “mothers and fathers” to come and recognize that “the times they are changin’” and that there are only two decisions – either get out of the way or get on board with the change. Dylan provides warnings to each group that does not heed to his call that “the times are a-changin’”. For the masses of people, Dylan warns that they may “sink like a stone” whereas the writers and critics are simply cautioned not to “speak too soon.” The senators and congressmen receive a threat from Dylan who claims that they (whoever they are) “will soon shake your windows and rattle your walls” and parents were told by Dylan that “your sons and daughters are beyond your command.”

It seems like each year estate planning attorneys are faced with new changes to the laws. Practicing in estate planning also comes with warnings that if your estate planning systems and documents are not in accordance with the new laws by being drafted and executed correctly, the estate plan may not comply with the changes or even worse like the senators and congressmen, your windows could be shook and your walls rattled if a client or a beneficiary decides that you committed malpractice by not complying with the new laws. This article will touch upon a few such new laws that deal with estate planning. The reader is encouraged to follow up by reading the text of each law for a more in-depth understanding.

Uniform Directed Trust Act

Like many other states, California has adopted the Uniform Directed Trust Act memorialized in Section 16600 through 16632 of the California Probate Code and effective January 1, 2024, for trusts created on or after January 1, 2024, and effective for decisions made after January 1, 2024, if the directed trust was created before January 1, 2024.² Section 16600(2) defines a directed trust as a trust whose terms “grant a person other than a trustee a power over some aspect of the trust’s administration.” In other words, there are at least two trustees with one trustee being defined as the “directed trustee” and the trustee who is providing the directions being defined as the “trust director.” The author-

ity to mandate an action by the trust director is a “power of direction.”³ Section 16606 carves out limitations on the scope of applicability of the Uniform Directed Trusts Act specifically excluding its applicability to the following types of powers: appointments, removal of a trustee or trust director, a settlor’s right to revoke the trust, a beneficiary’s power over a trust, and any express limitation stated in the trust that the power of direction is held in a nonfiduciary capacity.

The powers of a trust director are twofold as such powers include not only those powers set forth in the terms of the trust, but also include any powers “appropriate to the exercise or nonexercise of a power of direction.”⁴ The standard for such exercise of powers is a subjective standard of being “subject to the same rules as a trustee in like position,”⁵ which ultimately means the standard is determined by prior case law and future case law regarding the subject. Careful drafting setting forth the specific powers granted as well as any limitations on liability can mitigate the risk factor associated with this subjective standard and provide direction to any court determining whether a breach of trust or a breach of a fiduciary duty has occurred.

When the trust director does mandate an action, the directed trustee must comply with such mandate unless such compliance would require the trustee to engage in willful misconduct.⁶ Short of willful misconduct, the Uniform Directed Trust Act shields a directed trustee from liability for complying with the trustee director’s mandate. Section 16618 states that a trustee and a trust director each have no duty to monitor each other or to provide advice to a settlor or beneficiary when such directed trustee or trust director would have chosen a different action than that taken by the trust director or directed trustee.⁷

The last few new sections added to the California Probate Code deal with statute of limitations and jurisdictional matters such as that an action must commence within the time periods set forth in Section 16460 of the California Probate Code,⁸ that the trust director has the same defenses of a trustee,⁹ and that the trust director submits to the personal jurisdiction of California by acceptance of appointment as a trust director.¹⁰

Health Care Directive Form

To clear up any ambiguity regarding the powers granted using the statutory health care directive form, Section 4617

3 See Section 16602(d) of the California Probate Code.

4 See Sections 16608(b) of the California Probate Code.

5 See Sections 16610(a) and 16612 of the California Probate Code.

6 See Sections 16614(b) of the California Probate Code.

7 See Sections 16618 of the California Probate Code.

8 See Sections 16622(a) of the California Probate Code.

9 See Sections 16624 of the California Probate Code.

10 See Sections 16626 of the California Probate Code.

1 www.bobdylan.com/songs

2 See Section 16604(a)(2) of the California Probate Code.

is amended to exclude from the definition of "health care decision" those decisions set forth in Section 4652 of the California Probate Code: commitment to mental health facility, convulsive treatment, psychosurgery, sterilization, and abortion. The Health Care Directive form found in Section 4701 of the California Probate Code is also modified to add the following to the Explanation section:

"However, your agent will not be able to commit you to a mental health facility, or consent to convulsive treatment, psychosurgery, sterilization, or abortion for you."

