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Aurora Hughes
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Richard Reed
Andy Sheffield
Michael Trenholm
Lisa Yang

Co-Editors Michael Bazzo
Jacqueline Carey-Wilson

Design and Production PIP Printing Riverside

Cover Design PIP Printing Riverside

Officers of the Bar Association

President

Mary Ellen Daniels
tel: (909) 684-4444
email: med-atty@pacbell.net

President Elect

Michelle Ouellette
tel: (909) 686-1450
email: mouellette@bbkllaw.com

Vice President

Theresa Han Savage
tel: (909) 248-0328
email: theresa.savage@jud.ca.gov

Chief Financial Officer

David T. Bristow
tel: (909) 682-1771
email: dbristow@rhlaw.com

Secretary

Daniel Hantman
tel: (909) 784-4400
email: dh4mjg@earthlink.net

Past President

Brian C. Pearcy
tel: (909) 686-1584
email: bpearcy@bpearcylaw.com

Director-at-Large

E. Aurora Hughes
tel: (909) 682-3246
email: ahughes@tbijg.com

Jay E. Orr
tel: (909) 955-5516
email: jayorr@aol.com

Janet A. Nakada
tel: (909) 779-1362
email: jan@nakada-silva.com

Michael Trenholm
tel: (909) 781-9231
email: mtrenholm@kmob.com

Executive Director

Charlotte Butt, charlotte@riversidecountybar.com

Officers of the Barristers Association

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

Telephone
909-682-1015

Facsimile
909-682-0106

Internet
www.riversidecountybar.com

E-mail
rcba@riversidecountybar.com

Riverside
County

LAWYER

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MISSION STATEMENT

Established in 1894

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

RCBA Mission Statement

The mission of the Riverside County Bar Association is to:

Serve its members, and indirectly their clients, by implementing programs that will enhance the professional capabilities and satisfaction of each of its members.

Serve its community by implementing programs that will provide opportunities for its members to contribute their unique talents to enhance the quality of life in the community.

Serve the legal system by implementing programs that will improve access to legal services and the judicial system, and will promote the fair and efficient administration of justice.

Membership Benefits

Involvement in a variety of legal entities: Lawyer Referral Service (LRS), Public Service Law Corporation (PSLC), Tel-Law, Fee Arbitration, Client Relations, Dispute Resolution Service (DRS), Barristers, Leo A. Deegan Inn of Court, Inland Empire Chapter of the Federal Bar Association, Mock Trial, State Bar Conference of Delegates, and Bridging the Gap.

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

Eleven issues of Riverside County 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, Annual Joint Barristers and Riverside Legal Secretaries dinner, Law Day activities, Good Citizenship Award ceremony for Riverside County high schools, and other special activities.

Continuing Legal Education brown bag lunches and section workshops. RCBA is a certified provider for MCLE programs.

MBNA Platinum Plus MasterCard, and optional insurance programs.

Discounted personal disability income and business overhead protection for the attorney and long-term care coverage for the attorney and his or her family.



CALENDAR

January 2004

- 14 Mock Trial Steering Committee**
RCBA – Noon

- 16 General Membership Meeting**
RCBA 3rd Floor – Noon
(MCLE)

- 19 HOLIDAY**

- 20 Family Law Section**
RCBA 3rd Floor – Noon
(MCLE)
RCBA Board
RCBA – 5:00 p.m.

- 22 Business Law Section**
RCBA 3rd Floor – Noon
(MCLE)

- 23 CLE Luncheon Meeting**
RCBA 3rd Floor – Noon
(MCLE)

- 28 EPPTL Section**
RCBA 3rd Floor - Noon
(MCLE)

- 29 CLE Brown Bag**
RCBA 3rd Floor, - Noon
(MCLE)

February

- 4 Bar Publications Cmte.**
RCBA – Noon

- 5 CLE Brown Bag**
RCBA 3rd Floor – Noon
(MCLE)





by *Mary Ellen Daniels*

The last three months of my life have been filled with excitement. I never knew how much fun I would have as President of the Riverside County Bar Association. Don't get me wrong, this position is lots of work, but the contact that I now have with the judiciary and the section heads of the Bar Association and the exposure to different bar leaders will always be remembered.

I always feel that it is necessary to give all of our members an up-to-date report on what is happening with our Bar Association. In reviewing our meeting information, I was surprised to find out that our membership has increased from 892 members in December 2002 to 998 members to date. I do not know what has caused the increase in membership, but Brian Percy concentrated on membership during his tenure. We have had more participation in our programs and I have noticed that we have an increased attendance at our monthly bar association meetings.

I am really excited about our bar luncheon meeting for March 2004. It will be the Family Law Section's opportunity to present a program. We have Judge Elisabeth Sichel, attorney Irma Poole Asberry and attorney Sandra Leer, who will spearhead the program. It is my understanding that they will be putting on a performance which will incorporate some very important issues as they relate to family law. I have spoken to the oldest man in family law, Michael Clepper, and he has agreed to become more involved with the bar association. I am sure that, as a result of that promise, he will participate and make our luncheon interesting. Because family law appears to be an area of the law that concerns everyone, I am expecting that there will be standing room only for the Family Law Section presentation.

Finances

In reviewing our most recent balance sheet, the RCBA Board is beginning to feel more secure with our financial foundation. Our balance sheet indicates that we have income that far exceeds our liabilities. The Board recently approved donations to the Elves Program. This program was created by Brian Percy and the Christmas purchases were paid for totally by gifts made directly to this program by members of our legal community. We funded the Riverside County Bar Foundation, which will allow our members to donate sums that will be tax deductible. We are also able to receive donations that result from gifts left to us under members' estate plans.

Website

We have the best website that I could find that really deals with the legal community. I invite all of you to go to our new website. This website allows you to access information on the bar association. Information can be obtained regarding our lawyer referral service, our list of members, our dues and a host of other information related to the bar association. You can even join the bar by accessing our website. Our website address is www.riversidecountybar.com. Please go to the website and see your bar dollars at work.

RCBA Building

Attorney Dan Hantman is the man in charge of the bar building. Dan takes care of the building and makes sure all construction, repairs and rents are up to date. We have almost 100% occupancy. Recently, we remodeled two of the offices which make those offices easier to rent out. We are in the process of increasing some of our rents, which will make it possible to complete repairs as they arise. It's great, as a bar association, to be in a position to allow rents to remain at a level where our new attorneys can afford to have their own space.

We were very surprised, recently, by attorney Stan Orrock of the law firm Bell, Orrock & Watase. Orrock and his wife, Roxanne, continue to donate and assist the RCBA at every turn. I would invite all of you to visit the boardroom of the bar association and view the giant conference table that was donated by them. We are in the process of purchasing new conference chairs to go with this beautiful wood conference table. The bar thanks them!

Mary Ellen Daniels is president of the RCBA and is a sole practitioner in Riverside.





PAST PRESIDENT'S COLUMN

by David G. Moore

For some obscure reason, I was asked to write an article for the *Riverside County Lawyer* as a past president. I was president from 1984 through 1985. My first thought is that those 18 years since have certainly seemed to me to pass in the blink of an eye. I think this is a common phenomenon as you grow older. That is, the passage of time and its intervals seems to accelerate rather than slow down.

It seems to me that reflections on the past are relevant only if they correlate with current issues in the legal profession. In that connection, I looked over some of my articles from the President's Column during my administration. I was struck by the similarity between issues then and issues now – namely, court congestion, legal ethics and philosophy and just common courtesy in handling lawsuits.

