

RIVERSIDE LAWYER

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MAGAZINE



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Courthouses and Cemeteries
 The Giant Orange ArtVenture
 Historic Paintings Within
 the Mission Inn
 Riverside's Oldest Eateries
 A Case for the Arts



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RIVERSIDE LAWYER

MAGAZINE

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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 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.

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 \$25.00 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 Riverside Lawyer.

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

CALENDAR

OCTOBER

17 Family Law Section

“Cross Examining Psychological Experts”
Speaker: Dr. Robert Suiter

RCBA Bldg., 3rd Fl. – Noon
(MCLE)

18 Immigration Law Section

“Navigating the San Bernardino District Office of the Immigration Service”

RCBA Bldg., 3rd Fl. – Noon
(MCLE)

19 Business Law Section

“What Every Business Attorney Needs to Know About Intellectual Property Law”

RCBA Bldg., 3rd Fl. – Noon
Lunch provided.
(MCLE)

20 Joint RCBA/PSLC General Membership Meeting

“Avoiding Sexual Harassment and Keeping Your House”

RCBA Bldg., 3rd Fl. – Noon
(MCLE – Bias)

23 CLE Committee

RCBA – Noon

25 LRS Committee

RCBA – Noon

NOVEMBER

1 Bar Publications Committee

RCBA – Noon

2 “Civil to Probate: Settlements and Trusts”

UCR Extension Center, 1200 University Ave., Riv. – 5:30-8:00 p.m.

(MCLE – includes .75 hrs Ethics)

7 Environmental Law Section

“High & Low Points of the Yosemite Environmental Law Conference, A Roundtable Discussion”

GSNT, 550 E. Hospitality Lane, Ste 300, SBdno – Noon
(MCLE)

(continued on page 29)



President's Message

by David T. Bristow

The theme of this month's *Riverside Lawyer* magazine is the arts, a topic which I find both refreshing and compelling. While the arts might seem like an odd topic for a publication aimed at lawyers, the two fields have more in common than one might think. Despite the initial appearance of incongruity – lawyers make a living using their knowledge of the rules of society, while artists typically challenge society's rules and conventions to stretch society's boundaries – I think the artist and the lawyer are each other's yin and yang.

For instance, most lawyers I know have artistic aspirations. Take me: I like being a lawyer. I find it suits me. But when I think about what I'd be doing if I wasn't practicing law – aside from being the Librarian of Congress or Bob Dylan's road manager – I'd be either a blues guitarist or a journalist. Actually, I was the latter in a former life. Before I surrendered to the siren song of law school, I worked as a sportswriter for the *Sun* newspaper in San Bernardino. There are those who think I was an idiot to give it up (please, no editorial comments).

But journalism and the law are kissing cousins. Indeed, excellent lawyering combines many traditional art forms. A good lawyer has to be a good communicator, both on the page and on the stage. We must be able to express our arguments, to advocate our clients' positions effectively, and either convince an audience or express an idea (like an estate plan or the terms of an agreement) with clarity, precision and, occasionally, wit. This means we must have command of both grammar and diction. To succeed, we must

become excellent writers, and to advocate our varied cases, we must come to be experts in a great many fields and subjects. Hemingway said that a great writer must know everything in order to earn the reader's trust, and the same is no less true for lawyers. We must also have an eye for the dramatic, blending the facts of our particular matters into the greater canvas of human experience, and drawing upon our commonality to convey a message to our audience. Within every great trial lawyer beats the heart of a great actor, and he delivers his lines and choreographs his movements as much like Laurence Olivier as like Oliver Wendell Holmes.

And while the arts and the law share much in common, I think the greatest role lawyers play is as patrons of the arts, and not just in the financial sense, although that is, without question, a role we play – attend any arts function in this County (certainly in the City of Riverside) and, odds are, you will find a litany of RCBA members amongst the financial benefactors. But more than their financial support, the members of the RCBA provide leadership and management to many – if not most – of the cultural and artistic organizations in our respective communities. We are called upon to aid these organizations because of our knowledge and ability not only to navigate the legal shoals of modern life, but to bring our skills as problem-solvers, as business people and as members of the community, to providing the framework within which the arts and culture can thrive and add depth and texture to all of our lives.

So let us celebrate the arts. Support your local theater group, be it high school, college or otherwise. Attend the symphony and the chorale. Listen to opera. Join a board or two. And remember that, while our communities will always need lawyers to help solve their problems, the lawyers will always need the touchstone of the arts to remind us of our humanity. In the meantime, I'll wait for Bob Dylan to call ...

David T. Bristow, President of the Riverside County Bar Association, is a Senior Partner with Reid & Hellyer in Riverside.



by Mark A. Mellor

How not to write an appellate brief. Anyone inexperienced in appellate brief writing (and perhaps some who have written such briefs before) should read *In re S.C.* (2006) 138 Cal.App.4th 396 [41 Cal.Rptr.3d 453, 2006 DJDAR 4157] [Third Dist.]. In the language of the court: “This is an appeal run amok. Not only does the appeal lack merit, the opening brief is a textbook example of what an appellate brief should not be. [¶] . . . [A]ppellant’s counsel has managed to violate rules of court; ignore standards of review; misrepresent the record; base arguments on matters not in the record on appeal; fail to support arguments with any meaningful analysis and citation to authority; raise an issue that is not cognizable in an appeal by her client; unjustly challenge the integrity of the opposing party; make a contemptuous attack on the trial judge; and present claims of error in other ways that are contrary to common sense notions of effective appellate advocacy” It took a further 12 pages of the opinion to document each of these charges. Finally, the court ordered that a copy of the opinion be sent to the State Bar, presumably so that the Bar may consider disciplinary action against Julie Lynn Wolff, the author of the brief.

Caution regarding appeals from anti-SLAPP orders. An order granting or denying an anti-SLAPP motion to strike is appealable. (Code Civ. Proc., § 425.16, subd. (i).) Therefore, the time to appeal from such an order starts to run from notice of the order. Thus, if the motion is granted, the normal rule that plaintiff’s time to appeal would start to run from the date of entry of notice of judgment does not apply.

No assumption of risk where statute violated. Starting with *Knight v. Jewett* (1992) 3 Cal.4th 296 [11 Cal.Rptr.2d 2, 834 P.2d 696], our courts have held that under the primary assumption of risk doctrine, participants in sports are not liable for their negligence unless their conduct increases the risks inherent in the sport. But violation of a statute does increase such risks, and therefore the doctrine does not apply. In *Huff v. Wilkins* (2006) 138 Cal.App.4th 732 [41 Cal.Rptr.3d 754, 2006 DJDAR 4449] [Fourth Dist., Div. One], plaintiff was injured in an off-road accident when he collided with a 12-year-old driving an all-terrain vehicle. Vehicle Code section 38503 prohibits the use of such a vehicle by a minor unless certain safety-training and supervision requirements are met. These requirements were not satisfied and therefore summary

judgment for defendant based on the primary assumption of risk doctrine was reversed.

But can you insist that your male staff members all grow beards? In a split *en banc* decision, the Ninth Circuit has ruled that casinos may require female employees to wear makeup. The majority opinion by Judge Mary Schroeder concluded that “a sex-based difference in appearance standards alone, without any further showing of disparate effects,” does not create a *prima facie* case of gender discrimination, and that the makeup requirements “must be viewed in the context of the overall policy,” which included (obviously different) grooming standards for male employees. Justice Alex Kozinski, in a dissenting opinion, noted that “[t]he requirement that women spend time and money applying full facial makeup has no corresponding requirement for men, making the ‘overall policy’ more burdensome for the former than for the latter.” (*Jespersen v. Harrah’s Operating Co., Inc.* (9th Cir. 2006) 444 F.3d 1104 [2006 DJDAR 4549].)

Sexual banter may not be inappropriate depending on the work environment. A comedy writers’ assistant on the production team for the *Friends* television show sued, contending that sexually coarse and vulgar language used during plot conferences constituted sexual harassment. The trial court granted summary judgment for defendants and the court of appeal reversed. The California Supreme Court reversed the court of appeal, holding that, “based on the totality of the undisputed circumstances, particularly the fact the *Friends* production was a creative workplace focused on generating scripts for an adult-oriented comedy show featuring sexual themes,” no reasonable trier of fact could conclude the language constituted harassment directed at plaintiff. The court noted that the law against sexual harassment “is ‘not a ‘civility code’ and [is] not designed to rid the workplace of vulgarity.’” (*Lyle v. Warner Bros. Television Productions* (2006) 38 Cal.4th 264 [42 Cal.Rptr.3d 2, 132 P.3d 211, 2006 DJDAR 4691], brackets in original.)

L.A. ordinance criminalizing sleeping on sidewalks held to be unconstitutional. The Ninth Circuit held that a Los Angeles ordinance that criminalizes sitting, lying, or sleeping on public streets and sidewalks violates the Eighth Amendment’s ban on cruel and unusual punishment. (*Jones v. City of Los Angeles* (9th Cir. 2006) 444 F.3d 1118 [2006 DJDAR 4617].) Judge Rymer, dissenting, noted that the majority reached its conclusion “by

cobbling together the views of dissenting and concurring justices, creating a circuit conflict on standing, and overlooking both Supreme Court precedent, and our own, that restrict the substantive component of the Eighth Amendment to crimes not involving an act.”