A new Section 4679 is also added to the California Probate Code concerning the use of a "psychiatric advance directive" for the decisions excluded from the definition of "health care decision." A psychiatric advance directive needs to comply with the requirements of an advance medical directive and be drafted to provide preferences for future mental health treatment if a mental health crisis occurs. When drafting an estate plan, the attorney should ascertain if a psychiatric advance directive is necessary or desired by the client. Currently, there is no statutory form for the advance psychiatric directive, but the statutory Advance Health Care Directive could be used as a template for drafting.

Transfer on Death Deeds

The new law expands the ability to transfer real property by a transfer of death deed to a real property interest that is not evidenced by a deed such as an interest in a stock cooperative. Section 5610 of the California Probate Code is amended to delete the specific exclusion of a stock cooperative and Section 5614.5 is added to include the definition of a stock cooperative. Thus, an interest in a stock cooperative is no longer specifically excluded from the use of a transfer on death deed.

The Line it is Drawn

There is plenty of opportunity for the estate planning attorney with respect to the above-referenced new changes. Adding an advance psychiatric directive to an estate plan provides an opportunity to reach out to existing clients and inform them of the clarification/change and the need for a new area of planning. The transfer of death deed changes also provide a similar opportunity to meet with clients. Finally, the Uniform Directed Trust Act requires that any decision made after January 1, 2024, for a directed trust must comply with the Act's requirements. This likewise could be an opportunity to meet with clients and perhaps amend or restate their directed trusts. There is always opportunity in change. As Dylan penned in 1963, "Keep your eyes wide, the chance won't come again" to provide a valuable service to your clients based on these changes.

Andrew Gilliland is a solo practitioner and the owner of Gilliland Law, APC. Andrew is the co-chair of the RCBA's Estate Planning, Probate and Elder Law Section and a member of the RCBA's Publications Committee.



RCBA 2024 Budget

REVENUES	
Bar Magazine Advertising	\$70,000.00
Committee/Section Meetings	\$3,500.00
Conf. Room Rental Fees	\$1,200.00
DRS Reimbursements	\$90,000.00
Fee Arbitrations	\$1,000.00
General Membership Meetings	\$7,500.00
Installation Dinner	\$20,000.00
Interest & Dividends	\$400.00
Labels & Rosters	\$200.00
Lease Income	\$220,000.00
LRS Panel Dues	\$5,000.00
LRS Percentage Fees	\$170,000.00
LRS Referral Fees	\$70,000.00
Mock Trial T-Shirts	\$700.00
Parking Space Fees	\$3,000.00
RCBA Membership Dues	\$115,000.00
Misc Income/Refunds	\$100.00
TOTAL REVENUES	\$777,600.00
EXPENSES	
Bank Service Charges	\$12,500.00
Bar Magazine Production/Mail	\$70,000.00
Bldg Maintenance & Repairs	\$30,000.00
Bulk Mail/Magazine	\$5,000.00
Committee Meetings	\$1,000.00
Conference of Delegates	\$1,000.00
CPA/TAX/Payroll Services	\$8,000.00
Donations	\$1,500.00
Employee Benefits/Medical	\$29,000.00
Employee IRA	\$7,500.00
Employee Salaries	\$337,177.00
Florist	\$200.00
General Membership Meetings	\$10,000.00
Good Citizenship-Photographer	\$200.00
Installation Dinner	\$20,000.00
Insurance - Workers Comp	\$1,300.00
Insurance - Building	\$19,000.00
Insurance - Bond	\$425.00
Insurance - E & O	\$915.00
Computer/Web Services	\$30,000.00
Interpreter Service	\$200.00
Janitorial Services	\$34,800.00
Janitorial Supplies	\$5,000.00
Licenses, Dues	\$1,000.00
Loan Interest - Provident	\$13,500.00
LRS Advertising	\$5,500.00
LRS Google Ad Campaign	\$27,600.00
LRS Recertification	\$2,675.00
Meeting Refreshments	\$2,000.00
Miscellaneous Expense	\$250.00
Mock Trial - State	\$1,000.00
Mock Trial T-Shirts	\$700.00
Office Equip - Maint/Lease	\$8,000.00
Office Supplies	\$5,000.00
Payroll Taxes	\$29,000.00
Phone Services	\$8,000.00
Postage - Meter Mail	\$4,500.00
President's Fund	\$600.00
Printing	\$1,200.00
Property Taxes	\$17,000.00
Utilities	\$32,000.00
TOTAL EXPENSES	\$784,242.00