The idea of court congestion and the so-called “litigation explosion” is not new. Charles Dickens talked about it in his book *Bleak House*, published sometime in the 1800's. The famous case he talks about in the book is *Jarndyce v. Jarndyce*. I quote from the bard as follows:

“Jarndyce and Jarndyce drones on. This scarecrow of a suit has, in course of time, become so complicated that no man alive knows what it means. The parties to it understand it least, but it has been observed that no two Chancery lawyers can talk about it for five minutes without coming to a total disagreement as to all the premises. Innumerable children have been born into the cause; innumerable young people have married into it; innumerable old people have died out of it. ... The little plaintiff or defendant who was promised a new rocking-horse when Jarndyce and Jarndyce should be settled has grown up, possessed himself of a real horse, and trotted away into the other world. ... but Jarndyce and Jarndyce still drags its dreary length before the court, perennially hopeless.”

An article authored back in 1984 by Andrew Barlow, a law professor at the University of California at Santa Cruz, observed that the doomsday of the legal system was not upon us, as suggested by Chief Justice Burger and Attorney-General William French Smith at the time. Mr. Barlow suggested that few civil cases filed, from a percentage standpoint, really go to trial. Further, he reflected that the past was not necessarily golden, as a study of the St. Louis circuit court from 1820 to 1877 showed that the rate of filings in 1820 was double the then-current rate of filings in St. Louis in 1984. In summary, the conclusion was that the litigation explosion myth provides a thoroughly distorted explanation of society's increasing use of the law. The growth in litigation is really a long overdue recognition of deep-rooted trends in conflicts in society, trends that wouldn't go away even if the legal system were to ignore them. Litigation, if used properly, can draw attention to

important social wrongs, which is a significant contribution to our society.

I suspect that this current crisis in terms of court congestion and delays in our system very much parallels the past and that we will find a way around it. Our justice system is a model for the entire world and it will remain so. It is the glue that holds together the thin fabric of society. Without recourse to the courts, there would be nothing but chaos. Therefore, these problems will be solved.

There are still a number of concerns today, as there were then, relating to legal ethics, the philosophy relative to the law as a profession as opposed to just a business or a method of making money, legal advertising, lack of civility and the like. It seems to me that the lack of civility and courtesy in the practice of law appears from time to time to be driven by the pressures and time constraints posed by the deadlines involved and the greater number of lawyers we now have in California competing for what is sometimes a diminishing pool of business. It takes effort to remain civil and courteous within the confines of an adversarial system which tends to breed hostility. We all from time to time slip over the edge into that adversarial mode, which can bring out the worst in us in terms of reactions to what we perceive to be improper tactics from the other side. At that point, you depart from the ideals that may have propelled you into the legal profession in the first place.

In 1985, I attended Nanci Clarence's graduation from Hastings College of the Law. Nanci has since become a well-known and preeminent criminal defense lawyer practicing in San Francisco. Nanci was selected by her classmates to give a speech on behalf of the class concerning hopes, aspirations and ideals to those starting out in their legal careers. It was an impressive talk.

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THE LIGHTS ARE MUCH BRIGHTER THERE — DOWNTOWN RIVERSIDE

Questions and Answers Compiled by Vicki L. Broach

Dom Betro and Paul Fick are facing each other in a January 2004 runoff election for the City Council, Ward 1, which includes downtown Riverside. They have answered the following questions, which were developed in discussions with judges, legal practitioners, and the editorial committee of the *Riverside County Lawyer*.

1) Could you comment on the relationship between Riverside and the downtown legal community? For example, in what ways can and should the city support the interests of the courts, practitioners, and citizens involved in legal matters?

BETRO: As the City of Riverside is also the county seat, it is imperative that the city support the legal community in partnership with Riverside County, the courts, and the legal community itself. Downtown commerce generated by the legal community is significant and can and should be even greater.

FICK: The city should not be holding persons who are forced to come to court (including attorneys, but especially victims, witnesses, and litigants) hostage by charging for parking in the area around the courthouses, while street parking on the north side of City Hall is largely free! (See next answer also.)

2) Do you think the city is planning adequately for the expansion of existing courts?

BETRO: The city should be actively planning for and working towards a federal building, which would be the permanent home for the federal District Court and Bankruptcy Court. The current buildings being used by the U.S. District Court and the U.S. Bankruptcy Court are leased from the County of Riverside. Ultimately, those courts should be housed in a true federal building, owned by the federal gov-

ernment and perhaps housing other federal agencies in this area. At least one, and possibly two, square blocks should be identified and reserved. The city should be partnering with the federal judiciary, our congressman, and the county to push this project forward.

FICK: The problem is that court expansion is the province of the county, the state, and the federal government, and the city cannot regulate their land use, as the city can with a private owner. The city cannot force those entities to provide the off-street parking a private developer must provide. Further, government buildings pay no city property taxes.

3) Is available parking suitable and accessible to people visiting and working in downtown? Is it reasonable to have parking limits of one and two hours near the courthouse? Furthermore, is it appropriate to ask people doing business with the courts and the government to pay for parking?

BETRO: All of downtown requires a better planning approach to parking. The hodgepodge, "react as we go" approach is inefficient and unresponsive to current and future needs. Payment needs to be a shared cost, and should be kept reasonable. Parking limitations need to be more realistic and in relation to customers being served. A parking structure adjacent to Family Court, which the city acquired land for, should be explored.

FICK: In order, no, no, and no.

4) How can the city encourage more lawyers, both local lawyers and branch offices of out-of-town firms, to locate downtown? Can the city facilitate lower rents and improved office technology, such as better DSL accessibility? Are lawyers maintaining downtown offices facing a double tax – the business tax and the redevelopment tax? Is the latter benefiting downtown businesses?

BETRO: The city should do all it can to attract and retain an expanded legal community. Although downtown is showing some signs of improving, we have a long way to go. It is a natural development focus for the downtown of the county seat. Rents are still quite reasonable compared to other downtown communities in Southern California. More could be done in working with developers to create reasonably priced space in conjunction with the city and legal community, putting redevelopment dollars to work now, especially if there is pent-up demand for such space.

Fick: The city is working on a wired and wireless downtown; those changes are happening. Lawyers will locate where the legal

continued next page

business is. Reality is that the redevelopment of the downtown will inevitably result in higher rents. This is a function of economics, not of city action. All businesses in the Downtown Improvement District pay an override on the city business tax. I have opposed this tax because it has a cap on it, meaning that it hurts small firms more than large ones. However, the city is addicted to the \$3 million produced by the business license tax annually. Downtown businesses, including law firms, are the only businesses that benefit directly from the tax override. The money must be spent downtown.

5) Can the city help provide a better quality of life downtown: more lunch establishments, closer to the courts; a drug store offering amenities like aspirin, nylons, emergency toiletries; a newsstand; a quality bookstore; a cappuccino kiosk?

BETRO: Although downtown is showing some signs of improving, we have a long way to go. The area near the legal center is especially lacking basic service businesses to support the industry generating the largest amount of foot traffic downtown. The area along Market Street from 14th street to University Ave. should be bustling with shops, restaurants, etc. I would make such an effort a major priority.