Abuse your former spouse, lose your spousal support. Under Family Code section 4325, a spousal support order was terminated because the supported spouse was convicted of spousal domestic violence. The court applied the statute even though the spousal support provision in the settlement agreement provided it was nonmodifiable. (*In re Marriage of Cauley* (2006) 138 Cal. App.4th 1100 [41 Cal.Rptr.3d 902, 2006 DJDAR 4916] [Sixth Dist..])

Prosecutors are bound by their plea bargain. Defendant pleaded guilty to eight robberies in 1986 based, in part, on the prosecutor’s representation that only one conviction would be on his record. When, in 2000, he was convicted of other felonies, the court sentenced him under the Three Strikes Law as having eight prior convictions. The Ninth Circuit reversed, holding that counting the 1986 conviction as eight strikes violated the plea agreement and also violated contract law. (*Davis v. Woodford* (9th Cir. 2006) 446 F.3d 957 [2006 DJDAR 5033].)

One who assumes a duty may be liable for its breach. Defendant guard services contracted to provide a guard at a 7-Eleven store during specified hours. A cashier was attacked by a customer during these hours; the guard had failed to arrive. The cashier sued the guard service. The trial court,

concluding the service owed no duty to the cashier, granted defendant’s motion for summary judgment. The court of appeal reversed. Under the “negligent undertaking” doctrine, defendant had assumed the duty to protect plaintiff. There was a question of fact as to whether the presence of the guard would have prevented plaintiff’s injuries. (*Mukthar v. Latin American Security Svc.* (2006) 139 Cal.App.4th 284 [42 Cal. Rptr.3d 563, 2006 DJDAR 5513] [Second Dist., Div. Eight].)

Partial fees awarded where defendant only prevails partially on anti-SLAPP motion. The anti-SLAPP statute (Code Civ. Proc., § 425.16) mandates an award of attorney fees where defendant prevails on the special motion to strike. But what should the court do if defendant is successful in striking some but not all causes of action under the statute? In our July/August 2006 newsletter, we reported on *Endres v. Moran* (2006) 135 Cal.App.4th 952 [37 Cal.Rptr.3d 786, 2006 DJDAR 739] [Second Dist., Div. Five], where defendant was successful only in having a single cause of action, out of many, stricken. There, the court of appeal agreed with the trial court that an award of attorney fees was not required because defendant could not “in any realistic sense” be said to have prevailed. In *Mann v. Quality Old Time Service, Inc.* (2006) 139 Cal.App.4th 328 [42 Cal.Rptr.3d 607, 2006 DJDAR 5565] [Fourth Dist., Div. One], the court resolved the issue by awarding defendants 50% of their claimed fees where it found that, although the motion was only partially successful, “the practical impact of the motion was far more significant than the mere dismissal [of one cause of action].”

Mark A. Mellor, Esq., is a partner of The Mellor Law Firm specializing in Real Estate and Business Litigation in the Inland Empire.



President David T. Bristow, Staff and Members of the Riverside
County Bar Association:

On reading the September issue of the RIVERSIDE LAWYER I was
overwhelmed with humble yet hearty thanks to all officers, staff and
members of the Riverside County Bar Association.

Words are but empty thanks for such open-hearted articles from
some very generous writers.

From my early days as a young lawyer to this old age I have benefited
beyond measure from the personal fraternity of the Association
and its helpful support staff. I pray for the continuing success of the
Association in the years ahead.

Again, I thank all of you for the affection shown in naming the
conference room for me, the magnanimous articles in the magazine
and the enjoyable relationships over the years.

Sincerely,

A handwritten signature in cursive script that reads "John G. Gabbert". The signature is written in black ink and is positioned above the printed name.

JOHN G. GABBERT



COURTHOUSES AND CEMETERIES

by Bruce E. Todd

Renovation is continuing to take place at two of the City of Riverside's historic sites. A while ago I had the opportunity to meet over lunch with Riverside's noted renovator – Judge Victor Miceli – about the status of the renovation that is currently occurring at both the historic courthouse and the Evergreen Cemetery.

"Judge Vic," as my wife Lisa affectionately refers to her favorite retired presiding judge, was his usual loquacious self in discussing these renovation projects. He has a deep interest in preserving the history of Riverside and, in his retirement, he is working tirelessly on efforts to renovate two of Riverside's noted historical sites.

Here is an update from the judge himself about the current status of the renovation.

Historic Courthouse

As many of you may know, our historic courthouse (4050 Main St.) was originally constructed in 1903. It was designed by noted architect Franklin Pierce Burnham. In 1933, Stanley Wilson, another famed architect, designed what is now referred to as the "1933 addition" to the courthouse. Basically, this addition consists of the eastern half of the courthouse.

California went through a "retrofit scare" in early 1990s following a series of earthquakes, including the devastating Northridge earthquake. There was talk about leveling the historic courthouse and constructing a "modern" one. Our noted renovator – Judge Miceli – stepped up to the plate and was instrumental in having the old grand dame renovated (including retrofitting) rather than being razed. The courthouse was closed from April 1994 to September 1998 while the renovation took place. The majority of the renovation involved the 1903 portion of the courthouse.

As many of you have now noticed, renovation is now occurring on the "1933 edition" of the courthouse. Judge Miceli recently took a moment of his time to walk me through the construction zone within the eastern side of the courthouse. We were joined by Javier Montoya, who is serving as the project manager for the construction. A company called RQC Construction, Inc. is the contractor that is handling the current construction. The Design Partnership is serving as the executive architects.

Mr. Montoya said that the current budget for the renovation is \$12.5 million. This includes design, construction and management costs. Judge Miceli explained that, in 1990, a \$50 assessment was added onto civil filing fees in Riverside County and that this amount is now taking care of the cost of the renovation. It is hoped that the construction will be completed by no later than the end of this year or early spring of next year.

As we walked through the construction zone, Judge Miceli pointed out some interesting historical aspects of the old courthouse. There are some garages (in the process of being demolished) on the eastern side of the building that once housed the entire fleet of patrol vehicles for the Riverside County Sheriff's Department, back in the 1930s and 40s. There is a large walk-in safe on the lower level of the north side of the

building. This safe, with its immense steel door, once housed the Sheriff's Department's supply of weapons and munitions for protection during World War II. The safe is now being preserved as part of the renovation.

After the courthouse was reopened in 1998, some jail inmates were still housed along the eastern side of the courthouse. In fact, observable indentations in the concrete floor are evidence of the bars to the jail cells, which have now been removed as part of the renovation. Judge Miceli made reference to a prior incident that had a somewhat adverse affect on the construction. Apparently, the inmates were allowed to have only a limited supply of clothes, towels, etc. Of course, they would somehow acquire more of these items than allowed during their "spare" time. They somehow learned of a surprise inspection and flushed many of these items down various toilets. This blocked up the plumbing, which resulted in dirty water pouring into the lower level of the east side of the building. This stagnant water was discovered as part of the renovation and large pumps had to be employed to remove the smelly water from the lower level.

Once completed, the renovated courthouse will be more user-friendly. The civil clerk's office, along the north side of the building, will be expanded to serve both attorneys and the general public. There will also be more clerk's space (civil and probate) on the eastern side of the second floor. Attorneys will be happy to know that there will be arbitration/mediation rooms and client conference rooms located on the second floor. Executive office space, including an office for the presiding judge, will be located on the eastern side of the second floor. Research attorneys will be issued their new space on the third floor, for analyzing those memoranda of points and authorities. The historic courtyard in the center of the building will be available for courthouse employees to take breaks and eat lunch in (although

Judge Miceli said that no cafeteria will be coming to the courthouse).

There is talk about someday turning the historic mortuary across from the south side of the courthouse into a jury assembly room but, alas, this decision will have to wait for another day.

Evergreen Cemetery

The Evergreen Cemetery, located 4414 14th St., was founded in 1872 and is the City of Riverside's oldest cemetery. It is the final resting place for many noted Riverside figures, including John W. North (the founder of the city), Frank Miller (the founder of the Mission Inn) and Luther Tibbetts (the cofounder of the navel orange industry). John "Jake" Hews, the late Riverside trial judge and appellate justice, is also laid to rest here.

Judge Miceli has also been instrumental in the renovation of this historical site. As he explained it, he previously attended a ceremony in which Justice John Gabbert was being honored with the Frank Miller Civic Achievement Award. During his acceptance speech, Justice Gabbert commented on his belief that the state of disrepair of the Evergreen Cemetery was one of Riverside's biggest embarrassments. Knowing Judge Miceli's monumental involvement in the renovation of the historic courthouse, Justice Gabbert suggested that Judge Miceli would be the perfect person to get involved in a potential renovation of the cemetery. Accepting the challenge, Judge Miceli took a look at the state of the cemetery and concluded that it did need renovation. He noted that the grass was dead, there were weeds everywhere and vandals had overturned many of the headstones.

Judge Miceli determined that it was essentially eight of the 24 acres that were in disrepair. He learned that, since 1932, a fee has been charged for each person who is



buried in a California cemetery, to be used for the maintenance of the cemeteries. The eight acres that are in disrepair in Evergreen Cemetery contain people who were buried before 1932 (and who thus paid no maintenance fee). There are about 12,000 people buried in the entire cemetery, and about 7,000 of them are in this older section.