Budget to be approved at January 19, 2024 General Membership meeting.

Mental Health Court and PC § 1001.36 Diversion: A System Challenged by Resources

by Chloe Care

The success or failure of collaborative courts is intricately tied to the efficacy and impact of their programs. Riverside County currently has several established collaborative courts, including Mental Health Court, Veterans Treatment Court, Drug Court, Homeless Court, Incompetent to Stand Trial (I.S.T.) Diversion, CARE Court, and Laura's Law. I had the opportunity to spend the summer immersed in the world of Riverside County Mental Health Court and Mental Health Diversion within Department 42. I interned under Deputy District Attorney Allison Roach in both Mental Health Court and Veterans Treatment Court, as well as under Deputy District Attorney Edward Hong, exclusively in Mental Health Court. Additionally, I interned under Alejandro Barraza at his private defense firm, Barraza Law, exclusively in mental health defense and research. Under the mentorship of Ms. Roach, Mr. Hong, and Mr. Barraza, I had an opportunity to take a critical look at Riverside's collaborative court system.

What Does the Law Say?

Mental Health Court incorporates both a post-plea probation program and a pre-plea diversion program. Whereas the Mental Health Court probation program is a court-constructed program, Mental Health Diversion was created by statute.

Penal Code section 1001.36 provides that Mental Health Diversion may be granted to specified individuals, utilizing "existing inpatient or outpatient mental health resources." Additionally, the code determines that "mental health services are provided only to the extent that resources are available, and the defendant is eligible for those services" (Pen. Code § 1001.36(F)(1)(a)(ii)).

The Memorandum of Understanding for the Operation of Riverside County Mental Health Court (herein MOU), emphasizes that one of the goals of Riverside Mental Health Court is to "forge partnerships among collaborative justice courts, public agencies, and community-based organizations to increase the availability of services..." The MOU also mandates that Riverside University Health Systems, Behavioral Health (herein RUHS-BH) operates as the agency responsible for services provided to defendants in Mental Health Court - both the probation program and diversion.

Riverside University Health Systems, Behavioral Health: The Overburdened Backbone of Mental Health Court and Diversion

RUHS-BH completes Mental Health Court evaluations, provides assessments to the Court team, including diagnoses and prepared treatment plans, and presents their findings in Court team meetings. Once a defendant enters either of the two programs, RUHS-BH arranges transportation for defendants, attends court, and provides written progress reports to the Judge. RUHS-BH provides 24/7 case management for each defendant, which includes providing prescriptions for mental health medications, coordinating beds and/or spots in community-based treatment facilities, coordinating and conducting post-facility treatment placement, assisting in employment and education, amending treatment plans if needed, and creating aftercare plans for each Mental Health Court graduate.

This extensive list of responsibilities falls to only a handful of RUHS-BH behavioral health specialists and clinical therapists (as far as I have observed, around five to six). These limited behavioral health specialists and clinical therapists are also simultaneously providing services and case management for defendants in Veterans Treatment Court, Military Diversion, Mental Health Court, Mental Health Diversion, Drug Court, Homeless Court, I.S.T. Diversion, CARE Court, Laura's Law. Statistics from the District Attorney's Office indicate that as of July 2023, there were 47 defendants in the Mental Health Court program, 29 defendants pending decision, 89 defendants in Mental Health Diversion, and 124 pending decisions. As of September 2023, there were 46 defendants in the Veterans Treatment Court program, 18 pending assessments, 93 defendants in Military Diversion, and 56 pending assessments. Therefore, the total estimated number of defendants that received or are receiving services/case management of RUHS-BH (in Mental Health Court and Veterans Court alone) is 502.