FICK: We don't need more "lunch establishments" that close at 4 p.m. We need restaurants open day and evening. A cappuccino kiosk? Is that what city tax money should be used for? As the downtown continues to prosper, certain amenities will follow the demand. A newsstand recently failed downtown; the market did not support it. I work

downtown as a Deputy District Attorney. I share your frustration. My opponent does virtually no business downtown and, before this campaign, rarely ventured downtown. Unfortunately, the local micro-economy will not support some of the conveniences you and I would like to find there. The city should help stimulate the downtown business district, but the city should not subsidize the vending of aspirin and nylons.

6) How should the city address the traffic congestion, the limited ingress and egress to downtown during commute times, and the increasingly dangerous intersection at 14th Street and Lime? Any chance of adding another gas station?

BETRO: We need better traffic grid planning for downtown. Better public transportation options need to be developed, especially for jury service transportation. (Note: I have found it very convenient to take the Magnolia/Market bus downtown when serving on jury duty.) Intersections throughout downtown need better traffic light synchronization. A gas station addition would be difficult but could certainly be explored, especially if strategically located along some of the more major arterial roads serving as access to the downtown. The work being done on the 91 Freeway should be coordinated with improving access opportunities to downtown.

FICK: Last year, I opposed the restrictions on gas stations in the new Downtown Specific Plan. They should be encouraged at freeway exits. Appropriate traffic engineering was not done ten years ago, because the mentality in city government is focused upon next year's budget, not the next decade's needs. I have called for a complete traffic plan for the city and made several proposals, too detailed to mention here. We also need to improve pedestrian safety at Eleventh and Market streets.

Vicki Broach is a research attorney at the Court of Appeal, Fourth District Division Two.

Riverside County Bar Announces New Website

<http://www.riversidecountybar.com>

Bar Publications Co-Editors Jacqueline Carey-Wilson and Mike Bazzo invite you to tour the Riverside County Bar Association's new "online bar office" website.

The website includes Bar Events Calendar, Legal Research, Member List, Office Tools, Feedback Forum, and Online Cashier. On it, you can add YOUR link to the link exchange, pay bar dues, register and prepay for events, make donations through our website using our secure PayPal system ... and much more.

Please feel free to contact us with your comments.

web: <http://www.riversidecountybar.com>

e-mail: rcba@riversidecountybar.com

phone: 909-682-1015



JUDICIAL PROFILE: HONORABLE CRAIG G. RIEMER

by Jacqueline Carey-Wilson



Craig Riemer being sworn in by Justice Art McKinster

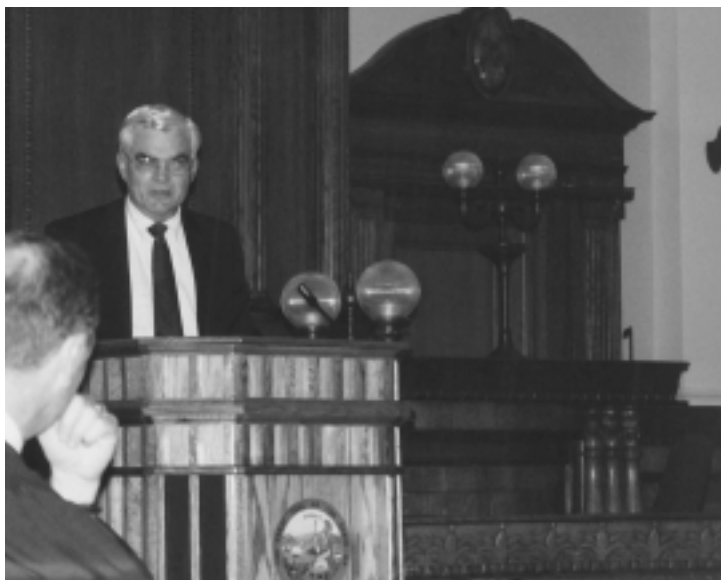
On September 8, 2003, Craig Riemer was sworn in as a judge for the Superior Court of California, sitting in Riverside County. Judge Riemer replaced the Honorable Janice McIntyre, who retired on March 31, 2003.

Judge Riemer was born, raised, and educated in Southern California. He grew up in Los Angeles and Orange

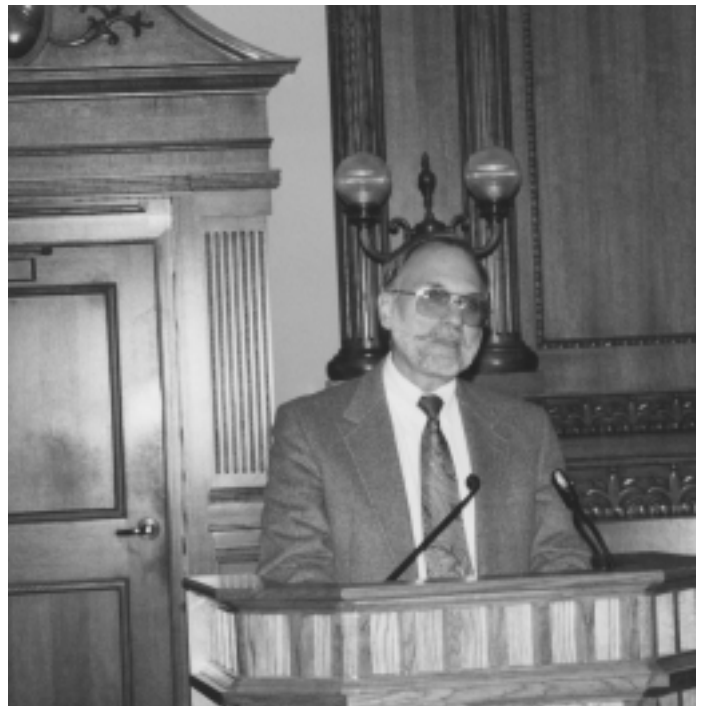
Counties, and graduated from U.C. Riverside with a B.A. in political science in 1977. Ronald Loveridge, Mayor of Riverside and a former UCR professor, speaks very highly of Judge Riemer. "I have received notes and letters from Craig for over twenty years," said Mayor Loveridge. "His points are always on target. He makes good judgments. He can sort out arguments and identifies with what is important. He readily shows analytical understanding of complex issues . . . All these represent a profile that will make Craig Riemer an outstanding judge."

Judge Riemer graduated from UCLA Law School in 1980. Law was a logical path for Judge Riemer. His father, Richard Riemer, and brother, Richard Riemer II, are both attorneys. At age 12, Judge Riemer accompanied his father to what his father described as the most beautiful courthouse in Southern California. They drove from Santa Ana to Riverside, parked at the Denny's that used to be a couple of blocks down Main Street, and walked to the historic civil courthouse. A little over 13 years later, in about January of 1981, Judge Riemer made his first appearance as a lawyer in that same courthouse. This is

continued next page



Mayor Ronald Loveridge, City of Riverside



Richard Riemer, II

the same courthouse in which he was sworn in as a judge in September and enrobed on November 21, 2004.

Judge Riemer practiced primarily civil litigation before joining the staff at the state Court of Appeal in Riverside as a research attorney. For the past 13 years,



Judge Sharon Waters

he and Jody Isenberg were the research attorneys in the chambers of Justice Art McKinster. As a research attorney, Judge Riemer reviewed appeals in both civil and criminal cases. Judge Sharon Waters worked with Judge Riemer at the Court of Appeal. "I learned more about Craig's intellect and integrity when we worked together at the court," said Judge Waters. "My experience at the Court of Appeal is that Justice McKinster, Craig Riemer, and Jody Isenberg were deemed with uniform respect by the other justices and research attorneys at the court by the quality of their work and by their work ethic."