Judge Miceli was involved in helping to start up a corporation (Riverside Memorial Historic Cemetery, Inc.) whose purpose it is to fund the renovation of the older section. Judge Miceli stated that renovation costs will run about \$500,000. Furthermore, there is a target goal of an additional \$2.1 million endowment. The interest on this amount would be used for the monthly maintenance fees (currently about \$6,000). Most of the funding is coming from volunteer donations and fundraisers.

It is hoped that the renovation project will be completed around the spring of 2007 (possibly around the same time as the renovation of the courthouse). Thereafter, we hope that Judge Miceli can take a much deserved rest.

Bruce E. Todd, a member of the Bar Publications Committee, is with the law firm of Ponsor & Associates in Redlands.



THE GIANT ORANGE ARTVENTURE, OR HOW GIANT ORANGES INVADED RIVERSIDE

by Kathy Allavie

Cows in Chicago! Apples in New York! Moose in Toronto! You name it, and some city has created it ... giant fiberglass art sculptures that not only speak of the artist, but also speak of a city. Could Riverside find just the right mix of art and symbol? Naturally, it had to be a giant orange.

In 2005, members of the Art Alliance of the Riverside Art Museum decided to see if an outdoor sculpture and community art event could also be one of the biggest fundraisers in its history. After months of researching what other communities were doing and seeing the success they were having, they began a journey to create their own fiberglass festival. Many creatures were considered, from coyotes to honeybees, from skunks to snakes, but in the end there was nothing that proclaimed Riverside's heritage like an orange. Could the Art Alliance find willing sponsors? Would artists want to paint the giant fruit? How would it all come together?

During the fall of 2005, Phyllis Crabtree and Kathy Allavie, co-chairs of the event, began soliciting sponsors for the Giant Oranges. Each sponsor would pay \$5,000, and in exchange would get to either keep its art-orange or return it to the Riverside Art Museum for auction. The public show would run for four months, and sponsors would receive

publicity before, during and after the event. Happily, the community loved the concept. In just two months, the Art Alliance had sold 32 sponsorships, with more on a waiting list! Then came the efforts to attract local artists to the project. Out of each \$5,000 sponsorship came a stipend of \$350 to each artist and \$100 for materials – an amount that clearly could not cover the time and materials put into such a venture. Artists who undertook the project did so primarily to help the Riverside Art Museum. By December, all 32 oranges were paired with artists.

Each artist can tell a different story about the day the giant four-foot, 90-pound orange arrived at his or her home or studio. The task seemed more daunting once the huge sculpture was sitting in a garage. But create they did! From mosaic to paint, from twisted metal to molded adornments, each orange became a work of art. The oranges were then clear-coated, with a donation by City Body & Frame, attached to a base and revealed to the community at a premiere event on June 1, 2006. During that celebration, the Art Alliance proudly presented Daniel Foster, Executive Director of the Riverside Art Museum, with a check for \$100,000.

The oranges then took their places on different downtown street corners, down the Main Street Mall or in front of various downtown landmarks. All seemed well – for roughly 24 hours – then vandalism, on a scale not expected by anyone, seemed to threaten to close the show only days after it was opened. The first evening, vandals pried up the bolts holding the oranges to the sidewalks and rolled them into streets and alleyways. By the end of summer, nearly a third of the Giant Oranges had been damaged, though none of them were irreparable.

In the meantime, however, the greater public was falling in love with the Giant Oranges! Families were picking up maps at the Art Museum and walking the city. On

any given day, you could see people stopping and taking pictures of each other by a Giant Orange. The Art Alliance created "Orange Tours" and escorted people from orange to orange, often coordinating these tours with visits from the Orange Artists (or the Orange "32", as they like to call themselves). Children would pick up a free coloring book at the Art Museum and color their own "Giant Orange." There was immediate and positive feedback from many areas of the community.

As the public show winds down, sponsors are now deciding where their Giant Oranges will end up. Many will continue to adorn public spaces. The Junior League of Riverside and Stewart Title Company have donated their oranges to the Riverside Public Library, for display at the Casa Blanca and Orangecrest branches, respectively. The Kiwanis Club of Uptown Riverside has donated its orange to the Centro de Los Niños Childcare Center. The Metropolitan Museum will keep its Eliza Tibbetts orange, and Waddell & Reed have donated their orange to the Riverside Plaza for public display. Other sponsors will keep their oranges at their places of business, where they will serve as wonderful ambassadors of art for years to come.

Five oranges were returned to the Art Alliance for a Giant Orange Auction, held on October 13, 2006. These, plus 30 artist-painted "petite" oranges (about 12 inches in circumference), will be donated to raise additional dollars for the Riverside Art Museum. Anyone who is interested in bidding on a large or petite orange can receive more information by calling the Riverside Art Museum at (951) 684-7111.

Kathy Allavie is Co-Chair of the Giant Orange ArtVenture and President of the Art Alliance of the Riverside Art Museum.



'Orange' Picture Number: (on the cover)

- 1** "The Life of Riverside" by Durre Waseem; photograph by Yoginee Braslaw
- 2** "La Naranja" by Lorien Suarez; photograph by Carla Bender
- 3** "The Fruit Stand" by Ron Duff; photograph by Carla Bender
- 4** "The Gemmed Orange" by Jana Stevens Furzer; photograph by Carla Bender
- 5** "The Long & Rinding Road" by Michael J. Elderman; photograph by Yoginee Braslaw
- 6** "Bearing Fruit" by Greg Adamson; photograph by Carla Bender
- 7** "Our Emerging City" by Ada M. Passaro; photograph by Carla Bender
- 8** "The Squeeze" by Christoff Koon; photograph by Carla Bender
- 9** "Riverside: Vision of an Enlightened City" by Luz Maria Perez; photograph by Yoginee Braslaw
- 10** "Mother Nature and Sustainability" by Carolyn Ward Billington; photograph by Yoginee Braslaw
- 11** "The Great Crate" by Helen Bell; photograph by Carla Bender
- 12** "Riverside...And All That Jazz" by Daniel Melendez; photograph by Carla Bender
- 13** "Under the Citrus Sun" by Greg & Cathy Maxwell; photograph by Yoginee Braslaw
- 14** "Reflections" by Daniel Foster; photograph by Yoginee Braslaw
- 15** "Juicy Scoop" by Arnel S. Cadatal, Don Daniels, Susan Newman & Peggy Statti; photograph by Carla Bender
- 16** "Pieces of Peace: A Global Warning" by Fritz Aragon; photograph by Yoginee Braslaw
- 17** "Museum of Modern Oranges" by Nora Unrath; photograph by Carla Bender
- 18** "Obscure Orange" by Georg Burwick; photograph by Yoginee Braslaw

HISTORIC PAINTINGS WITHIN THE MISSION INN

by Bruce E. Todd

When a person has the urge to view some of the great paintings in Southern California, a trip can be made to such places as the Getty Museum, the Huntington Library, the Los Angeles County Museum of Art and even our own Riverside Art Museum. One place a person might forget to consider, however, is the historic Mission Inn here in Riverside.

It would be a shame to omit the Mission Inn from a viewing of great artwork, since it contains a wonderful collection of paintings. When Frank Miller constructed the now-legendary Inn, he also assembled a classic selection of paintings to be hung within the structure. The following is a partial “tour” of some of the great paintings located at the Mission Inn. Obviously, mere words cannot do justice to these marvelous paintings, and they need to be actually seen to be fully appreciated.

There is a relatively small museum in the southwest corner of the Mission Inn, which contains some wonderful pieces of artwork. It was at this location that I met Steve Spiller, the Museum and Collections Manager for the Inn, and Mike Marlatt, noted local attorney and former president of the Mission Inn Foundation, for a pleasant tour of the Inn’s paintings.

The museum itself contains several paintings by noted artist Henry Ford Chapman. Mr. Spiller explained that Ford painted a series of 38 paintings of the missions established in California by Father Junipero

Serra. Of the 38 original paintings, 36 still exist. Interestingly, Frank Miller originally stored some of these paintings within the mysterious catacombs that are located under the Inn. Miller referred to a stretch of the catacombs as “El Camino Real” – The King’s Highway. Luckily, exposure to the dank conditions in the catacombs did not damage these paintings, and they are now hanging in the museum and other parts of the Inn. Some of them are even hanging, on loan, at the Court of Appeals building in Riverside.

The museum also contains an untitled painting of the Mission Inn painted in 1908 by William Alexander Sharp, who was an artist in residence at the Inn.

We then moved to the spectacular lobby of the Mission Inn to observe some other wonderful paintings. Foremost among these is “The California Alps,” painted in 1874 or 1879 (the date seems to be in dispute) by legendary landscape artist William Keith. This large painting is located at the base of the stairs to the second floor of the hotel. The painting, which was admired by no less than John Muir, depicts a spectacular sweeping view of a valley (not Yosemite) in the Sierra Nevada Mountains. Marlatt was so impressed with the painting that he tracked down a rare biography of Keith written by Brother Cornelius of St. Mary’s College, which has a large collection of Keith’s work. His copy of the first edition was printed in 1942 and was autographed by Brother Cornelius himself.