One thing is clear from my perspective as an intern - we have too few RUHS-BH staff assigned to Mental Health and Veterans Court to adequately support the extremely high number of defendants with 24/7 case management and treatment needs. Accounting for the one or two days each RUHS-BH behavioral health specialist or clinical therapist spends in court providing

information and insight regarding defendants, it makes me wonder: how can so few individuals, in such a limited amount of time, effectively serve so many defendants requiring intensive support?

A Continued Story of Limited Mental Health Treatment Team Members: The Riverside District Attorney's Office and the Riverside County Probation Department

Currently, there is only one deputy district attorney, Mr. Edward Hong, assigned to Mental Health Court and Mental Health Diversion in Riverside. This summer, while interning under Mr. Hong, I obtained a firsthand perspective on the staggering workload he manages (estimated at almost 300 defendants involved in some stage of the probation program and diversion). Mr. Hong is responsible for reviewing and determining the appropriateness of referrals and placement, advocating accountability for defendants in programs, termination of defendants who are consistently not in compliance with their treatment plans, as well as his duty to ensure that victims are informed of the court process and their rights. To offer a bit of perspective, there are (as far as I have observed) five deputy public defenders and one conflict panel attorney assigned to Mental Health Court, yet only one deputy district attorney.

It is also concerning that there is only one probation officer for 47 defendants (and 29 pending) in the program. Under the Memorandum of Understanding, probation is responsible for intensive involvement with program participants, including making recommendations to the court regarding treatment plans, supervising and monitoring all Mental Health Court defendants "as resources permit, which includes regular client contacts, field visits, and attending hearings," administering random drug and alcohol testing, reporting results to the treatment team, and to be present and involved in all Mental Health Court sessions and hearings. This is an incredibly heavy load of responsibility that is being managed by a single probation officer.

Additionally, it's important to mention that Department 42 has a notably impacted calendar. Mental Health Court and Diversion proceedings are exclusively calendared for Mondays and Tuesdays (the rest of the week's calendar consists of competency proceedings and drug court progress hearings). The courtroom assistant in Department 42 uses an angry red marker to mark the days that are impacted, which now extends to almost two months out.

Tape. Lots and Lots of Tape.

After my summer at the District Attorney's office, at Mr. Barraza's firm, and in Department 42, I have come to see Mental Health Court in terms of an analogy: Mental Health Court is a wall with a crack in it. The crack in the wall represents the many issues facing our programs, such as an overburdened University Health Systems

Behavior Health (RUHS-BH) with limited resources, limited resources at the District Attorney's Office and Probation Department, a packed court calendar, and other issues that I'm sure exist but did not observe in the limited amount of time I spent in Riverside. However, this wall is being held together by tape. Lots and lots of tape. The tape represents the overtime and incredibly hard work that everyone on the Mental Health Court treatment team does to keep the wall together. It truly made an impression on me to see the amount of effort, care, and hard work by the RUHS-BH clinical therapists and behavioral health specialists, Mr. Hong's resolute determination to fulfill his responsibilities to the highest and most honest standard despite the overwhelming caseload, the several deputy public defenders that I had the pleasure of watching passionately advocate for their clients, Judge Smith's tireless dedication to Mental Health Court, and the Mental Health Court probation officer's constant hard work to manage the huge number of defendants assigned to her. However, if Mental Health Court continues to operate the way it currently is, with an ever increasing number of defendants entering the Mental Health system, without the expansion of its programs and resources, eventually the tape will no longer be enough to hold the wall together. If we want our rehabilitation programs to expand and thrive, we must repair the crack in the wall.