Justice McKinster was very pleased with Judge Riemer's appointment to the bench. "Craig will bring to the bench intellect and an understanding of the law and the courtroom that you can only have after reviewing hundreds of cases," said Justice McKinster. "I miss him. When you work with someone for 13 years and you have a close relationship, it is a loss when they're gone. Craig will have a long and distinguished career on the bench."

Judge Riemer has been very active with the Riverside County Bar Association and the State Bar. Judge Riemer served as secretary, vice-president, president-elect, and president of the RCBA. He was a mem-



John Vineyard, 1999-2000 RCBA President

ber and later chair of the Resolution Committee of the State Bar's Conference of Delegates. Judge Riemer played an active role in both the local and state bars because his father instilled in him a belief that every person owes something to his or her profession. According to John Vineyard, past president of the RCBA, "Craig's entire career has shown his dedication to the legal profession and legal system. Craig also has many attributes I think will make him a wonderful judge."



Presentation to Judy by Katie Smith (right) of the Riverside County Law Alliance



Mary Ellen Daniels, RCBA President

His attention to detail . . . civility and temperament, and most important is his integrity. When Craig tells you something, you can bet your life on it. He is forthright and honest with everybody and everything to do with the court.”

Mary Ellen Daniels, current president of the RCBA, credits Judge Riemer with teaching her how to be president and how to represent the RCBA. “Craig will be fair to everyone that appears in front of him and justice will be handed out equally,” said Daniels. Judge Waters agreed that Judge Riemer would adhere to judicial independence. “Craig will always act in



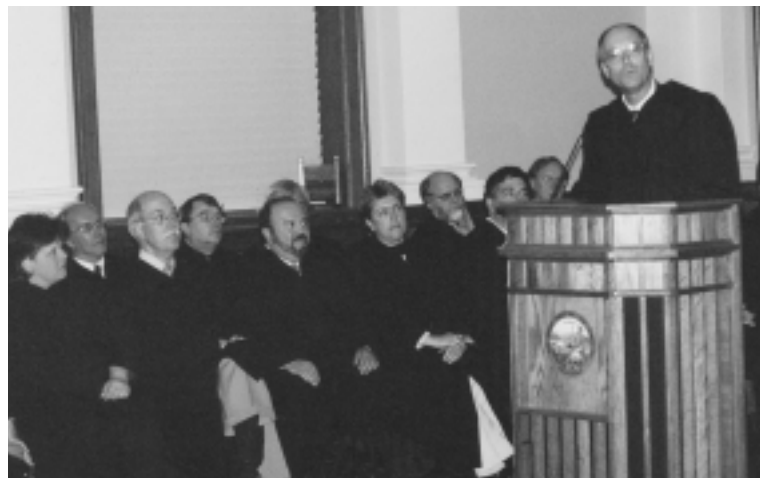
Craig Riemer with son Carl and wife Judy



making his decisions free from any pressure from the litigants, other branches of government, or more significantly from internal bias,” said Judge Waters. “Craig is honest, courageous, and a man of integrity.”

Judge Riemer is also well respected among the judges of the United States District Court. Judge Robert Timlin and Judge Stephen Larson supported Judge Riemer’s appointment to the Superior Court. According to Judge Larson, “Riverside County is extremely fortunate to have a judge of Craig Riemer’s intellect, demeanor, and character join the bench.”

Judge Riemer is assigned to criminal trials at the Southwest Justice Center in Murrieta. He resides in Riverside with Judy, his wife of 26 years, and his son Carl.



CAUGHT IN THE

by Justice James D. Ward

I have been blessed with many opportunities as a lawyer. One of the best was my experience teaching lawyers from Kosovo in Prague, the Czech Republic. Prague is the European headquarters of CEELI, the Central and Eastern European Law Initiative. CEELI's objective is to bring Western legal concepts to parts of the world that need to create new legal institutions or improve existing ones.



J.D. Ward in front of the CEELI headquarters where the course was taught

I was there to help teach a course in a program funded by USAid. The course was designed to give assistance to the lawyers of Kosovo. Kosovo is a province of the former Yugoslavia, and according to Serbia, a province of that country. The former Serbian leader, Milosevich, attempted to force Kosovo to become more "Serbian," an initiative opposed by the majority of the citizens of Kosovo, who are ethnically Albanian. When Milosevich tried to "Serbify" Kosovo by extreme measures, including ethnic cleansing, the Albanian Kosovars fought back. The United States and NATO stepped in and rained destruction down on Serbia. After the war, the UN took over and the oppressed Albanians came into dominance. The conflict continues between the two groups and I had the unusual experience of stepping into the middle of this conflict.

When I met the 40 students from Kosovo and the dozen interpreters and staff, I could not distinguish between the Serbs and the Albanians. I spent a great deal of time, after class, over drafts of Pilsner Urquell, talking to two of our interpreters, one Serb and one Albanian. They both claimed that it was easy for them to identify the ethnic groups. The Albanian interpreter opined that she could spot a Serb from a block away. I doubt that. They professed mutual friendship and said that they went shopping together. Further questioning revealed that the Serb had to shop with the Albanian for security, since otherwise, she was not safe outside of her UN-protected enclave. The only thing that keeps a lid on the smoldering conflict is the presence of the United Nations. The top UN official is referred to as the King of Kosovo; yet the UN is loved by no one. The Albanians are friendly towards the US, but clearly they want us to create a greater Albania. The Serbs still resent us for interfering, and for siding with the Albanians.

The legal system in Kosovo bears little resemblance to ours. What legal tradition they have comes from early Austro-Hungarian and Serbian roots. Codes were developed in the 1920's and in the Communist era. Through years of turmoil, new constitutions have been put in place periodically. In a sense, however, the lack of tradition makes no difference because no attempt is made to follow precedent. Precedent as a concept was totally foreign to our students. They grew up under a Communist judicial system sometimes described as telephone justice – the judge listened to the case and then phoned the local Communist Party chief to ask how to decide the matter.



Students, instructors, translators and staff in the classroom

Their legal system has a civil law basis; they look to codes and written rules rather than common law. It is not an adversarial system as we know it. Judges are not expected to be independent. They perform an investigatory function and work closely with the prosecutors. The attorney for an accused simply provides guidance to the

K O S O V O W A R

judge in his investigation. Thus, our students had not performed legal functions as we know them. All of the students were in the private practice of law. In a country of two million people, there are only 220 private attorneys, nearly all of whom were going to be processed through the CEELI course. Most of the students had been judges, until the Serbs removed all Albanians from judicial positions. During a 10-year period, no new attorneys were admitted to practice because the Serbs had shut down the law school. At the end of the war, there was virtually no judicial system in place.



CEELI's American Director in a judicial robe from Uzbekistan

The current judicial climate is complicated by the UN mandate that many of the cases must go before UN judges. Some Serbian enclaves have their own system of justice and take legal matters to Serbia proper. Kosovo is very impoverished. Our students were flabbergasted that one of the American teachers charged \$280 an hour for his services. One of the negative raps on the program was that the Kosovar attorneys were really on a boondoggle – an all-expense-paid trip to Prague. One of

the translators asked me frankly why we bothered with educating these old men (most were in their 50's) since she did not think that they represented the future of Kosovo. A young staffer told me that she was 10 years behind in her goal of becoming a lawyer as, because she was an Albanian, the Serbs had deprived her of an education.