There are other notable paintings located within the lobby, including “The Good Samaritan,” hanging above the entrance to the restrooms. This piece was painted by Russian artist N. Kosscheloff in 1904. Another splendid piece, called “Arch Beach,” is just below Keith’s “California Alps.” This oil painting was done in 1918 by William Wendt.

Probably the paintings most commonly observed by guests of the Inn are the presidential portraits located in the lobby near the entrance to the Presidential Lounge – the Inn’s famous watering hole. These paintings

were done by local artist Bonnie Brown and were commissioned by Duane Roberts – the current “Keeper of the Inn.” These portraits are of U.S. presidents who all have some connection to Riverside and/or the Inn (married there, stayed there, toured the city, etc.). The paintings include Harrison, McKinley, Teddy Roosevelt, Taft, Hoover, Kennedy, Nixon, Ford, Reagan and Bush (our current leader). According to Spiller, the paintings are recreations of famous portraits that hang in the White House.

One of my favorite paintings at the Inn is located inside the Inn’s great steakhouse (Duane’s). This huge piece, titled “The Charge Up San Juan Hill,” was painted in 1900 by Russian artist Vasili V. Vereshchagin. It is a massive work; it dominates the other, smaller works hanging in the restaurant, which primarily depict scenes from early California.

One problem with viewing the paintings at the Inn is that some of them are in areas that might generally be off-limits to casual guests. If you are able to obtain entrance into the Frank Miller Dining Room, you will see several pieces that are unique to the Inn. One of them is a painting of Miller himself that was painted in 1918 by American artist Hovsep Pushman. Another is a portrait of Miller’s daughter (Allis Miller) painted in 1909 by George Melville Stone. Six other paintings by Stone are also on display in this dining room. Stone was actually an artist in residence at the Inn during the winter of 1909.

Another part of the Inn not always open to guests is the Spanish Art Gallery, where wedding receptions, banquets and other events routinely take place. This room contains more of the works of Henry Chapman Ford, as well as other paintings depicting life in early California. During my tour of the Inn, I inquired of Spiller if any of the paintings at the Inn have ever been lost, destroyed, damaged, etc. He indicated that this is a rare event, but he also mentioned that he currently has a painting in storage that was slashed while it was hanging in the Spanish Art Gallery. Seems one of the wedding guests must have gotten out of hand!

The Ramona Court at the entrance to the Glenwood Tavern is another location where some interesting paintings can be observed. These include “Portrait of Madame Korevo,” painted in 1900 by another Russian artist (Ilya Repin), and more of the mission series by Ford.

Spiller advised me that the actual hotel rooms generally do not contain paintings. Frankly, I suspect that the Inn does not relish having any of its notable collection damaged by some unruly guest. He did indicate, however, that the Inn’s collection includes approximately 260 paintings and that roughly half of them are on display. Based on the tour that I received from Spiller and Marlatt, I would strongly recommend a trip to the Inn, if for no other reason than to view the lovely paintings contained therein. Of course, anyone who visits the Inn will also discover other wonderful things to see and do there.



RIVERSIDE'S OLDEST EATERIES

by Bruce E. Todd

Photographs by Bruce E. Todd

For a city as old as Riverside, which was incorporated in 1883, it seems odd not to have any truly historic dining establishments. After all, Los Angeles has its Cole's P.E. Buffet (1908), Philippe's (1908), Pacific Dining Car (1921), La Golondrina (1924) and El Cholo (1927). Hollywood has Musso & Frank (1919) and Barney's Beanery (1930). Santa Monica has the Galley (1934).

Perhaps Riverside lost its opportunity for an historic restaurant with the temporary closure of the Mission Inn in the 1980s for its extensive renovation.

In any event, the following list encompasses the City of Riverside's top five oldest existing eateries. None of them would pretend to be considered a "fine dining" establishment, such as Gerard's, Mario's and Duane's, where one might take a business client to make a strong first impression. Yet each of these comparatively old haunts has unique characteristics that certainly merit a visit.

El Sarape (1949)

4023 Market St.
(951) 684-3120
Hours: Mon.-Fri. 11:30 a.m.-8 p.m., Sat. 5 p.m.-8 p.m., Sun. closed



Located in a nondescript plain white building near the intersection of Market and 10th Streets, this Mexican food restaurant first opened on July 4, 1949. The Palma family owned it originally, and son Robert owned and operated it until 2004, when he sold it to Andres Gonzalez. Its front and rear exterior are recognizable by vintage 1950s signs.

The dimly lit interior includes red Naugahyde booths with Formica tables. The walls are covered with large oil paintings that depict early Hispanic culture. The large front windows face Market Street, but dark shades usually hinder the view of any happenings on the street. The center dining area was the original portion of the restaurant, but it has expanded over the years into dining rooms on either side of the original room. The dining area is frequented by long-time customers who generally speak at a low volume.

The friendly staff serves up the usual traditional Mexican fare, including beef tacos, enchiladas, chile rellenos and tamales. Wine and beer (imported and domestic) are available. In fact, the draft beer can be about the coldest in town. According to Manager Andrea Gonzalez, the daughter of Andres, the chile rellenos are a signature dish. The #1 (taco, enchilada, rice and beans) and the #4 (two tacos and beans) are the most requested items on the menu. You can obtain one of these for about \$5 to \$6.

So you don't end up in an embarrassing situation, you should keep in mind that credit cards are not accepted.

Tuxie's Drive-In (1952)

6030 Magnolia Ave.
(951) 686-6750
Hours: Mon.-Sat. 10 a.m.-8 p.m., Sun. 11 a.m.-5 p.m.



Anyone who is interested in vintage automobiles has probably been to Tuxie's. Opened on Memorial Weekend of 1952, this classic burger stand is almost literally tucked away in a small niche off Magnolia Avenue near its intersection with Jurupa Avenue.

Tuxie's features "Cruise Night" on the second Friday of every month, when the large rear parking lot is jam-packed with vintage cars and trucks. This event has been taking place for more than 25 years. There is also a "Bike (i.e., motorcycle) Night" on the third Saturday of every month. On any of these nights, vehicle owners and diners mix and mingle while discussing the "good old days." Most are chomping on one of Tuxie's famous burgers or hot dogs.

The diner was first opened by the Tuxhorn family and has since gone through a succession of owners. The current owners (Tai and Yong Bark) purchased it in 2005. They have kept the "Cruise Night" tradition alive. Riverside old-timers will remember that there used to be a second downtown location on 9th Street.

There is no indoor dining at Tuxie's. Customers generally either order to go or sit at one of the approximately 10 outdoor dining tables. Although most of the tables are covered, it can be quite hot when eating a cheeseburger and fries for lunch during the summer months.

Besides the traditional hot dog and hamburger, Tuxie's also features "Buffalo" burgers and "pastrami" burgers. No alcohol is available. Manager Misty Perez suggests, however, that you try "one of our famous shakes." She says that "we are essentially famous for our burgers, hotdogs and shakes."

D'Elia's Grinder Haven (1954)

2093 University Ave.
(951) 683-7380
Hours: Daily 10 a.m.-9 p.m.



"People either love us or hate us," says John Perrone, Jr. Frankly, I would suspect that most people love them. What John, Jr. is referring to is the famous bread used for the delicious sandwiches that are served at this University Avenue deli.

The crispy-style bread is baked fresh each morning on site and is used for a daily average of 1000 sandwiches. Customers from far and wide have traveled to D'Elia's for the bread. John, Jr. described how one customer from Grand Junction, Colorado paid over \$90 in shipping charges to have \$10 in sandwiches shipped to his home. It is common for people on their way to Ontario Airport to stop by to pick up a pre-flight sandwich. Customers have reported seeing Bobby and Barry Bonds munching on sandwiches.

This family-operated deli, which still resides at its original location, first opened in December of 1954 as the brainchild of Ralph D'Elia, his sister Gladys and her husband John Perrone. Several other locations were opened over the years, but only the original location exists today. It was remodeled in 1987. Eventually, Joe and John Perrone took over the operation from their father John. Now John, Jr. (the son of John), Brian and his sister Amy (the son and daughter of Joe) stand waiting in the wings to take over. According to John, Jr. and Brian, the "operation" includes the weekly use of 1600 lbs. of ham and 800 lbs. of roast beef. The ham grinder is the best seller, followed by other "classics," including turkey, Capicola and roast beef.

The restaurant offers relatively spacious indoor dining. "Regulars" are always present, either dining in or getting a take-away order. A variation of the famous bread, called a "twist roll," is often picked up by regular customers for use at home (with, say, the family lasagna). No alcohol is served on-site, but there is a wide selection of drinks available to help wash down these tasty sandwiches.

Sire Bar & Grill (1955)

6440 Magnolia Ave.
(951) 683-7473
Hours: Daily 10 a.m.-2 a.m. (kitchen 11 a.m.-11 p.m.)

Famous for its horse-racing theme, Wednesday "Taco Nights" and relatively inexpensive steaks, prime rib, and hamburgers, the Sire has been a Riverside institution for more than 50 years.

Opened in December of 1955 by Harvey Mandel (who is still the owner), the Sire is located on Magnolia Avenue near the recently renovated Riverside Plaza. It is a popular stopping-off place for a cocktail or two after work. It is frequented by customers who have been coming for years.