Mental Health Court, Veterans Treatment Court, Drug Court, Homeless Court, I.S.T. Diversion, CARE Court, and Laura's Law are important and beneficial programs for eligible individuals and, on a broader scale, the community at large. Our collaborative courts will continue to grow. However, if the influx of defendants continues to grow, without expanding resources, our mental health programs may fail to provide adequate treatment and support to defendants. In such a situation, the strategic goals of Riverside Mental Health Court outlined in the MOU (reduce recidivism, promote public safety, promote the fair and appropriate sentencing of defendants who suffer significant mental health problems that contributed to their criminal behavior, reduce costs, etc.) may become unattainable.

Chloe Care, a second-year, pre-law student at the University of California, San Diego, is currently majoring in psychology with a minor in law and society. Chloe was born and raised in Riverside, where her journey into the legal field began at 15 years old when she began working as a paralegal. Now at 18 years old, Chloe has made strides in her exploration of the intricate world of collaborative courts with her internships at the Riverside District Attorney's Office and Barraza Law. Chloe plans to attend law school upon completing her undergraduate degree, build a career in the legal field, and eventually transition into public policy and legislative affairs.





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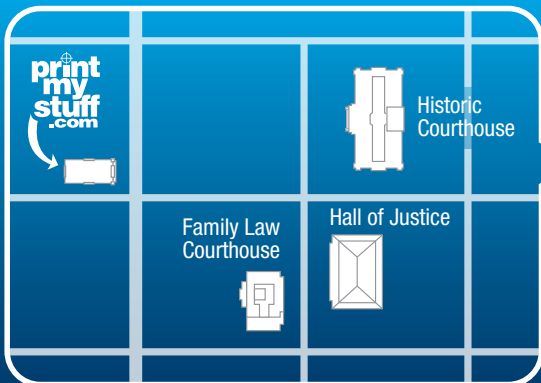
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Judicial Profile: Commissioner Samra Furbush

by Heather Green

CRAFTING JUSTICE WITH LEGO LOVE

Commissioner Samra Furbush's legal journey is a captivating tale weaving family influences, a dedication to justice, and a surprising passion for LEGO empires. From her Riverside roots to her esteemed role as a commissioner, Commissioner Furbush's story resonates with dedication, humor, and a touch of unexpected creativity.

Early Years: Nurtured in Legal Conversations

Growing up in a family of local Riverside attorneys, Commissioner Furbush found herself immersed in the legal community with her parents, Andy and Diane Roth, shaping her perspective. The lively atmosphere of weekend family gatherings were often filled with her parents' co-workers from the public defender's office that sparked her initial fascination with the legal world. Little did she know that this early exposure would lay the groundwork for her future legal journey.

Despite the legal milieu at home, her parents' work talk at the dinner table conversations initially left Commissioner Furbush uninterested in pursuing a legal career during her adolescent years. It was not until high school that her interest in the law truly ignited.

Mock Trials and Advocacy: Lessons in Resilience

High school became a crucible for Commissioner Furbush's legal passion. As a freshman, she tried out but missed securing a spot on the Poly High School mock trial team but bounced back the following year at North High School. Guided by coaches like Robert Nagby, Robert Spira, Paul Grech, and her parents, Commissioner Furbush embraced the thrill of presenting compelling arguments as the team's pre-trial attorney. Simultaneously, the injustices faced by friends in the 1980s Riverside community fueled her commitment to social justice.

Growing up, Commissioner Furbush always saw herself following in the footsteps of her parents and going to U.C. Berkeley. However, despite being accepted into her dream school, an opportunity arose to go to Columbia University in New York City, and she knew she had to take it. While she lived in New York City throughout the school year, her summers were spent back in Riverside and dedicated to gaining practical legal experience in civil law, criminal defense, and legal services. Commissioner Furbush recalls working for mentors like Paul Grech, her father, the



Samra Furbush

Riverside County Bar Association, Lawyer Referral Service, and Inland Counties Legal Services.

Law School Adventures: NYU to California Bar Triumph

Commissioner Furbush's legal journey continued at New York University School of Law, where she followed her father's advice to pursue classes that she found interesting. Exposure to legal luminaries like Bryan Stevenson and Tony Amsterdam fueled her already rooted passion for criminal justice. Commissioner Furbush spent her summers coming back to southern California, this time gaining experience in federal law. On an incredibly cold day, she made the decision

that New York was no longer the weather she wanted to stay in. After eight years in New York, she decided to return to California, passing the bar exam the first try.