The title of the course was Human Rights Protections in Democratic Justice Systems. We were teaching “Western,” not American, ideas of the law. The course covered the huge body of international law on protection of human rights – the plethora of covenants and laws that are finding acceptance in Europe, in a trend toward internationalizing law. There is a significant international structure in place for adjudicating claims, but it is beset with confused and confusing jurisdictional problems. Unfortunately, Kosovo has no status to participate as a nation and the structure is out of reach for lawyers from the villages of this impoverished region. Americans come into a process like this quite smug about our system and we are astounded at the criticism of our refusal to ratify international covenants, as well as criticism of our system generally. Some of the issues the attorneys from Kosovo raised were our continued use of the death penalty, the staggering cost of processing matters, and the use of juries. The students simply could not comprehend our attachment to the jury system.

We worked with the students on an evolving set of criminal and civil codes, in the hope that they will be accepted when they are finished. Albanian professors lectured on writing new law for Kosovo. They were operating on a blank slate and, for their models, looked to codes from all over the world. There are enormous problems in the adoption of the codes, since the UN controls the province. There are language problems, as the Albanians only want to use their language, but the Serbs disdain that, pointing out that Serbian has been the language of the law for centuries.

In our classes, we had Albanian and Serbian translators. The American teachers talked so fast that we had a near-rebellion from the translators. Then we slowed down. We worked eight hours a day for 10 days in a once-elegant room of an old palace. It was here that we went through the battle of the draft. The Kosovars believed they would get sick if exposed to air blowing in the windows. We Americans were sweltering and we wanted the breeze. We alternately opened and shut the windows.



J.D. Ward with Albanian & Serbian translators and staff

A moot court competition was a highlight of the course. Using an imaginary fact pattern, we put the Kosovars on opposite sides of an issue. They cross-examined witnesses and argued the matter to a judge – I played that role. They had no idea of how to examine witnesses and no clue as to rules of evidence. They caught the adversarial spirit quickly, however. Perhaps the most significant thing we did was require that each student prepare a community

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THE ROAD TO TASHKENT

by Stephen G. Larson¹

*When justice is the cornerstone of power,
A ruined land will soon be made to flower.*

Alisher Navoi (1441-1501), Father of Uzbek literature

*Muzafar Avazov's teeth were smashed and his fingernails ripped
out by the time he died, but the head of the Uzbek jail where he was
killed says the prison is like a health farm.*

Dmitry Solovyov (Reuters December 8, 2003)

Earlier this year representatives of the United States and Russia, attending biannual counter-terrorism talks in Moscow, agreed to encourage criminal justice reform in the five Central Asian republics – Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan, and Uzbekistan. Stabilizing this geo-strategic region – bounded on the north by Russia; to the east by China; to the south by Pakistan, Afghanistan, and Iran; and to the west by the Caspian Sea – is not only important to counter terrorism efforts but figures prominently in each nation's economic and political interests.

As a small part of this effort, the Justice Department organized a multinational conference, formally entitled the Regional Conference on Priority Criminal Justice Sector Reforms in Central Asia (no sense using three words when 11 will suffice). Tashkent, the capital of Uzbekistan, an important ally in our ongoing military campaign against the Taliban, was selected as the host city. I was joined on the



Judge Larson (right) conferring with Robert Storch of the U. S. Department of Justice prior to a joint presentation

conference faculty by four other Americans – all talented members of the Justice Department – and a delegation of nine Russians. In total, approximately 80 delegates – judges, prosecutors, law enforcement officials, and law professors – from four of the five Central Asian governments attended (regrettably Turkmenistan, increasingly isolationist, declined to participate).

My flight left Los Angeles at 8:00 a.m. on Halloween, which, with post-9/11 security measures, meant leaving my home



Judge Larson addressing the conference in Tashkent

in Upland shortly after 4:00 a.m. I was not settled into Tashkent until just before midnight Saturday evening – in the interim, there had been 20 hours of flight time, two four-hour layovers, and 11 time zones. Physically, I felt as far away from home as I have ever been.

Sunday was spent acclimating ourselves to this ancient crossroads once traveled by Alexander the Great, Genghis Khan, Marco Polo, and the innumerable merchants of the famed Silk Road. I began the day walking the 3.5 miles from our quarters at the Intercontinental Hotel – one of the only hotels in Tashkent with sufficient reinforced concrete barriers to satisfy the U.S. Embassy's security requirements for traveling U.S. officials – to attend mass at Sacred Heart Church, the sole Catholic church in this predominantly Muslim city of 2.3 million people, the former Soviet Union's fourth most populous city after Moscow, St. Petersburg (then Leningrad), and



Members of the Uzbek delegation to the conference

Kiev. Construction of the church by Polish prisoners of war began in 1912, but was interrupted prior to its consecration because it was seized by the Communist Party in 1917, converted to a store, and remained as such for nearly 75 years. After it was relinquished by the government following Uzbek independence in 1991, a Polish priest began a restoration effort only recently completed, a testament to human perseverance.

On my return trek through the broad and poplar-lined boulevards of downtown Tashkent, I toured the beautiful Amir Timur Museum and reflected on the striking monument of Tamerlane, the so-called “Conqueror of the World,” in full military regalia, astride his horse. The last great Mongol emperor was born south of Tashkent, near Samarkand, and conquered with ferocity lands from Moscow to Delhi. I next explored several of the magnificent mosques (some dating from the 15th and 16th centuries), madrassahs, and bazaars located throughout Tashkent. The afternoon was spent at the mercy of an exuberant city guide who, in an unusual twist, brought the entire tour bus of Russian and American officials to visit his family’s cemetery.

The cityscape of Tashkent, Turkish for “stone village,” is not dissimilar to other former Soviet cities I have visited – dominated by imposing squares and socialist-style monumental architecture. On account of frequent and devastating earthquakes and even more destructive conquests, much of the physical past has been lost, although the traditions and heritage live on in the colorful dress and animated conversations of this most resilient people. Though

suffering from heavy pollution, the city streets are kept clean and, from what I could tell, relatively safe. Engaging in a rather broken conversation with two of the obsequious beat police officers I happened upon, I was both amused and alarmed when, upon learning of my state of residence, they launched into an animated imitation of California’s then Governor-elect.

The conference itself began Monday morning and, until our departure early Thursday morning, our time was occupied by the obligatory formal presentations and the far more constructive informal discussions. I was privileged to teach alongside a Russian delegation composed of some of the most dedicated leaders of Russian criminal justice reform. The progress made in just the past two years in passing Russia’s new code of criminal procedure is remarkable. Many of the practices that governed Russia’s criminal procedures during Communist control – some even dating back to the Tsarist reign of Peter the Great – have been replaced with procedures consistent with accepted international norms. For example, the new criminal procedure code establishes judicial review of arrest and search warrants, previously the exclusive province of party-controlled procurators (similar to but far more powerful than our prosecutors), an innovation which in just its first year resulted in a reported 40% reduction in the number of arrests and detentions. Also included are provisions for the assistance of counsel, beginning with arrest; continued access to counsel during detention (previously conditioned on approval of the procurator or investigator); a requirement that any post-arrest statement made by a defendant without counsel be suppressed; and, perhaps most important, the abolition of the long-standing practice of referring a case back to the investigating agency for “supplemental investigation” at any stage of the criminal proceeding when either the

continued next page



View looking out of Hotel Intercontinental



Judge Larson delivering a joint presentation with Sergei Vitsin, Chairman of the Department of Criminology at the Moscow MVD Academy, the Russian equivalent of the FBI Academy at Quantico

procurator or the court believed there might be a danger of acquittal. Although it is far from complete, I am encouraged by the Russian delegation citing as its benchmark Article 9 of the United Nations International Covenant on Civil and Political Rights, an international agreement on appropriate criminal procedural standards which, in large measure, reflects American criminal law and procedure.