Mandel, who owned and operated the famous jazz club Sardi's near Hollywood and Vine in the 1940s, has owned various race horses over the years. A list of many of them decorates the Sire's menu. His best horse was Confound, which raced at Santa Anita Racetrack. The walls of the Sire feature photographs of horses and jockeys. For the past 25 years, the restaurant has sold Mint Juleps on Kentucky Derby day (the first Saturday of each May) out of the same special "derby glasses" that are used at Churchill Downs for the Kentucky Derby. Mandel orders them from the same distributor that supplies them to the racetrack.

Previously, Mandel also owned Sire East, Sire West and the Office in Riverside, and Sire III in San Bernardino, but all of these establishments are now sadly closed. Only the original remains. Mandel recalls the time that Marlon Brando was married in Riverside and stopped by the original location following his wedding. He also recalls that Jerry "Tark the Shark" Tarkanian would often hold court at a table near the fireplace back in the days when he was coaching basketball at RCC.

The dimly lit bar and grill also has an outdoor patio area (which presumably makes smokers happy). There are nightly specials, which include pork chops, prime rib, baked chicken, halibut and, of course, the famed Wednesday "Taco Night." For dieters, there is the "Loser's Special," consisting of a ½ lb. hamburger patty, cottage cheese and fruit.



Zacateca's Café (1963)

2472 University Ave.

(951) 683-3939

Hours: Sat. to Mon. 8 a.m.-3 p.m., Tue. to Thurs. 8 a.m.-8 p.m., Fri. 8 a.m.-9 p.m.

Located just down University Avenue from D'Elia's, this restaurant has been serving tasty yet inexpensive Mexican food since 1963. The original location was at the corner of Park and University, but the restaurant moved to its current location (at the corner of Sedgewick and University) in 1985. A photograph of the original establishment is on the wall of the current establishment.



The café was first opened by Oscar and Josephine Medina. The original location consisted of 12 bar stools and three tables. The current establishment has many more tables and a separate banquet room. The plain white walls and Formica tables create the ambience of the type of café one would discover south of the border.

John and Vicki Medina, who now handle the operations of the restaurant, preside over an extremely friendly staff. The food assortment includes the standard (and good-tasting) Mexican fare of tacos, enchiladas, burritos, tamales and chile rellenos. The menu includes daily lunch specials, which can be had for about \$6. These combination meals can be quite filling. Beer and wine are also available.





A CASE FOR THE ARTS

by Kenneth Stansbury

Photographs by Kenton O'Donnell, The People's Gallery

Downtown Riverside is the legal center of the Inland Empire. There are six courts located within walking distance of each other. If you have ever walked to each, one after another, you know that it is an easy stroll through beautiful downtown Riverside. In each of these venues, individuals with varied backgrounds, skill levels and specialties plead their ideas; the functions of the social machine are displayed for all to see.

Downtown Riverside is also the arts center of the Inland Empire. There are five museums, six galleries, and over thirty artist's studios located within walking distance of each other. If you have ever walked to each, one after another, you know that it is an easy stroll through beautiful downtown Riverside. In each of these venues, pleadings are made by individuals with varied backgrounds, skill levels and specialties, who display their ideas, vetting the social machine for all to behold.

But to behold these arts, you have to come out on the first Thursday evening of each month for Arts Walk in downtown Riverside. At Arts Walk, you peruse the work of artists who live in Riverside and artists from around the world at every level of practice. Together, the museums, galleries, and artist's studios open for an inviting peek into the creative synergy that downtown Riverside has become.

The event begins at 6 p.m. and runs until 9 p.m. Where do you start your stroll? You could begin at the



Main Street Pedestrian Mall and University Avenue. There you will find the University of California, Riverside's two jewels of showcases: the Sweeney Art Gallery, and next door, the California Museum of Photography. These are world-class venues. Cross the street and proceed east and you will find the People's Gallery upstairs in the Harada Building. The extra-large-format painting on the side of the building is of the Harada family and was painted by the People's Gallery Director, Marian Semic.

(Bonus legal question: Why do the Haradas have fame beyond the Semic painting? In the late nineteenth century, the Haradas, an immigrant family from Japan, challenged the California state law prohibiting noncitizens from owning real property. Case law meets provenance. The City of Riverside has only two National Historic Landmarks: one is the Mission Inn; the other is the Harada Home, located on Lemon near Fourth Street.)

If the thirst for art persists, the parched connoisseur will be pleased to find artwork displayed at the Inland Heritage Wine Bistro, on the corner of University Avenue and Orange Street. A few doors east is Back to the Grind. Walk through the front doors of this coffee house and look to your right, then left, for two different artists each month. The alcove to Back to the Grind's patio features yet another artist. There is also a gallery downstairs. Back to the Grind regularly features no fewer than four Inland Empire artists every month.

Saunter down University Avenue and then south on Lemon Street to get to the Riverside Community Arts Association Gallery. The RCAA has been home to a strong



stable of community-minded artists for over 15 years. The Gallery is beautiful. This organization is considered by many to be the heart and soul of the Riverside art scene. The works on the walls are always compelling and priced for purchase. (Have you started your art collection?) This would be a great place to start. Right next door to the RCAA is Division 9 Gallery #2. That's right, Gallery #2. Featured shows here are always focused and professional.

Track back to University Avenue and Lemon Street to the Life Arts Building, in which you will find over 25 artist's studios. The back basement of the Life Arts Building also features the Division 9 Gallery, where you will often



find installation works that demand interaction. One block north and one block east, at the corner of Mission Inn Avenue and Lime Street, is the Riverside Art Museum, where world-class art comes to the Inland Empire.

The Downtown Riverside Arts Walk is an underexplored adventure yet to be discovered by many hometown heroes like yourself. Mark it in ink in your planner: Every first Thursday evening of the month, 6 p.m.-9 p.m.

Ken Stansbury is a local artist.



JUDICIAL PROFILE: THE HONORABLE JEFFREY PREVOST

by Donna Johnson Thierbach

Photographs by Cameron Smith

I had been told I had something in common with Judge Prevost, in that he, too, liked science fiction; he had even written an article called “The Law of Outer Space.” So I was very excited when I had the opportunity to meet him, and I was not disappointed. When I walked into his chambers, there was a Darth Vader helmet! As for the law of outer space, I’ll need to give you some background information to explain that one.

Judge Prevost was born and raised in Oakland, California. He said that, in high school, he was pretty much a “geek” (though at that time the word was probably something different, like nerd or dork). He seemed pretty “non-geek” to me (after all, he did have a Darth Vader helmet), so I asked him to explain what he meant by “geek.” He said he was not only shy, but also involved in the Latin Club and the band, and he was a student body officer. Moreover, he was very interested in physical science and had decided on a career in nuclear physics. However, when he went to Italy in his senior year as an exchange student, something happened that caused him to change his choice of careers. He said he was able to acculturate pretty well, but when he went to the American Overseas School of Rome a couple of times, he was appalled and embarrassed by how badly the American teenagers behaved. He said he saw a first-hand example of what Europeans refer to as the “ugly American.” After that experience, he decided to specialize in international relations with the hope of joining the Foreign Service.

After graduating from high school, Judge Prevost attended the University of California at Berkeley and earned a degree in political science. During his senior year, he took the Foreign Service exam, and shortly thereafter he was granted an interview. He bought a new suit and thought he looked pretty conservative (his hair was a little long and he had a mustache,

but after all, it was the 60s). He walked into the interview room, only to be greeted by three very conservative-looking interviewers, all wearing ties from their respective schools: Harvard, Princeton and Yale. They were very polite, but they suggested graduate school. Judge Prevost did not give up the idea of the Foreign Service, but he did change his focus. He decided to attend law school so he could “protect society and stand up for the constitution.”

Judge Prevost attended Hastings College of the Law and earned his Juris Doctorate in 1971. During his last year of law school, he wrote an article titled “The Law of Outer Space” for his comparative law class. In the article, he made comparisons between the Outer Space Treaty and the rules of conduct under maritime law. Judge Prevost said that, much to his surprise, the professor told him he had sent the article to the Cleveland State Law Review and it had been accepted. The article was published in 1971. Judge Prevost said that, when he recently went on the Internet to try to obtain a copy of the article, he was astounded to discover it had been cited – once, in the mid-1980s.

Okay, by now you are thinking I have given up on my burning questions from previous articles. Nope, not yet, especially since this time I was hoping for an alien abduction story. So how did Judge Prevost discover Riverside? Judge Prevost said that in 1972, he came from the Bay Area to Los Angeles for a job interview. While he was in Los Angeles, he saw an advertisement for the Riverside County District Attorney’s office. He said the drive to Riverside was beautiful. It was February, he could see snow on the mountains and the weather was wonderful. When he was offered the job, he immediately accepted. However, during the first summer, he discovered Riverside could be very hot and smoggy, so at that time he definitely planned to return to the Bay Area in three years. (That was 34 years ago, but who’s counting?)