Public Defender Passion: Ventura to Riverside and Beyond

Keen on a public defender career but wanting to make a name for herself based on her abilities and not being "Andy and Diane's kid," Commissioner Furbush applied across California, intentionally avoiding Riverside initially. Her journey began in Ventura County, a beautiful but low-crime landscape. Despite the challenges, she completed an impressive twenty-four trials in her first year. However, the call of Riverside soon brought her back, marking the beginning of a rich tenure at the Riverside Public Defender's Office. Commissioner Furbush started out in the misdemeanor unit and was quickly promoted to a felony trial case load, along with Sexually Violent Predator (SVP) and Mentally Disordered Offender (MDO) cases. She gained invaluable experiences and formed unbreakable friendships that continue to this day.

In 2007, Commissioner Furbush transitioned to the San Bernardino Public Defender's Office, working in almost every office they had in the county. Her caseload was comprised of misdemeanors, felonies, juvenile, SVP and MDO cases. Eventually she managed teams of misdemeanor and felony trial attorneys. The fast-paced public defender life became her norm, solidifying her love for the profession.

Love, Parenthood, and New Goals

Amidst her legal adventures, Commissioner Furbush met her husband, Will, at a roller-skating rink in 2005. Their whirlwind romance included him driving her to work on the back of his loud motorcycle for all to hear. Being a

newlywed brought on another new role for Commissioner Furbush, a role she continued to add to throughout her career, motherhood. She treasures the role of being a mom to her three daughters. Balancing the demands of a legal career with the joys of motherhood, Commissioner Furbush finds immense fulfillment in watching her daughters and stepdaughter grow and thrive. Marriage and parenthood brought a new dimension to her priorities, influencing her decision to explore opportunities beyond the demanding world of a public defender. She always found strength through her career challenges and life's adventures from her husband and his unwavering support of her.

Unexpected Turn: From Commissioner to LEGO Enthusiast

With the initial notion of truly wanting to be a public defender for life, Commissioner Furbush never aspired to be on the bench. However, that all changed after Commissioner Furbush's parents suggested she consider joining the Commission on Judicial Nominees Evaluation (JNE). Her stint on the panel turned out to be one of her most rewarding experiences. While conducting interviews, she learned of the fast pace and heavy calendar loads of a commissioner's courtroom, and she was intrigued. With the support and push from her husband, she knew her next goal. Ultimately, two things influenced her decision to apply for a commissioner position in Riverside, her love of the city and the fact that there was a position opening. Appointed in 2018, Commissioner Furbush navigated diverse assignments, from Indio to Hemet, Southwest, Riverside, and Moreno Valley.

Juggling family law, small claims, adoptions, and termination of parental rights, Commissioner Furbush has proven her versatility and dedication to the judicial system and has found fulfillment in the role of a commissioner. She credits her ability to transition to the various areas of law to the extremely experienced and knowledgeable court staff that has been assigned to her departments throughout her judicial career. Their expertise proving invaluable in navigating unfamiliar procedures with ease in each new assignment she has undertaken since being on the bench. Outside of the courtroom, she became a LEGO enthusiast, crafting widely varying empires with her

daughter. Using that creativity in court, combined with her years of experience as a public defender, approachability became her strength, using simple language to help unrepresented litigants understand the complexities of the law. She prides herself in allowing individuals to feel more comfortable in her courtroom so that at the end of the day, they feel like the judicial officer took the time to really hear their case.

Beyond the Bench: Family, LEGO, and Quirks

Outside the courtroom, Commissioner Furbush leads a vibrant life. The most valuable aspect of her life is her family. Not just her husband and three daughters, Commissioner Furbush is incredibly close with her extended family as well, regularly having BBQs or frequent gatherings at her parents, siblings, cousins or in-laws places. Walking, reading, traveling, and crafting intricate LEGO empires are her preferred outlets. A love for diverse cuisines, bilingual fluency in Spanish and English, and a quirky dislike for pickles reveal the multifaceted personality behind the robe.