Although much progress has been made in relatively short order, financial constraints, the severe shortage of criminal defense lawyers, serious political corruption, and a culture which places a premium on state security all present significant challenges to the full realization of these and other criminal justice reforms. As if to underscore the ongoing struggle between reaction and reform, the very week of the conference witnessed, on the one hand, the apparently politically motivated arrest of Mikhail Khordorkovsky, chairman of Yukos Oil and a challenge to President Putin's administration, and, on the other hand, a recent ruling of Russia's Constitutional Court invalidating certain government restrictions on election reporting as a violation of Russia's fledgling right to free speech.

During my first trip to Moscow with the Justice Department in the mid-1990's, reform proposals such as those now in effect were met with open hostility – even from some of the very people who have become proponents of the reform movement today. As recently as three years ago, the prospects for actually enacting criminal procedure reform appeared nonexistent. Speaking to

the representatives of Central Asia at this conference, Elena Mizulina, the deputy chair of the Legislation Committee of Russia's State Duma (their parliament) and one of the courageous leaders of criminal procedure reform in Russia, described how she organized, in a stroke of diplomatic genius, a working group of 12 representatives – one from each of the major investigative and prosecutorial agencies (many of which have elevated turf wars to a high art form), as well as several representatives from the



Federal prosecutor Jim Crane of the U. S. Department of Justice

major law universities – to vet objections to the proposed reforms. In the end, the members of this working group made the reforms their own, and successfully championed them within their own agencies and then on through the Duma.

The purpose of the Tashkent conference presentations themselves was not so much a celebration of Russian achievements as it was a joint effort by Russia and the United States to encourage similar efforts in Central Asia, with the twin, complementary goals of advancing human rights and enhancing regional stability. How successful the conference was in encouraging the Central Asian countries to continue their nascent pursuit of criminal procedure reform remains to be seen. Although Russia, the United States, and other members of the world community may help, reform and redemption in governments, as in people, must ultimately come from within, not without. Not surprisingly, the Central Asian governments are covetous of their newly won sovereignty, just as they are understandably suspicious of their former political masters,



Members of the Uzbek and Kyrgyz delegations



Landmark telecommunications tower in Tashkent

the Russians, and their former political enemies, the Americans, notwithstanding the warm reception we both received in Tashkent. I certainly sensed in Tashkent many of the same anxieties that surfaced at similar conferences in Russia a decade ago. Though much has changed, much remains the same. These former Soviet republics face numerous internal and regional conditions which further complicate reform efforts, not to mention a serious lack of capital to finance what can be very costly procedures. Nonetheless, all of the delegates articulated a commitment to move forward, even if

such movement must come in incremental steps.

During the conference, I was responsible for making three formal presentations – one on judicial review of arrest and detention, a second on trial procedures, and a third on “the consequences” to the court and prosecutor of an acquittal. The latter topic stirred particular emotion, especially from law enforcement representatives. In Soviet times, an acquittal by the court represented a failure in the system; someone –

continued, column at right

Past President’s Message *(continued from page 4)*

After that ceremony, I found myself alone on the steps of Hastings, and I sat down with a lot of twenty-year-old ghosts (as I had graduated in 1964). Nanci’s speech had reminded me of the ideals we all hold as young lawyers starting out in the legal profession – ideals that should be renewed in our own minds from time to time so that we are made aware once again that the law is vibrant and changing and should generally be applied as a tool to advance the common good of mankind and not necessarily as a sword to bend the will of the opposition. I remember reflecting back on the undergraduate years that I’d spent at Berkeley. In the evening, I used to walk up the hill from the gym, past Boalt Hall. On the side of Boalt Hall in big letters were carved the words of an able jurist. In part, these words stated:

“You will study the precepts of justice, for these are the truths that through you shall come to their hour of triumph. Here is the high emprise, the fine endeavor, the splendid possibility of achievement, to which I summon you and bid you welcome.”

I was impressed with the words then. I still am over 40 years later.



the judge, the procurator, the investigator – must be held responsible. The idea that a judge could permit an acquittal without sending a case back for “supplemental investigation” and not suffer any consequences – loss of pay, demotion, “reassignment” – is novel. In a society where state security has trumped individual rights for centuries, the prevailing culture does not countenance freeing the guilty to protect the innocent.

The delegates from Central Asia not only listened, but also challenged us with their questions: If we condemn their systematic use of torture to force confessions (no more boiling water treatments), how can we so readily use plea agreements to “bargain” away months or even years of incarceration and, in some circumstances, even death itself “in exchange” for a guilty plea and sworn admission of guilt? If our Constitution speaks of requiring a judicially approved warrant to conduct a search, how can we carve out warrantless exceptions to the Fourth Amendment? If we believe an independent judiciary is so important, how do we justify our politically charged method of judicial appointment? We addressed these questions as best we could, sparking a lively and ongoing discussion amongst all in attendance.

There is no better way to learn than to teach. As much as the Uzbeks, Tajiks, Kazakhs, and Kyrgyz of Central Asia may have learned about Russian reform and American justice, those of us on the faculty learned much as well. There is nothing quite like travels abroad to give one pause concerning conditions at home. This is my eighth official trip behind the former Iron Curtain since the collapse of the Soviet Union, and each time I return home not only with a renewed appreciation for the civil liberties secured by our Constitution and our collective commitment to the rule of law, but also with a renewed understanding of the challenges we face and the work that remains.

¹ *The author is a United States Magistrate Judge for the Central District of California. He presides at the United States District Court in Riverside. The views reflected in this article are his own.*



BARRISTERS PROFILE: SAMUEL W. BATH

by Robyn Beilin



Among the current members of Barristers, Samuel W. Bath is one of the few who work for a small defense firm. Since Sam became an associate attorney with Beck & Sirna, APC, which is located in Riverside, his practice has focused mainly on auto insurance and premises liability insurance defense claims as well as business litigation.

After originally moving to Riverside when he was eight years old, Sam graduated from North High School. A 1997 graduate of UC Riverside, with a B.A. in psychology and political science, Sam went on to obtain his J.D. from the University of San Diego School of Law in 2001. While a law student, Sam was a Moot Court participant, a Federal Civil Procedure tutor for the Academic Support Program and Secretary for the USD Sports and Entertainment Law Society.

Prior to entering law school, Sam clerked for the law firm of Latham & Watkins as a records clerk, which confirmed his interest in becoming an attorney. "I realized that I had an interest in becoming an attorney as far back as high school but decided that a career path in the law was something that I definitely wanted to pursue after that clerkship." He later accepted a judicial internship with the Honorable Mitchel R. Goldberg of the U.S. Bankruptcy Court (Central Division), in which he participated during the summer of 1999. Sam's legal experience continued with a legal clerkship at the law firm of Rawlings, Olson, Cannon, Gormley & Desruisseaux in Las Vegas, Nevada.