Judge Prevost and Karen Prevost



Judge Prevost being enrobed by his wife, Karen Prevost, and his daughter, Mikela Smith



Judge W. Charles Morgan administering the oath of office to Judge Prevost

Judge Prevost said that, at that time, the Riverside County District Attorney's office was small – probably 30 attorneys total. The office provided him with a lot of opportunities, and he tried over 100 cases. He was also single when he moved to Riverside; he met his lovely wife Karen here, on a blind double-date. They initially made their home in Running Springs, and on the weekends he taught skiing at the Snow Valley Ski School. He said it was a great deal, because it provided him with free weekend skiing. He still recalls that one Saturday, he was giving a lesson while he was on call for the District Attorney's office. When the beeper went off, he ended the lesson and drove to Corona, still wearing his ski instructor suit. When he arrived, someone said, "You are kind of out of place aren't you?" Although they loved the Running Springs area, after a horrible winter in 1978-1979, he and his wife decided to move a little closer to Riverside.

Judge Prevost and his wife have two grown children. Their daughter, Mikela (Prevost) Smith, is married to Cameron Smith and recently earned her Masters Degree in Fine Arts. She recently had an illustration published on the cover of the *Family Life* magazine. Their son, Tyler Prevost, is an honor student in college and is majoring in computer science. Judge Prevost is also a very proud grandfather of one-year-old Lily Mae Smith.

Judge Prevost has a great deal of diversity in his professional experience. After he left the District Attorney's office in 1980, he practiced civil law, including insurance defense,

personal injury, products liability, legal malpractice and business practice cases, until he was hired as a commissioner in 2000. As commissioner, he handled misdemeanor trials for six months, and then was assigned to Family Law for over four years. Last year, he returned to the misdemeanor arraignment and trial readiness calendar.



Judge Jeffrey Prevost and his granddaughter, Lily Mae Smith

Judge Prevost was enrobed on July 28, 2006, and his assignments have included Drug Court, as well as the misdemeanor arraignment and trial readiness calendar. He commented that the attorneys are professional, and the staff is very dedicated. He said the Riverside bench is wonderful, and he finds it very gratifying to work with so many people he has known for so long.

Donna Johnson Thierbach was formerly a Deputy Public Defender with Riverside County and is currently the Assistant Director of the Adult Division of the Riverside County Probation Department.



OPPOSING COUNSEL: W. DAVID GURNEY

by Robyn A. Lewis

Vincent Van Gogh once said, "Paintings have a life of their own that derives from the painter's soul." The passion to which Van Gogh referred in that quote seems to be the purpose and drive behind every artist. And if you have the pleasure of speaking with David Gurney of the Law Offices of W. David Gurney even for just a few minutes, you will instantly know that it is his passion for painting and art that drives him to paint and create amazing images that are truly from his soul.

After growing up in Loma Linda, Dave graduated from La Sierra University in 1967 with a degree in business. He later went to Willamette University School of Law in Oregon and graduated with a juris doctor degree from that institution in 1971. After having first passed the Oregon bar examination in 1971, Dave returned to California in 1972, where he was admitted to the California State Bar.

Dave joined the general law practice of then-attorney Bob Macomber, who later was appointed to the Riverside bench. After Judge Macomber became a member of the judiciary, Dave took over his practice, which included family law matters, business law, wills and trusts, and personal injury cases. However, Dave soon realized that it was personal injury that he was most interested in and tailored his practice accordingly.

After eight years or so, Dave soon tailored his practice to an even more specific area of law – medical malpractice. He maintains that practice today, focusing on cases that deal with medical negligence resulting in serious injury or death.

While Dave has been devoted to his legal career, it has been his love for the arts that has been his true passion in life. When I asked him where that passion came from, he explained that he has always been interested in the arts, even since he was just a young boy. "Particularly, it was painting that I loved."

Not formally trained as an artist or a painter, Dave took a few art classes while still a young boy. In college, he had the opportunity to take several art classes. However, it was not until he was an adult and he began taking classes at Otis College of Art and Design in Los Angeles that he received any real education on painting techniques.

Dave's first painting was a rendition of Pierre-Auguste Renoir's "The Luncheon of the Boating Party," which



W. David Gurney

he completed in 1991. He was drawn to that painting after having seen it at the Phillips Collection in Washington, D.C.

"The Luncheon of the Boating Party" is perhaps one of Renoir's most famous works. It depicts a scene at the Maison Fournaise, a restaurant in the mid- to late-nineteenth century, which welcomed

customers of many classes, including businessmen, society women, artists like Renoir, actresses, writers, critics, and even shop girls. This diverse group embodied a new, modern Parisian society that was accepting and was premised on a fundamental commitment to equality.

Dave's goal in copying Renoir's masterpiece was not merely to copy him but to get a feel for his techniques and use of color. It took approximately one month for him to complete the copy, which now hangs in his office.

While he has produced his own images on canvas, Dave has also experimented with blending portions of famous paintings and other works of art into his paintings to make a political statement or social commentary. These images, as can be seen in this article, are incredibly thought-provoking, although they still convey a sense of the original artist's intent.

In addition to his obvious talent for painting, Dave's knowledge of art in general is amazing, despite the fact that he never took an art history class. He explained that "when you are passionate about something, you tend to want to learn about it." Dave has traveled the world and visited most of the most famous art museums, such as the Louvre and the Tate Gallery in London. His works of art have been showcased locally and have been entered into competitions for local artists at the Riverside Art Museum.

What is most striking about Dave, despite his obvious talent, is his humility. "I realize that I am a rank amateur artist. My paintings are simply intended to be my own personal journey and the works were intended for my own personal enjoyment. I do not pretend to have made any grand contribution to art."

Please enjoy the following images created by this talented artist, which are accompanied by his own explanations for each piece:



Aristotle Contemplating the Bust of a Weeping Woman

This is a takeoff on Rembrandt's "Aristotle Contemplating the Bust of Homer." The figure of Aristotle is done after the style of Rembrandt, or at least to the extent of my limited abilities. The bust of Homer is replaced by the "Bust of a Weeping Woman," after the style of Picasso. The tablecloth is taken from the style of Matisse's tablecloth in the "Red Room," which is also known as "Harmony in Red." The architectural detail that Rembrandt placed in the background is replaced by a geometrical pattern inspired by Piet Mondrian.

Throughout the ages, artists have referred to the works of prior artists. Sometimes, the prior work is copied directly. At other times, it is referred to indirectly, suggested, or used as a point of departure to create another work of art or style, which may seem unrelated to the art from which the original impression was gained.

My point in this exercise was to deliberately combine diverse styles to create a cohesive image. In today's society, we are bombarded with visual images, which range from classical images from Egypt to the Renaissance. We have seen developments in style from the Baroque to Fauvism and beyond. All of these images exist in our minds and in the world at the same time. Yet, too often, we try to cling to one style or school to the exclusion of all others. It was my purpose in this painting, and in a series of paintings that I did, to show the interrelationship and dialogue of art throughout the ages.



Saving Paradise

This painting was inspired by the comment made by a commander during the Vietnam War: "In order to save the village, it was necessary to destroy it." It is intended as a commentary on the tragedy that war imposes on innocent civilians in all cultures.

In this painting, I placed images inspired by Gauguin. A figure inspired by Munch's "The Scream" is placed in opposition to these idyllic figures, as if coming in horror out of the soul of one of the natives. A fighter jet inspired by the pop art of Liechtenstein invades the painting from the upper left.



Luncheon on the Grass with the Wild Beasts

This painting is a direct reference to Manet's "Luncheon on the Grass," which is a prime example of a dialogue with other paintings. His painting is based directly on an engraving by Raimondi, which was a copy of the lost painting "The Judgment of Paris" by Raphael. That painting was, in turn, taken from an image in a Roman frieze.

Manet's "Luncheon on the Grass" created an outrage in its time, in part because of the depiction of a naked woman sitting in the presence of two clothed men and its "slap in the face" to classical art. My take on this is intended as a commentary on society's views of women. The background is painted in the Fauve style, a designation used by critics at the time to attack the artists using such bright colors as wild beasts, or "fauves." The figure at the right was inspired by Picasso's Damsels or "Demoiselles D'Avignon." That painting was a representation by Picasso of prostitutes.

In my painting, the damsel is holding a torn picture of the "Luncheon on the Grass." The woman and man to the left in the "Luncheon" are replaced by figures inspired by Delacroix's "Death of Sardanapalus." In that painting, all of the possessions of Sardanapalus are destroyed on his death, including his concubines. All of these paintings make a certain commentary on society's attitude toward women.

Renoir's "Dance at Bougival," along with his "Luncheon of the Boating Party," represent to me the depiction of the greatest joy and happiness in life. Every time that I look at these paintings by Renoir, it gives me great pleasure. I simply wanted to



Dance At Bougival

understand these paintings better by trying to copy them. My copy of the "Luncheon" was my first serious effort to copy a large painting, and it was a less than stellar success. However, I was pretty proud of the way that my copy of the "Dance at Bougival" turned out. Since I can't afford the original, I am going to be happy with my copy.

Robyn A. Lewis, a member of the Bar Publications Committee and a Director-at-Large on the RCBA Board, is with the Law Offices of Harlan B. Kistler in Riverside.



ELECTRONIC DATA DISCOVERY – DATA DESTRUCTION AND PRESERVATION

by Ed Booth and Michael Caldwell

Last month, we discussed a brief overview of EDD – Electronic Data Discovery. This installment will cover the issue of data preservation and why it is so important.