Commissioner Samra Furbush, a Riverside enthusiast at heart, continues to embrace this small-town community while leaving an indelible mark on the legal landscape. Her story exemplifies a harmonious blend of professional achievement, family values, and unexpected passions, showcasing the depth and humanity within the legal profession. Whether in the courtroom or at the LEGO table, Commissioner Furbush is crafting her unique legacy of justice and creativity, and the joy of motherhood, with her husband as her steadfast partner in both life and law.

Heather A. Green is a criminal defense attorney at Blumenthal & Moore. She is a director-at-large for the Riverside County Bar Association and a board member for the California Attorneys for Criminal Justice.



IN MEMORIAM

Shaylene Kim Cortez (Stukey)



Shaylene sadly passed away on November 4, 2023 at the age of 59 after a valiant battle with breast cancer. She was born on April 4, 1964 in Riverside and raised in Corona.

She was a California Certified Legal Secretary, and most recently worked as a paralegal with the Riverside City Attorney's Office, and was an instructor of Legal Studies at Riverside City College. She once served as President and Governor of Riverside Legal Professional Associations (RLPA) and CCLS Certifying Board Member and Chair.

Shaylene was a "Wonder Woman," being the rock of the family, excelling at all she accomplished, generous with her time, talents, skills, honesty and most of all her heart. She will be greatly missed.

Opposing Counsel: Thomas Sardoni

by Betty Fracisco

An Experienced, Down-to-Earth Business Attorney

There are many routes that result in one's practicing law in Riverside for their entire career. But business attorney Thomas Sardoni's path led him through several states, even to Europe, on his way to Riverside. And that is to Riverside's benefit.

Tom Sardoni was born in Lincoln, Nebraska, while his father was serving in the Air Force. He spent his childhood in Omaha, where his father was an actuary, with a side career as a musician with the Omaha Symphony. During the summer he would travel with artists like John Denver, and he'd take the family (Tom, his sister and three brothers), where they "met interesting people." He and his siblings all played instruments, and they participated in sports and academics, and he put in his time as a paper boy. Although he claims to not have inherited it, Tom's family was loaded with musical talent, including a grandfather who was the musical conductor of the Brigham Young University (BYU) Symphony and a great grandfather who conducted the Mormon Tabernacle Choir.

Tom attended a magnet school, Omaha Technical High School, where he played sports, was on the debate team and played the violin in the school orchestra. Even at this age, he aspired to earn an MBA/JD. He started college at BYU, and after his freshman year went on a two-year mission to Germany. When he returned, he met his wife, Gail, and married her his junior year at the age of twenty-two. By the time he graduated in 1986 with a degree in business management, supply chain management, he was the father of a daughter, Melissa. He still had his MBA/JD dream, but he wanted to earn the MBA first, so he put out his feelers for financial aid and ended up in a program at Cal State Fullerton. He worked full-time at Emple Finance and the Vlaric Company, while his wife continued as a school teacher.

Now it was time to tackle the JD. His father wanted him to return to Nebraska, and the lower tuition there was an inducement. Tom and his wife now had two children, and she was still teaching. He served as academic advisor to the athletic program at Nebraska, at the time an athletic powerhouse. He decided he wanted to return



Thomas Sardoni

to the warmer California weather, so he took the California Bar Exam after graduating from Nebraska Law. By this time he had three children.

Tom's first legal job was in Riverside with the firm Nixon, Lewis & Foltz. A year later Gary Foltz started his own firm, taking Tom with him, and he worked there for five to six years. Then he started his own firm, which he'd always wanted to do. His wife was employed at a position in LaVerne, so they purchased a home halfway between their two jobs, in Alta Loma. Gail had obtained her Special Education credential, so that became her lifelong work. His now four children attended the Bonita School in Upland.

As a solo practitioner, Tom specialized in business litigation, employment defense, and general business consulting. He's done legal work for large and small companies, and in his words he's "either seen it or done it." He consults with companies and, among other things, helps with their hiring practices. He also owns other businesses and is the co-owner of a large commercial bakery with two local factories in San Bernardino. In the business sphere he is a jack of all trades and a master of many. For many years, Tom has been involved in the RCBA Lawyer Referral Service, offering assistance and advice to members of the community with business-related cases and issues. He comes highly recommended by those who have availed themselves of his services.