While still in law school, Sam began working toward an MBA by taking courses at the School of Business at the University of San Diego. After he graduated with his Juris Doctor degree, Sam continued taking MBA classes at the College of Business of Loyola Marymount University in Los Angeles. Although he is currently on leave from that program, ultimately obtaining his MBA is something that Sam hopes to accomplish in the near future, although he explains, "Focusing on my legal career right now is what is most important to me."

Admitted to the State Bar in 2001, Sam then worked as a legal clerk, under the direction of Reza Mirrokhnian, for Homampour & Associates in Beverly Hills, a firm that focuses primarily on business litigation. He joined the firm of Reid & Hellyer in 2002, where he was an associate attorney, until joining Beck & Sirna, which is headed by partners Dwayne Beck and Salvatore Sirna. "I really enjoy working for a small firm. I am grateful for the hands-on litigation experience that I am getting," explains Sam.

Dwayne Beck notes that Sam is a valuable addition to their firm. "Sam adds great energy and a strong work ethic to our firm. I have been most impressed by his willingness to take on any problem, big or small. His keen insight and approach make him a strong asset to not only our firm, but the entire legal community."

Sam joined Barristers soon after becoming a member of the Riverside County Bar Association. "I wanted to join an organization that would let me meet other attorneys with my same level of experience. That's why I enjoy going to Barristers' meetings."

Robyn Beilin is with the Law Offices of Harlan B. Kistler and Secretary of Barristers.



NOWHERE TO RUN: LATERAL FEDERALISM AND INTERNATIONAL LAW

by Richard Brent Reed

We all remember from law school the “milk cases,” in which the U.S. Supreme Court somehow found a national standard for the purity of milk in the Constitution. Then there was the infamous Commerce Clause case, *Wickard v. Filburn*, where the Constitution told a farmer that he couldn’t grow wheat for his wife’s bread-making. That ruling not only undermined state sovereignty, but destroyed the most basic liberty of all: the right to feed yourself. Ever since, the Supreme Court has entertained new and creative ways to replace disparate and varied state laws with a uniform federal standard. This hyperfederalism finally hit a wall in *U.S. v. Lopez* in 1995, where the court finally had to admit that local matters like school safety are none of the federal government’s business. However, in *Lawrence v. Texas* last summer, the majority suggested that the several states are not competent to determine their own sodomy laws, nor may our courts be guided solely by *stare decisis*. In other words, America is in the Dark Ages when it comes to these moral issues. We need to look to overseas for the correct approach.

In the wake of America’s recent intervention in Iraq, there has been an ever-increasing clamor from within the body politic to appeal to international law. Even the Supreme Court has been infected with internationalist fever, most notably in *Lawrence*. There, in his dissent, Justice Scalia decried the court’s recent cosmopolitan trendiness. He began by criticizing the court’s recently discovered doctrine, Lateral Federalism among the States:

“Constitutional entitlements do not spring into existence because some States choose to lessen or eliminate criminal sanctions on certain behavior.” In other words, why should California or New York have anything to say about what Texas does with its sodomy laws? What works for New Jersey may not work for New Mexico. That the several states should be cookie-cutter images of each other is simply Lateral Federalism. It is the jurisdictional Trojan Horse by which the Constitutional guarantee of state sovereignty will be sacked and pillaged. Lateral Federalism is, thus, a necessary precondition of its offshore brother, International Federalism.

Justice Scalia continues in *Lawrence*: “The *Bowers* majority opinion never relied on ‘values we share with a wider civilization’.... *Bowers*’ rational-basis holding is likewise devoid of any reliance on the views of a ‘wider civilization’ [citation]. The Court’s discussion of these foreign views . . . is therefore meaningless dicta. Dangerous dicta, however, since ‘this Court . . . should not impose foreign moods, fads, or fashions on Americans.’ [Citation.]”

By opening its doors to a “wider civilization,” the court transforms its Trojan Horse into a Pandora’s Box. Is America simply to adopt, wholesale, whatever policy drifts across the Atlantic? Should we recreate Germany’s open-throttle Autobahn in our interstate highway system? Should there be national legalization of prostitution, as in Denmark? Should the court find a constitutional right to go topless on the beach, after the French model? Perhaps the youth in Europe can instruct us to adopt euthanasia.

State sovereignty cannot exist in an atmosphere of uniformity. The appeal to the values of a “wider civilization” will make our civilization narrower by destroying the individuality of the several states: Virginia will have to conform to Vermont; Arizona and Alaska will have duplicate laws; and Louisiana will disappear entirely. Both internationalism and the uniformity it requires are anathema to local control. Currently, if California imposes a ban on smoking, nicotine-craving citizens are free to step over the border and light up in Nevada. If you don’t like Louisiana’s income tax, Texas is just across the Sabine River. If some chap in New Hampshire doesn’t feel safe unless he can strap on his six-shooter, he can move to Arizona. And if you decide that your Land Cruiser gets better mileage at 85 m.p.h. than at 55 m.p.h., head for Montana. Oregon may allow a medical procedure that Idaho doesn’t. Your right to travel (which is in the Constitution) guarantees you the freedom that comes with up to 50 options. But if federal law or international law becomes the uniform standard of the nation, the discontented citizen will have no place to run.

Richard Reed is a sole practitioner in Riverside and a member of the Bar Publications Committee.



by Richard Brent Reed

People v. Saddam

The avenging angels of justice in Greek mythology were the Furies. They would pursue a perpetrator of moral outrage until he or she came to an appropriate end. The harbingers of justice visited Saddam Hussein in the form of the U.S. Fourth Infantry Division on December 14, 2003, when he was extracted from his "spider hole" near his home town of Tikrit in Iraq. He is to be tried, not in an American court, but by the Iraqis themselves under Iraqi law for crimes committed against the Iraqi people. What will be the nature of this tribunal?

After the fall of the Third Reich at the end of World War II, the Israelis caught up with war criminal Adolf Eichmann in Argentina and shipped him to Israel, where he stood trial for crimes against humanity. His defense team consisted of both German and Israeli attorneys. This would be a good model for the Iraqi tribunal. Saddam Hussein should and will be given the counsel of his choice, no doubt. Even so, much of the world is not happy with the prospect of the Iraqis asserting jurisdiction over their former ruler, for various reasons.

Many Arabs do not relish the impending spectacle of an Arab leader being publicly humiliated and condemned. Several European nations object to the death penalty to which Saddam Hussein will be subject under Iraqi law. Britain, for instance, will take no part in the proceedings. President Bush, on the other hand, has stated that he is perfectly comfortable with the "ultimate penalty."

Gilbert and Sullivan wrote, in "The Mikado:" "Let the punishment fit the crime." Saddam Hussein is, by all reports, a mass murderer. This poses a sentencing problem, since he has only one life to forfeit. Ironically, had weapons of mass destruction actually been discovered, the United Nations might have a colorable claim of jurisdiction over Saddam Hussein. As it is, his crimes are against the Iraqi people, and they will know how to deal with him.

Egypt v. Moses, et al.