For example, tried and true practices of data management can now be considered spoliation and garner stiff sanctions. Perhaps the quintessential case – or at least the one most cited that proves this – is *Zubulake v. UBS Warburg LLC*, 220 F.R.D. 212 (S.D.N.Y. 2003), a/k/a *Zubulake IV*: “Spoliation was found when backup tapes containing emails of key players were lost and emails were deleted. Preservation duty arose, 10 months prior to litigation and 4-5 months prior to filing of formal complaint with EEOC, at the time the immediate supervisor and other key employees reasonably anticipated litigation. At that time, ‘ . . . it must suspend its routine document retention/destruction policy and put in place a “litigation hold” to ensure the preservation of relevant documents.”” Richard E. Best, “Electronic Discovery Law: Document Retention Policies,” http://californiadiscovery.findlaw.com/electronic_discovery_document_retention_policies.htm (as viewed on Sept. 6, 2006).

Judge Shira Scheindlin ultimately issued a number of EDD decisions concluding that UBS Warburg knowingly deleted relevant emails, despite court orders to the contrary.

The court granted an adverse inference jury instruction, which stated that the emails discarded by UBS Warburg after *Zubulake* filed an equal opportunity complaint would have adversely affected UBS Warburg’s case. After three years of litigation, the court found against UBS Warburg and awarded *Zubulake* \$29 million in damages.

Therein lies the crux of the situation. As soon as any threat of litigation arises, any and all routine data destruction must cease and all data must be preserved. A number of steps must be used to ensure data preservation in any foreseeable circumstance:

- Number one is to work with your CIO/IT person in developing methods to ensure that all electronic data is archived to a secure storage site. These archives could be tape backups, CDs or DVDs.
- Number two, when an employee is terminated, do not reformat the hard drive of his or her computer and

reload the OS and requisite software. Instead, remove and catalog the hard drive and store it in a secure location. This is especially important if there is any possibility of a wrongful termination suit or intellectual property theft. Additionally, make sure that any other data storage devices, such as PDAs and Smart Phones, have their memory chips – either internal SIM cards or removable memory cards – cataloged and securely stored.

- Number three (and this relates back to number one), most companies have a policy that any emails that have aged past a certain point are removed from the mail server. Make sure that these emails have been archived in a secure location.

Perhaps this seems extreme. You say, “Why can’t we just back up email when there is a threat of litigation?”

Consider this: Since paper records are generally stored for a number of years at a records repository, why should electronic data be treated any differently? And, indeed, it shouldn’t. Remember that 90% of all business communications are now transmitted electronically, and in the year 2000 more than 1.4 trillion emails were sent – up from 40 billion in 1995. At the rate we are sending electronic documents, today that number equals 2.19e13 – that’s how my calculator spits it out – I believe that that is 21.9 trillion, a breathtaking number, to be sure.

In reviewing the documentation available on the subject of EDD preservation best practices, it is very apparent that having a clear understanding with the IT department, so that nothing is taken for granted, is crucial, especially if the IT department is staffed both wide and deep. For instance, there may be a pending lawsuit; you have sent the IT manager a preservation letter saying that all emails must no longer be deleted as per the standard protocols. But, as usual, there is some crisis in IT – perhaps a server upgrade or an enterprise-wide deployment of new software that takes precedence in the IT manager’s many tasks du jour. Somehow, that information never makes it to the email administrator. Her deposition is taken and, when asked what the usual email retention policy is, she answers 90 days. When asked if that policy is still in effect, she answers yes.

Ooops.

It is a fact that courts today will not hesitate to impose sanctions for spoliation of electronic documents. It makes no difference whether the spoliation was intentional or the result of poor document management.

The moral here is that you can never be too sure that changes in your data retention policy are being followed. You have an obligation to ensure that the necessary information makes it to the people who need to implement it.

Perhaps this is the most important thing to know: Know when you need to bring in an outside EDD consultant; he or she can save you time, money and grief.

Next month, we'll dig into the nuts and bolts of EDD.

Michael Caldwell is the founder and CEO of DK Global, a full-service litigation support firm based in Redlands, California.

Ed Booth is the Business Development Director and marketing savant of DK Global.



CHALLENGED ATHLETES FOUNDATION

Tim Corcoran to Compete in Ironman Triathlon World Championship in Effort to Raise Funds for Challenged Athletes Foundation

Local mediator, arbitrator and attorney Tim Corcoran from Redlands Arbitration & Mediation Services, Inc. will be participating in the Ironman Triathlon World Championship in Kona, Hawaii on October 21, 2006. He and his wife Linda both won lottery spots for this year's event and will attempt to complete the 2.4-mile swim, 112-mile bike ride and 26.2-mile run in the allotted 17 hours. Tim and Linda have been participating in Ironman-related events for a number of years, as well as various other endurance events. Last fall, they both completed the Marine Corps Marathon in Washington, D.C., and a week later the New York City Marathon.



Tim Corcoran and his wife Linda

Tim ran the Marine Corps Marathon in memory of a local West Point graduate, Todd Bryant, who was killed in Iraq two years earlier; he ran the New York City Marathon in memory of three of his son's classmates from West Point, who also died serving their country in Iraq. This time, the challenge is slightly different: Tim and Linda are supporting the Challenged Athletes Foundation (www.challengedathletes.org). CAF is a 501(c)(3) nonprofit organization that provides funding and inspiration to hundreds of physically challenged athletes each year so they can participate, compete and live life to its fullest.

CAF has helped hundreds of athletes over the last 10-plus years. One of those recipients of CAF help is Jim MacLaren. Jim was a Yale football player who was hit by a bus and lost a leg as a result of the accident. He completed physical rehabilitation, was fitted with a prosthesis and became a preeminent endurance athlete. In 1995, he was participating in a triathlon when he was involved in another accident, this time becoming an incomplete quadriplegic. In an effort to help Jim obtain a van for transportation, CAF was born, with the goal of assisting challenged athletes throughout the world.

Other people whose real-life stories you may be familiar with include Emmanuel Ofosu Yeboah, a young man from Ghana with a birth defect; he asked CAF for a bicycle so he could ride across his country using only his left leg, so that he could spread the message across the nation that disability does not mean inability. Emmanuel's story was featured in a movie in 2005 called *Emmanuel's Gift*. Closer to home, you may be familiar with a young man by the name of Rudy Garcia-Tolson from Bloomington. With the aid of two prosthetic legs and the motto that



David Roselle running at the Garden of the Gods in Colorado.



Rudy Garcia-Tolson and Jonah Vandever at the San Diego Triathlon Challenge finish line.

Photo credit: Timothy Carlson

Photo credit: Rich Cruse



Photo credit: Tim Mantoani

Magnificent Seven - (left to right) Jake Frank, Roderick Sewell, Hassan Hawthorne, Rudy Garcia-Tolson, James Bohnett, Johnny O'Neill, and Jonah Vandever.

KRIEGER AWARD NOMINATIONS SOUGHT

by John Vineyard

In 1974, the RCBA established a Meritorious Service Award to recognize those lawyers or judges who have, over their lifetimes, accumulated outstanding records of community service. The award, later named for James A. Krieger, has since been presented to James Wortz, Eugene Best, Arthur Swarner, Arthur Littleworth, Justice James Ward, Fred Ryneal, John Babbage, Patrick Maloy, Ray Sullivan, Justice John Gabbert, Jane Carney, Judge Victor Miceli, Justice Manuel Ramirez and Kathleen Gonzales.

The award is not presented every year. Instead, it is given only when the extraordinary accomplishments of particularly deserving individuals come to the attention of the award committee.

The award committee is now soliciting nominations for the award. Those eligible to be considered for the award must be (1) lawyers, inactive lawyers, judicial officers, or former judicial officers (2) who either are currently practicing or sitting in Riverside County, or have in the past practiced or sat in Riverside County, and (3) who, over their lifetime, have accumulated an outstanding record of community service or community achievement. That service may be limited to the legal community, but must not be limited to the RCBA.

Current members of the RCBA Board of Directors are not eligible. Nor are the current members of the award committee.

If you would like to have anyone considered for this most prestigious of RCBA awards, please submit a nomination to the RCBA office not later than January 8, 2007. The nomination should be in writing and should contain, at a minimum, the name of the nominee and a description of his or her record of community service and other accomplishments. The identities of both the nominees and their nominators shall remain strictly confidential.

John Vineyard is the chair of the Krieger Meritorious Service Award Committee and a past president of the RCBA.



“A brave heart is a powerful weapon,” by the age of 15, he had achieved five American swimming records and four national track records and had completed six triathlons. He represented the United States in the Paralympics in Athens. Willie Stewart of Redlands lost an arm in an industrial accident and has since been instrumental in raising funds for CAF throughout the world. He won a lottery spot for physically challenged athletes and will race this October in Kona.