The year 2006 brought many changes to the Sardoni family. Tom and Gail bought property in southern Utah, thirteen miles south of Cedar City on the northeast side of Harmony Valley. They sold their home in Alta Loma, built a home on their property in Utah, and bought a condo in Corona for Tom to live in during the week, and a condo in Salt Lake City, for various family members to use when needed. His wife began teaching Special Education in the Iron County School District in Cedar City, completing seventeen to eighteen years when she retired this past year. These days Tom is in his office four days a week and then is off to Utah. His daughter lives and works with internet marketing at home in Utah, helping her mother who had her shoulder rebuilt in September and hip surgery in November. Son, Nathaniel, is a lawyer working with Dad. Son, Spencer, is with Beneficial Life in

Salt Lake City, and son, Daniel, is recently out of the Navy and finishing his degree at Utah.

Tom is happy to have five grandchildren, and he encourages them to visit him in Utah. There he has a "side by side" and a boat, and he is close to two lakes near St. George as well as Lake Powell. They like to hike, camp, fish, and enjoy the outdoors. Other than his work, he lists his hobby as "travel," to Europe every year or two. In the almost twenty-five years that he has been practicing in Riverside, Tom has had a wonderful experience. He describes Riverside lawyers as professional and

collegial, a welcome relief from lawyers in some other locations with a more aggressive atmosphere. If you're looking for an experienced, down to earth business attorney, who has a world of experience in business and in life, Tom Sardoni is your man.

Betty Fracisco is an attorney at Garrett & Jensen in Riverside, a member of the RCBA Bar Publications Committee and a longtime member of the Board of Governors of California Women Lawyers.



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Conference Rooms Available

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



ERRATA

In the December 2023 Riverside Lawyer (Vol. 72, No.11), the article "Opposing Counsel: Michelle Wolfe" incorrectly stated that Ms. Wolfe was a partner at Varner & Brandt. Ms. Wolfe was senior counsel at the Firm.

The following persons have applied for membership in the Riverside County Bar Association. If there are no objections, they will become members effective January 30, 2024.

- Kristen J. Allison** – Office of the District Attorney, Riverside
- Adrian S. Armstrong** – Office of the District Attorney, Riverside
- Steven E. Brunette** – Law Offices of Steven E. Brunette, Menifee
- Linda A. Carbajal** – Office of the County Counsel, Riverside
- Adam Coria** - Vondra & Hanna, Victorville
- Robin D. Harris** – Richards Watson & Gershon, Los Angeles
- Vanessa Hernandez** – Office of the County Counsel, Riverside
- Sergio A. Hidalgo** - Sergio Hidalgo Law, Riverside
- Faran Imani** – Imani Injury Firm APC, Fontana
- Lindy Jeffers** – Town & Country Escrow Corp, Corona
- Edward M. Jensen** – Office of the County Counsel, Riverside
- Soum Pel** – Riv Co Dept Child Support Services, Riverside
- Brijida B. Rodarte** – Office of the County Counsel, Indio
- Melannie K. Suba** – Riv Co Dept Child Support Services, Riverside
- Sandey Von Fuerst (A)** – Law Offices of William R. Van Order, Hemet
- Rosalia Zamudio** – Riv Co Dept Child Support Services, Riverside

(A) – Designates Affiliate Member



County of San Bernardino is announcing the release during January and February 2024 of two Request for Proposals (RFPs) for the following contract services.

**Juvenile Court Delinquency and
Adult Indigent Defense
Representation Services**
RFP No. CAO124-CA05-5199
RFP No. CAO124-CA05-5200

To register to receive a copy of the RFP, go to <https://epro.sbcounty.gov/epro/> and click on "Register." Additional information may be obtained from the San Bernardino County Administrative Office at 909-387-4286 or by e-mail to Celia.McDonald@cao.sbcounty.gov, or County Purchasing Department by e-mail to Ariel.Gill@pur.sbcounty.gov.



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