And the children of Israel did according to the word of Moses; and they borrowed of the Egyptians jewels of silver, and jewels of gold, and raiment. — Exodus 12:35

Egyptian attorney Nabil Hilmi is about to file a lawsuit in an Egyptian court naming, as defendants, "all the Jews of the world." About three thousand years ago, Moses and the Hebrew host left town just one step ahead of Pharaoh's pursuing army, taking with them whatever they could lay their hands on. "At that time," claims Hilmi, "they stole from the Pharaonic Egyptians gold, jewelry, cooking utensils, silver ornaments, clothing, and more, leaving Egypt in the middle of the night with all this wealth, which, today, is priceless." Under Egyptian law, there is no statute of limitations on Cookware Had and Received.

Hilmi, on behalf of his largely mummified clientele, seeks reimbursement for the plunder: "The Jews must now, after more than three millennia, repay their debt to Egypt – with interest."

Hilmi cites the historical record in Exodus 12:35 as the basis of his lawsuit. He reckons that the Egyptians were ripped off to the tune of 300 tons of gold. How the Hebrews managed to transport that much precious metal without a convoy of armored cars, Hilmi does not explain. He finds the measure of damages in the gold used to outfit the tabernacle in Exodus 35:12-36. However, tracing the assets of Egypt to the tabernacle presents a problem, since there is no reference to Egyptian gold in that passage. More likely, the jewelry "borrowed" from the Egyptians was melted down to make the famous Golden Calf: "And Aaron said unto them, 'Break off the golden earrings which are in the ears of your wives, of your sons [yes, even back then], and of your daughters, and bring them unto me.'" Exodus 32:2. The recovery of this gold is also problematic, since Moses took the calf they had made, burned it in the fire, ground it to powder, dissolved it in water, "and made the children of Israel drink." Exodus 32:20.

Hilmi has already made an offer to compromise: "The debt can be rescheduled over 1,000 years, with additional cumulative interest during that period." Even so, in the event that some Egyptian court actually exercises in rem jurisdiction over Moses and his successors in interest, the defendants could bring a counter-suit for false imprisonment and back wages – with interest.

Richard Reed is a sole practitioner in Riverside and a member of the Bar Publications Committee.



14TH ANNUAL RED MASS

Date Set for 2004 Red Mass

The entire legal community and persons of all faiths are invited to attend the 14th Annual Red Mass on Tuesday, May 4, 2004, at 6:30 p.m., at Saint Francis de Sales Catholic Church, located at 4268 Lime Street, in downtown Riverside, across from the Court of Appeal. A reception in the parish hall hosted by the steering committee will follow the Mass.

The Red Mass is for members of the legal community and their families to invoke God's blessing and guidance in the administration of justice. All who are involved in the judicial system, including lawyers, judges, court personnel, court reporters, court security officers, and public officials are encouraged to attend the Red Mass.

The Tradition of the Red Mass

The Red Mass has a rich history. The name "Red Mass" is derived from the liturgical color used in the vestments worn at the Mass, symbolizing the gifts of the Holy Spirit bestowed through tongues of fire. The Red Mass is a Solemn Votive Mass of the Holy Spirit—the word "votive" indicating that the Mass is offered for the special intention of those present.

The first recorded Red Mass was celebrated in Europe in 1245. In the United States, the tradition of the Red Mass was inaugurated in 1928 in New York, where a Guild of Catholic Lawyers met with judges and members of law faculties in old St. Andrew's Church in the courthouse district. The Red Mass is celebrated each year in Washington, D.C., where Supreme Court justices, members of Congress, and the President attend at the National Shrine of the Immaculate Conception. Since 1991, the Red Mass has been offered in the Diocese of San Bernardino, which covers both Riverside and San Bernardino Counties.

Saint Thomas More Award

The Red Mass Steering Committee is currently accepting nominations for the second annual Saint Thomas More Award. The award will be given at the reception following the Red Mass. The Saint Thomas More Award is given to a lawyer in the community whose profession is an extension of his or her faith, who has filled the lives of the faithful with hope by being a legal advocate for those in need, who has shown kindness and generosity of spirit, and who is overall an exemplary human being. If you have any questions or would like to nominate an individual for this award, please call Jacqueline Carey-Wilson at 909-387-4334 or Patricia Cisneros at 909-248-0343.

Kosovo War *(continued from pg. 11)*

action plan. Again, they had no idea of how to do it. By working with them individually, we arrived at some good plans. Our goal was to convince a few students out of the class to try to do something constructive in Kosovo.



J.D. Ward with Kosovar lawyers and students

At the end of the two weeks, I was convinced that we had imparted many new ideas to them. We exposed them to the codes being created and gave them a glimpse of how our system works. The young American who ran the program in Kosovo summed it up for me one evening, again over a Pilsner Urquell. He said that he survived on hope – the hope that he could get enough money for his programs to start building a viable legal infrastructure in Kosovo. He believed that doing that was more important than building merely a physical infrastructure. My experiences with the Kosovars left me with a feeling of great empathy for them. But I was also saddened by the continuing ethnic conflict that I witnessed first-hand. On our last day, one of the Albanian translators with whom I had talked told me in no uncertain terms that I should never talk about ethnic conflicts when both sides were present. The last contact I had with the class occurred when I was leaving the farewell dinner. A Serb gave me a book, which was a collection of photographs of dozens of Serbian churches destroyed by Albanians once they got into a position of dominance.

When I got home, I was overwhelmed with another emotion – a profound sense of relief that I practice the legal craft here and that I am able to live under a truly magnificent legal system.



Justice Ward is with the Court of Appeal, 4th District and past president of the RCBA.



OPPOSING COUNSEL: DAVID T. BRISTOW

by Joshua Divine



David Bristow is a Riverside boy, born and raised. He grew up in the La Sierra area, attending La Sierra High School, and now lives only blocks from the home he grew up in. He attended college at California State University, San Bernardino, majoring in History. After finishing college, he worked as a sportswriter for the San Bernardino Sun. According to David, this was one of the best jobs he ever had, and who can doubt that claim! He has continued his relationship with that newspaper, which remains one of his clients.

He left Riverside for a short time to attend law school at McGeorge School of Law, University of the Pacific, from which he graduated in 1993. He has worked steadily since graduation in both private practice and in the public sector. He spent two years working for the San

Bernardino County District Attorney's office, then moved across the aisle, joining the San Bernardino County Public Defender's office, which he calls the best but hardest job for an attorney.

He eventually moved back to Riverside, working with Thomas, Mort, Prosser & Knudsen, and then with the Akin Gump law firm. Now he is a member of Reid & Hellyer in Riverside, focusing his practice on providing a full range of services in business litigation, intellectual property litigation, and environmental land use. David finds the smaller, local law firm practice more rewarding, with a bigger variety of cases and wonderful clients.

David serves as treasurer of the Riverside County Bar Association and as a member of the board of the Riverside Municipal Museum and the Public Library Foundation. He was on the board of the Riverside Hospice for six years, and is still involved in fund-raising for that organization. He also enjoys restoring old homes and furniture.

Joshua Divine is with the law firm of Bonne Bridges et al.



MEMBERSHIP

The following persons have applied for membership in the Riverside County Bar Association. If there are no objections, they will become members effective January 31, 2004.

Louis Helmuth (S)

Law Student

T.K. Jamison Lowe

Sole Practitioner, Riverside

Steven E. Spencer

Peter M. Steinberg, A Law Corp., Riverside

Peter M. Steinberg

Peter M. Steinberg, A Law Corp., Riverside

Shannon R. Thomas

Haslam & Perri, LLP, Ontario