The story that Tim is most proud of – and which he hopes will inspire you to make a contribution to assist challenged athletes – relates to a young man by the name of David Roselle. David was an Army Captain (now Major) serving in Iraq when he lost his leg to an improvised explosive device. He went to Walter Reed Army Hospital, received a prosthetic leg and returned to active duty in Iraq. He is now working at Walter Reed and Brooke Army Hospitals in a program called “Operation Rebound”; with the assistance of CAF, he is helping wounded American military personnel in their rehabilitative process. Tim and Linda are honored to have David Roselle and Rudy Garcia-Tolson with them at the starting line of this year’s Ironman Triathlon World Championship. Your financial assistance will help paraplegic bikers to obtain handcycles and runners to obtain artificial limbs. Like most of us, these athletes want the opportunity to participate and to feel the rush of competition. They do not lack the fitness, desire or skill; however, that is not enough to get to the starting line. They need our help.

Tim and Linda invite you to visit the website that CAF has established to help them raise funds for physically challenged athletes, at www.raceforareason.kintera.org/corcoran. Their site will tell you how to make a contribution to CAF and provide links to individual stories and other areas of interest involving CAF.



RIVERSIDE COUNTY NEEDS YOU

by Michael Donner

The civil courtrooms shut down – we grouse. The time from civil filing to commencement of trial goes from a bit over a year (when I came to Riverside) to who knows what – we grouse. Our clients complain about the expense and inconvenience of the continuances issued by our courts – we explain, but we can't resolve the problem. For longer than we find acceptable, the legal community in our county is aware of the fact that we are severely short-handed when it comes to bench officers – *what can we do?*

Aside from writing and encouraging our governor, assemblymen/women and senators to support and fund our county's needs, may I suggest the following alternative to the spectator role that we so frequently embrace when confronted by these issues: Volunteer to sit as a temporary judge.

Anticipating, at the very least, a cognitive response to this suggestion by the readers of this article, I'd like to provide my response to these potential musings based upon my own personal experience:

1. I'm very busy and just don't have the time.

The commitment can be as little or as much as you are able to squeeze in based upon your schedule. I've found the needs of our courts to be very acceptable, and with minimal adjustments in my cal-

endar, I've been able to accommodate most requests for assistance.

2. I have billing minimums or might lose an opportunity to generate income.

While this may be true, my reflection on the issue led me to consider the incredible benefits this county and its residents have provided to me and my daughters over the past almost 17 years. It was after this reflection that I decided to make time at a level I knew I could accommodate. The commitment can be as much or as little as can fit into your schedule. My personal belief is that not everything we do as lawyers has to have a monetary or career-enhancing payback.

3. I don't know anything about (pick your subject) small claims, traffic, probate, family law, etc.

I have found that not only did Justice (then Judge) Miller and Commissioner Hudspeth provide an excellent training program, with associated written material, when I attended the class, but that the presentation has been refined to an even greater degree in recent years, giving the volunteer a very substantial knowledge base that will address this particular concern. Furthermore, I can assure each person considering volunteering to spend time as a temporary judge in our county that the court staff you will encounter in your assignments are, without exception, an incredibly knowledgeable and helpful resource who will allay any remaining concerns you might have regarding your ability to preside competently over your calendar.

4. What's in it for me (not that anyone in our community would ever have a thought such as this)?

I can safely say, from my personal experience, that presiding over small claims court and traffic court has reinvigorated my love for this profession. Small claims

is an opportunity to participate in and to facilitate (with rare exceptions) achieving the “right result” in any given case. It also offers the privilege of being in a front-row seat to observe that which makes this democracy so great – the workings of a system that resolves disputes based upon the rule of law. As for traffic court, I can only say that I’ve never left those assignments without a smile on my face while reflecting on a portion of what I had just seen or heard that day.

While the requirements for being accepted as a temporary judge have recently been “tightened up” and expanded, I have been assured that our judges are fully cognizant of the impact that meeting the new requirements will have on these needed volunteers and are making the

necessary adjustments to make the process as palatable as possible.

For those who are considering volunteering to address this need, let me simply state that my experience as a temporary judge in Riverside County has been one of the most enjoyable and enriching experiences of my professional life. Become part of the solution to our county’s needs. You will not be disappointed with your decision.

Requests for an application to sit as a temporary judge should be sent to: Ron Hulbert, Deputy Court Executive Officer, Larson Justice Center, 46200 Oasis Street, Room 314, Indio, 92201, or emailed to ron.hulbert@riverside.courts.ca.gov.

Michael Donner practices civil law with Donner, Fernandez & Lauby LLP and sits as a temporary judge in Riverside Superior Court.



Calendar (November) *(continued from page 2)*

8 Mock Trial Steering Committee
RCBA – Noon

Barristers

“Practicing in the Federal Court”
Cask ‘n Cleaver Restaurant
1333 University Ave., Riverside
(MCLE)

9 Criminal Law Section
RCBA Bldg., 3rd Fl. – Noon

10 HOLIDAY – Veterans Day

14 Family Law Section
RCBA Bldg., 3rd Fl. – Noon
(MCLE)

PSLC Board
RCBA – Noon

Joint RCBA/SBCBA Landlord/

Tenant Law Section

Cask ‘n Cleaver, 1333 University Ave.,
Riverside
(MCLE)

16 Business Law Section
RCBA Bldg., 3rd Fl. – Noon
(MCLE)

VIP Mentors Annual “Thanks for Giving” Potluck

RCBA Bldg., 3rd Fl. – 6:30-9:00 p.m.

17 General Membership Meeting
RCBA Bldg., 3rd Fl. – Noon
(MCLE)



by Richard Reed

Data Mining

In *ACLU v. NSA*, 438 F.Supp.2d 754 (E.D. Mich. 2006), the government's data-mining operation was constitutionally challenged by the Council on American-Islamic Relations, the National Association of Criminal Defense Lawyers, Greenpeace, and several branches of the American Civil Liberties Union. As Judge Anna Diggs Taylor described it in her opinion, the Top Secret Program (TSP) of the National Security Agency (NSA) "intercepts without benefit of warrant or other judicial approval, prior or subsequent, the international telephone and internet communications of numerous persons and organizations within this country."

Here's how the secret program works: A computer, armed with a long list of suspects but no warrant, combs through phone logs of overseas calls, noting repetitive use of key words or phrases. Once a pattern is detected, the content of the calls is monitored and analyzed. If, for example, "Brooklyn Bridge" comes up in a *New Yorker's* conversation with some chap in Kabul over a period of a few weeks, a wiretap is placed on the transmissions to see what New York and Kabul are talking about.

Why Greenpeace needs to stay in touch with Middle Eastern humpbacks is not addressed in Judge Taylor's decision, in that "the court need not speculate upon the kind of activity the Plaintiffs want to engage in – they want to engage in conversations with individuals abroad without *fear* [emphasis added] that their First Amendment rights are being infringed upon." In other words, once word got out that computers were tracking phone logs of calls made to and from parties of interest overseas, suspects who suspect that they are suspect quit returning calls from stateside professors, journalists, and attorneys. It was not TSP surveillance that chilled the suspect phone calls, since it

is – or was – a top secret program, but the awareness of the program that frosted the suspects.

Obviously, surveillance cramps the style of long distance terrorists: "The TSP admittedly targets communications originated or terminated outside the United States where a party to such communication is[,] in the estimation of Defendants, a member of al Qaeda, a member of a group affiliated with al Qaeda, or an agent of al Qaeda or its affiliates." Nonetheless, Judge Taylor finds the inconvenience to the occasional non-terrorist caller unacceptable, citing *Jabara v. Kelley*, 476 F.Supp. 561 (E.D. Mich. 1979), in which an attorney objected to NSA surveillance that had deterred others from associating with him, and *Presbyterian Church v. United States*, 870 F.2d 518 (9th Cir.1989), in which church attendance fell off when the congregation noticed government agents sitting in the pews. It's a little like banning squad cars from parking outside bars because, in addition to deterring drunk drivers, they may discourage the casual tippler as well.

A recent plot to blow up the Holland Tunnel was thwarted by the NSA TSP. Even so, in order to avoid problems with the Fourth Amendment, alternatives to a wiretap must be found to have been exhausted or to have been ineffective. 50 U.S.C. §§ 1804(a)(7)(E)(ii), 1805(a)(5). The ineffectiveness of alternative procedures was, in fact, demonstrated on September 11, 2001. The NSA could have easily demonstrated the ineffectiveness of other methods by simply allowing the terrorists to blow up the Holland Tunnel. The impact of Judge Taylor's declaring the NSA TSP unconstitutional is this: 9/11 is capable of repetition, but evading review.

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



CLASSIFIED ADS

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MEMBERSHIP

The following persons have applied for membership in the Riverside County Bar Association. If there are no objections, they will become members effective October 30, 2006.

- Angel Bermudez** – Office of the District Attorney, Riverside
- Tiffany Dou** – Gresham Savage Nolan & Tilden, San Bernardino
- Stephanie Lee Ehrbright** – Law Student, Carlsbad
- Donald A. Hilland** – Sole Practitioner, Twin Peaks
- Misty M. Lauby** – Donner Fernandez & Lauby, Riverside
- Jeffrey G. Moore** – Sole Practitioner, Redlands
- Lyn Reynolds-Johnson** – Sole Practitioner, Beaumont
- Karla Stirling** – Thompson & Colegate, Riverside



Notice of Errata

The RCBA would like to acknowledge

Michael J. Elderman

for his photographic work in the September 2006 issue, titled "Introducing the John Gabbert Gallery."